

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0100
Woodland Commercial Park

PC DATE: March 12, 2013
April 9, 2013
May 14, 2013
June 11, 2013

ADDRESS: 1640 S IH-35

AREA: 1.465 acres
(63,815 square feet)

OWNER: Woodland I-35, LP
(Billy Reagan II)

AGENT: Brown McCarroll, LLP
(Nikelle Meade)

ZONING FROM: GR-CO-NP; Community Commercial – Conditional Overlay
– Neighborhood Plan

ZONING TO: CS-CO-NP; General Commercial Services – Conditional Overlay
– Neighborhood Plan

NEIGHBORHOOD PLAN AREA: Greater South River City Neighborhood Planning Area

SUMMARY STAFF RECOMMENDATION:

To grant CS-CO-NP, General Commercial Services – Conditional Overlay – Neighborhood Plan combining district zoning with Conditions

Conditions include:

- 1) Maintain the following conditions as listed in the current Conditional Overlay:
 - a) Prohibited GR uses: Automotive rentals, Automotive sales, Automotive washing (of any type), Bail bond services, Commercial off-street parking, Drop-off recycling collection facility, Exterminating services, and Pawn shop services;
 - b) Vehicular access to and from Woodland Avenue and the Property shall be by a limited function driveway that allows right-in to the Property and left-out from the Property movement only; and
 - c) A 10-foot wide vegetative buffer shall be provided and maintained within the setbacks, along and adjacent to Woodland Avenue and IH-35. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
- 2) Prohibit all uses allowed in CS but not allowed in GR, with the exception of Convenience Storage;
- 3) Hazardous, toxic, reactive, and flammable materials, as defined by City Code, may not be received, produced, or stored by any business entity on the premises other than in quantities suitable for personal consumption or facility maintenance; and
- 4) Hours of operation shall be limited to 6 a.m. to 11 p.m.

PLANNING COMMISSION RECOMMENDATION:

May 14, 2013 Postponed to June 11, 2013 at request of applicant with concurrence by the South River City Citizens Neighborhood Association (Consent Motion by J. Stevens, D. Chimenti – 2nd); 9-0.

April 9, 2013 Postponed to May 14, 2013 at request of applicant (Consent Motion by D. Chimenti; R. Hatfield – 2nd), 8-0, J. Stevens – Absent.

March 12, 2013

 Postponed to April 9, 2013 at request of applicant (Consent Motion by J. Nortey; R. Hatfield – 2nd), 8-0, D. Anderson – Absent.
DEPARTMENT COMMENTS:

This approximate 1.5-acre rezoning tract is part of an approximate 2.3-acre parcel located at the northwest corner of IH-35 and Woodland Avenue (see Exhibit A-1). The property is undeveloped, with the exception of a billboard on the northeast corner. The parent parcel is currently zoned GR-CO-NP, with office and single-family residential uses to the north and west; zoned-but-undeveloped retail-mixed use and existing multifamily residential lies to the south of Woodland Avenue (see Exhibits A2 and A-3). The proposed rezoning tract excludes the westernmost 100' of the parcel, which would remain GR-CO-NP.

The parent parcel can be characterized as a valley at the bottom of a hill, because Woodland Ave climbs away from it moving westward, and next to an elevated freeway, because the through lanes of IH-35 are nearly 20 feet higher than the highest point of the parcel (see Exhibit A-4). The site itself has nearly 36 feet of change in elevation from its highest to lowest points. The site is heavily treed and is crossed from south to north by a buried Harpers Branch Creek through its lowest trough.

As discussed in Related Cases (see below), this parcel has been the subject of much discussion during the adoption of the Greater South River City neighborhood plan. The current Future Land Use Map designation (i.e., commercial) and zoning were adopted after the neighborhood plan, and in spite of separate petitions from both the property owner and abutting property owners.

The current proposal is to rezone the eastern two-thirds of the property, while leaving a 100-foot wide buffer of GR-CO-NP to the west. The request is driven by the owner's desire to develop the site with Convenience Storage Uses. Along with the request for general commercial services district zoning, the owner proposes to maintain all existing conditions, such as the listed prohibited GR uses, and further prohibit all additional uses allowed in CS but not in GR, with the exception of Convenience Storage Uses. In effect, this proposal would maintain the current zoning, but allow convenience storage.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|------------------------------------|--|
| <i>Site</i> | GR-CO-NP | Undeveloped |
| <i>North</i> | GO-CO-NP | Office Complex |
| <i>South</i> | Woodland Ave; GR-MU-CO-NP, MF-3-NP | Right-of-Way; Undeveloped, Multifamily Residential |
| <i>East</i> | IH-35; LO-NP, GO-NP | Right-of-Way; Office, Undeveloped/Vacant |
| <i>West</i> | SF-3-NP | Undeveloped; Duplex Residential; Single-Family Residential |

TIA: Not Required**WATERSHED:** Harper's Branch**CAPITOL VIEW CORRIDOR:** No**DESIRED DEVELOPMENT ZONE:** Yes**HILL COUNTRY ROADWAY:** No

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| | |
|---|------|
| South River City Citizens Assn. | 74 |
| Southeast Austin Neighborhood Alliance | 189 |
| Crossing Gardenhome Owners Assn. (The) | 299 |
| South Central Coalition | 498 |
| Austin Neighborhoods Council | 511 |
| Austin Independent School District | 742 |
| East Riverside/Oltorf Neighborhood Plan Contact Team | 763 |
| Home Builders Association of Greater Austin | 786 |
| Waterfront Condominium HOA | 794 |
| PODER | 972 |
| Homeless Neighborhood Organization | 1037 |
| League of Bicycling Voters | 1075 |
| Austin Parks Foundation | 1113 |
| Greater South River City Combined Neighborhood Planning Team | 1185 |
| Super Duper Neighborhood Objectors and Appealers Organization | 1200 |
| Austin Monorail Project | 1224 |
| Sierra Club, Austin Regional Group | 1228 |
| The Real Estate Council of Austin, Inc. | 1236 |
| Pleasant Valley | 1255 |
| Del Valle Community Coalition | 1258 |
| Greater South River City Combined Neighborhood Planning Area | 1269 |
| Austin Heritage Tree Foundation | 1340 |
| Zoning Committee of South River City Citizens Assn. | 1360 |
| SEL Texas | 1363 |

SCHOOLS:

Austin Independent School District:

Travis Heights Elementary School Fulmore Middle School Travis High School

RELATED CASES:

| NUMBER | REQUEST | ZONING & PLATTING COMMISSION | CITY COUNCIL |
|-----------------|--|------------------------------|-------------------------------|
| C14-68-222 | "A" Residence, 1 st Height & Area to "GR" General Retail, 5 th Height and Area | | Approved; 11/07/1968 |
| C14-05-0139.002 | From GR (see discussion below) | Approved GO-CO-NP | Approved GR-CO-NP; 03/02/2006 |

The parent parcel was rezoned from residential to commercial in 1968, when general retail and apartments were proposed. The current zoning of the parcel results from the Greater South River City planning effort in the mid-2000s. At the time of that neighborhood plan, this

was considered a "contested" tract because the owner, staff, and other stakeholders could not agree on whether the property should be rezoned as part of the neighborhood plan rezoning, and if so, to what base zoning district.

At that time, staff recommended community commercial (GR) with a condition to prohibit auto sales and washing, whilst the neighborhood preferred general office (GO) with a buffer condition; the owner wanted GR with a smaller and limited general commercial services (CS) footprint. Similarly, staff recommended "Commercial" as the land use for the Neighborhood Plan's Future Land Use Map (FLUM) whereas the neighborhood preferred "Office." The Planning Commission recommended Office as the land use designation on the FLUM, and a GO-CO zoning district with the neighborhood's condition for a 15-foot vegetative buffer along and adjacent to IH-35.

In September 2005, the Council approved the GSRC Neighborhood Plan, including its FLUM, and associated rezonings for all but a half-dozen contested tracts (including this parcel). At that time, the adopted FLUM designated this property as Office. Rezoning of the other five contest tracts (C14-05-0139.001) was granted by Council in December 2005.

The first reading at Council for rezoning this property (C14-05-0139.002) also occurred in December 2005, at which time the Council specified additional conditions to their grant of rezoning. Both the parcel's owner and area property owners filed valid petitions; the property owner objected to the Planning Commission recommendation of GO, whereas the abutting property owners objected to the staff recommendation and owner's request of GR.

Ultimately, in March 2006 the Council approved an amendment to the FLUM from Office to Commercial (NPA-05-0022.001) and granted GR-CO-NP zoning for the parcel. Conditions included in the adopted zoning ordinance are as follows:

1. A 10-foot wide vegetative buffer shall be provided and maintained within the setbacks, along and adjacent to Woodland Avenue and IH-35. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
2. Vehicular access from the Property to Woodland Avenue shall be by a limited function driveway that allows right-in and left-out movement only.
3. The following uses of the Property are prohibited:

| | |
|-------------------------------|--|
| Automotive sales | Automotive washing (of any type) |
| Automotive rentals | Bail bond services |
| Commercial off-street parking | Drop-off recycling collection facility |
| Exterminating services | Pawn shop services |

CASE HISTORIES:

There has been no zoning change to immediately abutting properties since adoption of the Greater South River City Neighborhood Plan in 2005 (C14-2005-0138). The existing family residences to the northwest and west, currently zoned SF-3-NP, have been SF-3 since conversion from "A" residence. The office property immediately to the north was downzoned from commercial (LR to GO) as part of the neighborhood planning activities, and retail

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property to the south was rezoned from retail to retail-mixed use (GR to GR-MU) and multifamily (GR to MF-3) in conjunction with the neighborhood plan.

| NUMBER | REQUEST | ZONING & PLATTING COMMISSION | CITY COUNCIL |
|---------------------|--|------------------------------|----------------------|
| North C14-69-144 | "A" Residence, 1 st Height & Area to "LR" Local Retail, 5 th Height and Area | | Approved; 04/08/1971 |
| C14-2005-0138 | LR to GO-CO-NP | Approved; 09/13/2005 | Approved; 12/01/2005 |
| South C14-71-170 | "A" Residence, 1 st Height & Area to "GR" General Retail, 5 th Height and Area | | Approved; 09/08/1977 |
| C14-2005-0138 | GR to GR-MU-CO-NP | Approved; 09/13/2005 | Approved; 12/01/2005 |
| | and | | |
| | GR to MF-3-NP | Approved; 09/13/2005 | Approved; 12/01/2005 |

ABUTTING STREETS:

| STREET NAME | RIGHT-OF-WAY | PAVEMENT WIDTH | CLASS OF STREET | SIDEWALK | BUS ROUTE | BIKE ROUTE |
|-----------------------|--------------|----------------|-----------------|----------|-----------|----------------|
| Woodland | 77 feet | 38 feet | Collector | No | No | Yes; Route 685 |
| IH 35 Service Road SB | varies | varies | frontage | Yes | No | No |

CITY COUNCIL DATE:

May 23, 2013

April 25, 2013

March 28, 2013

Postponed to June 20, 2013 at staff request

Postponed to May 23, 2013 at staff request

Postponed to April 25, 2013 at staff request

ORDINANCE READINGS: 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Lee Heckman

e-mail address: lee.heckman@austintexas.gov

PHONE: 974-7604

CH 6

SUMMARY STAFF RECOMMENDATION

To grant CS-CO-NP, General Commercial Services – Conditional Overlay – Neighborhood Plan combining district zoning with Conditions

Conditions include:

- 1) Maintain the following conditions as listed in the current Conditional Overlay:
 - a) Prohibited GR uses: Automotive rentals, Automotive sales, Automotive washing (of any type), Bail bond services, Commercial off-street parking, Drop-off recycling collection facility, Exterminating services, and Pawn shop services;
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- 4) Hours of operation shall be limited to 6 a.m. to 11 p.m.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan.

As discussed under Related Cases, above, the current Future Land Use Map (FLUM), as amended by Council, identifies this property as Commercial. This designation was not supported by neighborhood stakeholders in the neighborhood planning process at the time. Nevertheless, the CS zoning, if granted, would be consistent with the adopted FLUM, and a neighborhood plan amendment is not required.

The adopted Greater South River City Combined Neighborhood Plan (GSRCCNP) includes a provision to allow office and limited commercial uses along IH-35, while encouraging new development to provide ample landscaping and respect the natural setting. The Imagine Austin Comprehensive Plan (IACP) designates this portion of the IH-35 a "Neighborhood Center", defined as the least intense type of activity center, with a more local focus, generally serving that center and surrounding neighborhoods. The proposed use of convenience storage is consistent with both the GSRCCNP and IACP.

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

The current Community Commercial (GR) zoning district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

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The proposed General Commercial Services (CS) zoning district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

The parent parcel is at the intersection of IH-35 and Woodland Avenue, a major traffic way and collector, respectively. As proposed, rezoning the eastern portion of the parent tract CS while keeping the prohibited uses in the existing ordinance, along with uses otherwise allowed in CS but not in GR, effectively keeps the property limited-use GR, with the singular new allowance for Convenience Storage. The western 100 feet of the parent parcel would remain as is, GR-CO-NP. Rezoning the eastern portion CS with additional limitations would allow for the proposed use, Convenience Storage Use, and is in keeping with the purpose statement of GR.

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character; and

Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

These two principles are closely related. Despite the parent tract's location at the corner of a collector and IH-35, Woodland Avenue immediately becomes a roadway serving a residential neighborhood. The parent parcel is adjacent to existing SF-3 residential and office uses. It would be inappropriate to recommend CS zoning on a tract abutting single-family residences, and even abutting office is questionable.

However, the subject rezoning tract does not abut single-family tracts; the existing GR-CO-NP strip, which is approximately 100 in width, will remain in-between. While development of this 100' wide strip is possible, any such development will be subject to compatibility standards triggered by the single-family properties. Similarly, while redevelopment of the office property to the north is entirely possible, it's also possible that the existing parking structure, which separates this tract from the actual office building, will remain for some time.

The recommendation for CS zoning comes with the condition that uses allowed in CS zoning but not GR zoning be prohibited, along with uses allowed in GR but already prohibited in the existing zoning ordinance. The following uses allowed in CS would be prohibited:

Adult-Oriented Business
Agricultural Sales and Services
Building Maintenance Services
Campground
Commercial Blood Plasma Center
Construction Sales and Services
Electronic Prototype Assembly
Electronic Testing
Employee Recreation

Equipment Repair Services
Equipment Sales
Laundry Services
Limited Warehousing and Distribution
Maintenance and Service Facilities
Transitional Housing
Vehicle Storage
Veterinary Services

This is in addition to the uses already prohibited as a condition of the current zoning, including: Automotive Rentals, Automotive Sales, Automotive Washing (of any kind), Bail

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Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, and Pawn Shop Services.

Taken together, the parent parcel ostensibly remains limited GR with one additional use on the portion closest to IH35 and furthest from family residential. Staff thinks limiting CS to the eastern two-thirds of the parcel fosters the idea of transition. In addition, given the number and scope of proposed prohibited commercial uses on the parcel as a whole and the maintenance of the GR-CO-NP strip abutting family residential, staff thinks the potential for detrimental impacts has been minimized.

Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors; and

Zoning should allow for a reasonable use of the property.

The parent tract lies adjacent to IH-35, more specifically, its service or frontage road, and Woodland Avenue. It meets the locational principle noted above. But while IH-35 frontage roads are clearly heavily travelled, Woodland west of the freeway is primarily a residential collector. Visibility from IH-35 southbound and northbound is limited because the throughways are elevated above the frontage roads and over Woodland Ave, which crosses underneath IH-35 from east to west. The subject tract is nearly 20 feet lower than the through lanes of IH-35. This lack of visibility may be a contributing factor to the fact this is an undeveloped commercial site.

Limiting the proposed Convenience Storage Use to the eastern tract, with primary access to and from IH-35 rather than Woodland Ave, allows for reasonable use of the property while simultaneously taking advantage of the frontage road.

EXISTING CONDITIONS & REVIEW COMMENTS

Site Characteristics

The site is currently undeveloped. It is heavily treed and compliance with tree ordinances will be required during site plan review. Topographically, the parent parcel slopes from east to west before rising slightly on the western edge, creating a slight valley effect (see Exhibit A-4). Harper's Branch Creek is channeled under Woodland Avenue and crosses the length of the property from south to north through a buried culvert in this valley area.

PDR Comprehensive Planning Review

August 21, 2012

The zoning case is located within the boundaries of the Greater South River City Combined Neighborhood Plan (GSRCCNP). This subject property is located on the northwest corner of Woodward Street and the IH 35 frontage road. The requested zoning change of GR-CO-NP to CS-CO-NP is consistent with a commercial use land use designation as identified on the GSRCCNP Future Land Use Map.

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The developer proposes to build a convenience storage facility on this vacant site. The GSRC plan objective found on page 43 states, *"Continue to allow office and limited commercial uses along IH-35, encouraging new development to respect the natural setting and to provide ample landscaping."* The conditional overlay on this site (Ord No. 20060303-058) does not prohibit convenience storage as a use on this site. The Imagine Austin Comprehensive Plan (IACP) designates this portion of the IH-35 a 'Neighborhood Center', which the IACP defines as, *"The smallest and least intense of the three types of activity centers outlined in the Growth Concept Map. Of the three, these will have a more local focus. Businesses and services—doctors and dentists, shops, branch libraries, dry cleaners, hair salons, coffee shops, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods."* The proposed use of a convenience storage facility is consistent with both the GSRCNP and IACP objectives for this area.

PDR Environmental Review

August 28, 2012

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Harpers Branch Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps there is no flood plain within the project area.
5. Numerous 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.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

PDR Site Plan Review

August 22, 2012

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

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2. This site is within the South River City Neighborhood Plan. Development at this site will be required to comply with any design and development standards within the Plan.
3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
4. The site is subject to compatibility standards. Along the west 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.
5. Additional design regulations will be enforced at the time a site plan is submitted.

PDR Transportation Review

August 29, 2012

1. No additional right-of-way is needed at this time.
2. 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].

Austin Water Utility Review

August 17, 2012

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 proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans 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 land owner will be responsible for paying any tap and or impact fees required.

C14-2012-0100 / Woodland Commercial Park

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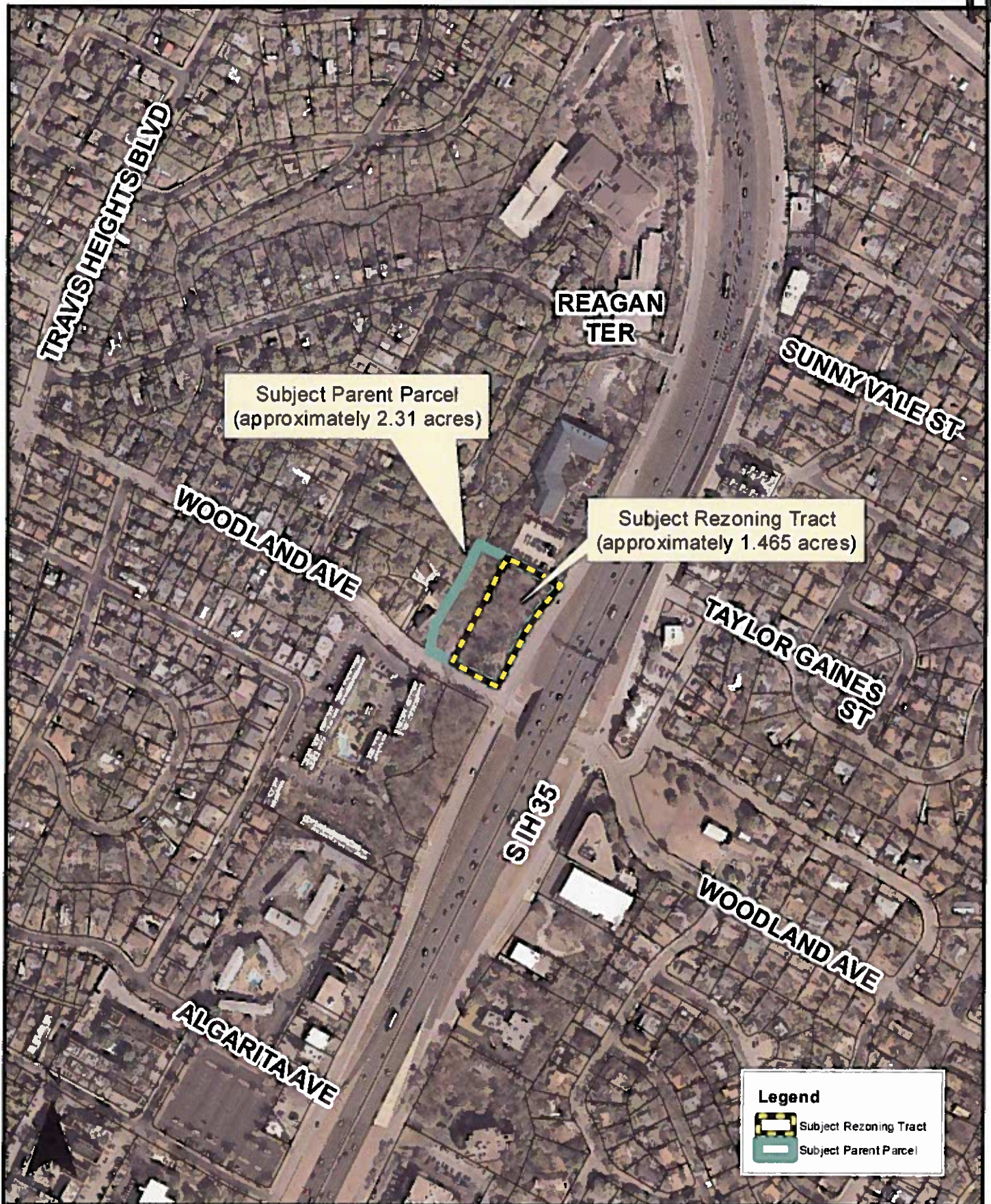


Image Data: 2009

Exhibit A-1
Location

0 200 400 800
Feet

1 inch = 400 feet

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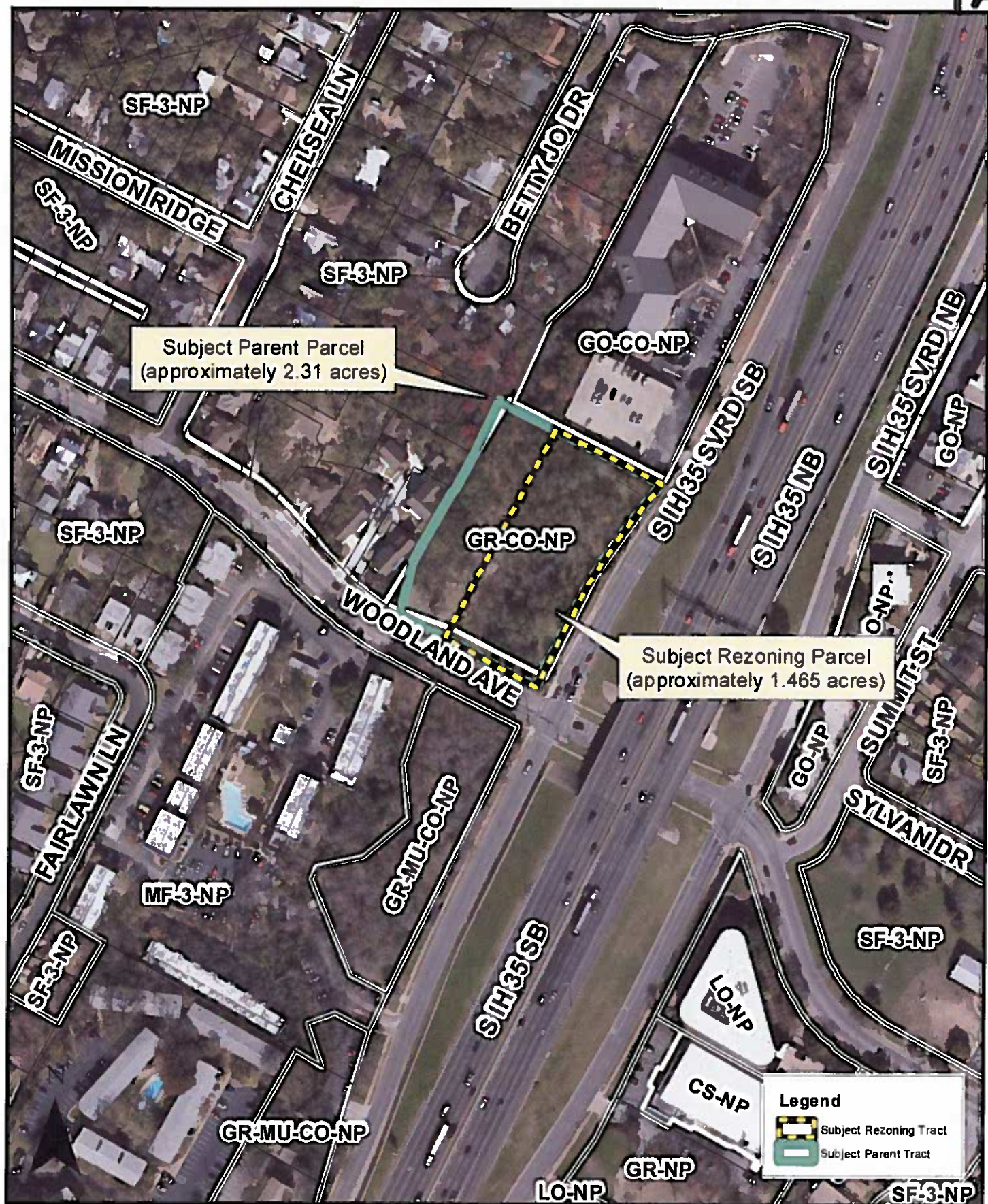


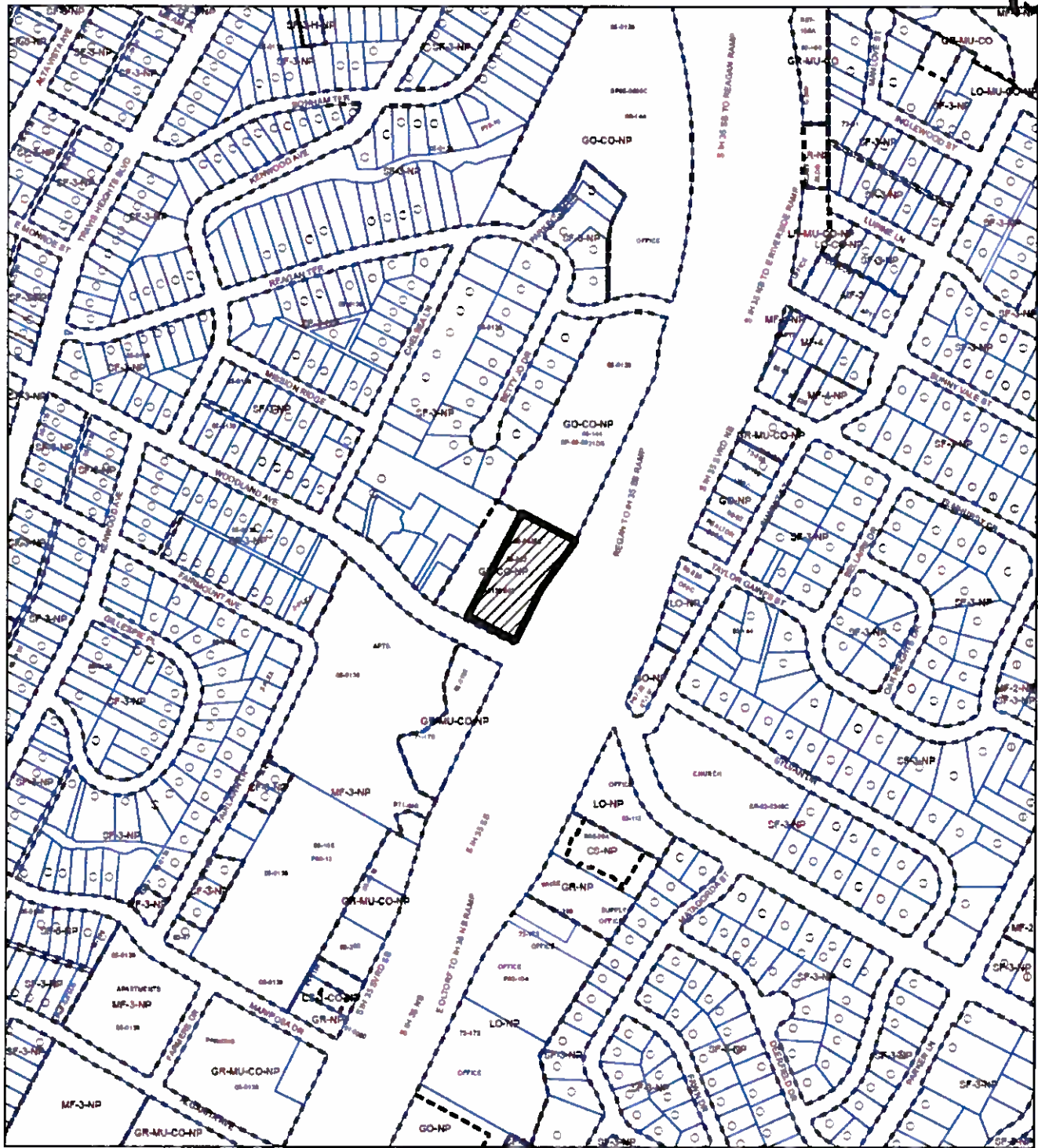
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Exhibit A - 2
Aerial & Zoning

0 200 400
Feet

1 inch = 200 feet

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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1" = 400'

ZONING

ZONING CASE#: C14-2012-0100



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

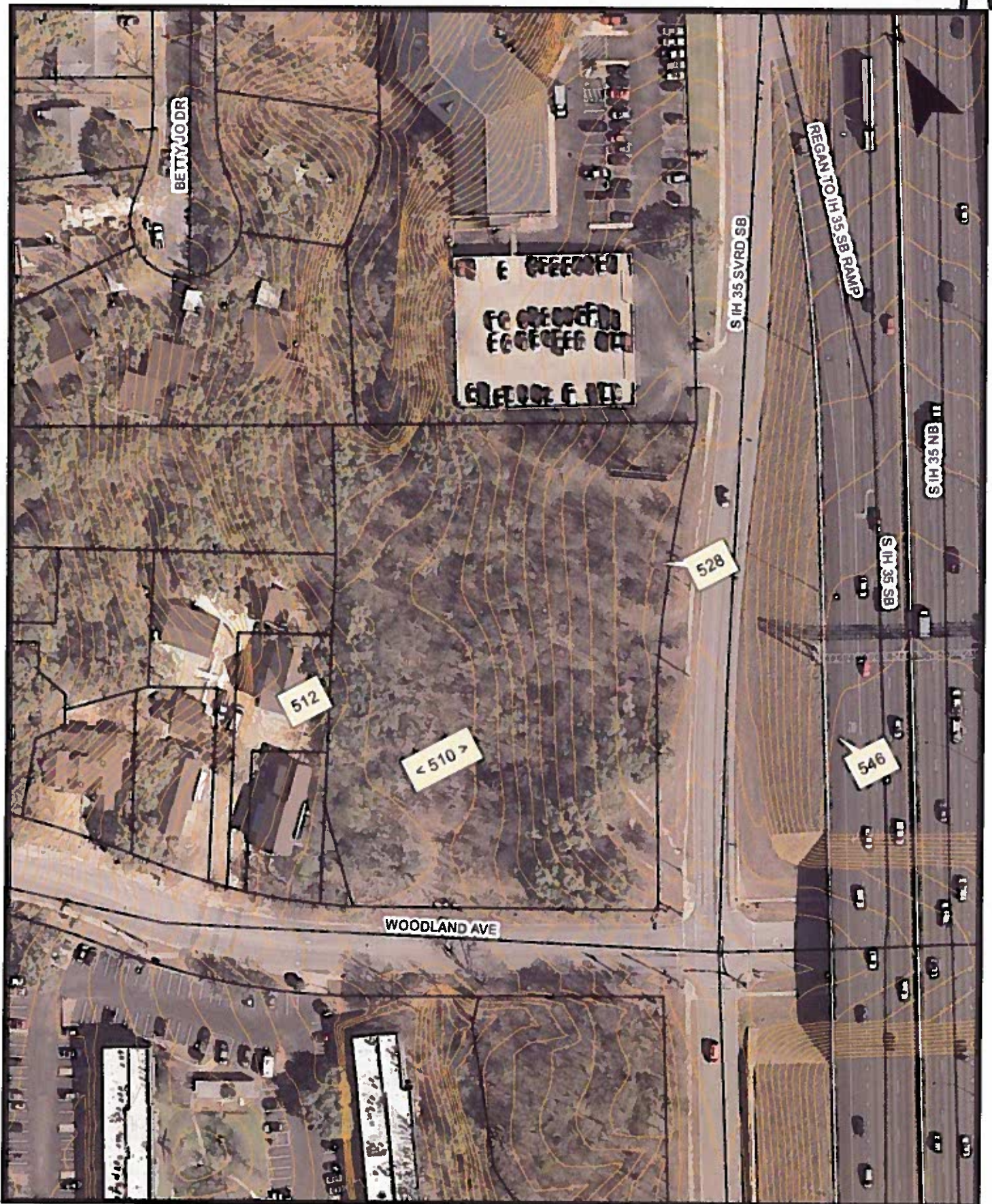


Image Data: 2009

Exhibit A - 4
Contours

0 50 100 200 Feet
1 inch = 100 feet