ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0106 / The Azur Tract **P.C. DATE:** October 22, 2013

ADDRESS: 5016 1/2 E Ben White Boulevard WB **AREA:** 12.82 acres

OWNER: Azur Property Investments (USA) Inc. (Haidar Khazen)

APPLICANT: Land Strategies (Erin Welch)

ZONING FROM: Community Commercial – Neighborhood Plan (GR-NP)

ZONING REQUEST TO:

Tract 1: Approximately 12.08 acres (the entire 12.82 acres save and except Tract 2) to CS-CO-NP, General Commercial Services – Conditional Overlay – Neighborhood Plan; and

Tract 2: Approximately 0.74 acres (32,337 square feet), a 40' wide and 75' wide tract along the northern property line, to GR-CO-NP, Community Commercial – Conditional Overlay - Neighborhood Plan

NEIGHBORHOOD PLAN AREA: Parker Lane
(East Riverside/Oltorf Combined Neighborhood Plan Area)

SUMMARY STAFF RECOMMENDATION

For Tract 1, to grant General Commercial Services – Conditional Overlay – Neighborhood Plan (CS-CO-NP) zoning with conditions.

For Tract 2, to grant Community Commercial – Conditional Overlay - Neighborhood Plan (GR CO-NP) zoning with conditions.

Conditions for both Tract 1 and Tract 2 include prohibiting the following uses:

Agricultural Sales and Services
Alternative Financial Services
Bail Bond Services
Campground
Commercial Blood Plasma Center
Kennels
Outdoor Entertainment
Outdoor Sports and Recreation
Pawn Shop Services
Pedicab Storage and Dispatch
Residential Treatment
Transitional Housing
Transportation Terminal

Additional conditions for Tracts 1 and 2 are:

- If any portion of the property is used for vehicle storage use or recreational equipment maintenance and storage use, the following conditions apply:
  1) The number of vehicle storage units shall not exceed 20% of the number of convenience storage units;
  2) Vehicle storage shall be setback a minimum of 200' from Ben White Boulevard and 100' from abutting properties to the west and north. No setback is required from the eastern property line; and

3) Any vehicle storage that is not completely enclosed must be screened per the Screening Standards of 2.9.1 of the Environmental Criteria Manual.

- Limit vehicle trips per day to less than 2,000.

Additional conditions for Tract 2 include:

- Development shall be prohibited except as may be required for repair of existing utility infrastructure in the 40' easement adjacent to the northern property line; and
-
- Within the 35' wide area, a vegetative buffer shall be provided and maintained. Improvements permitted within the buffer are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin (please refer to Exhibit A-3 for a depiction of Tract 2)

CASE MANAGER NOTE: The applicant does not concur with prohibiting the following uses: Alternative Financial Services use or Commercial Blood Plasma Center use.

PLANNING COMMISSION RECOMMENDATION:
To be considered October 22, 2013

DEPARTMENT COMMENTS:
This tract is located on the north side of Ben White Boulevard midway between Alvin Devane Boulevard to the east and Burleson Road to the west. More specifically, it is west of the Spansion campus, between a convenience storage facility and an office building for a local union. The tract fronts on Ben White to the south, church property to the west, and the Sunridge Park neighborhood and Spansion property to the north.

The tract is undeveloped, with a gas line easement encumbering the northern 40 feet of the property, along with a 200' by 200' square easement area in the northeast corner. The easement is not considered hazardous and is not part of the Hazardous Pipelines Conditional Overlay. The southern half of the property is relatively sparse while the northern half, except for the easement area, is relatively treed, mostly with cedar, cedar elm, mesquite, and the occasional cottonwood. A tree survey from this summer indicates the largest tree is a 17" diameter walnut.

The request to rezone the property is driven by the applicant's stated desire to develop it for Convenience Storage. Negotiations between the owner and area stakeholders led to development of a prohibited use list, as well as the establishment of a no-build buffer zone along the northern property line that is adjacent to the Sunridge Park neighborhood. Staff supports the dedication of a setback and vegetative buffer, and the negotiated prohibited uses. Per Federal law, staff cannot support all preferred prohibited uses (e.g., Family and Group Homes).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	GR-NP	Undeveloped; Gas-line easement on north edge and northeast corner
West	GR-CO-NP;	Office; Church Campus ; Undeveloped

C9/3

	GO-CO-NP; CS-CO-NP	
North	SF-2-NP; LI-NP	Single-family residential; light manufacturing
East	LI-NP; SF-2-NP; LI-NP	Convenience Storage; light manufacturing;
South	n/a; LI-NP	Ben White Boulevard ROW; Equipment Rental; Restaurant; Construction Sales & Services

AREA STUDY: No
TIA: Not Required
WATERSHED: Carson Creek and Country Club West
DESIRED DEVELOPMENT ZONE: Yes
CAPITOL VIEW CORRIDOR: No
HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Southeast Austin Neighborhood Alliance	189
Crossing Gardenhome Owners Assn. (The)	299
Sunridge Homeowners Assn.	481
Austin Neighborhoods Council	511
Montopolis Area Neighborhood Alliance	634
East Riverside / Oltorf Neighborhood Plan Contact	763
Del Valle Independent School District	774
Southeast Coalition	781
PODER People Organized in Defense of Earth & Her R	972
Homeless Neighborhood Assn.	1037
Bike Austin	1075
Austin Parks Foundation	1113
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Pleasant Valley	1255
Del Valle Community Coalition	1258
Austin Heritage Tree Foundation	1340
SEL Texas	1363
Montopolis Neighborhood Association El Concilio	1394
GO! Austin VAMOS! Austin - Dove Springs	1408
Beyond2ndNature	1409
Preservation Austin	1424

SCHOOLS:
Del Valle Independent School District
Smith Elementary School Ojeda Middle School Del Valle High School

ABUTTING STREETS, SERVICES, & FACILITIES:

C9/4

Name	ROW	Pave-ment	Classifi-cation	Daily Traffic Count	Side-walks	Bus Service	2009 Bicycle Plan (Route 418)
East Ben White Blvd	332 feet	192 feet	FWY 6 (Freeway 6 Lanes)	77,000 (2011)	Yes, on service road	None within ¼ mile	existing Shared Lane; recommended Wide Curb

ZONING CASE HISTORIES:

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
WEST			
4420 ½ - 4500 E Ben White C14-05-0111(Part, 221)	SF-2	Recommended LO-CO-NP (creek setback); 06/13/2006	Approved as recommended; 11/16/2006
4500 E Ben White C14-99-2108	SF-2 to CS	Recommended CS-CO w/conditions (2000 vtd limit, prohibited uses; limited height); 02/29/2000	Approved as recommended; 05/11/2000
4600, 4604 E Ben White C14-05-0111(Part, 222)	SF-2 and LR to SF-3-NP and GO -NP	Recommended LO-CO (creek setback); 06/13/2006	Approved GO-CO (establishes dev standards for residential use); 02/01/2007 (amended)
4818 E Ben White C14-97-0018	SF-2 & GR to GR	Recommended GR-CO; 04/22/1997	Approved as recommended (CO limits to 2000 vtd) ; 05/22/1997
EAST & NORTH			
5016 E Ben White C14R-82-162	Interim AA 1st H&A to D (Industrial) 1st H&A		Approved; (Included site plan); 02/10/1983
Oltorf & Ben White C14-84-074 (approx. 85 acres)	Interim AA 1st H&A to DL 2nd H&A and GR 2nd H&A		Approved w/RC (establishes POA w/dev regs); 10/18/84
AMD Campus 5312-5606 E Ben White (AMD) C14-92-0091 3201 – 3299 Alvin Devane Blvd C14-92-0092 2801-2917 Alvin Devane Blvd &	SF-2 to LI SF-2 to LI GR to LI	Recommended w/conditions; 11/24/1992	Approved LI-CO (limits heights; sets ROW reserve); 12/16/1992

C9/5

5501-5603 E Oltorf C14-92-0093 5303-5413 E Oltorf Street C14-92-0094	GR to LI		
6700 E Ben White C14-78-149	Interim AA 1st H&A to D (Industrial) 3rd H&A (approx. 50 acres)		Approved D (Industrial) 3rd H&A and D 1st H&A; 09/28/78
4700-4800 East Oltorf C14-82-203	Interim AA 1st H&A to BB 1st H&A (approx. 91 acres)	Recommended; 03/31/1983	Approved; 12/06/1984
Sunridge Drive & Wickersham C14-96-0056	112 Lots (25 acres) from MF-2 to SF-2	Recommended 4 of 6 tracts; 08/20/1996	Approved as recommended; 04/24/1997
SOUTH			
C14-77-018 4604-4610, 4612-4620, 4702 Burleson	Interim AA 1st H&A to D (approx. 90 acres)	D on 1 Tract, DL (Light Industrial) on Remainder	Approved D and DL as Recommended; 10/13/77

In addition, C14-05-0111, the Parker Lane Neighborhood Plan combining district was adopted on November 16, 2006, appending the NP designation to the zoning string for properties in the neighborhood plan area. Parker Lane was part of the East Riverside/Oltorf Combined Neighborhood (case NPA-05-0021) Plan adopted at the same time. Although a couple of tracts along Ben White Boulevard were contested at the time of neighborhood plan adoption (and subsequently included in the Neighborhood Plan future land use map, rezoned, or action postponed), this tract was not contested.

RELATED CASES:

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
C14-77-170	Interim AA 1st H&A to GR (General Retail) 1st H&A		Approved; 09/03/1978
C14-05-0111	GR to GR-NP	Recommended; 06/13/2006	Approved; 11/16/2006

CITY COUNCIL DATE: Scheduled for consideration November 7, 2013
ORDINANCE READINGS: 1st 2nd 3rd
ORDINANCE NUMBER:
CASE MANAGER: Lee Heckman **PHONE:** 512-974-7604
e-mail address: lee.heckman@austintexas.gov

STAFF RECOMMENDATION **C14-2013-0106**

For Tract 1, to grant General Commercial Services – Conditional Overlay – Neighborhood Plan (CS-CO-NP) zoning with conditions.

For Tract 2, to grant Community Commercial – Conditional Overlay - Neighborhood Plan (GR CO-NP) zoning with conditions.

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    5) Vehicle storage shall be setback a minimum of 200' from Ben White Boulevard and 100' from abutting properties to the west and north. No setback is required from the eastern property line; and
    6) Any vehicle storage that is not completely enclosed must be screened per the Screening Standards of 2.9.1 of the Environmental Criteria Manual.

- Limit vehicle trips per day to less than 2,000.

Additional conditions for Tract 2 include:

- Development shall be prohibited except as may be required for repair of existing utility infrastructure in the 40' easement adjacent to the northern property line; and
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BASIS FOR RECOMMENDATION

The property is currently zoned Community Commercial (GR), which as a district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The proposed General Commercial Services (CS) district, which would cover the vast majority of the property, is the designation for a commercial or industrial use of a service

nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

The request for CS is driven by the stated intent to develop the property with a Convenience Storage use. This use is defined as the use of a site for the provision of convenient and limited services to individuals in access-controlled facilities that make twenty-four hour operation possible. This use includes the renting of private postal and safety deposit boxes to individuals and automated banking machines.

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character; and

Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

Over one-half of the property is adjacent to light industrial (LI) zoning. The majority of this is the Spansion campus to the north and east, but it also includes existing convenience storage. To the west is commercial and office zoning, used as office and a church campus, respectively. CS zoning can serve as a transition between the existing industrial zoning and the office and commercial. Given the proposed use of convenience storage, the use is viewed as compatible with the adjacent uses.

To the north of the property is an existing single-family residential subdivision, which would seem to question the appropriateness of CS zoning. However, the northern 40 feet of the tract are already encumbered by a gas-line easement, effectively ensuring a 40' strip of no commercial development. Moreover, the owner has negotiated with the Sunridge Park neighborhood and they have agreed to an additional 35' buffer with no development, except for required utilities or drainage infrastructure. Effectively, there will be a 75' wide buffer between the southern edge of the Sunridge Park subdivision and any commercial activity on the subject tract.

Additionally, the owner and adjacent neighborhood have negotiated a list of prohibited uses. To that list, staff recommends adding alternate financial services and commercial blood plasma centers. Though the owner does not agree with these additional prohibited uses, staff is of the opinion such uses could present the abutting residential neighborhood, offices, and church campus with compatibility challenges.

Given that Ben White Boulevard is a major gateway into Austin, staff is hesitant to not recommend a prohibition on vehicle storage use for the site. However, by limiting the number of vehicle storage spaces, tying such use to convenience storage use, and requiring additional setbacks and screening for facilities that are not completely enclosed, staff believes such a use, if pursued, would be largely unseen, unheard, and unknown to passersby and neighbors. Moreover, by right the applicant could pursue recreational equipment maintenance and storage as an accessory use (if the CS zoning is granted). Staff recommends the same conditions recommended for vehicle storage use should apply to any accessory storage of boats, motor-homes, watercraft, and the like.

Staff is of the opinion that the 75' no-development buffer, the proposed prohibited uses, the provisions of the City's compatibility standards, and the additional setbacks and screening requirements for vehicle storage, if pursued, provide adequate compatibility for the residential

neighborhood and other surrounding uses, and would minimize any detrimental impact of rezoning the property to CS.

The proposed zoning should be consistent with the purpose statement of the district sought, and

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.

CS zoning, in comparison with GR zoning, is more intense and is, in fact, the highest intensity commercial zoning district. While still oriented towards service uses, it is for commercial or industrial uses that have high traffic requirements generally considered incompatible with residential environments. The subject tract is located on Ben White Boulevard, which is classified as a freeway. Although the tract would take access from a westbound frontage road, for all intents it is located on a freeway.

Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan, and be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.

The Future Land Use Map adopted in 2006 as part of the East Riverside/Oltorf Combined Neighborhood Plan, identifies this property as "Commercial." Consequently, the proposed rezoning is consistent with the neighborhood plan and no neighborhood plan amendment is required. Additionally, as discussed more fully below in Review Comments, the proposed use of the site for convenience self-storage would be consistent with the recently adopted Imagine Austin Comprehensive Plan.

SITE CHARACTERISTICS, EXISTING CONDITIONS, & REVIEW COMMENTS

The tract, at nearly 13 acres, has been entitled for commercial development for nearly 35 years, but remains undeveloped. It is relatively flat with few trees on the southern Ben White half; the northern half, which contains more trees, is also encumbered by a gas line easement that crosses the length of the property along the property line. There are no known environmental features or constraints that would impede development of the property as convenience storage.

PDR Comprehensive Planning Review

September 9, 2013 (KF)
GR-NP to CS-CO-NP

This zoning case is located on the north side of E. Ben White Boulevard and is situated on a vacant parcel that is approximately 11.85 acres in size. This project is also located within boundaries of the E. Riverside/Oltorf Combined Neighborhood Planning Area. Surrounding land uses includes a single family house and industrial property to the north, SH 71 to the south, a convenience storage facility to the east, and a large office building and a church to the west. The proposed use for this property is convenience storage.

East Riverside/Oltorf Combined Neighborhood Plan (EROCNP)

The EROCNP Future Land Use Map (FLUM) classifies this portion of E. Ben White Boulevard as 'Commercial' which is intended for retail sales, services, motels/hotels, and all recreational services that are predominately privately owned and operated for profit. This FLUM category is intended to encourage employment centers, commercial activities, and other non-residential development. Zones GR and CS are permitted under the Commercial FLUM category. Page 76 of the Plan states, "Maintain or create the opportunity for commercial and/or office development for specific properties (on Ben White Boulevard.)" Two EROC goals below support commercial development in the planning area:

- Goal 3: Improve the appearance, vitality and safety of existing commercial corridors and community amenities and encourage quality urban design and form while being sensitive and respectful to adjacent residential neighborhoods. (p 31)

- Goal 4: Encourage a balanced mix of residential, civic, commercial, office and other land uses without adversely affecting adjacent residential neighborhoods. (p 33)

Based on the text and goals above, this project appears to be consistent with the EROCNP.

Imagine Austin

The Imagine Austin Growth Concept Map identifies this property as being located within a "Job Center." Page 107 of the IACP states, *"Job centers accommodate those businesses not well-suited for residential or environmentally sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International Airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many*

of these centers are currently best served by car, the Growth Concept Map offers transportation choices such as light rail and bus rapid transit to increase commuter options."

Based upon: (1) the East Riverside/Oltorf Plan being supportive of commercial uses along this portion of Ben White Boulevard; (2) the property being located adjacent to the same use; and (3) being located within a Job Center, staff believes that the proposed convenience storage facility promotes the Imagine Austin Comprehensive Plan.

Environmental Review

September 6, 2013 (MM)

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Country Club West Watershed and the Carson Creek Watershed of the Colorado River Basin, which are classified as Suburban Watersheds 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:

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

2. According to floodplain maps, there is no floodplain within, or adjacent to the project boundary.

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

4. 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.

5. 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.

6. 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.

09/11

PDR Site Plan Review

September 11, 2013 (MSS)

SP 1. The subject property is located within 540 feet of properties zoned SF-5 or more restrictive – therefore, *Article 10 Compatibility Standards* will apply.

SP 2. This tract will be subject to the requirements of *Subchapter E: Design Standards and Mixed Use.*

PDR Transportation Review

September 11, 2013 (CG)

TR1. No additional right-of-way is needed at this time.

TR2. 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 be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

TR3. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
East Ben White Boulevard	332'	192'	FWY 6 (Freeway 6 Lanes)	77,000 ('11)

TR4. There are existing sidewalks along the East Ben White Boulevard service road.

TR5. Eric Dusza in the Neighborhood Connectivity Division may have additional comments regarding multi-modal mobility enhancements and facilities. [October 15, 2013: no additional NCD comments].

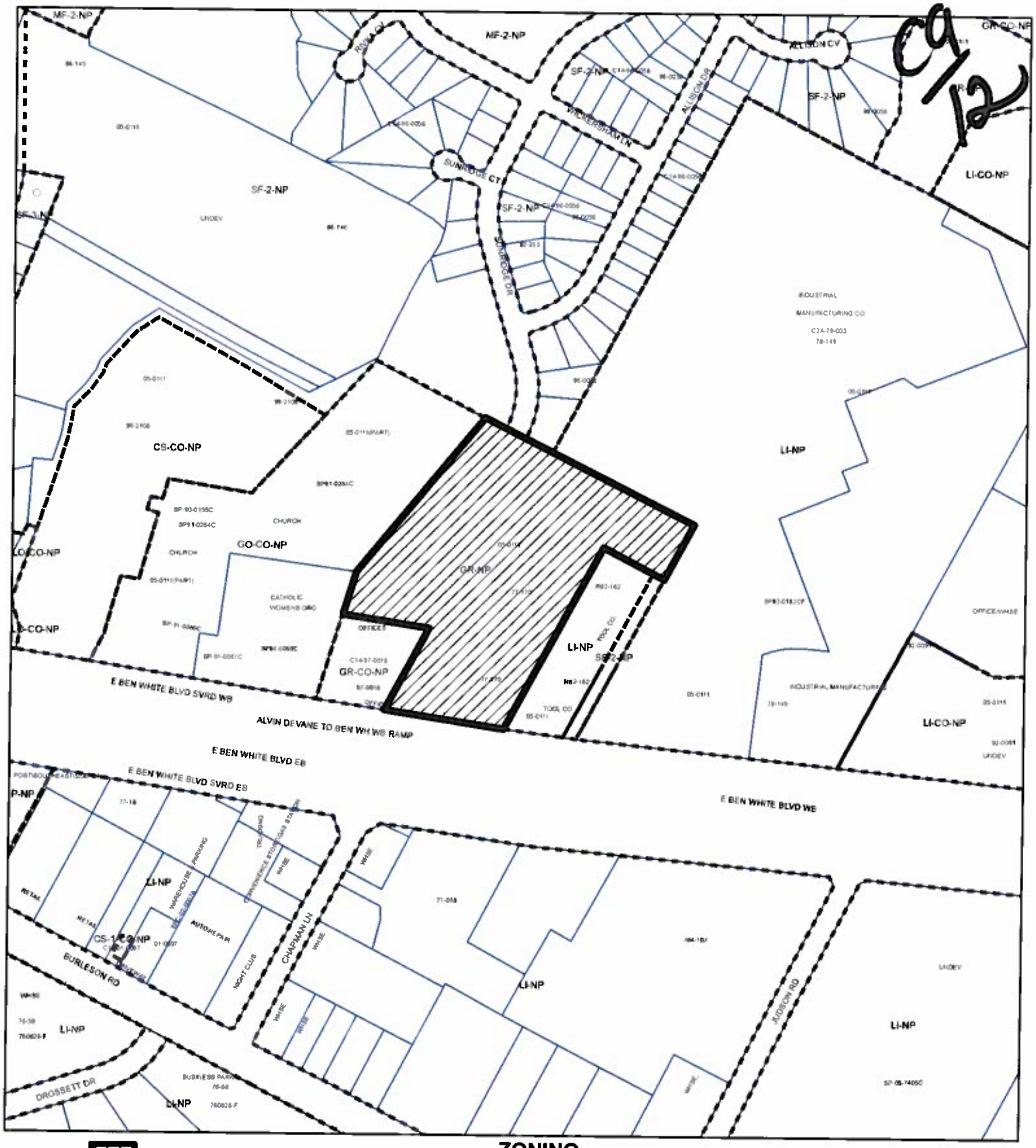
TR6. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: East Ben White serves route no. 418 with a Shared Lane and recommended Wide Curb.

TR7. Capital Metro bus service is not available within 1/4 mile of this property.

Austin Water Utility Review

August 29, 2013 (NK)

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.



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 400 '

ZONING

ZONING CASE#: C14-2013-0106

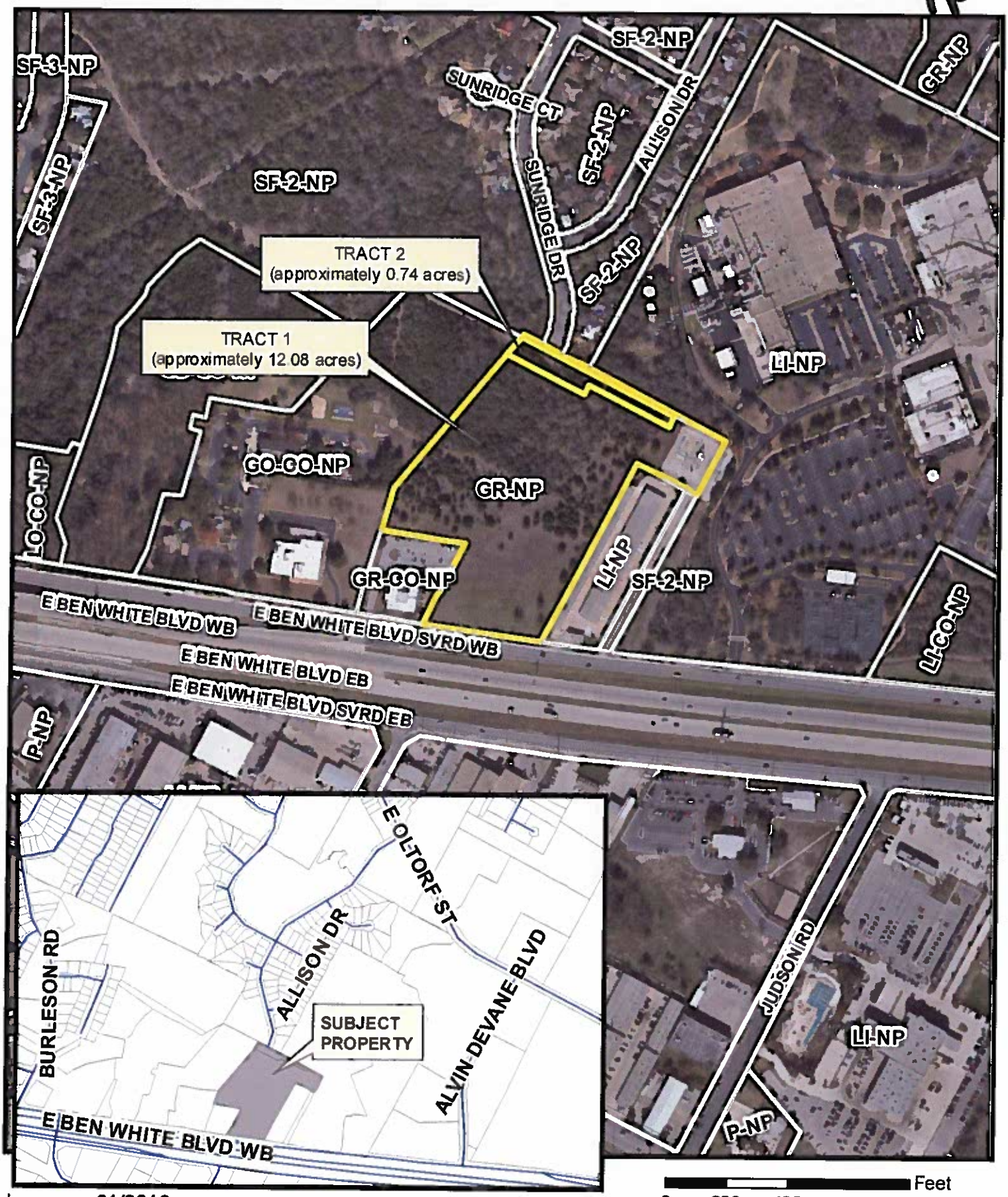
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.

Exhibit A

C9/3

C14-2013-0106 / The Azur Tract



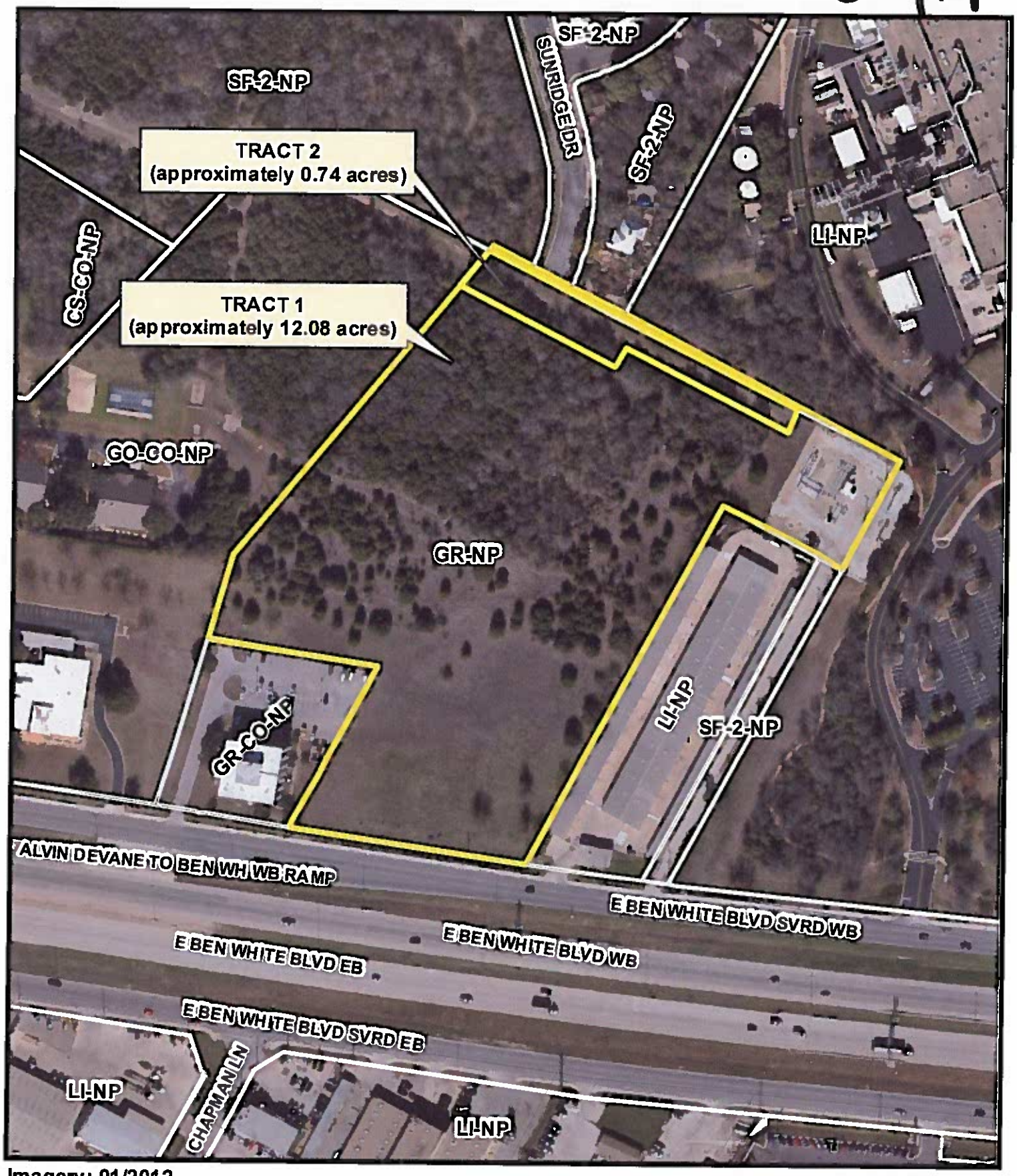
Imagery: 01/2012

Feet
0 200 400 800
1 inch = 400 feet
N

Exhibit A - 1
Location, Aerial & Zoning

C9/14

C14-2013-0106 / The Azur Tract



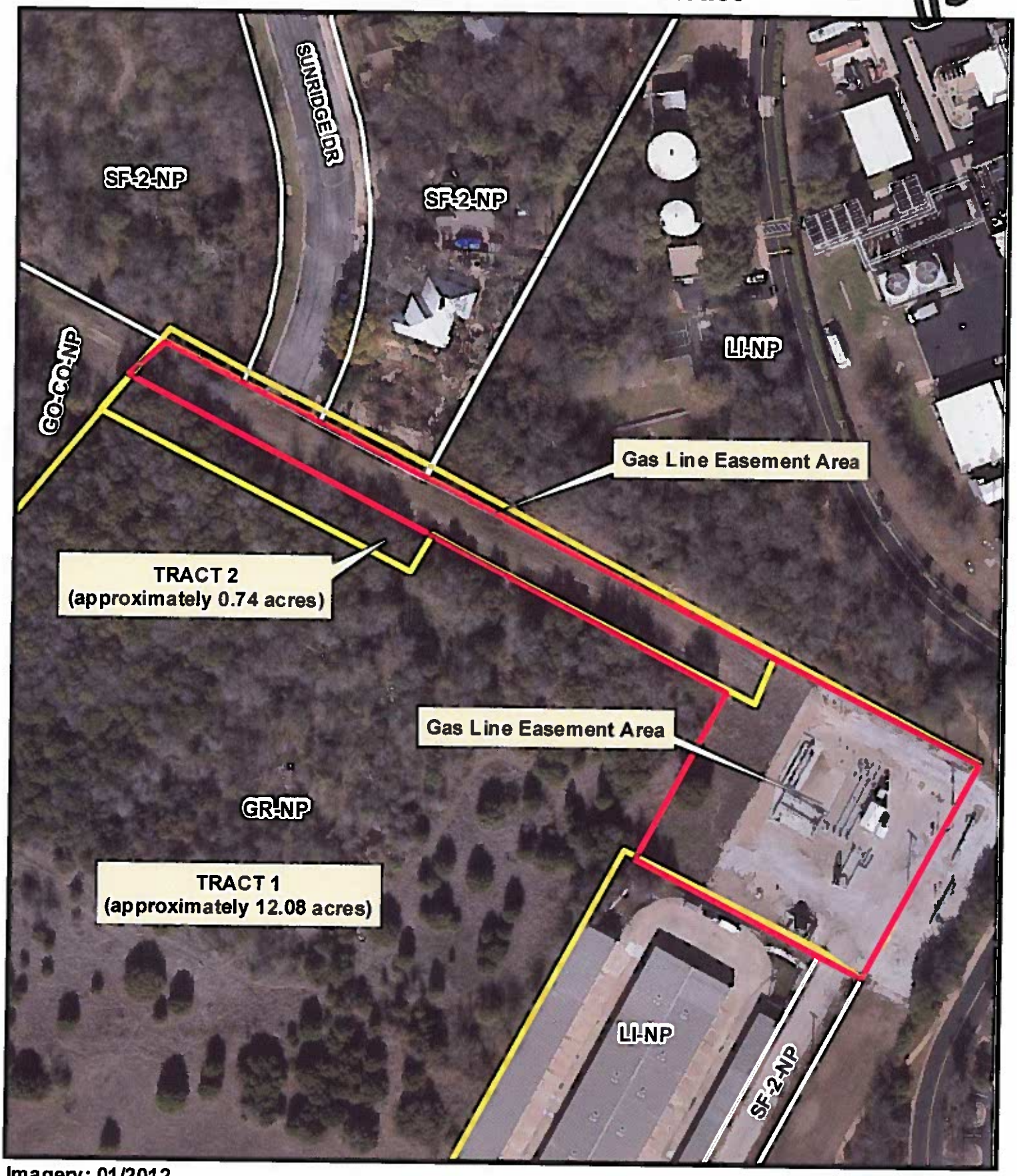
Imagery: 01/2012

Exhibit A - 2
Aerial & Zoning

Feet
0 100 200 400
N
1 inch = 200 feet

C14-2013-0106 / The Azur Tract

ca/15



Imagery: 01/2012

Exhibit A - 3

0 50 100 200 Feet

1 inch = 100 feet

N

Tract 2 & (Approximate) Gas Line Easement Area