

C6
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ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0054
Parmer US 290 Retail

Z.A.P. DATE: June 18, 2013

OWNER: E/290 Parmer, Ltd. (Andy Pastor) **ADDRESS:** 10104 E. U.S. Hwy. 290 WB

AGENT: Endeavor Real Estate Group (Dan Frey)

ZONING FROM: DR **TO:** CH-CO **AREA:** 3.142 Acres

SUMMARY STAFF RECOMMENDATION:

Staff supports the Applicant's request of commercial highway-conditional overlay (CH-CO) combining district zoning. The recommended conditional overlay would prohibit the following land uses: Adult oriented businesses, Campground, Commercial blood plasma center, Drop-off recycling collection facility, Pawn shop services, Vehicle storage, Guidance services, Residential treatment, and Transitional housing. Building height would be limited to 90 feet. The subject property will also be subject to a restrictive covenant and Traffic Impact Analysis (TIA) that are being amended concurrent with this rezoning request.

ZONING & PLATTING COMMISSION RECOMMENDATION:

June 18, 2013:

DEPARTMENT COMMENTS:

The subject property is located on the north side of US 290, east of SH 130 and west of Parmer Lane. The 3.142 acre property is zoned DR, and is undeveloped. The property immediately to the east of the subject property is owned by the same owners, and is zoned CH-CO. The 9.109 acre tract of land was zoned CH-CO in 2006, with the same conditional overlay and restrictive covenant/TIA limitations that are proposed for the subject property. If the proposed rezoning is approved, the two properties will have identical development conditions. The Applicant has prepared a TIA Determination Worksheet that includes both properties, and proposes a mix of commercial land uses—fast food restaurant, drive through bank, hotel, service station and convenience store. Please see attached zoning map, aerial map, restrictive covenant, and TIA worksheet (Exhibits A, B, C, and D).

Undeveloped property to the northwest is part of the Harris Branch PUD. The base zoning category for the 33.32 acre PUD tract immediately adjacent to the subject tract is CH (Exhibit E). To the south, across US 290, is more undeveloped property, including unzoned land that is in the ETJ. The property within the City limits is part of the Wildhorse PUD. The 102.8 acre portion of the PUD closest to the subject property is designated "Commercial High Rise Industrial Park," which is not a City of Austin zoning classification. The development standards of the PUD resemble a hybrid of CH and IP zoning.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	DR	Undeveloped
North	PUD	Undeveloped
South	PUD, County	Undeveloped
East	CH-CO	Undeveloped
West	PUD	Undeveloped

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AREA STUDY: N / A**TIA:** N/A**WATERSHED:** Gilleland**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**SCHOOLS:** Manor ISD**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0120	DR to CH-CO	1/17/06: ZAP approved on consent staff rec. of CH w/ conditions: 90' max height, prohibit Adult Oriented Businesses, Campground, Commercial Blood Plasma Center, Drop-off Recycling Collection Facility, Pawn Shop Services, Vehicle Storage, Guidance Services, Residential Treatment, and Transitional Housing uses. (9-0)	2/16/06: Approved all 3 readings as recommended
Wildhorse PUD C814-00-2063 ETJ	Unzoned to PUD	11/27/01: ZAP approved staff rec. of PUD w/ conditions. (8-0)	12/6/01: APVD PUD (6-1, WYNN-NO); 2/7/02: APVD PUD (6-1, WW-NO) DELETING ECON. INCENTIVES & WATER EXTENSION FROM ORD.; 2/14/02: APVD PUD (5-1, WW-NO) PER STAFF REC
Harris Branch PUD C814-90-0003	7/8/91: DR to PUD	7/29/91: Administrative approval; 12/11/90: PC approved PUD w/ conditions (6-0-I, WB abstain)	12/13/90: Approved all 3 readings (5-0)

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
US 290	500+	FWY 6	FWY	No	No	Yes

CITY COUNCIL DATE: June 27, 2013:**ACTION:****ORDINANCE READINGS:****ORDINANCE NUMBER:**

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 974-2122

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SUMMARY STAFF RECOMMENDATION:

Staff supports the Applicant's request of commercial highway-conditional overlay (CH-CO) combining district zoning. The recommended conditional overlay would prohibit the following land uses: Adult oriented businesses, Campground, Commercial blood plasma center, Drop-off recycling collection facility, Pawn shop services, Vehicle storage, Guidance services, Residential treatment, and Transitional housing. The subject property will also be subject to a restrictive covenant and Traffic Impact Analysis (TIA) that are being amended concurrent with this rezoning request.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The Applicant proposes CH-CO zoning to allow redevelopment with uses that are suitable for highway corridors like US 290—fast food restaurant, drive through bank, hotel, service station and convenience store.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

The proposed CH-CO will match the adjacent 9.109 acre tract of land, allowing the two properties to be developed as a 12.25 acre cohesive development. The rezoning will also match the base zoning category used for the adjacent Harris Branch PUD and the nearby Wildhorse PUD.

EXISTING CONDITIONS**Site Characteristics**

The subject property is currently undeveloped, and generally flat and featureless.

Impervious Cover

For this property, watershed regulations supersede zoning regulation regarding impervious cover. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<u>Development Classification</u>	<u>% of Net Site Area</u>	<u>% with Transfers</u>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Gilleland Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

2. According to flood plain maps there is no flood plain within or adjacent to the project boundary.

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

4. 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 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.

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5. Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

☐ Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

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

Site Plan

Site plans will be required for any new development other than single-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. This site does not currently appear to be triggering compatibility requirements.

Transportation

TR1. No additional right-of-way is needed at this time.

TR2. The traffic impact analysis for this site was waived because a TIA was approved with the Parmer/US 290 zoning case C14-05-0120.

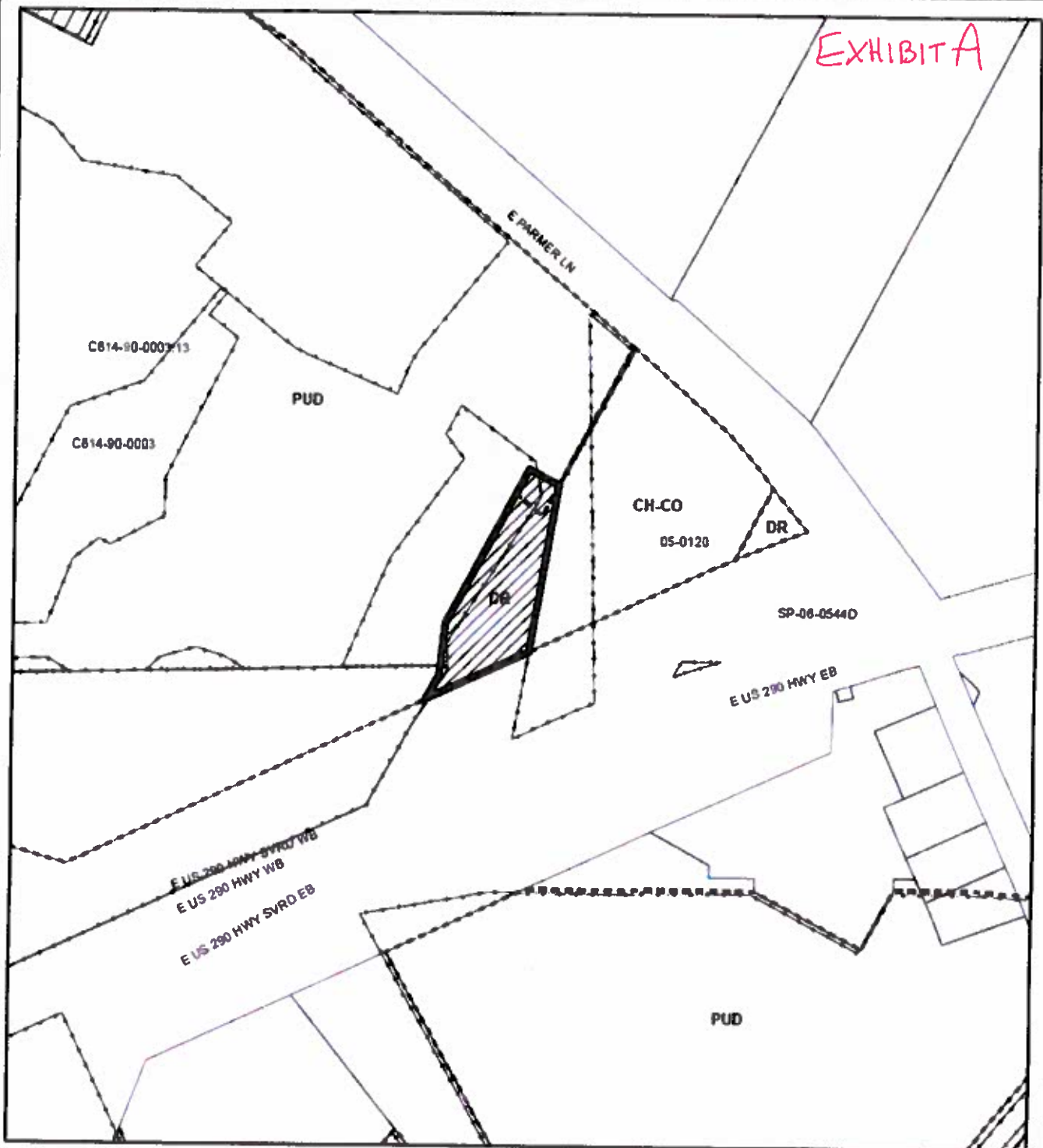
Comprehensive Planning




The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies this project as being just immediately adjacent to a Town Center. Town Centers are defined in the IACP as mid-sized activity centers outlined in the Growth Concept Map. It is less urban than a regional center, but more dense than a neighborhood center. These centers are intended to support a variety of housing types and a range of employers with regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. Employers within Town Centers have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system. Town centers will range in size between approximately 10,000-30,000 people and 5,000-20,000

Based upon: (1) the property being located adjacent to the boundaries of a Town Center as identified on the IACP Growth Concept Map, which supports a compact but dense residential, retail, and employment center; (2) being situated along the heavily travelled US 290, between US 130 and E. Parmer Lane; and (3) and the Imagine Austin policies referenced above, staff believes that a mixed use/retail center is supported by the Imagine Austin Comprehensive Plan because this project will provide a variety of land uses, including retail, housing and employment opportunities, and is encouraged in a Town Center.

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EXHIBIT A



- N**
-  SUBJECT TRACT
 -  PENDING CASE
 -  ZONING BOUNDARY

ZONING
ZONING CASE#: C14-2013-0054

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.

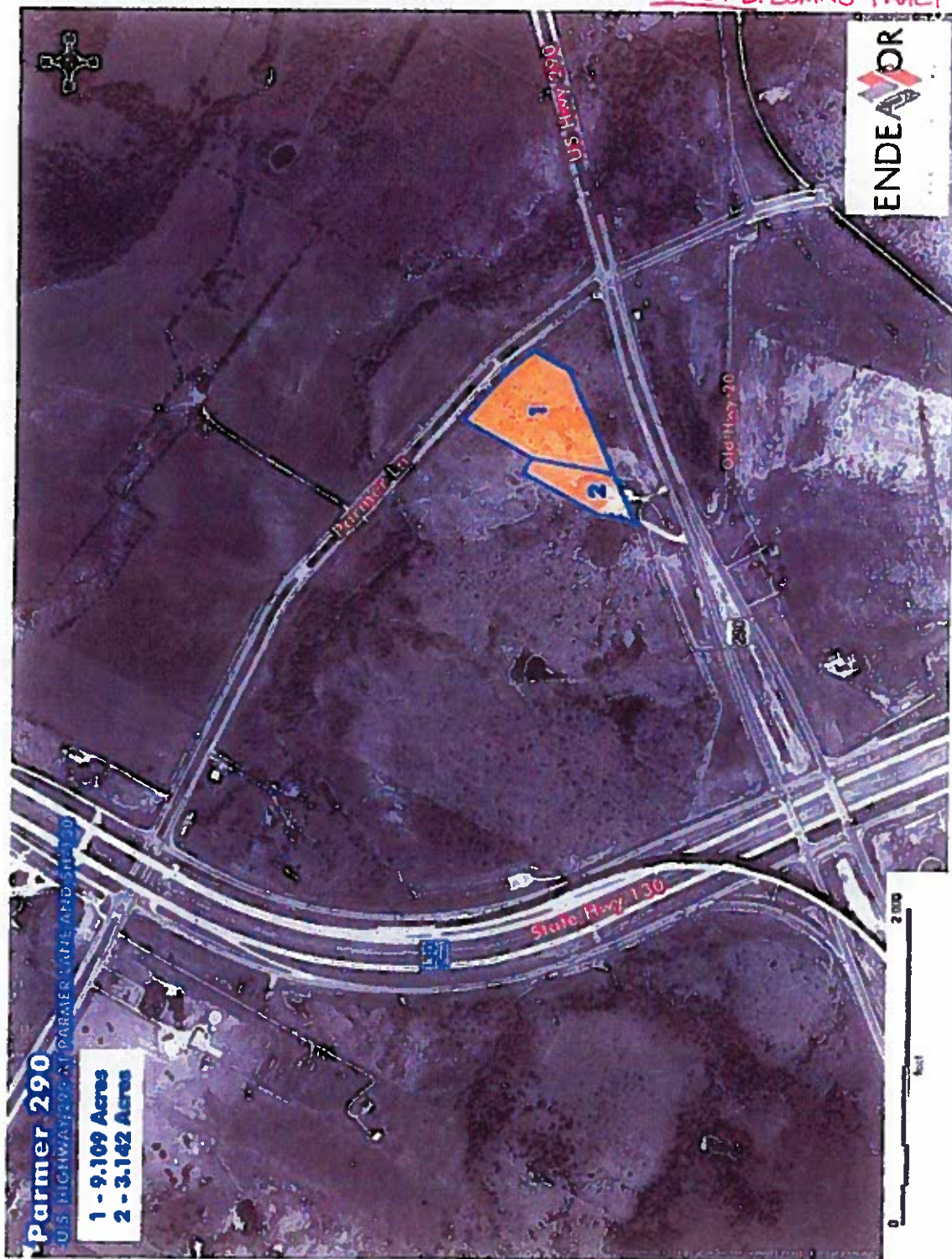


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EXHIBIT B

TRACT 1: TIA TRACT

TRACT 2: ZONING TRACT





RESTRICT 2686829976

S POS

EXHIBIT C

Zoning Case No. C14-05-0120

RESTRICTIVE COVENANT

OWNER: G & G Venture Number One, a Texas general partnership

ADDRESS: 3207-B Twinberry Cove, Austin, Texas 78746

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 12.463 acre tract of land, more or less, out of the James Manor Survey No. 40, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

WHEREAS, the Owner, whether one or more, of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generates traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by WHM Transportation Engineering Consultants, Inc., dated January 2006, or as amended and approved by the Director of the Watershed Protection and Development Review Department. Development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department dated January 11, 2006. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

2-16-06
2-2-1

CL 8

5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 14th day of Feb, 2006.

OWNER:

G & G Venture Number One,
a Texas general partnership

By: Thomas A. Goebel
Thomas A. Goebel,
Managing Partner

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney
City of Austin

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§

This instrument was acknowledged before me on this the 14th day of Feb, 2006, by Thomas A. Goebel, Managing Partner, on behalf of G & G Venture Number One, a Texas general partnership.



Restrictive covenant-G&G

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Bury+Partners
ENGINEERING SOLUTIONS

12.463 ACRE TRACT
(542,874 Sq. Ft.)
50198-06ex1.dwg

EN NO. 50198-06-2
JULY 18, 2005
JOB NO. 50198-06

EXHIBIT A

FIELD NOTE DESCRIPTION

OF A 12.463 ACRE TRACT OF LAND SITUATED IN THE JAMES MANOR SURVEY NO.40, TRAVIS COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 12.609 ACRE TRACT OF LAND AS CONVEYED TO G & G VENTURE NUMBER ONE, A TEXAS GENERAL PARTNERSHIP IN VOLUME 8534, PAGE 457 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 12.463 ACRE TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A FOUND CONCRETE MONUMENT LOCATED IN THE NORTHWESTERLY LINE OF THE BUTLER FAMILY PARTNERSHIP TRACT AS DESCRIBED IN VOLUME 12271, PAGE 872 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, FOR THE SOUTHERLY CORNER OF THAT CERTAIN 0.073 ACRE TRACT, CONVEYED TO THE STATE OF TEXAS, AS DESCRIBED IN VOLUME 19105, PAGE 799 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

THENCE, S 27°51'03" W, ALONG THE COMMON BOUNDARY LINE BETWEEN THIS TRACT AND THE SAID BUTLER FAMILY PARTNERSHIP TRACT, A DISTANCE OF 256.91 FEET TO A FOUND CONCRETE MONUMENT FOR THE NORTHEASTERLY CORNER OF THAT CERTAIN SAID & EXCEPT 3.366 ACRE TRACT, STATE OF TEXAS PARCEL 1216;

THENCE, S 27° 44' 23" W, ALONG THE EASTERLY LINE OF SAID 3.366 ACRE TRACT, A DISTANCE OF 393.47 FEET TO A FOUND ¼ INCH IRON ROD IN THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. STATE HIGHWAY 290 (R.O.W. VARIES), MARKING THE NORTHEASTERLY CORNER OF THAT CERTAIN RIGHT OF WAY EASEMENT OF RECORD IN VOLUME 2246, PAGE 380 AND VOLUME 3144, PAGE 1018 OF SAID OFFICIAL PUBLIC RECORDS;

THENCE, SOUTHWESTERLY, ALONG THE NORTHERLY LINE OF SAID RIGHT OF WAY EASEMENT OF RECORD, ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 5879.65 FEET, A CENTRAL ANGLE OF 05° 23' 53", AN ARC LENGTH OF 553.94 FEET AND A CHORD BEARING: S 67° 54' 05" W, A DISTANCE OF 553.75 FEET TO A FOUND ¼ INCH IRON ROD MARKING THE SOUTHEASTERLY CORNER OF THAT CERTAIN 5.26 ACRE TRACT CONVEYED TO JOHN CHAPMAN OF RECORD IN VOLUME 12881, PAGE 2279 OF SAID OFFICIAL PUBLIC RECORDS;

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THENCE, N 09°34'39" E, ALONG THE COMMON BOUNDARY LINE BETWEEN THIS TRACT AND THE 5.26 ACRES, PASSING AT A DISTANCE OF 260.25 FEET A FOUND CONCRETE MONUMENT, AND CONTINUING FOR A TOTAL DISTANCE OF 800.24 FEET TO A FOUND 1/4 INCH IRON ROD FOR THE NORTHEASTERLY CORNER OF THE SAID 5.26 ACRES, SAME BEING THE SOUTHEASTERLY CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO AUSTIN HB RESIDENTIAL PROPERTIES, LTD., AS DESCRIBED IN VOLUME 13100, PAGE 1, THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

THENCE, N 28°00'42" E, ALONG THE COMMON BOUNDARY LINE BETWEEN THIS TRACT AND THE SAID AUSTIN HB RESIDENTIAL PROPERTIES LTD. TRACT, A DISTANCE OF 501.13 FEET TO A FOUND CONCRETE MONUMENT LOCATED IN THE SOUTHWESTERLY RIGHT OF WAY LINE OF E. FARMER LANE;

THENCE, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF E. FARMER LANE, THE FOLLOWING COURSES:

S 48°09'45" E, A DISTANCE OF 391.13 FEET TO A FOUND CONCRETE MONUMENT

SOUTHEASTERLY, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1332.32 FEET, CENTRAL ANGLE OF 10°29'35", AN ARC LENGTH OF 244.00 FEET AND A CHORD BEARING: S 39°54'46" E, 243.66 FEET, TO THE POINT OF BEGINNING, AND CONTAINING 12.463 ACRES, MORE OR LESS.

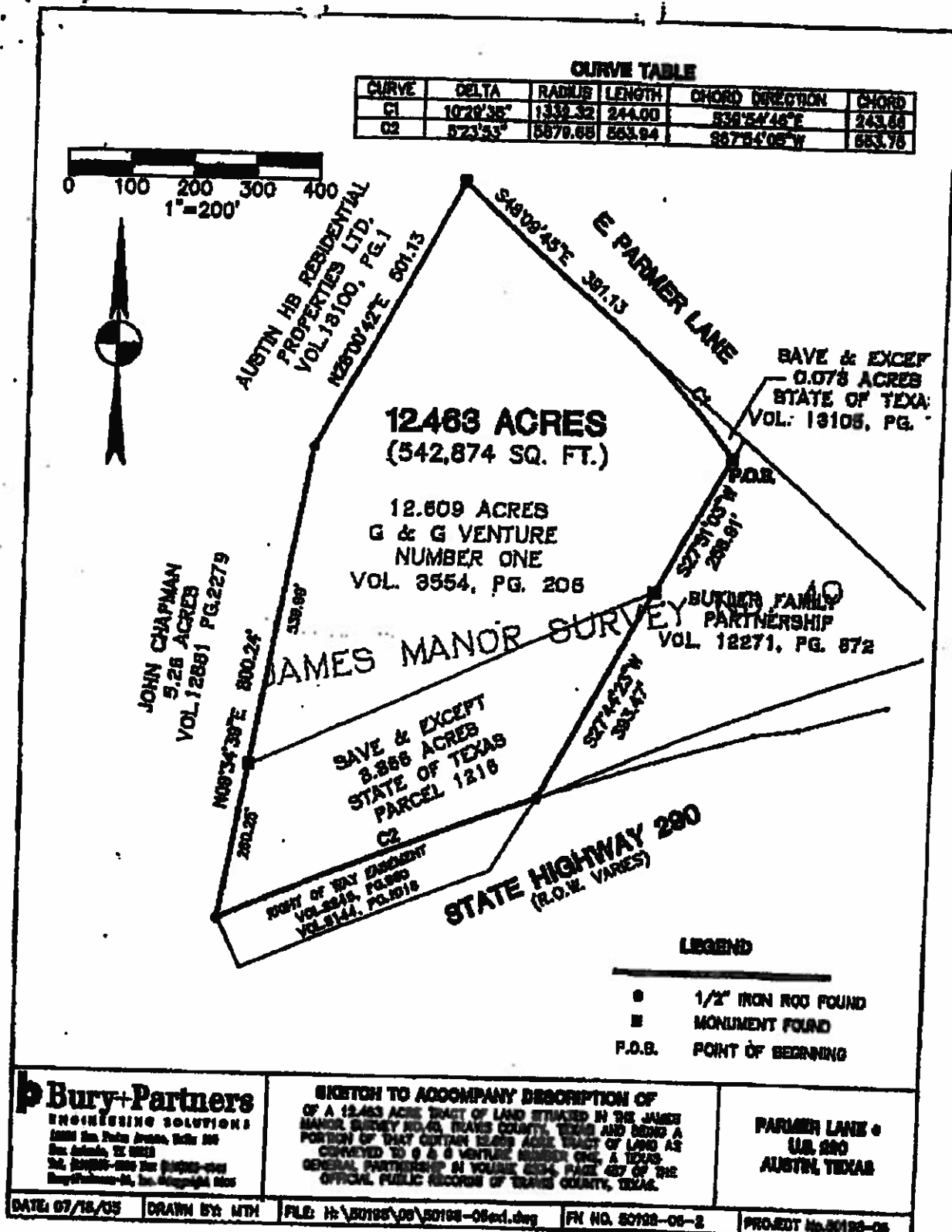
I, JAMES W. RUSSELL, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY & PARTNERS, INC.
ENGINEERS AND SURVEYORS
10000 SAN PEDRO, SUITE #100
SAN ANTONIO, TEXAS 78216

James W. Russell 7/18/05
JAMES W. RUSSELL DATE
R.P.L.S #4230
STATE OF TEXAS



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After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-8828
Attention: Diana Miller, Legal Assistant

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2008 Feb 21 02:24 PM 20080223076

RENAVISED \$55.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

Recorders Memorandum-At the time of recording
this instrument was found to be inadequate for the best
reproduction, because of illegibility, carbon or
photocopy, discolored paper, etc. All corrections,
additions and changes were present at the time the
instrument was filed and recorded.

Restrictive covenant-Cerco

CE/13
EXHIBIT D

PROJECT NAME: Chapman Tract

APPLICANT: Kathleen G. Smith, P.E., PTOE, HDR Engineering

TELEPHONE NO.: (512) 804-3700

Fax: (512) 804-3773

DEVELOPMENT ASSESSMENT

☒ ZONING ☐ SITE PLAN

EXISTING:

FOR OFFICE USE ONLY

*See attached spreadsheet

PROPOSED**FOR OFFICE USE ONLY**

TOTAL	16.67
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ABUTTING ROADWAYS

FOR OFFICE USE ONLY**FOR OFFICE USE ONLY**

A traffic impact analysis is required. The consultant preparing the study must meet with a transportation planner to discuss the scope and requirements of the study before beginning the study.

A traffic impact analysis is NOT required. The traffic generated by the proposal does not meet or exceed the thresholds established in the Land Development Code.

A The traffic impact analysis has been waived for the following reason(s): A TIA was approved with the Farmer/290 Zoning Case C14-05-120.

The TIA will be updated to add Lot 1 and assumptions for land uses, intensity, shared trips from Lot 2, new build-out year, and address TxDOT driveway access.

The traffic impact analysis has been waived because the applicant has agreed to limit the intensity to 2,000 vehicle trips per day.

A neighborhood traffic analysis will be performed by the City for this project. The applicant may have to collect existing traffic counts. See a transportation planner for information.

REVIEWED BY:

DISTRIBUTION:

**FULL
TRANS. REV.**

DATE:

May 8, 2013

CAP, METRO

Travis Co./Williamson Co.

TRDOT

TPSD

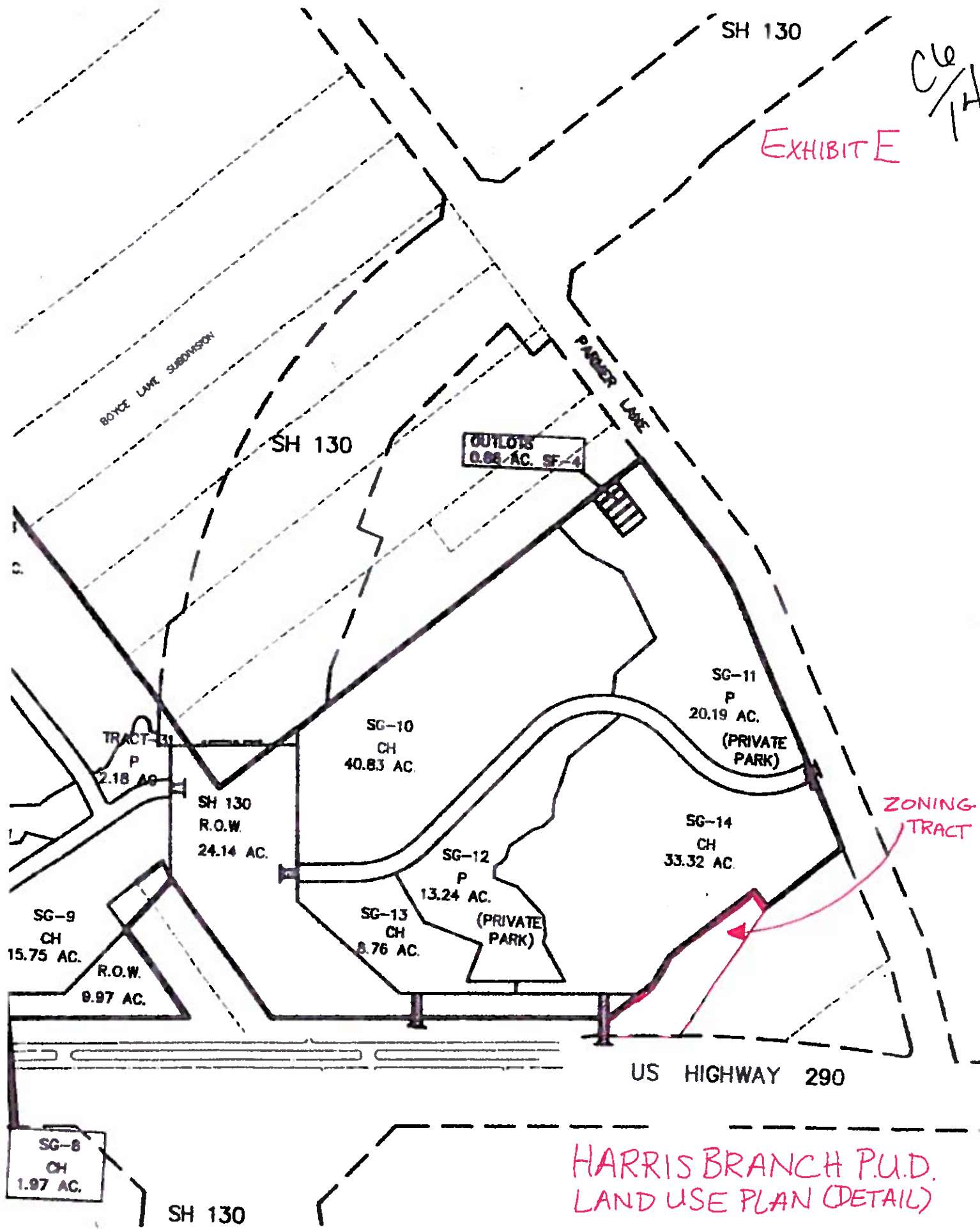
COPIES:

NOTE: A TIA determination must be made prior to submittal of any zoning or site plan application to Planning; therefore, this completed and reviewed form must accompany any subsequent application for the IDENTICAL project. CHANGES to the proposed project will REQUIRE a new TIA determination to be made.

SCANNED

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EXHIBIT E



HARRIS BRANCH P.U.D.
LAND USE PLAN (DETAIL)

DEVELOPMENT