

## ZONING CHANGE REVIEW SHEET

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**CASE:** C14-2013-0099  
(Dessau Business Park Zonings)

**Z.A.P. DATE:** September 17, 2013

**ADDRESS:** Tract 1: 13301-13409 Dessau Road; Tract 2: 13500 Lazyridge Drive; Tract 3: 13513 Lazyridge Drive; Tract 4: 1800 Gregg Lane and 2100 Gregg Lane; Tract 5: 13313 Old Gregg Lane; Tract 6: 13321, 13405, 13419, 13500, 13501, 13505, 13514, 13610, 13611, 13620, 13621, 13630, 13631, 13641, 13710, 13711, 13720, 13730, 13740, 13800, 13815, 13816 Immanuel Road, 2201, 2212, 2215, 2300, 2301, 2309 Investment Drive, 2201, 2208, 2218, 2219, 2226, 2300, 2310, 2319, 2320, 2330, 2337, 2340, 2349, 2350, 2400, 2401, 2410, 2411, 2420 Patterson Industrial Drive; Tract 7: Immanuel Road and 2222 Gregg Lane

**APPLICANT:** City of Austin-Planning and Development Review Department (Sherri Sirwaitis)

**ZONING FROM:** I-RR  
I-SF-2

**TO:** Tract 1: MF-4  
Tract 2: GR-MU  
Tract 3: P  
Tract 4: CS-CO  
Tract 5: RR  
Tract 6: LI  
Tract 7: CS-CO

**AREA:** Approximately 143 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant the MF-4 zoning for Tract 1, GR-MU zoning for Tract 2, P zoning for Tract 3, CS-CO zoning for Tracts 4 and 7, RR zoning for Tract 5 and LI zoning for Tract 6 as proposed on the Dessau Business Park Tract Map (Attachment C) and the Property Information Table (Attachment D).

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

#### **ISSUES:**

A representative for the property located at 13301-13409 Dessau Road, known as Tract 1, contacted the staff on Wednesday, September 3, 2013 to see if the staff would reconsider the proposed zoning recommendation for this parcel of land. The owner has a site plan currently under review for this property (SP-2012-0383D) which provides for an apartment complex, along with associated parking and drainage facilities. However, a portion of the site at the corner of Dessau Road and Howard Lane is shown as undeveloped on the site plan and the property owner would like to propose it for future commercial development. Therefore, they are requesting that this 1.860 acre corner parcel be recommended for GR-MU zoning. The staff agrees that GR-MU zoning is appropriate as the property is located at the southeast intersection of two major arterial roadways and there is currently GR-CO and CS-1-CO zoning located to the north, across E. Howard Lane. The staff has created a revised tract map for this case to divide this property into two tracts: Tract 1A for MF-4 zoning and Tract 1B for GR-MU zoning. However, the notice for the public hearing of this zoning case had already been sent out showing only a proposed MF-4 zoning for Tract 1. So the staff requests that the Zoning and Platting Commission postpone Tract 1 of this case to the October 1, 2013 meeting so that the staff can re-notice this property as two separate tracts for consideration.

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**DEPARTMENT COMMENTS:**

The properties in question were annexed by the City of Austin last year through case C7a-12-0003 on November 8, 2012. The owners of some of the tracts requested permanent zoning and on January 17, 2013 the City Council passed a resolution (Resolution No. 201301117-056) directing the staff to initiate a zoning case for this area.

The staff recommends the proposed zoning for the 55 parcels of land that have been separated into seven specific tract areas as shown on the proposed Dessau Business Park Tract map (Please see Attachment C). The Property Information Table lists the TCAD property identification number, property addresses, owner information, current land use, and proposed zoning (Please see Attachment D).

The proposed zoning is appropriate as this site as it is located near the intersection of two major arterial roadways, Dessau Road and E. Howard Lane. In addition, the proposed zoning will bring the majority of the existing uses on these properties into conformance with City of Austin Land Development Code use regulations.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR, I-SF-2	Please see Property Information Table
<i>North</i>	County	Pflugerville ISD Maintenance Facility, Durham Bus Barn
<i>South</i>	I-RR	Undeveloped
<i>East</i>	I-RR	Undeveloped, Farmland, Single-Family Residence
<i>West</i>	GR-CO, CS-1-CO	Dance Hall/Cocktail Lounge (Dessau Hall/El Mexicano Night Club)

**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** Gilleland Creek, 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  
 Bike Austin  
 Harris Branch Master Association, Inc.  
 Harris Ridge Owner's Association  
 Harris Ridge Phase IV  
 Homeless Neighborhood Association  
 North Growth Corridor Alliance  
 Pflugerville Independent School District  
 SELTEXAS  
 Sierra Club, Austin Regional Group  
 Tech-Ridge Association  
 The Real Estate Council of Austin, Inc.

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**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2012-0157 (Dessau Partners: 13422 Dessau Road)	I-RR, I-SF-2 to CS-1	2/05/13: Approved staff's recommendation of CS-1-CO zoning for Tract 1 and GR-CO zoning for Tract 2, with additional condition to prohibit Adult Oriented Businesses (4-1, C. Banks-No, P. Seeger and S. Compton-absent); G. Rojas-1 <sup>st</sup> , R. McDaniel-2 <sup>nd</sup> .	2/28/13: Approved CS-1-CO zoning for Tract 1 and GR-CO zoning for Tract 2, with conditions on consent on all 3 readings (7-0); B. Spelman-1 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .
C14-2013-0043 (Fort Dessau- SF-6: 13826 Dessau Road)	LR to SF-6	5/21/13: Approved the staff's recommendation of SF-6 district zoning on consent (5-0, C. Banks and J. Meeker-absent); P. Seeger-1 <sup>st</sup> , S. Compton-2 <sup>nd</sup> .	6/06/13: Postponed to September 26, 2013 at the applicant's request (7-0); B. Spelman-1 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .
C14-2013-0042 (Fort Dessau-P: 13826 Dessau Road)	SF-2-CO to P	5/21/13: Approved the staff's recommendation of P district zoning on consent (5-0, C. Banks and J. Meeker-absent); P. Seeger-1 <sup>st</sup> , S. Compton-2 <sup>nd</sup> .	6/06/13: Postponed to September 26, 2013 at the applicant's request (7-0); B. Spelman-1 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .
C14-2013-0041 (Fort Dessau- GR: 1602 Fish Lane)	SF-2-CO to MF-3	6/18/13: Approved staff's recommendation of MF-3 zoning by consent (6-0, C. Banks-absent); P. Seeger-1 <sup>st</sup> , R. McDaniel-2 <sup>nd</sup> .	6/06/13: Postponed to September 26, 2013 at the applicant's request (7-0); B. Spelman-1 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .
C14-06-0011 (T-Mobile Wireless Facility: 13208 Dessau Rd)	DR to SF-6-CO* * The applicant has proposed a conditional overlay to limit development on the site to SF-1, Single-Family Residence- Large Lot District, density regulations and to limit development on the site to less than 2,000 vehicle trips per day.	3/07/06: Approved staff's recommendation of SF-6-CO zoning by consent (9-0); J. Martinez-1 <sup>st</sup> , J. Pinnelli-2 <sup>nd</sup> .	4/06/06: Approved SF-6-CO district zoning by consent (7-0); all 3 readings
C14-04-0127 (Wright Subdivision)	GR-CO to GR	10/19/04: Approved staff's recommendation of GR-CO zoning by consent (9-0), with	11/18/04: Granted GR-CO (7-0); all 3 readings

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Dessau Road Zoning Change: 1624 East Howard Lane)		CO to prohibit Adult Oriented Business uses and a public restrictive covenant to encompass the TIA recommendations.	
C14-04-0056 (Fish Tract: 13600-14224 Dessau Road)	I-RR to CS, MF-3, SF-6, SF-2	11/02/04: Approved staff's recommendation of SF-2-CO, SF-6, MF-3, LR, LR-MU, GR, GR-MU zoning 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)
C14-03-0001 (Cornerstone Baptist Church: 13300 Dessau Rd)	DR to LO	1/28/03: Approved staff's recommendation of LO-CO zoning, w/2,000 trip limit (8-0, J. Donisi-absent)	2/27/03: Granted LO-CO on all 3 (6-0, Goodman-out of room)
C14-00-2101 (Harris Ridge Rezoning: Harris Ridge 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
C14H-00-0005 (Evangelical Lutheran Church: 13300 Dessau Road)	DR to DR-H	9/12/00: Approved staff rec. by consent (6-0)	10/5/00: approved DR-H (5-0); all 3 readings

**RELATED CASES:** C7a-12-0003 (Annexation Case: Ordinance No. 20121108-035)  
Resolution No. 201301117-056

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
Dessau Road	140'	95'	6-lane, major arterial divided (MAD6)	1, 659+
E. Howard Lane	114'	25'-75'	4-lane, major arterial divided (MAD4)	19,212++

+ Dessau Rd, 13400 block – South of Howard Lane (06/21/04)

++Howard Ln East, 1000 block – Harris Ridge Blvd (07/05/06)

**CITY COUNCIL DATE:** October 17, 2013

**ACTION:**

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

2<sup>nd</sup>

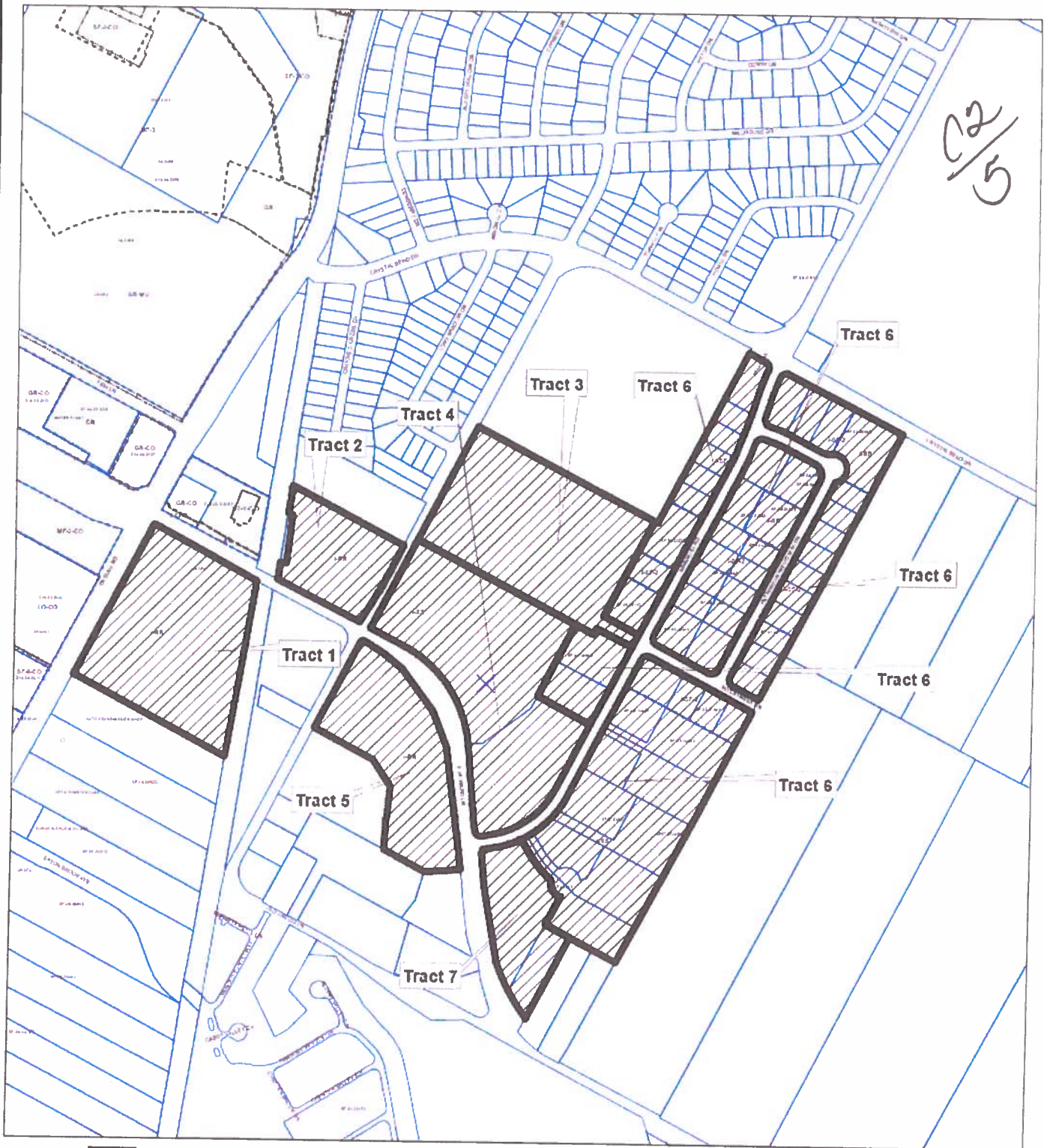
3<sup>rd</sup>




**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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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

### ZONING

ZONING CASE#: C14-2013-0099

1" = 625'

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.





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## STAFF RECOMMENDATION

The staff's recommendation is to grant the MF-4 zoning for Tract 1, GR-MU zoning for Tract 2, P zoning for Tract 3, CS-CO zoning for Tracts 4 and 7, RR zoning for Tract 5 and LI zoning for Tract 6 as proposed on the Dessau Business Park Tract Map (Attachment C) and the Property Information Table (Attachment D).

## BASIS FOR RECOMMENDATION

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

The property known as Tract 1 is recommended for MF-4, Multi-Family Residence-Moderate-High Density District, zoning as it currently has a site plan under review (SP-2012-0383D) for an apartment complex which will be located at the southeastern corner of Dessau Road and E. Howard Lane. Tract 2 is recommended for GR-MU zoning as it is currently developed with two single family residences and two manufactured homes that front onto Lazyridge Drive. This property is located adjacent to a commercial retail center across Lazyridge Drive to the east (Dessau Palms), the Dessau Dance Hall to the west, and undeveloped tracts to the north and south. Tract 3 is recommended for P, Public District, zoning as it is an undeveloped parcel of land that is owned by the Pflugerville School District. The Pflugerville Independent School District Maintenance Facility and a Durham Bus Barn are located directly to the north of this site. Tract 4 is recommended for CS-CO, General Commercial Services-Conditional Overlay District, zoning as it is developed with a commercial retail center (Dessau Palms) that contains a gym, a daycare, a construction sales and services business, personal services uses, an event center, etc. This tract fronts onto E. Howard Lane and is adjacent to the Pflugerville I.S.D. property to the north and the Dessau Business Park industrial uses to the east. The property to the south of E. Howard Lane, known as Tract 5, is recommended for RR, Rural Residence District, zoning because it is an undeveloped area with floodplain traversing it. Tract 6 is known as the Dessau Business Park which is developed with industrial uses and warehouse facilities. These properties are recommended for LI, Limited Industrial District, zoning. Tract 7 consists of two undeveloped lots that are also recommended for CS-CO zoning as they front onto E. Howard Lane and back up to the existing industrial park.

2. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The properties in question are located near the eastern intersection of two major arterial roadways, Dessau Road and East Howard Lane. These tracts of land were recently annexed by the City of Austin through case C7a-12-0003. The proposed zoning will bring the majority of the existing uses on these properties into conformance with City of Austin Land Development Code use regulations.

## EXISTING CONDITIONS

### Site Characteristics

The subject tracts are currently developed with a variety of uses (Please see Property Information Table-Attachment D). There is a Pflugerville ISD Maintenance Facility and a Durham Bus Barn located to the north. To the south of the proposed zoning area there is undeveloped land. The properties to the east contain single-family residential structures with farmland and undeveloped areas. To the west, there is a manufactured housing park between Dessau Road and Lazyridge Drive

and a cocktail lounge/night club (Dessau Dance Hall) at the northeast intersection of Dessau Road and E. Howard Lane.

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### Comprehensive Planning

- Properties along Dessau Rd, Howard Rd, Lazyridge Rd, Immanuel Rd, Old Gregg Ln, Crystal Bend Rd, and Patterson Industrial Dr.
- The annexation of 64 Tracts of Land and Assigning a Variety of Zoning Districts, Including Commercial, Industrial, Multifamily, Public, and Commercial

This zoning case is located on the east side of Dessau Road, both sides of E. Howard Lane, and along a several adjoining streets. This zoning case was triggered by an annexation request initiated by City Council and involves 64 tracts of property, located on 146 acres of land. These tracts include large parcels of vacant land, commercial uses, single family housing, and a large built out industrial park. These properties are not located within the boundaries of a neighborhood planning area. Surrounding land uses includes vacant land and the Pflugerville AISD bus depot, and a variety of commercial, industrial uses, single family houses, and an abundance of vacant land to the east, west and south. This annexation involves assigning zoning to 146 acres of annexed property, which would permit: multi-family housing, retail and commercial development, and annex in an existing large industrial park, thus creating a new neighborhood that would offer a variety of jobs, housing and local serving retail and commercial services.

### **Imagine Austin**

The property is located within the boundaries and adjacent to a '**Neighborhood Center**' and along an '**Activity Corridor**', as identified on the Imagine Austin's Growth Concept Map. A Neighborhood Center is the smallest and least intense of the three types of activity centers outlined in the Growth Concept Map, with a focus on creating local businesses and services—including doctors and dentists, shops, branch libraries, dry cleaners, hair salons, coffee shops, restaurants, and other small and local businesses that generally serve the center and surrounding neighborhoods. Activity corridors are defined as locations for additional people and jobs above what currently exists on the ground. They are characterized by a variety of activities and types of buildings located along the roadway, and are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances.

The IACP is also supportive of developing a variety of land uses throughout Austin, including a variety of commercial, housing types and jobs centers, to promote '**complete communities**', and '**compact and connected development**' as demonstrated in the following IACP policies:

- **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 P10.** Direct housing and employment growth to activity centers and corridors, and preserving and integrating existing affordable housing where possible.

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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 on these properties being located within and adjacent to a 'Neighborhood Center' and along an 'Activity Corridor', as identified on the Imagine Austin Growth Concept Map; and the Imagine Austin policies referenced above that supports the creation of complete communities via the promotion of a variety of land uses, staff believes that the existing and proposed land uses are supported by the Imagine Austin Comprehensive Plan.

#### **Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.

#### **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 Gilleland Creek and Harris Branch Watersheds of the Colorado River Basin, which are classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to floodplain maps, there is a floodplain within the project boundary. Based upon the close proximity of floodplain, 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.

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.

#### **Impervious Cover**

The maximum impervious cover allowed by the RR zoning district would be 25%, MF-4 zoning district would be 70%, the GR zoning district would be 90%, the CS zoning district would be 95% and the LI zoning district would be 80%. However, because the watershed impervious cover is more

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restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

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%

Note: The most restrictive impervious cover limit applies.

### **Site Plan**

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

There is a site plan currently under review for this property (SP-2012-0383D) which provides for an apartment complex, along with associated parking and drainage facilities.

### **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.

### **Transportation**

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

A traffic impact analysis (TIA) was waived for this case because this is a city-initiated zoning case.

Dessau Road is classified in the Bicycle Plan as Bike Route No. 59. E. Howard Lane is classified in the Bicycle Plan as Bike Route No. 116.

Capital Metro bus service is not currently available in the zoning area.

There are existing sidewalks along Dessau Road, E. Howard Lane, Patterson Industrial Drive, Immanuel Road, and Investment Drive.

Eric Dusza in the Neighborhood Connectivity Division may provide additional comments regarding mobility enhancement and bicycle/pedestrian facilities.

Existing Street Characteristics:

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Name	ROW	Pavement	Classification	ADT
Dessau Road	Varies	MAD-4	Major Arterial	33,920
E. Howard Lane	Varies	MAD-4	Major Arterial	9,970
Lazyridge Drive	70'	48'	Collector	2,730
Immanuel Road	70'	48'	Collector	6,580
Investment Drive	70'	48'	Collector	N/A
Crystal Bend Drive	Varies	Varies	Collector	N/A
Patterson Industrial Dr.	70'	48'	Collector	N/A

**Water and Wastewater**

FYI: The landowners, 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 uses. Depending on the development plans submitted, water and or wastewater service extension requests may be required as described in the annexation service plan. 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 if required by the annexation service plan once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

**ORDINANCE NO. 20121108-035**

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**AN ORDINANCE ANNEXING, FOR FULL PURPOSES, ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN REFERRED TO AS THE "DESSAU BUSINESS PARK" ANNEXATION AREA, CONSISTING OF APPROXIMATELY 146 ACRES OF LAND OUT OF THE ALEXANDER WALTERS SURVEY NO. 67, ABSTRACT NO. 791, THE SAMUEL CUSHING SURVEY NO. 70, ABSTRACT NO. 164, AND THE MEMUCAN HUNT SURVEY NO. 88, ABSTRACT NO. 397 IN TRAVIS COUNTY, TEXAS; AND APPROVING A SERVICE PLAN.**

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

**PART 1.** The Council finds that:

- (A) Notice of the two public hearings concerning annexation of the territory described in Exhibit A was published in a newspaper of general circulation in the City of Austin and in the area to be annexed, and on the City of Austin internet website.
- (B) The public hearings were held on October 11, 2012 and October 18, 2012 at the Austin City Hall, 301 West 2<sup>nd</sup> Street, Austin, Texas.
- (C) The public hearings were concluded after providing an opportunity for all persons present to be heard with respect to the proposed annexation. A proposed Service Plan was made available and explained at the public hearings required by state law.
- (D) The annexation, for full purposes, of the territory described in Exhibit A serves the interest of the current and future residents of the City of Austin.
- (E) All procedural requirements imposed by state law for the full purpose annexation of the territory described in Exhibit A have been met.

**PART 2.** The present boundary limits of the City are amended to include the following territory which is within the extraterritorial jurisdiction and adjacent to the city limits of the City of Austin in Travis County, Texas, and which is annexed into the City for the full purposes:

146 acres of land, more or less, out of the Alexander Walters Survey No. 67, Abstract No. 791, the Samuel Cushing Survey No. 70, Abstract No. 164, and the Memucan Hunt Survey No. 88, Abstract No. 397, in Travis County, Texas; said 146 acres of land, more or less, being more particularly described in Exhibit A.

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**PART 3.** The Service Plan attached as Exhibit B is approved as the Service Plan for the area.

**PART 4.** The City Council declares that its purpose is to annex to the City of Austin each part of the area described in Exhibit A as provided in this ordinance, whether any other part of the described area is effectively annexed to the City. If this ordinance is held invalid as to any part of the area annexed to the City of Austin, that invalidity does not affect the effectiveness of this ordinance as to the remainder of the area.

If any area or lands included within the description of the area set out in Exhibit A are: (1) presently part of and included within the general limits of the City of Austin; (2) presently part of and included within the limits of any other city, town, or village; or (3) are not within the jurisdiction or power of the City of Austin to annex, then that area is excluded and excepted from the area annexed.

**PART 5.** This ordinance takes effect on December 17, 2012.

**PASSED AND APPROVED**

\_\_\_\_\_, November 8, 2012      §  
   §  
   §  
   \_\_\_\_\_  
   Lee Leffingwell  
   Mayor

**APPROVED:** \_\_\_\_\_  
   Karen M. Kennard  
   City Attorney

**ATTEST:** \_\_\_\_\_  
   Shirley A. Gentry  
   City Clerk

SCANNED



## Dessau Business Park Annexation Area

### LEGEND

- Annexation Area
- Saathoff Annexation & Development Agreement
- Street - Built
- Street - Planned
- Other Municipality

### CURRENT JURISDICTION

- Austin Full Purpose
- Austin Limited Purpose
- Austin ETJ

1 in = 1,250 feet

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 the Planning and Development Department for the City of Austin. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Source: All data by COA unless otherwise provided.



City of Austin PDR  
J. Chuter  
October 18, 2012

SCANNED



## EXHIBIT B



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# CITY OF AUSTIN ANNEXATION SERVICE PLAN

**Case Name:** Dessau Business Park  
**Case Number:** C7a-12-0003  
**Date:** September 7, 2012

## INTRODUCTION

This Service Plan ("Plan") is made by the City of Austin, Texas ("City") pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation to the City of land ("annexation area") known as the Dessau Business Park annexation area. The annexation area includes approximately 146 acres in northeastern Travis County east of the intersection of Dessau Road and Howard Lane. This area is currently in the city's extraterritorial jurisdiction and adjacent to the city's full purpose jurisdiction on the west side. Development in the area includes an industrial park, adjacent commercial tracts and a rural residence.

The annexation area is described by metes and bounds in Exhibit A, which is attached to the annexation ordinance of which this Plan is a part. The annexation area is also shown on the map in Exhibit A.

## EFFECTIVE TERM

This Plan shall be in effect for a ten-year period commencing on the effective date of the annexation, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council, which refers to this Plan and specifically renews this Plan for a stated period of time.

## INTENT

It is the intent of the City of Austin that services under this Plan shall provide full municipal services as required and defined by the Texas Local Government Code.

The City reserves the right guaranteed to it by the Texas Local Government Code, to amend this Plan if the City Council determines that changed conditions or subsequent occurrence or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws to make this Plan unworkable or obsolete or unlawful.

SCANNED

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## SERVICE COMPONENTS

In General. This Plan includes three service components: (1) the Early Action Program, (2) Additional Services, and (3) a Capital Improvement Program.

As used in this Plan, providing services includes having services provided by any method or means by which the City extends municipal services to any other area of the City. This may include causing or allowing private utilities, governmental entities and other public service organizations to provide such services by contract, in whole or in part. It may also include separate agreements with associations or similar entities.

### 1. EARLY ACTION PROGRAM

The following services will be provided in the annexation area commencing on the effective date of the annexation, unless otherwise noted.

- a. Police Protection. The Austin Police Department ("APD") will provide protection and law enforcement services in the annexation area. These services include:
  - normal patrols and responses;
  - handling of complaints and incident reports; and
  - special units, such as, traffic enforcement, criminal investigations, narcotics, gang suppression, and special weapons and tactics team.
- b. Fire Protection. The Austin Fire Department ("AFD") will provide emergency and fire prevention services in the annexation area. These services include:
  - fire suppression and rescue;
  - emergency medical services first response for Austin/Travis County Emergency Medical Services Department on life threatening medical emergencies;
  - hazardous materials mitigation and regulation;
  - emergency prevention and public education efforts;
  - dive rescue;
  - technical rescue;
  - aircraft/rescue/ firefighting;
  - construction plan review;
  - inspections; and
  - rescue/hazardous materials unit.

AFD serves as the first responder on life threatening emergencies for Austin/Travis County EMS. All AFD personnel are certified at an Emergency Medical Technician ("EMT") level or higher. All engines (pumpers), ladder trucks, and rescue units carry Automatic External Defibrillators for use with heart attack victims.

- c. Emergency Medical Service. The City of Austin/Travis County Emergency Medical Services ("EMS") Department will provide emergency medical services in the annexation area.

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Austin/Travis County EMS will provide the following emergency and safety services to the annexation area:

- medical 911 communications including dispatch, pre-arrival first aid instructions and coordination of other public safety support agencies;
- emergency Advanced Life Support (ALS) ambulance response, treatment and transport;
- medical rescue services; and
- medical support during large scale emergency events.

Austin/Travis County EMS is a mobile service provider, with units constantly moving throughout the system area. An ambulance is frequently dispatched from a location outside the station.

The Austin Fire Department will provide emergency medical first response to all patients in a life-threatening situation. All Austin Fire Department personnel are certified at the *Emergency Medical Technician (EMT) level or higher and assist EMS personnel providing patient care.*

- d. Solid Waste Collection. The Austin Resource Recovery Department will provide services in the annexation area. Services will be provided by City personnel or by solid waste service providers under contract with the City. Services currently provided in the City for single family residences, including duplex, triplex and fourplex dwelling units, include:

- garbage collection – scheduled cart collection in accordance with City Pay-As-You-Throw guidelines;
- recycling collection – scheduled curbside collection , materials collected include paper, boxboard and cardboard, aluminum and metal cans, glass bottles and jars, plastic bottles (#1 through #7); and
- yard trimmings collection – scheduled residential collection in paper bags or reusable containers.

Commercial garbage collection service for businesses is available on a subscription basis from the City or private service providers.

For the first two years following annexation, residents who lived in the area prior to the effective date of the annexation may continue to utilize the services of privately owned solid waste providers in accordance with provisions of the Texas Local Government Code.

- e. Maintenance of Water and Wastewater Facilities. Water and wastewater service will be provided to areas that are not within the certificated service area of another utility through existing facilities located within or adjacent to the area. The facilities will be maintained and operated by the City's Austin Water Utility as governed by standard policies and procedures, and under the provisions of the attached City service extension policy.

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- f. Maintenance of Roads and Streets, Including Street Lighting. The Public Works Department will maintain public streets over which the City has jurisdiction. These services include:
- emergency pavement repair
  - ice and snow monitoring of major thoroughfares
  - street maintenance activities including crack seal, sealcoat, slurry seal, and preventative maintenance overlay
  - repair maintenance operations of public streets on an as-needed basis including pothole repair, filling depressions (level up), spot surface replacement, spot full-depth repair, and utility cut repairs

As streets in the area are dedicated and accepted for maintenance they will be included in the city's preventative maintenance program. Preventative maintenance projects are prioritized on a City-wide basis and scheduled based on a variety of factors, including surface condition (distresses), rideability (smoothness), age, traffic volume, functional classification, and available funding.

If necessary, the Transportation Department will also provide regulatory signage services in the annexation area. Traffic signal, stop, and all other regulatory studies are conducted in conjunction with growth of traffic volumes. All regulatory signs and signals are installed when warranted following an engineering study. Faded, vandalized, or missing signs are replaced as needed. "CALL BACK" service provided 24 hours a day, 365 days a year for emergency repair of critical regulatory signs.

Street lighting will be maintained in accordance with the City of Austin ordinances, Austin Energy criteria and state law.

- g. Maintenance of Parks, Playgrounds, and Swimming Pools. At this time there are no public recreation facilities in the annexation area.

Recreational facilities and area amenities, including parks, pools, and medians, that are privately owned, maintained, or operated will be unaffected by the annexation.

- h. Maintenance of Any Other Publicly-Owned Facility, Building, or Service. Should the City acquire any other facilities, buildings, or services necessary for municipal services located within the annexation area, an appropriate City department will provide maintenance services for them.

## 2. ADDITIONAL SERVICES

Certain services, in addition to the above services, will be provided within the annexation area. They are as follows:

- a. Watershed Protection. The Watershed Protection Department will provide drainage maintenance services in the annexation area. Drainage planning and maintenance are fee-based services. Services currently provided by the department, in accordance with and as limited by applicable codes, laws, ordinances and special agreements, include:

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- water quality protection;
- watershed protection master planning for flood hazard mitigation, streambank restoration and erosion control, and water quality protection;
- flood hazard mitigation;
- streambank restoration and erosion management; and
- infrastructure and waterway maintenance.

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- b. Planning and Development Review. The Planning and Development Review Department will provide comprehensive planning, land development and building review and inspection services in accordance with and as limited by applicable codes, laws, ordinances and special agreements.
- c. Code Compliance. In order to attain compliance with City codes regarding land use regulations and the maintenance of structures, the City's Code Compliance Department will provide education, cooperation, enforcement and abatement relating to code violations
- d. Library. Upon annexation residents may utilize all Austin Public Library facilities.
- e. Public Health, Social, and Environmental Health Services. Upon annexation, the following services will be available from the Austin/Travis County Health and Human Services Department:
- investigation of public health related complaints including foodborne illness, recreational water quality and public swimming pools and spas;
  - enforcement of the City's smoking in public places ordinance and the minor's access to tobacco ordinance;
  - inspection of food establishments, child care facilities;
  - investigation of reported elevated blood lead levels in children;
  - animal services including leash law and rabies control; and
  - rodent and vector control consultation.
- f. Austin Energy. Austin Energy will continue to provide electric utility service to all areas which the City is authorized to serve by the Public Utility Commission of Texas.
- g. Clean Community Services. The Austin Resource Recovery Department will provide clean community services in the annexed area. Clean community is a fee-based service. Services currently provided in the City include:
- bulk and brush collection;
  - street and boulevard sweeping;
  - litter collection and abatement;
  - household hazardous waste collection;
  - Austin Resource Recovery Center;
  - Austin reuse and recycling centers;
  - dead animal collection; and
  - zero waste program development.

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- h. Other Services. All other City Departments with jurisdiction in the area will provide services according to City policy and procedure.

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### 3. CAPITAL IMPROVEMENTS PROGRAM

The City will initiate the construction of capital improvements necessary for providing municipal services for the annexation area as necessary.

Each component of the Capital Improvement Program is subject to the City providing the related service directly. In the event that the related service is provided through a contract service provider, the capital improvement may not be constructed or acquired by the City but may be provided by the contract provider. The City may also lease buildings in lieu of construction of any necessary buildings.

- a. Police Protection. No capital improvements are necessary at this time to provide police services.
- b. Fire Protection. No capital improvements are necessary at this time to provide fire services.
- c. Emergency Medical Service. No capital improvements are necessary at this time to provide EMS services.
- d. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services.
- e. Water and Wastewater Facilities. No capital improvements are necessary at this time to provide water and wastewater services.

Water and wastewater services to new development and subdivisions will be provided according to the standard policies and procedures of the Austin Water Utility, which may require the developer of a new subdivision or site plan to install water and wastewater lines. The extension of water and sewer service will be provided in accordance with the attached water and wastewater service extension policy.

- f. Roads and Streets. No road or street related capital improvements are necessary at this time. In general, the City will acquire control of all public roads and jurisdiction in, over and under all public roads and public streets within the annexation area upon annexation. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices, will be governed by the City's standard policies and procedures.
- g. Parks, Playgrounds and Swimming Pools. No capital improvements are necessary at this time to provide services.
- h. Watershed Protection. No capital improvements are necessary at this time to provide services.

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- i. Street Lighting. No capital improvements are necessary at this time to provide services. Street lighting in new and existing subdivisions will be installed and maintained in accordance with the applicable standard policies and procedures.
- j. Other Publicly Owned Facilities, Building or Services: Additional Services. In general, other City functions and services, and the additional services described above can be provided for the annexation area by using existing capital improvements. Additional capital improvements are not necessary to provide City services.
- k. Capital Improvements Planning. The annexation area will be included with other territory in connection with planning for new or expanded facilities, functions, and services.

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#### **AMENDMENT: GOVERNING LAW**

*This Plan may not be amended or repealed except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes. This Plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.*

#### **FORCE MAJEURE**

In case of an emergency, such as Force Majeure as that term is defined in this Plan, in which the City is forced to temporarily divert its personnel and resources away from the annexation area for humanitarian purposes or protection of the general public, the City obligates itself to take all reasonable measures to restore services to the annexation area of the level described in this Plan as soon as possible. Force Majeure shall include, but not be limited to, acts of God, acts of the public enemy, war, blockages, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrest and restraint of government, explosions, collisions and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City. Unavailability or shortage of funds shall not constitute Force Majeure for purposes of this Plan.

#### **SUMMARY OF THE WATER AND WASTEWATER UTILITY SERVICE EXTENSION POLICY**

The following information is a summary of the Austin Water Utility Service Extension Policy, as set out in Chapters 25-1 through 25-5 and 25-9 of the Austin City Code, in conformance with the Texas Local Government Code requirement that the Plan have a summary of the service extension policy.

Water and wastewater service is only provided to lots that have been properly subdivided and platted or are a legal lot. For property that is required by subdivision regulations to construct water or wastewater facilities connecting to the City system, funding and construction of those

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facilities will remain the responsibility of the developer. If the specific undeveloped property does not have City water or wastewater service fronting the property, the owner may make an application for an extension of service to the Director of the Austin Water Utility for review. If the Director determines that adequate capacity is available, or will be, and if the project does not include City cost participation or reimbursement, and if the proposed facilities are a logical extension of the City's water and wastewater system and the requested extension otherwise meets the requirements of Chapter 25-9, the extension size, capacity, and routing may be approved by the Director for funding and construction by the developer.

Depending on the size of the new facilities and other conditions, with City Council approval, the City may reimburse the developer for part of the cost of constructing certain facilities. With City Council approval, the City may cost participate by reimbursing costs associated with the oversize capacity of wastewater mains larger than 8 inches but less than 18 inches in diameter, and of water mains greater than 12 inches but less than 24 inches in diameter. With City Council approval, the City may reimburse to the developer the construction cost of the full capacity of wastewater facilities 18 inches in diameter or larger, and water facilities 24 inches in diameter or larger, as well as other facilities such as reservoirs or pumps. The actual calculation of the cost participation and reimbursement amounts, including limits and the schedules for the payments, are included in the Land Development Code.

For lots served by an existing on-site well or septic system that have water or wastewater lines within 100 feet of the lot at the time of annexation, the owner will not be required to pay the impact fees if a tap permit is obtained by the property owner on or before the second anniversary of the date of annexation. For lots served by an existing well or septic system that do not have water or wastewater lines within 100 feet of the lot, the owner will not be required to pay the impact fees if a tap permit is obtained by the property owner on or before the second anniversary of the date of acceptance of the water or sewer line to within 100 feet of their lot. In either case the owner will still be required to pay other applicable connection fees.

As long as a property is using a septic system, the property owner remains responsible for the operation and maintenance of the septic system. If the septic system fails before the City sewer service is extended to the property, the property owner must repair the system. Under certain circumstances the Austin/Travis County Health and Human Services Department may require connection to the City sewer facilities.

This policy is set by the City Council and can be amended in the future by ordinance.

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**RESOLUTION NO. 20130117-056**

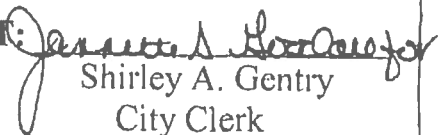
**WHEREAS**, Council passed and approved Ordinance No. 20121108-035, annexing the Dessau Business Park that is generally located east of the intersection of Dessau Road and East Howard Lane; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Council initiates the zoning for the Dessau Business Park and directs the City Manager to process zoning for this property.

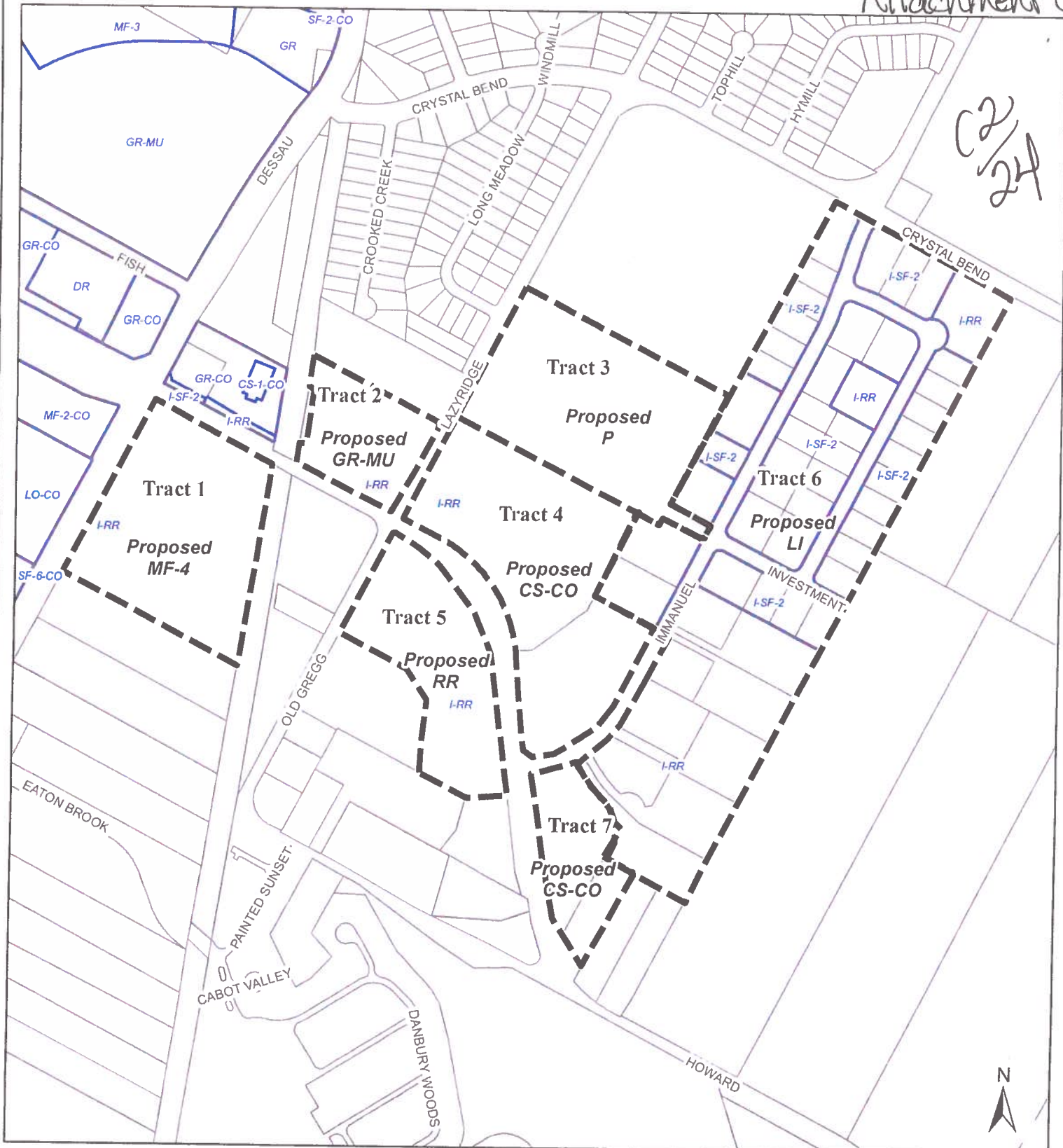
**ADOPTED:** January 17, 2013

**ATTEST:**

  
Shirley A. Gentry  
City Clerk

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## Proposed Zoning Dessau Business Park

8/22/2013

### Legend

- Dessau Business Park Zoning
- Existing Zoning



City of Austin  
Planning and Development Review Department

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