

A U S T I N C I T Y C O U N C I L
AGENDA

Thursday, May 4, 2006

 Back

#34

**Zoning Ordinances/Restrictive Covenants
RECOMMENDATION FOR COUNCIL ACTION**

Subject: C814-05-0213 - Loop 1 at U.S. Highway 290 West PUD - Approve second/third readings of 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. First reading approved on February 16, 2006. Vote: 7-0. 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.

Additional Backup Material

(click to open)

 [Staff Report](#)**For More Information:**

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C814-05-0213 -- Tract 1: 5009 US 290 West; Tract 2: 4929 Davis Ln & 5000 W Slaughter Ln

REQUEST:

C814-05-0213 -- Tract 1: 5009 US 290 West; Tract 2: 4929 Davis Ln & 5000 W Slaughter Ln - Approve second/third readings of 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. First reading approved on February 16, 2006. Vote: 7-0. 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.

PROPERTY OWNER: Wilmington Trust #2133 c/o Wal-Mart Stores, Inc.; S.R. Ridge Limited Partnership.

AGENT: Armbrust & Brown (Richard Suttle, Jr.)

DATE OF FIRST READING/VOTE: February 16, 2006. Vote: 7-0

CITY COUNCIL DATE: April 27, 2006

SUMMARY 1st READING ACTION:

February 16, 2006:

Z-7 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 grant planned unit development (PUD) district zoning. 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. The first reading of the ordinance for planned unit development (PUD) district zoning was approved.

ASSIGNED STAFF: Jerry Rusthoven, NPZD

PHONE: 974-3207

E-MAIL: Jerry.Rusthoven@ci.austin.tx.us

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:

Approve PUD with conditions recommended by staff.

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

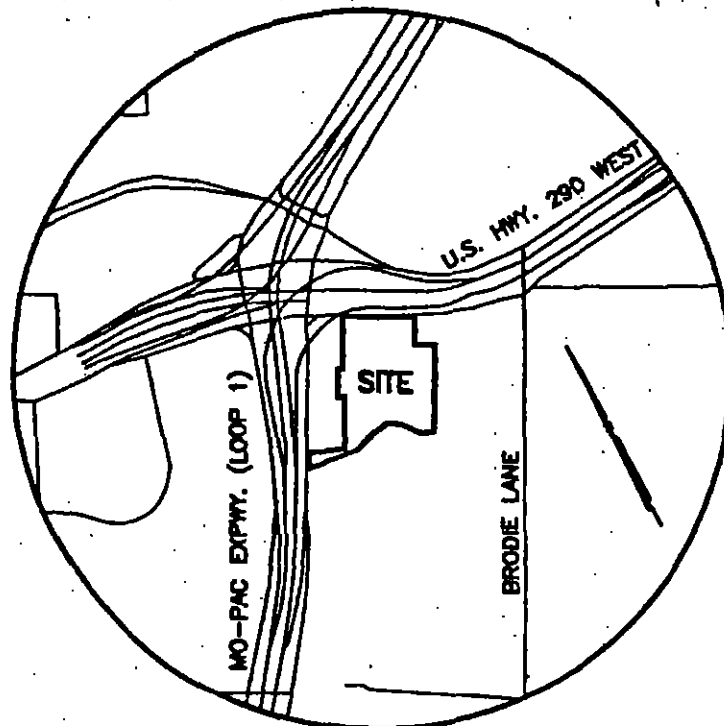
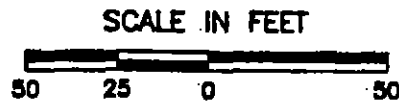
RELATED CASES: SP-03-0243C, SP-93-0039B**ABUTTING STREETS:**

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: February 16, 2005**ACTION:**

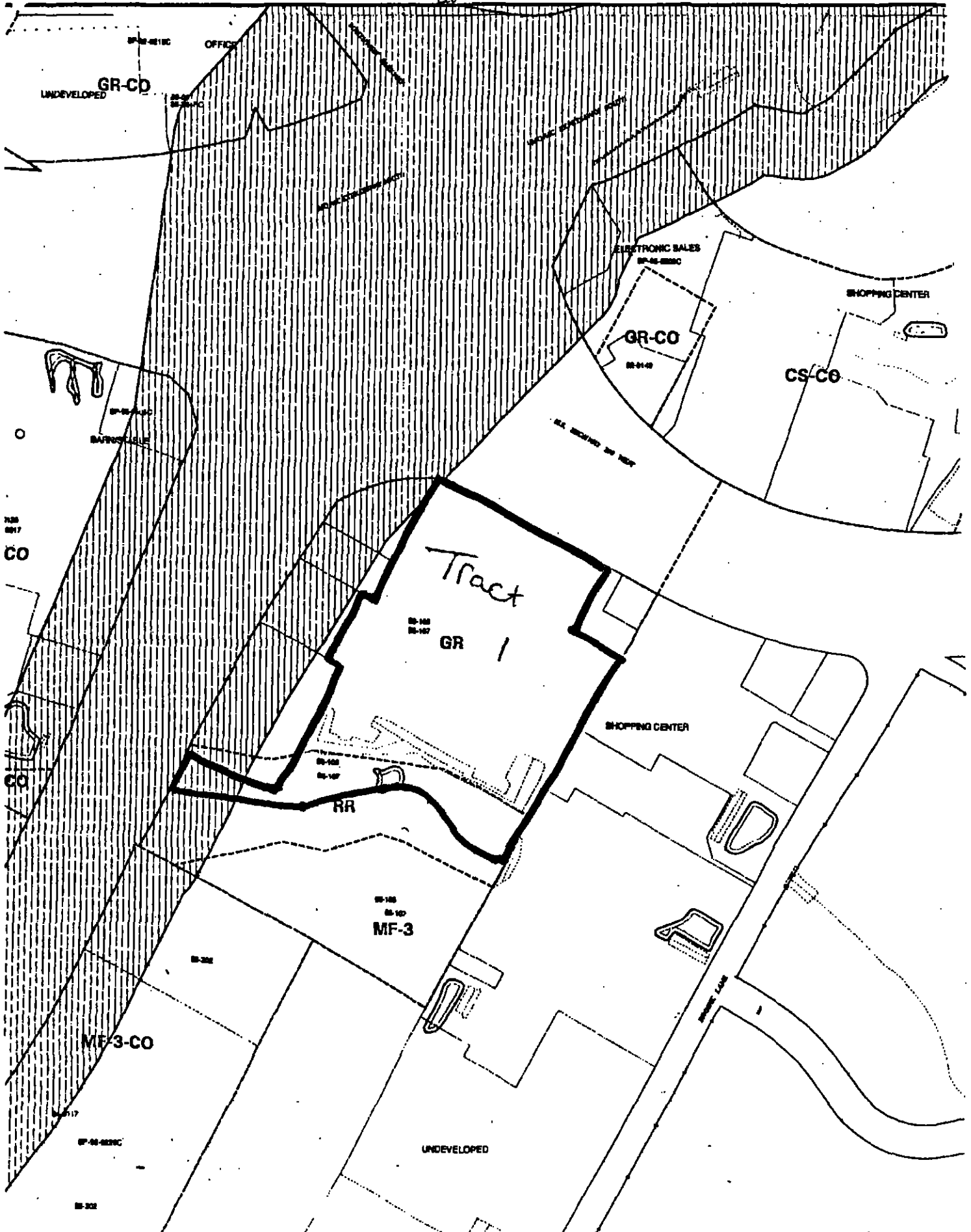
The first reading of the ordinance for planned unit development (PUD) district zoning was approved.

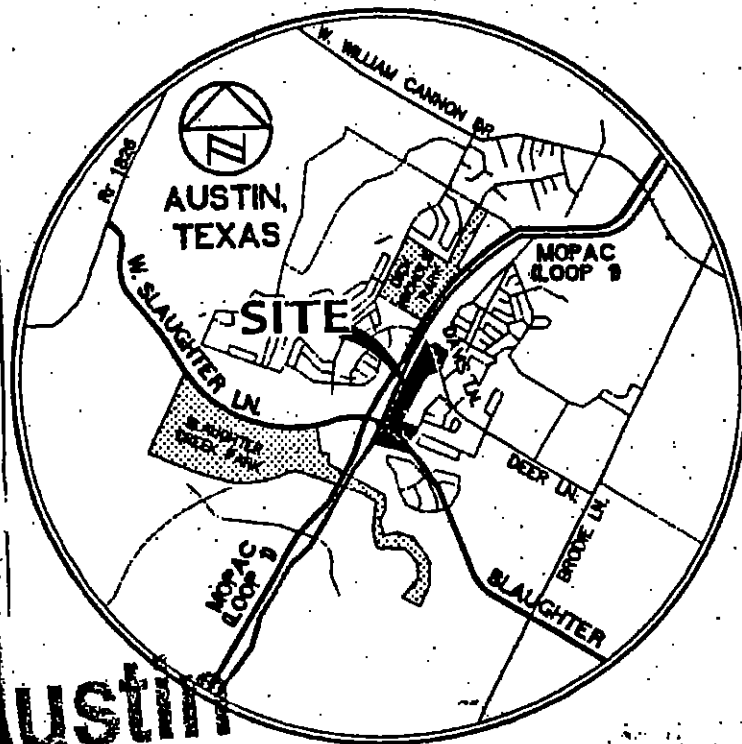
ORDINANCE READINGS: 1st February 16, 2006 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Jerry Rusthoven, NPZD**PHONE:** 974-3207**E-MAIL:** jerry.rusthoven@ci.austin.tx.us



LOCATION MAP
(NOT TO SCALE)

tract 1





PROJ
CLA
100-YEAR H

SL

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N

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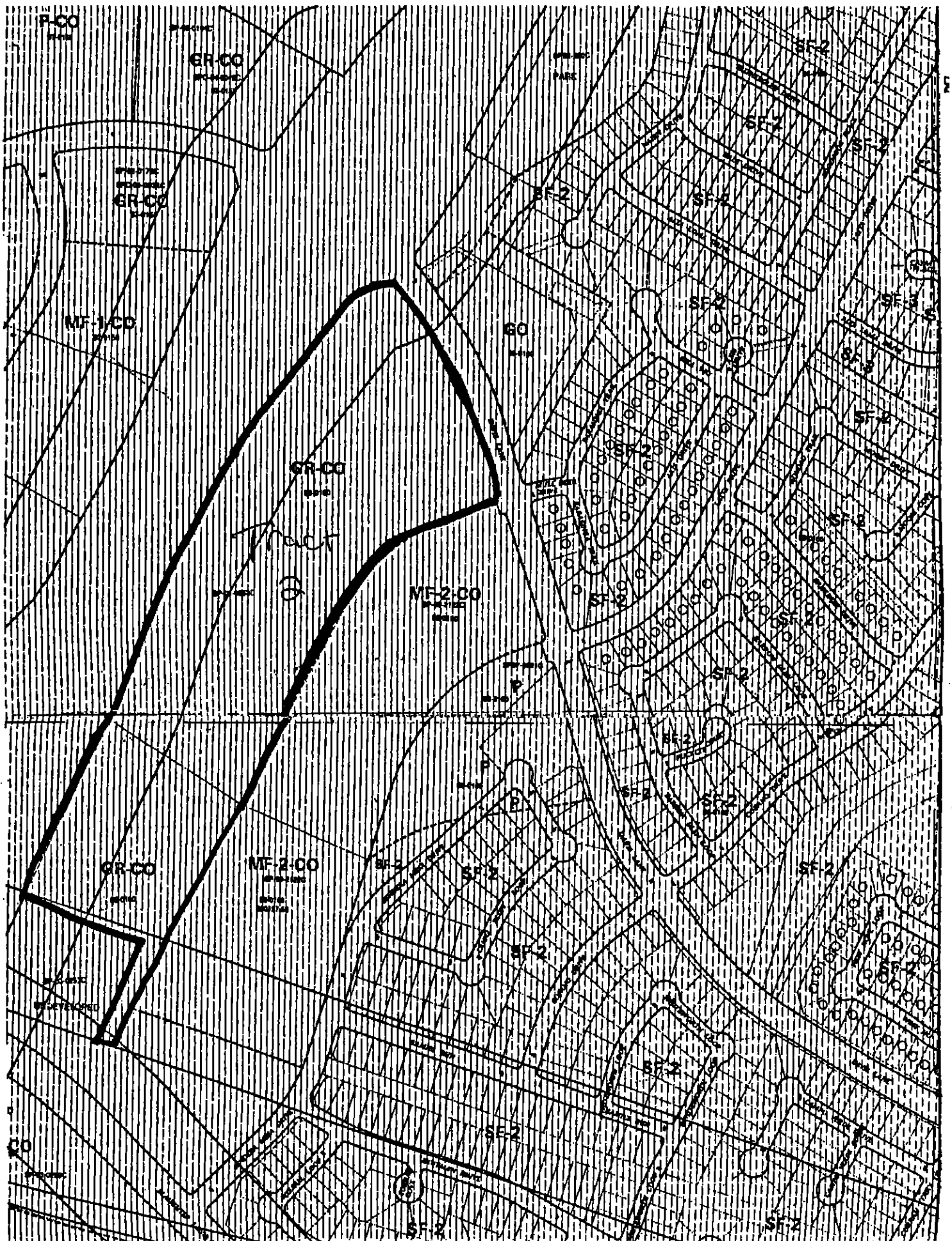
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Austin



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

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.**