

ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0094 - 2432 W Ben White Boulevard Service Road Westbound

DISTRICT: 5

ZONING FROM: Unzoned

TO: CS

ADDRESS: 2432 W Ben White Boulevard Service Road Westbound

SITE AREA: 1.53 acres (66,624 square feet)

OWNER: Vaquero Austin Lamar Partners
(W.A. Landreth III)

APPLICANT: Coats Rose
(John M. Joseph)

CASE MANAGER: Scott Grantham (512-974-3574, scott.grantham@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends General Commercial Services (CS) district zoning. *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

October 9, 2018 Approved postponement request by staff to June 19, 2018.
Vote 10 - 0.

**October 23, 2018 Approved CS district zoning [P. Seeger, C. Kenny -2nd],
Vote 10-0**

CITY COUNCIL ACTION:

November 1, 2018 Approved postponement request by staff to November 15, 2018.
Vote 10-0, Councilmember Pool off the dais.

November 15, 2018 Scheduled for City Council

ORDINANCE NUMBER:

ISSUES:

The subject property was once part of Right of Way (ROW) maintained by the Texas Department of Transportation (TxDOT) at the junction of West Ben White Boulevard and South Lamar Boulevard. When the strip center and anchor retail store at the northeast corner of the junction were completed, TxDOT determined that the subject property would no longer be needed as ROW, and sold the property in April, 2018. The property is currently unzoned, and the request is for an initial zoning to general commercial services (CS).

CASE MANAGER COMMENTS:

The subject property is approximately 1.53 acres or 66,624 square feet. (See Exhibit C, Field Notes and Survey). The site is relatively flat and is not in the flood plain. The property is currently vacant. The applicant's conceptual plan is for a drive-through coffee and pastry shop.

There are two points of access. The one to the south connects to the West Ben White Service Road, and one runs through the property, connecting it to the South Lamar to the northwest. These points of access are shared with the overall development to the east, and are proposed to remain. Factors such as drive-through design and queuing will be evaluated by transportation reviewers at the time of site plan.

To the east is a strip development, anchored by a Target store, with several other retail shops and a few restaurants. There are two pad sites located between the strip center and the subject property.

BASIS OF RECOMMENDATION:

Staff recommends general commercial services (CS) district zoning.

The first basis of the recommendation is that the proposed zoning should be consistent with the purpose statement of the district sought. CS zoning is "intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments," which describes the context of the subject property well.

The second basis is that zoning should allow for reasonable use of the property. Given the location of the subject tract along two major roadways, which may even meet the criteria for highways, it is appropriate to allow for intense commercial development.

The third basis is that granting of the request should result in equal treatment of properties. The subject property adjoins a large section of CS base zones to the east; these are the only

zones that the property is directly adjacent to. There are other CS zones at the southeast corner of the junction across West Ben White.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	Unzoned	Vacant
North	N/A	South Lamar Blvd
South	N/A	W Ben White Service Road
East	CS-V, CS-1-V, CS	Commercial Retail, Restaurants
West	N/A	South Lamar Blvd, W Ben White Service Road

NEIGHBORHOOD PLANNING AREA: South Lamar (no adopted neighborhood plan)

TIA: Not Required

WATERSHED: Barton Creek

OVERLAYS: Barton Springs Zone Overlay, Core Transit Corridor (South Lamar Blvd)

SCHOOLS: Joslin Elementary, Covington Middle School, Crockett High School

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District
 Austin Neighborhoods Council
 Bike Austin
 Friends of Austin Neighborhoods
 Go!Austin/Vamos!Austin (GAVA)-78745
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Onion Creek Homeowners Association

Preservation Austin
 Save Our Springs Alliance
 Seltexas
 Sierra Club Austin Regional Group
 South Austin Neighborhood Alliance
 South Central Coalition
 TNR BCP - Travis County Natural Resources

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0017 Westgate Neighborhood Plan Area Rezoning	Add –NP, Design Tools and Special Use Infill options	07-22-14 – Fwd to Council with no recommendation	11-06-14 – Apvd rezoning to implement NP, and specific design tools
C14-2008-0043 Barton Hills Neighborhood Planning Area Vertical Mixed Use Bldg (V) Zoning Opt-In	VMU Zoning	03-11-08 – Apvd with conditions	08-07-08 – Apvd
C14-2008-0019 South Lamar Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-In	VMU Zoning	02-12-08 – Apvd with amended boundaries	08-07-08 – Apvd

RELATED CASES:

The subject property is a 1.5295 acres (66,624 square feet) tract situated in the Charles H. Riddle Survey, abstract number 676, Travis County Texas (See Exhibit C, Field Notes and Survey).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within 1/4 mile)
W Ben White Blvd.	Existing(~400')	~385'	FWY 6	yes	yes	no
S Lamar Blvd.	Existing(~400')	~185'	MAD 4	yes	yes	yes

FYI – 400 feet of right of way is required for W Ben White Blvd. in accordance with the Austin Metropolitan Area Transportation Plan. LDC 25-6-55.

OTHER STAFF COMMENTS:

Comprehensive Planning

This zoning case is located on the northeast corner of W. Ben White Blvd and S. Lamar Blvd. (one of the busiest intersections in Austin), on an undeveloped parcel that is 1.53 acres in size. This property is also located within the boundaries of the South Lamar Neighborhood Planning area, which does not have an adopted neighborhood plan. Surrounding land uses includes: to the north are two large shopping centers; to the south are retail and office uses; to the east are retail and office uses, and the Ann Richards School for Girls; and to the west are office uses, a retirement community, vacant land and the Barton Creek Greenbelt. The proposed use is a coffee/donut shop with a drive thru.

Connectivity

The Walkscore is **67/100, Somewhat Walkable**, meaning some errands may be accomplished on foot. Public sidewalks are available along the east side of S. Lamar Blvd and W. Ben White Blvd. A Capital Metro transit stop is located within 700 ft. of the property. There are no existing urban trails within a quarter mile of this site.

Imagine Austin

This property is located along an Activity Corridor and within one of the five ‘**Activity Center for Redevelopment in Sensitive Environmental Area**’ (Lamar & Ben White). Page 106 of the Imagine Austin Comprehensive Plan states, “*Five centers are located over the recharge or contributing zones of the Barton Springs Zone of the Edwards Aquifer or within water-supply watersheds. 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 any 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.”* As for **Activity Corridors**, they are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. The following Imagine Austin policies are relevant to this case.

The following Imagine Austin policies are applicable to this case:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **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.

Based on this project being located along an Activity Corridor and within an Activity Center for Redevelopment in Sensitive Environmental Area (which supports commercial uses); and existing connectivity in the area (public sidewalks, a transit stop, a variety of retail, institutional and recreational options) this project appears to support the policies of the Imagine Austin Comprehensive Plan.

Environmental

This site is not located over the Edwards Aquifer Recharge Zone. The site is in the Barton 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.

Project applications at the time of this report are subject to the SOS Ordinance that allows 20% impervious cover in the Barton Creek Watershed.

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 25-2 and 25-8 for all development and/or redevelopment.

Few 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.

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.

Site Plan

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

INFO: It appears the subject property has not been subdivided; either an approved subdivision is required or a favorable Land Status Determination is obtained to prior to any

site plan approval (Section 25-1-61). Contact the Development Assistance Center on the first floor of One Texas Center at 512-978-4000.

Transportation

Additional right-of-way maybe required at the time of subdivision and/or site plan.

A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

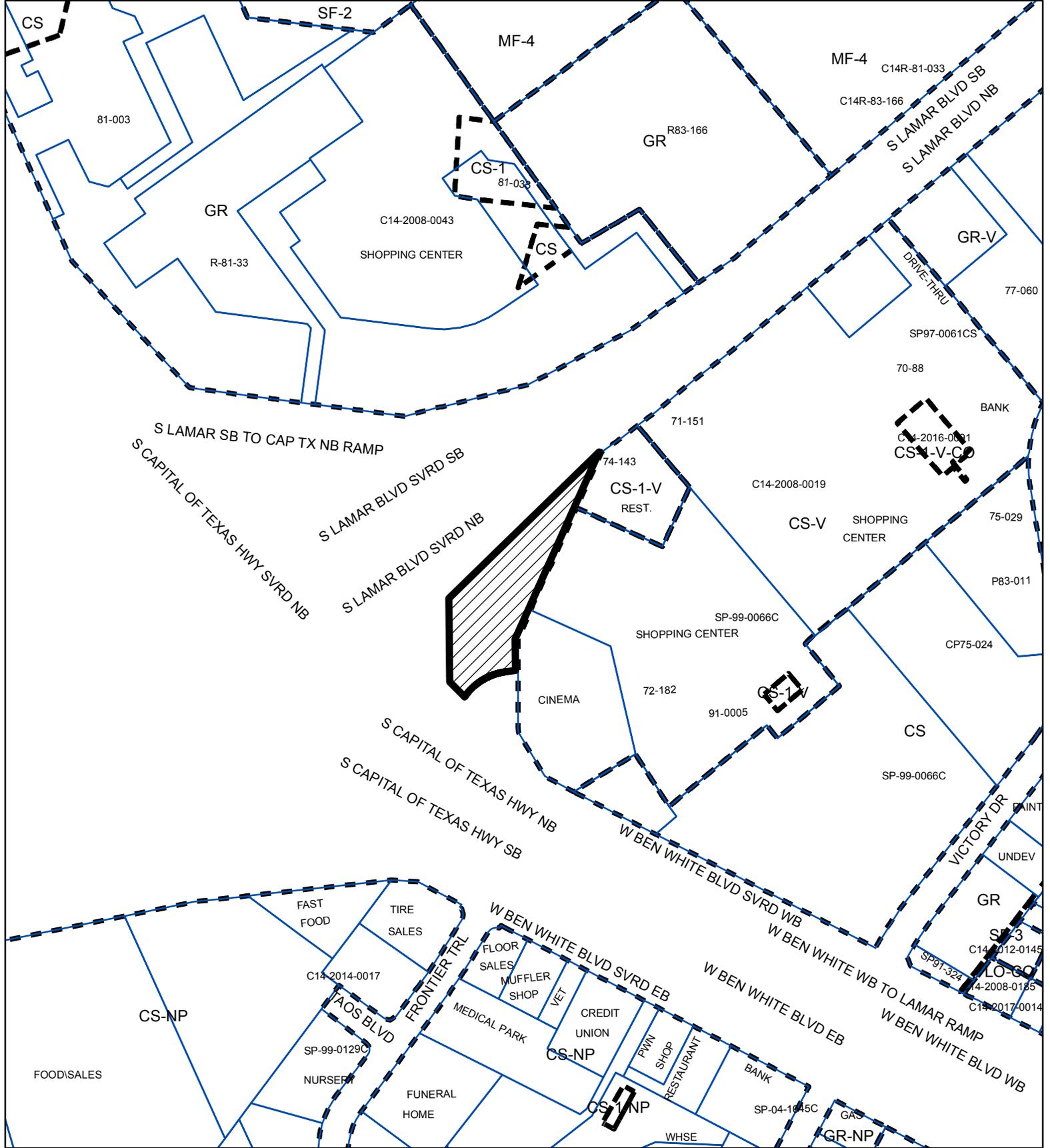
According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for W Ben White Blvd. and S Lamar Blvd. Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments and requirements for right-of-way dedication and bicycle facility construction in accordance with LDC 25-6-55 and LDC 25-6-101. Please review the Bicycle Master Plan for more information.

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 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 Map
- C. Field Notes and Survey



Zoning Case
C14-2018-0094
EXHIBIT A



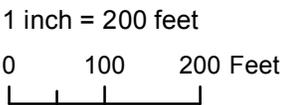
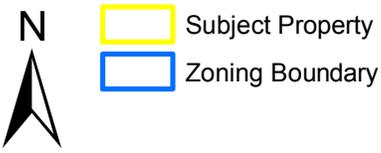
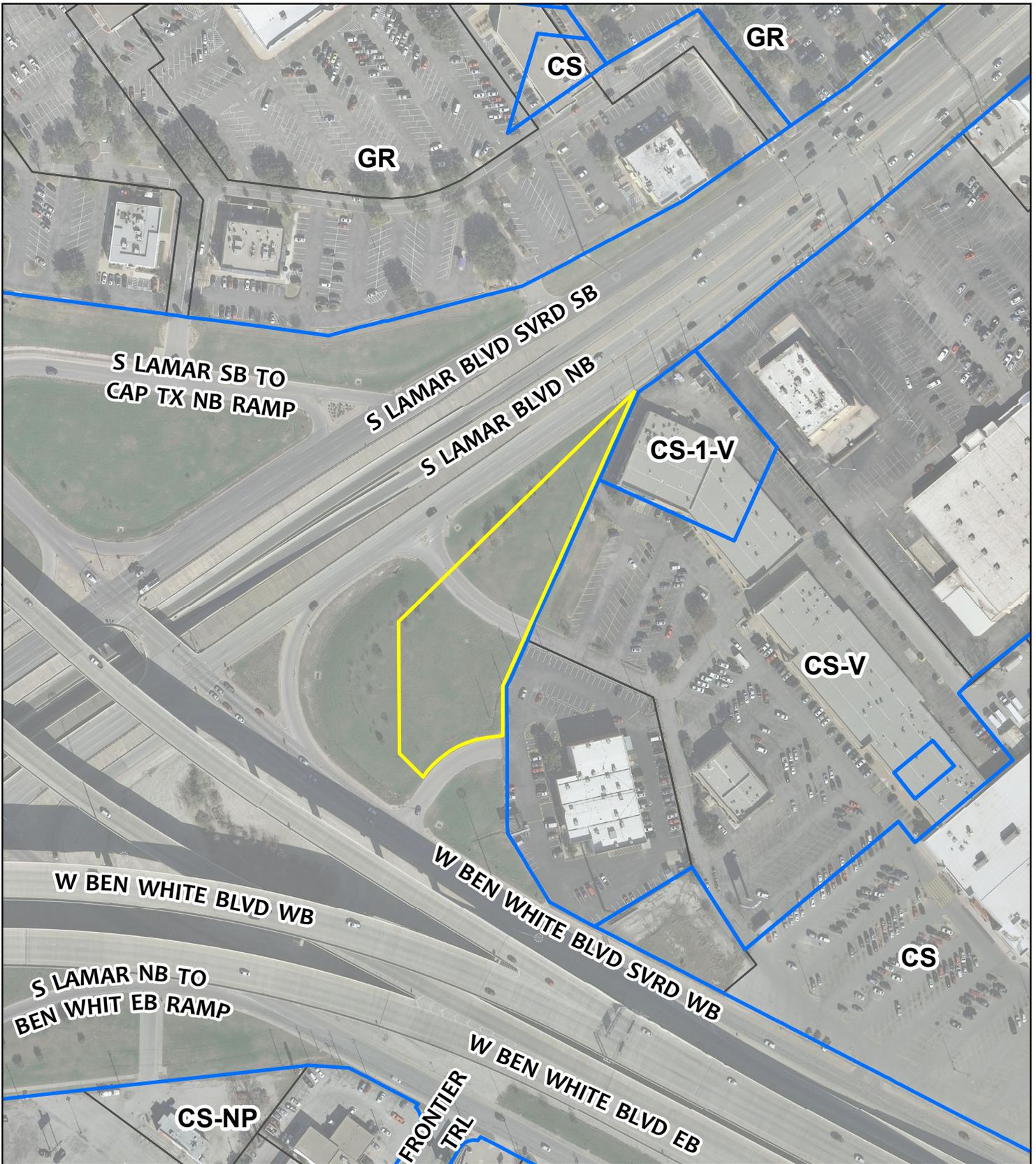
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 300'

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.





ZONING & VICINITY

Zoning Case: C14-2018-0094
 Address: 2432 W Ben White Service Road Westbound
 Subject Area: 1.53 Acres
 Case Manager: Scott Grantham

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



EXHIBIT B

EXHIBIT C

EXHIBIT " A "

County: Travis
Highway: Loop 343/Highway 290
CSJ: 0113-13-160

Page 1 of 3
9/30/2016

TRACT 4

BEING A 1.5295 ACRE (66,624 SQUARE FEET) TRACT SITUATED IN THE CHARLES H. RIDDLE SURVEY, ABSTRACT NUMBER 676, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 6.792 ACRE TRACT CONVEYED TO THE STATE OF TEXAS IN A DEED RECORDED ON MARCH 9, 1967 IN VOLUME 3250, PAGE 2116 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.), AND ALSO SHOWN ON TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) ROW MAP OF LOOP 360, CSJ NO. 113-13-10, DATED JULY 1966, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found in the existing east right-of-way line of Loop 343 (also known as South Lamar Boulevard), same being in the west line of Lot 1, Barton Market Square, a legal subdivision according to the plat of record in Volume 71, Page 41 of the Plat Records of Travis County, Texas (P.R.T.C.T.), and being in the east line of said 6.792 acre tract, said point having state plane coordinates of X=3,098,951.10 and Y=10,059,705.16;

THENCE with said existing east right-of-way line of Loop 343 (also known as South Lamar Boulevard), and said east line of the 6.792 acre tract, in part with said west line of Lot 1, S24°05'58"W at a distance of 408.63 feet passing a 1/2-inch iron rod found for the most westerly common corner of Lot 4, Barton Market Square Section Three, a legal subdivision according to the plat of record in Volume 76, Page 325, P.R.T.C.T. and Lot 2, of said Barton Market Square, in all a total distance of 483.63 feet to a 5/8-inch iron rod with aluminum cap stamped "TX DEPT OF TRANSPORTATION PROPERTY CORNER" found for an angle point of the tract described herein;

CONTINUING with said existing east right-of-way line of Loop 343 (also known as South Lamar Boulevard), said east line of the 6.792 acre tract, and the west line of said Lot 2, S00°26'15"E a distance of 73.68 feet to a PK nail with shiner stamped "HALFF ASSOC. INC." set in concrete for the southeast corner of the tract described herein;

THENCE leaving said existing east right-of-way line of Loop 343 (also known as South Lamar Boulevard), over and across said 6.792 acre tract, S82°47'18"W a distance of 22.24 feet to a 5/8-inch iron rod with aluminum cap stamped "TX DEPT OF TRANSPORTATION PROPERTY CORNER" set for a point of tangency of a curve to the left;

CONTINUING over and across said 6.792 acre tract, with the arc of a curve to the left, a distance of 118.05 feet, said curve having a radius of 140.00 feet, a central angle of 48°18'45", and a chord bearing S58°37'55"W a distance of 114.58 feet to a 5/8-inch iron rod with aluminum cap stamped "TX DEPT OF TRANSPORTATION PROPERTY CORNER" set in the proposed north right-of-way line of U.S. Highway 290 (also known as W. Ben White Boulevard), from which a Texas Department of Transportation (TxDOT) Type I concrete monument found at the intersection of said existing north right-of-way line of U.S. Highway 290 (also known as W. Ben White Boulevard), with said existing east right-of-way line of Loop 343 (also known as South Lamar Boulevard), same being in the west line of said Lot 2, and the east line of said 6.792 acre tract, same also being the most westerly corner of that certain 0.035 acre tract described in a Judgment Nunc Pro Tunc to the State of Texas and recorded on July 27, 1993 in Volume 11860, Page 936 of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.) bears S44°38'32"E a distance of 261.04 feet;

EXHIBIT " A "

County: Travis
Highway: Loop 343/Highway 290
CSJ: 0113-13-160

Page 2 of 3
9/30/2016

TRACT 4

CONTINUING with said proposed north right-of-way line of U.S. Highway 290 (also known as W. Ben White Boulevard), and continuing over and across said 6.792 acre tract, N44°38'32"W a distance of 49.54 feet to a 5/8-inch iron rod with aluminum cap stamped "TX DEPT OF TRANSPORTATION PROPERTY CORNER" found for an angle point in said existing right-of-way line at the intersection of U.S. Highway 290 (also known as W. Ben White Boulevard) and said Loop 343 (also known as South Lamar Boulevard);

CONTINUING with said proposed east right-of-way line of Loop 343 (also known as South Lamar Boulevard) and continuing over and across said 6.792 acre tract, N00°26'09"W a distance of 197.43 feet to a 5/8-inch iron rod with aluminum cap stamped "TX DEPT OF TRANSPORTATION PROPERTY CORNER" found for an angle point of the tract described herein;

CONTINUING with said proposed east right-of-way line of Loop 343 (also known as South Lamar Boulevard) and continuing over and across said 6.792 acre tract, N45°40'27"E a distance of 493.62 feet to said **POINT OF BEGINNING** of the tract described herein, and containing 1.5295 acres (66,624 square feet).

Basis of bearings is the Texas Coordinate System of 1983, Central Zone 4203 (NAD83/2011). All coordinates and distances shown hereon are surface and may be converted to grid by using the surface adjustment factor of 1.00012. Units: U.S. Survey Feet.

This survey was prepared without the benefit of a title commitment. Easements or other matters of record may exist where none are shown.

These property descriptions are accompanied by a parcel plat of even date.

I, Dan Clark, Registered Professional Land Surveyor, hereby certify that this legal description and the accompanying parcel plat of even date represent an actual survey made on the ground under my supervision.

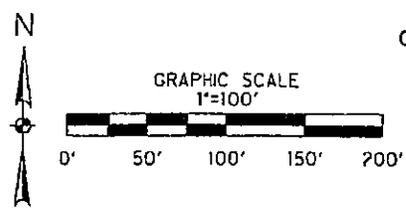


Dan Clark, R.P.L.S.
Texas Registered Professional Land Surveyor No. 6011
Halff Associates, Inc.,
TBPLS Firm No. 10029607
4030 West Braker Lane, Suite 410
Austin, Texas 78759, 512-777-4600

9/30/2016
Date



CHARLES H. RIDDLE SURVEY ABST. 676



LEGEND

- 1/2-INCH IRON ROD WITH CAP STAMPED "HALFF" SET
- ⊙ 5/8-INCH IRON ROD WITH ALUMINUM CAP MARKED "TX DEPT OF TRANSPORTATION PROPERTY CORNER" SET
- ⊠ 5/8-INCH IRON ROD WITH ALUMINUM CAP MARKED "TX DEPT OF TRANSPORTATION PROPERTY CORNER" FOUND (UNLESS NOTED)
- 1/2" IRON ROD FOUND -UNLESS NOTED
- ▲ TYPE I CONCRETE MONUMENT FOUND
- ▲ SET PK NAIL WITH SHINER STAMPED "HALFF ASSOC. INC."
- () RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- D.R.T.C.T. DEED RECORDS OF TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- ℓ PROPERTY LINE

LINE	BEARING	DISTANCE
L1	S00°26'15"E	73.68'
L2	S82°47'18"W	22.24'
L3	N44°38'32"W	49.54'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	DISTANCE
C1	48°18'45"	140.00'	118.05'	S58°37'55"W	114.58'

NOTES

1. BASIS OF BEARINGS IS THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE 4203 (NAD 83/2011). ALL COORDINATE AND DISTANCES SHOWN HEREON ARE SURFACE AND MAY BE CONVERTED TO GRID BY USING THE SURFACE ADJUSTMENT FACTOR OF 1.00012. UNITS: U.S. SURVEY FEET.
2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS OR OTHER MATTERS OF RECORD MAY EXIST WHERE NONE ARE SHOWN.

I, Dan H. Clark, Registered Professional Land Surveyor, hereby certify that this parcel plat and accompanying legal description of even date represent an actual survey made on the ground under my supervision.

[Signature] 9/30/2016
 DAN H. CLARK
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS NUMBER 6011
 TBPLS FIRM NO. 10025807



P.O.B.
1/2" IRON ROD
X=3,098,951.10
Y=10,059,705.16

LOOP 343
A.K.A. SOUTH LAMAR BLVD
STATE OF TEXAS
VARYING WIDTH R.O.W.
C.S.J. NO. 113-13210

LOT 1
BARTON MARKET SQUARE
VOL. 71, PG. 41
P.R.T.C.T.

LOT 4
BARTON MARKET SQUARE
SECTION THREE
VOL. 76, PG. 325
P.R.T.C.T.

TRACT 4
1.5295 AC.
66,624 SQ. FT.

STATE OF TEXAS
(6,792 ACRES)
VOL. 3250, PG. 2116
D.R.T.C.T.

SPECIAL WARRANTY DEED
ROBERT CLINTON STRAIT
DOC. NO. 2001175691
O.P.R.T.C.T.

REMAINDER OF
LOT 2
BARTON MARKET SQUARE
VOL. 71, PAGE 41
P.R.T.C.T.

JUDGMENT NUNC PRO TUNC
STATE OF TEXAS
(0.035 ACRES)
VOL. 11860, PG. 936
R.P.R.T.C.T.

HALFF

4002 NORTH BRANDED LANE #416
AUSTIN, TEXAS 78758-8354
TBPLS FIRM NO. 10025807
TEL: (512) 771-4800
FAX: (512) 524-4151

PANEL NO.	STATE	COUNTY	SECTION	RANGE	TOWNSHIP	PLAT NO.
14	TEXAS	TRAVIS	0113	13	160	4