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ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0116 – Burleson 1.91

P.C. DATE: November 9, 2010

ADDRESS: 5810 Burleson Road

OWNER: 5810 Burleson Partners, LP
(Kris Hawkins)

AGENT: Jim Bennett Consulting
(Jim Bennett)

ZONING FROM: CS-CO-NP **TO:** LI-CO-NP **AREA:** 1.91 acres

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant limited industrial service – conditional overlay – neighborhood plan (LI-CO-NP) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 2,000.

PLANNING COMMISSION RECOMMENDATION:

November 9, 2010:

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject rezoning area contains outside storage, has driveway access to Burleson Road and is zoned general commercial services – conditional overlay – neighborhood plan (CS-MU-NP) combining district. The conditional overlay limits development of the property to 2,000 daily vehicle trips and prohibits adult-oriented businesses. Land uses along the north side of Burleson Road are generally commercial in nature, many of which include a residential component (LI-NP; LI-CO-NP; CS-MU-NP). There is undeveloped, industrial zoned property further north within the Commerce Center South industrial park and also along the south side of Burleson Road (LI-NP; LI-CO-NP; LI-PDA-NP). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (2001 zoning ordinance).

The Applicant proposes to rezone the property to the limited industrial service – conditional overlay – neighborhood plan (LI-CO-NP) district in order to have the ability to retain the outside storage in the short-term and construct a 5,000 square foot office-warehouse as shown on the approved site plan in the future. Please refer to Exhibit C. Staff recommends the Applicant's request based on the following considerations: 1) the proposed use is compatible with the surrounding uses and zoning; 2) it is located at a distance from the nearest residential neighborhoods; and, 3) access will be taken to an arterial roadway.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-CO-NP	Outside storage
<i>North</i>	LI-NP	Undeveloped
<i>South</i>	LI-PDA-NP; LI-CO-NP	Undeveloped
<i>East</i>	CS-MU-NP	Two single family residence
<i>West</i>	CS-MU-NP; LI-CO-NP	Two single family residences; Upholstery business; Auto repair business; Towing company

NEIGHBORHOOD PLAN AREA: Southeast Combined (McKinney)

TIA: Is not required

WATERSHEDS: Carson Creek; Williamson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

- 96 – Southeast Corner Alliance of Neighborhoods (SCAN)
- 176 – Kensington Park Homeowners Association
- 511 – Austin Neighborhoods Council
- 627 – Onion Creek Homeowners Association
- 634 – Montopolis Area Neighborhood Alliance
- 688 – Southeast Neighborhood Plan – COA Liaison
- 774 – Del Valle Independent School District
- 786 – Home Builders Association of Greater Austin
- 1037 – Homeless Neighborhood Association
- 1075 – League of Bicycling Voters
- 1113 – Austin Parks Foundation
- 1200 – Super Duper Neighborhood Objectors and Appealers Organization
- 1224 – Austin Monorail Project
- 1228 – Sierra Club, Austin Regional Group
- 1236 – The Real Estate Council of Austin, Inc.
- 1258 – Del Valle Community Coalition

SCHOOLS:

The subject property is located within the Del Valle Independent School District.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0029 – Southeast Combined Creek Setback – South of Burleson Road,	From & To LI-CO-NP; W/LO-NP; LI-NP to add a CO for a 50 foot-wide	To Grant	Approved (6-5-03).

West of Stassney Lane	setback from the centerline of a creek draining between 64 and 320 acres in a suburban watershed		
C14-96-0125 – Burleson Road – 5710 Burleson Road	SF-2 to LI	To Grant LI-CO with the CO for 2,000 trips	Approved LI-CO (12-12-96).
C14-97-0106 – Thomas Zoning Change – 5700 Burleson Road	SF-2 to LI	To Grant LI-CO with the CO for 2,000 trips	Approved LI-CO (10-16-97).
C14-98-0092 – Reid Zoning Change – 6100 Burleson Road	SF-2 to LI-CO	To Grant LI-CO with the CO for 2,000 trips	Approved LI-CO (10-8-98).

RELATED CASES:

The property has been determined to be a legal tract by a 1995 land status determination (C8i-95-0111).

The subject rezoning area was the subject of a 2000-01 case (C14-00-2210 – V I P Kennels). On March 1, 2001, the property was rezoned from SF-2 to CS-CO with the CO for 2,000 trips and prohibiting adult-oriented uses.

The rezonings associated with the McKinney Neighborhood Plan Area were approved by Council on October 10, 2002 (C14-02-0128.02 by Ordinance No. 021010-12b). The base district of the subject property did not change, and the NP combining district was added. The property is designated as Commercial on the Future Land Use Map (FLUM) and there is a related neighborhood plan amendment case to change the FLUM designation to Industry (NPA-2010-0014.01).

There is an administrative Site Plan for 5810 Burleson Road for a 5,000 square foot warehouse and associated improvements that was approved by the City on August 13, 2010 (SP-2010-0031C).

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Plan	Bus Routes
Burleson Road	117 feet	66 feet	Arterial	No	Wide Curb Exists/Bike Lane Recommended	Yes

CITY COUNCIL DATE: December 9, 2010

ACTION:

ORDINANCE READINGS: 1st 2nd

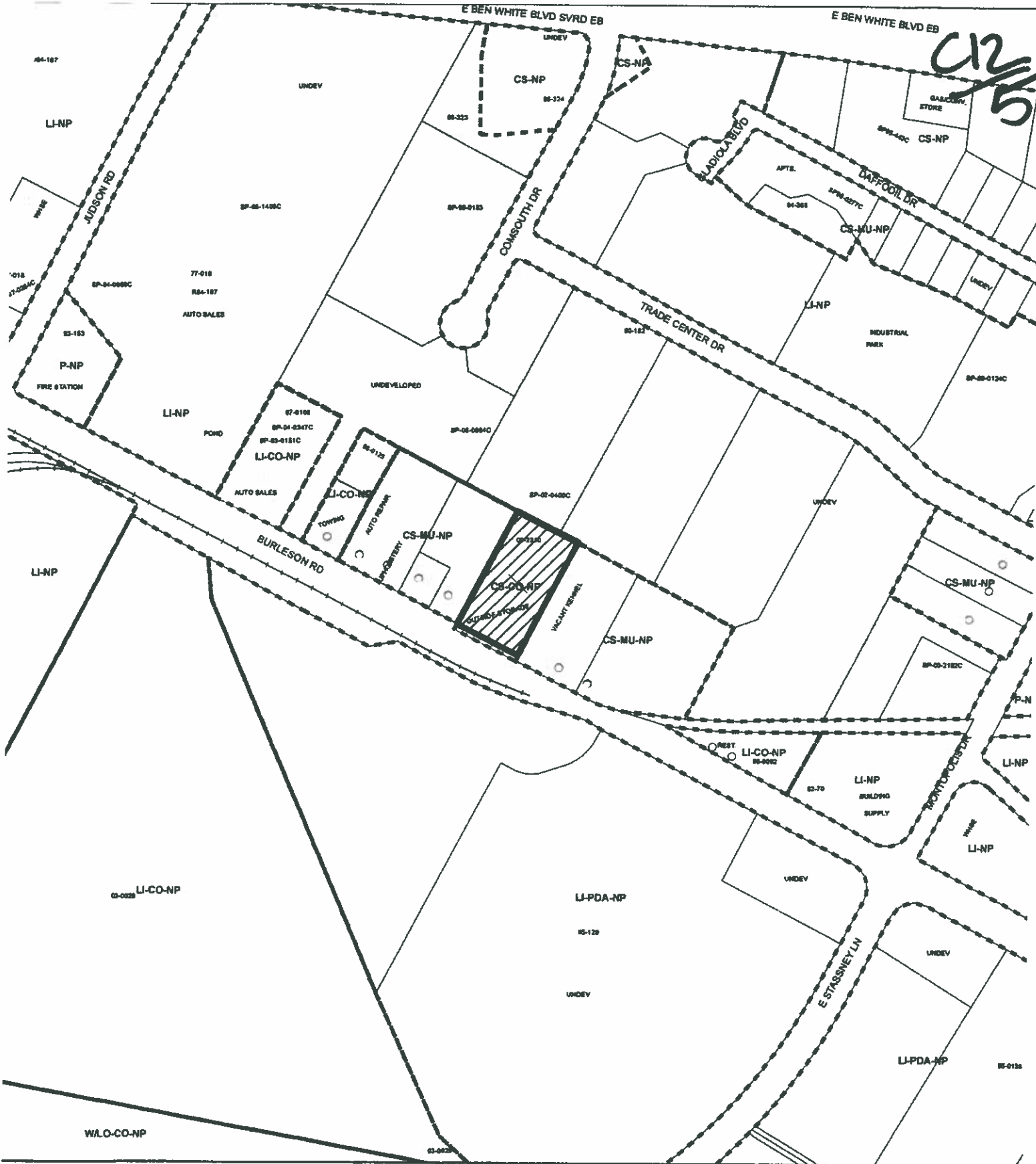
3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719





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ZONING

Exhibit A

ZONING CASE#: C14-2010-0116
 LOCATION: 5810 BURLESON RD
 SUBJECT AREA: 1.91 ACRES
 GRID: K17
 MANAGER: WENDY RHOADES

-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

" = 400'



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by

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LI-NP
LI-NP
LI-NP

UNDEVELOPED

LI-NP

LI-NP
LI-NP
LI-NP

LI-NP

LI-NP

LI-NP

LI-NP

LI-NP

82-70%

LI-NP

LI-PDA-NP

82-12%

LI-PDA-NP

LI-PDA-NP

82-002%

82-012%

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ORDINANCE NO. 010301-70

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5810 BURLESON ROAD FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from single family residence standard lot (SF-2) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in File C14-00-2210, as follows:

A 2.01 acre tract of land, more or less, out of the Santiago del Valle Grant, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 5810 Burleson Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
2. The following use of the Property is prohibited: Adult-oriented businesses

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district and other applicable requirements of the City Code.

PART 3. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

EXHIBIT B

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PART 4. This ordinance takes effect on March 12, 2001.

PASSED AND APPROVED

March 1, 2001

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§
§
§

Kirk Watson

Kirk Watson
Mayor

APPROVED:

Andrew Martin

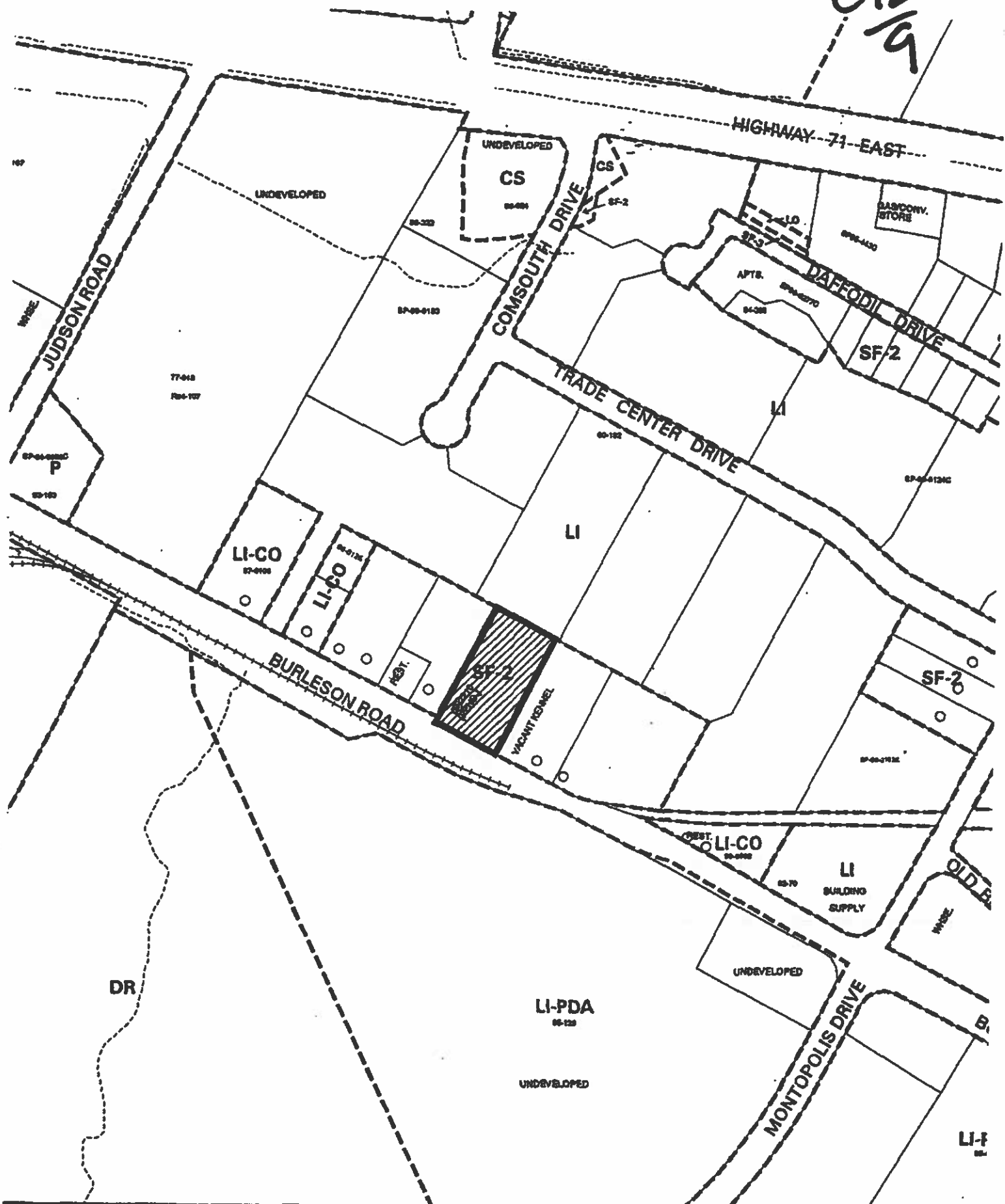
Andrew Martin
City Attorney

ATTEST:

Shirley A. Brown

Shirley A. Brown
City Clerk

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	<p>SUBJECT TRACT</p> <p>PENDING CASE</p> <p>ZONING BOUNDARY</p>	 	<p style="text-align: center;">ZONING Exhibit B</p> <p style="text-align: center;">CASE #: C14-00-2210</p>	<p>CITY GRID REFERENCE NUMBER</p>
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SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant limited industrial service – conditional overlay – neighborhood plan (LI-CO-NP) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 2,000.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The limited industrial service (LI) district designation is for a commercial service use or limited manufacturing use generally located on a moderately sized site.

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

Staff recommends the Applicant's request based on the following considerations: 1) the proposed use is compatible with the surrounding uses and zoning; 2) it is located at a distance from the nearest residential neighborhoods; and, 3) access will be taken to an arterial roadway.

EXISTING CONDITIONS

Site Characteristics

The rezoning area is used for outside storage and there appear to be no significant topographical constraints on the site. The site is flat and contains little vegetation.

Impervious Cover

The maximum impervious cover allowed by the LI zoning district is 80%, a consistent figure between the zoning and watershed regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Carson Creek Watershed and the Williamson Creek Watershed of the Colorado River Basin, which are classified as Suburban Watersheds 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 no floodplain within, or adjacent to the project boundary.

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding 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.

Transportation

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

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]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his 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 the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. 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.

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14**Site Plan and Compatibility Standards**

Site plans will be required for any new development other than single-family or duplex residential.

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.

The site is subject to compatibility standards. Along the east property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

Additional design regulations will be enforced at the time a site plan is submitted.