

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0036 – HWY 290 & 1826 Rezoning DISTRICT: 8

ZONING FROM: RR TO: GR

ADDRESS: 7912 W. US HWY 290

SITE AREA: 0.612 acres

PROPERTY OWNER: AGENT:
Speedy Stop Food Stores LLC (Joshua Teinert) Drenner Group PC (Amanda Swor)

CASE MANAGER: Kate Clark (512-974-1237, kate.clark@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends community commercial (GR) district zoning. *For a summary of the basis of staff's recommendation, see page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

July 13, 2021	Approved staff recommendation of GR district zoning on the consent agenda. Vote: 8-0. [Vice Chair Hempel - 1st, Commissioner Flores - 2nd; Commissioners Azhar, Howard, Rosa Praxis, Llanes Pulido and Schneider were absent].
June 8, 2021	Approved applicant's postponement request to July 13, 2021 on the consent agenda. Vote: 11-0. [Commissioner Azhar - 1 st , Commission Mushtaler - 2 nd ; Commissioners Flores and Shieh were absent].
May 11, 2021	Approved neighborhood's postponement request to June 8, 2021 on the consent agenda. Vote: 12-0. [Commissioner Cox - 1 st , Commissioner Azhar - 2 nd ; Chair Shaw was absent].

CITY COUNCIL ACTION:

July 29, 2021	Scheduled for City Council
June 10, 2021	Approved staff's postponement request to July 29, 2021 on the consent agenda. Vote: 11-0.
June 3, 2021	Approved staff's postponement request to June 10, 2021 on the consent agenda. Vote: 10-0. [Council Member Kelly was absent].

ORDINANCE NUMBER:ISSUES

Staff has received comments in opposition of this rezoning request. For all written or emailed comments, please see *Exhibit C: Correspondence Received*.

On May 11, 2021 staff received emails from the Oak Hill Association of Neighborhoods and Save Our Springs Alliance requesting a postponement to the June 8, 2021 Planning Commission.

CASE MANAGER COMMENTS:

This property is located north of the intersection of W. US HWY 290 and FM 1826 and is approximately 0.612 acres. It is currently zoned RR and is developed with an existing service station. Adjacent zoning consists of PUD-NP to the north and east and GR-CO-NP to west. South of this property is US HWY 290 right-of-way and is not zoned, please see *Exhibit A: Zoning Map* and *Exhibit B: Aerial Map*.

This site is located over the Edwards Aquifer Contributing Zone. Project applications at the time of this report are subject to the SOS Ordinance that allows 25% impervious cover in the contributing zone, (see Environmental comments).

The applicant is requesting GR district zoning to maintain the existing land use (service station) and to potentially provide additional access to US HWY 290 for neighboring properties. While this property is located within the boundaries of the Oakhill Combined Neighborhood Plan (West Oak Hill), it is not included in the neighborhood plan and does not have a designated use on the future land use map (FLUM).

BASIS OF RECOMMENDATION:

1. *Zoning should allow for reasonable use of the property.*

This property currently contains a service station and is located over the Edwards Aquifer Contributing Zone. Rezoning this property to GR would allow the existing land use to continue and provide flexibility should the property redevelop.

2. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways.*

This property is currently only accessed from US HWY 290, a TxDot highway. Rezoning this property to GR would be consistent with this policy.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	RR	Service station

	Zoning	Land Uses
North	PUD-NP	Undeveloped and multi-family
South	Not zoned	US HWY 290 right-of-way
East	PUD-NP	Undeveloped
West	GR-CO-NP	Undeveloped

NEIGHBORHOOD PLANNING AREA: within boundaries of Oakhill Combined Neighborhood Plan (West Oak Hill) but included in the plan.

TIA: deferred to site plan application when land use and intensity will be finalized.

WATERSHED: Williamson Creek Watershed-Barton Springs Zone

OVERLAYS: Barton Springs Overlay

SCHOOLS: Baldwin Elementary, Small Middle and Bowie High Schools.

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District
 Austin Lost and Found Pets
 Bike Austin
 Circle C Neighborhood Assn.
 Covered Bridge Property Owners
 Association, Inc.
 Estates of Loma Vista HOA
 Friends of Austin Neighborhoods
 Granada Homeowners Association
 Neighborhood Empowerment Foundation
 Oak Hill Association of Neighborhoods
 (OHAN)

Oak Hill Neighborhood Plan - COA Liaison
 Oak Hill Neighborhood Plan Contact Team
 Oak Hill Trails Association
 Ridgeview
 Save Our Springs Alliance
 Scenic Brook Neighborhood Association
 SELTexas
 Sierra Club, Austin Regional Group
 TNR BCP - Travis County Natural
 Resources

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C814-2009-0099 West Park PUD 7914-8023 W US 290 HWY	From PUD, PUD/GR-CO to PUD	Case was withdrawn.	Case was withdrawn.

Number	Request	Commission	City Council
C814-98-0004 West Park PUD W US 290 HWY	From SF-2-CO to PUD	To grant PUD zoning.	Approved PUD zoning (11/30/00).

RELATED CASES:

C14-2008-0125 (Oak Hill Combined Neighborhood Plan): this rezoning case was for the creation of the West Oak Hill neighborhood plan (Ordinance No. 20081211-097). This property was excluded from the neighborhood plan and was not rezoned to include the “-NP” in the zoning string.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
US 290 HWY	480'	154' Defer to TxDOT	112'	5	Yes	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

This property is located along the north side of W. US HWY 290 and consists of a 0.612-acre parcel that contains a gas station/convenience store. The property is located within the Oakhill Combined Neighborhood Planning Area (West Oak Hill) and within the Oak Hill Activity Center for Redevelopment in Sensitive Environmental Areas. Surrounding land uses include vacant land and an apartment complex to the north; to the east, west and south is vacant land. The proposal is to rezone the property to acknowledge the existing commercial use on the site.

Connectivity

There are no public sidewalks located along this section W. US HWY 290. There are also no public transit stops located within a half of a mile of this site. There is an unprotected bike lane located on one side of W. US HWY 290. Mobility and connectivity options in this area are below average.

Oakhill Combined Neighborhood Plan

There is no Future Land Use Map (FLUM) designation covering this property.

The following text, goals, objectives, and recommendations are taken from the OHCNP and are relevant to this case:

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

- Goal 6.B. - Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment. (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.
- Goal 6.C: Create a mix of uses in existing corridors of commercial development that will provide a diversity of local services convenient to neighborhoods and establish commercial “nodes” (concentrated) (p 67)
- Goal 6.E: Encourage locally owned businesses to locate in the Oakhill area and find ways for local businesses and employers to prosper. (p 67)
 - Objective 6.E.1: Oakhill stakeholders desire more small-scale businesses with less strip commercial establishments
- Goal 9.B. Enhance the Hill Country look of Oakhill by preserving trees
 - Objective 9.B.1 The City Council should consider the application of the Hill Country Roadway Ordinance on U.S. Highway 290 and State Highway 71 and other roadways within the Oakhill neighborhood planning area to control signage, limit heights, plant trees, and to preserve the natural beauty of the environment.
- Goal 9.C. Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment. (p 140)
 - Objective 9.C.1 - Ensure that the environmental impact on the Edwards Aquifer and the existing natural landscape is kept at a minimum by new commercial development and redevelopment in Oakhill.

The existing commercial use is located along a major highway and provides a needed commercial service to the area and supports the Oakhill Combined Neighborhood Plan.

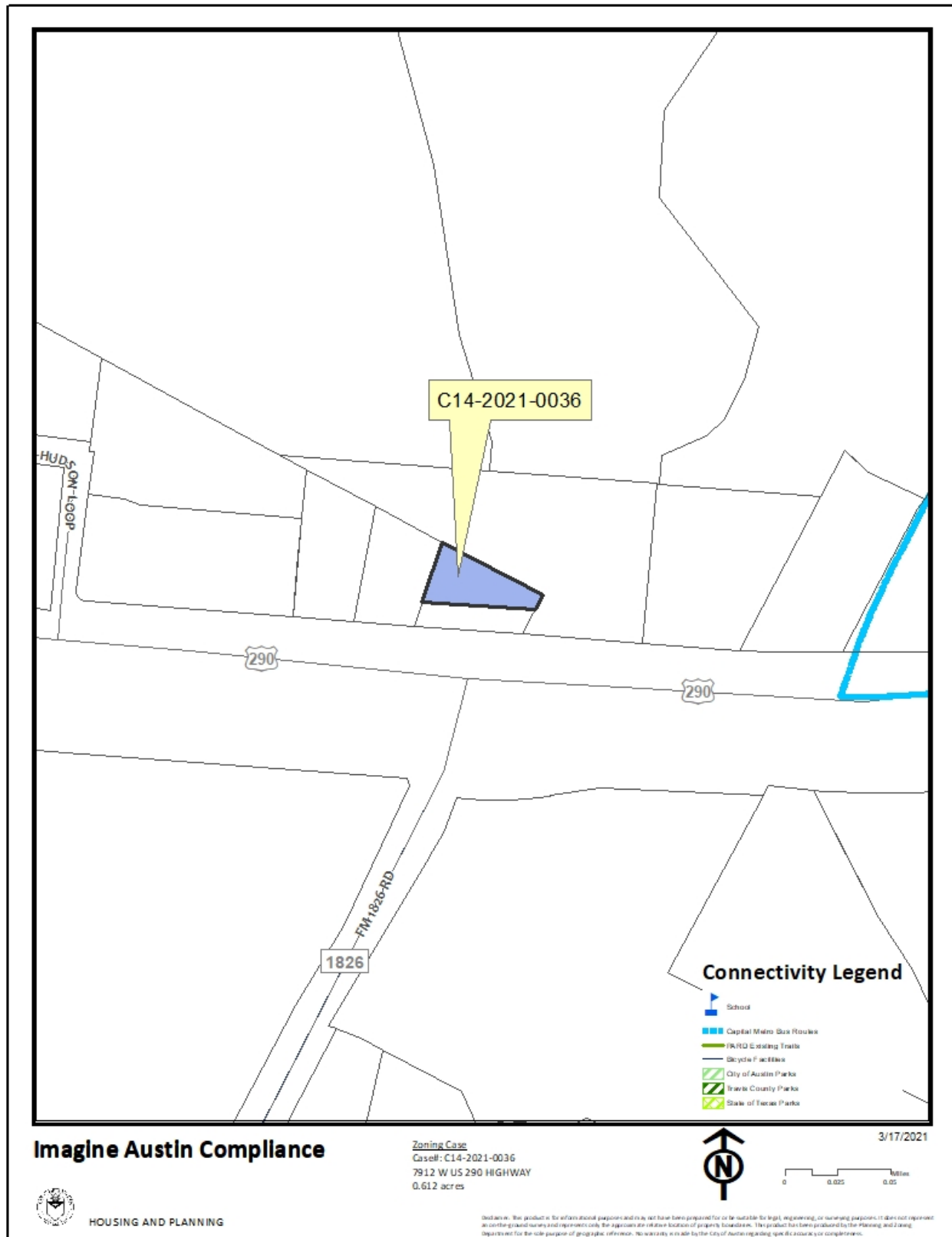
Imagine Austin

The Imagine Austin Growth Concept Map identifies this property as being located within an ‘Activity Center for Redevelopment in Sensitive Environmental Area.’ 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.

The following Imagine Austin policies are applicable to this case:

- LUT P4. Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors, and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- LUT P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- HN P11. Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

Based upon this existing use: being located along a highway, which supports commercial uses; the Oakhill Combined Neighborhood Plan, which supports neighborhood serving uses; the above referenced Imagine Austin policies that support context sensitive infill along corridors; but the lack of mobility options in the area, this request appears to partially support the policies of the Imagine Austin Comprehensive Plan.



Environmental

1. This site is located over the Edwards Aquifer Contributing 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. At this time, site specific information is unavailable regarding 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.

PARD Review

PR1: There are currently no parkland requirements for uses other than residential and hotel. Given that the application is for GR, there would not be parkland dedication requirements or parkland impacts at the time of site plan or subdivision.

Site Plan

- SP1. Site plans will be required for any new development other than single-family or duplex residential.
- SP2. 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.
- SP3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP4. FYI: Additional design regulations will be enforced at the time a site plan is submitted.

Demolition and Historic Resources

SP5. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies sufficient right-of-way for US 290 Highway and is deferred to TxDOT. There is a proposed Urban Trail adjacent to this site, along southern property boundary. A traffic impact analysis is waived at this time and determination is deferred to site plan application when land use and intensity will be finalized.

Austin Water Utility

AW1. 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. All water and wastewater construction must be inspected by the City of Austin

Depending on the development plans submitted, water and or wastewater service extension requests may be required. For more information pertaining to the Service Extension Request process with tracts within the Drinking Water Protection Zone and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

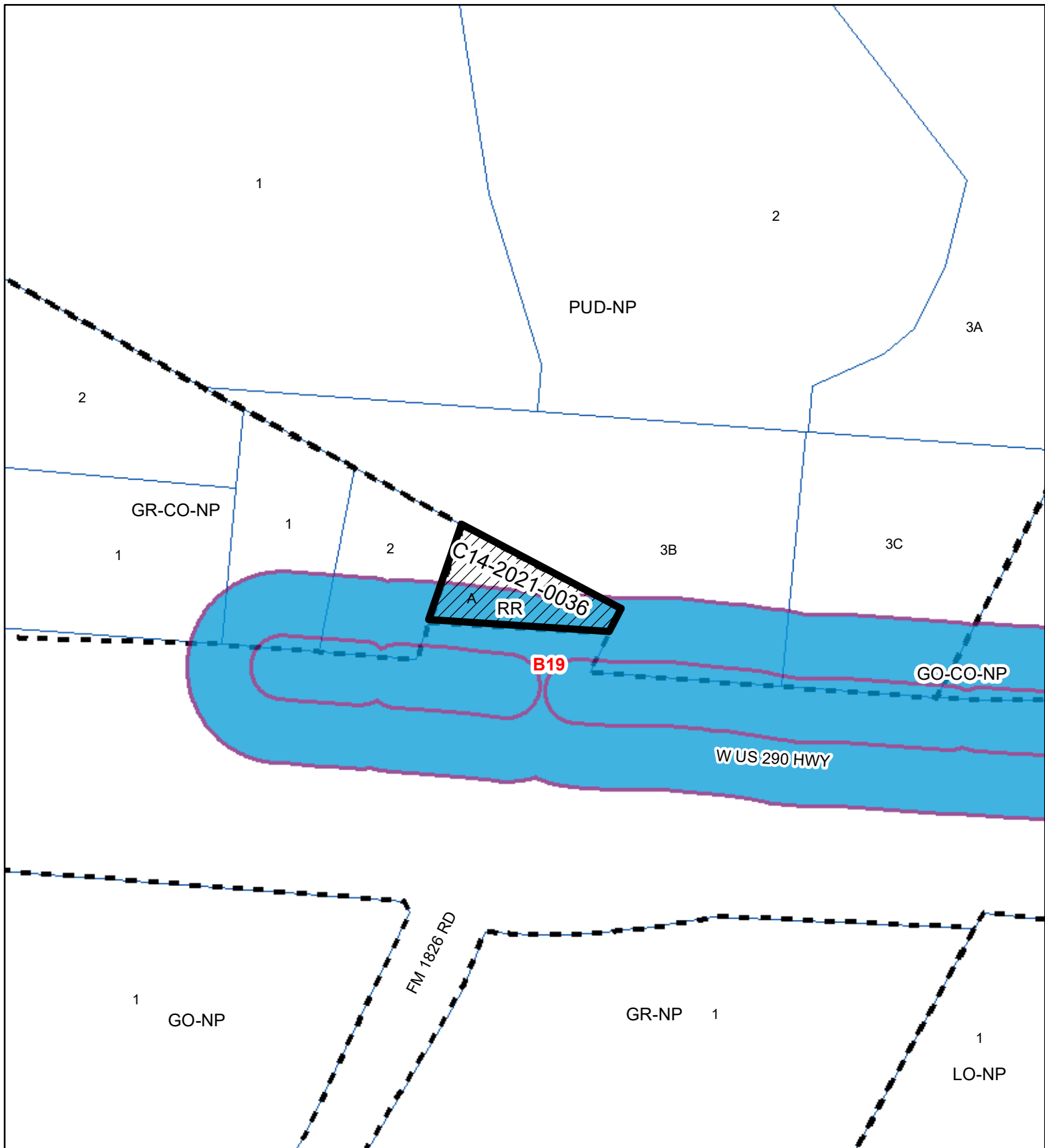
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map





Exhibit C: Correspondence Received



HWY 290 & 1826 Rezone

Exhibit A



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C14-2021-0036
 LOCATION: 7912 W US HWY 290
 SUBJECT AREA: .612 ACRES
 GRID: B19
 MANAGER: KATE CLARK

1" = 200'

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HWY 290 & 1826 Rezone

Exhibit B



ZONING CASE#: C14-2021-0036
 LOCATION: 7912 W US HWY 290
 SUBJECT AREA: .612 ACRES
 GRID: B19
 MANAGER: KATE CLARK



1" = 200'

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

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Clark, Kate

From: Bobby Levinski
Sent: Monday, May 10, 2021 3:58 PM
To: Clark, Kate; Rivera, Andrew
Cc: cbwidaho; Susan Scallon
Subject: Postponement Request for B-12

*** External Email - Exercise Caution ***

Ms. Clark,

The Save Our Springs Alliance joins the request made by Cynthia Wilcox, President of the Oak Hill Association of Neighborhoods, to postpone Item B-12 until June 8, 2021. The case number is C14-2021-0036.

It has come to our attention today that the applicant intends to combine this parcel with adjacent properties as part of a larger-scale development for which the applicant intends to claim vested rights for part or all of the development. While this is primarily a site plan concern, the increased entitlements from the rezoning change could increase the overall development intensity of the project, and thus--the overall pollution should substandard water quality controls be used.

Additionally, without more information, it is unclear to us how the zoning restrictive covenants on the adjacent properties might interact with the redevelopment standards for which this site would be subject to, as part of a unified development. We are concerned that the rezoning request might incentivize continued noncompliance with creek buffers, by providing more entitlements to maximize such encroachments.

We would also like to discuss certain use restrictions with the applicant to minimize the potential environmental harm from the redevelopment of the property. This property is located within the Barton Springs Zone, and a significant portion of the property is located within a creek buffer.

Many thanks,
Bobby

--

Bobby Levinski
Attorney, Save Our Springs Alliance

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512-636-7649 (mobile)
www.sosalliance.org

Please consider making a [donation](#) to support the education, advocacy, and action necessary to save our springs, creeks, and open spaces. SOS is 501(c)(3) nonprofit organization.

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Clark, Kate

From: cbwidaho
Sent: Monday, June 7, 2021 3:39 PM
To: Clark, Kate; Rivera, Andrew
Cc: Flores, Yvette - BC; Teich, Ann - BC; Thompson, Jeffrey - BC; Schneider, Robert - BC; Anderson, Greg - BC; Llanes, Carmen - BC; Shaw, Todd - BC; Azhar, Awais - BC; Hempel, Claire - BC; Shieh, James - BC; Howard, Patrick - BC; Seeger, Patricia - BC
Subject: Please vote "No" on B-19 (C14-2021-0036 - HWY 290 & 1826 Rezoning; District 8)

*** External Email - Exercise Caution ***

Dear Planning Commissioners, Kate and Andrew,

Please vote "no" on the rezoning request : B-19 (C14-2021-0036 - HWY 290 & 1826 Rezoning; District 8).

These are the reasons for opposition:

1. The applicant plans to combine the subject property with two other properties and develop all three as a single development.
2. The property being rezoned currently contains a gas station. However, the applicant plans to construct a new gas station on one of the other neighboring properties, not the subject property addressed in this rezoning request.
3. The applicant has not provided any information to community stakeholders regarding the standards under which the applicant proposes to develop the three properties (as a single development), nor what standards the flood control and water quality infrastructure would comply with. This is in spite of being asked for this information on several occasions dating back more than a month.
4. The applicant proposes using 65% impervious cover on both of the other two tracts (being developed as one with the subject tract), on which the gas station itself **will be located** (as opposed to on the subject tract where a gas station **is currently** located). 65% impervious cover seems excessive in the extreme in light of the serious flooding nearby downstream, including in the Oak Park and Oak Acres neighborhoods - both of which currently experience serious flooding (including flooding of the neighborhood's point of emergency egress), property damage, flood buyouts.
5. The applicant could provide no information related to whether/what would be installed in terms of flood controls for the three properties that are being developed as one.
6. The applicant proposes using underground retention/detention. Our understanding is that this is considered to be undesirable and/or inappropriate by the City's Watershed Protection Department.

For these reasons among others, please vote "no" on this rezoning request.

Thank you for your consideration.

Sincerely,

Cynthia Wilcox

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