

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0098

Z.A.P. DATE: August 7, 2007
August 21, 2007

ADDRESS: 9011 Brown Lane

OWNER/APPLICANT: Wasatch, LLC (Morgan Mills)

AGENT: A.E.C. Inc. (Phil Moncada)

ZONING FROM: SF-3

TO: LI

AREA: 4.421 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant LI-CO, Limited Industrial-Conditional Overlay District, zoning. The proposed conditional overlay will limit the development intensity on the site to less than 2,000 vehicle trips per day and will establish a 25-foot vegetative buffer and a 100-foot building setback along the southern property line.

In addition, if the zoning is granted, then the staff recommends that 45 feet of right-of-way should be dedicated from the centerline of Brown Lane in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

8/07/07: Postponed to August 21, 2007 at the staff's request (6-0, K. Jackson, J. Martinez-absent);
J. Gohil-1st, S. Hale-2nd.

8/21/07: Approved staff's recommendation of LI-CO zoning by consent (7-0, K. Jackson-absent);
J. Martinez-1st, J. Gohil-2nd.

DEPARTMENT COMMENTS:

The property in question is currently undeveloped. The applicant is requesting a rezoning to the LI, Limited Industrial District, to develop a roofing company on the property. The staff is recommending LI-CO zoning for this tract of land because it is located within an industrial district, adjacent to LI zoning to the west, and is surrounded by commercial and industrial uses to the north, east, and west. The staff's recommendation includes a conditional overlay that will establish a 25-foot vegetative buffer and a 100-foot building setback along the southern property line of this tract to create a separation between the future Construction Sales and Services use and the existing single-family residential uses to the south of this site. This proposed buffer is consistent with the staff's recommendations in other zoning cases where an applicant requested industrial zoning adjacent to existing single-family zoning within the City of Austin.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Undeveloped
<i>North</i>	County	Electric Shop (Consumer Repair Use)
<i>South</i>	SF-3	Single-Family Residences
<i>East</i>	County, SF-3	Warehouse Distribution
<i>West</i>	LI	Undeveloped Tract, Outdoor Storage/Office Uses

AREA STUDY: Brown-Dungan Lane Area Study **TIA:** Waived
(December 23, 1976):

The site under consideration is located within the Brown-Dungan Lane Area Study. This study established an industrial district for properties fronting Brown Lane and Dungan Lane. The study calls for a 50-foot corridor of residential zoning along the west, north and east boundaries of the district. In the study, "The staff recommends the establishment of a light industrial district for properties fronting Brown Lane and Dungan Lane if the residential borders of the area are buffered, the street within the district are brought up to industrial standards, and if the district boundaries can be firmly established so as to prevent expansion of the district."

WATERSHED: Little Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

114 – North Growth Corridor Alliance
342 – Edward Joseph Developments, Ltd.
511 – Austin Neighborhoods Council
643 – NorthEast Action Group
786 – Home Builders Association of Greater Austin
937 – Taking Action Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0186	SF-3 to LI	1/7/03: Approved staff's recommendation of LI-CO zoning with Recycling Collection Facility as the only LI permitted use and all permitted CS uses (9-0)	1/06/03: Granted LI-CO on all 3 readings (7-0)
C14-01-0114	LI to CS-1	10/2/01: Denied CS-1 (9-0) [previous motion to approve failed (4-5)]	11/29/01: Approved CS-1 (4-3, BG/DT/WW-No); 1 st reading 1/10/02: Approved CS-1 (7-0); 2 nd /3 rd readings
C14-01-0068	SF-3 to LI	5/15/01: Approved staff rec. of LI-CO by consent (6-1, SG-abstain)	6/14/01: Approved LI-CO (7-0); 1 st reading

			11/29/01: Approved LI-CO (5-0); 2 nd / 3 rd readings
C14-00-2156	SF-3 to CS	2/13/01: Approved staff rec. of CS w/ conditions (5-3-1, JR/JM/RC-No, SL-abstain)	3/22/01: Approved CS-CO w/ conditions (6-1, D. Slusher-No); 1 st reading 7/19/01: Approved CS-CO (6-0); 2 nd /3 rd readings
C14-95-0159	TR1: SF-3 to LR-CO TR2: SF-3 to LI-CO	11/28/95: Approved LR-CO & LI-CO w/ conditions (8-0)	1/4/96: Approved LR-CO (TR1) & LI-CO (TR2), subject to conditions (5-0); all 3 readings
C14-95-0097	SF-3 to LI-CO	8/29/95: Approved GO-CO & LI-CO w/ conditions (5-0)	9/28/95: Approved GO-CO & LI- CO (5-0); all 3 readings

RELATED CASES: There are no pending related cases.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Brown Lane	60' - 65'	20' -22'	Collector	N/A	N/A	N/A

CITY COUNCIL DATE: September 27, 2007

ACTION: Approved LI-CO zoning, with
conditions, by consent (5-0, Dunkerley-
absent, Kim-off dias)

November 8, 2007

ACTION:

ORDINANCE READINGS: 1st 9/27/07

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us

STAFF RECOMMENDATION

The staff's recommendation is to grant LI-CO, Limited Industrial-Conditional Overlay District, zoning. The proposed conditional overlay will limit the development intensity on the site to less than 2,000 vehicle trips per day and will establish a 25-foot vegetative buffer and a 100-foot building setback along the southern property line.

In addition, if the zoning is granted, then the staff recommends that 45 feet of right-of-way should be dedicated from the centerline of Brown Lane in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site.

BASIS FOR RECOMMENDATION

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.

The proposed site is 4 acres in size, which would be adequate for a Limited Industrial development.

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

LI-CO zoning would be appropriate for this location because the property is adjacent to LI zoning to the west and is surrounded by commercial and industrial uses to the north, east, and west.

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

The LI-CO zoning district would allow for a fair and reasonable use of the site. The proposed rezoning would allow the applicant to develop a Construction Sales and Services use in an area that has been designated for commercial and industrial uses (Brown-Dungan Lane Area Study).

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently undeveloped. There are existing commercial and industrial uses located to the north (electric shop), east (warehouse/distribution) and west (outdoor storage of trucks and boats) of the site. The property directly to the south is developed with single family residential homes.

Impervious Cover

The maximum impervious cover allowed by the LI zoning district would be 80 %. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

The site is not located over the Edwards Aquifer Recharge Zone. The site is located over the division between the Little Walnut Creek and Walnut Creek Watersheds of the Colorado River Basin, which are classified as Urban and Suburban Watersheds, respectively, by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Urban Watershed Regulations

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

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 sq. ft. cumulative is exceeded, and detention for the two-year storm.

Suburban Watershed Regulations

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 Net Site Area</i>	<i>% 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%

Environmental

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

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.

Urban Watershed Regulations

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.

Suburban Watershed Regulations

Development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

Transportation

If the requested zoning is recommended for this site, 45 feet of right-of-way should be dedicated from the centerline of Brown Lane in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

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]

There are no existing sidewalks along either side of Brown Lane.

Capital Metro bus service is not available within 1/4 mile of this property.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
Brown Lane	60' - 65'	20' - 22'	Collector	N/A

Water and Wastewater

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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

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.

Compatibility Standards

The site is subject to compatibility standards. Along the south and a portion of the east 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.
 - 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.
- Additional design regulations will be enforced at the time a site plan is submitted.

FYI - This site will be subject to Subchapter E, Design Standards and Mixed Use.



SP95-050
SP 09-20

WAREHOUSE
OFFICE
TRIAL FABRIC
LANE

SP-98-0050

SP-01-02-9D

LI-CO
SP-0006 SP-0201

IP

R2-85-0000

SP-00-0000

2109

OFFICE WAREHOUSE

96-00-02 NORTH

OFFICES

ADESA ADGITION

ORDINANCE NO. _____

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**
2 **PROPERTY LOCATED AT 9011 BROWN LANE FROM FAMILY RESIDENCE**
3 **(SF-3) DISTRICT TO SINGLE FAMILY RESIDENCE LARGE LOT-**
4 **CONDITIONAL OVERLAY (SF-1-CO) COMBINING DISTRICT.**

5
6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**
7

8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from family residence (SF-3) district to single family residence
10 large lot-conditional overlay (SF-1-CO) combining district on the property described in
11 Zoning Case No. C14-2007-0098, on file at the Neighborhood Planning and Zoning
12 Department, as follows:
13

14 A 4.421 acre tract of land, more or less, out of the John Applegate Survey in Travis
15 County, consisting of a 4.358 acre parcel and a 0.06 acre parcel, Save and Except
16 the property identified as Tract 2 (0.06 acres) in the attached exhibit, the 4.421 acre
17 tract of land being more particularly described by metes and bounds in Exhibit "A"
18 incorporated into this ordinance (the "Property"),
19

20 locally known as 9011 Brown Lane, in the City of Austin, Travis County, Texas, and
21 generally identified in the map attached as Exhibit "B".
22

23 **PART 2.** The Property within the boundaries of the conditional overlay combining district
24 established by this ordinance is subject to the following conditions:
25

- 26 1. A site plan or building permit for the Property may not be approved, released,
27 or issued, if the completed development or uses of the Property, considered
28 cumulatively with all existing or previously authorized development and uses,
29 generate traffic that exceeds 2,000 trips per day.
30
- 31 2. A 25-foot wide undisturbed vegetative buffer zone shall be established along
32 the south property line. Improvements permitted within the buffer zone are
33 limited to drainage, underground utility improvements or those improvements
34 that may be otherwise required by the City of Austin or specifically authorized
35 in this ordinance.
36

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the single family residence large lot (SF-1) base district, and other applicable requirements of the City Code.

PASSED AND APPROVED

ss

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A. Gentry
City Attorney City Clerk

STREET DEED

STATE OF TEXAS

§

§

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS

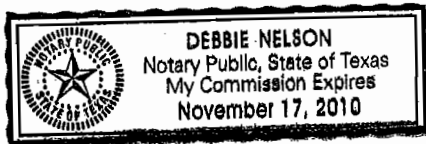
§

That Wasatch, LLC, a Texas limited liability company, hereinafter referred to as Grantor, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to Grantor in hand paid by the City of Austin, Texas, P.O. Box 1088, Austin, Texas 78767-8828, the receipt and sufficiency of which is hereby acknowledged and confessed, and for which no lien, expressed or implied, is retained, have this day Granted, Sold and Conveyed, and by these presents do hereby Grant, Sell and Convey, unto the said City of Austin, a municipal corporation situated in Travis County, Texas, for street purposes, the following described property:

A 2,740 square feet tract of land, more or less, for street right-of-way, being part of a 4.421 acre tract of land out of the John Applegate Survey, in Travis County; the right-of-way tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this deed.

TO HAVE AND TO HOLD the above-described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said City of Austin, its successors and assigns forever; and Grantor, whether one or more, does hereby bind itself, its executors, administrators, successors and assigns, to warrant and defend the property against every person whomsoever lawfully claiming or to claim the same or any part hereof.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on the 25th day of October, 2007.



GRANTOR:

Wasatch, LLC,
a Texas limited liability company

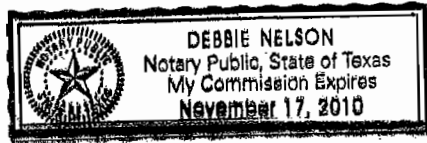
By: Morgan Mills, Member
Morgan Mills, Member

THE STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 25th day of October, 2007, by Morgan Mills, Member, on behalf of Wasatch LLC, a Texas limited liability company.



Debbie Nelson
Notary Public, State of Texas

Address of Grantors:

2124 Avenue N,
Austin, TX 78727

AFTER RECORDING RETURN TO:

City of Austin
Law Department
P.O. Box 1088
Austin, Texas 78767-8828
Attn: Diana Minter, Paralegal

EXHIBIT A

**Wasatch, LLC
To
City of Austin**

Street Right-of-Way

**Out of 4.421 acres in the
John Applegate Survey No. 50, Abs. 58
Travis County, Texas**

2,740 Sq. Ft. Right of Way Tract

METES AND BOUND DESCRIPTION

ALL THAT CERTAIN PARCEL OR TRACT OF LAND BEING 2,740 SQUARE FEET OUT OF 4.421 ACRES CONVEYED TO WASATCH LLC AS TRACT 1 AND TRACT 2 IN DOCUMENT No. 2007104351 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, BEING OUT OF THE JOHN APPLGATE SURVEY No. 50, ABSTRACT No. 58 IN TRAVIS COUNTY, TEXAS, SAID 2,740 SQUARE FOOT TRACT BEING DESIGNATED AS TRACT 2 IN SAID WASATCH DEED, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found in the southeast ROW line of Brown Lane at the north corner of Lot 2 of Menefee Subdivision, a subdivision in Travis County, Texas, of record in Volume 48, Page 41 of the Travis County Plat Records, being the west corner of said Tract 2 for the west corner and POINT OF BEGINNING hereof

THENCE with the present southeast ROW line of Brown Lane and northwest line of said Tract 2, N28°49'16"E for a distance of 547.97 feet to an iron pipe found at the west corner of Lot 1-A of the

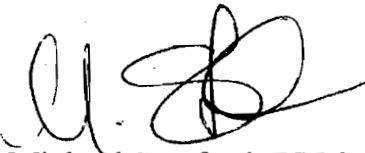
Resubdivision of the Joe G. Aldridge Subdivision, a subdivision in Travis County, Texas, of record in Volume 46, Page 61 of the Travis County Plat Records, and north corner of said Tract 2 for the north corner hereof

THENCE with the northeast line of said Tract 2 and southwest line of said Lot 1-A, S60°38'25"E for a distance of 5.00 feet to the east corner of said Tract 2 and north corner of Tract 1 of said Wasatch property, for the east corner hereof

THENCE with the southeast line of said Tract 2 and northwest line of said Tract 1, being a line five feet southeast of and parallel with the present southeast ROW line of Brown Lane, S28°49'16"W for a distance of 547.98 feet to the south corner of said Tract 2 and west corner of said Tract 1 for the west corner hereof

THENCE with the southwest line of said Tract 2 and northeast line of said Lot 1, N60°32'30"W for a distance of 5.00 feet to the POINT OF BEGINNING hereof and containing 2,740 square feet or 0.06 acre of land, more or less.

Prepared from previous surveys this the 8th of October, 2007



Michael Samford, RPLS 3693

See Plan No. 070232, sketch to accompany this description, attached hereto as Exhibit B

REFERENCES

Travis County Appraisal TID No. 02-3523-04-06

City of Austin Grid M-28

Bearing Basis: northwest line of Tract 2 as found monumented and described in said Wasatch deed.



120 GREENFIELD ROAD
KYLE, TEXAS 78640

WATCH LLC - DOCA 2007104381
4.338 ACRES
-109,021 SQUARE FEET

BROWN LANE
100N WATTS

DATE: OCTOBER 8, 2001