

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-7
AGENDA DATE: Thu 02/16/2006
PAGE: 1 of 1**

SUBJECT: C814-05-0213 - Loop 1 at U.S. Highway 290 West PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5009 U.S. Highway 290 West (Tract 1) and 4929 Davis Lane & 5000 W. Slaughter Lane from community commercial (GR) district zoning and rural residence (RR) district zoning for Tract 1; community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2, to planned unit development (PUD) district zoning for Tracts 1 and 2. These properties, located within the Barton Springs Zone, have been proposed for a zoning change; the change will result in an amendment to the application of Chapter 25-8, Article 12, (Save our Springs Initiative) to the properties. Planning Commission Recommendation: To grant planned unit development (PUD) district zoning. Zoning and Platting Commission Recommendation: To be considered on February 14, 2006. Applicant: Wilmington Trust #2133 c/o Wal-Mart Stores, Inc.; S.R. Ridge Limited Partnership. Agent: Armbrust & Brown (Richard Suttle, Jr.). City Staff: Jerry Rusthoven, 974-3207.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C814-05-0213

P.C. DATE: February 14, 2005

ZAP DATE February 7, 2005

ADDRESS: Tract 1: 5009 US 290 West

Tract 2: 4929 Davis Ln & 5000 W Slaughter Ln

OWNERS: Wilmington Trust # 2133 c/o Wal-Mart Stores, Inc (Richard Suttle.)
S.R. Ridge Limited Partnership (Mark Aflatooni)

APPLICANT/AGENT: Armbrust & Brown, L.L.P. (Richard Suttle, Jr.)

ZONING FROM: Tract 1: GR & RR Tract 2: GR-CO **TO:** PUD for both tracts

These properties, located in the Barton Springs Zone, have been proposed for a zoning change; the change will result in an amendment to application of Chapter 25-8, Article 12 (Save Our Springs Initiative) to the properties.

AREA: Tract 1: 20.67 Acres Tract 2: 34.17 Acres

SUMMARY PC RECOMMENDATION:

To be heard February 14, 2005

SUMMARY ZAP RECOMMENDATION:

Approve PUD with conditions recommended by staff.

SUMMARY ENVIRONMENTAL BOARD RECOMMENDATION:

Recommended approval on a vote of 6-1 conditional upon applicant upgrading of pond on Tract 1 to SOS standards using bio-remediation. The applicant agreed to investigate the feasibility of the Board's recommendation. Dissenting vote by John Dupnik because he thought the project should be approved as per staff recommendation without additional conditions. An attached letter from the SOS Alliance acknowledges that bio-remediation ponds built to SOS standards are not feasible on Tract 1 due to physical constraints.

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of PUD (Planned Unit Development) zoning on Tracts 1 & 2 with conditions recommended by Environmental staff in a memo to the Environmental Board..

DEPARTMENT COMMENTS:

The subject rezoning is a request to permit the expansion of the existing Wal-Mart store at US 290W & Mo-Pac (Loop 1) by 60,500 square feet. The store would become a Super Wal-Mart that also sells groceries. The existing store was built under site development permit SP-

93-0039B and is 125,141 sq ft. with a 8,587 sq ft fenced outdoor garden area. The site was not subject to the SOS ordinance. The existing site plan allows for an expansion of 30,000 sq ft. This application would allow for an additional 35,500 sq ft of development for a total of 190,637 sq ft. The new development will occur over existing impervious cover. The addition of grass medians in the parking lot will actually result in a decrease in impervious cover from 66.08% to 64.79%. To accommodate the additional parking that will be required with the new development the parking lot will be converted to 90 degree spaces that are six inches shallower than standard. The applicant is also proposing to reconfigure the driveways on the EB US 290W frontage road to eliminate an unsafe driveway. In addition the applicant will retrofit the existing ponds on the site to capture an additional quarter inch of runoff and to allow a more natural flow at the release point of the pond. The applicant will also adhere to the Grow Green program and an integrated pest management plan. They are also investigating the possibility of a rainwater collection system.

On Tract 2 there are both an existing approved site plan for 209,943 sq ft of development and a settlement agreement that allows 65% of impervious cover. The Deer Park at Maple Run Commercial site plan contains a 180,000 sq ft big box store, a second retail/restaurant site and a large pond structure on Davis Lane. Under the proposed PUD the site will be subject to the rules in effect on December 22, 2005, including the SOS ordinance which limits impervious cover to 15%. The approved site plan allows 43% impervious cover. Under the proposed PUD development would be limited to 45,000 sq ft. In addition an undisturbed area shown on the land plan will provide protection to 2 significant critical environmental features on the site, Big Oak Cave and Baby Fox Cave. Development will be clustered to the southern portion of the tract. Traffic on Tract 2 will be reduced under this application by over 9,000 trips per day.

In summary staff supports this application because on Tract 1 the additional building square footage will be built over existing impervious cover, the ponds will be improved, a dangerous driveway will be eliminated and the additional traffic a negligible 347 trips per day. On Tract 2 the City will benefit by the upgrade of Tract 2 up to current environmental regulations, greater protection for 2 caves, and a reduction of traffic by over 9,000 trips per day.

NEIGHBORHOOD PLAN AREA: **TIA:** N/A
Oak Hill Area Neighborhood Plan

WATERSHED: Williamson Ck/ Barton Springs Recharge Zone

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** No

NEIGHBORHOOD ORGANIZATIONS:

Oak Hill Assoc Neigh (Tract 1 is in the Oak Hill Neigh Plan area)

Deer Pk at Maple Run NA

Circle C NA

SOS

Save Barton Ck

RELATED CASES: SP-03-0243C, SP-93-0039B

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
US 290W	Varies	Varies	Freeway
Loop 1	Varies	Varies	Freeway
Slaughter	Varies	Varies	Arterial
Davis Ln	Varies	Varies	Arterial

CITY COUNCIL DATE: Febuary 16, 2005

ACTION:

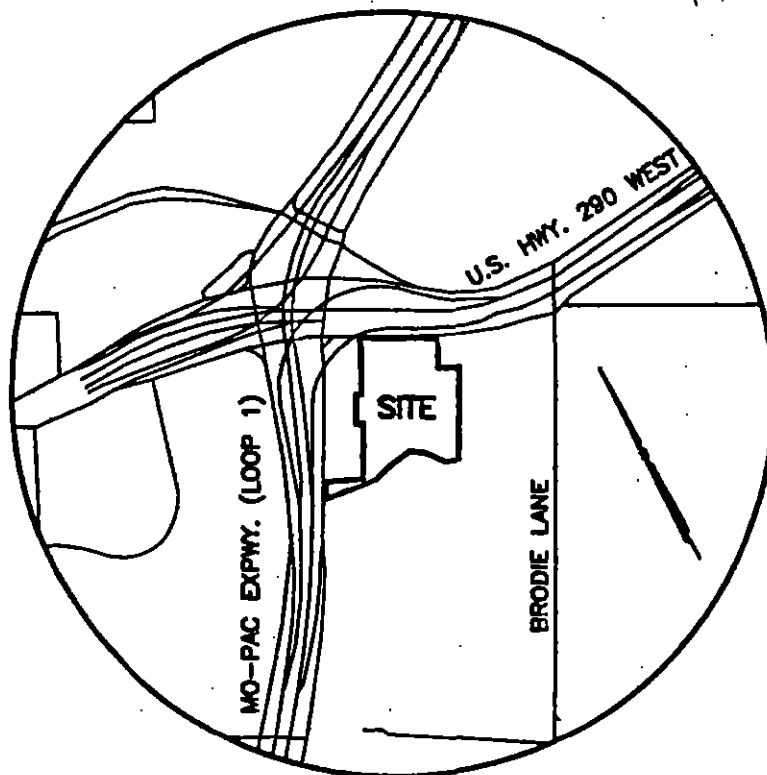
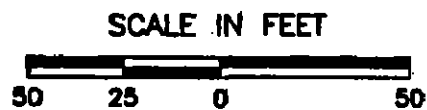
ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Jerry Rusthoven, NPZD

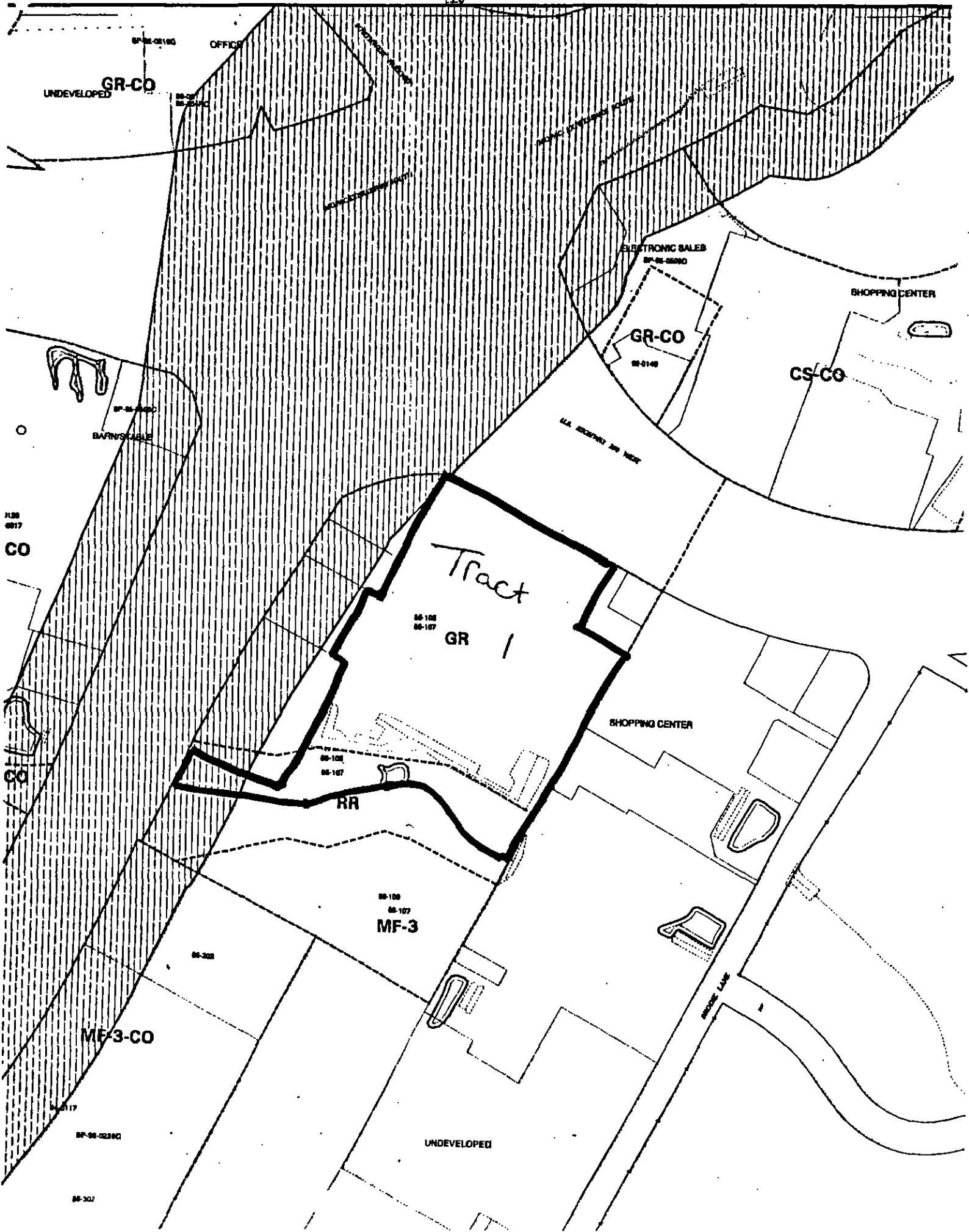
PHONE: 974-3207

E-MAIL: jerry.rusthoven@ci.austin.tx.us



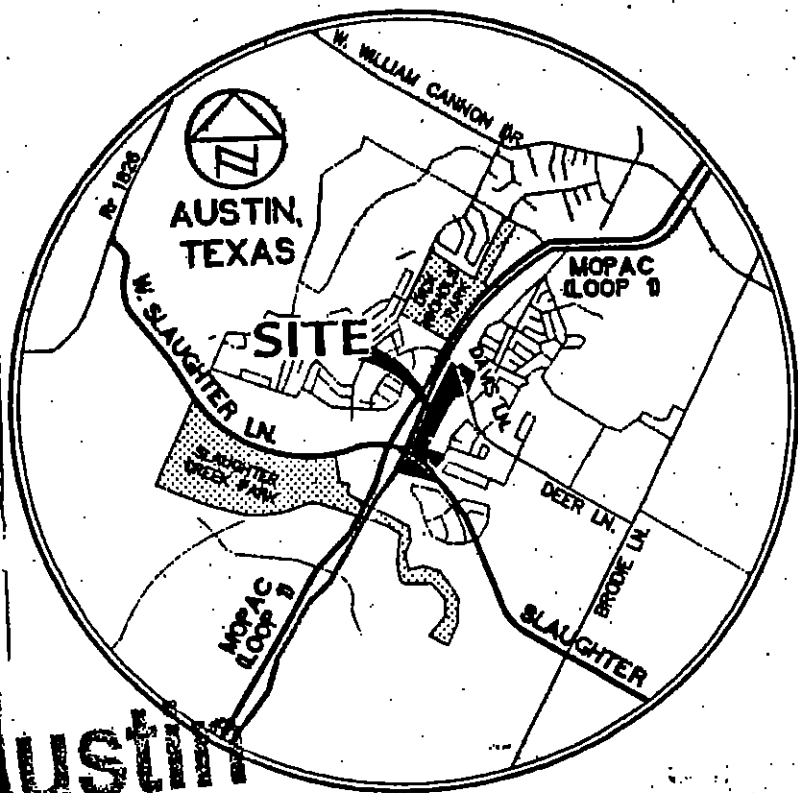
LOCATION MAP
(NOT TO SCALE)

tract 1



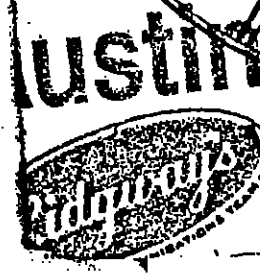
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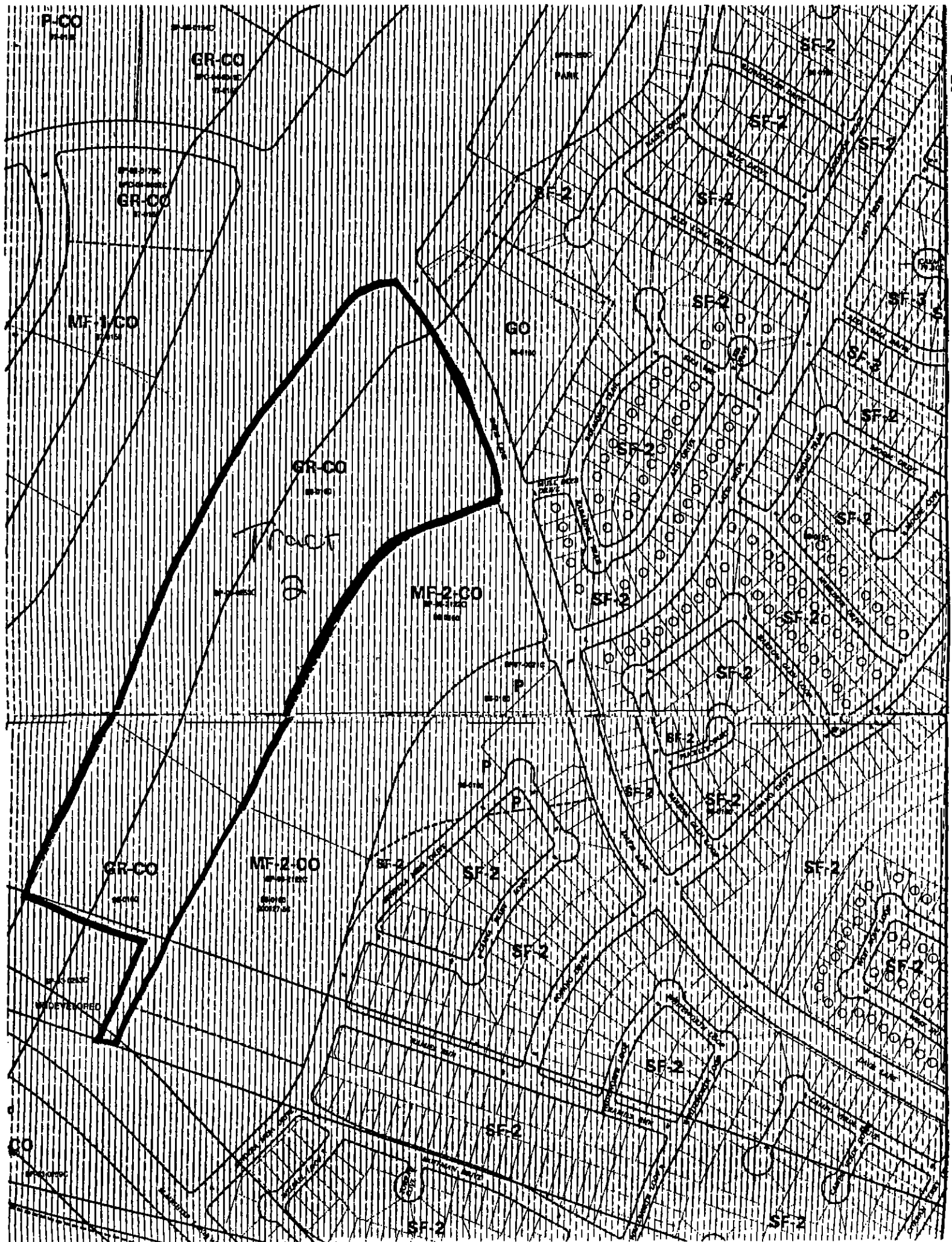
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VICINITY MAP
N.T.S.

Tract 2



STAFF RECOMMENDATION

Recommend approval of the PUD.

BASIS FOR RECOMMENDATION

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

- Planned unit development (PUD) district is the designation for a large or complex single or multi-use development that is planned as a single contiguous project and that is under unified control.
- The purpose of a PUD district designation is to preserve the natural environment, encourage high quality development and innovative design, and ensure adequate public facilities and services for development within a PUD-NP.

The proposed change to the existing PUD is consistent with the purpose statement of the district sought.

2. Zoning changes should promote compatibility with adjacent and nearby uses.

The proposed uses are compatible with adjacent and nearby uses.

EXISTING CONDITIONS

The subject properties are an existing Wall-Mart Store and a vacant tract.

Environmental - ELIZABETH JOHNSTON 974-3428
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1/5/06

EV 1. Please provide an exhibit for tract 2 (staff recognizes that tract 2 has an approved site plan, but exhibit(s) including topography, CEF's etc. will need to be included in staff report).

EV 2. Provide environmental assessments for both tracts.

EV 3. Provide letter that lists environmental exceptions (variances) that are requested to be included in the PUD Ordinance. In addition to listing the requested exceptions, the letter should provide a comparison of the exceptions with the

environmental benefits that would be provided by the proposed planned unit development (the PUD must demonstrate superiority, from an environmental standpoint, to conventional development).

EV 4. Provide net site area and impervious cover table (Q-1, Q-2) for both tracts.

EV 5. Additional information will likely be requested prior to the public hearing process.

Site Plan - NIKKI HOELTER 974-2863

SP1. No site plan comments.

Transportation - AMY LINK 974-2628

A traffic impact analysis was not required for this case for the following reasons:

- Tract 1 will increase the size of the structure from 155,137sf to 190,637sf, resulting in a net trip generation increase of 347 trips per day. The building addition will not exceed the existing trip generation by more than 2,000 trips, so a TIA is not required.
- Tract 2 will decrease the size of the development from 209,943sf to 45,000sf. The proposed square footage will generate far less trips than that of the approved site development. Therefore, a new TIA is not required. [LDC, 25-6-113]

All parking must be provided in accordance with design and construction standards of the Transportation Criteria Manual. LDC, 25-6-563; TCM, Table 9-1. Staff can support the request to reduce the parking stall depth to 18 feet with the condition that the stall width is increased to 9.5 feet. This will compensate for the reduced stall depth.

WWW - PAUL URBANEK 974-3017

Description

WW 1. The site is served with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or

utility adjustment are required, the landowner at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

The landowner must pay the tap and impact fee once the landowner makes an application for a City water and wastewater utility tap permit.

Water Quality - KEVIN SELFRIDGE, P.E. 974-2706

**THESE COMMENTS WILL BE ADDRESSED AT TIME OF SITE PLAN
January 5, 2005**

Release of this application does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy and adequacy of his/her submittal, whether or not the application is reviewed for Code compliance by City engineers.

The proposed P.U.D. development is located in the Williamson Creek watershed, a suburban watershed. The project is Barton Springs / Edwards Aquifer Recharge Zone. Applicant is proposing to meet requirements of rules in effect on December 22, 2005.

WQ 1. Provide contour call-outs for the PUD Land Use Plan exhibit which was submitted.

WQ 2.. Other than limits on impervious cover, please arrange to meet with this reviewer regarding PUD alternatives / commitments for providing superior water quality treatment per LDC 25-8-211 and two-year stream bank erosion protection per LDC 25-7-61.

WQ 3. Provide preliminary Q1 & Q2 tables for this proposed project.

DC 1. Please add contour call-outs to exhibit.

DC 2. What can you offer to provide superior detention?

- For example, reducing stormrunoff in the proposed condition by an amount greater than 10% below existing per DCM 1.2.2.D and 8.3.2.B. would be considered a superior alternative.

ADDITIONAL COMMENTS MAY BE GENERATED PENDING UPDATED INFORMATION.



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: February 1, 2006

NAME & NUMBER OF PROJECT: Loop 1 at US 290 West PUD/ C814-05-0213

NAME OF APPLICANT OR ORGANIZATION: Wilmington Trust c/o Walmart
2001 S. E. 10th Street, Bentonville, AK 72712

LOCATION: Loop 1 at US 290 West

PROJECT FILING DATE: 12/22/05

WPDR/ENVIRONMENTAL STAFF: Elizabeth Johnston, 974-3428
elizabeth.johnston@ci.austin.tx.us

WPDR/ CASE MANAGER: Gerald Rusthoven, 974-3207
jerry.rusthoven@ci.austin.tx.us

WATERSHED: Williamson Creek (Barton Springs Zone)
Drinking Water Protection Zone

ORDINANCE: Proposed Loop 1 at US 290 West PUD

REQUEST: Requests exceptions to SOS and certain watershed and LDC requirements:

1. 25-8-514(A) & (B), an amendment to exceed impervious cover requirements, to not meet SOS water quality standards, and to allow the construction of water quality facilities within a critical water quality zone,
2. 25-8-452, to allow construction of water quality facilities and detention facilities within a critical water quality zone in the Barton Springs Zone, and
3. 25-8-453(A), to allow construction within a water quality transition zone in the Barton Springs Zone.

STAFF RECOMMENDATION: Recommended with conditions



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Zoning and Platting Commission

FROM: Elizabeth Johnston, Environmental Reviewer
Watershed Protection and Development Review Department

DATE: 01/31/06

SUBJECT: Loop 1 at US 290 West PUD/ C814-05-0213

Description of PUD

The proposed PUD consists of two tracts: Tract 1, located at the south east intersection of Loop 1 and US 290 West, and Tract 2, located along the eastern frontage of Loop 1 between Davis Lane and Slaughter Lane. Both tracts lie within the Barton Springs Zone and are located over the Edwards Aquifer Recharge Zone.

Tract 1 consists of a previously developed site containing a Wal-Mart retail store and its associated parking and water quality and detention ponds. The current proposal is to allow Tract 1 to redevelop and thereby allow the existing building to expand to a size larger than what is allowable under the current site plan and to renovate the associated parking lot, landscaping and water quality and detention ponds.

Tract 2 is currently undeveloped and contains a significant number of class I trees, particularly oaks, some of which are protected size. Per a settlement agreement, Tract 2 is currently not subject to SOS water quality standards and is allowed 65% impervious cover. An approved site plan (Deer Park at Maple Run Commercial) was approved in 2004 for this site, which proposes approximately 43% impervious cover, as well as a large detention pond along Davis Lane. The current proposal is to limit development on Tract 2 to meet current code, thereby requiring development to meet SOS water quality standards and allowing no more than 15 % impervious cover. The proposed development would also cluster the development towards the southern portion of the site, thereby minimizing encroachment into the most significant critical environmental features on the site (see below for a description of the CEFs).

Critical Environmental Features

Tract 2 contains three critical environmental features. Two caves, known as Big Oak Cave and Baby Fox Cave are located just south of Davis lane, and a sink is located on the southern portion of the site. No known CEF's are located on Tract 1.

Requests for amendments to the PUD from the Land Development Code – Environmental Issues

1. 25-8-514(A) & (B, an amendment to exceed impervious cover requirements, to not meet SOS water quality standards, and to allow the construction of water quality facilities within a critical water quality zone.

Recommended by staff – Tract 1 is already fully constructed under a 1993 site plan and therefore does not currently meet SOS standards. The applicant does not propose to exceed the existing amount of impervious cover, but wishes instead to expand the existing building more than the existing site plan allows, to renovate the parking lot, to increase capture the water quality pond and to renovate the outlet structure of the water quality and detention pond to provide a more natural sheet flow condition.

2. 25-8-452, to allow construction of water quality facilities and detention facilities within a critical water quality zone in the Barton Springs Zone.

Recommended by staff – The existing water quality and detention ponds outfall directly into the Critical Water Quality Zone of an adjacent creek. The proposed variance is to allow the construction of spreaders downstream of the outlet to ensure that the treated water enters the creek in a more natural sheet flow condition.

3. 25-8-453(A), to allow construction within a water quality transition zone in the Barton Springs Zone

Recommended by staff – The proposed variance is required to allow the development that already exists on Tract 1 and to allow the proposed redevelopment of the building, parking and pond facilities on the site.

Conditions

- All future development on Tract 2 will meet current code, including all requirements of SOS at the time of the PUD submittal date,
- The current approved site plan for Tract 2 will not be constructed,
- The proposed redevelopment of Tract 1 will not exceed the existing amount of impervious cover,
- Tract 1 will adhere to an IPM plan,
- Landscaping on both tracts will follow the Grow Green Guide for Native and Adaptive Plants,

- Any trees that can not be transplanted on Tract 1 will be replaced with trees of at least 6" caliper,
- The existing water quality pond on Tract 1 will be renovated to capture an additional quarter-inch of run-off,
- Rainwater harvesting will be installed on Tract 1, if possible, and
- Applicant will work with City Staff to improve the outlets of the existing water quality and detention ponds so that treated water will flow into the adjacent creek in a more natural manner.

If you have any questions or need additional information, please contact Elizabeth Johnston – 974-3428 / elizabeth.johnston@ci.austin.tx.us

Environmental Lead: _____
Jennifer Mayer

Environmental Officer: _____
Patrick Murphy



ENVIRONMENTAL BOARD MOTION 020104 B3

Date: February 01, 2006

Subject: Loop 1 at U. S. 290 West PUD / C814-05-0213

Motioned By: Karin Ascot

Seconded By: Dr. Mary Gay Maxwell

Recommendation:

The Environmental Board recommends approval with conditions.

Requests exceptions to SOS and certain watershed and LDC requirements: 1) Section 25-8-514 (A) & (B), an amendment to exceed impervious cover requirements of the Save Our Springs Ordinance and to not meet SOS water quality standards, and to allow the construction of water quality facilities within critical water quality zone. 2) Section 25-8-452, to allow construction of water quality facilities and detention facilities within a critical water quality zone in the Barton Springs Zone, 3) Section 25-8-453 (A) to allow construction within a water quality transition zone in the Barton Springs Zone.

Staff Conditions:

- All future development on Tract 2 will meet current code, including all requirements of SOS at the time of the PUD submittal date
- The current approved site plan for Tract 2 will not be constructed
- The proposed redevelopment of Tract 1 will not exceed the existing amount of impervious cover,
- Tract 1 will adhere to an IPM plan,
- Landscaping on both tracts will follow the Grow Green guide for Native and Adaptive Plants,
- Any trees that can not be transplanted on Tract 1 will be replaced with trees of at least 6: caliper,
- The existing water quality pond on tract 1 will be renovated to capture an additional quarter-inch of run-off
- Rainwater harvesting will be installed on Tract1, if possible, and,
- Applicant will work with City Staff to improve the outlets of the existing water quality and detention ponds so that treated water will flow into the adjacent creek in a more natural manner.

- Plus applicant agrees to provide at least a minimum of 12 warranty period for transplanted, trees and will work with staff to determine if this is sufficient,
- Also, subject to Walmart doing biomediation water quality for Tract 1 (290),
- Expect applicant to make every effort in good faith to implement rainwater harvesting on Tract 1.

Rationale:

Tract 2 is extremely sensitie and would benefit for the propetins offered (Large portions remaining undeveloped) through conservation easement or conveyance of title to conservation entity. This deal would provide said benefit.

Vote: 6-1-0-2

For: Moncada, Ahart, Anderson, Ascot, Maxwell and Curra

Against: Dupnik requested dissenting opinion.

Abstain: None

Absent: Gilani, and Jenkins

Approved By:

**Dave Anderson, PE, CFM
Chair**



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February 7, 2006

Members of the Environmental Board
City of Austin

Re: Proposed zoning for two Wal Mart tracts

Dear Environmental Board members:

At the last Environmental Board meeting, you considered and made recommendations regarding the proposed PUD rezoning of two Wal Mart tracts. I relayed information to you from Lauren Ross to the effect that the Highway 290 Wal Mart store could be retrofitted with bio-remediation ponds that could meet the SOS Ordinance standards for water quality controls. Pat Murphy disagreed and represented that City staff had looked at the site and concluded that no water quality ponds meeting SOS Ordinance standards could be retrofitted onto the site within the development proposed by Wal Mart pursuant to the PUD.

Richard Suttle, on behalf of Wal Mart, has since met with Lauren Ross and she has had the opportunity to study the site in more detail. It is my understanding that Lauren Ross is now of the opinion that bio-remediation or bio-retention ponds cannot be retrofitted onto that site within the space allocated by Wal Mart's development plans. In other words, Pat Murphy and City staff were correct in their statements and analysis.

I apologize for any false hope my statements may have created. Without significantly altering their development plans on the Highway 290 site, Wal Mart will continue to discharge significant levels of pollutants into a Williamson Creek tributary in the Barton Springs recharge zone.

Sincerely,
Brad Rockwell
Brad Rockwell

cc: Pat Murphy
Jerry Rusthoven
Sandra Frazier

Doucet & Associates, Inc.
Consulting Engineers

7401 B Highway 71 West
Suite 160 • Austin, TX 78735
p 512.583.2600
f 512.583.2601

December 22, 2005

Mr. Greg Guernsey
Acting Director, Neighborhood Planning and Development
Po Box 1088
Austin, Texas 78767

Dear Mr. Guernsey,

Please accept the following submittal for rezoning of the 20.67 acre Wal-Mart tract at the southeast corner of Loop 1 and US 290 currently zoned GR and RR; and 34.73 acres at the southeast corner of Loop 1 and Davis Lane currently zoned GR-CO to PUD. The proposed Loop 1 @ US 290 PUD is intended to allow additional building area on an existing site (Tract 1) without increasing the impervious cover, while reducing the allowable building area and impervious cover on a nearby site (Tract 2.) Both sites are located within the Williamson Creek watershed and the Edwards Aquifer Recharge Zone.

Tract 1 has existing development, and upgrades to existing roadways and utilities will not be necessary to serve the additional building area. Additionally, Tract 1 will not require additional impervious cover, and enhanced water quality measures to capture and treat an additional quarter inch of runoff from the Wal-Mart site will be added as part of the PUD development plan. As shown on the attached TIA waiver documents, the building expansion and subsequent use change will generate well under the 1000-trip per day threshold.

Tract 2 is undeveloped and contains several Critical Environmental Features, and development under the approved site development plans (SP-03-0253C) for this tract would have a greater impact than the additional development planned for Tract 1. The PUD will eliminate the "grandfathered" status of the site and bring it up to the current City LDC requirements; reducing the need for public services and significantly reducing the allowable impervious cover on Tract 2, from the nearly 50% currently permitted to a maximum 15%, and segregating the impervious cover away from the largest and most sensitive CEF's to further prevent aquifer degradation. Additionally the 15% impervious cover limit will effectively reduce the total building square footage that could be developed, from 209,943 SF to 45,000 SF; which in turn would lower the trip generation numbers from the current 19,845 trips per day as the overall site currently permitted by more than 9,000 trips.

The Proposed site development regulations for the PUD would be different for each tract. Tract 1 would continue all regulations currently governing the site, with the exception of

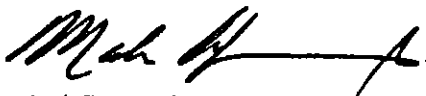


a half foot reduction to the parking space depth for ninety degree spaces. Without this reduction, the building expansion could still be accomplished without increasing the net impervious cover on the site. This reduction would simply allow additional pervious area to be gained, giving the site a net reduction in impervious cover after the expansion. There would be no change in the methods used to provide utility services to this tract – but demand would increase to 5,200 gpd domestic water, 6,200 gpd irrigation water and 4,680 gpd sewer load. An additional quarter inch of capture volume will be added to the capacity of the eastern water quality pond.

Tract 2 would be governed by the current City of Austin LDC – more specifically, any development on Tract 2 would have to comply with the SOS ordinance. Utility demand would be reduced to approximately 2,400 gpd domestic water, 4,400 gpd irrigation water and 2,160 gpd sewer load. There would be no significant change in the method to provide utility services from what is currently permitted.

Looking at the proposed changes to the tracts relative to what currently exists or is permitted, a PUD zoning district designation for these two tracts is appropriate as per the ordinance requirements for the PUD district, which state that a PUD ‘...is to preserve the natural environment, encourage high quality development and innovative design, and ensure adequate public facilities and services for development within a PUD.’ (Sec. 25-2-144 (B)).

Respectfully submitted,



Mark Aflatooni
Project Planner



Lynn Ann Carley
On behalf of Richard T. Suttle