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## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2011-0049 (Pioneer Hill)

**Z.A.P. DATE:** June 21, 2011  
July 19, 2011

**ADDRESS:** 9900-10324 Dessau Road

**OWNER/APPLICANT:** Continental Homes of Texas, LP/D.R. Horton (Richard N. Maier),  
Estate of Fred Morse (Scott Morse)

**AGENT:** Alice Glasco Consulting (Alice Glasco)

**ZONING FROM:** TND

**TO:** Tract 1: MF-1

**AREA:** 16.85 acres

Tract 2: SF-6

191.43 acres

Tract 3: MF-3

23.83 acres

Tract 4: GR

6.20 acres

Tract 5: LI

30.63 acres

268.94 total acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends the applicant's request to rezone the property to MF-1 district zoning for Tract 1, SF-6 district zoning for Tract 2, MF-3 district zoning for Tract 3, GR district zoning for Tract 4 and LI district zoning for Tracts 5A and 5B with the following conditions:

- 1) A conditional overlay that states that the property shall not exceed 17,670 vehicle trips per day in accordance with the original TIA.
- 2) The conditional overlay will prohibit the following uses on the Tracts listed below:

#### Tract 1

Bed & Breakfast (Group 1)

Bed & Breakfast (Group 2)

Multifamily Residential  
Urban Farm

Communication Service Facilities  
Community Events  
Public Primary Educational Facilities  
Public Secondary Educational Facilities  
Special Use Historic  
Club or Lodge  
College or University Facilities  
Cultural Services  
Local Utility Services  
Private Primary Educational Facilities  
Private Secondary Educational Facilities  
Safety Services

#### Tract 2

Bed & Breakfast (Group 1)

Bed & Breakfast (Group 2)

Communication Service Facilities  
Community Events

Public Primary Educational Facilities  
Public Secondary Educational Facilities  
Special Use Historic  
Urban Farm  
Club or Lodge  
College or University Facilities  
Cultural Services  
Local Utility Services  
Private Primary Educational Facilities  
Private Secondary Educational Facilities  
Safety Services

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Tract 4

Automotive Sales  
Automotive Washing (of any type)  
Bail Bond Services  
Outdoor Entertainment  
Plant Nursery  
Research Services  
Special Use Historic  
Urban Farm  
Hospital Services (General)

Tracts 5A & 5B

Agricultural Sales  
Automotive Repair Services  
Automotive Sales  
Automotive Washing (of any type)  
Bail Bond Services  
Campground  
Commercial Off-Street Parking  
Construction Sales and Services  
Convenience Storage  
Drop-Off Recycling Collection Facility  
Equipment Repair Services  
Equipment Sales  
Exterminating Services  
Hotel-Motel  
Indoor Entertainment  
Kennels  
Laundry Services  
Liquor Sales  
Monument Retail Sales  
Outdoor Entertainment  
Printing and Publishing  
Scrap and Salvage  
Vehicle Storage  
Veterinary Services  
Basic Industry  
Recycling Center  
Resource Extraction  
Club or Lodge  
Congregate Living  
Maintenance and Service Facilities  
Railroad Facilities  
Residential Treatment  
Transitional Housing  
Transportation Terminal

- 3) The conditional overlay will include a 100-foot wide buffer zone between the property developed with residential uses on Tract 2 and the following commercial, industrial and civic uses on Tract 5A & 5B:

Commercial Uses

Research Services

Industrial Uses

Limited Warehousing and Distribution  
Custom Manufacturing

The 100-foot buffer zone shall be measured from the property line for property developed with residential uses to a building with a commercial, industrial or civic use.

Improvements permitted within the buffer zone are limited to streets, access easements, driveways, parking facilities, solid fences, pedestrian trails, hike and bike pathways, recreational facilities, detention and water quality re-irrigation facilities, underground improvements, overhead electric or communication lines, or those improvements that may be otherwise required by the City of Austin.

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A driveway, access easement, or private street that serves a building with a commercial, industrial or civic use, may not be constructed within 50 feet of a property line of a lot with residential uses.

- 4) The conditional overlay will include a 200-foot wide buffer zone between the property developed with residential uses on Tract 2 and the following specific industrial uses on Tract 5A & 5B:

Industrial Uses

General Warehousing and Distribution

Light Manufacturing

The 200-foot buffer zone shall be measured from the property line of property developed with residential uses to a building with a specific industrial use (listed above).

Improvements permitted within the buffer zone are limited to streets, access easements, driveways, parking facilities, solid fences, pedestrian trails, hike and bike pathways, recreational facilities, detention and water quality re-irrigation facilities, underground improvements, overhead electric or communication lines, or those improvements that may be otherwise required by the City of Austin.

A driveway, access easement, or private street that serves a building with a commercial, industrial or civic use, may not be constructed within 50 feet of a property line of a lot with residential uses.

- 5) A twenty-five foot vegetative buffer to provide screening shall be established and maintained between property developed with residential uses and any of the commercial or industrial uses listed in items #3 and #4. This twenty-five foot vegetative screen may be placed within the proposed 100-foot and 200-foot setback buffers listed in items #3 or #4 above.

Improvements permitted within this vegetative buffer are limited to hike and bike trails, drainage, underground utility improvements, overhead electric or communication lines, or those improvements that may be otherwise required by the City of Austin.

- 6) The applicant agrees to a public restrictive covenant that will be signed prior to 3<sup>rd</sup> reading of this case at City Council that includes the following conditions:
  - a) The applicant will install a channelized island ("pork chop") at the intersection of Meadowmere Drive and southbound Dessau Road to only allow right-in/right-out turns from Meadowmere Drive. Prior to the approval of the subdivision plat, the applicant should post fiscal for the estimated cost to construct the channelized island ("pork chop"). This improvement will be funded 100 percent by the applicant. The applicant should submit construction drawings with a construction cost estimate signed and sealed by an engineer to verify the amount required for posting.
  - b) A directional sign shall be provided at the intersection of Dessau Road and the proposed Crest Park Loop to specify that egress from the Property (Pioneer Hill) will be for right and left turns only.

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**ZONING & PLATTING COMMISSION RECOMMENDATION:**

6/21/11: Postponed by the Zoning and Platting Commission to July 19, 2011 (4-0, C. Banks, D. Tiemann-absent); P. Seeger-1<sup>st</sup>, S. Baldrige-2<sup>nd</sup>.

**DEPARTMENT COMMENTS:**

The property in question is currently an undeveloped tract of land with a gentle rolling topography. This site was annexed by the City of Austin on July 17, 2003. The City Council approved the first Traditional Neighborhood District (TND) on this property on August 5, 2004. The original project contained a mix of single-family and multi-family residential, office, commercial, industrial civic and parkland uses. The following is a table of the uses approved in the TND zoning:

Mixed Residential Area-1	132.27 acres	47.5%
Mixed Residential Area-2	23.83 acres	9.0%
Neighborhood Center Area	15.29 acres	5.0%
Workshop Area	29.28 acres	11.0%
Public Parkland	76.72 acres	27.5%
<b>TOTAL GROSS SITE AREA</b>	<b>277.39 acres</b>	<b>100.0%</b>

Through the initial TND case, the applicant requested 38 modifications, variances, clarifications and waivers to Land Development Code requirements for the TND development.

In 2008, the applicants requested an amendment to the approved TND to ask for 10 additional variances to the TND requirements in the City of Austin Land Development Code. The applicant wanted to modify the TND ordinance and land use plan to alter the mix of housing types within the TND, to remove the requirement for a square within the Neighborhood Center Area (NCA), to remove the civic use area within the Mixed Residential Area 1(MRA1) that is currently designated for a Manor ISD school site, to amend the subdivision procedure requirement that states that, "a plat for no more than 50% of the land in the MRA1 may be approved until construction of the community center has started", to alter the TND requirement that every lot in the MRA1 should abut an alley to state that, "Only lots fronting the main boulevard are required to have alley access.", to relocate the community meeting hall within the MRA1 portion of the TND, to delete the open space requirement for a one acre square in a TND for 100 acres or more, to delete the northern right in/right out only entrance/exit to the TND off of Dessau Road, to modify the TND conditions that state that at least 80% of the residential units within the MRA must be located within 2,000 square feet of the Neighborhood Center Area boundary, and to change the requirement that a garage entry may not face the street unless it is at least 20-feet behind the front building face of the principle structure. On January 1, 2009, the City Council approved the proposed amendment to the TND zoning, with conditions (Current TND Land Use Plan-Attachment A).

In this case, the applicants are requesting to remove the TND zoning and rezone the property to conventional zoning districts (Please see Request Letter-Attachment B). The following is a table of the proposed tracts and zoning categories for this property:

Tract Number	Proposed Zoning District	Area
Tract 1	MF-1, Multifamily Residence-Limited Density, district zoning	16.85 acres
Tract 2	SF-6, Townhouse & Condominium Residence, district zoning	191.43 acres
Tract 3	MF-3, Multifamily Residence-Medium Density, district zoning	23.83 acres

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Tract 4	GR, Community Commercial, district zoning	6.20 acres
Tracts 5A & 5B	LI, Limited Industrial, district zoning	30.63 acres
<b>TOTAL GROSS SITE AREA</b>		<b>268.94 acres</b>

The staff recommends MF-1-CO, Multifamily Residence-Limited Density-Conditional Overlay, district zoning for Tract 1, SF-6-CO, Townhouse & Condominium Residence-Conditional Overlay, district zoning for Tract 2, MF-3-CO, Multifamily Residence-Medium Density-Conditional Overlay, district zoning for Tract 3, GR-CO, Community Commercial-Conditional Overlay, district zoning for Tract 4, and LI-CO, Limited Industrial-Conditional Overlay, district zoning for Tracts 5A & 5B. The staff's recommendation includes a 100-foot wide buffer zone between specific commercial and industrial uses and a 200-foot wide buffer zone between the General Warehousing and Distribution and Light Manufacturing industrial uses on Tract 5A & 5B from developed residential uses on Tract 2. In addition, a twenty-five foot vegetative screen shall be placed between developed residential uses and any commercial or industrial uses listed in items #3 and #4 above. This twenty-five foot vegetative screen may be placed within the proposed 100-foot and 200-foot buffer zones. The proposed buffer zones and vegetative screen will provide a transition and separation between intensive commercial and industrial that are permitted on Tracts 5A & 5B from the proposed residential uses on Tract 2. The current TND land use plan has public open space/parkland areas that provide separation between the Mixed Residential Area 1 (now proposed Tract 2) and the Workshop Area (now proposed Tracts 5A & 5B). This recommendation is in accordance with the previous TND conditions and with the staff's recommendations in other zoning cases in the city where industrial zoning and uses were permitted adjacent to single-family residential uses.

The staff recommends approval of the proposed rezoning because the requested zoning districts in this case correspond to the uses and layout currently approved in the TND land use plan. The proposed residential zoning for Tracts 1, 2, and 3 will allow for a mixture of residential housing opportunities in this area of the city. The proposed GR district zoning for Tract 3 fronts onto an arterial roadway, Dessau Road, and will provide commercial services to the surrounding residential developments. Tracts 5A and 5B are located adjacent to Brown Lane and are compatible with developed uses in the existing industrial park to the south. The staff's recommendation includes a conditional overlay with a list of prohibited uses for Tracts 1, 2, 3, 4, and 5A & 5B that are consistent with the prohibited uses in these designated areas within the current TND zoning.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR	Undeveloped
<i>North</i>	SF-2, SF-1, P, DR-H	Undeveloped Tract, Single-Family Residential Neighborhood, Parkland, Undeveloped Tract
<i>South</i>	County	Single-Family Residences, Industrial and Warehouse Uses
<i>East</i>	DR, I-RR	City of Austin Parkland
<i>West</i>	SF-3, RR, SF-2	Single-Family Residential Neighborhood, Drainage Channel

**AREA STUDY:** N/A

**TIA:** Required

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

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**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Neighborhoods Council  
 Austin Monorail Project  
 Austin Parks Foundation  
 League of Bicycling Voters  
 Heritage Hills/Windsor Hills Combined COA  
 Heritage Hills/Windsor Hills Combined Neighborhood Contact Team  
 Home Builders Association of Greater Austin  
 Homeless Neighborhood Association  
 Manor ISD Population and Survey Analysts  
 North Growth Corridor Alliance  
 Pioneer Crossing West Homeowners Association  
 Sierra Club, Austin Regional Group  
 Super Duper Neighborhood Objectors and Appealers Organization  
 The Real Estate Council of Austin, Inc.  
 Windsor Hills Neighborhood Association

**SCHOOLS:**

Barrington Elementary School  
 Graham Elementary School  
 Hart Elementary School  
 Dobie Middle School  
 Lanier High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0001.01 (Pioneer Hill TND Amendment #1: Dessau Road)	TND to TND	9/16/08: Approved staff's recommendation for the TND amendment with the following change in the conditions: the designated Manor ISD School-Civic Site within the MRA-1 shall be held for a civic use for a period of 3-years. The 10.81 acre Manor ISD School-Civic Site will remain/still be shown on the TND land use plan. However there will be an insert or note on the LUP that states that if this property is not purchased for a civic use within the	10/23/08: Approved 1 <sup>st</sup> reading for TND to change condition of zoning and include agreement that a portion of land be designated for a Manor school site until 8/1/2012 if site not utilized by then, could revert to residential/parkland use (7-0)  1/15/09: Approved TND amendment to change condition of zoning, add condition to allow only right turn in and right turn out upon leaving property (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup>

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		designated 3-year time period, then this area reverts to the applicant's requested use as shown on their proposal (5-2, D. Tiemann, C. Hammond-No); K. Jackson 1st, R. Evans-2 <sup>nd</sup> .	readings
C14T-03-0001 (Pioneer Hill TND: East Dessau Road)	I-RR to TND	3/16/04: Postponed to April 6, 2004 at the request of the Neighborhood (8-0, K. Jackson-absent); J. Martinez-1 <sup>st</sup> , J. Cortez-2 <sup>nd</sup> .  4/6/04: Approved staff's recommendation for TND zoning (7-0, K. Jackson-absent); M. Whaley-1 <sup>st</sup> , J. Martinez-2 <sup>nd</sup> .	5/06/04: Granted TND zoning on 1 <sup>st</sup> reading (7-0)  8/05/04: Approved (5-0, Mayor Pro Tem J. Goodman & B. McCracken-off the dias)
C14-01-0128.SH	SF-2 to LO	10/16/01: Approved LO-MU-CO w/ conditions (8-1, VA-No)	11/01/01: Approved ZAP rec. for LO-MU-CO (5-0-2, BG/DT-Abstained); 1 <sup>st</sup> reading  11/08/01: Approved LO-MU-CO (5-1-1, DT-No, BG-Abstain); 2 <sup>nd</sup> reading  -Case Expired-
C14-01-0117.SH	Withdrawn & resubmitted as case C14-01-0128.SH	N/A	N/A
C14-95-0159	TR1: SF-3 to LR-CO TR2: SF-3 to LI-CO	11/28/95: LR-CO & LI-CO w/conditions (8-0)	1/4/96: Approve LR-CO (TR1) & LI-CO (TR2) subject to conditions (5-0); all 3 readings
C14-95-0097	SF-3 to LI, GO	8/29/95: Approved GO-CO & LI-CO w/ conditions (5-0)	9/29/95: Approved GO-CO & LI-CO w/ conditions (5-0); all 3 readings
C14-94-0005	I-RR to LI	3/1/94: Approved staff alternate rec. of LI-CO w/IPM (6-0)	3/24/94: Approved LI-CO (5-0); 1 <sup>st</sup> reading  6/9/94: Approved LI-CO (5-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

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**RELATED CASES:** C14T-03-0001 (Pioneer Hill TND Zoning Case)  
C14-03-0001.01 (Pioneer Hill TND Amendment #1)

**ABUTTING STREETS:**

STREET		RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
Dessau Road		120'	2@30'	Major Arterial	20,161 vpd
Brown Lane		-	-	Collector	2,000 vpd

**CITY COUNCIL DATE:**

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

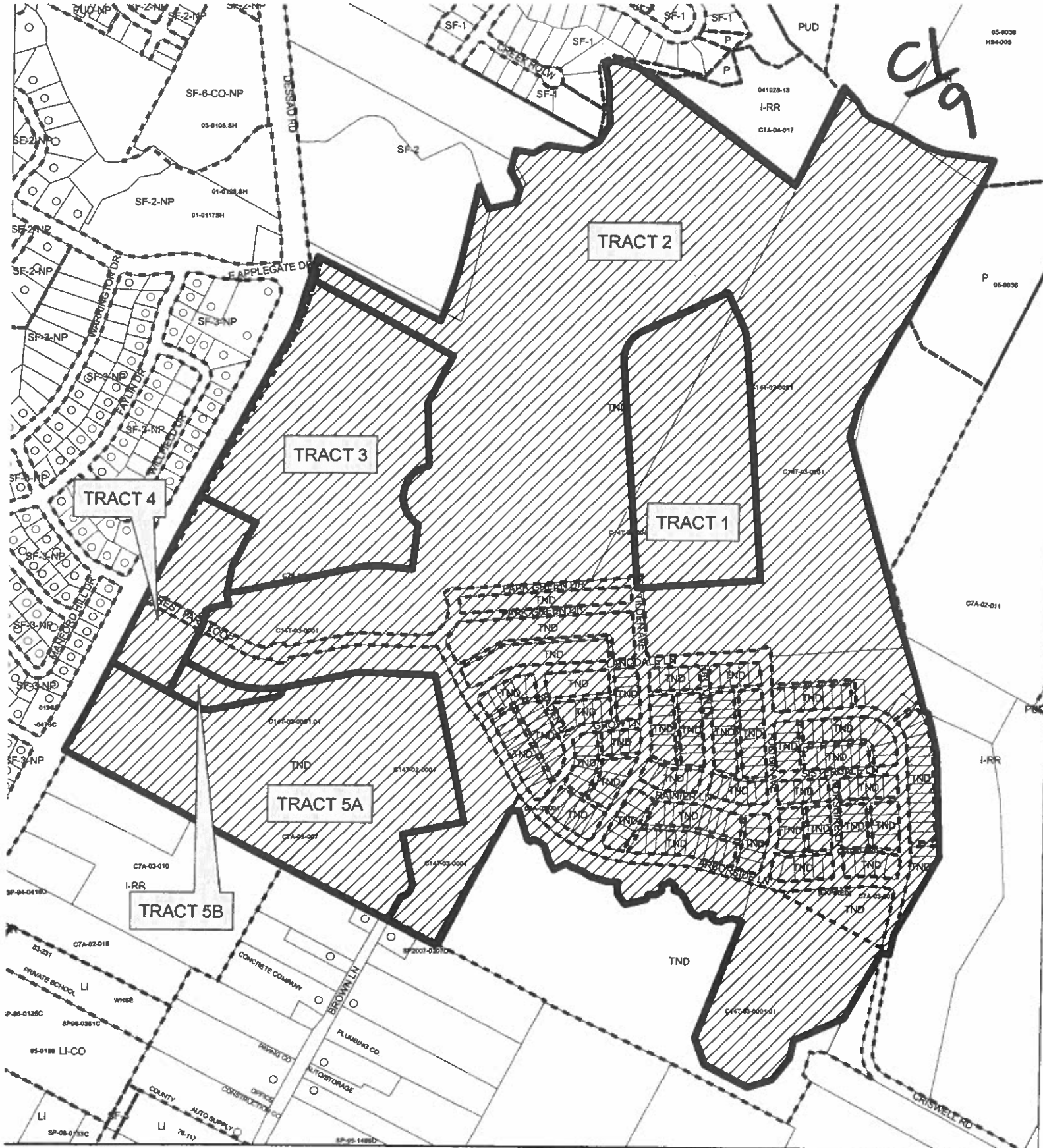
**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057

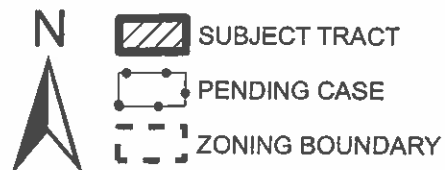
**EMAIL:** sherri.sirwaitis@ci.austin.tx.us





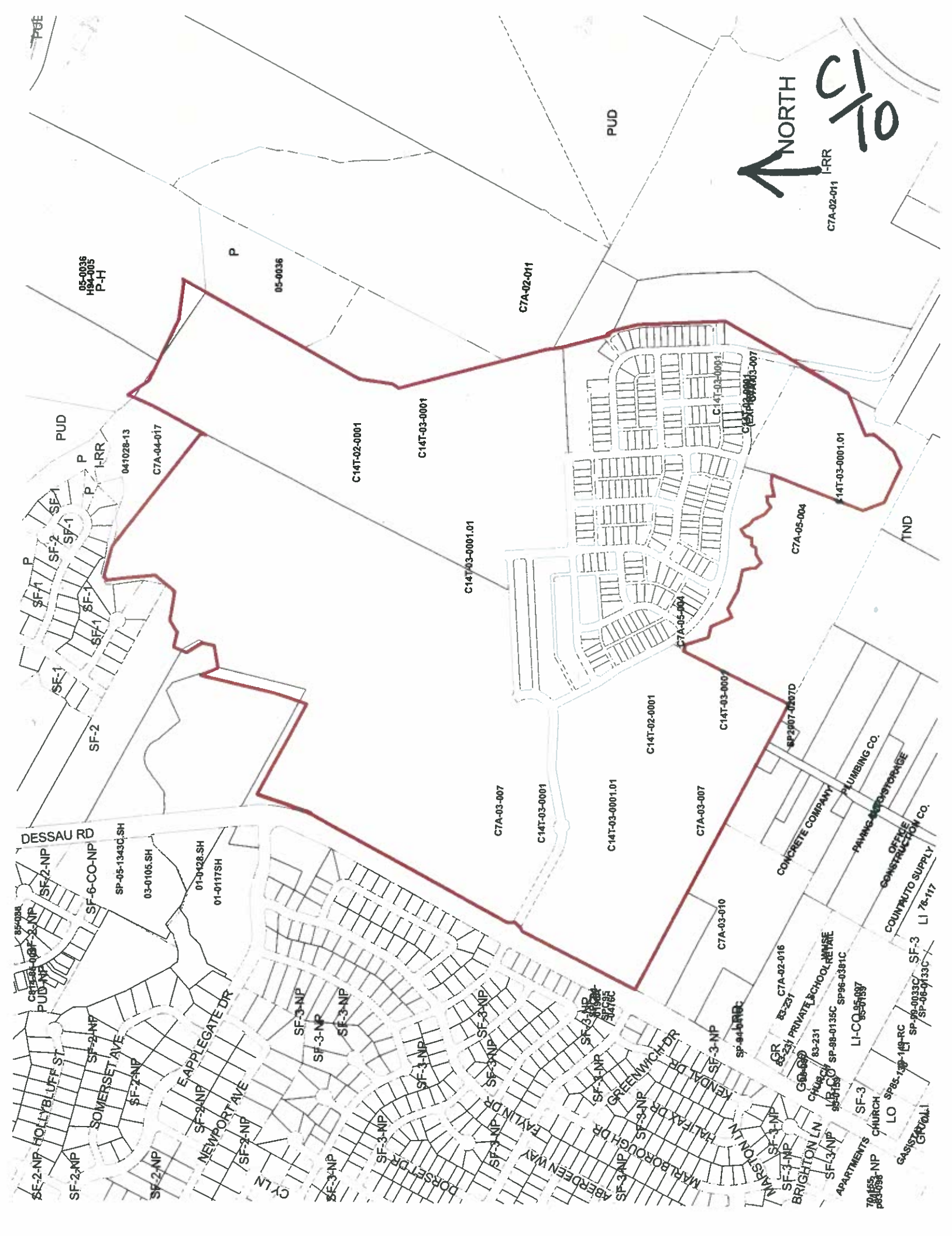
## ZONING

ZONING CASE#: C14-2011-0049  
 LOCATION: 9901-10017 DESSAU RD  
 SUBJECT AREA: 268.94 ACRES  
 GRID: M29-30 & N29-30  
 MANAGER: SHERRI SIRWAITIS



1" = 600'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.









## STAFF RECOMMENDATION

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Staff recommends the applicant's request to rezone the property to MF-1 district zoning for Tract 1, SF-6 district zoning for Tract 2, MF-3 district zoning for Tract 3, GR district zoning for Tract 4 and LI district zoning for Tracts 5A and 5B with the following conditions:

- 1) A conditional overlay that states that the property shall not exceed 17,670 vehicle trips per day in accordance with the original TIA.
- 2) The conditional overlay will prohibit the following uses on the Tracts listed below:

### Tract 1

Bed & Breakfast (Group 1)

Bed & Breakfast (Group 2)

Multifamily Residential  
Urban Farm

Communication Service Facilities  
Community Events  
Public Primary Educational Facilities  
Public Secondary Educational Facilities  
Special Use Historic  
Club or Lodge  
College or University Facilities  
Cultural Services  
Local Utility Services  
Private Primary Educational Facilities  
Private Secondary Educational Facilities  
Safety Services

### Tract 4

Automotive Sales  
Automotive Washing (of any type)  
Bail Bond Services  
Outdoor Entertainment  
Plant Nursery  
Research Services  
Special Use Historic  
Urban Farm  
Hospital Services (General)

### Tract 2

Bed & Breakfast (Group 1)

Bed & Breakfast (Group 2)

Communication Service Facilities  
Community Events

Public Primary Educational Facilities  
Public Secondary Educational Facilities  
Special Use Historic  
Urban Farm  
Club or Lodge  
College or University Facilities  
Cultural Services  
Local Utility Services  
Private Primary Educational Facilities  
Private Secondary Educational Facilities  
Safety Services

### Tracts 5A & 5B

Agricultural Sales  
Automotive Repair Services  
Automotive Sales  
Automotive Washing (of any type)  
Bail Bond Services  
Campground  
Commercial Off-Street Parking  
Construction Sales and Services  
Convenience Storage  
Drop-Off Recycling Collection Facility  
Equipment Repair Services  
Equipment Sales  
Exterminating Services  
Hotel-Motel  
Indoor Entertainment  
Kennels  
Laundry Services  
Liquor Sales  
Monument Retail Sales  
Outdoor Entertainment  
Printing and Publishing  
Scrap and Salvage  
Vehicle Storage  
Veterinary Services

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Basic Industry  
Recycling Center  
Resource Extraction  
Club or Lodge  
Congregate Living  
Maintenance and Service Facilities  
Railroad Facilities  
Residential Treatment  
Transitional Housing  
Transportation Terminal

- 3) The conditional overlay will include a 100-foot wide buffer zone between the property developed with residential uses on Tract 2 and the following commercial, industrial and civic uses on Tract 5A & 5B:

Commercial Uses

Research Services

Industrial Uses

Limited Warehousing and Distribution  
Custom Manufacturing

The 100-foot buffer zone shall be measured from the property line for property developed with residential uses to a building with a commercial, industrial or civic use.

Improvements permitted within the buffer zone are limited to streets, access easements, driveways, parking facilities, solid fences, pedestrian trails, hike and bike pathways, recreational facilities, detention and water quality re-irrigation facilities, underground improvements, overhead electric or communication lines, or those improvements that may be otherwise required by the City of Austin.

A driveway, access easement, or private street that serves a building with a commercial, industrial or civic use, may not be constructed within 50 feet of a property line of a lot with residential uses.

- 4) The conditional overlay will include a 200-foot wide buffer zone between the property developed with residential uses on Tract 2 and the following specific industrial uses on Tract 5A & 5B:

Industrial Uses

General Warehousing and Distribution  
Light Manufacturing

The 200-foot buffer zone shall be measured from the property line of property developed with residential uses to a building with a specific industrial use (listed above).

Improvements permitted within the buffer zone are limited to streets, access easements, driveways, parking facilities, solid fences, pedestrian trails, hike and bike pathways, recreational facilities, detention and water quality re-irrigation facilities, underground improvements, overhead electric or communication lines, or those improvements that may be otherwise required by the City of Austin.

A driveway, access easement, or private street that serves a building with a commercial, industrial or civic use, may not be constructed within 100 feet of a property line of a lot with residential uses.

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- 5) A twenty-five foot vegetative buffer to provide screening shall be established and maintained between property developed with residential uses and any of the commercial or industrial uses listed in items #3 and #4. This twenty-five foot vegetative screen may be placed within the proposed 100-foot and 200-foot setback buffers listed in items #3 or #4 above.

Improvements permitted within this vegetative buffer are limited to hike and bike trails, drainage, underground utility improvements, overhead electric or communication lines, or those improvements that may be otherwise required by the City of Austin.

- 6) The applicant agrees to a public restrictive covenant that will be signed prior to 3<sup>rd</sup> reading of this case at City Council that includes the following conditions:
- a. The applicant will install a channelized island ("pork chop") at the intersection of Meadowmere Drive and southbound Dessau Road to only allow right-in/right-out turns from Meadowmere Drive. Prior to the approval of the subdivision plat, the applicant should post fiscal for the estimated cost to construct the channelized island ("pork chop"). This improvement will be funded 100 percent by the applicant. The applicant should submit construction drawings with a construction cost estimate signed and sealed by an engineer to verify the amount required for posting.
  - b. A directional sign shall be provided at the intersection of Dessau Road and the proposed Crest Park Loop to specify that egress from the Property (Pioneer Hill) will be for right and left turns only.

## **BASIS FOR RECOMMENDATION**

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

Tract 1: Multifamily residence limited density (MF-1) district is the designation for a multifamily use with a maximum density of up to 17 units per acre, depending on unit size. An MF-1 district designation may be applied to a use in a residential neighborhood that contains a mixture of single family and multifamily uses or in an area for which limited density multifamily use is desired. An MF-1 district may be used as a transition between a single family and higher intensity uses.

Tract 2: Townhouse and condominium residence (SF-6) district is the designation for a moderate density single family, duplex, two-family, townhouse, and condominium use that is not subject to the spacing and location requirements for townhouse and condominium use in an SF-5 district. An SF-6 district designation may be applied to a use in an area with large lots that have access to streets other than minor residential streets. An SF-6 district may be used as a transition between a single family and multifamily residential use.

Tract 3: Multifamily residence medium density (MF-3) district is the designation for multifamily use with a maximum density of up to 36 units per acre, depending on unit size. An MF-3 district designation may be applied to a use in a multifamily residential area located near supporting transportation and commercial facilities in a centrally located area or in an area for which medium density multifamily use is desired.

Tract 4: Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

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Tract 5: Limited industrial service (LI) district is the designation for a commercial service use or limited manufacturing use generally located on a moderately-sized site.

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

The proposed residential zoning districts for Tracts 1, 2, and 3 are located adjacent to Walnut Creek and parkland areas to the east. There is an existing residential development located to the north of this property. The proposed MF-1-CO, SF-6-CO, and MF-3-CO zoning districts will permit a mixture of residential uses within a single development and will allow for a variety of housing opportunities in this area of the city.

The proposed GR-CO district zoning for Tract 3 fronts onto an arterial roadway, Dessau Road, and will provide commercial services to the surrounding residential developments.

The proposed LI-CO district zoning for Tracts 5A and 5B is compatible with developed commercial and industrial uses along Brown Lane in the industrial park to the south.

3. *Granting of the request should result in an equal treatment of similarly situated properties.*

The requested zoning districts in this case correspond to the uses and layout currently approved in the TND land use plan and ordinance.

The staff's recommendation includes setback buffer zones and a 25-foot vegetative screen to provide a separation between the intensive commercial and industrial that are permitted on Tracts 5A & 5B from the proposed residential uses to be developed on Tract 2. This recommendation is in accordance with the previous TND conditions and with the staff's recommendations in other zoning cases in the city where industrial zoning and uses were permitted adjacent to single-family residential uses.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently undeveloped with a gentle rolling topography and no severe slopes. There appear to be some topographical and environmental constraints.

### **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 Walnut 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.

According to flood plain maps, there is a floodplain within, or 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.

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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 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 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.

### **Impervious Cover**

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% with Transfers
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

### **Site Plan**

Commercial development on the proposed GR and LI portions of this tract may be subject to Subchapter E of the Land Development Code (Commercial Design Standards). A determination of applicability and additional comments relating to Subchapter E design criteria will be provided upon submittal of the site development permit.

Commercial and multi-family portions of the proposed development may be subject to compatibility standards. Along the property lines adjoining single-family zoned properties, 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 vehicle parking, mechanical equipment, storage, and refuse collection.

Further comments will be provided upon submittal of the site plans.

### **Stormwater Detention**

At the time of subdivision, 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.

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### **Transportation**

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

The traffic impact analysis for this site was waived because the applicant agrees to comply with the conditions of the TIA originally approved with case C14T-03.0001.01. If the requested zoning is granted, development should be limited through a conditional overlay to not exceed 17,670 vehicle trips per day in accordance with the original TIA [LDC, 25-6-117].

The applicant has agreed to install a channelized island ("pork chop") at the intersection of Meadowmere Drive and southbound Dessau Road to only allow right-in/right-out turns from Meadowmere Drive. Prior to the approval of the subdivision plat, the applicant should post for the estimated cost to construct the channelized island ("pork chop"). This improvement will be funded 100 percent by the applicant. The applicant should submit construction drawings with a construction cost estimate signed and sealed by an engineer to verify the amount required for posting.

As identified in the existing ordinance, a directional sign shall be provided at the intersection of Dessau Road and the proposed Crest Park Loop to specify that egress from the Property (Pioneer Hill) will be for right and left turns only.

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Dessau Road	Varies	MAD 6	Arterial	Yes	No	Yes

### **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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan 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.

Pioneer Hill TMD Development Table			
TMD Area	Acres	Percentage of Project	Anticipated Allocation
Mixed Residential Area-1 (Phase A)	133.75 Ac.	46.0%	220 Units (approx. 100% of Phase A)
Mixed Residential Area-2 (Phase B)	23.65 Ac.	9.0%	40 Units (approx. 100% of Phase B)
Sub-total Mixed Residential Areas	157.40 Ac.	57.0%	260 Units (approx. 100% of all housing units)
Neighborhood Center Area (Phase C)	13.28 Ac.	5.0%	13 Units (approx. 100% of Phase C)
Workshop Area (Phase D)	76.28 Ac.	11.0%	200 Units (approx. 100% of Phase D)
Public Parkland (Phase E)	75.25 Ac.	27.0%	
TOTAL	327.26 Ac.	100.0%	360 Units (approx. 100% of all housing units)



# Alice Glasco Consulting

5117 Valburn Court, Suite A  
Austin, TX 78731  
aliceglasco@mindspring.com  
512-231-8110 • 512-857-0187 Fax

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March 30, 2011

Greg Guernsey, Director  
Planning and Development Review Department  
505 Barton Spring Road, Suite 500  
Austin, Texas 78704

RE: Rezoning of Pioneer Hill TND

Dear Greg:

I represent the D.R. Horton and the Estate of Fred Morse, owners of Pioneer Hill TND. As you know this is the only TND in the City of Austin, which was adopted in 2004, but remains undeveloped. While the TND concept is a great idea, unfortunately, some of the design elements of the TND ordinance make the project too costly. Therefore, in order to have a financially feasible project, my clients would like to convert the approved TND to conventional zoning and subdivision.

The purpose of the TND ordinance, which is to encourage a mixed use, compact development that is sensitive to the characteristics of the land will be adhered to under conventional zoning and subdivision. However some of the design elements of the TND ordinance such as alleys, squares and plazas, which have proven to be cost prohibitive, will not be included.

Below is a comparison of how the proposed rezoning districts correspond to the approved TND.

<u>Rezoning Request/Acreage</u>	<u>Approved TND</u>
Tract 1: MF-1 (16.85 acres)	Area 1 - Mixed Residential (130.47 acres)
Tract 2: SF-6 (191.43 acres)	Area 1 - Mixed Residential
Tract 3: MF-3 (23.83 acres)	Area 2 - Multi-family (23.83 acres)
Tract 4: GR (6.2 acres)	Neigh. Center Area (12.44 acres)
Tract 5: LI (30.63 acres)	Workshop Area (LI uses listed in zoning ordinances 040805-45 & 20090115-095)
Open space/parkland (part of tracts)	Open space/parkland: 72.86 acres
Designation will occur at subdivision	
<b>Total acreage: 268.94</b>	<b>Total acreage: 268.86</b>

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Greg Guernsey, Director  
Planning and Development Review Department  
Re: Rezoning of Pioneer Hill TND  
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### **Rezoning Justification**

The requested zoning districts correspond to the uses and densities approved and envisioned in the Pioneer Hill TND. Tract 1(MF-1) - will allow for mixed residential, including, single family, two-family, townhouses and/or retirement housing. Tract 2 (SF-6) is planned for single family, two-family and townhouses. Tract 3 (MF-3) is intended for multi family use. The MF-3 zoning district accommodates the approved impervious cover of 65% and FAR of 0.75 under the Pioneer Hill TND and also provides the most flexibility in achieving a unit mix of 1, 2 and 3 bedroom units in accordance with section 25-2 -562 of the Land Development Code, which is provided below.

#### **§ 25-2-562 MULTIFAMILY RESIDENCE MEDIUM DENSITY (MF-3) DISTRICT REGULATIONS.**

- (A) This section applies in an MF-3 district.
- (B) The minimum site area for each dwelling unit is:
  - (1) 1,200 square feet, for an efficiency dwelling unit;
  - (2) 1,500 square feet, for a one bedroom dwelling unit; and
  - (3) 1,800 square feet, for a dwelling unit with two or more bedrooms.
- (C) The minimum open space for each dwelling unit is 150 square feet.

Tract 4 (GR) will provide retail uses intended to serve this community of several residents and is consistent with the objectives of the TND ordinance, which calls for a self sufficient community that provides services needed by its residents. Tract 5 (LI) is an employment center with uses that allow for a wide spectrum of employment opportunities. The approved Pioneer Hill TND ordinance allows 49 Limited Industrial uses (see land use exhibit attached to ordinances # 040805-45 and 20090115-095).

To assist you in the review of our rezoning request, I have attached the following documents:

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Greg Guernsey, Director  
Planning and Development Review Department  
Re: Rezoning of Pioneer Hill TND  
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1. A general land use map showing the proposed rezoning districts that correspond to the approved TND. Please note that each tract under this rezoning case includes open space/parkland that will be appropriately designated at the time of subdivision in accordance with the parkland dedication ordinance.
2. Original 2004 TND zoning ordinance.
3. Amended 2009 TND zoning ordinance.

Please let me know if you have any questions or need additional information. We look forward to a positive staff recommendation.

Sincerely,

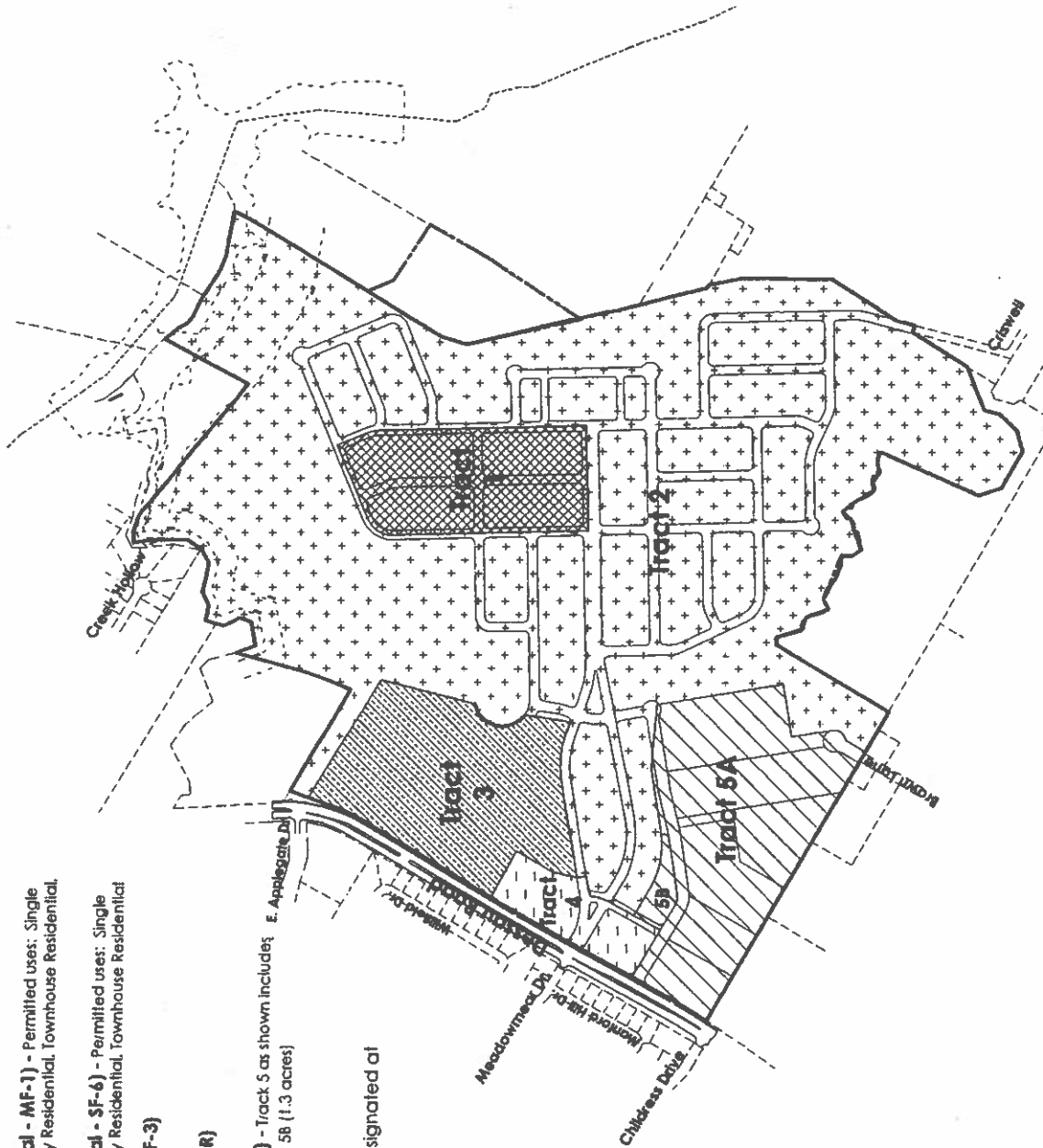


Alice Glasco

Cc: George Adams, Assistant Director  
Jerry Rusthoven, Zoning Division Manager  
Sherri Sirwaitis, Senior Planner  
Richard N. Maier D.R. Horton  
Kate McDonald, D.R. Horton  
Scott N, Morse, Estate of Fred Morse  
B.J. Cornelius, Site Specifics

Attachments

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16.85 AC	Tract 1 (Mixed Residential - MF-1) - Permitted uses: Single Family Residential, Two-Family Residential, Townhouse Residential, Retirement Housing
191.43 AC	Tract 2 (Mixed Residential - SF-6) - Permitted uses: Single Family Residential, Two-Family Residential, Townhouse Residential
23.83 AC	Tract 3 (Multi-Family - MF-3)
6.2 AC	Tract 4 (Commercial - GR)
30.63 AC	Tract 5 (Employment - U) - Tract 5 as shown includes tract 5A (29.33 AC) and tract 5B (1.3 acres)
<b>Total: 268.94 AC</b>	

**NOTE:** Open space/parkland will be designated at the time of subdivision.



# Pioneer Hill General Land-Use Map

April 28, 2011

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2011-0049

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: June 21, 2011, Zoning and Platting Commission  
July 28, 2011, City Council

*Marianne McDonald*

Your Name (please print)

*1504 Creek Hollow Austin 78754*

Your address(es) affected by this application

*Marianne McDonald*

Signature

Date

Daytime Telephone: *567-4153*

Comments: *Don't want multi family*

*residences put so close to our neighborhood. It will lead to more loitering in our neighborhood.*

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

*C/23*