

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0056 – W US Hwy 290

DISTRICT: 8

ADDRESS: 5151 West US 290 Highway Eastbound

ZONING FROM: DR-NP; LO-CO-NP; GO-CO-NP; GR-CO-NP; and GR-MU-CO-NP

TO: ~~LI-PDA-NP~~
CH-PDA-NP, as amended

SITE AREA: 24.83 acres

PROPERTY OWNER: Jimmy Nassour (Member)

AGENT: Drenner Group, PC (Leah M. Bojo)

CASE MANAGER: Nancy Estrada (512-974-7617, nancy.estrada@austintexas.gov)

STAFF RECOMMEDATION:

The Staff recommendation is to grant commercial highway services – planned development area – neighborhood plan (CH-PDA-NP) combining district zoning.
The basis of Staff's recommendation is provided on pages 2 - 3.

PLANNING COMMISSION ACTION / RECOMMENDATION:

February 27, 2024:

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES:

The Applicant has amended the rezoning request from (LI-PDA-NP) to (CH-PDA-NP) in order for the proposed development to include a combination of commercial and multifamily uses.

CASE MANAGER COMMENTS:

The subject rezoning area is approximately 24.83 acres and is developed with a large specialty retail business and surface parking. Approximately half the acreage is undeveloped. The property is located at the intersection of the West US 290 Highway eastbound service road and Staggerbrush Road and is situated near the southwest corner of West US 290 Highway and South Mopac Expressway. Directly to the east of the site across Staggerbrush Road is a big box development (GR-CO-NP). To the west of the site is a storage facility and medical center (GR-MU-NP). Multifamily is located both west and south of the site (MF-2-NP; MF-3-CO-NP).

This site is located within the Edwards Aquifer Recharge zone. A critical water quality zone and drainage easement area are south of this property across Staggerbrush Road (P-NP). *(Please refer to Exhibits A (Zoning Map), A-1 (Aerial View)).*

The 1998 Replat of Block A, Lots 1 & 2, Storm 290 recorded plat allows for a maximum of 60% impervious cover under Ordinance No. 911010-D which states that the tracts must comply with the Comprehensive Watershed Ordinance No. 860508-V. However, the applicant has been in communication with Watershed Protection staff and has agreed to reduce the impervious cover by 3.5 % to 56.5% which equates to approximately half an acre of impervious cover. The reduction of impervious cover will be included as part of the staff recommendation within the PDA.

The applicant is requesting commercial highway services – planned development area – neighborhood plan (CH-PDA-NP) for a proposed mixed use development that will include both commercial and multifamily uses. The project will include 1000 residential units and 150,000 square feet of commercial/retail uses. Access to the development will be from West US 290 Highway and Staggerbrush Road.

As set forth in Land Development Code Section 25-2-441, the regulations of a planned development area (PDA) may modify: 1) permitted or conditional uses authorized by the base zoning district, 2) site development regulations except for compatibility standards, and 3) off-street parking or loading regulations, sign regulations or screening regulations applicable in the base district.

The Applicant's proposed PDA consists of the following elements:

1) Prohibits the following commercial and industrial uses:

Agricultural Sales and Services	Equipment Repair Services
Automotive Rentals	Equipment Sales
Automotive Repair Services	Exterminating Services
Automotive Sales	Funeral Services
Automotive Washing (of any type)	Kennels
Bail Bond Services	Pawn Shop Services
Building Maintenance Services	Pedicab Storage and Dispatch

Campground	Service Station
Construction Sales and Services	Vehicle Storage
Drop-Off Recycling Collection Facility	Veterinary Services
Electronic Prototype Assembly	Limited Warehousing and Distribution
Electronic Testing	Maintenance and Service Facilities

- 2) Establishes that CH site development standards apply to the property, with the following modifications:
- a) A maximum impervious cover of 56.5%
 - b) A maximum height of 120' [LDC 25-2-582 (B)(5)]
 - c) A 0-foot front yard setback, a 0-foot street side yard setback, a 0-foot interior side yard setback and a 0-foot rear yard setback

NOTE: All other land use classification in the CH zoning district are permitted and conditional uses except as identified above.

BASIS OF RECOMMENDATION:

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

The proposed commercial highway services (CH) district is intended predominately for major mixed use developments of a service nature which typically have operating and traffic generation characteristics requiring location at the intersection of state maintained highways, excluding scenic arterials. Site development regulations and performance standards are intended to ensure adequate access to and from all uses, and to permit combinations of office, retail, commercial, and residential uses within a single development. The planned development area (PDA) combining district designation provides for industrial and commercial uses in certain commercial and industrial base districts. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

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.*

Commercial highway services (CH) zoning is appropriate for the proposed redevelopment due to its location near the intersection of West US 290 Highway and South Mopac Expressway. There is also a Capital Metro bus stop within the vicinity.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR-NP; LO-CO-NP; GO-CO-NP; GR-CO-NP; GR-MU-CO-NP	Specialty Retail business; Surface parking; Undeveloped

<i>North</i>	N/A	West US 290 Highway
<i>South</i>	P-NP; LO-CO-NP; DR-NP; RR-NP; MF-2-NP; GR-CO-NP	Multifamily; Archstone Greenbelt; Religious Assembly; Commercial Services
<i>East</i>	GR-CO-NP	Big box development
<i>West</i>	GR-MU-NP; MF-2- NP; MF-3-CO-NP	Storage facilities; Medical Center; Commercial services; Multifamily

NEIGHBORHOOD PLANNING AREA: Oakhill Combined (East Oak Hill)

WATERSHED: Williamson Creek and Barton Creek – Barton Springs Zone Watersheds –
Drinking Water Protection Zone

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Patton Elementary School

Small Middle School

Austin High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Lost and Found Pets, Covered Bridge Property Owners Association, Inc., East Oak Hill Neighborhood Association, Friends of Austin Neighborhoods, Neighborhood Empowerment Foundation, Oak Hill Association of Neighborhoods (OHAN), Oak Hill Neighborhood Plan - COA Liaison, Oak Hill Neighborhood Plan Contact Team, Oak Hill Trails Association, SELTexas, Save Barton Creek Assn., Save Our Springs Alliance, Sierra Club, Austin Regional Group, TNR BCP - Travis County Natural Resources

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0125 (West) & C14-2008- 0129 (East) – Oak Hill Combined Neighborhood Plan	Oak Hill Combined NP & Rezoning	Various hearings due to uncontested and contested tracts	Final NP approval 3/26/2009
C14-2014-0011A & C14-2014-0011B – Garza Ranch	GR-MU-CO-NP* to GR-MU-CO-NP, to change a condition of zoning (*GR-MU-CO originally approved by City Council 5/3/2007 for cases C14-06-0181, C14- 06-0197, C14-06- 0199)	Sent to CC with no recommendation from Planning Commission (12/9/2014)	Apvd GR-MU-CO-NP with conditions (3/5/2015)

C14-2013-0018 – Beiter 2	SF-3-NP to SF-5- CO-NP, conditional overlay limiting development to 9 units	To Grant (5/14/13) SF-5- CO-NP, with conditions	Apvd SF-5-CO-NP with conditions as Commission approved (6/6/2013)
-----------------------------	---	--	--

RELATED CASES:

The subject property is within the boundaries of the Oakhill Combined (East Oak Hill) Neighborhood Planning Area.

ADDITIONAL STAFF COMMENTS:

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

This site is located over the Edwards Aquifer Recharge Zone. The site is in the Barton Creek and Williamson Creek Watersheds of the Colorado River Basin, which are classified as Barton Springs Zone Watersheds by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC Chapters 25-2 and 25-8 for all development and/or redevelopment.

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.

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.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

PARD – Planning & Design Review

Parkland dedication will be required at the time of subdivision or site plan application for new residential units proposed by this rezoning, mixed use-multifamily with LI-PDA, per City Code § 25-1-601, as amended. The intensity of the proposed development creates a need for over six acres of additional parkland, per requirements described in § 25-1-602; when the requirement is over six acres, parkland must be dedicated – see § 25-1-605 (A)(2)(a). As such, land dedication shall be required, unless the land available for dedication does not comply with the standards for dedication. Any remaining fees in-lieu after dedication shall also be required.

If the land available for dedication complies with the parks standards, the Parks and Recreation Department (PARD) would consider the expansion and development of the adjacent Archstone Pocket Park to satisfy the requirement at time of permitting (whether subdivision or site plan). The dedication would satisfy the need for additional parkland in the Oak Hill area, a specific recommendation in the Parks and Recreation Department's Long Range Plan.

Should there be any remaining fees in-lieu, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination letter of the requirements.

Site Plan

Site plans will be required for any new development other than single-family, two-family or duplex residential.

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. The site is subject to compatibility standards due to the proximity of the DR-NP districts to the south.

The property is located in the Barton Springs Zone overlay.

This site is located within 150 feet of a wildland area, in the Wildland Urban Interface (WUI). Please see this website for more information about construction in the WUI:

<http://www.austintexas.gov/departments/wildland-urban-interface-code>

Austin Transportation Department – Engineering Review

A Traffic Impact Analysis shall be required at the time of site plan if triggered, when land uses and intensities will be known per LDC 25-6-113.

There is a proposed Urban Trail adjacent to this site, along the northern property line (Barton Corridor). The easement required is a minimum of 20 feet as this allows for a 12-foot trail (minimum trail width per the urban trails plan) and room for maintenance activity. This is the same for Tier I and Tier II trails.

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Staggerbrush Road	Level 1	58'	70'	45'	Yes	Yes	Yes
W US 290 HWY SVRD EB	Level 4	Coordinate with TxDOT	Coordinate with TxDOT	45'	Yes	Yes	Yes

Austin Water Utility

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 new development within the proposed project will be subject to City Code Chapter 25-9 and any future amendments relating to reclaimed water connections, water benchmarking, and mandatory onsite water reuse.

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.

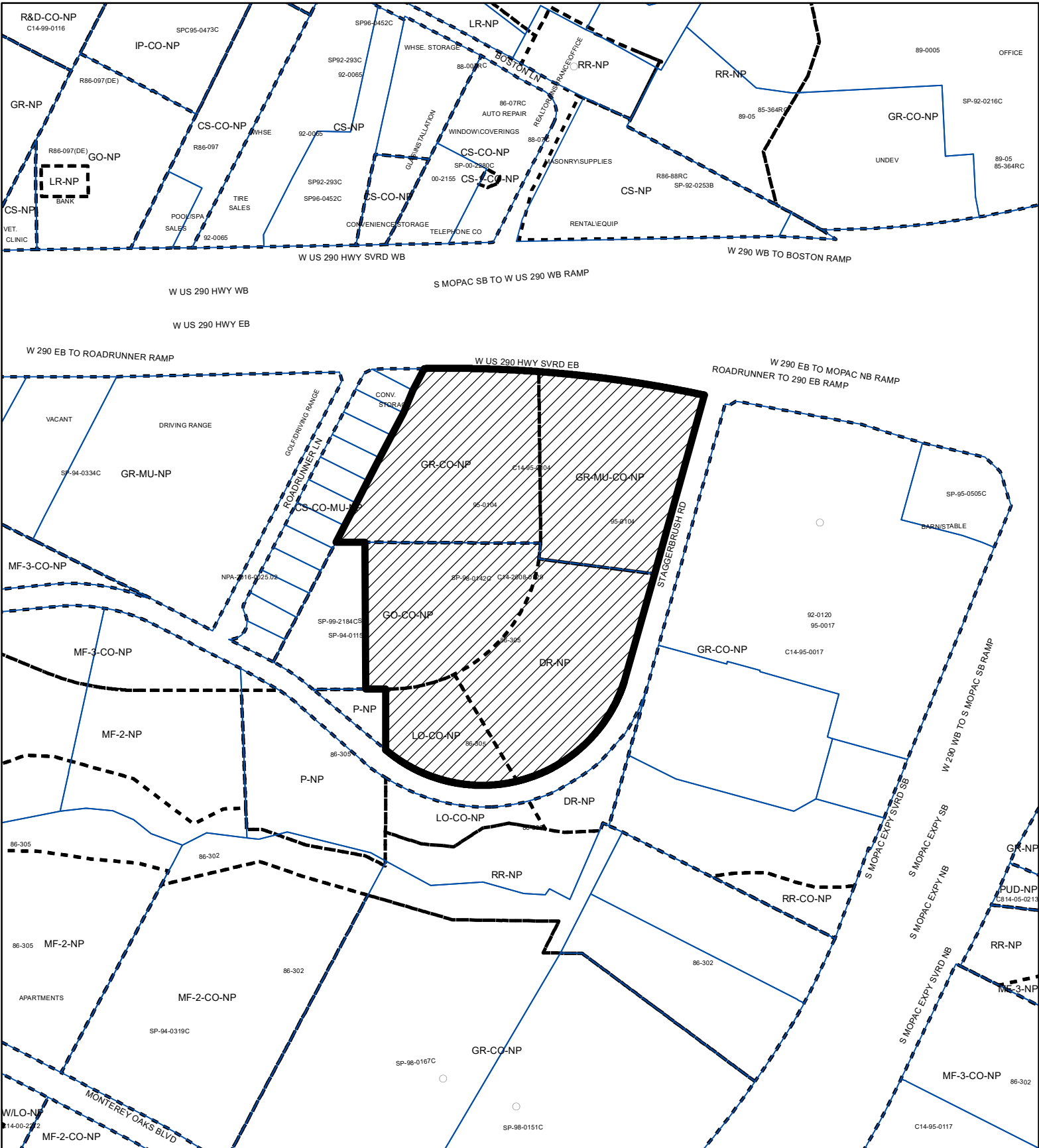
INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:




Exhibit A: Zoning Map

Exhibit A-1: Aerial Map

Applicant's Updated Summary Letter

Applicant's Original Summary Letter



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2023-0056

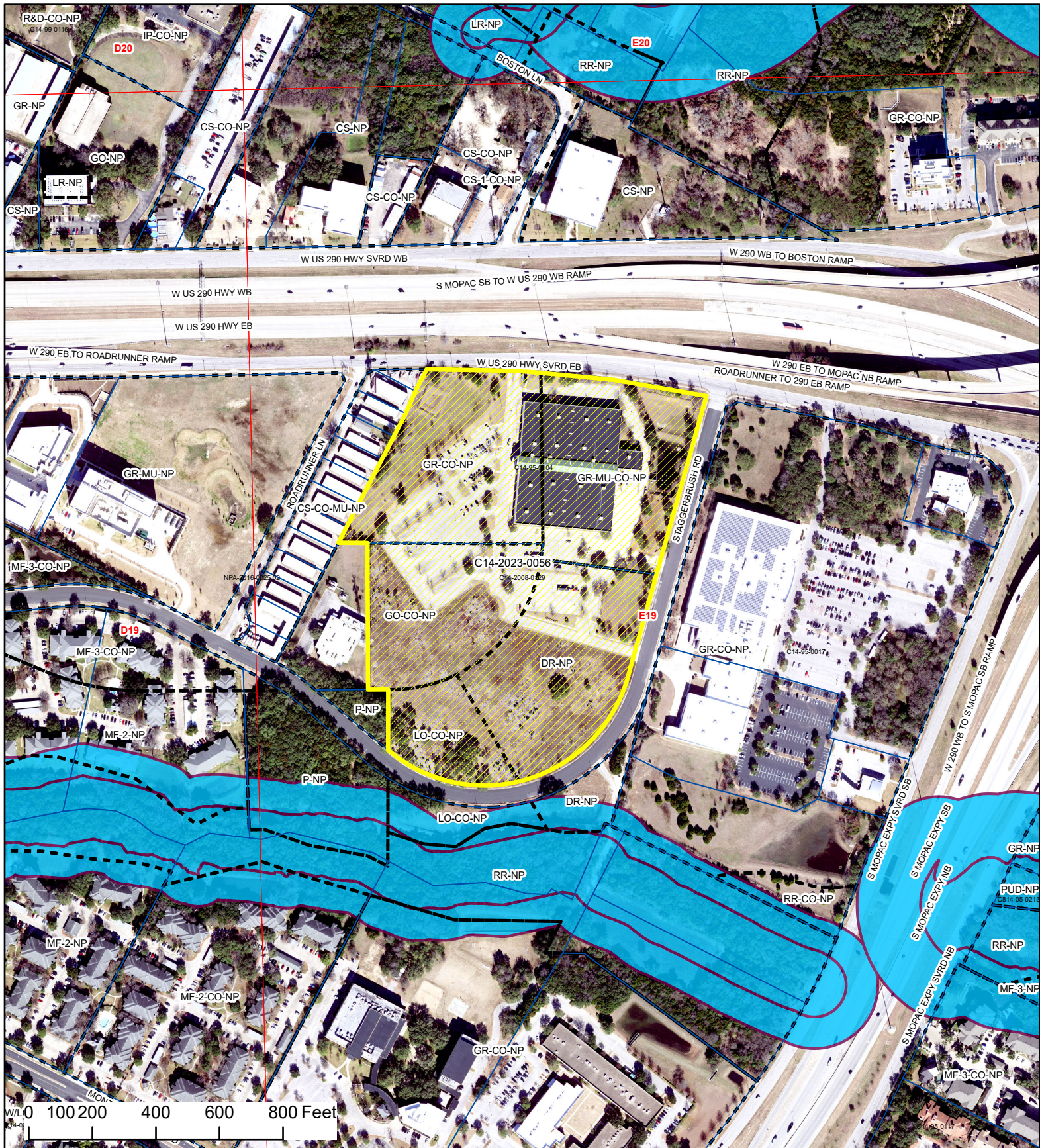
1" = 400'

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 the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 4/25/2023



W US Hwy 290

ZONING CASE#: C14-2023-0056

LOCATION: 5151 W US Hwy 290 EB

SUBJECT AREA: 24.83 Acres

GRID: E19

MANAGER: Nancy Estrada



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

Created: 5/31/2023

Leah M. Bojo
direct dial: (512) 807-2918
lbojo@drennergroupp.com

DRENNER GROUP

April 3, 2023
Updated 12/4/2023

Ms. Lauren Middleton-Pratt
Planning Department
City of Austin
1000 E 11th Street, Suite 200
Austin, TX 78702

Via Electronic Delivery

Re: 5151 W US Highway 290 – Zoning application for the 24.83-acre piece of property located at 5151 W US Highway 290 in the City of Austin, Travis County, Texas (the “Property”).

Dear Ms. Middleton-Pratt:

As representatives of the Owners of the Property, we respectfully submit the enclosed zoning application for 5151 W US Highway 290. The project is located in the full purpose jurisdiction of the City of Austin and consists of 24.83 acres located on the east side of U.S. Highway 290 at the northeast corner of U.S. Highway 290 and Staggerbrush Road.

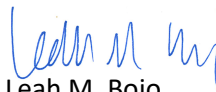
The Property has multiple zones GR-CO-NP (Community Commercial–Conditional Overlay – Neighborhood Plan) GR-MU-CO-NP (Community Commercial–Mixed Use-Conditional Overlay – Neighborhood Plan) , GO-CO-NP (General Office-Conditional Overlay-Neighborhood Plan), LO-CO-NP (Limited Office-Conditional Overlay-Neighborhood Plan), DR-NP (Development Reserve-Neighborhood Plan) to CH-PDA-NP, Commercial Highway – Planned Development Area – Neighborhood Plan. The purpose of this rezoning is to allow for a mixed-use development including commercial and multifamily uses.

The Property is located within the Oak Hill Combined Planning Area – East Oak Hill and has a Future Land Use Map (FLUM) designation of Mixed-Use.

In conjunction with the rezoning request a Traffic Impact Analysis (“TIA”) will be performed by the City.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,



Leah M. Bojo
Drenner Group

cc: Joi Harden, Planning and Zoning Department (*via electronic delivery*)

Leah M. Bojo
direct dial: (512) 807-2918
lbojo@drennergroupp.com

DRENNER GROUP

April 3, 2023

Ms. Rosie Truelove
Housing Planning Department
City of Austin
6310 Wilhelmina Delco Dr.
Austin, TX 78752

Via Electronic Delivery

Re: 5151 W US Highway 290 – Zoning application for the 24.83-acre piece of property located at 5151 W US Highway 290 in the City of Austin, Travis County, Texas (the “Property”).

Dear Ms. Truelove:

As representatives of the Owners of the Property, we respectfully submit the enclosed zoning application for 5151 W US Highway 290. The project is located in the full purpose jurisdiction of the City of Austin and consists of 24.83 acres located on the east side of U.S. Highway 290 at the northeast corner of U.S. Highway 290 and Staggerbrush Road.

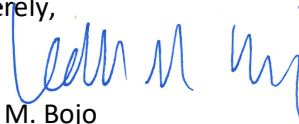
The Property has multiple zones GR-CO-NP (Community Commercial–Conditional Overlay – Neighborhood Plan) GR-MU-CO-NP (Community Commercial–Mixed Use–Conditional Overlay – Neighborhood Plan) , GO-CO-NP (General Office–Conditional Overlay–Neighborhood Plan), LO-CO-NP (Limited Office–Conditional Overlay–Neighborhood Plan), DR-NP (Development Reserve–Neighborhood Plan) to LI-PDA, Limited Industrial Services – Planned Development Area. The purpose of this rezoning is to allow for a mixed-use development including commercial and multifamily uses.

The Property is located within the Oak Hill Combined Planning Area – East Oak Hill and has a Future Land Use Map (FLUM) designation of Mixed-Use.

In conjunction with the rezoning request a Traffic Impact Analysis (“TIA”) will be performed by the City.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,



Leah M. Bojo
Drenner Group

cc: Joi Harden, Planning and Zoning Department (*via electronic delivery*)