

## ZONING CHANGE REVIEW SHEET

CASE: C14-2017-0073 – 7100 W US 290

P.C. DATE: July 25, 2017

ADDRESS: 7100 W US 290

DISTRICT AREA: 8

OWNER/APPLICANT: Cielo Paso Oak Hill LP, Marcus Meyer

AGENT: Metcalfe, Wolf, Stuart & Williams, LLP, Michele Rogerson Lynch

ZONING FROM: Community Commercial – Conditional Overlay – Neighborhood Plan (GR-CO-NP)

TO: Community Commercial – Mixed Use - Conditional Overlay – Neighborhood Plan (GR-MU -CO-NP) to change a condition of zoning.

AREA: 4.55 acres

### **STAFF RECOMMENDATION:**

Staff recommends GR-MU-CO-NP and to remove the Floor to Area Ratio (FAR) restriction (.21 to 1). GR allows a FAR of 1 to 1. The applicant has offered to restrict several uses because the property is located in the Barton Springs Zone. Staff supports these restrictions.

The following uses will be prohibited:

- Automotive sales
- Automotive rentals
- Automotive washing (any kind)
- Bail bonds
- Funeral services

### **PLANNING COMMISSION RECOMMENDATION:**

**JULY 25, 2017:** RECOMMENDED GR-MU-CO-NP ON CONSENT, VOTE 12-0 [J. SHIEH 1<sup>ST</sup>, P. SEEGER 2<sup>ND</sup>, ABSENT - N. ZARAGOZA].

### **DEPARTMENT COMMENTS:**

The subject property is a 4.55 acre tract within the Scenic Brook West Commercial Subdivision located in the West Oak Hill Neighborhood Planning Area between US 290 West and SH 71 West at the "Y". It is developed as a strip mall/shopping center and currently occupied by a Goodwill thrift store and the former Planet Fitness gym. The applicant intends to add a fast food restaurant within the existing parking lot for the near term and plans on a mixed use development for the long term.

This property and much of the commercial property in at the "Y" were left out of the West Oak Hill Neighborhood Planning Area Future Land Use Map (FLUM) during the Oak Hill combined neighborhood plan adoption. Redevelopment of the "Y" as a

"Town Center" is referenced often within the neighborhood plan and describes the redevelopment of its two shopping centers as:

*These centers should become mixed use, pedestrian-friendly destinations accessible by car, bicycle, or foot. The redevelopment should provide places and spaces where people can gather, socialize, dine, shop, and enjoy themselves with family and friends.*

*The Town Center should include local-serving retail, restaurants, small-scale movie theaters, and other entertainment options, along with a central location for public services, such as a post office, county and city services, such as a police station, a library, park space, space for local theater groups, art exhibits, and play areas for children (page 91).*

In December of 2016, the applicant requested a Board of Adjustment (BOA) variance from the FAR restriction. That request was not granted. FAR restrictions are a condition of zoning and must be changed through a zoning case. The applicant justified the BOA adjustment on the requirement to dedicate right of way to Texas Department of Transportation (TXDOT) along SH 71. With the loss of this square footage, the applicant is not able to build additional space under the FAR cap (.21 to 1).

This site will likely make use of the Redevelopment Exception in the Barton Springs Zone (25-8-26). It allows existing impervious cover to remain in return for current code water quality and detention. This provision was created to incentivize sites without water quality and detention in the Barton Springs Zone (like the Y at Oak Hill) to redevelop.

**ISSUES:**

None at this time.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-CO-NP	Retail
<i>North</i>	GR-NP	Retail (shopping centers)
<i>East</i>	ROW, CS-CO-NP	US HWY 290/SH 71, Retail, Bank
<i>South</i>	ROW, LR-NP	US HWY 290, Restaurant
<i>West</i>	LR-NP, GR-NP	Financial services, Retail (shopping center)

**NEIGHBORHOOD PLANNING AREA:** West Oak Hill NPA **TIA or NTA:** NA

**WATERSHED:** Williamson Creek - Barton Springs Zone

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

Circle C Neighborhood Assn.  
TNR BCP - Travis County Natural Resources  
Aviara HOA  
Oak Hill Assn of Neighborhoods (OHAN)  
Sierra Club, Austin Regional Group  
Seltexas  
Covered Bridge Property Owners  
Assn  
Austin Independent School District  
City of Rollingwood

## Additional Departmental Review

### **NPZ Comprehensive Planning Review - Kathleen Fox 512-974-7877**

This zoning case is located in the northeast quadrant of the 'Y' at the intersection of SH 71 and 290, and is within the boundaries of the West Oakhill Neighborhood Planning Area. This 4.55 acre parcel contains a variety of retail uses and formerly a large fitness center. Surrounding land uses includes a shopping center to the north; a restaurant to the west; the grassy triangular intersection of the 'Y'; and a coffee shop across US 290. The proposed use is develop a drive thru restaurant on the site but retain the existing retail uses and fitness center on the site; amend the FAR restriction of .21:1 to 1:1; and prohibit auto uses, bail bond services, and funeral services as permitted uses.

#### **Connectivity**

There is a public sidewalk located along US 290 but not along this section of US 71. There is a public transit stops located within walking distance to this site within this existing shopping center. The Walkscore for this site is 40/100, meaning most errands require a car.

#### **Oak Hill Combined Neighborhood Plan**

This portion of the West Oak Hill Neighborhood Planning Area does not have a designated Future Land Use Category. The following text, goals, objectives and recommendations are taken from the OHCNP:

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

**Objective 6A.1:** Ensure quality of new construction and renovations. (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 activity areas at strategic locations (p.66).

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

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

#### **U.S. Highway 290 West (between the "Y" and Southview Road) page. 81**

Located at the heart of Oak Hill and at the convergence of two major highways, this area was envisioned by the stakeholders as the main focal point of the community, or a Town Center. A town center would incorporate a mix of retail, office, and residential uses to serve as a central live/work/play and gathering place for Oak Hill. Existing major civic uses, such as Austin Community College campus and Seton Hospital, could help to anchor mixed use development in the area, and future transit improvements could

improve accessibility. Adjacent single family neighborhoods should be buffered from the town center by less intense development, such as low-density housing, open space, trails, or a park. (*\*At the December 11, 2008 City Council hearing, Council changed the land use recommendation to White.—no recommendation. See Town Center section of this Chapter for additional information*).

### **Town Center Concept at the “Y”**

The “Y” is where State Highway 71 splits off to the northwest of U.S. Highway 290. There are two aging shopping centers located at this intersection. One, located on the east side of State Highway 71, contains a grocery store as well as several local-serving retail uses such as shops, restaurants, and offices. The other, located on the western side, contains similar uses; however, the grocery store that was once there has closed, leaving a large hole in the shopping center. Throughout the planning process, community stakeholders expressed a desire to see these two shopping centers redevelop as focal points for the community – an Oak Hill Town Center. These centers should become mixed use, pedestrian-friendly destinations accessible by car, bicycle, or foot. The redevelopment should provide places and spaces where people can gather, socialize, dine, shop, and enjoy themselves with family and friends (page 91).

The Town Center should include local-serving retail, restaurants, small-scale movie theaters, and other entertainment options, along with a central location for public services, such as a post office, county and city services, such as a police station, a library, park space, space for local theater groups, art exhibits, and play areas for children. (page 91)

### **Town Center Design (page. 93)**

Stakeholders also made the following comments on design of the town center:

- Orient the building to an internal local street system and not highway frontages.
- Austin Community College Pinnacle Campus and adjacent areas could become a mini downtown with very tall buildings that stair step height away from the campus to ensure compatibility (instead of the “Y” where the freeway intersection will be and where the creek is located north of State Highway 71).
- Do not build tall buildings that would wall off Williamson Creek. Build more modest structures next to the creek near State Highway 71 that will enhance the Hill Country feel.
- Avoid spreading out the Town Center buildings along U.S. Highway 290.
- Locate another major employer in the area around ACC.
- Build a “Triangle-style development” with better design elements so it is not walled off from the streets, which give it a fortress-like feeling.
- Some residents want to maintain Oak Hill’s hill country community character and favor a modest town center (2-3 stories) with design sensitive to Oak Hill, and not a mini downtown.

- Would be desirable to redevelop HEB at the “Y”.

The Oak Hill CNP appears to support high quality neighborhood serving commercial uses along existing commercial corridors as long as environmental considerations are enforced. The plan is especially keen in transitioning this area into a Town Center or ‘mini downtown’ as described above.

### **Imagine Austin**

The Imagine Austin Growth Concept Map identifies this property as being located by one of five ‘**Activity Centers for Redevelopment in Sensitive Environmental Areas.**’ These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods. State-of-the-art development practices will be required of redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context. 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.”

### **Conclusion:**

The Oak Hill Combined Neighborhood Plan Future Land Use Map designates this area as a future ‘mini downtown’ of the planning area, which supports neighborhood serving local businesses, mixed use and multi-story buildings, as long as they are high quality development. Additionally, this site is by an ‘Activity Center for Sensitive Environmental Area,’ which calls for state of the art development practices. While the Oak Hill Combined Neighborhood Plan is supportive of this proposed use, and it is by a designated Activity Center, based on the comparatively scale of this project compared to other commercial development all around it, this case falls below the scope of Imagine Austin; and consequently the plan is neutral on the proposed rezoning.

<b>NPZ Environmental Review - Mike McDougal 512-974-6380</b>
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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. No trees are located on this property. 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.
7. 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.

<b>DSD Transportation Review – Natalia Rodriguez – 512-974-3099</b>
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- TR1. Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.
- TR2. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113. LDC, Sec. 25-6-113.
- TR3. Additional right-of-way maybe required at the time of subdivision and/or site plan.
- TR4. The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for W SH 71 and W US 290 Highway. TxDOT may request additional right-of-way dedication and/or reservation in accordance with the Transportation Plan during the subdivision and site plan application [LDC, Sec. 25-6-51 and 25-6-55].
- TR5. Janae Ryan, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.
- TR6. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a bike lane is recommended for Oak Meadow Drive, an urban trail is recommended for W US 290 Highway, an urban trail is recommended for W SH 71.
- TR7. FYI – The existing driveways may be required to be modified and/or removed to comply with existing City of Austin and Texas Department of Transportation code and criteria.

TR8. FYI – sidewalks are required to be constructed in accordance with City of Austin standards along Oak Meadow Drive and W SH 71 at the time of site plan application.

TR9. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Oak Meadow Drive	70 ft.	42 ft.	Local	No	Yes, wide curb lane	Yes
W US 290 Highway	400 ft.	140 ft.	Highway	Yes	Yes, shared lane	Yes
W SH 71	200 ft.	70 ft.	Highway	No	Yes, wide shoulder	Yes

#### **NPZ Austin Water Utility Review**

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 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.

#### **NPZ Site Plan Review - Ramon Rezvanipour 512-974-3124**

SP 1. Site plans will be required for any new development other than single-family or duplex residential.

SP 2. 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.



SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

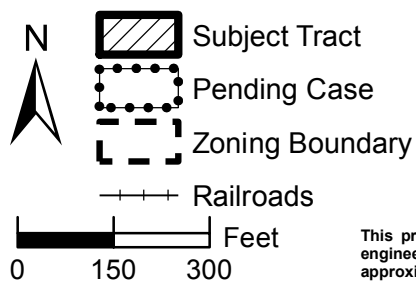
#### **Compatibility Standards**

SP 4. The site is subject to compatibility standards. Along the north, south, and west property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- 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 line.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

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

SP 5. FYI – This site is located within the Oak Hill Combined Neighborhood Plan Area and the Barton Springs Zone Overlay. Additional comments may be generated during the site plan review process.



Case#: C14-2017-0073



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**Created: 6/21/2017**





## 7100 W US 290

ZONING CASE#: C14-2017-0073

LOCATION: 7100 W US 290

SUBJECT AREA: 4.56 ACRES

GRID: B19

MANAGER: ANDREW MOORE



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY



CREEK BUFFER

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.





## 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](http://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: C14-2017-0073

Contact: Andrew Moore, 512-974-7604

Public Hearing: July 25, 2017, Planning Commission  
Aug 31, 2017, City Council

JOHN SHINSKI  
Your Name (please print)

7101 Hwy 71 West Austin  
Your address(es) affected by this application 78785

☒ I am in favor  
☐ I object

John Shinski  
Signature

7-17-2017  
Date

Daytime Telephone: \_\_\_\_\_

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, TX 78767-8810



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**DBA**  
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8520 CROWNHILL BLVD. • SAN ANTONIO, TEXAS 78209-1199 • PHONE 210 828-1493

July 25, 2017

Mr. Andrew Moore  
City of Austin  
Planning & Development Review Dept  
PO Box 1088  
Austin, Texas 78767

Re: C14-2017-0073; 7100 W US 290  
Planning Commission, Item C-08, July 25, 2017

Dear Mr. Moore:

Hasslocher Enterprises, Inc., the owners of the Jim's Restaurant located adjacent to the proposed zoning change at 7100 W US 290 is opposed to the zoning change.

The increase in allowable FAR should occur when redevelopment of the property furthers the development of a town center concept as envisioned in the neighborhood plan. The zoning change at this time only facilitates the construction of a drive thru fast food restaurant which does not encourage development of a town center concept but further complicates the desired land uses.

Increased density on a site with limited driveway options and the City staff stated potential for modification or removal of existing driveways as part of a site plan process will further burden adjoining users with additional traffic concerns. Construction of the proposed drive thru fast food restaurant does not require a Traffic Impact Analysis. One would anticipate further densification of the property without addressing traffic and transportation congestion for the adjoining uses and the intersection area in general.

The access to the adjacent property is from a driveway located on the Oak Hill Plaza which is the center in which the Jim's restaurant is located, and the driveway is adjacent to the Jim's. There appears to be no setback along the north boundary line of 7100 W US 290. Accordingly, the density in this small area creates negative traffic and pedestrian issues affecting both properties.

Accordingly, Hasslocher Enterprises, Inc. hereby gives notice of its objections to the zoning change.

Thank you very much.

James C. Hasslocher, President and CEO