

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0169 - Water Quality Pond #2

P.C. DATE: October 14, 2008

CC. DATE: November 20, 2008

ADDRESS: 3700 & 3708 Warehouse Row

OWNER/APPLICANT: City of Austin (Watershed Protection and Development Review Department)

ZONING FROM: LI-CO-NP **TO:** P-NP **AREA:** 0.8969 acre (39068.964 sq.ft.)

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of the applicant's request to rezone the subject property to P-NP (Public/Neighborhood Plan) district zoning.

PLANNING COMMISSION RECOMMENDATION: Approved P-NP on consent (10/14/2008, 8-0)

DEPARTMENT COMMENTS: The property is currently undeveloped and zoned LI-CO-NP (Limited Industrial Services/Neighborhood Plan). The conditional overlay prohibits Basic Industry, Recycling Center, Resource Extraction and Scrap and Salvage. The City of Austin owns the property and would like to rezone the tract for use as a regional water quality pond. An associated Neighborhood Plan Amendment case (NPA-2008-0022.02) has been filed to change the land use designation from Industry to Civic on the Greater South River City Future Land Use Map.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI-CO-NP	Undeveloped
<i>North</i>	Civic, RR-NP	Lodge, Undeveloped
<i>South</i>	LI-NP	Warehouse, Air Conditioning Repair
<i>East</i>	GR-NP	Cabinet Shop, Carpet Warehouse, Metal Finishing
<i>West</i>	P-NP	AISD Undeveloped Property

NEIGHBORHOOD PLANNING AREA: Greater South River City Combined Neighborhood Plan

TIA: Waived

WATERSHED: Blunn Creek - Urban

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association
Homebuilders Association of Greater Austin
Austin Neighborhoods Council
South River City Citizens Association
Austin Parks Foundation
South Austin Commercial Alliance
Barton Springs/Edwards Aquifer Conservation District

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-05-0138	Greater SRCC Neighborhood Plan	9/13/05 Approved Staff recommendation(8-1, MM-NO)	12/01/05 Approved Greater SRCC Neighborhood Plan (5-0-1, JK-ABSTAIN)

ABUTTING STREETS:

Existing Street Characteristics:

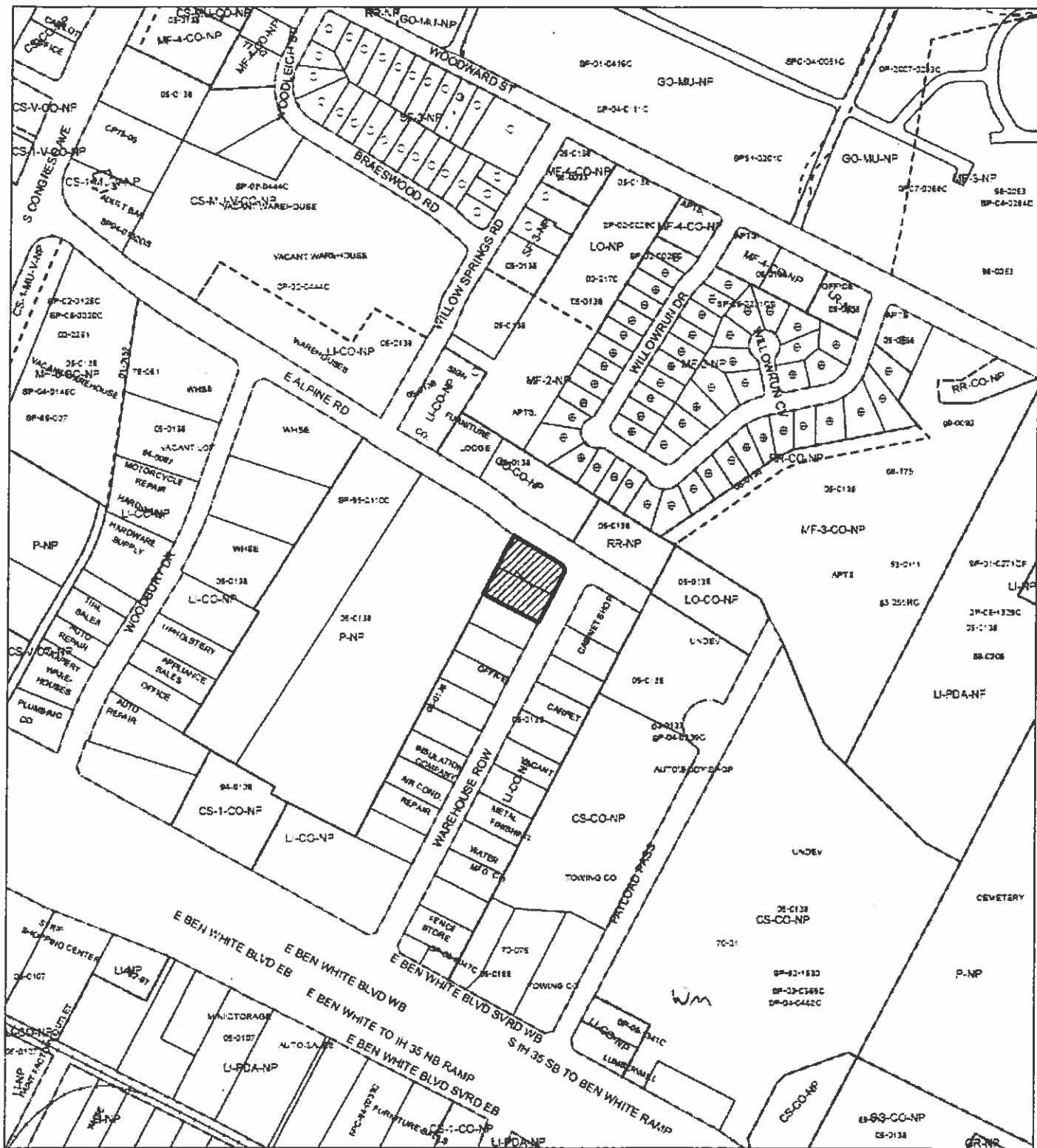
Name	ROW	Pavement	Class	Sidewalk?
Warehouse Row	80'	35'	Collector	No

Right of Way

No additional right-of-way is needed at this time




TIA

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]



ZONING



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

OPERATOR: S. MEEKS

ZONING CASE#: C14-2008-0169
 ADDRESS: WAREHOUSE ROW
 SUBJECT AREA: 0.8969 ACRES
 GRID: H18
 MANAGER: W. RHOADES



1" = 400'

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.



From LI-CO-NP (Limited Industrial Services-Conditional Overlay-Neighborhood Plan) to P-NP (Public Neighborhood Plan)

NO.	DATE	REVISION DESCRIPTION
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DRAFT
THIS DRAWING IS RELEASED
FOR THE PURPOSES OF
REVIEW ONLY. IT IS NOT TO
BE USED FOR CONSTRUCTION
UNDER THE AUTHORITY OF
THE CITY OF AUSTIN, TEXAS.

DRAFT

THE SEAL APPEARING ON THIS
DRAWING WAS AUTHORIZED BY
THE BOARD OF ENGINEERS
AND SURVEYORS OF THE
STATE OF TEXAS.

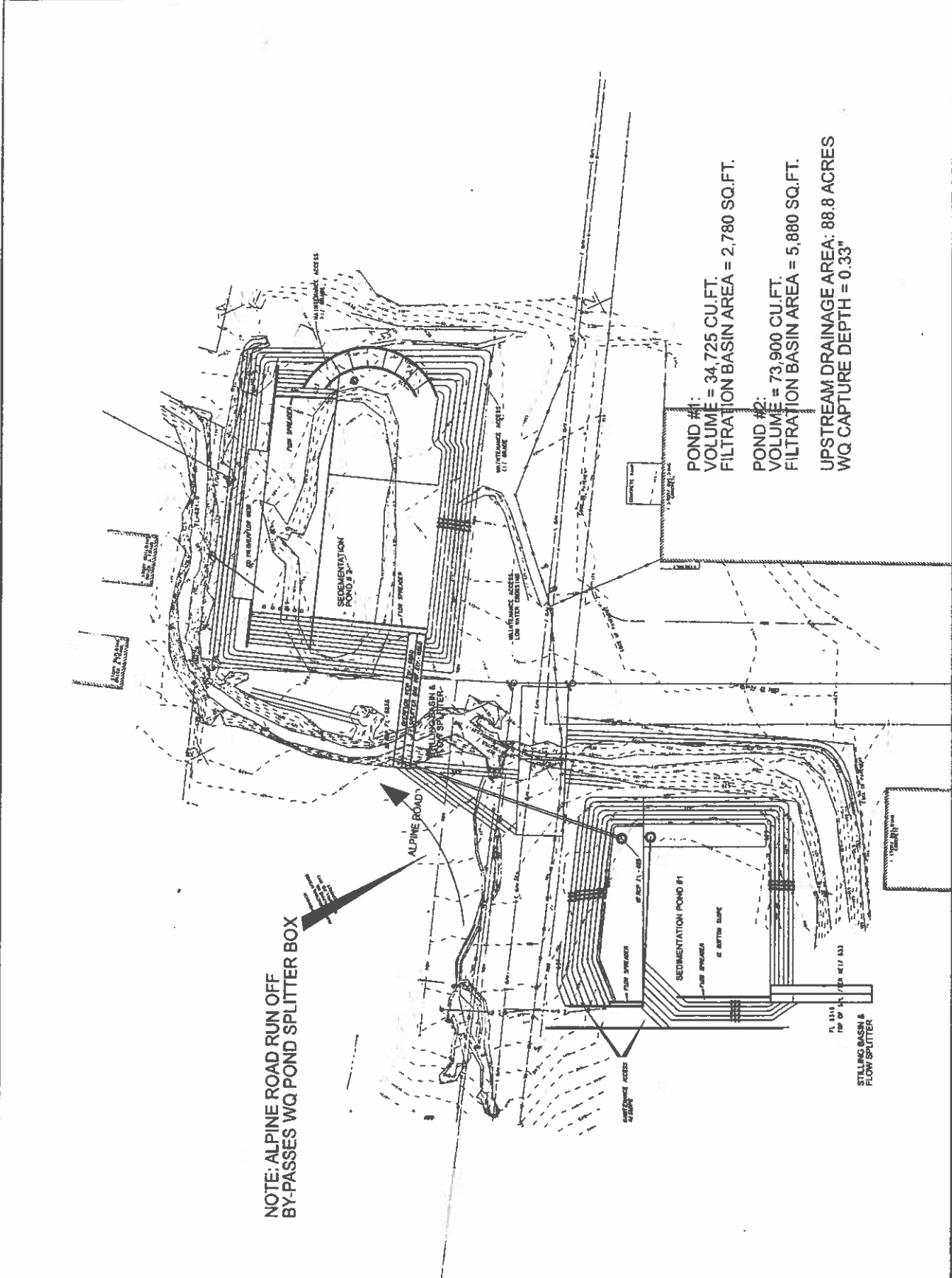
WAREHOUSE ROW WATER QUALITY POND
POND WITH BIO-FILTRATION
PROJECT NAME
CITY OF AUSTIN, TEXAS
DEPARTMENT OF PUBLIC WORKS
ENGINEERING SERVICES DIVISION

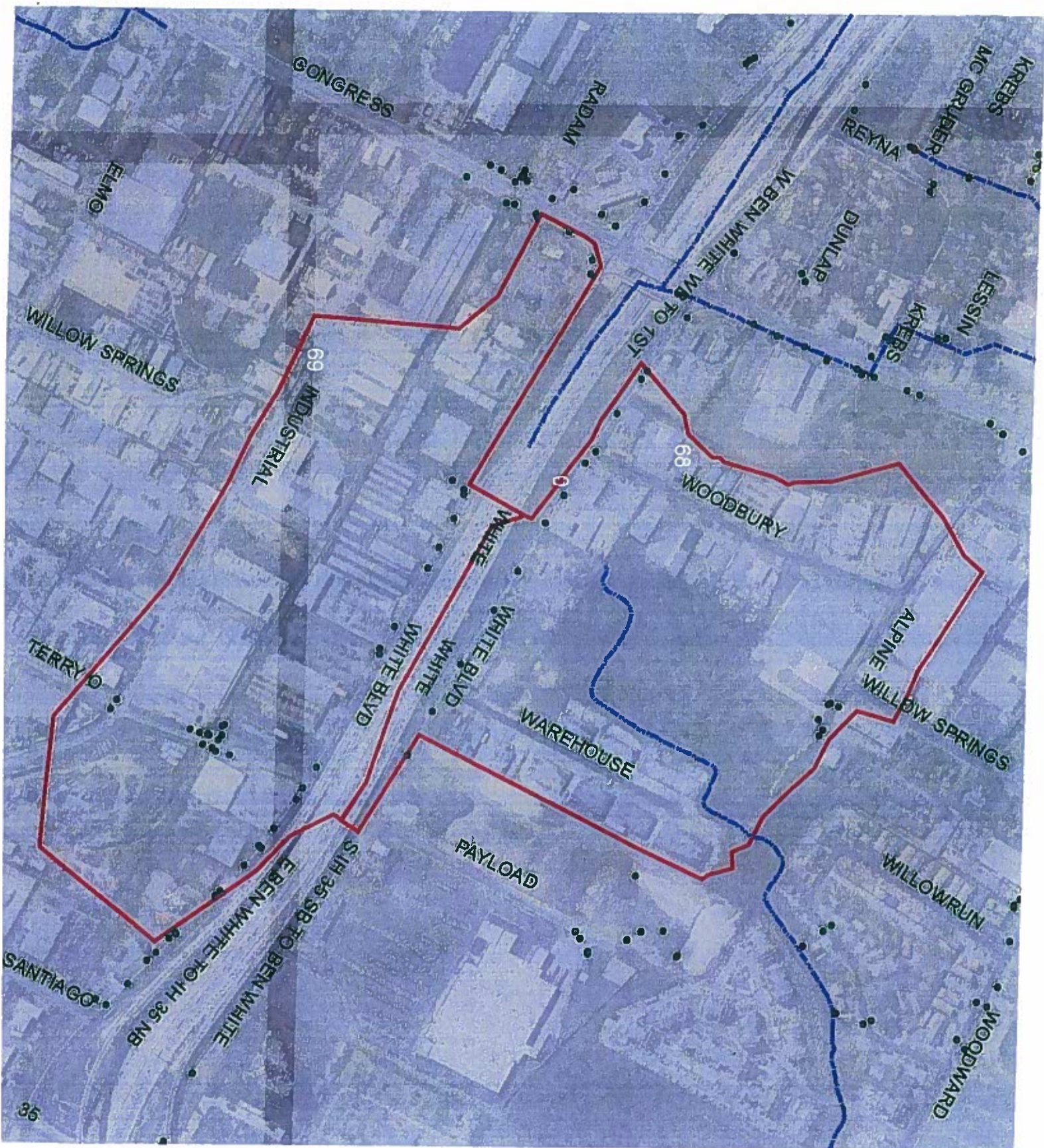


NO.	DATE	REVISION DESCRIPTION
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SCALE: 1" = 20'
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SCALE IN FEET

SHEET
NUMBER





BASIS FOR RECOMMENDATION

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The Public zoning of this property is consistent with adjacent Public and Civic zoned tracts.

2. *Zoning changes should promote the health, welfare, and safety, and otherwise fulfill the purposes of zoning as set forth in the Texas Local Government Code or the zoning ordinance.*

The proposed regional water quality pond use will benefit the surrounding community and promote an effective pollution prevention control for the urban watershed.

EXISTING CONDITIONS

Site Characteristics

The property is currently undeveloped and zoned LI-CO-NP (Limited Industrial Services/Neighborhood Plan). The City of Austin owns the property and would like to rezone the tract for use as a regional water quality pond.

Impervious Cover

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

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Blunn Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

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. 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.

According to floodplain maps, there is a floodplain 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.

A site visit was conducted on 08/05/2008 by Keith Mars (EV Reviewer). Could not gain access to site due to perimeter fencing. Case note: There appears to be some protected size trees on the property. Further, the vegetation cover is dense and in early stages of succession. The area also appears to be heavily infested by non-native exotics, such as Chinaberry (*Melia azedarach*).

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

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 relocations and or abandonment 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. 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 stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

Compatibility Standards do not apply and there are no site plan issues with this proposed zoning change.

CITY COUNCIL DATE: November 20, 2008

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Stephen Rye

PHONE: 974-7604

stephen.rye@ci.austin.tx.us

METCALFE & SANDERS, INC./LAND SURVEYORS

4800 SOUTH CONGRESS
AUSTIN, TEXAS 78745
(512) 442-5363

SURVEYS & RECORDS SINCE 1904

SURVEY CERTIFICATE

I, George L. Sanders, Texas Registered Professional Land Surveyor No. 1838 of Metcalfe & Sanders, Inc., Land Surveyors, do hereby certify to: Twin Oaks Associates, Ltd.; The City of Austin; and Heritage Title Company of Austin, Inc., agents for Commonwealth Land Title Insurance Company, parties to a Commitment for Title Insurance designated as GF No. 00080328, effective date of Commitment: February 1, 2008, and only for use with this transaction, that an on-the-ground Category 1A, Condition II, Land Title Survey as specified in the 2006 Revised Eleventh Edition of the Manual of Practice for Land Surveying in the State of Texas published by the Texas Society of Professional Surveyors has been made under my direction of Lots 11 and 12, Block "B", Twin Oaks Industrial Subdivision, a subdivision of a portion of the Isaac Decker League Survey No. 20, Abstract No. 8, in the City of Austin, Travis County, Texas, of record in Plat Book 37, Page 23, Plat Records of Travis County, Texas, and that said Lots 11 and 12 are shown on our map or plat designated as Plan 7511.

I further certify that:

1. I have found or set all corners as shown on said Plan 7511.
2. All visible utility lines are shown on said Plan 7511.
3. Except as shown on said Plan 7511, there are no visible encroachments onto or visible protrusions from said Lots 11 and 12.
4. The improvements on said Lots 11 and 12 have been located, all improvements lying within the property, except as shown on said Plan 7511.
5. Said Lots 11 and 12 adjoin a public roadway.
6. Item 10a as listed in Schedule B of said Commitment, a twenty-five (25) foot building setback line along the east line of said Lots 11 and 12 as shown on the plat of record in Plat Book 37, Page 23, Plat Records of Travis County, Texas, does cross a portion of said Lots 11 and 12 and is shown on said Plan 7511.
7. Item 10b as listed in Schedule B of said Commitment, a fifteen (15) foot building setback line along the north line of said Lot 12 as shown on the plat of record in Plat Book 37, Page 23, Plat Records of Travis County, Texas, does cross a portion of said Lot 12 and is shown on said Plan 7511.
8. Item 10c as listed in Schedule B of said Commitment, a thirty (30) foot wide drainage easement adjacent to the south line of said Lot 11 as shown on the plat of record in Plat Book 37, Page 23, Plat Records of Travis County, Texas, does cross a portion of said Lot 11 and the approximate location of said easement is shown on said Plan 7511.
9. Item 10d as listed in Schedule B of said Commitment, a thirty (30) foot wide drainage easement adjacent to the east line of said Lots 11 and 12 as shown on the plat of record in Plat Book 37, Page 23, Plat Records of Travis County, Texas, does cross a portion of said Lots 11 and 12 and is shown on said Plan 7511.
10. Item 10e as listed in Schedule B of said Commitment, a five (5) foot wide public utility easement adjacent to the west line of said Lots 11 and 12 as shown on the plat of record in Plat Book 37, Page 23, Plat Records of Travis County, Texas, does cross a portion of said Lots 11 and 12 and is shown on said Plan 7511.

11. Item 10f as listed in Schedule B of said Commitment, a ten (10) foot wide sanitary sewer easement granted to the City of Austin in Volume 2603, Page 5, Deed Records of Travis County, Texas, does not cross said Lots 11 and 12 but a portion of said easement is shown on said Plan 7511.
12. Item 10g as listed in Schedule B of said Commitment, a five (5) foot, seven (7) foot and ten (10) foot wide electric and telephone easement granted to the City of Austin in Volume 3410, Page 1278, Deed Records of Travis County, Texas, does cross a portion of said Lots 11 and 12 and the approximate location of the ten (10) foot wide portion of said easement is shown on said Plan 7511.
13. Item 10h as listed in Schedule B of said Commitment, a thirty (30) foot wide drainage easement adjacent to the west line of said Lots 11 and 12 granted to the City of Austin in Volume 10248, Page 602, Real Property Records of Travis County, Texas, does cross a portion of said Lots 11 and 12 and is shown on said Plan 7511.
14. Said Lots 11 and 12 are shown to be within Zone X, Other Areas (Areas determined to be outside 500-year floodplain), as identified by the National Flood Insurance Program, FIRM-Flood Insurance Rate Map, as taken from Panel 0210 F, Community Number 480624, City of Austin, Travis County, Texas, Map Number 48453C0210 F, as printed for the Federal Emergency Management Agency, map revised June 5, 1997.

Certified to this the 25th day of February A.D. 2008.

Survey Completed December 28, 2007

METCALFE & SANDERS, INC.
Land Surveyors



By

A handwritten signature in black ink, appearing to read "George L. Sanders".

George L. Sanders
Texas Registered Professional
Land Surveyor No. 1838

TCAD Property I.D. No.s: 313552 & 313553
City of Austin Grid No. H-18

Plan 7511
FB 902, P 21-27 & DC
Ref: Plan 9924
Ref: Plan 9924A
Ref: Plan 9924D
Ref: Job No. 95226.01
Job No. 07324.01

c:\project\07324\doc\073.24ct.doc

11-6 00328 ALF
RETURN TO HERITAGE TITLE
401 CONGRESS, SUITE 1500
AUSTIN, TEXAS 78701

**SPECIAL WARRANTY DEED
(Water Quality and Drainage)**

STATE OF TEXAS

§

COUNTY OF TRAVIS

§



WD

2008057586

7 PGS

DATE: 7 day of April, 2008

GRANTOR: Twin Oaks Associates, Ltd., a Texas limited partnership

GRANTOR'S MAILING ADDRESS: 400 E. St. Elmo
(including county) Austin, Travis County, Texas 78745

GRANTEE: City of Austin, a Texas municipal corporation situated in the Counties of Williamson, Travis and Hays, State of Texas.

GRANTEE'S MAILING ADDRESS:

P.O. Box 1088
Austin, Travis County, Texas 78767-8839
Attn.: Real Estate Services Division

CONSIDERATION: TEN DOLLARS AND NO/100 (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY: The Property described below:

Lots 11 and 12, Block "B", of Twin Oaks Industrial Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 37, Page 23 of the Plat Records of Travis County, Texas, and together with any improvements and fixtures thereon, and any and all rights and appurtenances pertaining to the Property, including any development rights and utility rights which are appurtenant to, allocable to, or allocated to the above-described Property, and any right title and interest of Grantor in and to minerals, mineral rights and royalty interests, adjacent streets, alleys and rights of way related to the Property.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, **grants, sells, and conveys** to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to **have and hold** it to Grantee, Grantee's successors or assigns forever. Grantor binds Grantor and Grantor's administrators, successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is made by, through or under Grantor, but not otherwise.

CONDITIONS: Grantor sells this Property to the City of Austin on the condition that by accepting this conveyance, the City of Austin dedicates the Property for Water Quality and Drainage purposes subject to the existing terms, conditions and restrictions set forth below.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

1. The items shown in **Exhibit "A"** attached hereto and incorporated herein, but only to the extent the same are valid, in existence and affect the tract or tracts or the use thereof by Grantee.
2. Easements to the City of Austin are not, and must not be deemed, merged with the title conveyed herein.
3. Ad valorem property taxes on the Property for the current year, which, having been prorated, are assumed by Grantee.

When the context requires, singular nouns and pronouns, include the plural.

GRANTOR:

Twin Oaks Associates, Ltd.
(a Texas limited partnership)

By: **TOA Management, LLC**
(a Texas limited liability company,
as sole general partner)

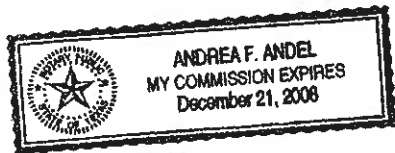
By: 
Joe Charles Jung, Manager

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on APRIL 7, 2008 by Joe Charles Jung, Manager, of TOA Management, LLC, a Texas limited liability company, as sole general partner of Twin Oaks Associates, Ltd., a Texas limited partnership, on behalf of said limited partnership.

[SEAL]



Andrea F Andel
Notary Public, State of Texas

ACCEPTANCE BY THE CITY OF AUSTIN

The Watershed Protection and Development Review Department, by the signature of its duly authorized representative, does approve of the water quality and drainage dedication as described below, subject to all provisions and conditions contained herein:

Lots 11 and 12, Block "B", of Twin Oaks Industrial Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 37, Page 23 of the Plat Records of Travis County, Texas

CONDITIONS: Grantor sells this Property to the City of Austin on the condition that by accepting this conveyance, the City of Austin dedicates the Property for Water Quality and Drainage purposes, subject to the existing terms, conditions and restrictions set forth herein.

EXECUTED this 27th day of March, 2008.

CITY OF AUSTIN, a Texas home-rule
municipal corporation

By: Nancy McClintock
Nancy McClintock, Assistant Director
Watershed Protection and Development
Review Department

ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on March 27, 2008 by Nancy McClintock, Assistant Director, Watershed Protection and Development Review Department, City of Austin, a Texas municipal corporation, on behalf of said corporation.

(SEAL)



Olga M. Jimenez
Notary Public, State of Texas

Exhibit "A"
Permitted Exceptions

1. Building setback line 25 feet in width along southeast property line(s) as shown on the plat recorded in Volume 37, Page 23 of the Plat Records of Travis County, Texas, as shown on survey dated February 25, 2008, prepared by George L. Sanders, Registered Professional Land Surveyor No. 1838 (the "Survey"). (Both Lots)
2. Building setback line 15 feet in width along northeast property line(s) as shown on the plat recorded in Volume 37, Page 23 of the Plat Records of Travis County, Texas, as shown on the Survey. (Lot 12)
3. Drainage easement 30 feet in width along southwest property line(s) as shown on the plat recorded in Volume 37, Page 23 of the Plat Records of Travis County, Texas, as shown on the Survey. (Lot 11)
4. Drainage easement 30 feet in width along southeast property line(s) as shown on the plat recorded in Volume 37, Page 23 of the Plat Records of Travis County, Texas, as shown on the Survey. (Both Lots)
5. Public utility easement 5 feet in width along northwest property line(s) as shown on the plat recorded in Volume 37, Page 23 of the Plat Records of Travis County, Texas, as shown on the Survey. (Both Lots)
6. Electric and telephone easement granted to the City of Austin by instrument dated December 15, 1967, recorded in Volume 3410, Page 1278 of the Deed Records of Travis County, Texas, as shown on the Survey. (Both Lots)
7. Drainage easement granted to the City of Austin by instrument dated May 12, 1987, recorded in Volume 10248, Page 602 of the Real Property Records of Travis County, Texas, as shown on the Survey. (Both Lots)
8. Chain link fence inset and outset along the southwest property line, as shown on the Survey. (Lot 11)

AFTER RECORDING, RETURN TO:

City of Austin
Contract and Land Management Office
Real Estate Services Division
Attention: Marsha L. Schulz
P. O. Box 1088
Austin, Texas 78767-8839

File # 4560.01 (MLS)

Project Name: Blunn Creek Donation (Watershed Protection)

TCAD#'s: 04-1001-0201 & 0202

Property File # D-063.01

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2008 Apr 09 03:32 PM 2008057586

BENAVIDESV \$40.00

DANA DEBEAUVOIR COUNTY CLERK
TRAVIS COUNTY TEXAS

SOUTH RIVER CITY CITIZENS
NEIGHBORHOOD ASSOCIATION
AUSTIN, TEXAS 78704

Stephen Rye, Planner
City of Austin
Neighborhood Planning and Zoning Department
Current Planning Division
Austin, Texas
By fax: 974-6054

8 September 2008

Dear Mr. Rye,

The South River City Citizens Neighborhood Association has met this evening, and has voted to support the zoning changes requested by City staff regarding the following revisions. We understand that these changes are necessary to allow construction of water quality ponds at the east end of Alpine and the north end of Warehouse Row, in the upper portion of the Blunn Creek watershed.

CASE:	C14-2008-0167 Warehouse Road Water Quality Pond #1
P.C. DATE:	September 9, 2008
ADDRESS:	400 Block of East Alpine Road
OWNER/APPLICANT:	City of Austin Watershed Protection and Development Review Department
ZONING CHANGE:	FROM: *RR-NP* TO: *P-NP
AREA:	1.05 acres (45738 sq. ft.)

CASE:	C14-2008-0169 Water Quality Pond #2
P.C. DATE:	September 9, 2008
ADDRESS:	3700 & 3708 Warehouse Row
OWNER/APPLICANT:	City of Austin Watershed Protection and Development Review Department
ZONING CHANGE:	FROM: *LI-CO-NP TO: *P-NP
AREA:	0.8969 acre (39068.964 sq.ft.)

Thank you for coordinating with our neighborhood association in this issue.

Sincerely,

Jean Mather

Jean Mather
President

P.S. - Please confirm receipt by contacting David
Todd @ 416-0400 or dtodd@wt.org