

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0070 – Forest Park

P.C. DATE: July 14, 2015

ADDRESS: 8504 West US 290 Highway

DISTRICT AREA: 8

OWNER/APPLICANT: Gerald Powell

AGENT: Gerald Powell

ZONING FROM: RR-NP

TO: LR-NP

AREA: 1.261 acres (54,929sq. ft.)

SUMMARY STAFF RECOMMENDATION:

Staff recommends neighborhood commercial - mixed use – neighborhood plan (LR-MU-NP) combining district zoning. The applicant supports this recommendation.

PLANNING COMMISSION RECOMMENDATION:

July 14, 2015: Recommended LR-MU-NP combined district zoning by consent [J. Schissler /J. Stevens] (12-0).

DEPARTMENT COMMENTS:

The subject property is a 1.261 acre tract developed with a one-story, 1980's ranch style residential structure that fronts US Highway 290 approximately 2 miles west of the "Y" at Oak Hill. It is part of the 15 lot Forest Park Subdivision. When it was originally subdivided there was a plat restriction requiring "All lots for single family dwelling." In August, 2014 the applicant received the required petition signatures to amend the plat and remove this restriction for lots 1, 2, 14 and 15. All four of these lots front US Highway 290. The applicant currently resides in the structure.

The Applicant has requested LR-NP zoning. There is not a current project proposed for the property. It is located between a similar sized lot to the west zoned LO-NP and a larger LR-MU-NP zoned tract to the east. Both of those properties were rezoned as part of the Oak Hill Neighborhood Plan adoption in 2008. To the north are larger lot mobile-home residences on SF-1 zoned properties. Future development would be affected by compatibility and this area is in the Barton Springs Zone so would be limited to 25% impervious cover.

Staff is recommending LR-MU-NP combining district zoning because the owner/applicant resides on the property and because of its location along US Highway 290 and the adjacent properties with commercial zoning. The Oak Hill Combined Neighborhood Plan's Future Land Use Map (FLUM) designates this property as "Neighborhood Mixed-Use." This request is consistent with the FLUM.

ISSUES: There are no known issues at this time.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	RR-NP	Single Family residence
<i>North</i>	SF1-NP	Mobile Home Residence
<i>South</i>	ETJ	Undeveloped
<i>East</i>	LR-MU-NP	Undeveloped
<i>West</i>	LO-NP	Mobile Home residence

NEIGHBORHOOD PLANNING AREA: Oak Hill**TIA or NTA:** Is not required**WATERSHED:** Williamson Creek**DESIRED DEVELOPMENT ZONE:** No**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District
 Austin Heritage Tree Foundation
 Oak Hill Neigh Plan Contact Team
 Save Our Springs Alliance
 Thomas Springs Alliance
 Sierra Club, Austin Regional Group
 Granada Homeowners Association
 Save Barton Creek Assn.
 Oak Hill Association of Neighborhoods
 Ridgeview Austin Homeowners Assn
 Oak Hill Trails Association
 Hill Country Estates Homeowners Assoc

SCHOOLS: Oak Hill Elementary, Small Middle, Bowie High**CASE HISTORIES:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2008-0125- West Oak Hill Combined Neighborhood Plan	I-RR to RR-NP	8/07/2008 – Rcmd RR-NP.	12/11/2008 – Apvd RR-NP.
C14-2008-0125- West Oak Hill Combined Neighborhood Plan Circle Dr.west	DR to LR-MU-NP	8/07/2008 – Rcmd – LR-MU-NP	12/11/2008 – Apvd –LR-MU-NP

portion that fronts US Hwy 290			
C14-2008-0125– West Oak Hill Combined Neighborhood Plan 8060 W US Hwy 290	I-RR to LO-NP	8/07/2008 – Rcmd LO-NP	12/11/2008 – Apvd LO-NP

RELATED CASES:

The subject property is platted as Lot 15, Forest Park, a subdivision in Travis County recorded on February 22, 1977.

As part of the Oak Hill Combined Neighborhood Planning Process, the subject property was rezoned from I-RR to RR-NP under case C14-2008-0125 (Ord# 20081211-097).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	ADT
US Hwy. 290 (W)	Varies	MAU-4	MAU-4	28,000

- US Hwy. 290 (W) is classified in the Bicycle Plan as Bike Route No. 950.
- Capital Metro bus service is not available along US Hwy. 290 (W).
- There are no existing sidewalks along US Hwy. 290 (W).

CITY COUNCIL DATE: August 13, 2015

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Andrew Moore

PHONE: 512-974-7604

EMAIL: Andrew.moore@austintexas.gov

STAFF RECOMMENDATION

Staff recommends neighborhood commercial - mixed use - neighborhood plan (LR-MU-NP) combining district zoning. The Applicant supports this recommendation.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The Neighborhood Commercial (LR) zoning district is intended for neighborhood shopping facilities that provide limited business services and office facilities predominantly for the convenience of residents of the neighborhood.

The proposed zoning, LR-MU-NP, will allow uses that can serve the local residents.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The subject tract fronts US Highway 290 and is compatible with the LR-MU-NP tract to the east and the LO-NP tract to its west.

3. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*

The LR-MU zoning district is appropriate in this location as it is adjacent to LO to the west.

4. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

The zoning request is supported by the Oak Hill Combined Neighborhood Plan FLUM which shows this area as Neighborhood Mixed Use.

EXISTING CONDITIONS***Site Characteristics***

The subject property is a 1.261 acre tract developed with a one-story, 1980's ranch style residential structure that fronts US Highway 290 approximately 2 miles west of the "Y" at Oak Hill. It is part of the 15 lot Forest Park Subdivision. When it was originally subdivided there was a plat restriction requiring "All lots for single family dwelling." In August, 2014 the applicant received the required petition signatures to amend the plat and remove this restriction for lots 1, 2, 14 and 15. All four of these lots front US Highway 290. The applicant currently resides in the structure.

Impervious Cover

The maximum impervious cover allowed in the LR-MU zoning district within the Barton Springs Zone Watershed is 25%. Note: The most restrictive impervious cover limit applies.

Comprehensive Planning, Kathleen Fox, 512-974-7877**RR to LR-MU-NP**

This zoning case is located on the north side of W US 290, situated on a 1.26 acre lot with a one story structure, which is located within the boundaries of the Oak Hill Combined Neighborhood Planning area (OHCNP). The property is surrounded by a single family house to the north, and vacant land to the south, east and west. The proposal is to obtain commercial zoning.

Oak Hill Combined Neighborhood Plan (OHCNP)

The OHCNPA Future Land Use Map (FLUM) classifies this property as '*Neighborhood Mixed Use*;' and Zone LR-MU is permitted under this FLUM category. Neighborhood Mixed Use is an appropriate for a mix of neighborhood commercial (small scale retail or offices, professional services, convenience retail, and shop front retail that serves a market at a neighborhood scale) and small to medium-density residential uses.

The following text, goals, objectives and recommendations are taken from the OHCNP and pertain to this case:

Goal 4.A: Preserve and enhance environmental resources including watersheds, air quality, and wildlife corridors. (p 36)

Objective: 4.A.1 Preserve the water quality of area aquifers, streams, rivers, and springs and protect endangered species dependent on the quality of those water resources.

Goal 4.B. Provide opportunities for high-quality new development and redevelopment. (p 37)

Objective 4.B.1: Minimize the ecological footprint of development in the Oak Hill planning area to help achieve environmental goals, particularly the preservation of water quality.

- Excerpt from pg 50, taken from Chapter 4: Some property owners are concerned about land use or zoning changes that would restrict the use of their property; they are concerned that their investments in land and existing businesses would be unnecessarily harmed. These stakeholders oppose any zoning overlays that would prohibit land uses on their property. However, other stakeholders and City staff support conditional overlays intended to restrict land uses that pose risks to water quality. (p 50)

Goal 6.A. Provide opportunities for high-quality new development and redevelopment.

Objective 6A.1: Ensure quality of new construction and renovations. (p 66)

Goal 6.B. - Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment. (p 66)

Objective 6.B.1 - Encourage zoning to be compatible with existing and neighboring land uses and seek optimal and most appropriate use of land.

Goal 6.C: Create a **mix of uses** in existing corridors of commercial development that will provide a diversity of local services convenient to neighborhoods and establish commercial "nodes" (concentrated) (p 67)

Goal 6.E: Encourage locally-owned businesses to locate in the Oak Hill area and find ways for local businesses and employers to prosper. (p 67)

Objective 6.E.1: Oak Hill stakeholders desire more small-scale businesses with less strip commercial establishments

Goal 9.B. Enhance the Hill Country look of Oak Hill by preserving trees

Objective 9.B.1 The City Council should consider the application of the Hill Country Roadway Ordinance on U.S. Highway 290 and State Highway 71 and other

roadways within the Oak Hill neighborhood planning area to control signage, limit heights, plant trees, and to preserve the natural beauty of the environment.

Goal 9.C. Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment. (p 140)

Objective 9.C.1 - Ensure that the environmental impact on the Edwards Aquifer and the existing natural landscape is kept at a minimum by new commercial development and redevelopment in Oak Hill.

Conclusion:

The Oak Hill Combined Neighborhood Plan Future Land Use Map designates this portion of US 290 as Neighborhood Mixed Use, and the policies and text above seems to support providing more neighborhood serving local businesses, mixed use and residential uses in this area, as long as they are high quality developments and small in scale. The property is also located over environmentally sensitive land (the Barton Springs Contributing Zone) and any new commercial or residential development would have to ensure all environmental ordinances are enforced.

Imagine Austin

This property is also situated within the boundaries of the Barton Springs Contributing Zone, which is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and “contribute” water to the aquifer. *One of the Land Use and Transportation policies, LUT P21 (p. 102), clarifies the intent, “Ensure that redevelopment in the Edwards Aquifer’s recharge and contributing zones maintains the quantity and quality of recharge of the aquifer.”* The IACP supports redevelopment over the contributing zones of the Edwards and Barton Springs Aquifer but also requires that ‘state-of-the-art development practices’ be utilized, which respects the context of environmentally sensitive land.

Based on the comparatively small scale of this site, the property being situated along a busy commercial highway, as well as the site not being located along an Activity Corridor or within an Activity Center, this case falls below the scope of Imagine Austin; and consequently the plan is neutral on the proposed rezoning. However, due to the site’s location within an environmentally sensitive area, there will be at the site planning stage if this property is ever redeveloped, an environmental review to determine if any critical environmental features are located on the site.

Environmental – Mike McDougal, 512-974-6380

1. This site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone Watershed by Chapter 25-8 of the City’s Land Development Code. It is in the Drinking Water Protection Zone.
2. Project applications at the time of this report are subject to the SOS Ordinance that allows 25% impervious cover in the contributing zone.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

5. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site. Runoff from the site is required to comply with pollutant load restrictions as specified in Land Development Code.

Transportation, Ivan Naranjo – 512-974-7649

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for US Highway 290. Additional right-of-way up to 75' from the centerline may be required during the site plan stage when the site is redeveloped. In addition, TxDOT may request the reservation of additional right-of-way in accordance with the Transportation Plan when the site is redeveloped [LDC, Sec. 25-6-51 and 25-6-55].

A traffic impact analysis was waived for this case because the proposed residential land use is estimated to generate less than 2,000 vehicle trips per day. [LDC, 25-6-113]. A TIA may be required during the site plan review phase if a change in land use exceeds 2,000 vehicle trips per day.

Water and Wastewater – Bradley Barron, 512-974-0078

The landowner intends to serve the site with City of Austin water utilities and an On-Site Sewage Facility approved by Travis County. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Storm Water Detention

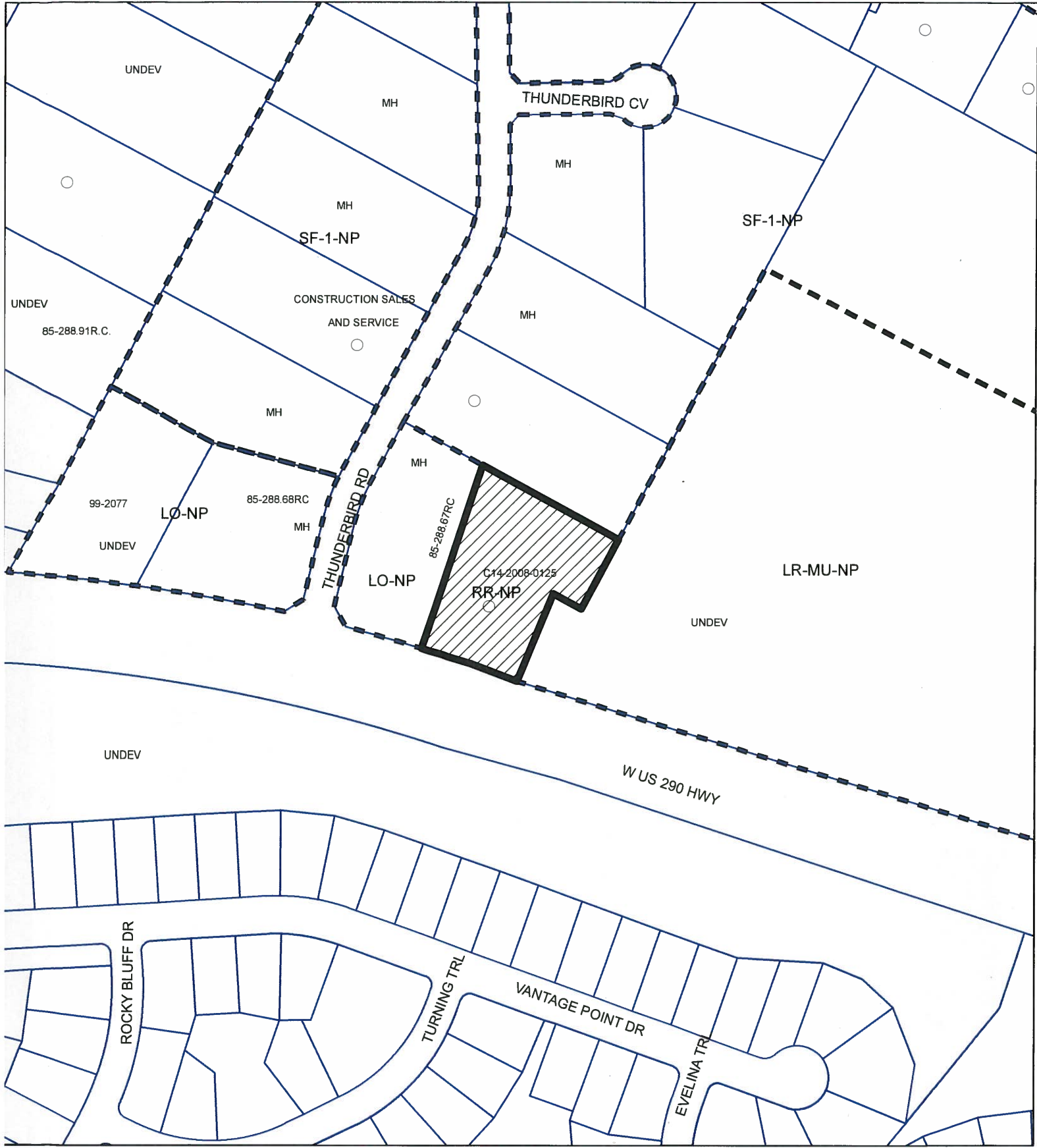
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Site Plan and Compatibility Standards – Michael Simmons-Smith, 512-974-1225

Any new development is subject to *Subchapter E: Design Standards and Mixed Use*. Additional comments will be made when the site plan is submitted.

SP2. The site is subject to Compatibility Standards. Compatibility Standards are applicable to all property adjoining or across the street from a lot zoned or used as a SF-5 or more restrictive or within 540 feet from the lot zoned SF-5 or more restrictive. This lot apparently has SF-1-NP-zoned property located along the northern side of the site.

1. No structure may be built within 25 feet of the north property line.
2. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the north property line.
3. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the north property line.
4. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of any parking, mechanical equipment, storage, and refuse collection.
5. Additional design regulations may be stipulated when a site plan is submitted for review.



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2015-0070

1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:
www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2015-0070
 Contact: Andrew Moore, 512-974-7604
 Public Hearing: Jul 14, 2015, Planning Commission
 Aug 13, 2015, City Council

Wayman T. Gore, Jr.
 Your Name (please print)
 Lot 1 Thunderbird Rd : US Hwy 280
 Lot 2 Thunderbird Rd : US Hwy 280
 Your address(es) affected by this application

☒ I am in favor
☐ I object

Wayman T. Gore
 Signature
 7/13/15
 Date

Daytime Telephone: 512-480-8800

Comments:

If you use this form to comment, it may be returned to:
 City of Austin
 Planning & Zoning Department
 Andrew Moore
 P. O. Box 1088
 Austin, Texas 78768

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Case Number: C14-2015-0070

Contact: Andrew Moore, 512-974-7604

Public Hearing: Jul 14, 2015, Planning Commission

Aug 13, 2015, City Council

Samuel H. Maday
Your Name (please print)

Lot 14 Forest Park
Your address(es) affected by this application

[Signature]
Signature

15 JULY 15
Date

Daytime Telephone: *218 252 1508*

Comments: *I approve the Council's application because the properties on both sides of this property are also zoned commercial and because this property fronts on a major thoroughfare*

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Andrew Moore

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2015-00070

Contact: Andrew Moore, 512-974-7604

Public Hearing: Jul 14, 2015, Planning Commission

Aug 13, 2015, City Council

Schmidt Investments Ltd.
by, Robert Schmidt, Pres.

Your Name (please print)

N.W. Corner of U.S. Hwy 290 West
and ~~Centerville~~ ^{Brookline} Drive

Robert W. Schmidt

07/08/2015
Date

Daytime Telephone (512) 447-5475

☒ I am in favor
☐ I object

Comments:

We think it is completely appropriate that this subject property, which has frontage on a major highway, should have Commercial Zoning.

If you use this form to comment, it may be returned to:

City of Austin
Planning & Zoning Department

Andrew Moore

P. O. Box 1088

Austin, TX 78767-8810