

## SECOND AND THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2019-0142

DISTRICT: 1

REQUEST: Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 6412 Ed Bluestein Boulevard (Little Walnut Creek Watershed) from community commercial mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning to community commercial -mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, to change a condition of zoning. Owner/Applicant: Blusky Interests, Ltd. (John McCormack). Agent: Metcalfe, Wolff, Stuart & Williams, LLP (Amanda Brown). City Staff: Heather Chaffin, 512- 974-2122.

DEPARTMENT COMMENTS: No conditions were added at first reading.

OWNER/APPLICANT: Blusky Interests, Ltd. (John McCormack)

AGENT: Metcalfe, Wolff, Stuart & Williams, LLP (Amanda Brown)

DATE OF FIRST READING: First reading approved on January 23, 2020.

CITY COUNCIL HEARING DATES/ACTION:

February 6, 2020:

January 23, 2020: To close the public hearing and grant GR-MU-CO-NP on first reading only, on consent. (9-0-1-1) Flannigan- Off the dais, Adler- Absent

ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin

e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

## ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0142 - AISD-Loyola Lane Tract

P.C. DATE: January 14, 2020

ADDRESS: 6412 Ed Bluestein Boulevard

AREA: 30.456 acres

DISTRICT AREA: 1

OWNER/APPLICANT: Blusky Interests, Ltd. (John McCormack)

AGENT: Metcalfe, Wolff, Stuart & Williams, LLP (Amanda Brown)

ZONING FROM: GR-MU-CO-NP

TO: GR-MU-CO-NP, to change a condition of zoning

SUMMARY STAFF RECOMMENDATION:

**Staff supports the Applicant's request for zoning from GR-MU-CO-NP to GR-MU-CO-NP, to change a condition of zoning.** *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION RECOMMENDATION:

January 14, 2020: *To grant GR-MU-CO-NP as recommended by Staff, on consent.(9-0) [ P. Howard-1st, C. Kenny- 2nd; C. Llanes-Pulido, P. Seeger, A. Azar, C. Hempel- Absent]*

CITY COUNCIL ACTION:

January 23, 2020:

ORDINANCE NUMBER:

PHONE: 512-974-2122

CASE MANAGER: Heather Chaffin

e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

ISSUES:

No issues at this time. The rezoning request is to remove Service station and Automotive car wash (of any type from the list of prohibited land uses. No other changes are proposed.

This case was previously listed on the December 10, 2019 Planning Commission agenda and the Commission voted to approve the request on consent. There was a notification error, however, and the case was required to be renotified for the January 14, 2020 agenda.

CASE MANAGER COMMENTS:

The subject property is located on the southwest corner of Loyola Lane and Ed Bluestein Boulevard Southbound. The property is comprised of 3 undeveloped lots zoned GR-MU-CO-NP. Immediately to the west is undeveloped property zoned SF-3-NP that recently has been platted as a single family residential neighborhood (City File # C8-2018-0025.1A). Immediately south of the subject property is undeveloped land zoned GR-MU-NP. North of the property, across Loyola Lane, is property zoned GR-NP that is developed with a convenience store with gas station and a fast-food restaurant. East of the property, across Ed Bluestein Boulevard, are properties zoned LO-NP, CS-MU-CO, GR-MU and P. These properties are all undeveloped except for one church on the south side of Loyola Lane. *(Please see Exhibits A and B- Zoning Map and Aerial Exhibit).*

The property was zoned from SF-3 and LI to GR-MU-CO-NP as part of the University Hills neighborhood planning process (City File # C14-2007-0006.01). The following land uses were prohibited via a conditional overlay: Automotive rentals, Automotive repair services, Automotive sales, Automotive washing (of any type), Bail bond services, Commercial off-street parking, Drop-off recycling collection facility, Exterminating services, Pawn shop services, Research services, Service station, Custom manufacturing, Residential treatment, and Telecommunication tower. As stated in the Issues section, the rezoning request is to remove Service station and Automotive car wash (of any type from the list of prohibited land uses. No other changes are proposed.

Staff supports the zoning request. The property has frontage on a major arterial and interstate highway which are well suited for the requested land uses. Additionally, the requested uses reflect the type of uses across Loyola Lane to the north (convenience store/service station and fast-food restaurant).

BASIS OF RECOMMENDATION:

1. *Granting of the request should result in an equal treatment of similarly situated properties.*  
The requested uses are permitted on the properties to the north and south. Permitting those uses on this site would consistent with neighboring properties.
2. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*  
The intersection of a major arterial and interstate highway are appropriate for these land uses.

EXISTING ZONING AND LAND USES:

|              | ZONING             | LAND USES  |
|--------------|--------------------|--|
| <i>Site</i>  | GR-MU-CO-NP        | Undeveloped  |
| <i>North</i> | GR-NP, GR-MU-CO-NP | Food sales, Service station, Restaurant (limited), Multifamily residential |
| <i>South</i> | GR-MU-NP           | Undeveloped  |

|             |                    |   |
|-------------|--------------------|---|
| <i>East</i> | LI-NP, CS-MU-CO, P | Undeveloped, Religious assembly                 |
| <i>West</i> | SF-3-NP            | Undeveloped (platted single family residential) |

WATERSHED: Little Walnut Creek

TIA: N/A

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

North Growth Corridor Alliance

Windsor Hills Neighborhood Association

Bike Austin

SELTexas

University Hills/ Windsor Hills Neighborhood Plan Contact Team

Austin Neighborhoods Council

Friends of Austin Neighborhoods

Harris Branch Master Association, Inc.

AISSD

Sierra Club

EXISTING STREET CHARACTERISTICS:

| <b>Name</b> | <b>ROW</b> | <b>Pavement</b> | <b>Classification</b> | <b>Sidewalks</b> | <b>Bicycle Route</b> | <b>Capital Metro (within ¼ mile)</b> |
|-------------|------------|-----------------|-----------------------|------------------|----------------------|--------------------------------------|
| Loyola Lane | 100'       | 65'             | ASMP Level 3          | No               | Yes                  | No                                   |
| US Hwy 183  | 270'       | Varies          | ASMP Level 5          | No               | Yes                  | No                                   |

OTHER STAFF COMMENTS

Comprehensive Planning

Connectivity- Public sidewalks are located intermittently along this portion of Loyola Lane. There is a public sidewalk located along the western side of US Highway 183 and a crosswalk with a lighted signal at the intersection. There are public transit stops located approximately one-half mile from the subject property.

University Hills/Windsor Park Neighborhood Plan (UHWHNP)- The Future Land Use Map designates this portion of Loyola Lane as Mixed Use; Zone GR-MU is permitted under this land use category.

Mixed Use is defined as an area that is intended for a mix of residential and non-residential uses, including office, retail and commercial services. The following text, policies and design guidelines are excerpted from the UHWHNP and are applicable to this case:s: (pgs. 11 and 40)

☐ Attract needed vendors and service providers into the planning area through support for local businesses and revitalization/redevelopment of neighborhood shopping areas.

☐ Improve the aesthetic look of the planning area with the use of landscaping, reduction of billboards, and quality design of business structures and surroundings.

- Create an inventory and directory of all existing area businesses located in the area.

- Define desirable uses for specific areas within UHWP: quality retail, coffee shops, cafes, more restaurants, a movie theater and businesses that cater to daily needs.

- Support the land use changes proposed in this plan, and any future land use changes and rezonings that may facilitate the location of desirable services providers and retail at targeted locations (e.g., shopping centers) and along designated corridors

Imagine Austin - The property is located by the Colony Park Station Neighborhood Activity Center and along an Activity Corridor. The Neighborhood Center's actual boundaries would need to be clarified through a small area planning process. Activity corridors are characterized by a variety of activities and types of buildings located along the roadway, and are intended to allow people to reside, work, shop,

access services, people watch, recreate, and hang out without traveling far distances. A Neighborhood Center, the smallest center in the Imagine Austin Comprehensive Plan, has a more local focus, and is intended for doctors and dentist offices, retail shops, branch libraries, dry cleaners, hair salons, coffee shops, restaurants, and other small and local businesses to generally serve the center and surrounding neighborhoods. The following IACP policies are also relevant to this case:

☐ LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.

☐ LUT P4. Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics

and new and infill development should be sensitive to the predominant character of these communities.

☐ LUT P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

The University Hills/Windsor Park Neighborhood Plan calls for mixed use and quality retail in the planning area with high quality architectural feature and landscaping and a typical service station does not appear to meet this criteria.

Based upon the property being located along a major Activity Corridor that supports commercial uses; the Imagine Austin policies that supports commercial and mixed use, this project appears to support the Imagine Austin Comprehensive Plan.

#### Site Plan

SP1. Site plans will be required for any new development.

SP2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

SP3. Any new development is subject to Subchapter E. Design Standards and Mixed Use.

Additional comments will be made when the site plan is submitted.

SP4. FYI: Additional design regulations will be enforced at the time a site plan is submitted.

SP5. The site is subject to compatibility standards due to proximity of SF-3-NP to west across Dessau Rd. and to SF-3 to the southeast. The following standards apply:

☐ No structure in excess of two stories or 30 feet in height may be constructed within 50 feet from the property zoned SF-5 or more restrictive.

☐ No structure in excess of three stories or 40 feet in height may be constructed within 100 feet from the property zoned SF-5 or more restrictive.

☐ For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.

☐ For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

☐ An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from property in an SF-5 or more restrictive zoning district.

Transportation

TR1. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113. Additional right-of-way maybe required at the time of subdivision and/or site plan.

Existing Street Characteristics:

| <b>Name</b> | <b>ROW</b> | <b>Pavement</b> | <b>Classification</b> | <b>Sidewalks</b> | <b>Bicycle Route</b> | <b>Capital Metro (within ¼ mile)</b> |
|-------------|------------|-----------------|-----------------------|------------------|----------------------|--------------------------------------|
| Loyola Lane | 100'       | 65'             | ASMP Level 3          | No               | Yes                  | No                                   |
| US Hwy 183  | 270'       | Varies          | ASMP Level 5          | No               | Yes                  | No                                   |

Environmental

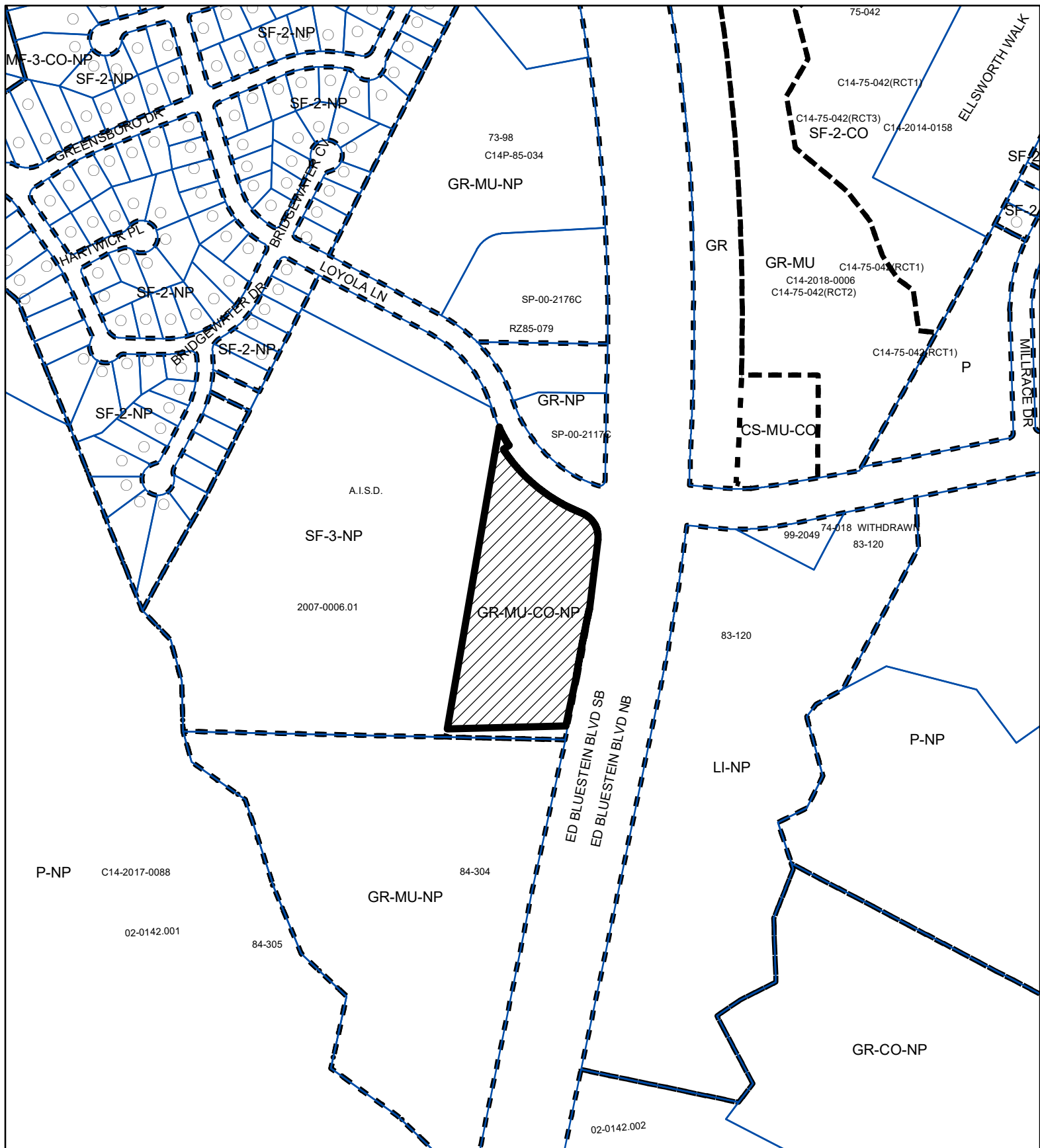
1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
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. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

Water and Wastewater

WW1. The landowner intends to serve the site with City of Austin water and wastewater utilities. 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 Austin Water 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.

INDEX OF EXHIBITS TO FOLLOW:




- A. Zoning Map
- B. Aerial Exhibit



## ZONING

ZONING CASE#: C14-2019-0142



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

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.



Created: 10/15/2019





- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

#### AISD - Loyola Lane Tract

ZONING CASE#: C14-2019-0142  
 LOCATION: 6412 Ed Bluestein Blvd.  
 SUBJECT AREA: 2.7 Acres  
 GRID: N25  
 MANAGER: Heather Chaffin



1" = 300'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



On Mon, Oct 21, 2019 at 11:15 PM -0500, "Seth Fowler" wrote:

Hello, Amanda;

After a robust discussion, the UH Contact Team voted to support your client's zoning change application with conditional overlay to allow for a gas station on the property at 183 and Loyola.

However, following were discussion items we need answers on:

- clarification on where the curb cut will go with a photo
- we prefer to not have a liquor store
- we prefer local businesses (ownership) ie coffee shop with a small patio, sandwich (Schlotskys type) shop with patio, beauty salon, pastry shop, and niche restaurant
- we need information with photo on the buffer zone you discussed in our September meeting
- homeowners did not receive a notice

This was not a discussion item, however, I would appreciate it if you would convey to the businesses, including the gas station company, that hiring people in our area should be a priority.

You, John, and Justin are welcome to attend our meeting on November 18 to discuss these concerns.

Thanks!

Regards,

Seth Fowler

(C) 512-658-3001

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**William Lyon Homes**  
*Experience the pride.*

November 18, 2019

Ms. Heather Chaffin  
Case Manager  
City of Austin PAZ  
505 Barton Springs Road, 5<sup>th</sup> Floor  
Austin, Texas 78704

Re: C14-2019-0142 – AISD –Loyola Lane Tract

Dear Ms. Chaffin:

I am writing to you on behalf of William Lyon Homes (formerly RSI Communities). William Lyon owns the property directly to the west of the property currently under consideration for a rezoning, as shown on the location map attached. We are in support of the rezoning application currently on file. Please feel free to contact me with any questions.

Sincerely,

Ryan Mattox  
Vice President of Land  
512.953.4133



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