

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-95-0129.01 – Expo Center Section II

**P.C. DATE:** July 26, 2011

**ADDRESS:** 5805 Burleson Road

**OWNER & APPLICANT:** Expo Partners III, Ltd.  
c/o Trammel Crow Company  
(James H. Matoushek)

**AGENT:** Carlson, Brigrance  
& Doering, Inc.  
(Charles R. Brigrance, Jr.)

**ZONING FROM:** LI-PDA-NP      **TO:** LI-PDA-NP, to amend the PDA by removing  
basic industry from the list of prohibited uses

**AREA:** 14.983 acres

**SUMMARY STAFF RECOMMENDATION:** The Staff recommendation is to grant the Applicant's requested amendment to limited industrial service – planned development area – neighborhood plan (LI-PDA-NP) combining district zoning to remove basic industry from the prohibited use list as it applies to this property.

### **PLANNING COMMISSION RECOMMENDATION:**

July 26, 2011: *APPROVED STAFF RECOMMENDATION TO AMEND LI-PDA-NP DISTRICT ZONING TO REMOVE BASIC INDUSTRY FROM THE PROHIBITED USE LIST, AS IT APPLIES TO THIS PROPERTY.*

*[D. ANDERSON; A. HERNANDEZ – 2<sup>ND</sup>] (7-0) M. DEALEY – ABSENT;  
1 VACANCY ON THE COMMISSION*

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The subject rezoning area is the most western portion of the Expo Center Section II and is zoned limited industrial service – planned development area – neighborhood plan (LI-PDA-NP) district. The PDA was established in March 1996 and prohibits basic industry and resource extraction and establishes the conditions of a traffic impact analysis. A planned development area has performance standards which state that development may not produce a dangerous or objectionable element, including injurious or noxious noise, smoke, dust, odor, air pollution, heat, humidity, liquid or solid waste, or light or glare that would adversely affect property in the vicinity (please refer to LDC Section 25-2-648 for an additional description). There is undeveloped property to the west and south (LI-CO-NP), commercial uses across Burleson Road to the north (LI-CO-NP, CS-MU-NP), and undeveloped property within Expo Business Park Section II to the east (LI-PDA-NP).

The Applicant proposes an amendment to the PDA in order to remove basic industry from the prohibited use list, as it applies to this property. The Applicant intends to store oil on the property which is allowed with a basic industry use. Staff supports the Applicant's request as the surrounding area is presently zoned for intensive commercial or industrial uses, thus the proposed change represents an incremental change in the zoning and does not change the PDA standards that are applicable to this development.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LI-PDA-NP	Undeveloped
<i>North</i>	LI-CO-NP; CS-CO-NP; CS-MU-NP	Fire station, Automotive sales, Towing yard, Automotive repair, Upholstery repair, Outside storage, Two single family residences
<i>South</i>	LI-CO-NP	Undeveloped
<i>East</i>	LI-PDA-NP	Undeveloped
<i>West</i>	LI-CO-NP	Undeveloped

**NEIGHBORHOOD PLANNING AREA:** Southeast Combined **TIA:** Is not required (McKinney)

**WATERSHED:** Williamson Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

96 – Southeast Corner Alliance of Neighborhoods (SCAN)  
 176 – Kensington Park Homeowners Association    511 – Austin Neighborhoods Council  
 627 – Onion Creek Homeowners Association  
 634 – Montopolis Area Neighborhood Alliance  
 688 – Southeast Neighborhood Plan – COA Liaison  
 742 – Austin Independent School District  
 774 – Del Valle Independent School District  
 786 – Home Builders Association of Greater Austin  
 1037 – Homeless Neighborhood Association  
 1075 – League of Bicycling Voters    1113 – Austin Parks Foundation  
 1200 – Super Duper Neighborhood Objectors and Appealers Organization  
 1224 – Austin Monorail Project    1228 – Sierra Club, Austin Regional Group  
 1236 – The Real Estate Council of Austin, Inc.    1258 – Del Valle Community Coalition  
 1316 – Southeast Combined Neighborhood Plan Contact Team

**SCHOOLS:**

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

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2010-0116 – Burleson 1.91 – 5810 Burleson Road	CS-CO-NP to LI-CO-NP	To Grant LI-CO-NP with the CO for 2,000 trips	Approved as Commission recommended (12-9- 10).
C14-03-0029 – Southeast Combined Creek Setback – South of Burleson Road, West of Stassney Lane	From & To LI- CO-NP; W/LO- NP; LI-NP to add a CO for a 50 foot-wide setback from the centerline of a creek draining between 64 and 320 acres in a suburban watershed	To Grant	Approved (6-5-03).
C14-96-0125 – Burleson Road – 5710 Burleson Road	SF-2 to LI	To Grant LI-CO with the CO for 2,000 trips	Approved LI-CO (12- 12-96).
C14-97-0106 – Thomas Zoning Change – 5700 Burleson Road	SF-2 to LI	To Grant LI-CO with the CO for 2,000 trips	Approved LI-CO (10- 16-97).
C14-98-0092 – Reid Zoning Change – 6100 Burleson Road	SF-2 to LI-CO	To Grant LI-CO with the CO for 2,000 trips	Approved LI-CO (10- 8-98).

**RELATED CASES:**

The rezonings associated with the McKinney Neighborhood Plan Area were approved by Council on October 10, 2002 (C14-02-0128.02 by Ordinance No. 021010-12b). The base district of the subject property did not change, and the NP combining district was added. The property is designated as Industry on the Future Land Use Map (FLUM).

Expo Center was formerly owned by the State of Texas, on behalf of the Permanent School Fund, and consists of approximately 150 acres on the south side of Burleson Road, at its intersection with East Stassney Lane. The area was zoned LI-PDA-NP on March 7, 1996 and prohibits basic industry and resource extraction, is subject to performance standards and the conditions of the Traffic Impact Analysis (Ordinance No. 960307-M). Expo Center Section 1 is approximately 102 acres in size and located at the southeast corner of Burleson and East Stassney (C14-95-0128). The remaining 48.29 acres is located at the southwest

corner of Burleson and East Stassney, carries the same restrictions and is designated as Section II (C14-95-0129). The subject PDA amendment is within Section II.

Ordinance No. 96-0307-N accompanied the rezoning case and is part of the Expo Center project. This ordinance granted the following variances: 1) cut and fill for water quality ponds, detention and drainage facilities, specifically up to 14 feet of cut for the first phase of development and up to 10 feet for an additional five of these facilities, and up to 8 feet of fill for both; 2) the waiver of the requirement for boundary street improvements or fiscal surety for the construction of Stassney Lane as well as the improvement of Burleson Road associated with subdivision or site plan approval, and 3) extension of the expiration date to seven years for site plans and indefinite life for preliminary plans provided one final plat is approved and recorded within four years of preliminary plan approval.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Plan	Bus Routes
Burleson Road	117 feet	66 feet	Arterial	No	Wide Curb Exists/Bike Lane Recommended	Yes

**CITY COUNCIL DATE:** August 25, 2011

**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



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 500'

## ZONING

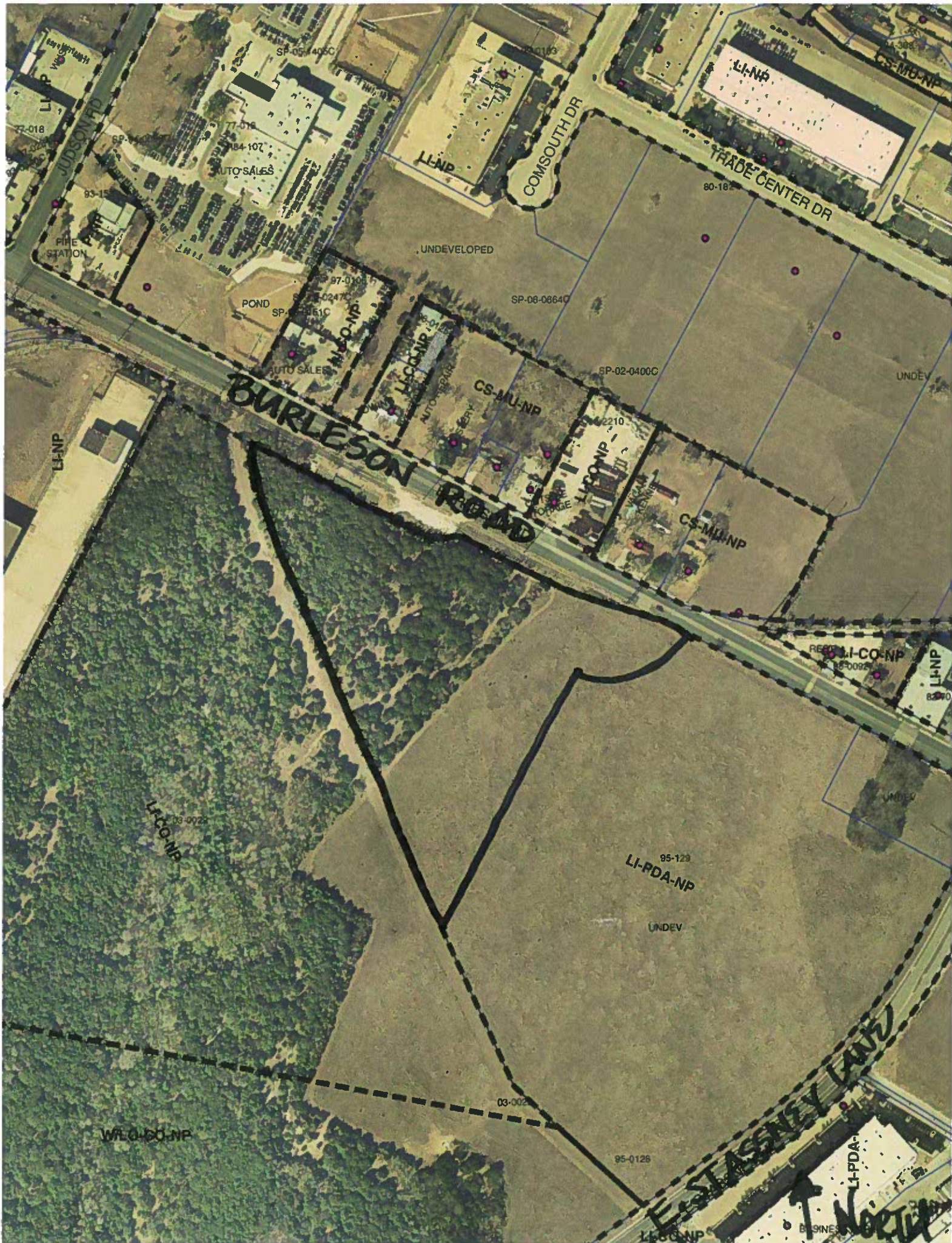
*Exhibit A*

ZONING CASE#: C14-95-0129.01  
 LOCATION: 5805 BURLESON RD  
 SUBJECT AREA: 14.983 AC.  
 GRID: K17  
 MANAGER: WENDY RHOADES



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.







ORDINANCE NO. 960307- M

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS: 48.29 ACRE TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, FROM "DR" DEVELOPMENT RESERVE DISTRICT TO "LI-PDA" LIMITED INDUSTRIAL SERVICE DISTRICT-PLANNED DEVELOPMENT AREA COMBINING DISTRICT, LOCALLY KNOWN AS THE PROPERTY LOCATED ALONG BURLESON ROAD, AS MORE PARTICULARLY IDENTIFIED IN THE MAP ATTACHED AS "EXHIBIT A" TO THIS ORDINANCE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5, AND 2-2-7 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Chapter 13-2 of the Austin City Code of 1992 is amended to change the base zoning district from "DR" Development Reserve district to "LI-PDA" Limited Industrial Service district-Planned Development Area combining district on the property described in File C14-95-0129, as follows:

48.29 acre tract of land out of the Santiago Del Valle Grant, Abstract No. 24, said 48.29 acre tract of land being more particularly described by metes and bounds in "Exhibit B" attached and incorporated herein for all purposes, *hereinafter referred to as the "Property"*

locally known as the Property located along Burleson Road, as more particularly identified in the map attached as "Exhibit A" to this ordinance, in the City of Austin, Travis County, Texas.

PART 2. Notwithstanding any use or site development regulations of the "LI" Limited Industrial Service base zoning district to the contrary, the Property being within the boundaries of the Planned Development Area combining district established by PART 1 of this ordinance, is subject to the following restrictions:

1. The following uses shall be prohibited on the Property: (a) Basic industry; and (b) Resource extraction.
2. Development of the Property shall conform with all applicable provisions of the PDA Planned Development Area performance standards established by Sec. 13-2-269 of the Land Development Code, and all other applicable provisions of the Austin City Code of 1992, as amended.
3. Notwithstanding any other provision of the Land Development Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property or any portion of the Property shall be approved or released, and no building permit for construction of a building on the Property, shall be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation for the Property as specified in that certain Traffic Impact Analysis prepared by W.H.M. Transportation Engineering Consultants, Inc., dated February, 16, 1996, on file at the Department of Development Services, and submitted in support of the zoning request enacted by this ordinance.





Except as specifically restricted pursuant to this ordinance, the Property may be developed and used in accordance with the regulations established for the "LI" Limited Industrial Service base district and other applicable requirements of the Land Development Code.

PART 3. That it is ordered that the Zoning Map established by Section 13-2-22 of the Austin City Code of 1992 and made a part thereof shall be changed to record the amendment enacted by this ordinance.







 1"-200'	SUBJECT TRACT		<b>CASE #: C14-95-0129</b> SUBJECT AREA (sqft): 48,280 ADDRESS: BURLISON RD AND MONTPOLE DR	CITY GRID REFERENCE NUMBER K18X17
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR:			
	CYCLE: 95-09	ENTER TRC		

"Exhibit A"

960307-m

## **STAFF RECOMMENDATION**

The Staff recommendation is to grant the Applicant's requested amendment to limited industrial service – planned development area – neighborhood plan (LI-PDA-NP) combining district zoning to remove basic industry from the prohibited use list as it applies to this property.

## **BASIS FOR RECOMMENDATION**

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

The limited industrial service (LI) district designation is for a commercial service use or limited manufacturing use generally located on a moderately sized site. Planned Development Area (PDA) combining district is intended for combination with selected commercial and industrial base districts, in order to modify base district provisions as necessary to allow for appropriate industrial and commercial uses or to reflect the terms of a Planned Development Area agreement following annexation of properties subject to such an agreement. Neighborhood Plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

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

Staff supports the Applicant's request as the surrounding area is presently zoned for intensive commercial or industrial uses, thus the proposed change represents an incremental change in the zoning and does not change the PDA standards that are applicable to this development.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The rezoning area is undeveloped and relatively flat. There appear to be no significant topographical constraints on the site.

### **Impervious Cover**

The maximum impervious cover allowed by LI base zoning district would be 80%, which is based on the more restrictive watershed regulations, as described below.

### **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 no floodplain within, or adjacent to the project boundary.

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, 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**

This site is still subject to all of the conditions assumed in the original TIA.

### **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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and utility 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.

### **Site Plan and Compatibility Standards**

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to

compatibility development regulations. This site is not within 540 feet of SF-6 or more restrictive zoning.