

City Council
July 13, 2021
Agenda Item Transmittal

Agenda Item: 7

Agenda Title: Discuss and consider action on a Preliminary Plat for The Backyard – approximately 35 ac. located at 13801 Bee Cave Parkway.

Commission Action: Discuss and Consider Action

Department: Planning & Development

Staff Contact: E. Megan Will, Director of Planning & Development

1. INTRODUCTION/PURPOSE

Discuss and consider action a Preliminary Plat of The Backyard, consisting of approximately 35 acres of land on the south side of Bee Cave Parkway, approximately ¼ mile west of the intersection of RR 620 and Bee Cave Parkway. The property was previously platted in 2010 as a 2-lot subdivision called Planet Earth Music. The subject Preliminary Plat corresponds with adopted Ordinance 428, the Backyard Planned Development District (PDD).

2. DESCRIPTION/ JUSTIFICATION

a) Background

In January 2009 Bee Cave City Council approved a Planned Development District Ordinance ([Ord. 01](#)) for the Backyard at Bee Cave. The project is located on Bee Cave Parkway (south side), west of RR 620 and Bee Cave Central Park. A Final Plat for the property subject to the PDD Ordinance, the [Planet Earth Music Subdivision](#), was approved by City Council in July 2010.

The PDD Ordinance for The Backyard was amended in December 2014 ([Ord. 212](#)), and December 2016 ([Ord. 323](#)). In March 2019 Ord. 323 was repealed and replaced by [Ordinance 404](#). Ordinance 404 was subsequently repealed and replaced in May 2020 by [Ordinance 428](#).

The Concept Plan for the project approved with Ordinance 428 includes 3,700 attendee outdoor Event Venue, a 73,000+/- SF food/beverage/retail area directly adjacent to the Event Venue (the “Glenn”), 180,000 SF of office buildings, two parking garages, a 125-room hotel, and a hilltop garden.

b) Issues and Analysis

The Preliminary Plat proposes to vacate the Planet Earth Music Subdivision Plat to create a new four-lot subdivision and dedicate public right of way (ROW) for two streets, Willie Way and Live Oak Lane.

Existing Conditions

- **Hydrology:** None.
- **Watershed:** Little Barton Creek
- **Topography:** Generally, slopes north to south and west to east toward Bee Cave Central Park
- **Vegetation:** Mix of Cedar and Live Oak.
- **Critical Environmental Features:** None.

Uses

- **Types:** Outdoor Event Venue, Food/Beverage/Retail complex, office, hotel, parking garages, and a hilltop garden.
- **Maximum Building Height:** Ranges from 18' – 55' depending on building. [See PDD Ord. 428.](#)

Lot Configuration

- **4 Lots.** All lots meet the minimum area (12,000 SF), width (80'), and depth (150') standards of the Office district as required by Ord. 428:
 - **Lot 1:** 11.33 ac. West of Willie Way / North of Live Oak Lane, uses include Hilltop Garden, trails & hotel
 - **Lot 2:** 14.29 ac. East of Willie Way, uses include Parking Garage 1, Food/Beverage/Retail complex, Event Venue, and water quality & detention ponds.
 - **Lot 3:** 2.60 ac. West of Willie Way/ South of Live Oak Lane, location of Parking Garage 2 and water quality & detention pond.
 - **Lot 4:** 3.10 ac. West of Willie Way / North of Live Oak Lane, office use

Vehicular Circulation

- **Access:**
 - One public access on Bee Cave Parkway with traffic light at Willie Way. *Per Ord. 428 a second public access via connection of Willie Way to SH-71 is required to increase Event Venue attendee capacity from 2,000 to 3,700 attendees.*
 - A second access via private driveway on Bee Cave Parkway is for emergency vehicles and may also be used for waste removal and delivery vehicles and event busses.
 - A third limited public access point will be provided between Central Park and Parking Garage P1, the details of this access are to be determined in conjunction with the Phase 1 Site Plan per Ord. 428. The Preliminary Plat depicts a 26' Public Access Easement along the eastern property boundary with Bee Cave Central Park to accommodate this third access point.
- **Public Roads:** Two public roads proposed.
 - Willie Way: 97' ROW 4 lane arterial street with a landscaped median, sidewalks and street trees.

- Live Oak Lane: 60' ROW – 2 lane local collection with sidewalks on both sides of the street.
- **Internal Driveways:** Subject to commercial design standards for vehicular circulation in the COA Transportation Criteria Manual, as referenced by Bee Cave's Technical Construction Standards and Specifications Manual. A property owners association will be formed at the time of final plat that will be responsible for maintenance of the private driveways. Draft CCRs for the project have been provided as required by Code.

Traffic Impact Analysis (TIA)/Required Transportation Improvements

Per City requirements the applicant has provided a Traffic Impact Analysis (TIA), attached to this transmittal. The TIA has been reviewed by city staff and City's traffic engineering consultant WSP and is recommended for acceptance with the Preliminary Plat.

The required transportation improvements identified in the TIA include:

- **Bee Cave Parkway / Willie Way**
 - Install a traffic signal at Willie Way and Bee Cave Parkway. Traffic signal to provide communication with the existing traffic signal at RM 620 and Bee Cave Parkway to allow for coordination.
 - Extend the westbound left-turn lane bay on Bee Cave Parkway to maximize the storage without impeding access to the Bee Cave Central Park driveway to the east.
 - Modify the eastbound right-turn lane to provide a channelized, free-flowing right-turn movement from Bee Cave Parkway onto Willie Way.

These improvements, along with the secondary emergency access on Bee Cave Parkway will be constructed by the Project with Phase 1.

- **SH-71/Willie Way**
 - Construct a full-access driveway with dual left-turn lanes and one shared through/right-turn lane and two inbound lanes where Willie Way intersects SH-71.
 - Modify the westbound right-turn lane from SH-71 to Willie Way to provide a channelized, free-flowing right-turn movement from SH 71 onto Willie Way.
 - Contribute towards installation of a traffic signal at Willie Way and SH-71 – this signal is also included in the approved Village at Spanish Oaks project TIA and will be installed when warrants are met in the field. This signal will provide communication with the existing traffic signals at RM 620 and SH 71 to allow for coordination.

These improvements, except for the installation of the traffic signal, are required prior to Event Venue receiving approval to open at full 3,700 attendee capacity.

The TIA also identifies several off-site improvements necessary to mitigate traffic from the Project and provides a calculation of the pro-rata share contribution required of the Project in support of the identified mitigation projects. These improvements include traffic signal timing optimization at SH-71 intersections from RM 2244 to Hamilton Poole Road and additional turn lane construction at the SH-71/HPR/Bee Cave Pkwy, RM 620/Bee Cave Parkway, RM620/Ladera Blvd, and RM 620 / Falconhead Blvd. intersections. The Projects calculated pro-rata share is \$877,619, to be funded at the time of Final Plat.

Pedestrian Circulation

- **Trails:** Trails shall be constructed in the locations depicted on the Concept Plan approved with Ord. 428. The Preliminary Plat depicts a Pedestrian Access Easement to accommodate the trails in locations consistent with the Concept Plan, i.e. the Hilltop Garden adjacent to the 75' landscaped buffer along Bee Cave Parkway with connection to Willie Way and Bee Cave Parkway.
- **Sidewalks:** Willie Way will have 10' sidewalks (narrowing to 8' by the Venue) on either side and Live Oak Lane will have 8' sidewalks on either side. Willie Way will have two crosswalks, locations TBD with Phase 1 Site Plans. The Preliminary Plat depicts Sidewalk Easements along both roadways to accommodate additional pedestrian facilities within the private lots and instances where the sidewalks meander out of the ROW to save trees.
- **Pedestrian Connection to Central Park:** Required to be built with Phase 1 and provide connection to Parking Garage 1 and amenity pond are in SE corner. The Preliminary Plat depicts Pedestrian and Public Access Easements along the eastern property boundary to facilitate the connection.

Building Setbacks & Landscape Buffers

- **Building Setback and Landscape Buffer along Bee Cave Parkway:** 75' including the "Enhanced Landscape Buffer" between Bee Cave Central Park and Willie Way (consistent with Ord. 428).
- **Buffer along Eastern Property Boundary (Bee Cave Central Park):** The existing concrete, 2-5' retaining wall and wooden fence will remain, the fence will be screened with vegetation from the Central Park side. City Council has the ability to waive the fencing/screening requirement at Site Plan (Phase 1).
- **Building Setbacks from Willie Way and Live Oak Lane:** 15' required per Ord. 428 consistency TBD at Site Plan.
- **Building Setback from internal Commercial Driveways:** 10' required per Ord. 428 consistency TBD at Site Plan.
- **Building Setback from East/West/South property boundaries:** 25' required per Ord. 428, consistency TBD at Site Plan.
- **Other Setbacks** per Ord. 428 consistency TBD at Subdivision Construction Plan & Site Plan as applicable.

- 15' setback for streets/drives and parking from the southern property boundary
- 7.5' setback for streets/driveways and parking from east and west property lines.
- 7.5' setback for water quality and stormwater detention ponds from east, west, and southern property boundaries.

Open Space & Trees

Per Ord. 428 the Project includes Open Space accessible by the public with trail system amenities. All open space and parks located within the project will be privately maintained by the project. Draft CCRs have been submitted and reviewed, these will be recorded with the Final Plat. The Preliminary Plat depicts the access easements required for the Hilltop Garden.

Per Ord. 428 an Enhanced Landscape Buffer is required in the 75' Bee Cave Parkway setback between the eastern property boundary and 365' west of the Willie Way intersection. Within this area twice the required caliper inches of screening trees shall be planted i.e., 62" caliper inches of trees per 100 LF. The Enhanced Landscape Buffer area is depicted on the Preliminary Plat.

Street trees will be planted along Willie Way; the roadway will also have a landscaped median. Additionally, the Project is required to provide a landscaped median on Bee Cave Parkway from RR 620 to SH-71. These plantings will be included in Phase 1.

Impervious Cover

Impervious cover is limited to 40 percent plus the credits and transfers described in Ord. 428: 40% of half of the area of Bee Cave Parkway directly adjacent to the property (40,250 SF); up to 44,483 SF transferred from the "Old Backyard" property; and 5% for the construction and operation of a rainwater harvesting system for some or all building within the project. The total permissible impervious cover is 773,547 SF.

Per Ord. 428 dry water quality and detention ponds constructed without a liner are considered pervious as are water quality and detention ponds constructed with a liner so long as they are operated as a wet amenity pond. The pond in the SE corner of Lot 2 is designed to function and operate as an amenity. Additionally, public roadways (Willie Way and Live Oak Lane), and trails and sidewalks that function as part of the City's regional trails and sidewalks system do not count towards the impervious cover maximum. However, water quality treatment will be provided for the impervious cover associated with these improvements.

Ord. 428 requires that at subdivision an allocation of impervious cover apportioned to the various lots within the Project, a draft Deceleration of Restrictive Covenant Regarding Impervious Cover has been provided and shall be recorded at Final Plat, see Plat Note 29.

Stormwater/Water Quality

The project will meet the City's water quality standards for 95% pollutant removal. The storm drainage system will consist of public and private storm sewers that convey stormwater run-off to four (4) on-site ponds located in the NE, SE, and SW corners of the property. The water quality volume will be pumped and sprayed onto re-irrigation fields located at different locations throughout the site. Drainage will be reviewed in detail at Subdivision Construction Plans.

Utilities/Easements

- **Water/Wastewater Provider:** WTCPUA
- **Electric Provider:** Austin Energy

The Preliminary Plat provides Public Utility Easements (PUE) along Willie Way and Live Oak Lane as required by Ord. 428. Several other easements graphically shown on the Preliminary Plat are proposed to be dedicated by separate instrument. These easements include water quality easements, pedestrian access easements and public access easements. These easements will be recorded with the Final Plat. There will also exclusive water, electric, gas and drainage easements that will be dedicated by separate instrument. These easements will contain public water and wastewater mains owned and operated by the WTCPUA, electric lines owned by Austin Energy and gas lines owned by Texas Gas Service.

Phasing

Development is proposed to be constructed three phases in accordance with Ord. 428:

- **Phase 1:** Subdivision Infrastructure: installation of the major utility infrastructure, roadways and drainage features, including underground storm sewer, detention ponds and water quality ponds. The "Hilltop Garden," an amenity consisting of trails, benches and landscaping for public use and Bee Cave Parkway medians are also in Phase 1.
- **Phase 2:** Event Venue, and Food/Beverage/Retail complex (the "Glenn") and Parking Garage 1 on Lot 2. Enhanced Central Park landscaping and connection from Property to Bee Cave Central Park. Parking Garage 2 on Lot 3.
- **Phases 3:** The southern portion of Lot 1 will contain a hotel that will be developed as a future phase. Lot 4 will contain office buildings and is also part of the future phase development.

3. TIMELINE CONSIDERATIONS

In September 2019, House Bill 3167 went into effect. HB 3167 has several implications on the process for approving plats, among which is the requirement for the governing bodies responsible for approving plats to 1) approve; 2) approve with conditions; or 3) deny plats based on their conformance with applicable ordinances within 30 days from the date the plat was filed; this application was filed on June 18, 2021. If action is not taken by the Planning & Zoning Commission within 30 days, the plat is automatically approved. In the event the body approves with conditions or denies, it must "provide a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulate each specific condition of

the conditional approval or reason for disapproval." Each condition or reason must 1) be directly related to the requirement under the State Statute 212 of the Local Government Code; 2) include a citation to the law, including a statement or municipal ordinance, that is the basis for the conditional approval or disapproval; and 3) may not be arbitrary.

Because local ordinances also list City Council as an approval body for plats, City Council must take action on the plat within 30 days of P&Z's action – if they do not, the plat is automatically approved. Alternately, at the applicant's election, the applicant may request one extension up to a maximum of 30 days to address conditions; however, the applicant has not requested an extension.

4. RECOMMENDATION

The Bee Cave Planning and Zoning Commission considered the Preliminary Plat on 7/6/2021 and recommends approval with the conditions and exceptions listed by staff.

Staff recommends approval with the conditions, as listed below, and detailed in the attached Platting Review Checklist:

- Item #11 –Section 30.02.003(f)(4).
- Item #180 –Section 30.05.004(a).

The applicant shall continue to work with Austin 911 Addressing to reserve and acceptable alternate name for Live Oak Lane.

Staff recommends approval of the specified exceptions below, as detailed in the attached Platting Review Checklist:

- Item #80 – Section 30.03.003(a)

The applicant is requesting this exception to allow for a 7.5-foot public utility easement in lieu of the standard 15-foot width in one location adjacent to the Event Venue and Glenn along the east side of Willie Way. A retaining wall is positioned to allow for a 25-foot-wide fire lane behind the Event Venue back of house. At Willie Way grade, the wall will be extended up and landscaped to screen the back of the Event Venue, as required in Ordinance 428. To keep the wall in its planned location consistent with the approved Concept Plan, and not encroach into the public utility easement, the easement width must be reduced to 7.5 feet. No utilities planned to run parallel within the 7.5-foot-wide easement. Water, wastewater, storm sewer and gas are all proposed under the Willie Way pavement. The electric duct bank is proposed on the west side of Willie Way.

5. FILES

Attached:

1. Platting Review Checklist
2. The Backyard Preliminary Plat
3. Backyard Traffic Impact Analysis
4. Draft CCR Documentation
5. Draft Impervious Cover Restrictive Covenant

6.