

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2014-0038 (The Hopper)

**Z.A.P. DATE:** April 15, 2014  
May 20, 2014  
June 17, 2014

**ADDRESS:** 801 West Wells Branch Parkway

**OWNER/APPLICANT:** Sealy & Company (Michael Sealy)

**AGENT:** Garrett-Ihnen Civil Engineers, Inc. (Steve Ihnen, P.E.)

**ZONING FROM:** IP-CO

**TO:** Tract 1: SF-4A  
Tract 2: RR

**AREA:** 35.86 acres  
6.80 acres  
42.66 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff recommends SF-4A-CO, Single Family Residence-Small Lot-District, zoning for Tract 1 and RR-CO, Rural Residence District, zoning for Tract 2. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

4/15/14: Postponed to May 20, 2014 at the staff's request (5-0, B. Baker & R. McDaniel-absent)  
G. Rojas-1<sup>st</sup>, J. Meeker-2<sup>nd</sup>.

5/20/14: Postponed to June 17, 2014 at the staff's request (6-0, R. McDaniel-absent); G. Rojas-1<sup>st</sup>,  
C. Banks-2<sup>nd</sup>.

6/17/14: Approved staff's recommendation of SF-4A-CO zoning for Tract 1 and RR-CO zoning for  
Tract 2 on consent (6-0, C. Banks-absent); P. Seeger-1<sup>st</sup>, G. Rojas-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The site under consideration is part of a large undeveloped tract of land located near the recently constructed southwestern intersection of Wells Branch Parkway and Heatherwilde Boulevard. The surrounding properties to the north, south and west are undeveloped. The parcels to the north are currently zoned for industrial (IP-CO) and commercial (GR-CO) use. The property to the south is located in the County within the Northtown Municipal Utility District. The Northtown MUD Land Use Plan calls for single-family residential development in this area. The lots to the west are zoned RR and contain an industrial use (Lone Star Surface Technologies) that fronts onto Wells Branch Parkway and a large undeveloped area. There is GR-MU-CO zoning to the east of the site, across Heatherwilde Boulevard, which will permit a mixture of office, commercial and residential uses. The applicant is requesting a down zoning of the property in question to SF-4A, Single Family Residence-Small Lot District, zoning for Tract 1 because they would develop the property with residential uses consistent with the lots planned in the Northtown MUD to the south and with the existing residential neighborhood (Sarah's Creek) to the northwest, across W. Wells Branch Parkway. The applicant is proposing RR zoning for Tract 2 as this portion of the site is located within a critical water quality area and nothing will be built within this tributary of the Harris Branch watershed.

The staff recommends SF-4-CO zoning for Tract 1 and RR-CO zoning for Tract 2 as the proposed zoning is compatible with the single-family residential uses planned in the Northtown MUD directly to the south of this site. The proposed zoning will permit the applicant to provide housing opportunities in an area with a variety of commercial and industrial employment centers along a newly constructed major arterial roadway, South Heatherwilde Boulevard.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	IP-CO	Undeveloped
<i>North</i>	IP-CO, GR-CO	Undeveloped
<i>South</i>	County (Northtown MUD)	Undeveloped
<i>East</i>	GR-MU-CO	Undeveloped
<i>West</i>	RR	Industrial (Lone Star Surface Technologies), Undeveloped Tract

**AREA STUDY:** N/A

**TIA:** Required

**WATERSHED:** Harris Branch

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
 Austin Monorail Project  
 Homeless Neighborhood Association  
 Bike Austin  
 North Growth Corridor Alliance  
 Pflugerville Independent School District  
 SELTEXAS  
 Sierra Club, Austin Regional Group  
 The Real Estate Council of Austin, Inc.

**SCHOOLS:** Pflugerville I.S.D.

Northwest Elementary  
 Parmer Lane Elementary  
 Westview Middle School  
 Connally High School

### CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2012-0156 (Austin 7: 1434 West Wells Branch Parkway)	I-RR to GR	1/15/13: Approved staff's recommendation of GR-CO zoning, with CO to limit the development intensity to less than 2,000 vehicle trips per day over the existing land uses, by consent (6-0, P. Seeger-absent); G. Rojas-1 <sup>st</sup> , S. Compton-2 <sup>nd</sup> .	2/14/13: Approved GR-CO zoning on all 3 readings (6-0; M. Martinez-off the dais); B. Spelman-1 <sup>st</sup> , C. Riley-2 <sup>nd</sup> .
C14-2011-0123 (Wells Branch Properties: 1215, 1301, and 1307 Wells Branch Parkway)	RR to LI* *On November 7, 2011, the agent for this case stated that the applicant agrees with the staff's rec. of CS district zoning for this site. Mr. Faust also said that his client would like to offer a conditional overlay for this case to prohibit Adult Oriented Business and Pawn Shop uses at this location.	11/15/11: Approved CS-1-CO zoning on consent (6-0, G. Bourgeois-absent); P. Seeger-1 <sup>st</sup> , C. Banks-2 <sup>nd</sup> .	12/08/11: Approved CS-CO zoning on consent (6-0; S. Cole-off dais); B. Spelman-1 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> .
C14-2009-135 (HW Tosca: 100 East Wells Branch Parkway)	GR, MF-2 to GR-MU-CO* * Prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing-of any type (over 2,000 sq. ft. in size), Drop-Off Recycling Collection Facility, Commercial Off-Street Parking, Funeral Services,	5/04/10: Approved staff's recommendation of GR-MU-CO zoning, with the TIA conditions and the following additional conditions: 1) Require a 25-foot building setback and the south and east property lines; 2) make Outdoor Sports and Recreation, Guidance Services, and Residential Treatment conditional uses on the site; 3) require a minimum of 20% of the site to be developed with multi-family residential uses (6-1, B. Baker-No); G. Bourgeois-1 <sup>st</sup> , B. Baker-2 <sup>nd</sup> .	5/27/10: Approved ZAP recommendation, with an additional condition to provide for a 25-foot setback for dumpsters from the common property lines with the adjacent MUD (6-0, Spelman-off dais); Morrison-1 <sup>st</sup> , Riley-2 <sup>nd</sup> .  7/29/10: Approved GR-MU-CO zoning on consent on 2 <sup>nd</sup> /3 <sup>rd</sup> readings (7-0); Spelman-1 <sup>st</sup> , Cole-2 <sup>nd</sup> .

	Exterminating Services, Pawn Shop Services, Off-Site Accessory Parking, and Research Services.		
C14-00-2140 (Sarah's Creek South: Drusilla Drive)	I-RR to SF-4	8/15/00: Approved staff rec. of SF-4A by consent (9-0)	9/28/00: Approved SF-4A for Tract 1 and RR for Tract 2 (7-0); 1 <sup>st</sup> reading  12/07/00: Approved SF-4A for Tract 1 and RR for Tract 2 (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-00-2137 (Sarah's Creek: Drusilla Drive)	I-RR to SF-4	8/15/00: Approved staff rec. of SF-4A by consent (9-0)	9/28/00: Approved SF-4A (7-0); all 3 readings
C14-00-2079 (77 Acre Heatherwilde Tract: Heatherwilde Boulevard)	I-RR to IP, GR	12/05/00: Approved staff rec. of GR-CO (TR1) & IP-CO (TR2), with TIA conditions and prohibiting the following uses on Tract 2: Agricultural Sales and Services, Art and Craft Studio(Industrial), Automotive Rentals, Automotive Repair Services, Convenience Storage, Medical Offices(exceeding 5,000 sq.ft.), Off-Site Accessory Parking, Outdoor Sports and Recreation, Personal Services, Plant Nursery, Restaurant(Drive-in, Fast Food), Service Station, Community Recreation (Public), Congregate Living, Day Care Service (Commercial), Maintenance and Service Facilities, Railroad Facilities, Residential Treatment (Vote:8-0)	7/19/01: Approved GR-CO (TR1) & IP-CO (TR2), (6-0); all 3 readings
C14-99-2016 (Heatherwilde Blvd.)	I-RR to RR	1/25/00: Approved staff rec. of RR (TR1) & DR (TR2) by consent (6-2, GW/BB-Nay)	3/02/00: Approved PC rec. of RR (TR1) & DR (TR2) on 1 <sup>st</sup> reading (7-0)  6/29/00: Approved 2 <sup>nd</sup> /3 <sup>rd</sup> readings (7-0)
C14-98-0150 (Wellspoint Tract:	I-RR to MF-2, GR	4/20/99: Approved staff rec. of MF-2 (TR1) & GR (TR2) by consent (7-0)	5/20/99: Approved PC rec. of MF-2 (TR1) & GR (TR2) w/conditions

Heatherwilde at Wells Branch South side)			(7-0); 1 <sup>st</sup> reading  7/01/99: Approved MF-2 (TR1) & GR (TR2) w/conditions (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-98-0076 (Office/Warehouse Project: 1205 W. Wells Branch Parkway)	I-RR to LI	7/14/98: Approved W/LO-CO w/conditions (7-1, SA-Nay)	10/8/98: Approved CS-CO w/many conditions (6-0); 1 <sup>st</sup> reading  4/1/99: Approved CS-CO w/conditions (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** C14-2014-0037 (Current Adjacent Zoning Case)  
C14-00-2079 (Previous Zoning Case)  
SP-01-0209C (Site Plan Case)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
Wells Branch Parkway	120'	2@29'	Major Arterial	Not Available

**CITY COUNCIL DATE:** May 15, 2014

**ACTION:** Postponed on consent to June 12, 2014 at the staff's request (7-0); B. Spelman-1<sup>st</sup>, M. Martinez-2<sup>nd</sup>.

June 12, 2014

**ACTION:** Postponed to August 7, 2014 at the staff's request (7-0); B. Spelman-1<sup>st</sup>, L. Leffingwell-2<sup>nd</sup>.

August 7, 2014

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

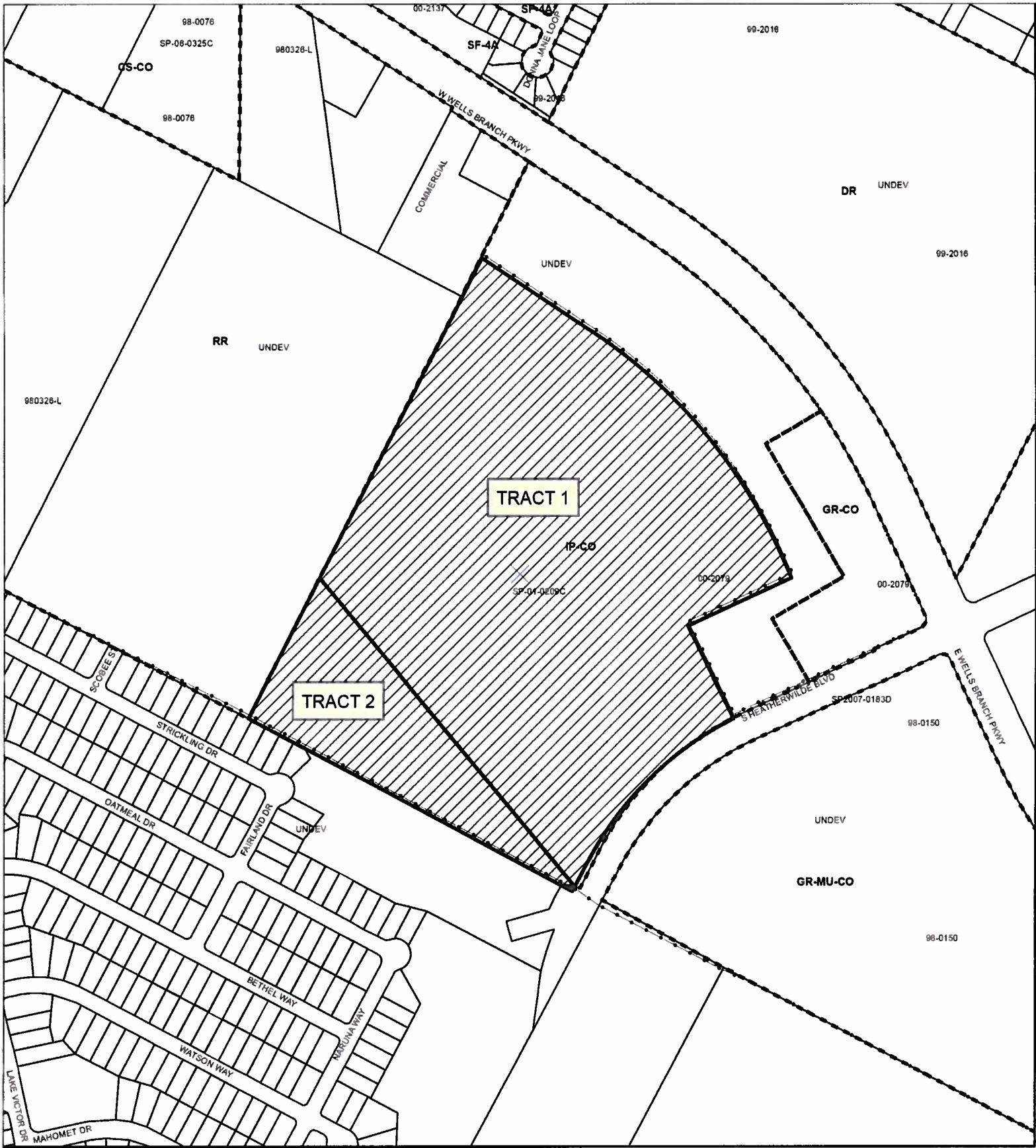
2<sup>nd</sup>




3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

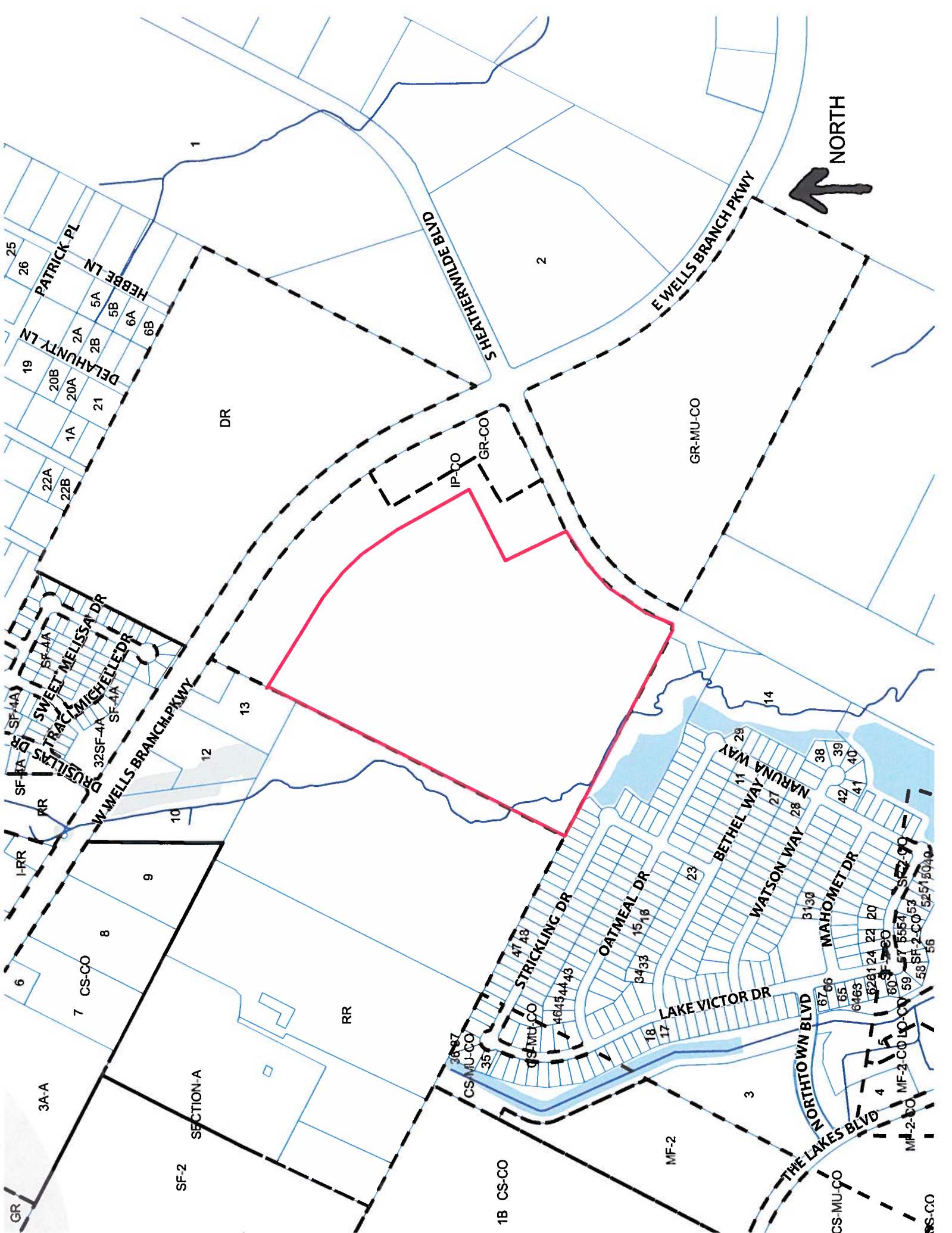
## ZONING CASE C14-2014-0038

1" = 400'

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.







## **STAFF RECOMMENDATION**

The staff recommends SF-4A-CO, Single Family Residence-Small Lot-District, zoning for Tract 1 and RR-CO, Rural Residence District, zoning for Tract 2. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

## **BASIS FOR RECOMMENDATION**

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

Single-family residence small lot (SF-4A) district is the designation for a moderate density single-family residential use on a lot that is a minimum of 3,600 square feet. An SF-4A district use is subject to development standards that maintain single family neighborhood characteristics.

Rural residence (RR) district is the designation for a low density residential use on a lot that is a minimum of one acre. An RR district designation may be applied to a use in an area for which rural characteristics are desired or an area whose terrain or public service capacity require low density.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed zoning is compatible with surrounding zoning and uses as it will permit residential development that is consistent with the single family residential lots planned in the Northtown MUD to the south and with the existing Sarah's Creek residential neighborhood, across W. Wells Branch Parkway, to the northwest.

3. *The proposed zoning should allow for a reasonable use of the property.*

The proposed zoning will permit the applicant to provide housing opportunities in an area with a variety of commercial and industrial employment centers along a newly constructed major arterial roadway.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site under consideration is currently part of a large undeveloped tract of land located at the southwestern intersection of the newly constructed Heatherwilde Boulevard and West Wells Branch Parkway.

### **Comprehensive Planning**

IP-CO to SF-4A and RR

This undeveloped property is approximately 42.6 acres in size (which is part of a larger 59 acre parcel) and is located on the southwest corner of W. Wells Branch Parkway and S. Heatherwilde Boulevard. The property is not located within the boundaries of a neighborhood planning area. Surrounding land uses include vacant land to the north and east, an office/warehouse and vacant land to the west, and a single family subdivision to the south. The proposal is for a residential development.

### **Imagine Austin**

The *Imagine Austin Growth Concept Map* identifies the subject property as being located along an Activity Corridor (W. Wells Branch Parkway). Activity corridors identify locations for additional people and jobs above what currently exists on the ground. They are characterized by a variety of activities and types of buildings located along the roadway, and are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances.

The following Imagine Austin Comprehensive Plan policies are applicable to this case:

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
- **LUT P10.** Direct housing and employment growth to activity centers and corridors, preserving and integrating existing affordable housing where possible.
- **HN P1.** Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.
- **HN P10.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based upon *Imagine Austin* policies referenced above that supports growth along Activity Corridors, including a variety of housing types, staff believes that the proposed residential use is supported by Imagine Austin.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Harris Branch Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

According to floodplain maps there is no floodplain within or adjacent to the project location. However, COA GIS does indicate that a Critical Water Quality Zone exists within the project location. Offsite drainage should be calculated to confirm the Critical Water Quality Zone delineation.

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

### **Impervious Cover**

The maximum impervious cover allowed by the SF-4A zoning district would be 65% and RR zoning district would be 25%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Note: The most restrictive impervious cover limit applies.

### **Site Plan**

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

### **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 storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

### **Transportation**

Additional right-of-way may be required at the time of subdivision and/or site plan.

A traffic impact analysis (TIA) was previously completed with zoning case C14-00-2079 and a TIA Addendum was submitted concurrently with C14-2014-0037. The requested rezoning is expected to generate less traffic than the existing approved land use and falls under the development intensities assumed with the previous TIA. 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]

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows:  
Heatherwilde Boulevard serves route no. 57 with an existing Bike Lane.

Sidewalks exist along Wells Branch Parkway and Heatherwilde Boulevard.

Eric Dusza in Public Works Department may have additional comments regarding multi-modal mobility enhancements and facilities.

Capital Metro bus service (route no. 243) is available along Heatherwilde Boulevard adjacent to the site.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Heatherwilde Boulevard	90'-100'	2 @ 28'	Major Arterial Divided 4-Lane (MAD 4)	Yes	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 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 and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.austintexas.gov](http://www.austintexas.gov)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2014-0038

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Apr 15, 2014, Zoning and Platting Commission  
May 15, 2014, City Council

Jackson CNZ  
Your Name (please print)

15001 Donna Jane loop  
Your address(es) affected by this application

4-21-14  
Date

Signature

Daytime Telephone: 512-577-7475

Comments: Ever since Wells Branch was expanded the houses closest to the street were supposed to have a noise / Privacy screen - shrubs and trees were planted but never upkeep so they have died. I oppose because of all the noise and increased traffic a development would bring. I would be in favor if a privacy screen is installed.

If you use this form to comment, it may be returned to:

City of Austin  
Planning & Development Review Department  
Sherri Sirwaitis  
P. O. Box 1088  
Austin, TX 78767-8810