ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0072 – Carson Creek  P.C. DATE: September 8, 2009

ADDRESS: 6511 East Ben White Boulevard

OWNER & APPLICANT: DJK, Inc. (John Bushman)  AGENT: Real Estate Consulting (Jim Leverett)

ZONING FROM: LI-CO-NP  TO: CS-CO-NP  AREA: 4.5 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – conditional overlay – neighborhood plan (CS-CO-NP) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 2,000.

PLANNING COMMISSION RECOMMENDATION:

September 8, 2009: APPROVED CS-CO-NP DISTRICT ZONING AS STAFF RECOMMENDED; BY CONSENT.

[M. DEALEY; J. REDDY – 2ND] (7-0) D. CHIMENTI, S. KIRK – ABSENT

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject property located on the eastbound lanes of East Ben White Boulevard consists of a vacant manufactured home sales business and is zoned limited industrial services – conditional overlay – neighborhood plan (LI-CO-NP) combining district. There is a vacant manufactured home sales business to the east (LI-CO-NP), an LCRA service center to the south (P-CO-NP) and a manufactured home business to the west (LI-CO-NP).

The Applicant has requested a zoning change to the general commercial services – neighborhood plan (CS-NP) district in order to develop the property with a commercial center, including several land uses which are not allowed in the LI district. Staff recommends the Applicant’s request based on its location on an arterial roadway, and compatibility with the surrounding land uses and zonings. The Conditional Overlay limits the number of daily vehicle trips to 2,000.
EXISTING ZONING AND LAND USES:

<table>
<thead>
<tr>
<th>Site</th>
<th>ZONING</th>
<th>LAND USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>LI-NP</td>
<td>Vacant business</td>
</tr>
<tr>
<td>South</td>
<td>P-CO-NP</td>
<td>LCRA service center</td>
</tr>
<tr>
<td>East</td>
<td>LI-CO-NP</td>
<td>Vacant commercial business; Undeveloped</td>
</tr>
<tr>
<td>West</td>
<td>LI-CO-NP; CH-NP</td>
<td>Manufactured home sales business</td>
</tr>
</tbody>
</table>

NEIGHBORHOOD PLAN AREA: Southeast

TIA: Is not required

WATERSHED: Carson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

96 – Southeast Corner Alliance of Neighborhoods (SCAN)
189 – Southeast Austin Neighborhood Alliance
299 – The Crossing Gardenhome Owners Association
300 – Terrell Lane Interceptor Association
428 – Barton Springs / Edwards Aquifer Conservation District
511 – Austin Neighborhoods Council
627 – Onion Creek Homeowners Association
634 – Montopolis Area Neighborhood Alliance
743 – Southeast Austin Trails and Greenbelt Alliance
774 – Del Valle Independent School District
786 – Home Builders Association of Greater Austin
1037 – Homeless Neighborhood Association
1075 – League of Bicycling Voters
1126 – Montopolis Neighborhood Association
1113 – Austin Parks Foundation
1173 – Southeast Neighborhood Plan Contact Team
1188 – Austin Street Futbol Collaborative
1200 – Super Duper Neighborhood Objectors and Appealers Organization

SCHOOLS:

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

CASE HISTORIES:

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>REQUEST</th>
<th>PLANNING COMMISSION</th>
<th>CITY COUNCIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>C14-02-0128.03</td>
<td>Southeast Neighborhood Plan Combining District Rezonings</td>
<td>Approved staff recommendations (8-28-02)</td>
<td>Approved with conditions. Staff directed to initiate a rezoning change to add a Conditional Overlay</td>
</tr>
</tbody>
</table>
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.

C14-93-0096 – Bougham-Sims Subdivision – 6511 East Ben White Boulevard

DR to LI

To Grant LI-CO with CO limiting uses and FAR

Approved LI-CO with CO limiting FAR of general retail sales, restaurants, food sales and financial services (9-2-93).

C14-92-0115 – Lutton Subdivision – 7001 Block of East Ben White Boulevard

DR to LI

To Grant LI-CO

Approved LI-CO with CO limiting general retail sales and personal services to a maximum of 13,000 s.f., and restaurant uses to a maximum of 2,600 s.f. (1-7-93).

RELATED CASES:

The property was rezoned to limited industrial service – conditional overlay (LI-CO) combining district on March 9, 1989 (C14-86-047). The Conditional Overlay limits the maximum floor-to-area ratio of the property to 0.222 to 1.

The subject zoning area is platted as Lot 2, Block A of the Carson Creek Commercial Subdivision, a subdivision recorded in 1998 (C8-84-140.01.2A). Please refer to Exhibit B.

The rezonings associated with the Southeast Neighborhood Plan Area were approved by Council on October 10, 2002 (C14-02-0128.03 - Ordinance 021010-12c). The base district of the subject property did not change, and the NP combining district was added.

A Neighborhood Plan Amendment to change the Future Land Use Map from Industry to Commercial is also in process (NPA-2009-0014.02).

ABUTTING STREETS:

<table>
<thead>
<tr>
<th>Name</th>
<th>ROW</th>
<th>Pavement</th>
<th>Classification</th>
<th>Sidewalks</th>
<th>Bike Route</th>
<th>Capital Metro</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ben White Boulevard</td>
<td>350 feet</td>
<td>Varies</td>
<td>Highway</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
CITY COUNCIL DATE: September 24, 2009

ORDINANCE READINGS: 1st

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades

e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719
SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – conditional overlay – neighborhood plan (CS-CO-NP) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 2,000.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

   The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities. 
   *The property has frontage on the eastbound lanes of East Ben White Boulevard, a major arterial.*

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

   Staff recommends the Applicant’s request based on its location on an arterial roadway, and compatibility with the surrounding land uses and zonings. The Conditional Overlay limits the number of daily vehicle trips to 2,000.

EXISTING CONDITIONS

Site Characteristics

The subject property contains a vacant manufactured home sales business. The site slopes to the south, towards Carson Creek.

Impervious Cover

The maximum impervious cover allowed by the CS-CO-NP zoning district would be 80%, which is based on the more restrictive watershed regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Carson 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:
<table>
<thead>
<tr>
<th>Development Classification</th>
<th>% of Net Site Area</th>
<th>% with Transfers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family (minimum lot size 5750 sq. ft.)</td>
<td>50%</td>
<td>60%</td>
</tr>
<tr>
<td>Other Single-Family or Duplex</td>
<td>55%</td>
<td>60%</td>
</tr>
<tr>
<td>Multifamily</td>
<td>60%</td>
<td>70%</td>
</tr>
<tr>
<td>Commercial</td>
<td>80%</td>
<td>90%</td>
</tr>
</tbody>
</table>

According to flood plain maps, there is a floodplain adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

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

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 974-1876. At this time, 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 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**

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

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]

**Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and/or abandonments required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.

**Site Plan and Compatibility Standards**

Ben White/Highway 71 is considered a scenic roadway for signs.

Any new development is subject to Subchapter E. Design Standards and Mixed Use.

Additional comments will be made when the site plan is submitted.
Rhoades, Wendy

From: Meredith, Maureen
Sent: Tuesday, August 25, 2009 5:00 PM
To: Rhoades, Wendy
Subject: FW: NPA-2009-0014.01 6511 E Ben White

Wendy:

FYI. See below. I guess this is the letter of support from the SE Combined PCT.

Maureen

Maureen Meredith, Senior Planner
City of Austin, Planning & Development Review Department,
505 Barton Springs Road, 5th Floor
Austin, TX 78704
Phone: (512) 974-2695/FAX: (512) 974-2269
maureen.meredith@ci.austin.tx.us
www.ci.austin.tx.us/planning

Please note: E-mail correspondence to and from the City of Austin is subject to requests for required disclosure under the Public Information Act.

From: [REDACTED] (jacks@prismnet.com)
Sent: Tuesday, August 25, 2009 4:57 PM
To: Meredith, Maureen
Cc: jacks@prismnet.com
Subject: RE: NPA-2009-0014.01 6511 E Ben White

Dear Ms. Meredith,

As a member of the SE Combined Neighborhood Plan Contact Team, I have no objections to the zoning change proposed by the applicant under the above-referenced case and would support changes to the Neighborhood Plan and Zoning to effect such a change.

Sincerely,

Lee Sloan
SE Combined Neighborhood Plan Contact Team

8/25/2009