

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0100 **PC DATE:** July 9, 2013 June 25, 2013
 Woodland Commercial Park June 11, 2013 May 14, 2013
 April 9, 2013 March 12, 2013

ADDRESS: 1640 S IH-35 **AREA:** 1.465 acres
 (63,815 square feet)

OWNER: Woodland I-35, LP **AGENT:** Brown McCarroll, LLP
 (Billy Reagan II) (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 – revised to: *Access to Woodland Drive shall be limited by providing a Left out, Right in, type of drive.*
 - 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 the 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 10 p.m.

PLANNING COMMISSION RECOMMENDATION:

July 9, 2013 To grant CS-CO-NP, General Commercial Services – Conditional Overlay – Neighborhood Plan combining district zoning with Conditions (above), and

Direction to staff to work with the SRCC and applicant to incorporate terms of their agreement, to the extent possible, into a Conditional Overlay (CO) or Public Restrictive Covenant (RC), and that such CO, public RC or private RC be finalized prior to consideration by City Council. (Consent Motion by R. Hatfield; Hernandez-2nd) Passed 7-0. D. Chimenti and J. Nortey, absent.

- | | |
|----------------|--|
| June 25, 2013 | Postponed to July 9, 2013 at request of the South River City Citizens Neighborhood Association with no objection by Applicant (Consent Motion by J. Nortey; Chimenti-2 nd) Passed 7-0. S. Oliver and J. Stevens, absent. |
| June 11, 2013 | Postponed to June 25, 2013 at request of the South River City Citizens Neighborhood Association with concurrence by Applicant (Consent Motion by J. Nortey; Stevens-2 nd) Passed 8-0; D. Anderson, absent.* |
| 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 – 2 nd); 9-0. |
| April 9, 2013 | Postponed to May 14, 2013 at request of applicant (Consent Motion by D. Chimenti; R. Hatfield – 2 nd), 8-0, J. Stevens – Absent. |
| March 12, 2013 | Postponed to April 9, 2013 at request of applicant (Consent Motion by J. Nortey; R. Hatfield – 2 nd), 8-0, D. Anderson – Absent. |

* The original request for postponement by the South River City Citizens (SRCC) Neighborhood Association did not specify a duration for the postponement (see Exhibit C). However, at the Planning Commission meeting the SRCC and the Applicant agreed to a postponement until June 25.

ISSUES:

Postponements

This case has had a number of postponements requested either by the applicant, neighborhood stakeholders, or both. The additional time granted by the Planning Commission was well-used, and when the case was ultimately heard by the Planning Commission, the applicant and South River City Neighborhood Association had reached an agreement (see Exhibit D) regarding the rezoning request and related site development standards. The application was approved on Consent, with direction terms of the agreement be incorporated into the CO or public RC, as appropriate, and that a private agreement be finalized prior to Council consideration of the case.

Petition

On June 6 staff received a postponement request letter and a list of signatures in support of a petition. Commissioners granted the postponement at their meeting on June 11 and were informed of the potential for a petition (staff had not yet validated the petition) in late backup for that meeting.

As of the date of this report, there is no valid petition (see Exhibit P). Though there is some opposition to the proposed rezoning by neighborhood residents, as evidenced by the signatures submitted, none of those individuals who signed the petition form are property owners within the 200-foot eligible petition area. Additional correspondence from a neighborhood stakeholder has also been attached (see Exhibit C).

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**NEIGHBORHOOD ORGANIZATIONS:**

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 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	"A" Residence, 1 st Height & Area to "LR" Local Retail, 5 th Height and Area		Approved; 04/08/1971
C14-69-144			
C14-2005-0138	LR to GO-CO-NP	Approved; 09/13/2005	Approved; 12/01/2005
South	"A" Residence, 1 st Height & Area to "GR" General Retail, 5 th Height and Area		Approved; 09/08/1977
C14-71-170			
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:

June 27, 2013
June 20, 2013
May 23, 2013
April 25, 2013
March 28, 2013

Scheduled for August 8, 2013

Postponed to August 8, 2013 at staff request
Postponed to June 27, 2013 at staff request
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

PHONE: 974-7604

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

SUMMARY STAFF RECOMMENDATION

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

Conditions include:

- 5) Maintain the following conditions as listed in the current Conditional Overlay:
 - d) 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;
 - e) 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 – revised to: *Access to Woodland Drive shall be limited by providing a Left out, Right in, type of drive.*
 - f) 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 the ordinance.
- 6) Prohibit all uses allowed in CS but not allowed in GR, with the exception of Convenience Storage;
- 7) 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
- 8) Hours of operation shall be limited to 6 a.m. to 10 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 (GSRCNP) 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 GSRCNP 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.

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 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.

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.

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



Image Data: 01-2012

Exhibit A-1
Aerial

0 200 400 800
Feet

1 inch = 400 feet

C14-2012-0100 / Woodland Commercial Park

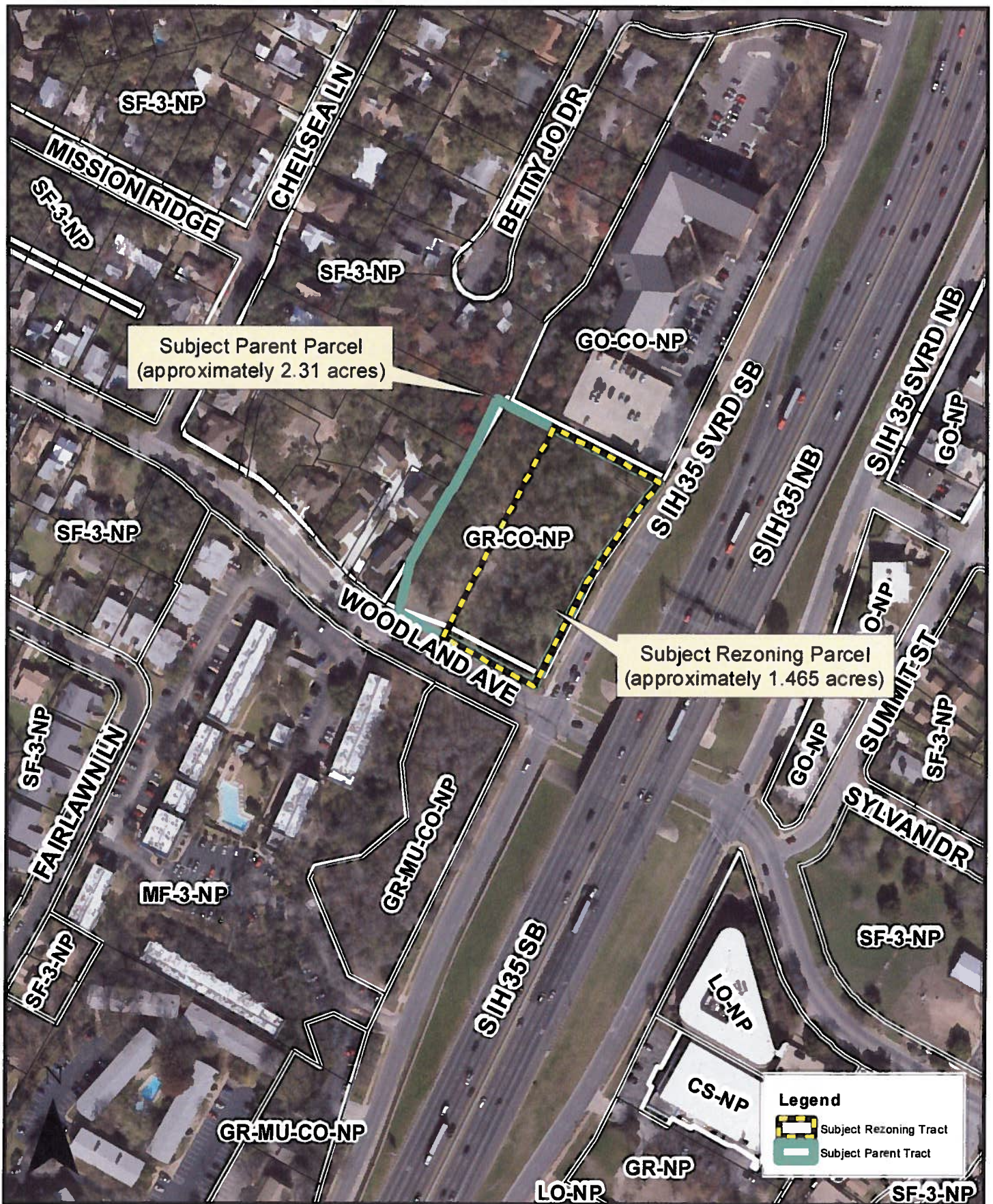
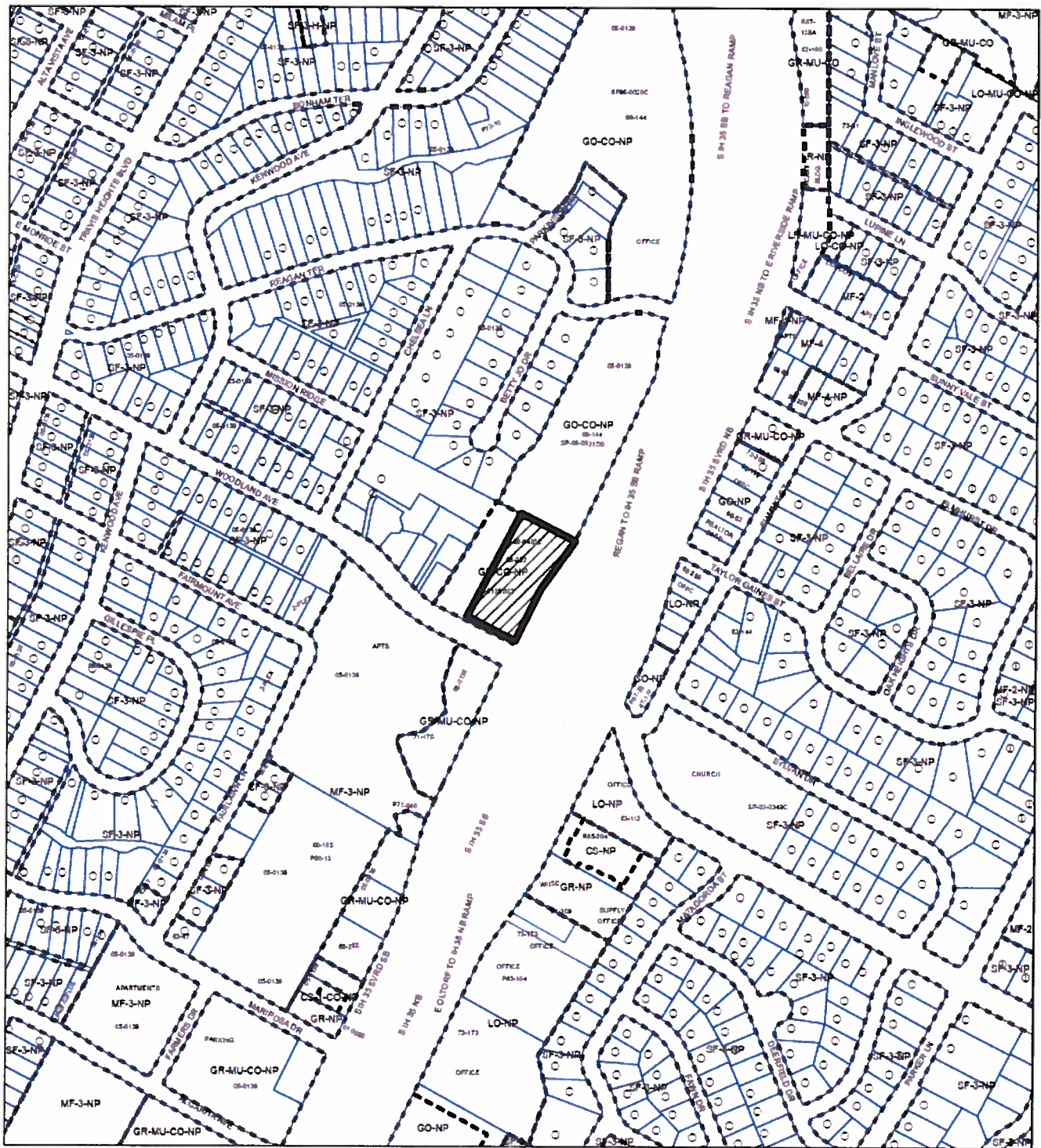


Image Data: 2012




Exhibit A - 2
Aerial & Zoning

0 200 400
Feet

1 inch = 200 feet



1" = 400'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

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.



C14-2012-0100 / Woodland Commercial Park

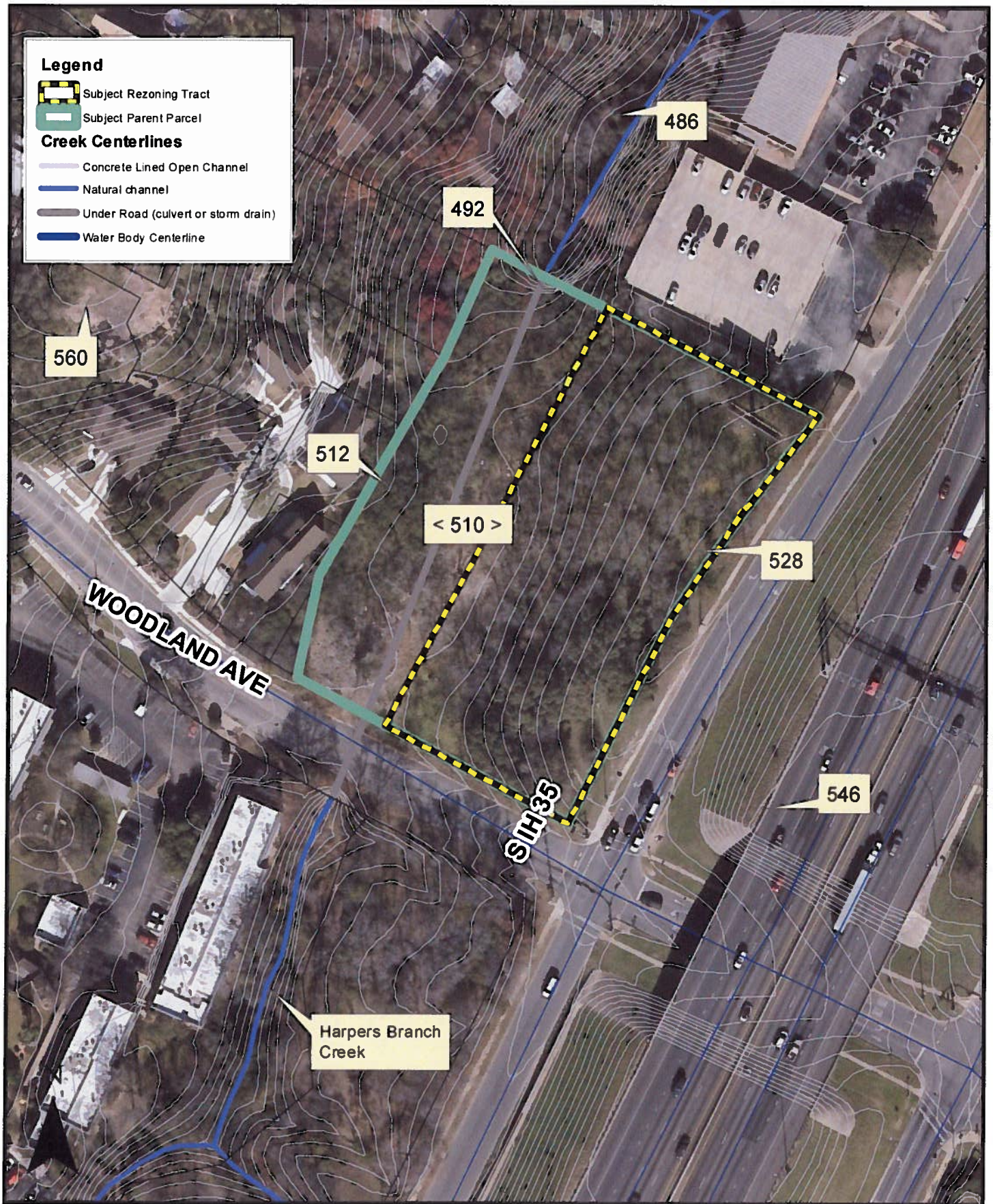


Image Data: 01-2012
Contour Data: 2003

Exhibit A-4
Contours & Creek

0 50 100 200
Feet

1 inch = 100 feet

SRCC South River City Citizens

SRCC Neighborhood Assoc.
P.O. 40632
Austin, TX 78704
www.srccatx.org

Marc Davis
president@srccatx.org

Carol Martin
vicepresident@srccatx.org

Garret Nick
secretary@srccatx.org

Nancy Byrd
treasurer@srccatx.org

Lee Heckman
Planning and Development Review Department
One Texas Center
505 Barton Springs Road
Austin, TX 78704

June 6, 2013

RE: C14-2012-0100 Reagan Signs Re-Zoning

Mr. Heckman,

In the South River City Citizens Neighborhood Association's General Meeting on June 3rd, 2013, the membership voted unanimously to oppose the proposed re-zoning of the Reagan Signs property at 1640 S. IH35 from GR-CO-NP to CS-CO-NP for the following reasons:

1. The adverse affects that CS use on this site will have on the quality of life for the residents of the neighboring residential properties.
2. CS use next to residential properties is not compatible with neighborhood and City of Austin planning principals.

In two meetings prior to our General Meeting, the applicant made many efforts to minimize the effects of having a 125,000 square foot storage warehouse directly next to residential properties but significant concerns still remained regarding the impact of this use on the neighbors. Additionally, there were significant concerns about the long-term enforceability of many of the applicant's proposed restrictions and compromises as well as the over-arching concern over "zoning creep." The membership felt that it would be very likely that granting CS zoning, even with a conditional overlay, could open the door for even higher impact uses down the line.

In addition to this letter of opposition, SRCC is also requesting a postponement of the Planning Commission hearing of this case that is currently scheduled for June 11, 2013. At this point, the July 9th meeting will not work for us due to travel schedules. It is also important for us to have enough time for preparation and to make sure that the affected members of our neighborhood can participate.

Sincerely,

Marc Davis
SRCC President

Exhibit C - 1

-----Original Message-----

From: Marc Davis

Sent: Tuesday, June 25, 2013 3:30 PM

To: Heckman, Lee

Subject: Requesting postponement of C14-2012-0100 Reagan Signs Re-Zoning case

Lee,

Since our last postponement, we have been working with the applicant more and feel that there is a possible path to compromise. At this point the applicant is still pulling together a final document that outlines the various concessions and restrictions they are willing to agree to (based, in part, upon our input) and we are, unfortunately, not ready to make a final judgment on this at tonight's Planning Commission meeting. Instead, we would like to request a postponement to the July 9th Planning Commission meeting. We feel very confident that will give us enough time to work with the applicant and evaluate the proposal and have a final judgment.

Thank you,
Marc Davis
SRCC President



MEMORANDUM

TO: Planning Commissioners

FROM: Lee Heckman, AICP
Planning and Development Review Department

DATE: July 9, 2013

SUBJECT: C14-2012-0100 / Woodland Commercial Park

Attached please find correspondence from a neighborhood stakeholder regarding the case.

Of note, the writer questions whether signage was posted regarding the zoning application. Attached please find a photo of one of the signs posted August 24, 2012, confirming signs were posted.

As information, the City attempts to reach all stakeholders within 500' of a property subject to a rezoning by drawing not only from TCAD data, which includes property and business owners, but also from its own utility billing data, in an attempt to reach non-property owning tenants.

Lee Heckman
Planning and Development Review Department

From: Pat Roeder
Sent: Monday, July 08, 2013 8:07 PM
To: Heckman, Lee
Subject: Woodland and IH 35, Reagan proposed CS zoning

Lee,

I am traveling and unable to attend the Planning Commission hearing. I would like to express that I am opposed to changing the zoning from GR to CS.

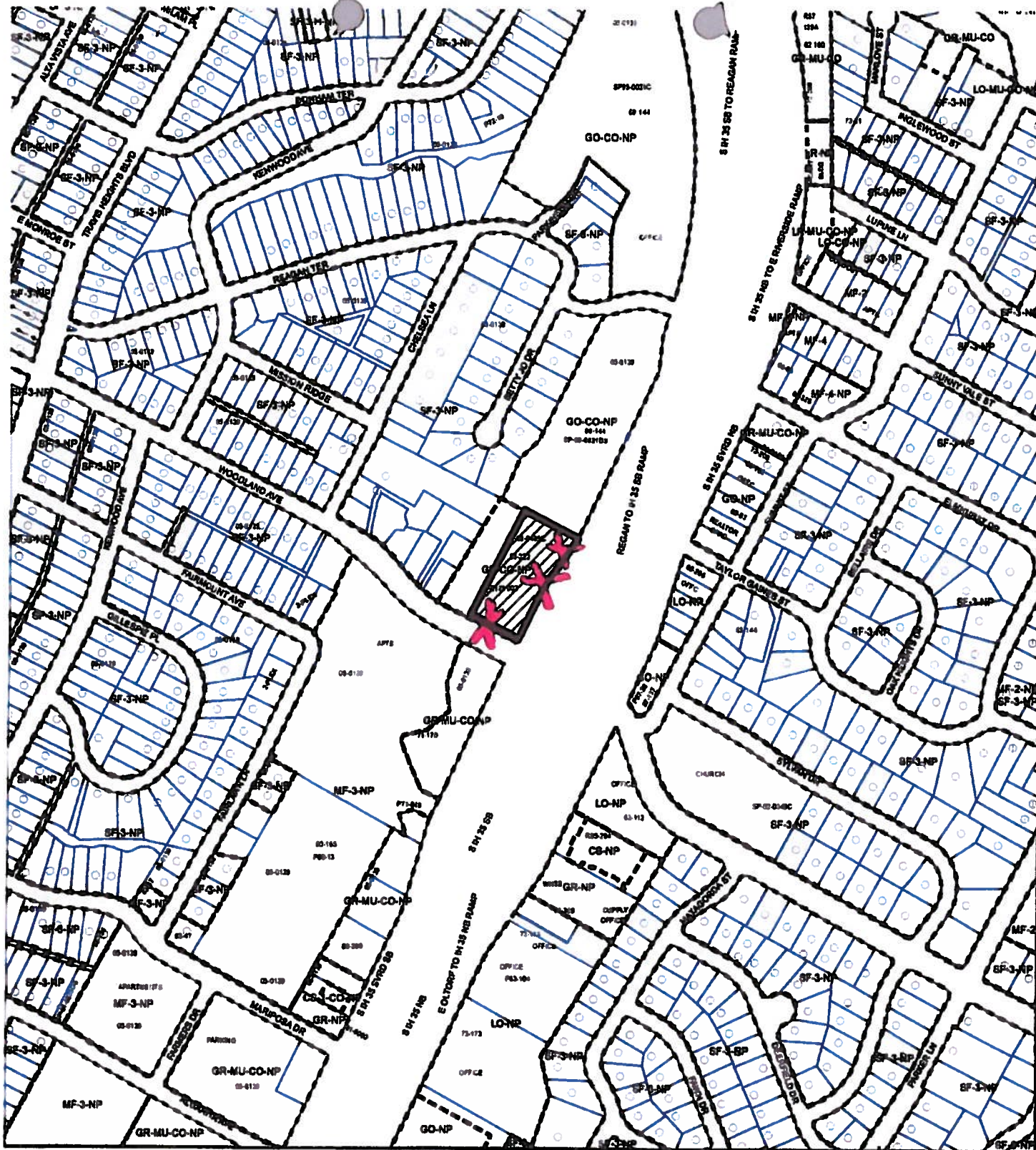
It is the size of the potential project that presents the largest concern. GR only allows a 1:1 FAR, while CS allows 2:1. This project will be twice the size of a GR project. I do not believe this is made clear to the Planning commission. A project of this size is not compatible for a site adjacent to SF 3.

There also appears to be a procedural problem with the case moving to the planning commission. I do not believe this site was properly posted. Property owners, like myself, within 500 feet received notices in the mail, but I do not believe that signs were ever posted at the site. The residents adjacent to the site are tenants and would have no way of knowing about the proposed zoning change. I do not think the case should proceed without the proper posting.

Please pass my comments along to the Planning Commission.

Thank you




Patrick Roeder
1523 Chelsea lane



ZONING

ZONING CASE#: C14-2012-0100

1640 S IH35 Service Rd.

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



1" = 400'

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Exhibit C - 5



1640 S IH 35 Service Road
Case: C14-2012-0100

Date: 8/24/2012
Investigator L. Taggart



MEMORANDUM

TO: Planning Commissioners

FROM: Lee Heckman, AICP
Planning and Development Review Department

DATE: July 9, 2013

SUBJECT: C14-2012-0100 / Woodland Commercial Park

Attached please find an agreement between the South River City Citizens (SRCC) Neighborhood Association and the applicant regarding the rezoning and development of the site.

City staff will work with both the SRCC and the applicant to incorporate terms of the agreement into either a CO or public RC. Those that cannot be so incorporated are expected to be documented into a private RC prior to consideration of the case by City Council.

Item 9 on the attached, regarding hours of operation, updates the hours listed in the zoning change sheet conditions (Item 4)

Item 10 on the attached, regarding access to Woodland, is meant to clarify the language of the existing conditional overlay (Item 1b).

There are no conflicts between the terms proposed and existing or proposed conditions recommended by staff in the zoning change sheet. Consequently, staff recommends approval of the rezoning request with the conditions specified in the zoning change or updated in the attached. Owing to the agreement between the SRCC and the applicant, staff offers the case for Consent, and will work with the SRCC and applicant regarding agreement items.

Lee Heckman
Planning and Development Review Department

Exhibit D - 1

Woodland Commercial Park Zoning – Item C.3

Staff Recommendation (CS-CO-NP) with the understanding that the parties will codify the agreement between them prior to consideration by the City Council. Staff will also work toward incorporating as many as possible components of the Agreement into the zoning ordinance and/or public restrictive covenants to the extent feasible.

The agreement between the SRCC and Applicant is as follows:

1. EXTERIOR MATERIALS

- Building shall be 100% masonry unless the use of other materials is approved in writing by the SRCC.

2. EXTERIOR LOOK

- Exterior masonry shall be laid in a three color scheme creating horizontal banding of the façade and to break the building up into blocks of complimentary earth tone colors.
- No exterior metal siding.
- Exterior glass shall be commercial-type glazing system, and such glazing shall constitute at least 20% of the exterior façade and shall be distributed on all exterior walls. SRCC and Applicant will continue to fine-tune the required placement of glazing throughout the surface of the building between PC and City Council.

3. EXTERIOR COLORS

- Trim colors and exterior overhead and walk doors shall be painted in earth tone colors to compliment the exterior masonry of the building.

4. EXTERIOR WALL ARTICULATION

- Exterior walls shall be articulated to avoid unbroken wall planes that exceed 100 feet in length.

5. EQUIPMENT SCREENING

- Rooftop equipment (air conditioning equipment, etc.) shall be screened from exterior view by extending the parapet wall up or other comparable methods. Any ground mounted equipment shall be screened by masonry walls to match the building except that electric meters will be painted to match the adjacent wall surface color rather than screened with masonry. Mechanical equipment shall only be allowed in the CS zoned area of the site.

6. DUMPSTER ENCLOSURE

- The dumpsters on the site shall be enclosed with masonry on three sides, 8 feet high, with a solid gate.

- The dumpster enclosure shall be located within the CS zoned area of the site as far away from the residential properties as is physically possible to still accommodate maneuvering of trash pick-up trucks.

7. CLEARING OF UNDERBRUSH

- Underbrush on the site shall be cleared within 60 days of the approval of the CS zoning to prevent homeless camps that occasionally occupy the site. The site shall be maintained and kept clear by mowing and removal of underbrush.

8. TREE CUTTING

- No heritage or protected tree shall be removed from the site or cut down unless and until a building permit is issued for the site, unless said tree is dead, diseased, or hazardous, as determined by the City Arborist or his designee. This restriction shall not prohibit owner from trimming trees, removing any non-protected or non-heritage tree at any time if such removal is called for in the site development permit.

9. OPERATING HOURS

- Operating hours and access to the facility by tenants shall be limited to 6:00 AM until 10:00 PM.

10. LEFT OUT RIGHT IN DRIVE

- Access to Woodland Drive shall be limited by providing a Left out, Right in, type of drive.

11. VEHICLE AND MATERIALS STORAGE.

- There shall be no storage of vehicles or materials outside the building.

12. USE OF NON-CS PORTION OF SITE

- No canopies or covered areas are permitted outside of the CS –zoned area of the site.
- Exterior canopies, covered parking, and similar type structures shall not be allowed outside of the CS-zoned area of the site.
- No structures shall be allowed outside of the CS-zoned area. Buildings for office, retail sales for packing material, trailer hitches, or any other type of building, shall not be allowed outside of the CS zoned area.

13. FENCING

- Any fencing shall be limited to decorative iron or steel. Chain link fencing, barbed wire, razor wire or similar types are prohibited.

14. ENTRY GATES

- Controlled access entry gates shall be provided at both entrances to the site, at the IH 35 access road and the Woodland access. Access to the site shall be limited by the gates to the operating hours.

15. EXTERIOR NOISE

- Exterior noise shall be limited. No exterior speakers or amplification devices shall be allowed outside of the building. No auctions shall take place outside of the building, except that any auction of a unit with exterior access will take place outside of the building in that it will take place at the door of the unit. No auctions shall take place on the property outside of the hours of 8 a.m. and 6 p.m. CST.

16. GRAFFITI

- Graffiti shall be removed from the building, dumpster enclosure, etc. on a regular basis. Graffiti shall not be allowed to remain for more than 3 days.

17. LANDSCAPING

- A landscape screen and landscaped, vegetated buffer at least 48.7' from the west property line shall be maintained to screen the view of the building from the adjacent residential properties. Plantings within the buffer shall be consistent with the agreement between SRCC and Applicant.

18. LIGHTING

- Lighting shall be restricted to the following:
 - Color temperature of the exterior lights will be warm to white to neutral white range (2700-4000 Kelvins maximum)
 - Maximum pole height for parking lot lighting shall be the minimum required to achieve the necessary foot candle output for safety and security.
 - Site lighting fixtures shall be equipped or retro-fitted with glare shield in order to contain light within the site perimeter.
 - Exterior lighting shall fully comply with Subchapter E, Section 2.5 of the City of Austin City Code.

PETITION

Case Number: **C14-2012-0100**

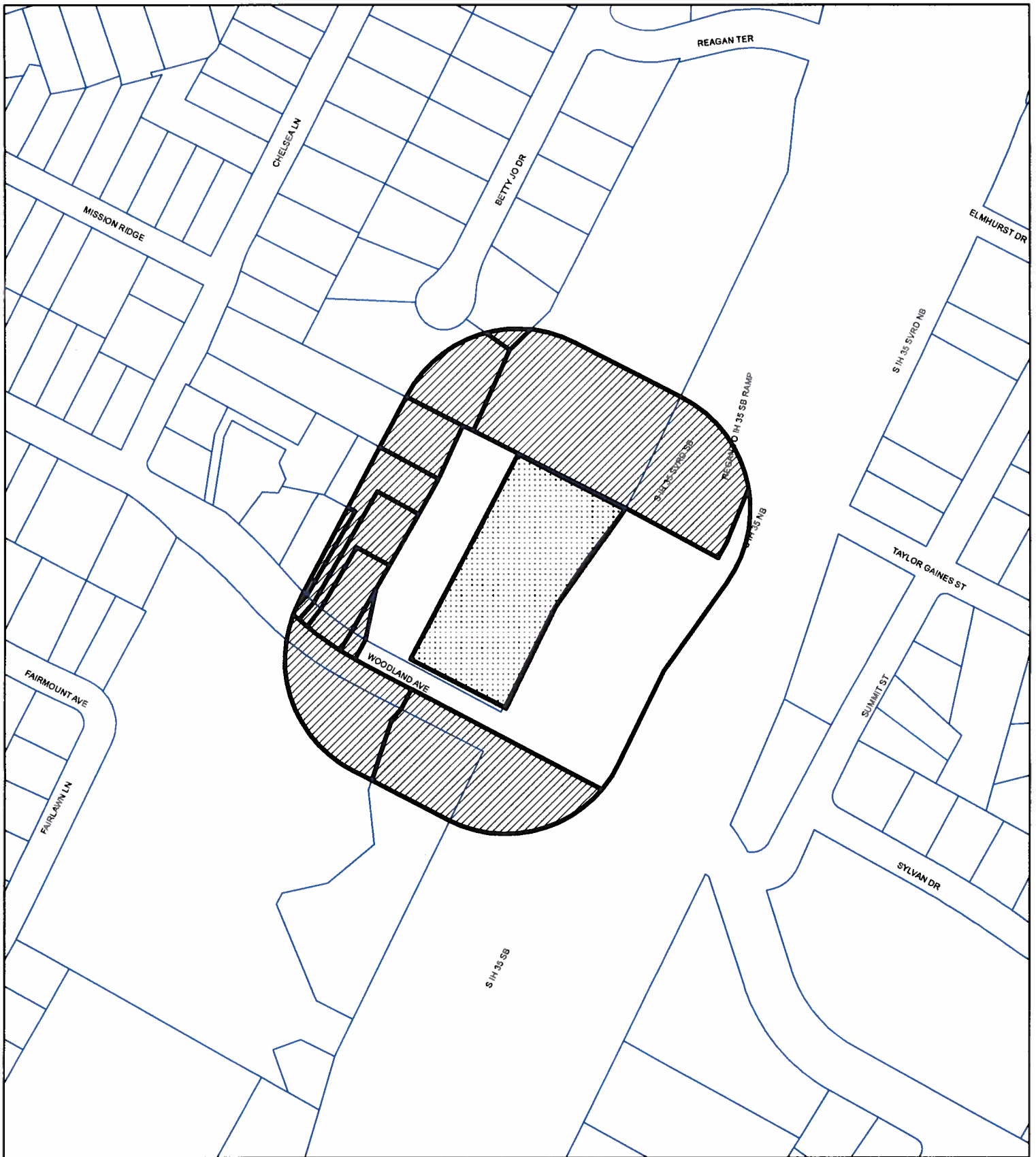
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


Total Square Footage of Buffer:	345155.20
Percentage of Square Footage Owned by Petitioners Within Buffer:	0.00%



Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

#	TCAD ID	Address	Owner	Signature	Petition Area	Percent
1	0302030941	1524 S INTERSTATE HY 35 78744	ABERFELDY II LIMITED PARTNERSHIP	no	82501.50	0.00%
2	0303020413	1824 S INTERSTATE HY 35 78741	BROOK APARTMENTS L C	no	27873.93	0.00%
3	0302030951	WOODLAN D AVE 78704	CITY OF AUSTIN	no	1963.35	0.00%
4	0304040209	WOODLAN D AVE 78756	DAVIS LENDOL & MARINA SIFUENTE MARINA SIFUENTES	no	45689.95	0.00%
5	0302030903	1601 CHELSEA LN 78704	LAYE MARY ELIZABETH & SAMANTHA L SLATE	no	9498.41	0.00%
6	0302030954	1312 WOODLAN D AVE 78704	THIRD COAST PARTNERS LP	no	9282.42	0.00%
7	0302030955	1308 WOODLAN D AVE 78704	THIRD COAST PARTNERS LP	no	9299.36	0.00%
8	0302030956	1304 WOODLAN D AVE 78704	THIRD COAST PARTNERS LP	no	10896.53	0.00%
9	0302030957	1300 WOODLAN D AVE 78704	THIRD COAST PARTNERS LP	no	1586.00	0.00%
10	0302030927	1511 BETTY JO DR 78704	VASSBERG JOHN C & CLAIRE A	no	1222.57	0.00%
11	0302031401	Address Not Found		no	13954.14	0.00%
12						0.00%
13						0.00%
24						0.00%
						Total %
						0.00%



-  BUFFER
-  PROPERTY_OWNER
-  SUBJECT_TRACT

PETITION

CASE#: C14-2012-0100

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Exhibit P - 3 CTM/GIS Map

1" = 200'






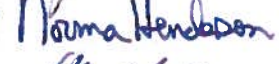




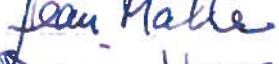

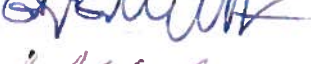


RE: Case # C14-2012-0100

Location: 1640 S IH 35 SVRD

Owner: Woodland I-35, L.P., Billy Reagan II

Applicant: Brown McCarroll, L.L.P., Nikelle Meade

As a South River City resident, I am opposed to the proposed zoning change from GR-CO-NP to CS-CO-NP on this property. By definition, CS zoning is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements *generally incompatible with residential environments*. A substantial area of this site is adjacent to residential properties. I support the adopted Neighborhood Plan as it currently stands.

Name	Address	Phone or Email	Signature
Sarah E Campbell	1201 Woodland Ave	512 638 9255	
Brian Talenti	1515A BETTY JO Dr.	512-992-0136	
Karlie Talenti	1515A Betty Jo Dr.	512 992-0136	
VICTORIA MONICA	1516B BETTY JO	512-445-2133	
1/2 of Suttler	1403 Kenwood Ave	512 447-2150	
Norma Henderson	2304 Alta Vista Ave	512-442-0737	
Maria Maddocks	2307 Alta Vista Ave	512-297-2627	
Russell Fraser	507 Lockhart Dr.	512-447-2284	
Joe Arriaga	1110 Woodland Ave		
Scott Ryder	505 Leland St	512 657 0641	
JEAN MATHER	1611 ALAMEDA	512 444-4153	
Toni House	1503 Ing lewood st	447-8090	
GAYLE Goff	1106 Upland	443-5041	
Sam Martin	1901 Travis Hts Blvd	441-5222	
Garret Nick	2608A Carnegie Ln	914-7882	


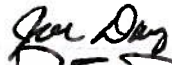


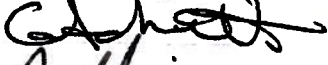







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Name	Address	Phone or Email	Signature
Mary Lovell	1401 S Congress 78704	512 282-2818	
JOE DAY	1609 MECKLERSON ST	512 441 1759	
Robert Reeves	1000 Alta Vista 78704	512 422 2443	
Michael Mayo	2213 Alta Vista 78704	512-443-4249	
GRETCHEN OTTO	512 E MARY, 78704	512-291-2006	
Jim Hallinan	503 Sunrise Circle 78704	512-560-2631	
Jose Rodriguez	1118 Woodland Ave.	512 736-3536	
Ges Creaton	1118 Woodland Ave	512 785 4903	
A. J. Greene	2110 Glendale Pl.	512-314-1877	
PATRICK ROEDER	1522 CHICKADEE LN	512-311-0116	
KATHY TIGHE	"	"	
Theresa Griffin	1111 Woodland	512 444-6914	

RE: Case # C14-2012-0100

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Name

Address

Phone or Email Signature

Carol Redman	1707 Kenwood	512-462-1823	Carol Redman
HELEN FLEMING	2000 BREEZE HOLLOW	512-917-1935	Helen Fleming
D. REDMAN	1707 KENWOOD	512-462-1873	D. Redman
RICH BROTHERTON	1108 WOODLAND AVE	512-443-0478	Rich Brotherton
Kathy Brotherton	1108 WOODLAND AVE	512-443-0478	Kathy Brotherton
Kent C Anschutz	1800 Alta Vista	512-478-4947	Kent C Anschutz
Kathy Henley	409 Terrace	512-272-9191	Kathy Henley
Rich Weigand	1112 Travis Hts	512-443-9341	Rich Weigand
HELEN WEIGAND	1112 TRAVIS HEIGHTS	512-443-9341	Helen Weigand
Carol Martin	1901 TRAVIS HTS Blvd	512-441-5222	Carol Martin
Nancy, Byrd	1335 Bonham Terrace	512-441-4071	Nancy, Byrd