

ZONING CHANGE REVIEW SHEET**CASE:** C14-2015-0135 – South Six**P.C. DATE:** December 8, 2015
January 12, 2016**ADDRESS:** 4212 Smith School Road**DISTRICT AREA:** 2**OWNER:** 143 Smith School, Ltd.
(Ronald B. Yokubaitis)**AGENT:** Sneed, Vine & Perry, PC
(Robert Kleeman)**ZONING FROM:** DR-NP**TO:** LI-PDA-NP**AREA:** 6.509 acres**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant limited industrial services – planned development area – neighborhood plan (LI-PDA-NP) combining district zoning. The Planned Development Area allows for 1) all permitted and conditional uses in the LI district, 2) additional permitted uses in the LI district, 3) prohibits certain uses in the LI zoning district, and 4) establishes that LI site development standards will apply to the property, as further outlined on page 2 of this report.

PLANNING COMMISSION RECOMMENDATION:

December 8, 2015: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO JANUARY 12, 2016*

[J. VELA; P. SEEGER – 2ND] (11-0) J. SHIEH – ARRIVED LATE; J. THOMPSON – ABSENT

January 12, 2016:

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject rezoning area consists of undeveloped tract located near the terminus of Smith School Road, and is zoned development reserve – neighborhood plan (DR-NP) combining district. The land was formerly owned by the State and sold to the owner in July 2013. Expo Business Park Sections I and II are located to the north and northwest (LI-PDA-NP); McKinney Falls State Park is to the east and southeast (DR); undeveloped land owned by the State is to the south (DR); and there is undeveloped land to the west (W/LO-CO-NP; LI-CO-NP). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

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The Applicant proposes to rezone property to the limited industrial services – planned development area – neighborhood plan (LI-PDA-NP) district in order to develop the site with industrial uses, potentially in conjunction with adjacent LI zoned properties to the north and west. As set forth in Land Development Code Section 25-2-441, the regulations of a planned development area (PDA) may modify: 1) permitted or conditional uses authorized by the base district, 2) site development regulations except for compatibility standards, and 3) off-street parking or loading regulations, sign regulations or screening regulations applicable in the base district.

The Applicant's proposed PDA would:

- 1) allow for all existing permitted and conditional uses in the LI district
- 2) prohibit the following uses:

adult-oriented businesses	basic industry
club or lodge	congregate living
day care services (general, limited & commercial)	
group home (Class I – limited and general, and Class II)	
laundry services	liquor sales
residential treatment	resource extraction
scrap and salvage	transitional housing
- 3) establish the following additional permitted uses:

administrative services	animal production
consumer repair services	crop production
horticulture	major public facilities
major utility facilities	park and recreation services
research assembly services	research testing services
research warehousing services	urban farm
- 4) allow for the application of LI site development standards.

Given the presence of similar zoning and warehouse/industrial businesses to the north, location on a collector street that serves other industrial uses and separation from residential areas, Staff recommends LI-PDA-NP, as requested.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR-NP	Undeveloped
<i>North</i>	LI-PDA-NP	Industrial; Undeveloped
<i>South</i>	DR	McKinney Falls State Park; Texas Parks and Wildlife Department building
<i>East</i>	DR; W/LO-CO; LI-PDA	Elementary School; Industrial business park
<i>West</i>	LI-PDA-NP; LI-CO-	Industrial business park; Undeveloped

	NP	
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NEIGHBORHOOD PLANNING AREA: Southeast **TIA:** Is not required
Combined (McKinney)

WATERSHEDS: Williamson / Onion Creeks **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

96 – Southeast Corner Alliance of Neighborhoods 511 – Austin Neighborhoods Council
627 – Onion Creek Homeowners Association
774 – Del Valle Independent School District
1228 – Sierra Club, Austin Regional Group 1258 – Del Valle Community Coalition
1316 – Southeast Combined Neighborhood Plan Contact Team
1340 – Austin Heritage Tree Foundation 1363 – SEL Texas
1408 – Go! Austin/Vamos! Austin – Dove Springs
1438 – Dove Springs Neighborhood Association 1441 – Dove Springs Proud
1447 – Friends of the Emma Barrientos MACC 1528 – Bike Austin
1530 – Friends of Austin Neighborhoods

SCHOOLS:

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

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0200 – Expo Business Park – 6133-6235 East Stassney Ln	GR-MU-NP to LI-NP	To Grant LI-CO-NP w/CO prohibit basic industry and resource extraction, 100' building setback along south property line, 50' building setback along east property line, and r-o-w dedication along Stassney Ln	Apvd LI-CO-NP as Commission recommended (11-20- 2008).
C14-03-0037 – Southeast Combined Creek Setback, South of Burleson Rd and west of Stassney Ln	W/LO-NP; LI- CO-NP; LI-NP to W/LO-CO-NP and LI-CO-NP	To Grant W/LO-CO- NP and LI-CO-NP with the CO establishing a setback that prohibits development for 50 feet in both directions from the centerline of	Apvd W/LO-CO-NP and LI-CO-NP as Commission recommended (6-5- 2003).

		an open waterway, with exceptions of utility crossings, hike and bike trails, driveway crossings and roadway crossings	
C14-02-0117 – Telecom Office Park – 4101 Smith School Rd	I-RR to LI-PDA	To Grant LI-PDA with the PDA for 2,000 trips/day, list of add'l permitted uses and prohibited uses, mf uses developed in conjunction w/certain uses only, LI site development regs and stds unless mf development, MF-2 site development regs and stds if MF devt, 25' buffer between mf and a commercial or industrial use	Apvd LI-PDA as Commission recommended (3-20-2003).
C14-02-0078 – 4207 Smith School Rd	I-RR to CS	To Grant W/LO-CO w/CO for 2,000 trips/day	Apvd W/LO-CO as Commission recommended (7-18-2002).
C14-95-0128 – Expo Center Section I – East side of Burleson Rd at Montopolis Dr	DR to LI-PDA	To Grant LI-PDA with prohibited uses of basic industry and resource extraction, PDA performance standards and conditions of the TIA	Apvd LI-PDA as Commission recommended (3-7-1996).

RELATED CASES:

The Southeast Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on October 10, 2002 (C14-02-0128 – Ordinance # 021010-12b). The Future Land Use Map (FLUM) designates the subject property as Industry land use, hence a Neighborhood Plan Amendment is not required.

The subject rezoning area is considered a legal tract, as shown in Exhibit B (C8I-2015-0332). There are no pending subdivision or site plan applications on the subject property.

The property was annexed into the City limits in April 1987 (C7A-86-011).

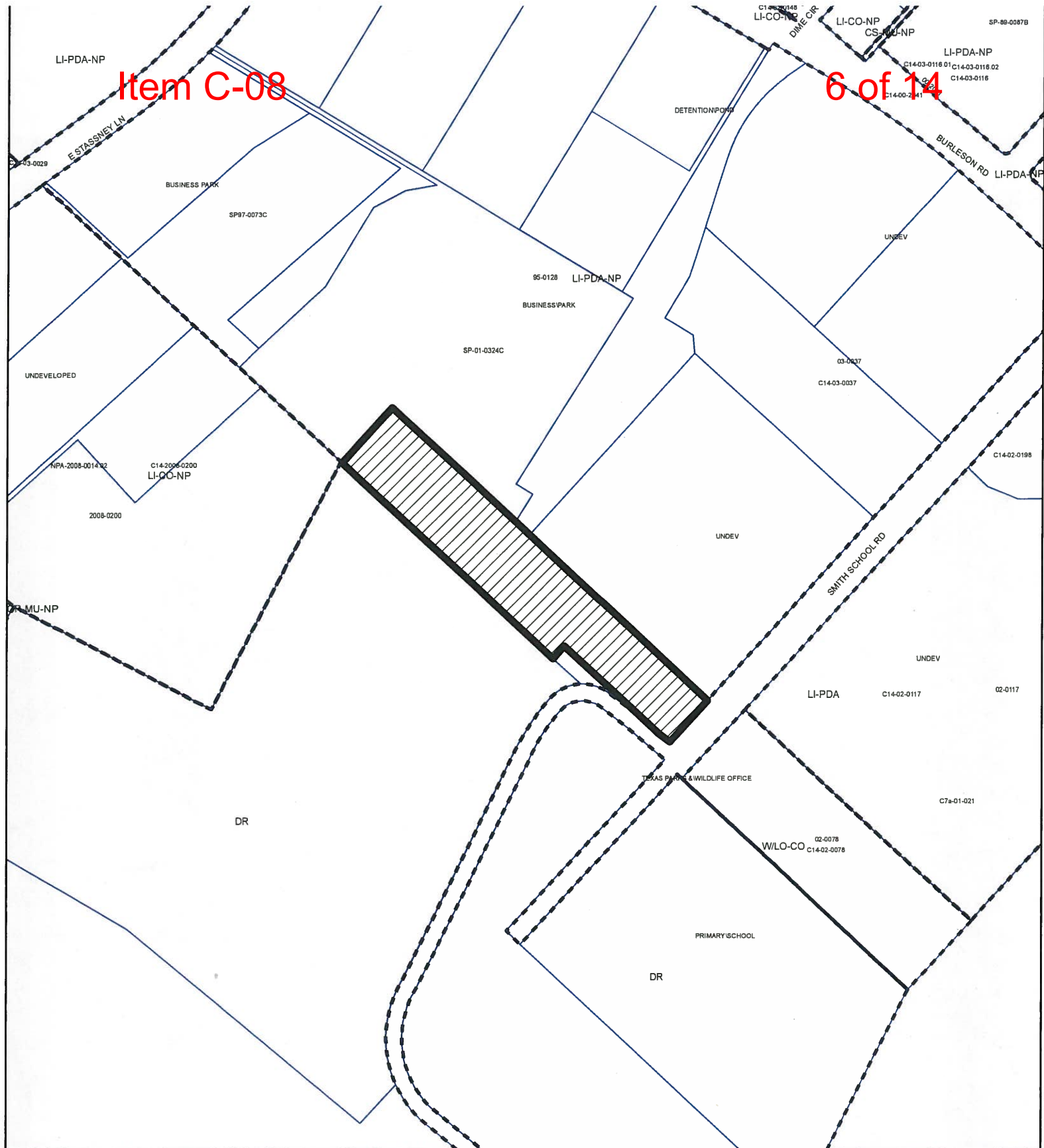
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Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Smith School Road	106 feet	40 feet	Local	Yes, on the adjacent lot only	No	No

CITY COUNCIL DATE: February 11, 2016**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov**PHONE:** 512-974-7719

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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING
Zoning Case: C14-2015-0135

EXHIBIT A



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.

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**Development Services Department
Land Status Determination
Legal Tract Platting Exception
Certification**

November 13, 2015

File Number: C8I-2015-0332

Address: 4212 SMITH SCHOOL RD

Tax Parcel I.D. #03123110101

Tax Map Date: 07/03/2014

The Development Services Department has determined that the property described below and **as shown on the attached tax map:**

is over five acres consisting of **6.509 acre tract of land out of that certain 309.157 acre tract of land conveyed to the State of Texas in Travis County, Texas, according to the deed recorded in Document #2013135733, of the Travis County Deed Records on Jul 22, 2013, and is eligible to receive utility service.** The cost of water and/or wastewater service improvements, including easements, tap and impact fees, are the landowner's responsibility and expense, and must be accomplished according to the City of Austin Utility Design Criteria, Specifications and Procedures.

This determination of the status of the property is based on the five-acre subdivision exception provided in Texas Local Government Code, Section 212.004(a). Recognition hereby does not imply approval of any other portion of the Austin City Code or any other regulation.

By: Michelle Casillas
**Michelle Casillas, Representative of the Director
Development Services Department**

Map Attachment

EXHIBIT B

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant limited industrial services – planned development area – neighborhood plan (LI-PDA-NP) combining district zoning. The Planned Development Area allows for 1) all permitted and conditional uses in the LI district, 2) additional permitted uses in the LI district, 3) prohibits certain uses in the LI zoning district, and 4) establishes that LI site development standards will apply to the property, as further outlined on page 2 of this report.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The LI, limited industrial services district designation is for a commercial service use or limited manufacturing use generally located on a medium or large sized site. The PDA, planned development area combining district designation provides for industrial and commercial uses in certain commercial and industrial base districts. The NP, neighborhood plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. Zoning changes should promote consistency and orderly planning.

The LI-PDA-NP zoning district would be compatible and consistent with the surrounding uses because there is LI-PDA-NP zoning to the north, east of the site and west of Smith School Road. There is also LI-CO-NP zoning to the southwest that takes access to East Stassney Lane.

EXISTING CONDITIONS**Site Characteristics**

The subject property is undeveloped with a grouping of trees at the southwest corner and slopes to the south, towards McKinney Falls State Park.

Impervious Cover

The maximum impervious cover allowed by the LI base zoning district would be 80% which is based on the more restrictive zoning regulations.

Comprehensive Planning

This rezoning case is located on the northwest corner of Smith School Road, on undeveloped property that is approximately 6.5 acres in size. This project is also located within boundaries of the Southeast Combined Planning Area. Surrounding land uses includes industrial warehouse/office uses to the north, west and east, and an industrial warehouse/office, and McKinney Falls State Park to the south. The proposed use is industrial.

Southeast Combined Neighborhood Plan (SECNP)

The SECNP Future Land Use Map (FLUM) classifies this land which is in proximity to US Hwy 183 as '**Industrial**' which is reserved for manufacturing and related uses that provide employment to the area but is generally not compatible with other areas with a lower intensity use. Industry includes general warehousing, manufacturing, research and development, and storage of hazardous materials. LI zoning is permitted under the Industrial FLUM category. The following design guidelines, text and policies are taken from the SECNP and are applicable to this case:

SECNP Voluntary Design Guidelines for Industrial Districts (p 32)

OBJECTIVE 1: Improve pedestrian access to and through commercial districts.

Guideline 1.1: Industrial properties are encouraged to setback from street frontages as much as possible. Berms and landscaped buffers should be used to screen unattractive activities from the street and adjacent non-industrial districts.

Guideline 1.2: Landscaped buffers along street frontages should include shaded sidewalks or trails.

Guideline 1.3: Where inhabited portions of buildings exist (such as office and lunch rooms) they are encouraged to face the street, and have windows and doors directly accessible to the street.

Guideline 1.4: Parking and shipping/receiving areas should be treated to the same standard as commercial districts

SECNP Policies and Text (p 46)

The Southeast Planning Area is primarily industrial yet has pockets of residential areas throughout and some commercial nodes along the major corridors. A great majority of the land in this area is undeveloped, but currently zoned industrial. Due to the airport overlay zone and the proximity of the entire area to the airport, the future land use scenario makes no accommodation for residential uses except for the addition of some commercial/mixed-use. A significant amount of future land uses are slated for industrial development with corresponding increases in the amount of land suited for commercial and warehouse/limited office type development.

Industrial Zones (p 55 and 56)

A distinctive element of the existing land use landscape within the Planning Areas is that there are defined districts with large amounts of existing industrial development, and numerous undeveloped proper ties with industrial zoning. The fact that this part of southeast Austin is surrounded by major transportation corridors, has a large amount of undeveloped land, and is in close proximity to the airport makes it a very attractive location for industrial development. The McKinney and Southeast NPAs host the majority of this type of construction, much of this in the form of large industrial office parks. Instead of rejecting industrial-type development around their homes, residents in the Franklin Park and McKinney NPAs have been successful at communicating and cooperating with nearby industrial property owners. Area residents have traditionally been amenable to those types of industrial uses that don't interfere with neighborhood activities or infringe upon their quality of life.

Goal 5 Create land use and zoning recommendations that reflect the existing industrial nature of parts of the planning area. (p 56)

Objective 5.1. Make non-industrial properties in areas with a dominant industrial character compatible with the prevailing land use scheme.

Action Item 10 - Upzone DR & SF-zoned property in highly industrial areas to allow for industrial or commercial development.

The goals, policies, actions and text in the SECNP appear to strongly support industrial uses and compatible commercial in this portion of the SECNP, which act as a source of employment in the planning area. The SECNP Voluntary Design Guidelines also recommends that any industrial development that is located in industrial areas provide appropriate landscaping, shaded sidewalks, push the building back from the road and provide windows in the office areas, which the warehouse/office use has implemented.

Imagine Austin

The Imagine Austin Growth Concept Map identifies this property as being located within a “**Job Center.**” Page 107 of the IACP states, “*Job centers accommodate those businesses not well-suited for residential or environmentally sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International Airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the Growth Concept Map offers transportation choices such as light rail and bus rapid transit to increase commuter options.*” The following IACP policy also supports business parks: **LUT P20.** Locate industry, warehousing, logistics, manufacturing, and other freight-intensive uses in proximity to adequate transportation and utility infrastructure.

The following IACP policies are also applicable to this case:

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P4.** Protect neighborhood character by directing growth to areas of change that include designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **LUT P20.** Locate industry, warehousing, logistics, manufacturing, and other freight-intensive uses in proximity to adequate transportation and utility infrastructure.

Based on the property being: (1) located in a designated industrial area on the SECNP FLUM; (2) within a ‘Job Center’ as specified on the Imagine Austin Growth Concept Map, where industrial and appropriate commercial uses are encouraged; and (3) the Imagine Austin Plan policies referenced above, which supports locating office/warehouses in Job Centers and along highways, staff believes that the proposed warehouse/office supports the

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Imagine Austin Comprehensive Plan. Additionally, staff strongly recommends that the developer install public sidewalks and landscaping (like the office/warehouse use to the north) along Smith School Road to expand connectivity along this industrial parkway since there is a lack of pedestrian access in this area of the city, which is also located adjacent to a state park.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek and the Onion Creek Watersheds of the Colorado River Basin, which are both classified as Suburban Watersheds by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

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%

According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.

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

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 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.

Site Plan and Compatibility Standards

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

If the project is development of a warehouse with less than 25% of gross floor area used for a non-industrial use, or an industrial use, Subchapter E does not apply.

Transportation

If the requested zoning is granted, it is recommended that all internal roadways, private driveways or streets to have sidewalks that connect to the public right-of-way. The sidewalk requirements shall be determined by the Transportation Criteria Manual.

FYI – If the requested zoning is granted, it is recommended that access from Smith School Road to the proposed lot be through a joint use access easement provided from the lot to the northeast. *Based on discussion with the applicant on 12/2/2015, the security of the commercial data center would possibly hinder the agreement of a joint use access driveway. The applicant is not in agreement with this condition.*

At this time a traffic impact analysis is not required for this case. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

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

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, water or wastewater easements, 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.

From: Robert Kleeman < >
Sent: Monday, December 07, 2015 10:31 AM
To: Rhoades, Wendy
Subject: RE: South Six (C14-2015-0135) - access easement illustration

Wendy:

My client requests a postponement to the first January 2016 Planning Commission meeting.

I will go to the Planning Commission meeting to monitor the postponement.

Thanks for your help.

Robert Kleeman
Sneed, Vine & Perry, P.C.
900 Congress Avenue, Suite 300
Austin, Texas 78701
(512) 476-6955 – main
(512) 494-3135 - direct
(512) 476-1825 – fax

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From: Rhoades, Wendy [mailto:Wendy.Rhoades@austintexas.gov]
Sent: Thursday, December 03, 2015 3:00 PM
To: Robert Kleeman
Subject: FW: South Six (C14-2015-0135) - access easement illustration

Robert,
Below is a depiction of the access easement location.

Wendy