

ZONING CHANGE REVIEW SHEET**CASE:** C14-2016-0015 – Burleson**Z.A.P. DATE:** April 19, 2016**ADDRESS:** 8219 Burleson Road**DISTRICT AREA:** 2

OWNERS: Sundberg Farm Limited Partnership
(Jean Hancock Chernosky);
Bauman Grandchildren's 2012 Trust
(Edwin R. Bauman, II);
Sundberg C&C Partners, Ltd. (Camille C. Mealy);
Joan Elaine Frensley Smith;
Robert Carl Wolter; and
La Familia Partnership, Ltd.
(Eleanor Schneider and John P. Schneider, M.D.)

AGENT: Armbrust & Brown, PLLC
(Eric deYoung)

ZONING FROM: I-RR**TO:** LI**AREA:** 95.054 acres**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant limited industrial service – conditional overlay (LI-CO) combining district zoning. The Conditional Overlay is to 1) prohibit basic industry, resource extraction, and scrap and salvage, and 2) limit development to less than 2,000 vehicle trips per day.

If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of Burleson Road in accordance with the Transportation Plan.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

April 19, 2016:

ISSUES:

The Applicant is in agreement with the Staff recommendation.

DEPARTMENT COMMENTS:

The subject property is a portion of a platted lot that is situated at the southwest corner of U.S. Highway 183 and Burleson Road, and zoned interim – rural residence (I-RR) since its annexation into the City limits on December 31, 2003. There is a service station, undeveloped land, single family residences and office-warehouse uses to the north (GR-CO-NP, CS-MU-CO-NP, W/LO-NP, IP-CO-NP, LI-CO-NP), the Austin-Bergstrom International Airport, undeveloped land and commercial uses across U.S. Highway 183 to the east (AV,

County), Onion Creek, undeveloped land and a civic use to the south (County), and undeveloped land and three single family residences to the west (County). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant is proposing to zone the property to the limited industrial services (LI) district for a warehouse/distribution center. The eastern portion of the site (approximately 60 percent) is located entirely within the Airport Overlay Zone (AO-3) also known as the ½ mile buffer zone that permits commercial and industrial uses. The AO-3 Zone does not allow for new residential development to occur outside of recorded final plats, municipal utility district boundaries or neighborhood plan combining district boundaries. The remainder is within the Controlled Compatible Land Use Area which restricts land uses that create interference between the airport and aircraft.

The recorded plat shows a significantly sized drainage easement along the east and south sides of the property, and additional acreage within the water quality transition zone, and therefore, development will be limited in these areas. Please refer to Exhibit B. A 29.245 area along the south property line was conveyed to Travis County in 2011 for drainage and stormwater management purposes.

Staff recommends the Applicant's request, based on the following considerations of the property: 1) location at the intersection of two major arterial roadways; 2) commercial and industrial uses are appropriate within the Airport Overlay Zone; and 3) the Conditional Overlay prohibits intensive industrial uses of basic industry, resource extraction, scrap and salvage. The Applicant is aware that should industrial zoning be granted with a 2,000 daily trip limit, the entire tract will need to be rezoned if the property owner (or subsequent property owners should the tract be resubdivided) desires to develop the property at a greater intensity.

	ZONING	LAND USES
<i>Site</i>	I-RR	Undeveloped
<i>North</i>	GR-CO-NP; CS-NP; CS-MU-CO-NP; County	Service station with food sales; Undeveloped; Single family residences within the Blue-Bonnet Gardens subdivision; Office; Office-warehouses
<i>South</i>	County	Onion Creek; Undeveloped; Travis County Road Department
<i>East</i>	AV; County	Austin-Bergstrom International Airport; Commercial; Single family residence
<i>West</i>	County	Undeveloped; Three single family residences

NEIGHBORHOOD PLAN AREA: N/A

TIA: Is not required

WATERSHED: Onion Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes—U.S. Highway 183

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
634 – Montopolis Area Neighborhood Alliance 774 – Del Valle Independent School District
1005 – Elroy Preservation Association
1195 – Imperial Valley Neighborhood Association
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
1528 – Bike Austin 1530 – Friends of Austin Neighborhoods

SCHOOLS:

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

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0152 – Felter Investments – 7910 Burleson Rd	RR-CO-NP; IP- NP; IP-CO-NP to RR-CO-NP and LI-CO-NP	To Grant RR-CO-NP and LI-CO-NP w/the CO for a 50' setback on either side of the centerline of an open waterway with certain exceptions, and a 2,000 trip limit.	Apvd RR-CO-NP and LI-CO-NP as Commission recommended (12-13- 2007).
C14-03-0013 – Blue Bonnet Gardens, Southeast side of Norwood Lane – City Initiated	SF-2-NP to CS- MU-CO-NP	To Grant CS-MU-CO- NP w/the CO prohibiting intensive CS uses and residential uses except the existing single family residences	Apvd CS-MU-CO-NP as Commission recommended (4-24- 2003).
C14-03-0012 – Blue Bonnet Gardens, Northwest side of Norwood Lane – City Initiated	SF-2-NP to CS- MU-CO-NP for Tracts 1 and 2, and CS-NP for Tract 2	To Grant CS-MU-CO- NP w/the CO prohibiting intensive CS uses and residential uses except the existing single family residences for Tracts 1 and 2, and CS-NP for Tract 3	Apvd CS-MU-CO-NP and CS-NP as Commission recommended (4-24- 2003).
C14-99-0014 –	I-RR; DR to CS-	To Grant GR-CO w/the	Apvd GR-CO as

Countryside Exxon – 4718 U.S. Hwy 183 S	1	CO for 2,000 trips	Commission recommended (4-15- 1999).
C14-94-0024 – Araclean Services, Inc.-Bldg II Rezoning – 7910 Burleson Rd	IP to LI	To Grant LI-CO, subject to an Integrated Pest Management Plan	Apvd LI-CO w/ the CO prohibiting restaurants and food sales, and limiting the F.A.R. of financial services to 0.287 to 1 (3-24-1994).
C14-86-141 – James W. Akin, Et Ux – 8008 Burleson Rd	DR to W/LO and IP	To Grant W/LO and IP w/conditions	Apvd W/LO and IP w/ Restrictive Covenant requiring a contact person during construction; no access through Bluebonnet Gardens to Norwood Ln as long as the west side of Norwood remains residentially zoned; 25' strip of DR to remain on east side of tract; any land determined to be in the 100-year floodplain will be zoned RR if Waterway Development Permit precludes alteration or fill which would remove land from the floodplain (5-14- 1987).

RELATED CASES:

This property was annexed into the Full-Purpose Jurisdiction on December 31, 2003 (C7a-03-016).

The property is platted as Lot 1, Block A of Sundberg Estates, a subdivision recorded on November 18, 2004 (C8J-03-0198.0A). There are no site plan applications on the property.

In 2008, a zoning case was filed for LI and CS-MU zonings for a mixed use project on a total of 118.676 acres (C14-2008-0020 – Sundberg Tract). First Reading of the zoning ordinance was approved by Council on October 16, 2008, but the case expired because Second / Third Readings did not occur within the Code-prescribed time frame of 361 days.

In January 2011, a 29.245 acre portion of the property adjacent to Onion Creek was conveyed by the owners to Travis County for a drainage easement for the conveyance of storm water management (Travis County Document No. 2011005334).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Burleson Road	90 feet	65 feet	Major Arterial Divided	Yes (poor condition)	No	No
U.S. Highway 183	178 feet	88 feet	Highway	No	No	No

COUNCIL DATE: May 12, 2016

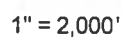
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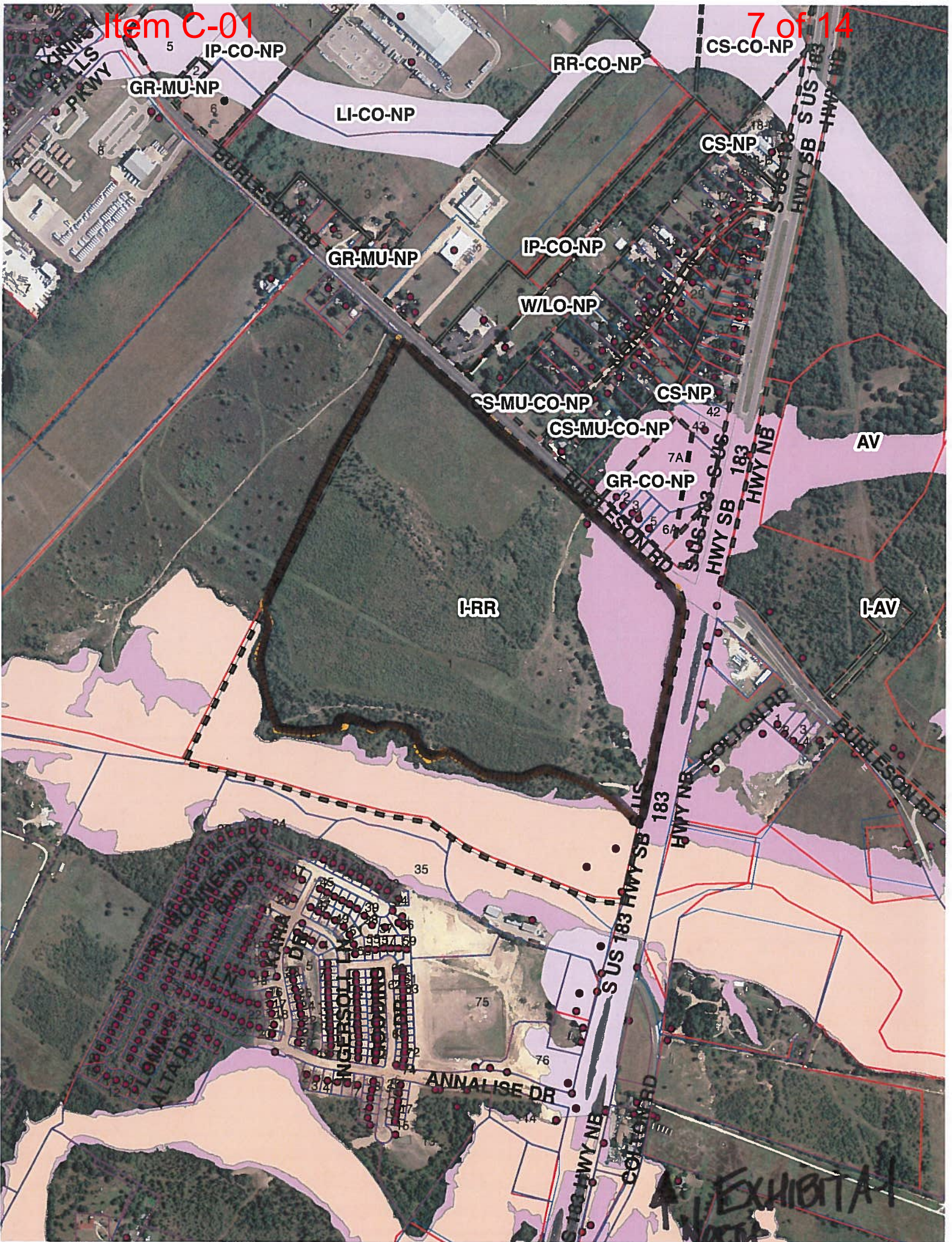
ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 512-974-7719





SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant limited industrial service – conditional overlay (LI-CO) combining district zoning. The Conditional Overlay is to 1) prohibit basic industry, resource extraction, and scrap and salvage and 2) limit development to less than 2,000 vehicle trips per day.

If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of Burleson Road in accordance with the Transportation Plan.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The LI district designation is for a commercial service use or limited manufacturing use generally located on a moderately sized site.

2. 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.

Staff recommends the Applicant's request, based on the following considerations of the property: 1) location at the intersection of two major arterial roadways; 2) commercial and industrial uses are appropriate within the Airport Overlay Zone; and 3) the Conditional Overlay prohibits intensive industrial uses of basic industry, resource extraction, scrap and salvage. The Applicant is aware that should industrial zoning be granted with a 2,000 daily trip limit, the entire tract will need to be rezoned if the property owner (or subsequent property owners should the tract be resubdivided) desires to develop the property at a greater intensity.

EXISTING CONDITIONS

Site Characteristics

The rezoning area is undeveloped with a vacant commercial building. According to the recorded plat, there is a 50.391 acre drainage easement along the east and south sides of the property that contains the meanders of Onion Creek, the FEMA 100-year floodplain and the critical water quality zone. The water quality transition zone extends in a north-south direction, generally outside of the drainage easement, and is approximately 15 acres in size. There is also a 30' natural gas pipeline easement that extends across southern portion of the property in a north-south direction. The northeast corner of the property is within a 400-foot wide restricted pipeline area.

Impervious Cover

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

Comprehensive Planning

This zoning case is located on the south side of Burleson Road, **on an undeveloped 95 acre parcel** that was used as pasture land. This property is also located just outside the boundaries of the Southeast Combined Neighborhood Planning Area, which terminates along the north side of Burleson Road. Surrounding land uses includes a gas station, single family housing, undeveloped land, and a warehouse/office to the north, Onion Creek to the south, undeveloped land to the west, and Hwy 183 to the east, and just beyond that a natural gas supplier and an ABIA runway. The proposed use is an industrially zoned warehouse / distribution center.

The Southeast Combined Neighborhood Plan's Future Land Use Map identifies the properties across the street on Burleson Road as Commercial, Mixed Use, and Industrial. Burleson Road is heavily traveled five lane road, while Hwy 183 is a separated highway, with two lanes going in each direction.

Connectivity: The area around the subject property has no public sidewalks on either Hwy 183 or Burleson Road but despite the lack of public sidewalks, both have well used foot paths situated along these well-travelled roads. No public transportation options are available in the area.

Imagine Austin

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies this property being just outside the boundaries of an existing '**Job Center**'. Job Centers are meant to accommodate businesses not well-suited for residential or environmentally sensitive areas, which take advantage of existing transportation infrastructure such as arterial roadways, freeways, airports, and mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics.

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses connectivity and industrial uses:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **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 P20.** Locate industry, warehousing, logistics, manufacturing, and other freight-intensive uses in proximity to adequate transportation and utility infrastructure.

Based upon the property being located adjacent to a Job Center, which supports locating warehouse, distribution, and industrial uses in close proximity to adequate transportation (highways and airports); and nearby warehouse and industrial uses located along Burleson Road and Hwy 183, staff believes that the proposed warehouse and distribution center is partially supported by the Imagine Austin Comprehensive Plan. Staff strongly recommends that the developer install public sidewalks or shared use paths (to include trees to provide shade and beauty) along these two busy corridors that this property abuts (Burleson Road and Hwy 183), to promote walkability and connectivity in an area that is currently lacking in both. There are also no goods or services located near this property, necessitating employees within the project area to use drive their cars to access goods and services. The developer is encouraged to add a commercial component to this project, such as a café or convenience store to serve the needs of its workers.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Onion Creek 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.

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 and a Critical Water Quality Zone within the project location. Development within these areas is limited per 25-8.

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

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

This site will be subject to Commercial Design Standards. Burleson Road is classified as a Suburban Roadway. For sites five acres or larger, an internal circulation route is required and is classified as the principal street.

Any development will need to comply commercial design standards for sidewalk and building placement requirements for suburban roadways or internal circulation routes if applicable, this includes multi-family development.

FYI: This site is located in the Desired Development Zone (DDZ). Expiration for any site plan will be three years from the date of approval however; under Project Duration [25-1-535(C)(3)] the site plan can only be extended to a maximum of five years from initial submittal date. No other extensions will be allowed under Project Duration for projects in the DDZ. For questions concerning Project Duration please contact Susan Scallon at 974-2659.

This site is subject to the Hazardous Pipeline Ordinance at the southwest intersection of Burleson Road and US Hwy 183. Review by the Fire Department is required [LDC, 25-2-516].

Approval from TXDOT will be required for any access onto U.S. Highway 183.

Airport Overlay Zone

The eastern portion of the site is located within Airport Overlay Zone AO-3 and the western portion is within the Controlled Compatible Land Use Area. Show the limits of the AO-3 zone on the site plan. No use will be allow that create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. For more information, contact Kane Carpenter, Airport Planner at 512-530-6621. Approval from ABIA is required prior to site plan approval.

Compatibility Standards

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

The site is subject to compatibility standards. Along the **north** 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 fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet of height are allowed plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

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

If the requested zoning is granted, it is recommended that internal roadways, private driveways or streets be stubbed out to the western property line.

If the requested zoning is granted, it is recommended that gates be prohibited.

If the requested zoning is granted, it is recommended that a public pedestrian and bicycle easement be provided to accommodate the Moya-McKinney Falls Trail along the northern property line. The public access easement design and construction details shall be determined and dedicated at the time of site plan and shall comply with the City of Austin Master Trail Plan.

If the requested zoning is granted, it is recommended that all internal roadways, streets, and drives be dedicated as public right-of-way or be within a public easement.

The Austin Metropolitan Area Transportation Plan calls for a total of 140 feet of right-of-way for Burleson Road. If the requested zoning is granted, then 70 feet of right-of-way should be

dedicated from the existing centerline of Burleson in accordance with the Transportation Plan [LDC, Sec. 25-6-51 and 25-6-55].

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

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for US 183. TxDOT may request the reservation of additional right-of-way in accordance with the Transportation Plan when the site is redeveloped [LDC, Sec. 25-6-51 and 25-6-55].

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, however if cumulative uses (including existing and proposed) within the boundaries of C14-2016-0015 exceed 2000 vtd, then a TIA will be required for the entire zoning tract [LDC, Sec. 25-6-117].

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a Shared Use Path is recommended for US HWY 183. A protected bike lane is recommended for Burleson Road.

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 and reclaimed water 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.