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ZONING CHANGE REVIEW SHEET

CASE: C14R-85-023.01
(Kallestad Laboratories, Inc.-PDA Amendment)

Z.A.P. DATE: September 6, 2011

ADDRESS: 10010 F.M. 2222

OWNER/APPLICANT: Austin Baptist Church

AGENT: Armbrust & Brown, LLP (Richard Suttle)

ZONING FROM: R&D-PDA **TO:** R&D-PDA **AREA:** 9.2 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommends the proposed amendment to the Planned Development Area agreement to remove specific building requirements on the site (Please see applicant's request letter- Attachment A).

ZONING AND PLATTING COMMISSION:

DEPARTMENT COMMENTS:

The property in question is currently undeveloped. The applicant is requesting an amendment of the existing Planned Development Area agreement for this property to clarify language in Part 1 that states, "1. City acknowledges and agrees that Kallestad is planning and developing a Research and Development project on the Property ("Project"). As of the date of these covenants, construction of the Project is estimated to be phased over a number of years and is to consist of either an two-story office and three-story laboratory use, area that will be combined within one building area, all as shown on the site plan attached hereto as Exhibit "B" and incorporated herein by reference ("Site Plan").

Staff agrees with the applicant's request to amend the existing PDA document because development in this area has changed since this PDA agreement was approved in 1985. The property is now located adjacent to another research and development use to the west (3M Austin Center). In addition, the property to the north and east of the site is now a planned unit development (Ribelin Ranch PUD) with GO-MU and GR-MU district development standards and uses respectively.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	R&D-PDA	Undeveloped
North	PUD (Ribelin Ranch PUD-Tract 1A: GO- MU uses)	Undeveloped Tract, Multifamily (Alexan Apartments)
South	SF-2, DR	Undeveloped
East	PUD (Ribelin Ranch	Undeveloped

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	PUD-Tract 1B: GR-MU uses)	
West	R&D	Office (3M Austin Center)

AREA STUDY: N/A

TIA: Not Required

WATERSHED: West Bull Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

- Austin Monorail Project
- Austin Parks Foundation
- Bull Creek Foundation
- Courtyard Homeowners Association
- Glenlake Neighborhood Association
- Home Builders Association of Greater Austin
- Homeless Neighborhood Association
- League of Bicycling Voters
- Leander ISD Population and Survey Analysts
- Long Canyon Homeowners Association
- Long Canyon Phase II & LLL Homeowners Association Inc.
- Sierra Club, Austin Regional Group
- Steiner Ranch Community Association
- Super Duper Neighborhood Objectors and Appealers Organization
- The Real Estate Council of Austin, Inc.
- 2222 Coalition of Neighborhood Associations, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0172 (Colina Vista: 9716 F.M. 2222)	LO and GR to SF-6	11/01/05: Approved staff recommendation of SF-6-CO, with a 2,000 vehicle trip limit per day, by consent (9-0); J. Martinez-1 st , J. Gohil-2 nd .	12/01/05: Approved SF-6-CO zoning by consent (6-0, McCracken-absent); 1 st reading 4/06/06: Approved SF-6-CO zoning by consent (7-0); 2 nd /3 rd reading
C14-04-0010 (E.M. Rowshan Et Al. Property-City Initiated:	I-RR to LO-MU-CO	2/17/04: Approved staff's recommendation of LO-MU-CO zoning (8-1, J. Martinez-Nay)	3/25/04: Granted LO-MU-CO – Limited to right- in and right-out to FM-2222, and limit vehicle trips per day to 1000 (7-0); 1 st reading 5/6/04: Approved (7-0)
C814-95-0002.04 (Four Points Centre	PUD to PUD (To add permitted GR-	2/4/03: Approved staff's recommendation of PUD	3/6/03: Granted PUD zoning on 1 st reading

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PUD Amendment #4: 11404 FM 2222)	MU uses for Lots 2, 4, 5, and 6 of Block B within the PUD)	zoning by consent (7-0, K. Jackson, J. Martinez- absent)	(6-0, Dunkerley-absent)
C14-01-0058	SF-2 to GR	5/8/01: Approved GR- CO w/ trip limitation conditions maintained as per staff rec. & prohibit auto related uses (6-2, JM/RC-No)	7/19/01: Approved GR- MU-CO w/ conditions & RR (6-0) 7/19/02: Expired-No 3 rd reading (Administrative)
C14-01-0057	SF-2 to GR	5/8/01: Approved GR- CO w/ trip limitation conditions maintained as per staff rec. & prohibit auto related uses (6-2, JM/RC-No)	7/19/01: Approved GR- CO w/ conditions (6-0); all 3 readings
C14-01-0056	SF-2 to GR	5/8/01: Approved GR- CO w/ trip limitation conditions maintained as per staff rec. & prohibit auto related uses (6-2, JM/RC-No)	7/19/01: Approved GR- CO w/ conditions (6-0); all 3 readings
C14-99-2075	RR to GO	11/16/99: Approved GO, limited to 'LO' development regs. and 1,500 trips per day (8-0)	1/27/00: Approved PC rec. of GO-CO (5-0); 1 st reading 3/23/00: Approved GO- CO w/ restrictions: 1) Office size limited to 150,000, 2) Limited traffic to 1,850 TPD, 3) Limited any single tenant lease space to 75,000 sq ft (6-0, DS-out of room); 2 nd reading 6/1/00: Approved 3 rd reading (7-0)
C14-98-0236	I-RR to LI	4/6/99: Approved LI w/ conditions (8-0)	5/6/99: Approved PC rec. of LI-CO w/ conditions and provision to rollback to GR if current use ceases for more than 90 days (6-0); 1 st reading 7/1/99: Approved LI-CO w/ conditions: 1) Allow all restaurant uses,

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			<p>2) Rollback to 'GR' if use ceases for more than 180 days (subj. to discussion taken at 3rd reading) (6-0); 2nd reading</p> <p>7/15/99: Approved LI-CO w/ conditions (4-2, Griffith/ Slusher-Nay); 3rd reading</p>
C14-98-0225	I-RR to GR	2/2/99: Send case to CC without recommendation	<p>3/4/99: Approved GR-MU-CO w/ conditions (6-1, DS-Nay)</p> <p>7/1/99: Approved GR-MU-CO w/ conditions (5-1, DS-No); 2nd reading</p> <p>7/22/99: Approved GR-MU-Co w/ conditions (6-1, Slusher-No)</p>
C14-98-0214	SF-2, DR to CS	3/2/99: Approved GR (comply with HCS), CS only for storage (6-2, BB/SA-Nay)	4/15/99: Approved GR-CO for entire site w/ LR uses and Automotive Sales and Automotive Repair as only GR uses & other conditions (6-0); 3 rd reading
C14-98-0027	I-SF-2 to GR	4/14/98: Approved GR-CO w/ conditions (6-2)	<p>6/11/98: Approved PC rec. of GR-CO w/ conditions: deleted ROW dedication sue to waiver by TXDOT (6-0); 1st reading</p> <p>7/9/98: Approved GR-CO w/ conditions (7-0); 2nd/ 3rd readings</p>
C814-95-0002	PUD to PUD	12/12/95: Approved PUD revision w/ conditions (5-3)	<p>12/14/95: Approved PUD subject to list of conditions (4-0); 1st reading; (Public hearing closed but speakers will be allowed to speak at 2nd/3rd readings)</p> <p>6/13/96: Approved PUD subject to conditions</p>

RELATED CASES: C14R-85-023

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ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
McNeil Drive	120'	48'	Collector	Yes	No	Yes
FM Road 2222	Varies	2@24"	Major Arterial	No	Yes	Yes

CITY COUNCIL DATE: October 6, 2011

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,

sherri.sirwaitis@ci.austin.tx.us

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C7a-07-019



ZONING

ZONING CASE#: C14R-85-023.01
 LOCATION: 10010 FM 2222 RD
 SUBJECT AREA: 9.2 AC.
 GRID: D33, E33
 MANAGER: SHERRI SIRWAITIS



-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 600'

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 the City of Austin regarding specific accuracy or completeness.

MC NEIL DR

RIBELIN RANCH DR

RIBELIN RANCH DR

FM 2227 RD

84-471
J.O.

678



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STAFF RECOMMENDATION

The staff recommends the proposed amendment to the Planned Development Area agreement to remove specific building requirements on the site (Please see applicant's request letter- Attachment A).

BASIS FOR RECOMMENDATION

1. The proposed PDA amendment will not alter the intent of the R&D-PDA zoning to develop the site with an office or laboratory use.
2. Development in this area has changed since this PDA agreement was approved in 1985. The property is now located adjacent to another research and development use to the west (3M Austin Center). In addition, the property to the north and east of the site is now a planned unit development (Ribelin Ranch PUD) with GO-MU and GR-MU district site development standards and uses.

EXISTING CONDITIONS

Site Characteristics

The site is undeveloped and moderately vegetated. The property to the north is developed with multifamily uses (Alexan Apartments). The tract of land to the east is developed with an industrial use (3M). The land to the south and east is currently undeveloped.

Hill Country Roadway

The site is within a Low Intensity Zone area of the Hill Country Roadway Corridor. All non-residential development within this zone shall be subject to a maximum Floor-to-Area Ratio of .20 on 0-15% slopes, .08 on 15-25% slopes, and .04 on 25-35% slopes, excluding parking structures and atriums.

Beyond two hundred feet (200') of the right-of-way of 2222, maximum height may increase but shall not exceed 28' in Low Intensity areas, except as provided in Section 25-2-1128, Performance Incentives. [25-2-1124].

Environmental

The applicant is advised that adding an additional zoning use will trigger *current* environmental review comments. Additional EV review comments may be pending.

Site Plan

Another application is required. One application is for amending the site plan of the C14R (PDA). Another application is for amending the Restrictive Covenant.

The inclusion of the church use renders this a new project. Therefore, the "B" construction plan must be revised to demonstrate compliance with current code.

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Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Transportation

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

The Transportation Review Section has no objections to the requested PDA amendment.

A traffic impact analysis (TIA) was not required for this case because the proposed PDA amendment is not expected to have a significant change in traffic rates. [LDC, 25-6-113]. However, a traffic impact analysis (TIA) may be required at the time of site plan if the future development of this site generates traffic that exceeds the threshold of 2,000 vehicle trips per day.

Capital Metro bus service (Route No. 122) is available along FM Road 2222 and McNeil Dr.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
McNeil Drive	120'	48'	Collector	Yes	No	Yes
FM Road 2222	Varies	2@24"	Major Arterial	No	Yes	Yes

Water and Wastewater

FYI: 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 in compliance with City utility criteria.

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ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

LYNN ANN CARLEY, P.E.
(512) 435-2378
lcarley@abaustin.com

July 26, 2011

VIA E-MAIL AND HAND DELIVERY

Sherrri Sirwaitis
Planning and Development Review Department
City of Austin
505 Barton Springs, 5th Floor
Austin, Texas 78704

Re: Kallestad Laboratories, Inc. - PDA Amendment (C14r-85-023.01)

Dear Ms. Sirwaitis:

This firm represents and this letter is written on behalf of the owner of the above referenced property. The Kallestad property has a zoning site plan and a construction site plan associated with it. The Owner is currently requesting a one year administrative site plan extension to the construction site plan (SP-2007-0549B(XT)).

In conjunction with the site plan extension, we are requesting to amend our original request to revise the PDA. Specifically, Section 1 of the PDA is proposed to be revised as follows:

“1. City acknowledges and agrees that Kallestad is planning and developing a Research and Development project on the Property (“Project”). As of the date of these covenants, construction of the Project is estimated to be phased over a number of years and is to consist of either an office or laboratory use, as shown on the site plan attached hereto as Exhibit “B” and incorporated herein by reference (“Site Plan”).”

Once the PDA amendment is approved, then we will be able to perform a zoning site plan correction to C14R-85-023 to change the use on the Part A site plan sheet to state “office or laboratory use”.

CB
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ARMBRUST & BROWN, PLLC
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If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,



Lynn Ann Carley, P.E.
Senior Land Development Consultant

cc: Tom Stacy
Alastair Jenkin
Richard T. Suttle, Jr.

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shown on the Site Plan as may be amended from time to time and as set forth in this Agreement. The maximum height of each of the buildings constructed on the Property shall not exceed the heights shown on the Site Plan.

3. Kallestad acknowledges the concern of the City with respect to the total impervious cover on the Property and therefore agrees that the total impervious cover on the Property will not in the aggregate exceed forty-five percent (45%); provided, however, any of the Property dedicated or used for public or private rights of way and utility easements shall be included in the land area calculations.

4. Kallestad acknowledges the concern of the City with respect to the overall density of the Project, and therefore agrees that the total floor space of all buildings shown on the Site Plan, shall not exceed a floor to area ratio ("FAR") of .25 to 1. The floor to area ratio shall be calculated in accordance with the City of Austin Zoning Ordinance; provided, however, any of the Property reserved for public or private rights of way and utility easements shall be included in the land area calculations.

5. Kallestad acknowledges the concerns of the City with respect to off street parking requirements and therefore agrees to provide 250 parking spaces on site, including handicapped, compact and regular spaces, in accordance with a variance received from the Board of Adjustment on November 18, 1985 as related to off street parking requirements for the Property and as represented on the Site Plan.

6. This Agreement and all rights, duties and obligations hereunder shall become effective upon the successful rezoning of the Property to ("R&D") Research and Development District. If for any reason the Property is not so zoned, then this entire Agreement, shall be null and void and of no legal force or effect whatsoever. Except as expressly provided in this Agreement, Kallestad and all future owners of the Property shall comply with all applicable City of Austin ordinances and the limitations and

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site development guidelines set forth in ("R&D") Research and Development District.

7. Kallestad shall comply with all other applicable ordinances of the City except as specifically modified by this Agreement.

8. If any person, persons, corporation or entity of any other character shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City, a municipal corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against said person or entity violating or attempting to violate such agreement or covenant and to prevent said person or entity from violating or attempting to violate such agreement or covenant.

9. If any part or provision of this agreement or covenant herein contained shall be declared invalid, by judgment or court order, the same shall in no way effect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full force and effect.

10. The failure at any time to enforce any agreement by the City, its successors and assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

11. This Agreement and the Site Plan may be modified, amended or terminated only by joint action of both (a) a majority of the members of the City Council of the City, or such other governing body as may succeed the City Council of the City, and (b) by the owners of the Property or that portion of the Property directly affected by such change at the time of such modification, amendment or termination; provided, however, that this agreement shall not be construed to prevent the City Council or its successor governing body from exercising its powers to regulate land for purposes of health, safety and the general welfare of the community.

12. The provisions of this Agreement shall be binding upon and insure to the benefit of the successors and assigns of

09889 0040

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Kallestad and all future owners of the Property or any portion thereof.

EXECUTED this _____ day of _____, 1986.

KALLESTAD LABORATORIES,
INCORPORATED, a Minnesota
corporation

BY: David B. McWilliams
David McWilliams, President

CITY OF AUSTIN, TEXAS

BY: Jorge Carrasco
Jorge Carrasco
City Manager

Approved as to form
and substance:

Terry Morgan
Assistant City Attorney

STATE OF TEXAS))
))
COUNTY OF TRAVIS))

This instrument was acknowledged before me on this 3rd day of June, 1986, by David McWilliams, President of Kallestad Laboratories, Incorporated, a Minnesota Corporation, on behalf of said corporation.

NOTARY SEAL

My Commission Expires:
5-03-89

Denise M. Short
Notary Public in and for
the State of Texas
Denise M. Short
(Name - Typed or Printed)

STATE OF TEXAS))
))
COUNTY OF TRAVIS))

This instrument was acknowledged before me on this 14th day of July, 1986, by Jorge Carrasco, City Manager, Terry Childers, Sr. Asst

NOTARY SEAL

My Commission Expires:
4-11-89

Lolita J. Slagle
Notary Public in and for
the State of Texas
Lolita J. Slagle
(Name - Typed or Printed)

EXHIBIT "A"

FIELD NOTES

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BEING 10.0132 acres or 436,177 square feet of land out of the J. W. Preece Survey No. 2, Abstract No. 2471 in Travis County, Texas, and being a portion of that certain 172.59 acre tract of land described in Volume 762, Page 235, Deed Records of Travis County, Texas, also being described in Volume 8808, Page 26 and Volume 8952, Page 70 of the Travis County Deed Records, and being more particularly described by notes and bounds as follows:

COMMENCING at an iron pipe found at the northeast corner of said J. W. Preece Survey No. 2, said pipe also being the northeast corner of a 1.73 acre tract of land conveyed to R. A. Ribelin as filed in Volume 3412, Page 235 of the Deed Records of Travis County, Texas;

THENCE with the north line of the J. W. Preece Survey, also being the south line of Southern Pacific Railroad Company Survey No. 1, Abstract No. 759 and the north line of said R. A. Ribelin 1.73 acre tract, N 60° 29' 00" W, a distance of 572.56 feet to an iron pipe found in a fence;

THENCE S 30° 07' 02" W, as fenced, a distance of 8.10 feet to an iron rod found for the POINT OF BEGINNING;

THENCE along the westerly line of said R. A. Ribelin 1.73 acre tract, S 30° 07' 02" W, 183.68 feet to an iron pipe found in the curving north right-of-way line of Ranch Road No. 2222 (100' R.O.W.);

THENCE with the said curving north right-of-way line of R.R. 2222 to the left, an arc distance of 264.90 feet, having a radius of 1483.07 feet, a delta angle of 10° 14' 02" and a chord bearing and distance of N 85° 02' 02" W, 284.55 feet to an iron rod found in concrete, said iron rod being the point of curvature, Texas State Highway stationing 86+33.5;

THENCE along the north right-of-way line of R.R. 2222, S 89° 50' 58" W, passing an iron rod found at 456.64 feet, a total distance of 859.89 feet to an iron rod found;

THENCE along the easterly line of adjoining 3M tract as recorded in Volume 8742, Page 179, Deed Records of Travis County, Texas, N 29° 46' 46" E, 724.20 feet to an iron rod found;

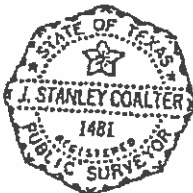
THENCE S 60° 11' 19" E, as fenced, 349.72 feet to an iron rod found;

THENCE S 60° 11' 49" E, as fenced, 636.70 feet to the POINT OF BEGINNING, containing 10.0132 acres or 436,177 square feet of land, subject to easements, conditions or restrictions of record, if any.

CUNNINGHAM-GRAVES, INC.

J. Stanley Coalter

J. Stanley Coalter, RPS #1481
April 4, 1985
Project No. 379-0001.0100



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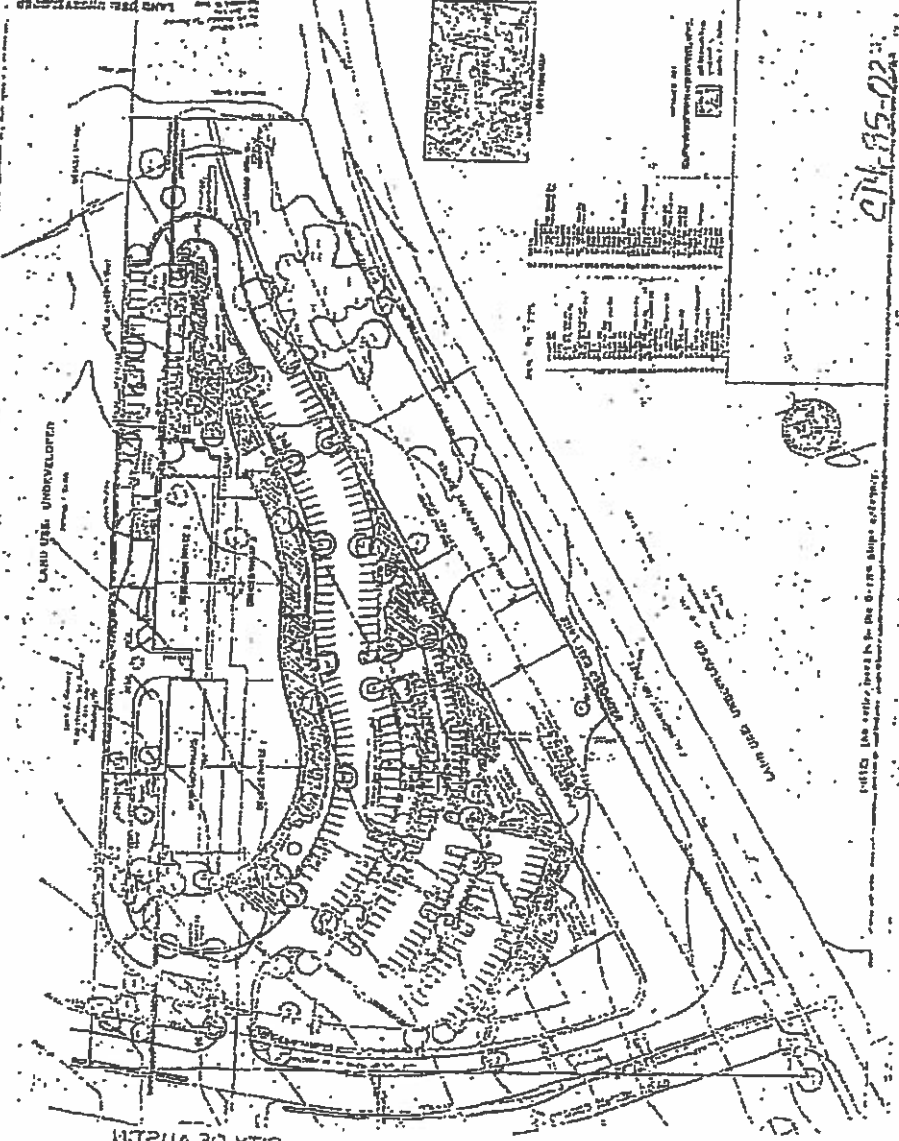
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LEGEND:

- 1. Areas to be developed
- 2. Areas to be reserved
- 3. Areas to be reserved for future development
- 4. Areas to be reserved for future development (contingent on the availability of funds)
- 5. Areas to be reserved for future development (contingent on the availability of funds and the approval of the City Council)

DATE: 1974
 DRAWN BY: J. J. JONES
 TITLE: LAND USE PLAN FOR THE CITY OF ANSTON
 SCALE: AS SHOWN

APPROVED BY: [Signature]
 DATE: 1974



014-95-02

EXHIBIT B

ANSTON LAND USE PLAN
 B. O. BOX 1000
 DEPT. OF PLAN.
 CITY OF ANSTON

09889 0043

PLEASE RETURN TO:
CITY OF AUSTIN
DEPT. OF LAW
P. O. BOX 1086
AUSTIN, TEXAS 78767-8828

FILED

SEP 22 1988

Louis [Signature]
CLERK OF COURTS
TRAVIS COUNTY, TEXAS

8/13/88

RECORDERS MEMORANDUM

As the issue of reproduction, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All corrections, additions and changes were placed at the time the instrument was filed and recorded.

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that the instrument was filed on
the date and at the time stated herein by [Signature]
was duly FILED, by the [Signature] and Clerk of the
County Recorder of Travis County, Texas on

SEP 22 1988



[Signature]
COUNTY CLERK
TRAVIS COUNTY, TEXAS

09889 0044