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ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0009 – Prosperity Business Park

Z.A.P. DATE: March 20, 2013

ADDRESS: 9101 – 9201 South IH 35 Service Road Northbound

OWNER: NL Land Holdings, Ltd. (John Lewis) **AGENT:** Alice Glasco Consulting
(Alice Glasco)

ZONING FROM: CS-CO

TO: CS-CO, to modify the Conditional Overlay and remove the provisions which prohibit vehicular access to Oak Hill Lane and limit signage

AREA: 1.88 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning and remove provisions which limit signage and prohibit access to Oak Hill Lane. An additional Conditional Overlay would prohibit vehicular access from the property to Oak Hill Lane until this street is improved to City standards. All other portions of the Conditional Overlay that apply to the property will remain unchanged.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

March 20, 2013:

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject undeveloped tract is located on the northbound IH 35 service road at its intersection with a private 40-foot wide roadway easement known as Oak Hill Lane, and has had general commercial services – conditional overlay (CS-CO) district zoning since March 2001. To the north there are convenience storage and equipment rental uses, and an undeveloped tract (CS-CO; I-RR), to the east there are a few single family residences, an auto repair shop and a construction sales and services use, all of which take access to the roadway easement and are within unincorporated Travis County, and to the south is an undeveloped tract (SF-2). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (2001 Rezoning Ordinance).

There is a preliminary plan in process for commercial development and consists of the subject rezoning area as well as the adjacent 14.115 acres in unincorporated Travis County. The preliminary plan includes the Oak Hill Lane roadway easement and adjacent areas to the

south. The conceptual plan provided by the Applicant shows that the rezoning area and adjacent acreage is intended for commercial use, with a restaurant to be located on the rezoning area. Please refer to Exhibits C and D. The subject rezoning tract is 1.88 acres which is all of the property within the City limits, and the Applicant has proposed to modify the Conditional Overlay to remove two provisions. The first provision establishes signage requirements and the second requires that all access be taken to Oak Hill Lane. All other portions of the Conditional Overlay, including the 2,000 trip limit, vegetative buffer along IH 35, and list of prohibited uses that currently apply to the property will remain intact.

Staff recommends that the signage provision be removed since subsequent to the 1999 case Staff has received clarification from the Law Department that zoning ordinances are not intended to restrict signage, and also, the sign ordinance is codified in its own section of the Land Development Code. Staff recommends the Applicant's request to remove the access restriction to Oak Hill Lane, a substandard roadway, because TxDOT will not approve access from IH 35 due to the presence of drainage infrastructure on the property's frontage. The proposed preliminary plan would plat a portion of the easement from the IH 35 frontage road to a 70-foot wide right-of-way to serve the overall commercial development. Hence, an additional Conditional Overlay (CO) would prohibit vehicular access from the property to Oak Hill Lane until this street is improved to City standards. This CO is consistent with that placed on the adjacent property to the north that is developed with a convenience storage and truck rental business. Transportation review staff reports that a minimum of 40 feet of pavement is necessary to serve the proposed commercial development.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-CO	Undeveloped
<i>North</i>	CS-CO; I-RR	Convenience storage; Truck rental; Undeveloped
<i>South</i>	SF-2	Undeveloped
<i>East</i>	County	A few residences; Commercial businesses including auto repair
<i>West</i>	N/A	IH-35 Northbound service road and main lanes

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Onion Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association 511 – Austin Neighborhoods Council
 627 – Onion Creek Homeowners Association 742 – Austin Independent School District
 1037 – Homeless Neighborhood Association 1075 – League of Bicycling Voters
 1200 – Super Duper Neighborhood Objectors and Appealers Organization

1224 – Austin Monorail Project

1228 – Sierra Group, Austin Regional Group

1236 – The Real Estate Council of Austin, Inc.

1258 – Del Valle Community Coalition

1340 – Austin Heritage Tree Foundation

1363 – SEL Texas

SCHOOLS:

Blazier Elementary School

Bedichek Middle School

Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0070 – Home Depot #6563 at Slaughter Lane – 8801 S. IH 35 and 100-200 E. Slaughter Ln.	I-RR to CS	To Grant CS-CO with CO for list of prohibited uses	Approved CS-CO (7- 11-2002).
C14-97-0081 – IH 35 South at Slaughter Lane – 9000-9100 Block of S IH 35 Service Road Northbound	SF-2 to CS	To Grant CS-CO	Approved CS-CO w/CO for 2,000 trips, list of prohibited uses, no vehicular access to Oak Hill Ln. until improved to City standards, 45' height limit for structures, 40' wide setback for structures from IH 35 r-o-w (10-16-1997).
C14-96-0086 – South Bend – Northeast corner of IH 35 and E Slaughter Ln.	DR to CS	To Grant CS for two tracts; RR for one tract	Approved CS with Restrictive Covenant for the conditions of the TIA (10-10-1996).

RELATED CASES:

The rezoning area was annexed into the full-purpose City limits on June 3, 1982 (C7a-80-023 – Ordinance No. 820603-P).

The area was rezoned from SF-2 to CS-CO on March 1, 2001 (C14-99-0132 – Oak Hill Lane 6 Ac.). The Conditional Overlay: 1) establishes a 2,000 trips per day limit; 2) prohibits auto rentals, repair services, sales, washing (of any type), adult-oriented uses, commercial off-street parking, drop-off recycling collection facility, pawn shops and residential treatment; 3) limits height of signage to 35 feet above ground level; 4) prohibits access to Oak Hill Lane and 5) requires a 15-foot wide vegetative buffer along the IH 35 frontage. A Restrictive Covenant subjects the property to a rollback to the warehouse/limited office (W/LO) district

if a CS use is discontinued for 90 consecutive days. A Restrictive Covenant Termination (C14-99-0132(RCT) – Prosperity Business Park) is also in process.

The subject property as well as abutting property to the east within the County is in the subdivision review process (C8J-2012-0170 – Prosperity Business Park preliminary plan). The subdivision consists of six lots on a total of 15.995 acres and includes the platting of Oak Hill Lane. The subject rezoning area is 1.88 acres of Lot 1, Block A. The remaining 14.115 acres is within Travis County. There are no site plan applications approved or in process on the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Oak Hill Lane	80 feet	20 feet	Collector	No	No	No
IH 35 Northbound Service Road	Varies	FWY 6	Freeway	No	No	No

CITY COUNCIL DATE: April 11, 2013

ACTION:

ORDINANCE READINGS: 1st

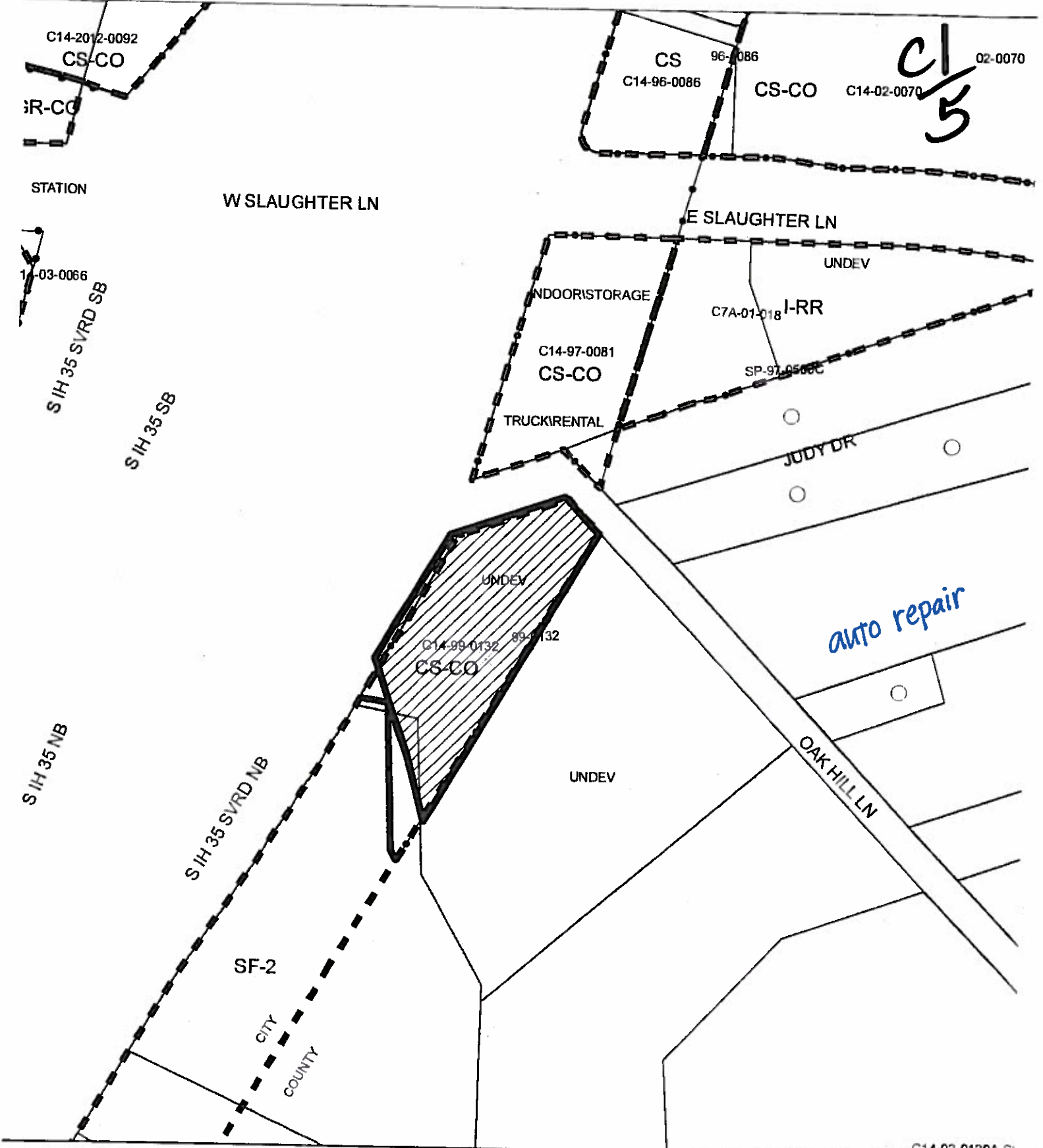
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 974-7719






C1/5

auto repair

Exhibit A



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

ZONING
ZONING CASE#: C14-2013-0009



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



ORDINANCE NO. 010301-13

C/2

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 9101-9201 IH-35 SOUTH FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from single family residence standard lot (SF-2) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in File C14-99-0132, as follows:

A 6.39 acre tract of land, more or less, out of the Santiago del Valle Grant, in Travis county, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 9101-9201 IH-35 South, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
2. A sign constructed or placed on the Property may not exceed a height of 35 feet above ground level.
3. Vehicular access from the Property to Oak Hill Lane is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
4. A 15-foot wide vegetative buffer shall be provided and maintained along the western property line adjacent to IH-35.

5. The following uses of the Property are prohibited:

Automotive rentals
Automotive sales
Adult oriented businesses
Drop-off recycling collection facility
Residential treatment

Automotive repair services
Automotive washing (any type)
Pawn shop services
Commercial off-street parking

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Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district and other applicable requirements of the City Code.

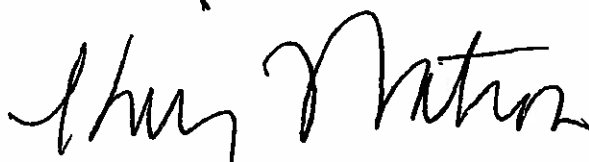
PART 3. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on March 12, 2001.

PASSED AND APPROVED

March 1, 2001

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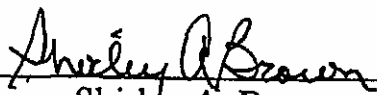
Kirk Watson
Mayor

APPROVED:

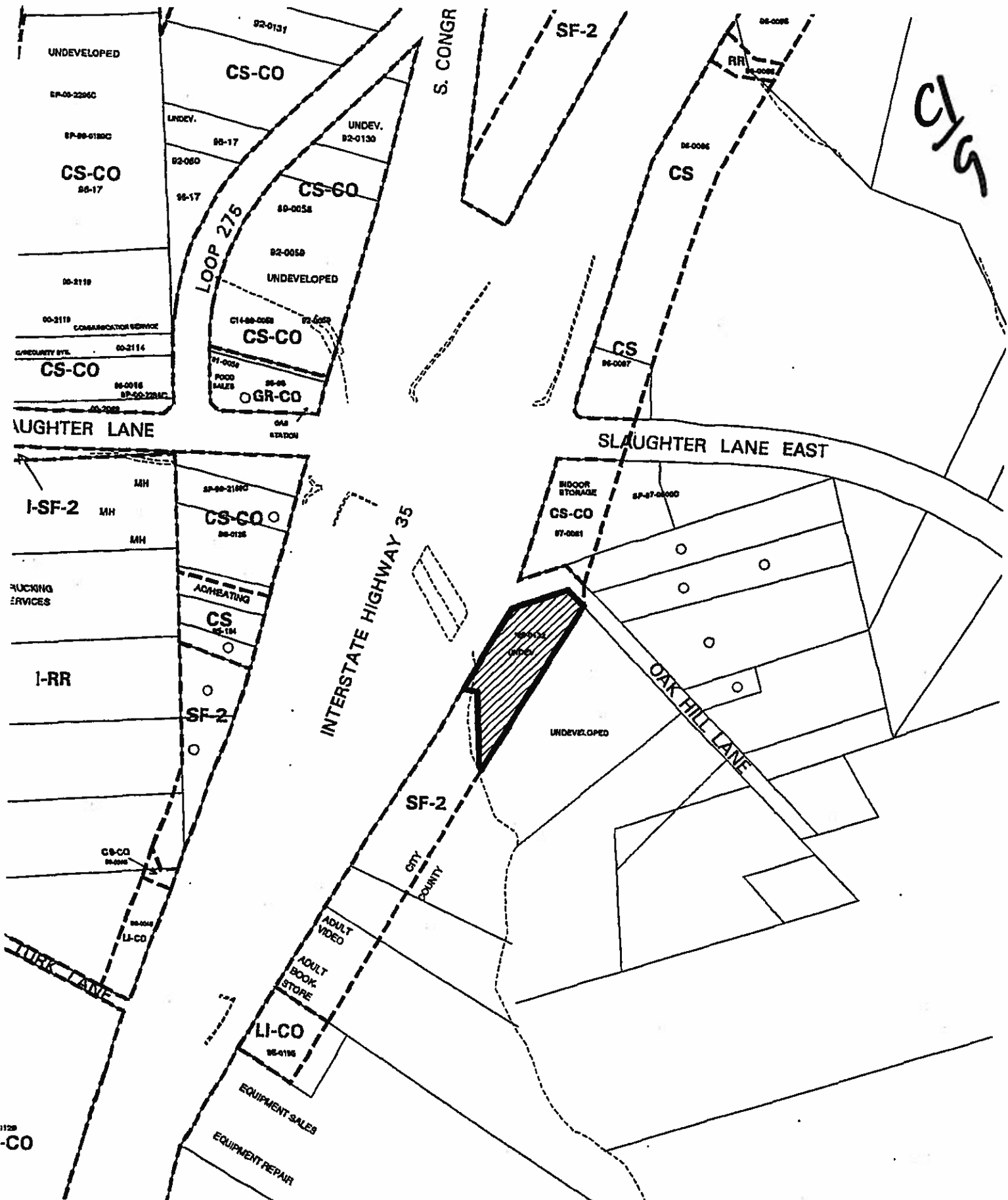


Andrew Martin
City Attorney

ATTEST:



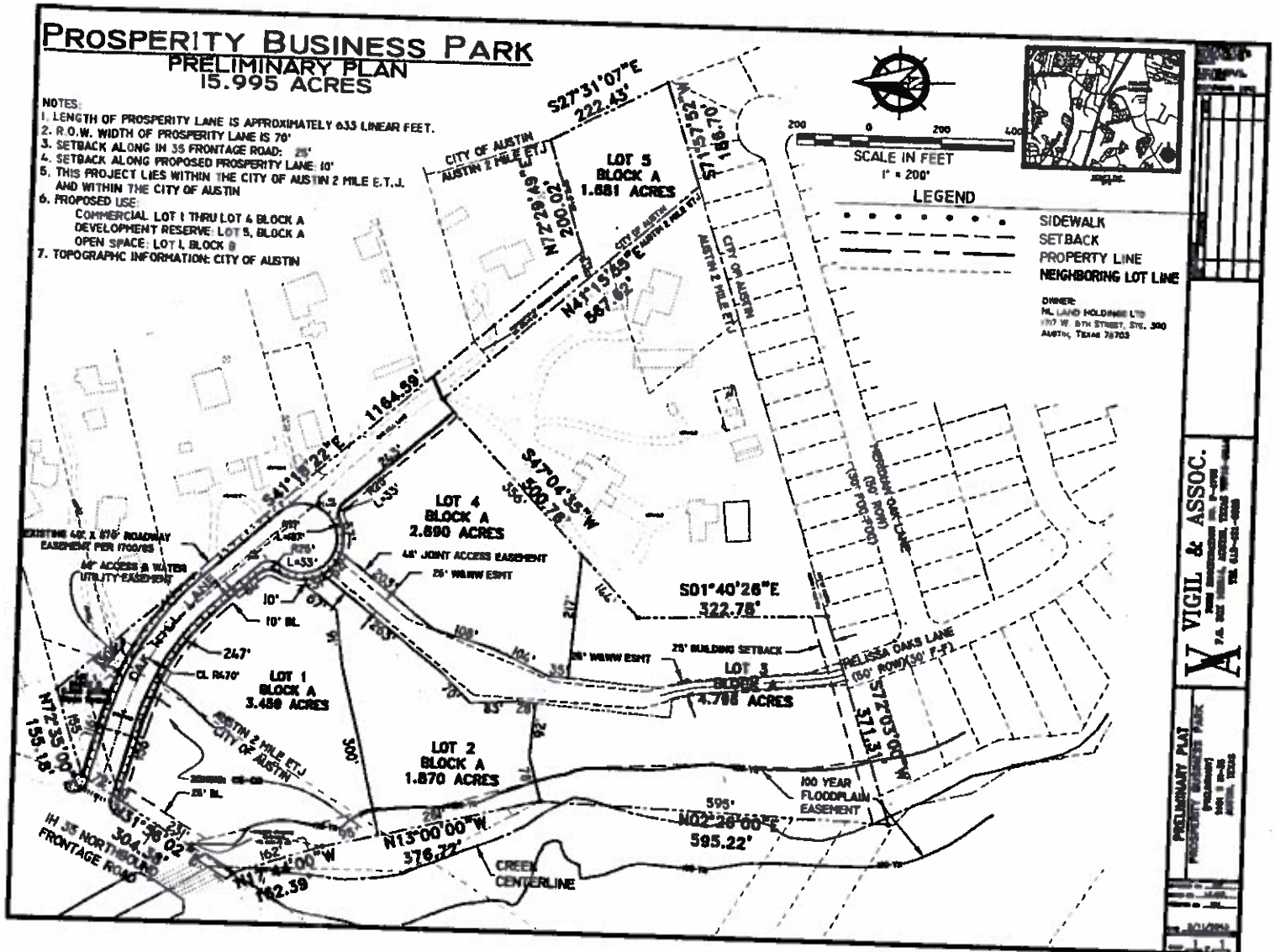
Shirley A. Brown
City Clerk



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH	<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></div> <div style="width: 20px; height: 10px; border-top: 1px dotted black; border-bottom: 1px dotted black; border-left: 1px dotted black; border-right: 1px dotted black; margin-right: 5px;"></div> <div style="width: 20px; height: 10px; border-top: 1px dashed black; border-bottom: 1px dashed black; border-left: 1px dashed black; border-right: 1px dashed black; margin-right: 5px;"></div> </div>	ZONING Exhibit B	CITY GR REFEREN NUMBER
	CASE #: C14-99-0132 ADDRESS: 9101-9201 S IH 35 SERVICE RD NB SUBJECT AREA (acres): 6.390	DATE: 01-02 INTLS: BAR	G13	

PROSPERITY BUSINESS PARK
PRELIMINARY PLAN
15.995 ACRES

1. LENGTH OF PROSPERITY LANE IS APPROXIMATELY 0.33 LINEAR FEET.
2. R.O.W. WIDTH OF PROSPERITY LANE IS 70'
3. SETBACK ALONG IN 35 FRONTAGE ROAD: 25'
4. SETBACK ALONG PROPOSED PROSPERITY LANE: 40'
5. THIS PROJECT LIES WITHIN THE CITY OF AUSTIN 2 MILE E.T.J. AND WITHIN THE CITY OF AUSTIN
6. PROPOSED USE:
COMMERCIAL LOT 1 THRU LOT 4 & BLOCK A
DEVELOPMENT RESERVE: LOT 5, BLOCK A
OPEN SPACE: LOT 1, BLOCK B
7. TOPOGRAPHIC INFORMATION: CITY OF AUSTIN





SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning and remove provisions which limit signage and prohibit access to Oak Hill Lane. An additional Conditional Overlay would prohibit vehicular access from the property to Oak Hill Lane until this street is improved to City standards. All other portions of the Conditional Overlay that apply to the property will remain unchanged.

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.

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

Staff recommends that the signage provision be removed since subsequent to the 1999 case Staff has received clarification from the Law Department that zoning ordinances are not intended to restrict signage, and also, the sign ordinance is codified in its own section of the Land Development Code. Staff recommends the Applicant's request to remove the access restriction to Oak Hill Lane, a substandard roadway, because TxDOT will not approve access from IH 35 due to the presence of drainage infrastructure on the property's frontage. The proposed preliminary plan would plat a portion of the easement from the IH 35 frontage road to a 70-foot wide right-of-way to serve the overall commercial development. Hence, an additional Conditional Overlay (CO) would prohibit vehicular access from the property to Oak Hill Lane until this street is improved to City standards. This CO is consistent with that placed on the adjacent property to the north that is developed with a convenience storage and truck rental business. Transportation review staff reports that a minimum of 40 feet of pavement is necessary to serve the proposed commercial development.

EXISTING CONDITIONS**Site Characteristics**

The rezoning area is undeveloped, sparsely vegetated and relatively flat. The property slopes to the south, towards the Onion Creek.

Impervious Cover

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

Comprehensive Planning

This zoning case is located on east side of IH-35, along the frontage road and the corner of Oak Hill Lane (in south Austin). This rezoning is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes a U-Haul/Storage Facility to the north, vacant land to the south, small offices and auto body/paint shop to the east, and vacant land and IH-35 to the west. The land is currently vacant and the proposed use is a restaurant. The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies this project as being located within the boundaries of a **Town Center**. Town Centers are the mid-sized of the three activity centers outlined in the Growth Concept Map. It is less urban than a regional center, but more dense than a neighborhood center. These centers will have a variety of housing types and a range of employers with regional customer and employee bases, and **provide goods and services** for the center as well as the surrounding areas. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system. Town centers will range in size between approximately 10,000-30,000 people and 5,000-20,000

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses promoting a variety of land uses and a compact and connected city:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a **mix of land uses** and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **LUT P6.** Ensure that neighborhoods of modest means have a mix of **local-serving retail**, employment opportunities, and residential uses.

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- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based upon: (1) the property being located within a Town Center as identified on the Growth Concept Map; (2) situated along the heavily travelled IH-35 frontage road; (3) and the Imagine Austin policies referenced above, staff believes that this proposed commercial project is supported by the Imagine Austin Comprehensive Plan.

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 Onion 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 floodplain 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.

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.

Transportation

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

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 remain limited through a conditional overlay to less than 2,000 vehicle trips per day [LDC, 25-6-117], as stated in the 2000 ordinance.

Due to the current substandard pavement widths along Oak Hill Lane, access to Oak Hill Lane will be prohibited until the pavement is widened to a minimum of 40 feet.

Water and Wastewater

FYI: 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 proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be 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

Development on this site will be subject to *Subchapter E: Design Standards and Mixed Use*. Additional Subchapter E requirements will be provided upon submittal of the site plans.

This site is adjacent to property zoned SF-5 or more restrictive, and therefore compatibility standards are in effect. Along the south property line, 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.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

Additional design regulations will be enforced at the time a site plan is submitted.