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## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2013-0042 (Fort Dessau-P)

**Z.A.P. DATE:** May 21, 2013

**ADDRESS:** 13826 Dessau Road

**OWNER/APPLICANT:** John C. & Dana Fish

**AGENT:** Land Strategies, Inc.  
(Paul W. Linehan)

**ZONING FROM:** SF-2-CO

**TO:** P

**AREA:** 27.872 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant P, Public District, zoning.

### **ZONING AND PLATTING COMMISSION:**

### **DEPARTMENT COMMENTS:**

The property in question is part of the Harris Branch tributary/floodplain. The land to the north is undeveloped. To the south is a single-family residence that has historic designation and is considered a homestead. To the east, across Dessau Road, is a manufactured housing development. The tracts of land to the west are undeveloped. The site under consideration was annexed by the City of Austin on December 31, 2003 through annexation case: C7A-03-013. The applicant requested permanent zoning on this property for commercial and residential uses in 2004 (previous zoning case: C14-04-0056). The original 145-acre Fish Tract site included part of the Harris Branch tributary, which traverses this portion of the property from the northwest to the southeast. The agent for this case has stated that as part of the redevelopment for the larger/surrounding tract of land that the applicant has approached the City of Austin Parks and Recreation Department about donating the floodplain area to the City of Austin which will meet/exceed the city's parkland dedication requirements for residential developments. Therefore, the applicant is requesting to rezone this portion of the property to the P, Public District, for that purpose.

The staff recommends the applicant's request to rezone a portion of the original tract to the P, Public District, because the area under consideration is proposed to be dedicated to the Parks and Recreation Department to fulfill the applicant's parkland dedication requirements as part of the future residential development surrounding the site. The property in question meets the intent of the "P" district as it will provide for future civic services in this area of the city.

The applicant agrees with staff's recommendation.

### **EXISTING ZONING AND LAND USES:**

|              | ZONING        | LAND USES  |
|--------------|---------------|--|
| <i>Site</i>  | SF-2-CO       | Harris Branch Tributary/Floodplain, Undeveloped Land |
| <i>North</i> | MF-3, LR-MU   | Undeveloped  |
| <i>South</i> | SF-2-CO, MF-3 | Single Family Residence/Homestead                    |
| <i>East</i>  | County        | Manufactured Housing Development                     |
| <i>West</i>  | I-RR          | Undeveloped  |

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**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** Harris Branch

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
 Austin Monorail Project  
 Beyond2ndNature  
 Bike Austin  
 Homeless Neighborhood Association  
 North Growth Corridor Alliance  
 Pflugerville Independent School District  
 SELTEXAS  
 Sierra Club, Austin Regional Group  
 The Real Estate Council of Austin

**SCHOOLS:**

Copperfield Elementary School  
 Pflugerville Middle School  
 Dobie Middle School  
 Lanier High School

**CASE HISTORIES:**

| NUMBER  | REQUEST                                | COMMISSION  | CITY COUNCIL  |
|---|--|---|---|
| C14-2007-0103<br>(Del Cerro: 13700 Dessau Road)             | GR-MU, GR, SF-2-CO to MF-3             | 8/21/07: Approved staff's recommendation of MF-3 zoning by consent (7-0, K. Jackson-absent); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> .   | 9/27/07: Approved MF-3 zoning by consent (5-0); all 3 readings  |
| C14-06-0098<br>(Harris Ridge: 13809 Harris Ridge Boulevard) | LI-CO to Tract 1: SF-6 and Tract 2: LI | 11/21/06: Approved staff's recommendation of SF-6-CO zoning for Tract 1, with following conditions: 1) Changed setback requirement to a 45-foot building setback from the southern property line along proposed Tract 2; 2) Added requirement for an 8-foot masonry fence along the southern property line along proposed Tract 2; 3) Included a 25-foot vegetative buffer along the western property line bordering single family development in the County; 4) Approved staff's recommendation for LI zoning for Tract 2, adding a conditional overlay for the following: Establish | 12/07/06: Approved SF-6-CO zoning for Tract 1 and LI-CO zoning for Tract 2 (7-0); 1 <sup>st</sup> reading<br><br>6/29/07: Approved SF-6-CO zoning for Tract 1 and LI-CO zoning for Tract 2, with conditions (7-0); 2nd/3rd readings |

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|  |                                 |  |   |
|--|---------------------------------|--|---|
|  |                                 | a 78-foot building setback from the northern property line along proposed Tract 1; 5) Include the TIA recommendations for Tracts 1 and 2 as provided in Attachment D in a public restrictive covenant. Vote: (9-0); K. Jackson-1 <sup>st</sup> , B. Baker-2 <sup>nd</sup> .  |   |
| C14-04-0139<br>(Howard Lane Industrial Park: 1100 East Howard Lane)                  | I-RR to LI                      | 11/2/04: Approved staff's recommendation of LI-CO zoning with added condition of no Adult Oriented Businesses, by consent (9-0)  | 12/02/04: Approved LI-CO, with a CO for 2,000 vtpd limit and prohibiting Adult Oriented Businesses, (7-0); all 3 readings |
| C14-04-0127<br>(Wright Subdivision Dessau Road Zoning Change: 1624 East Howard Lane) | GR-CO to GR                     | 10/19/04: Approved staff's recommendation of GR-CO zoning, with CO to prohibit Adult Oriented Businesses and a public RC encompassing the TIA recommendations, by consent (9-0)  | 11/18/04: Granted GR-CO (7-0); all 3 readings   |
| C14-04-0056<br>(Fish Tract: 13600-14224 Dessau Road)                                 | I-RR to SF-2, SF-6, MF-3 and CS | 11/02/04: Approved staff's recommendation of :<br><b>Tract 1, Block A: GR-MU</b><br><b>Tract 2, Block A: GR</b><br><b>Tract 3, Block A: GR</b><br><b>Tract 4, Block A: GR</b><br><b>Tract 5, Block A: GR</b><br><b>Tract 6, Block A: SF-2-CO</b> (The conditional overlay includes a 100-foot vegetative buffer with a sound barrier fence along the western boundary of this tract to create a physical separation from the commercial/mixed use development proposed on Tract 1, Block A.)<br><b>Tract 7, Block A: LR-MU</b><br><b>Tract 8, Block A: MF-3</b><br><b>Tract 9, Block A: SF-6</b><br><b>Tract 10, Block A: LR</b><br><b>Tract 1, Block B: GR-MU</b><br><b>Tract 2, Block B: GR-MU</b><br>In addition, require a public restrictive covenant to encompass the Transportation Impact Analysis Recommendations, by consent (9-0) | 12/16/04: Granted SF-2-CO, SF-6, MF-3, LR-MU, GR and GR-MU on all 3 readings (7-0)  |
| C14-00-2101<br>(Harris Ridge Rezoning: Harris Glenn Drive At Howard Lane)            | DR to CS                        | 8/1/00: Approved staff rec. w/ condition of no Adult Oriented Businesses (8-0)   | 9/28/00: Approved GR-CO w/ conditions on TR 1 & 2 (7-0); all 3 readings   |

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**RELATED CASES:** C14-2013-0041, C14-2013-0043 (Current adjacent rezoning cases)  
C14-2007-0103, C14-04-0056 (Previous zoning cases)  
C7A-03-013 (Annexation case)

**ABUTTING STREETS:**

| NAME                  | ROW    | PAVMENT | CLASSIFICATION | DAILY TRAFFIC |
|-----------------------|--------|---------|----------------|---------------|
| Howard Lane           | Varies | Varies  | Major Arterial | N/A           |
| Harrisglenn Boulevard | Varies | Varies  | Collector      | N/A           |
| Dessau Road           | 120'   | 2@30'   | Major Arterial | N/A           |

**CITY COUNCIL DATE:** June 6, 2013

**ACTION:**

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

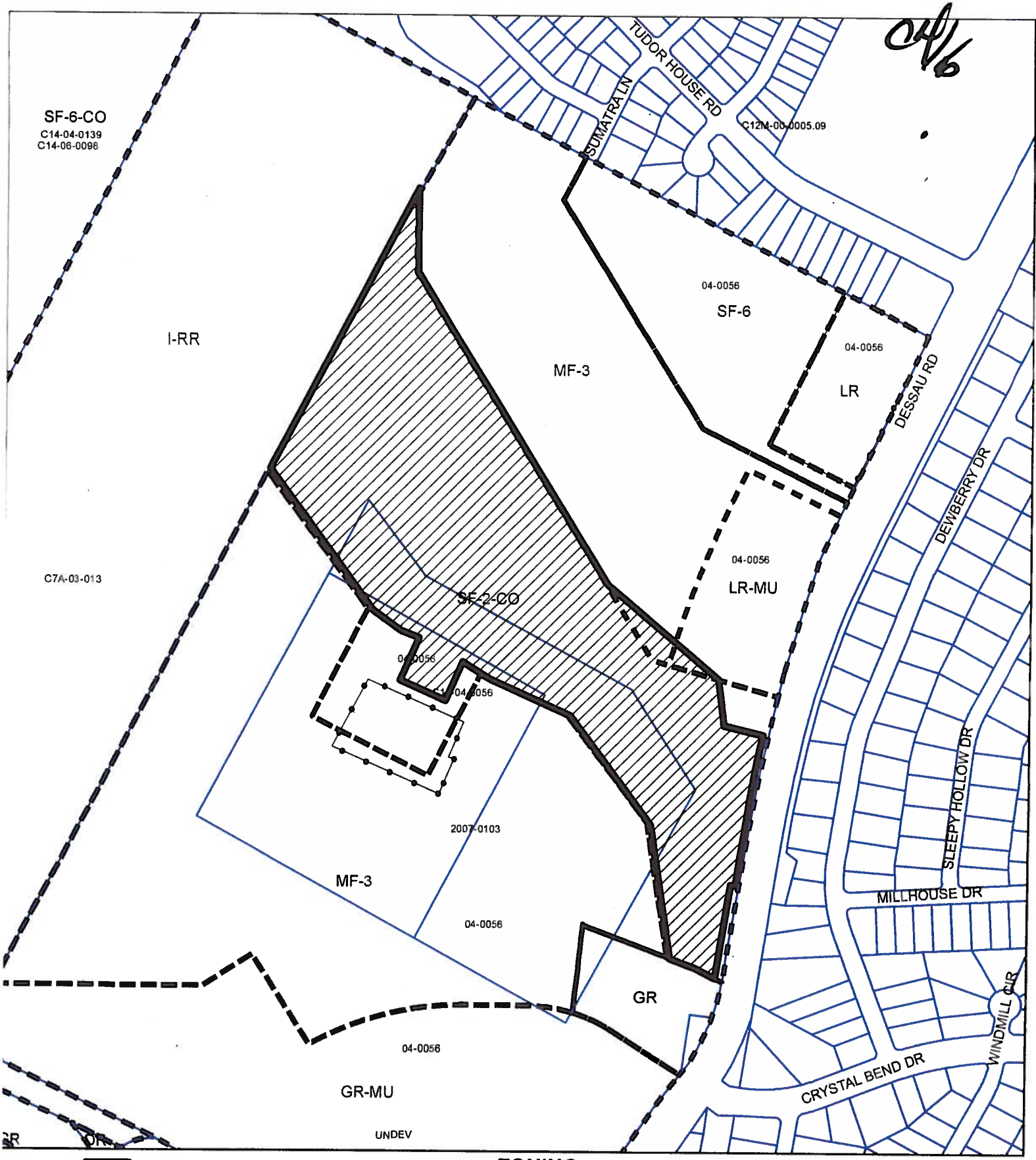
2<sup>nd</sup>

3<sup>rd</sup>





**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



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-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

## ZONING

ZONING CASE#: C14-2013-0042

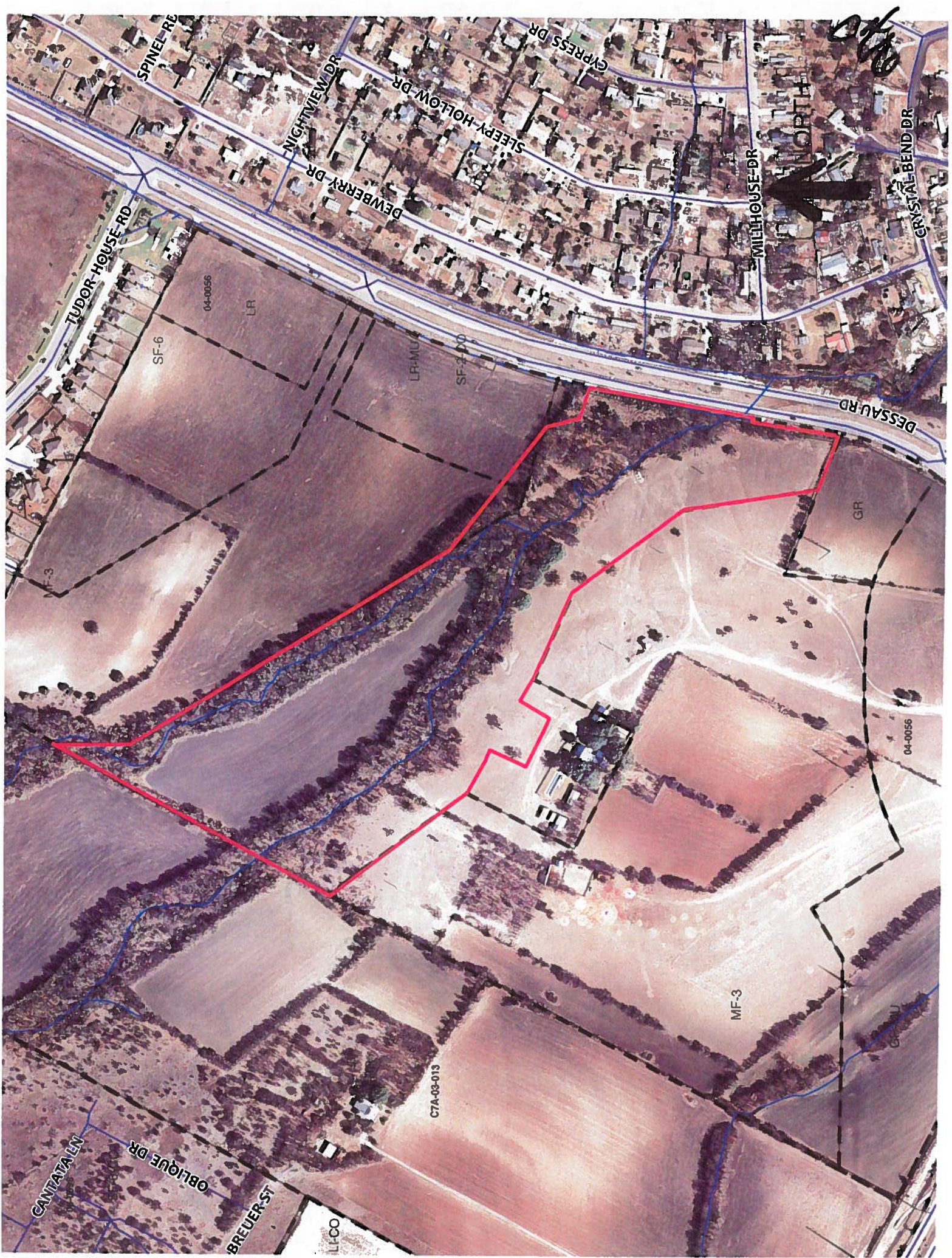


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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1" = 400'







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## STAFF RECOMMENDATION

The staff's recommendation is to grant P, Public District, zoning.

## BASIS FOR RECOMMENDATION

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

Public (P) district is the designation for a governmental, civic, public service, or public institution use. A P district designation may be applied to a use located on property used or reserved for a civic or public institutional purpose or for a major public facility, regardless of ownership of the land on which the use is located. A P district designation may not be applied to government-owned property that is leased to a nongovernmental agency for a use other than a governmental service or for a use that supports a primary civic or public institutional use.

2. *Zoning should allow for reasonable use of the property.*

The proposed P zoning will permit the applicant to dedicate this land to the Parks and Recreation Department to fulfill the applicant's parkland dedication requirements as part of the future residential development surrounding the site.

## EXISTING CONDITIONS

### Site Characteristics

The subject tract is known as Tract 5, Block A of the Fish Tract. Floodplain from Harris Branch Creek runs through property from the northwest to the southeast.

### Comprehensive Planning

The zoning case is located on the west side of Dessau Road (a four-lane divided arterial roadway) and includes 27.8 acres. The land is intended to be dedicated for parkland. The proposed rezoning is not located within the boundaries of a neighborhood planning area. To the north and west of the tract is vacant land, to south a single-family house on a very large lot, and to the east is Dessau Road. The Harris Branch Creek runs through the tract and majority of the tract is within the 100-year flood plain. The land not located in the riparian zone of the creek has historically been used for agriculture (hay production).

The proposed rezoning is strongly supported by the Imagine Austin Comprehensive Plan. It is supported by a number of policies as well as by two of the plan's eight Priority Programs: #2) *Sustainably manage our water resources* and #3) *Use green infrastructure to protect environmentally sensitive areas and integrate nature into the city*. The following policies support the rezoning:

- **LUT P22.** Protect Austin's natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space.
- **CE P1.** Permanently preserve areas of the greatest environmental and agricultural value.
- **CE P3.** Expand the city's green infrastructure network to include such elements as preserves and parks, trails, stream corridors, green streets, greenways, and agricultural lands.

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- **CE P6.** Enhance the protection of creeks and floodplains to preserve environmentally sensitive areas and improve the quality of water entering the Colorado River through regional planning and improved coordination.
- **CE P14.** Establish policies that consider the benefits provided by natural ecosystems, such as ecological processes or functions in wetlands and riparian areas, that have value to individuals or society.
- **CFS P7.** Reduce the threats flooding poses to public safety and private property.
- **CFS P10.** Protect and improve the health of Austin's streams, lakes, and aquifers for sustainable uses and the support of aquatic life.
- **CFS P11.** Protect the health of creeks and prevent public and private property damage by minimizing erosion.
- **CFS P45.** Expand the amount of permanently protected natural and environmentally sensitive areas for use as open space and passive recreational areas.

### **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 Harris Branch 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 the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.

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

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.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.



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### **Impervious Cover**

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<br>(minimum lot size 5750 sq. ft.) | 50%                       | 60%                     |
| Other Single-Family or Duplex                    | 55%                       | 60%                     |
| Multifamily                                      | 60%                       | 70%                     |
| Commercial                                       | 80%                       | 90%                     |

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

### **Site Plan**

Please note that the majority of this site is within the Floodplain.

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

Additional comments will be generated at the time a site plan is submitted.

### **Transportation**

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

The traffic impact analysis for this site was waived because a TIA was prepared for the zoning case C14-04-0056. An addendum may be required at time of site plan.

Existing Street Characteristics:

| Name   | ROW | Pavement | Class    | Sidewalk? | Bus Route? | Bike Route? |
|--------|-----|----------|----------|-----------|------------|-------------|
| Dessau | 140 | MAD 4    | Arterial | No        | No         | Yes         |

### **Water and Wastewater**

FYI: If 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

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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.