

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2008-0102 – Ben White / IH-35  
Bioretention / Extended Detention  
Pond

**P.C. DATE:** August 12, 2008

**ADDRESS:** 5405 ½ South IH-35 Service Road Northbound

**OWNER / AGENT:** City of Austin – Watershed Protection and Development Review  
Department (Virginia Rohlich)

**ZONING FROM:** GR-CO-NP

**TO:** P-CO-NP

**AREA:** 5.757 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant public – conditional overlay – neighborhood plan (P-CO-NP) combining district zoning. The following Conditional Overlay applies to property that has an open waterway with an upstream drainage area between 64 acres and 320 acres that existed on October 10, 2002: The building setback is 50 feet on either side of the centerline of an open waterway. Improvements permitted within the setback are limited to utility crossings, hike and bike trails, driveway crossings and roadway crossings, or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

### **PLANNING COMMISSION RECOMMENDATION:**

August 12, 2008: *APPROVED P-CO-NP DISTRICT ZONING AS STAFF  
RECOMMENDED; BY CONSENT.*

*[M. DEALEY; C. EWEN – 2<sup>ND</sup>] (6-0) J. REDDY, C. SMALL – ABSENT; T. ATKINS –  
NOT YET ARRIVED*

### **ISSUES:**

There is a related Neighborhood Plan Amendment case for a change in the Future Land Use Map (FLUM) designation from Commercial to Civic (NPA-2008-0014.01).

### **DEPARTMENT COMMENTS:**

The subject property is undeveloped, is located on the northbound IH-35 frontage road and zoned community commercial – conditional overlay – neighborhood plan (GR-CO-NP) combining district zoning by way of a 2003 case (C14-03-0022). The CO applies to waterways with an upstream drainage area of 64 acres or greater existing on October 10, 2002 and establishes a setback that prohibits development for 50 feet in both directions from the centerline of the waterway. Exceptions to the no-development stipulation are: utility crossings, hike and bike trails, driveway crossings, and roadway crossings. The purpose of the CO is to provide unclassified waterways with a higher level of protection. According to

environmental map information, an unclassified waterway crosses the subject property in a north-south direction and meets the criteria for the Conditional Overlay for the setback. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The City of Austin acquired the property in 2003 and the Watershed Protection and Development Review Department is proposing to construct a 14,000 square foot regional water quality pond to capture and treat storm water runoff from TXDoT's Ben White / IH-35 roadway improvements before it is released into Williamson Creek. Construction is anticipated to begin in Winter 2009. Please refer to Exhibit B (Site Plan in Process).

Staff recommends P-CO-NP district zoning, given: 1) the water quality pond will treat storm runoff prior to discharge into Williamson Creek, which in turn, benefits water quality within the watershed, 2) it is considered a civic use and is compatible with the surrounding land uses and zoning; 3) the CO established with the 2003 case will continue to apply to the proposed improvements; and 4) it is City Council policy that all City owned or leased land be zoned public (P) district.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-CO-NP	Undeveloped
<i>North</i>	GR-NP	Food sales
<i>South</i>	RR-NP	Williamson Creek and floodplain
<i>East</i>	GR-NP; MH-CO-NP	Food sales; Manufactured home park
<i>West</i>	Unzoned	Northbound IH – 35 frontage road

**NEIGHBORHOOD PLANNING AREA:** Franklin Park **TIA:** Is not required

**WATERSHED:** Williamson Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

9 – Battle Bend Springs Association                      26 – Far South Austin Community Association  
 27 – Franklin Park Neighborhood Association  
 176 – Kensington Park Homeowners Association  
 96 – Southeast Corner Alliance of Neighborhoods  
 300 – Terrell Lane Interceptor Association  
 428 – Barton Springs/Edwards Aquifer Conservation District  
 511 – Austin Neighborhood Council                      627 – Onion Creek Homeowners Association  
 688 – Southeast Neighborhood Planning Contact Team  
 742 – Austin Independent School District  
 743 – Southeast Austin Trails & Greenbelt Alliance  
 753 – Paisano Mobile Home Park Neighborhood Association  
 786 – Home Builders Association of Greater Austin

1037 – Homeless Neighborhood Association

1108 – Perry Grid 644

**SCHOOLS:**

Houston Elementary School Mendez Middle School

Travis High School

**CASE HISTORIES:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-02-0128.03	Southeast Neighborhood Plan Combining District Rezoning	Approved staff recommendations (8-28-02)	Approved with conditions. Staff directed to initiate a rezoning change to add a Conditional Overlay for properties within close proximity to a waterway (10/10/02). There are a total of 12 related creek setback cases: C14-03-0022; 0026-0030; 0035-0040.

**RELATED CASES:**

A site plan for the bioretention / extended detention pond is presently under development review (SP-2008-0227D). Please refer to Exhibit B.

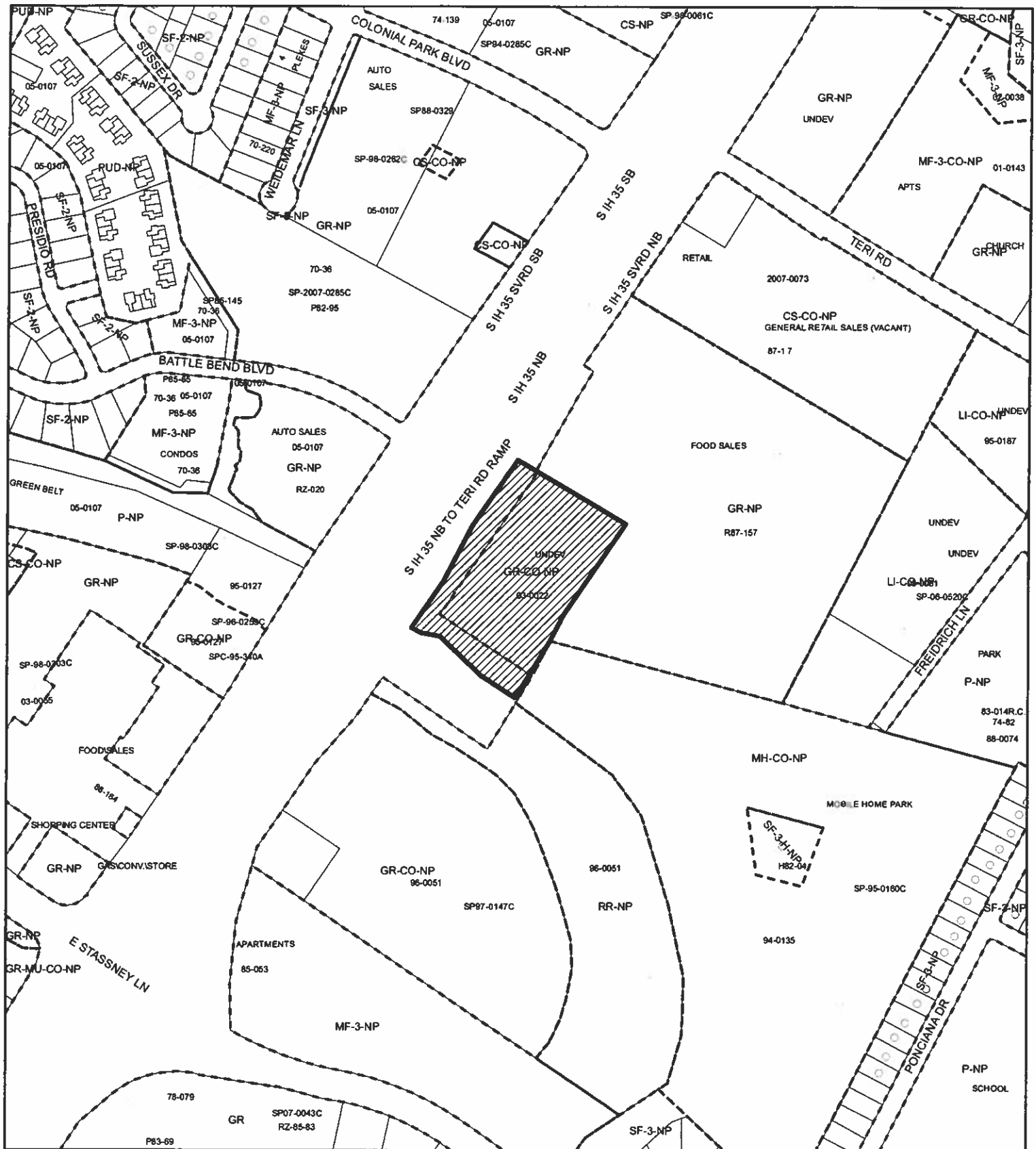
**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Bicycle Plan	Sidewalks	Capital Metro
IH-35	350 feet	280 feet	Freeway	Yes, Priority 2	No	Yes, Routes 127 and 486

**COUNCIL DATE:** August 21, 2008**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@ci.austin.tx.us

**PHONE:** 974-7719



# ZONING

EXHIBIT A

ZONING CASE#: C14-2008-0102  
 ADDRESS: 5211-5405 S IH 35 SVD NB  
 SUBJECT AREA: 5.757 ACRES  
 GRID: H16  
 MANAGER: W. RHOADES

OPERATOR: S. MEEKS

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1" = 400'

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE









**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant public – conditional overlay – neighborhood plan (P-CO-NP) combining district zoning. The following Conditional Overlay applies to property that has an open waterway with an upstream drainage area between 64 acres and 320 acres that existed on October 10, 2002: The building setback is 50 feet on either side of the centerline of an open waterway. Improvements permitted within the setback are limited to utility crossings, hike and bike trails, driveway crossings and roadway crossings, or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

P, Public district zoning is intended to accommodate uses of a governmental, civic, public service, or public institutional nature, including major public facilities. This district is intended for properties, used, reserved, or intended to be used for a civic or public institutional purpose or for major public facilities. The proposed rezoning of the property to accommodate the bioretention / extended detention pond is consistent with the purpose statement of the district sought.

*2. Zoning changes should promote an orderly and compatible relationship among land uses.*

Staff recommends P-CO-NP district zoning, given: 1) the water quality pond will treat storm runoff prior to discharge into Williamson Creek, which in turn, benefits water quality within the watershed, 2) is considered a civic use and is compatible with the surrounding land uses and zoning; and 3) it is City Council policy that all City owned or leased land be zoned public (P) district.

**EXISTING CONDITIONS****Site Characteristics**

The project site is undeveloped and drains to the south, towards Williamson Creek.

**Impervious Cover**

The maximum impervious cover allowed by the P zoning district is established by a conditional use site plan.

**Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Williamson 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. 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%

According to flood plain maps, there is a floodplain within the project boundary. Offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.

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.

Under current 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**

The traffic impact analysis for this site was waived because this is a City of Austin project.

Additional comments may be provided when more complete information is obtained.

### **Water and Wastewater**

If the landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. 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.

### **Compatibility Standards**

**FYI:** This site is located in the Desired Development Zone. 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 of



May 6, 2008. 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 Ordinance 030612-022 and 021010-12a.

Site plans for sites zoned "P" of an acre or more require approval of a conditional use permit by the Land Use Commission. [25-2-625(D)(2)]