

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

**AGENDA**

Thursday, June 22, 2006

#98PH

Back

**Zone Hearings/App Ordinances/Restrictive Covenants  
RECOMMENDATION FOR COUNCIL ACTION**

**Subject: C14-05-0164 - U.S. Hwy 290 East - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as U.S. Hwy. 290 East, Approximately 360 feet from its intersection with Springdale Road (Walnut Creek Watershed) from development reserve (DR) district zoning and interim rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and limited industrial services-conditional overlay (LI-CO) combining district zoning for Tract 2. Planning Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and limited industrial services-conditional overlay (LI-CO) combining district zoning for Tract 2. Applicant and Agent: David Holt. City Staff: Robert Heil, 974-2330.**

**Additional Backup Material**

(click to open)

☐ Staff Report**For More Information:**

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0164 - Watson Tract

**ZAP Date:** December 6, 2005

**ADDRESS:** US Hwy 290 E, approximately 360 feet west from its intersection with Springdale Road

**OWNER/APPLICANT:** Jimmy Nassour

**AGENT:** David Holt

**ZONING FROM:** DR and I-RR

**TO:** GR-CO and LI-CO

**AREA:** Tract 1: 1.77 acres.  
Tract 2: 2.96 acres  
Total: 4.73 acres

**SUMMARY STAFF RECOMMENDATION:**

**Tract 1:** Staff recommends approval of Community Commercial Conditional Overlay (GR-CO) combining district. The Conditional Overlay would limit the vehicle trips to less than 2000 per day.

**Tract 2:** Staff recommends approval of Light Industrial Conditional Overlay (LI-CO) combining district. The Conditional Overlay would limit the vehicle trips to less than 2000 per day.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

**December 6, 2005:** Approved GR-CO and LI-CO, as recommended by staff, on consent (9-0).

**DEPARTMENT COMMENTS:**

**The Texas Department of Transportation is currently in the process of acquiring right-of-way along U.S. Hwy 290 East. Staff recommends postponement of this case until July 27, 2006 to allow an evaluation of this process to be completed.**

Tract 1 of this lot is zoned Development Reserve (DR) and faces E US 290. Tract 2 is zoned Interim Rural Residential (I-RR) and faces Springdale Road. Both tracts are currently undeveloped.

To the south along Springdale road, there are several large vacant tracts, and tracts developed with various industrial or intense commercial uses including, a ice plant, a commercial plumbing supply business (including a large yard storing PVC and concrete

pipe), a Federal Express depot, a paint wholesaler, and a research and development site. At the intersection of Springdale Road and US Highway 290 East there are two convenience stores. One of the convenience stores is on land zoned GR-CO, the only condition being a limit of less than 2000 vehicle trips per day

The closest residentially zoned property (excepting interim zoned parcels) lies across US Hwy 290 on Samson Road, roughly 1000 feet away. This is also the closest residential use.

The property lies within the proposed LBJ Neighborhood Planning Area, which has not yet been scheduled.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	DR and I-RR	Vacant
<i>North</i>	I-RR	Vacant and Business Park
<i>South</i>	I-RR	Plumbing Warehouse
<i>East</i>	GR-CO	Convenience Store
<i>West</i>	GR-CO	Vacant and Business Park

**AREA STUDY:** The property lies within the proposed LBJ Neighborhood Planning Area, which has not yet been scheduled.

**TIA:** N/A

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS**

- LBJ Neighborhood Association
- North East Action Group
- Taking Action Inc.
- Austin Neighborhoods Council
- Austin Independent School District

**SCHOOLS: (AISD)**

Winn Elementary School

Dobie Middle School

LBJ High School

**CASE HISTORIES:**

Case	Address	Date	Action
C14-03-0054	1905 US Highway 290 East	May 23, 2003	Approved GR-CO (CO limited trips to 2000/day)
C14-97-0111	US Highway 290 East & Tuscany Way	January 22, 1998	Approved GR-CO (CO limited trips to 2000/day)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus	Bike
US 290 East	200'	2 @ 40'	Arterial	No	# 75	No
Springdale Road	84'	65'	Arterial	No	No	#63

**CITY COUNCIL DATE:    ACTION:**

February 2, 2006

Postponed to 6/8/06 at the request of staff.

June 8, 2006

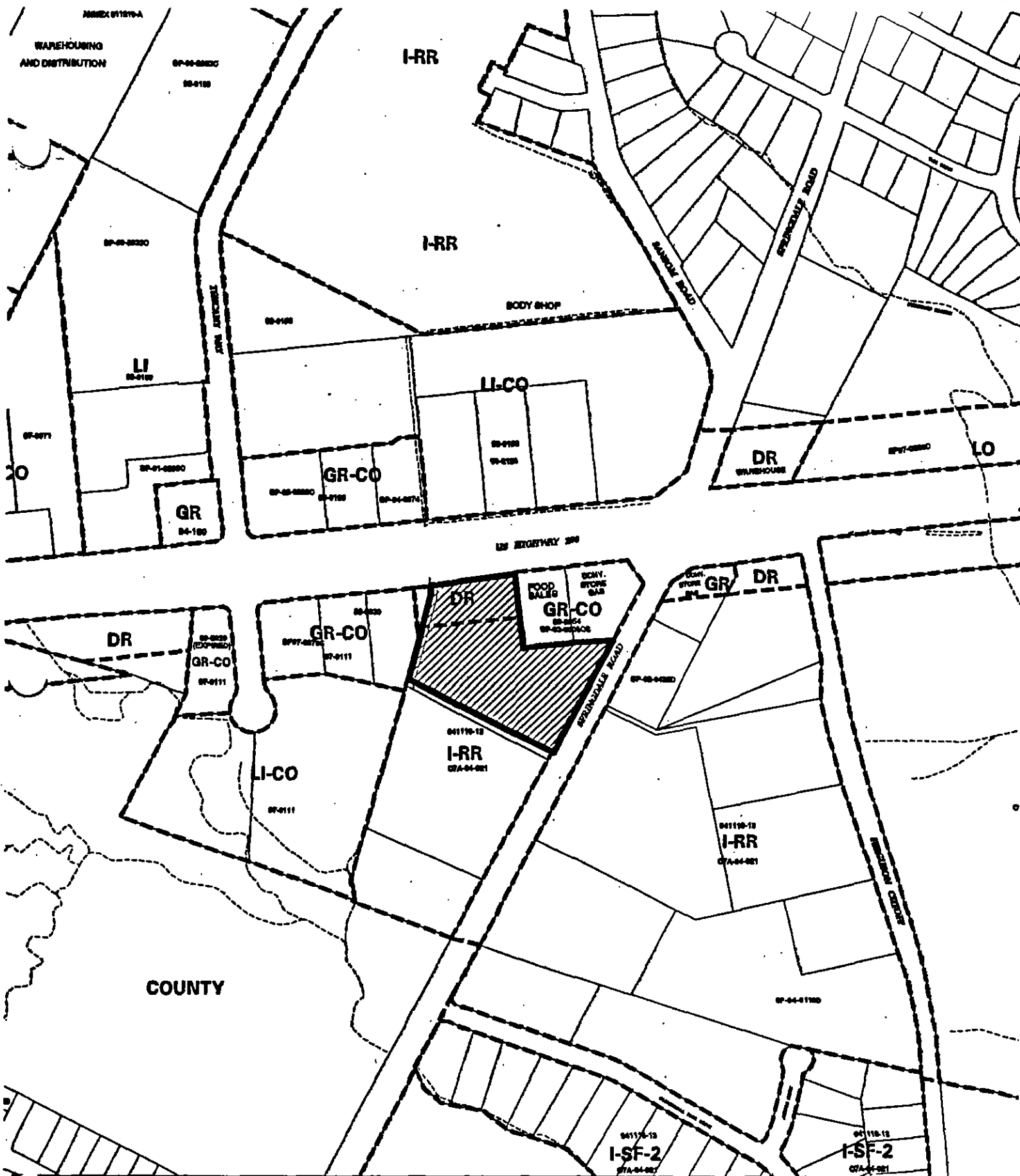
Postponed to 6/22/06 at the request of staff.





June 22, 2006.:

**ORDINANCE READINGS:**1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:**

**CASE MANAGER:** Robert Heil  
e-mail address: robert.heil@ci.austin.tx.us

**PHONE:** 974-2330



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: R.HEIL	  	<b>ZONING</b> CASE #: C14-05-0164 ADDRESS: E U.S. HWY 280 SUBJECT AREA (acres): 4.730	DATE: 05-09 INTLS: TRC	CITY GRID REFERENCE NUMBER N27
	I-RR				
	I-RR				
	I-RR				



**SUMMARY STAFF RECOMMENDATION**

**C14-05-0164**

**Tract 1:** Staff recommends approval of Community Commercial Conditional Overlay (GR-CO) combining district. The Conditional Overlay would limit the vehicle trips to less than 2000 per day.

**Tract 2:** Staff recommends approval of Light Industrial Conditional Overlay (LI-CO) combining district. The Conditional Overlay would limit the vehicle trips to less than 2000 per day.

The closest residentially zoned property (excepting interim zoned parcels) lies across US Hwy 290 on Samson Road, roughly 1000 feet away. This is also the closest residential use.

The property lies within the proposed LBJ Neighborhood Planning Area, which has not yet been scheduled.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

US 290, Springdale and Manor Roads are being developed with light industrial and intense commercial uses. Large truck traffic is common, especially along Springdale roads which links US 183 and US 290. The GR tract lies between two other GR tracts and the LI tract lies adjacent to other industrial tracts.

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

Limited Industrial Service (LI) district is the designation for a commercial service use or limited manufacturing use generally located on a moderately-sized site.

**Transportation**

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for US 290 East. If the requested zoning is granted, then 200 feet of right-of-way should be reserved from the future centerline of US 290 East in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]

No additional right-of-way is needed at this time for Springdale Road.

The trip generation under the requested zoning is estimated to be 13,746 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

**Existing Street Characteristics:**

Name	ROW	Pavement	Classification	Sidewalks	Bus	Bike
US 290 East	200'	2 @ 40'	Arterial	No	# 75	No
Springdale Road	84'	65'	Arterial	No	No	#63

**Water and Wastewater**

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 the water and wastewater utility improvements, offsite main extension, system upgrades, utility relocation, and utility adjustment. The water and wastewater 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 and applicable City fees.

**Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut 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. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

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

According to flood plain maps, there is a floodplain within the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.

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



At this time, site specific information is unavailable regarding existing trees and 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 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.

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.



## TRANSPORTATION WAIVER RESPONSE

**PROJECT LOCATION:** US 290 East, just west of Springdale Road

**PROJECT NAME:** Watson Tract Zoning

**CASE NUMBER:** C14-05-0164

**PROJECT DESCRIPTION:** Limited Industrial

**APPLICANT NAME AND ADDRESS:** David Holt, Holt Planners  
1715 Capital of Texas Hwy, Suite 200E  
Austin, Texas 78746

**PHONE NUMBER:** 327-4660 Fax (327-9360)

**WAIVERS REQUESTED:** Right-of-Way Reservation, LDC 25-6-81

**RESPONSE:** Denied

### COMMENTS:

- Section 25-6-51 of the Land Development Code (LDC) states that the City may require the reservation of right-of-way along a roadway designated in the Austin Metropolitan Area Transportation Plan (AMATP). Section 25-6-81 of the LDC allows an applicant filing a development application to request a waiver from right-of-way reservation requirements.
- The AMATP proposes US Hwy 290 East to be a six lane freeway requiring a minimum of 400 feet of right-of-way by the year 2025.
- The Texas Department of Transportation (TxDOT) has identified the need for up to 415 feet of right-of-way for the subject segment of US 290 East. Per an email dated December 20, 2005 from Joseph Carrizales with the Advanced Project Development Office of TxDOT, funding is currently available for the acquisition of right-of-way.
- Based upon the above information, the waiver request is denied. As a condition of zoning approval, please reserve 207.5 feet of right-of way from the future centerline of US 290 East.

Amy Link                      phone: 974-2628  
Watershed Protection and Development Review Dept.

December 30, 2005  
Date

Cc: Robert Heil, Zoning Case Manager

Link, Amy

---

From: Joseph Carrizales [JCARRIZ@dot.state.tx.us]  
Sent: Wednesday, December 21, 2005 9:30 AM  
To: Link, Amy  
Cc: Don Toner; Kon Kwan; Robert Harwood  
Subject: RE: US 290 East

I believe we currently have 200' of ROW and so we will need an additional 215'.

Joseph,

>>> <amy.link@ci.austin.tx.us> 12/20/2005 1:32 PM >>>

Joseph - Do you know how much ROW will be needed from the south side of US 290? I need to tell the developer how much ROW they will need to reserve.

Thanks,

Amy Link  
Watershed Protection and Development Review Dept.  
City of Austin  
(512) 974-2628  
(512) 974-3010 fax  
amy.link@ci.austin.tx.us

-----Original Message-----

From: Joseph Carrizales [mailto:JCARRIZ@dot.state.tx.us]  
Sent: Tuesday, December 20, 2005 10:55 AM  
To: Link, Amy  
Cc: Don Toner; Kon Kwan; Robert Harwood; Wesley Burford  
Subject: RE: US 290 East

As a matter of fact we do have construct authority; so we do have the funds to buy needed ROW. Also, we have just signed a contract with a consultant to begin survey work so that we may purchase needed ROW.

Joseph

>>> <amy.link@ci.austin.tx.us> 12/9/2005 10:53 AM >>>

Joseph - Thank you so much for the quick response. I just have a couple more questions. To clarify your email, is it correct to say that there is no funding for ROW acquisition at this time? Our land development code dictates that if acquisition of ROW cannot occur within 90 days of receipt of a ROW waiver request, then we must grant the waiver. Sounds like maybe this is the case.

If you need further clarification from me, please feel free to contact me.

Thanks again for your help.

Amy Link  
Watershed Protection and Development Review Dept.  
City of Austin  
(512) 974-2628  
(512) 974-3010 fax  
amy.link@ci.austin.tx.us

-----Original Message-----

From: Joseph Carrizales [mailto:JCARRIZ@dot.state.tx.us]  
Sent: Wednesday, December 07, 2005 1:45 PM  
To: Link, Amy  
Cc: Kon Kwan; Robert Harwood  
Subject: US 290 East

Amy,

We are currently working on the US 290 schematic. We have upped the ROW to 415 feet to accommodate for non-motorized travel (Bike path or the likes). In looking at expanding on the south side verses the north side, the south side appears to have fewer impacts. However, this is preliminary since we have not completed the environmental document to determine the preferred alternative. Our goal is to begin buying ROW as soon as we receive environmental clearance if not before. Also, the Central Texas Regional Mobility Authority has requested permission, from our Transportation Commission, to construct the section of US 290 from US 183 to SH 130. This request was approved and so they are moving forward with this project as quickly as they can. They will also develop this section as a tolled section.

I hope this answers your questions. If you have any more questions you may call me at 832-7070 or my project manager Kon Kwan at 832-7169.

Joseph Carrizales  
Adv Project Dev Section  
Austin District  
832-7070

<<<Amy Wrote:>>>

Hi Bob -

I am reviewing a zoning application on the south side of US 290 East just west of Springdale Road. The applicant is requesting a waiver from ROW reservation. TxDOT shows a need for 400 feet of ROW for US 290 East between US 183 and Springdale Road. Can you confirm that 400 feet is the required amount of ROW? Also, does TxDOT have plans to upgrade this segment of US 290 in the near future? Will ROW acquisition begin soon? Answers to these questions will help me respond to the waiver request.

Thanks,  
Amy Link  
Watershed Protection and Development Review Dept.  
City of Austin  
(512) 974-2628  
(512) 974-3010 fax  
<mailto:amy.link@ci.austin.tx.us> amy.link@ci.austin.tx.us

## H O L T   P L A N N E R S

1715 Capital of Texas Hwy. South - Suite 108  
Austin, Texas 78746

Phone (512) 327-4660  
Fax (512) 327-9360

September 19, 2005

Mr. Greg Guernsey  
City of Austin  
Neighborhood Planning & Zoning  
505 Barton Springs Road  
Austin, TX. 78704

REF: Watson Tract  
Rezoning Application  
ROW Waiver Request

Dear Mr. Guernsey:

On behalf of Mr. Jimmy Nassour, Holt Planners is requesting a right-of-way waiver request in accordance with Section 25-6-81(2) of the City of Austin, Land Development Code. The right of way request is in conjunction with the enclosed Watson Tract rezoning application. According to City of Austin 2025, Austin Metropolitan Area Transportation Plan, Adopted June 7, 2001, and last amended May 23, 2002, the "required" right-of-way for the U.S. 290 East Highway, from US 183 (N) to Springdale Road, is proposed to be 400 feet.

According to a field survey and a subdivision plat of the 4.71 acre Watson Tract, as prepared by Carson Bush Surveying, the existing US 290 East right-of-way is confirmed to be 200 feet. Based on Land Development Code, Section 25-6-55(B), Dedication of Right-of-Way, an applicant may not be required to dedicate more than 75 feet of land under Subsection (A)(2). Therefore no dedication of right-of-way should be required from the Watson Tract.

However Texas Department of Transportation (TXDOT) is planning on acquiring an additional 200 feet of future right-of-way from either the north or south side of existing US 290 East for the proposed 400 foot planned roadway section. My research indicates the right-of-way will come off of the south or subject property, which probably means the City of Austin, will want a reservation of right-of-way from the Watson property. Therefore we are filing the following right-of-way waiver request for the Watson Tract rezoning application and all subsequent City of Austin development applications.

According to the City of Austin right of way reservation requirement, no buildings could be permanently constructed within the reservation area as it relates specifically to the two proposed lots on Watson Acres US 290 East frontage (C8-05-0155.0A. It is our understanding that the City of Austin by written agreement, can authorize use of reserved right-of-way for a temporary structure or improvement, including a parking area, detention pond, landscaping and sign.

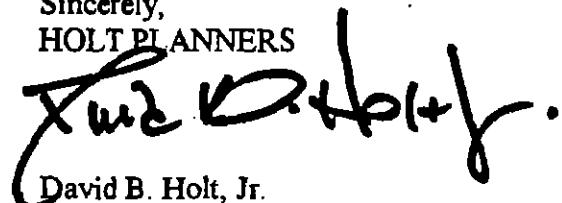
However, the agreement must contain an expiration date for the use of the right-of-way, a method of notification from the City to the property owner that a temporary improvement must be removed, a requirement that the property owner replace the improvements on the remainder of the property when the temporary improvements are removed, if the improvements are required by the City Code. It is also our understanding that the agreement must provide a penalty for failure to remove a temporary improvement.

Holt Planners justification for administrative approval of the right-of-way waiver request is as follows:

1. A reservation of right-of-way will halt development of a portion of the subject property. Two hundred feet of right-of-way from the Watson tract would consume 26.7 percent of the 4.71 acre subject property.
2. Other similar situated adjacent properties along US. 290 East are not forced into this situation. unless they file development plans with the City of Austin or Travis County  
Mr. Nassour is being restricted or impacted because of the timing on the rezoning and subdivision of the property into three (3) lots. All things are not equal in my opinion.
3. Mr. Nassour pays his fair share of property taxes on the entire tract and should be allowed to develop the property commercially if he meets all other provisions of the City of Austin, Land Development Code.
4. To my knowledge, there are no finalized engineered TXDOT construction plans for US 290 East planned roadway improvements. TXDOT does have schematic plans but there is no funding to construct the proposed us 290 East schematic roadway improvements.
5. The current roadway system provides adequate capacity for the volume of traffic it will receive from the proposed Watson Tract since the zoning application is restricted to 2,000 vehicular trips.
6. Texas Department of Transportation (TXDOT) does not currently have money allocated, or funded to construct any improvements to US 290 East, to my knowledge.

Mr. Nassour would appreciate your approval of our right-of-way waiver request for the Watson Tract from the City of Austin, Land Development Code, right-of-way reservation requirement. My client also understands that the right-of-way issue can reappear at time of site plan application on the individual lots shown on this resubdivision application. Please contact me if I can provide any additional information regarding this waiver request.

Sincerely,  
HOLT PLANNERS



David B. Holt, Jr.



## TRANSPORTATION WAIVER RESPONSE

*Revised*

**PROJECT LOCATION:** US 290 East, just west of Springdale Road

**PROJECT NAME:** Watson Tract Zoning

**CASE NUMBER:** C14-05-0164

**PROJECT DESCRIPTION:** Limited Industrial

**APPLICANT NAME AND ADDRESS:** David Holt, Holt Planners  
1715 Capital of Texas Hwy, Suite 200E  
Austin, Texas 78746

**PHONE NUMBER:** 327-4660 Fax (327-9360)

**WAIVERS REQUESTED:** Right-of-Way Reservation, LDC 25-6-81

**RESPONSE:** Approved

### COMMENTS:

- Section 25-6-51 of the Land Development Code (LDC) states that the City may require the reservation of right-of-way along a roadway designated in the Austin Metropolitan Area Transportation Plan (AMATP). Section 25-6-81 of the LDC allows an applicant filing a development application to request a waiver from right-of-way reservation requirements.
- The AMATP proposes US Hwy 290 East to be a six lane freeway requiring a minimum of 400 feet of right-of-way by the year 2025.
- The Texas Department of Transportation (TxDOT) has identified the need for up to 415 feet of right-of-way for the subject segment of US 290 East. At this time, however, TxDOT does not have funding to acquire the right-of-way.
- According to Section 25-6-83 of the LDC, if funds are not available to purchase the reserved right-of-way, the waiver must be granted.
- Therefore, due to the fact that TxDOT does not currently have funding to purchase the right-of-way reserve, the waiver request is granted.

A handwritten signature in cursive script, appearing to read "Amy Link".

Amy Link phone: 974-2628  
Watershed Protection and Development Review Dept.

December 15, 2005

Date

Cc: Robert Heil, Zoning Case Manager

Link, Amy

---

From: Joseph Carrizales [JCARRIZ@dot.state.tx.us]  
Sent: Wednesday, December 07, 2005 1:45 PM  
To: Link, Amy  
Cc: Kon Kwan; Robert Harwood  
Subject: US 290 East

Amy,

We are currently working on the US 290 schematic. We have upped the ROW to 415 feet to accommodate for non-motorized travel (Bike path or the likes). In looking at expanding on the south side verses the north side, the south side appears to have fewer impacts. However, this is preliminary since we have not completed the environmental document to determine the preferred alternative. Our goal is to begin buying ROW as soon as we receive environmental clearance if not before. Also, the Central Texas Regional Mobility Authority has requested permission, from our Transportation Commission, to construct the section of US 290 from US 183 to SH 130. This request was approved and so they are moving forward with this project as quickly as they can. They will also develop this section as a tolled section.

I hope this answers your questions. If you have any more questions you may call me at 832-7070 or my project manager Kon Kwan at 832-7169.

Joseph Carrizales  
Adv Project Dev Section  
Austin District  
832-7070

<<<Amy Wrote:>>>

Hi Bob -

I am reviewing a zoning application on the south side of US 290 East just west of Springdale Road. The applicant is requesting a waiver from ROW reservation. TxDOT shows a need for 400 feet of ROW for US 290 East between US 183 and Springdale Road. Can you confirm that 400 feet is the required amount of ROW? Also, does TxDOT have plans to upgrade this segment of US 290 in the near future? Will ROW acquisition begin soon? Answers to these questions will help me respond to the waiver request.

Thanks,  
Amy Link  
Watershed Protection and Development Review Dept.  
City of Austin  
(512) 974-2628  
(512) 974-3010 fax  
<mailto:amy.link@ci.austin.tx.us> amy.link@ci.austin.tx.us