ZONING CHANGE REVIEW SHEET

<u>CASE:</u> C14-2013-0105 <u>Z.A.P. DATE:</u> November 19, 2013; November 5, 2013; October 15, 2013

Central Freight Industrial Lot

ADDRESS: 8601 Tuscany Way AREA: 24.285 Acres

OWNER: Austin Shared Logistics, LLC (Lance Farrell)

AGENT: Land Answers, Inc. (Jim Witliff)

FROM: I-RR TO: LI

SUMMARY STAFF RECOMMENDATION: (Revised November 19, 2013)

Staff recommends LI-CO zoning, with the following conditions:

- 1. The following land uses shall be prohibited: Automotive Repair Services, Automotive Washing (Of Any Type), Scrap and Salvage, Campground, Equipment Repair Services, Exterminating Services, Vehicle Storage, General Retail Sales, (Convenience), General Retail Sales (General), Basic Industry, Resource Extraction, Railroad Facilities, Kennels, Congregate Living, Residential Treatment, Transitional Housing, Outdoor Entertainment, and Outdoor Sports and Recreation.
- 2. No vehicular access to Sansom Road or Bosque Lane.
- 3. Development on the property shall be limited to no more than 2,000 vehicular trips per day.
- 4. Any new development/redevelopment of the property will trigger the following requirements:
 - A. Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent residential property.
 - B. No outdoor amplified sound shall be permitted on the property, including public address or intercom systems. NOTE: This will be enforced via a Private Restrictive Covenant.
 - C. A person constructing a building shall screen each area on a property that is used for a following activity from the view of adjacent residential property: off-street parking, the placement of mechanical equipment, storage, or refuse collection.

TIA: N/A WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

Z.A.P. COMMISSION RECOMMENDATION:

October 15, 2013: GRANTED POSTPONEMENT TO NOVEMBER 5, 2013, AS REQUESTED BY NEIGHBORHOOD, ON CONSENT, (7-0) [G. ROJAS- 1ST, P. SEEGER- 2ND]

November 5, 2013: GRANTED POSTPONEMENT TO NOVEMBER 5, 2013, AS REQUESTED BY NEIGHBORHOOD, ON CONSENT, (7-0) [G. ROJAS- 1ST, P. SEEGER- 2ND]

November 19, 2013: RECOMMENDED LI-CO AS RECOMMENDED BY STAFF WITH ADDITIONAL PROHIBITED LAND USE OF ADULT ORIENTED BUSINESSES. (7-0) [S.COMPTON- 1ST, R. MCDANIEL- 2ND]

ISSUES:

The subject property is a developed industrial property located in an industrial park area. The property and park are located entirely within the Austin city limits. Adjacent to the subject property and industrial park is a residential neighborhood that is located in the City's extra territorial jurisdiction (ETJ).

DEPARTMENT COMMENTS:

The subject property is a 24.285 acre tract that has been used as a warehousing and distribution facility for Central Freight Lines until recently. Immediately north of the property is the main Austin Post Office, which is zoned LI-CO. Across Tuscany Way to the west are properties zoned LI and LI-CO and developed with office/warehouse flex space. South of the property are LI-CO and GR-CO parcels that access Tuscany Way and E.US Highway 290 Service Road (Westbound). These properties include more industrial flex space, as well as fast food restaurants and service stations along the US 290 Service Road.

The eastern boundary of the subject property is concurrent with the Austin City Limit Line. Along the northeast property boundaries, residential lots and a dead-end street (Bosque Lane) are immediately adjacent to the rezoning tract. Along the southeast property boundary is the residential collector Sansom Road, which is located between the rezoning tract and a residential neighborhood. Please refer to Exhibits A and B (Zoning Map and Aerial Map).

Since the residential properties east of the zoning tract are located in the ETJ, City of Austin compatibility standards are not applicable to the proposed LI rezoning. The Applicant and representatives from Walnut Place Neighborhood Association have met and discussed several possible restrictions that may make LI-CO zoning more suitable for the area. At the time of this report, not all neighborhood concerns have been resolved, but several development standards and restrictions have been agreed upon. Please refer to Exhibit C (Correspondence).

The Staff recommendation listed on Page 1 of this report reflects many of the items discussed between the Neighborhood Association and Applicant, but other factors are reflected in the Staff recommendation as well. Staff analysis of adjacent zoning cases showed conditional overlays that restricted land uses and access to Sansom Road. The list of prohibited land uses on Page 1 reflects many of the prohibited land uses applied to the US Post Office immediately north of the subject property.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	I-RR	Warehouse/distribution facility
North	LI-CO	US Post Office
South	LI-CO, GR-CO	Warehouse/distribution, fast-food restaurant, service station
West	I-RR	Warehouse/distribution, medical office
East	County	Residential neighborhood

RELATED CASES

C14-00-2077 UPS Property	I-RR to LI-CO	Ord. # 001005-22: <2,000 vpd or <3,597 vpd if warehouse distribution
C14-98-0188 Tuscany Center at	I-RR to LI-CO	Ord # 990722-48: No access to Springdale Road/Sansom Road

Walnut Creek		
C14-97-0137 Post Office Property	W/LO to LI-CO, LI-CO to LI-CO	Ord. # 980409-I: TIA attached, and following uses prohibited: Automotive Rentals Restaurant (Limited), Automotive Repair Services, Restaurant (General), Automotive Washing (Of Any Type), Scrap and Salvage, Campground, Service Station, Equipment Repair Services, Theater, Exterminating Services, Vehicle Storage, General Retail Sales (Convenience), Basic Industry, General Retail Sales (General) Resource Extraction, Hotel-Motel, Congregate Living, Indoor Entertainment, Cultural Services, Indoor Sports and Recreation, Railroad Facilities, Kennels, Residential Treatment, Outdoor Entertainment, Transitional Housing, Outdoor Sports and Recreation, Transportation Terminal, Restaurant (Drive-In, Fast Food)

NEIGHBORHOOD ORGANIZATIONS:

Walnut Place Neighborhood Association Harris Branch Residential Property Owners Association North Growth Corridor Alliance Harris Branch Master Association, Inc. Austin Independent School District

CITY COUNCIL DATE: December 12, 2013 ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin PHONE: 974-2122

e-mail: heather.chaffin@austintexas.gov

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STAFF RECOMMENDATION:

Staff recommends LI-CO zoning, with the conditions listed on Page 1 of this report. The basis for this recommendation relies on many factors. First, the subject property is a developed site that has been used for warehousing and distribution for many years. It is located within an industrial park development area, and is primarily surrounded by similarly used and zoned properties.

The proximity of residential properties has affected previous zoning cases in the area; most notably the Post Office property, which shares many characteristics to the subject property. The conditions recommended by staff are based in large part on those imposed on the Post Office property.

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

Limited Industrial (LI) zoning is intended for the type of land uses typically found in industrial park areas similar to the location of the zoning parcel.

1. Zoning should allow for a reasonable use of a property.

The existing zoning of I-RR was intended as a temporary category assigned during annexation, not a direction that the area should revert to rural residential land uses.

COMPREHENSIVE PLAN

This zoning case is located on the east side of Tuscany Way on a 24.3 acre parcel and is not located in an area with an adopted neighborhood plan. Surrounding land uses include warehouse/office industrial properties to the north, south and west, and a single family subdivision, to the east, on Bosque Lane and Sansom Road. The existing and proposed use for this property is a large warehouse/office complex.

Imagine Austin identifies this property as being located along an 'Activity Corridor,' and just south of two Job Centers, as identified on the Imagine Austin's Growth Concept Map. Activity corridors are intended 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. Job centers are meant to accommodate businesses not well-suited for residential or environmentally sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, and mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics.

Imagine Austin is supportive of developing a variety of land uses throughout Austin, including warehouse/industrial areas and jobs centers, to promote 'complete communities', and 'compact and connected development' as demonstrated in the following policies:

- 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 P4. Protect neighborhood character by directing growth to areas of change that include designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- LUT P20. Locate industry, warehousing, logistics, manufacturing, and other freight-intensive
 uses in proximity to adequate transportation and utility infrastructure.

Based on the property being located in an area with an abundance of warehouse /office/industrial uses and the Imagine Austin Plan policies referenced above that supports locating jobs along Activity

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Corridors and two nearby Job Centers, staff believes that the proposed warehouse/office promotes the Imagine Austin Comprehensive Plan.

SITE PLAN

SP 1. There are no site plan comments at this time. Development of industrial uses is generally exempted from Subchapter E: Design Standards and Mixed Use requirements.

TRANSPORTATION

- TR1. The Austin Metropolitan Area Transportation Plan calls for a total of 114 feet of right-of-way for Tuscany Way. 57 feet of right-of-way should be dedicated from the existing centerline of Tuscany Way in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55). This roughly calculates to 17' of right-of-way dedication from the applicant. Right-of-way dedication may be deferred to time of subdivision or site plan.
- TR2. A traffic impact analysis was not required for this case because the Applicant has agreed to limit daily traffic generation to a threshold of 2,000 vehicle trips per day.
- TR3. If the requested zoning is granted, it is recommended that access to Bosque Lane and Sansom Road be prohibited as a condition of zoning due to the adjacent neighborhood. A Neighborhood Traffic Analysis was not required since both Bosque Lane and Sansom Road right-of-way fall within the 2-mile ETJ and is maintained by Travis County.
- TR5. There are existing sidewalks along Tuscany Way. There are not existing sidewalks along Bosque Lane and Sansom Road.
- 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: Tuscany Way serves route no. 163 with an existing Wide Curb and recommended Bike Lane.
- TR7. Capital Metro bus service (route no. 323) is available along Tuscany Way.

ENVIRONMENTAL

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 Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% with Transfers
Single-Family	50%	60%
(minimum lot size 5750 sq. ft.)		00 70
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

- 2. According to flood plain maps, there is a flood plain adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.
- Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25 for all development and/or redevelopment.

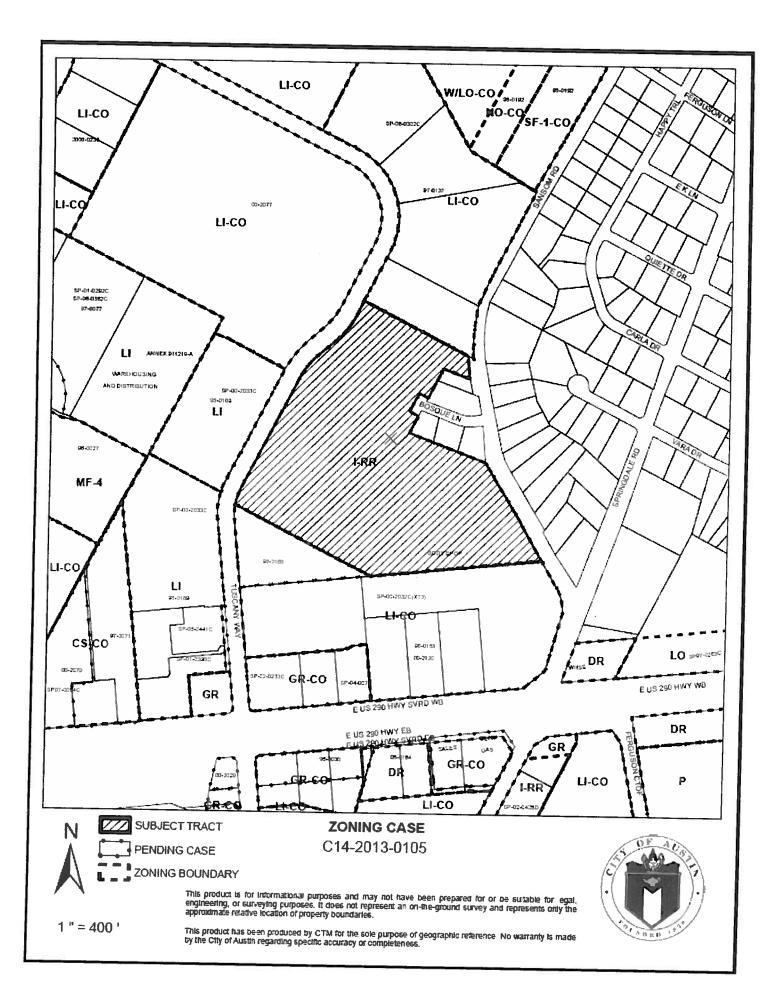
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4. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If 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.

WATER UTILITY

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 land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.





Chaffin, Heather

From:

Joyce Thoresen

Chaffin, Heather

Sent:

Thursday, November 14, 2013 11:12 AM

To: Cc: Jim Wittliff

Subject:

RE: 8601 Tuscany Way trucking facility activities

FYI: these are emails I received this morning (Thurs., Nov. 14, 2013) from around the neighborhood:

Things were bad re this property this morning. Some time between 3 and 4 John and I were woken up with the sounds of squealing brakes that went on for minutes rather than seconds, backup beepers and some thing metallic that was large was dropped. The owner and ups needs to be told this is not going to work for us. We are about a 1/4 mile away. We do have the right to be able to sleep through the night without any non emergency interruptions. Angela (Carla Drive)

I sleep heavy, very heavy, and I too have been awaken recently, not knowing the source of the disturbance. Last night I awoke around 3:20 am because of the bang of a dropped item, accompanied by the beepbeepbeeep thing. I now assume the source is the UPS site. Jim (Happy Trail)

I heard the very annoying beeping of trucks backing up. Tommy (Carla Drive)

The fork lifts have warning beep when they back up. It is very audible in the early morning hours and makes peaceful sleep a challenge. There is also the occasional load bang or thud which could be dock plates being dropped in place or trucks backing into the dock. Very loud and annoying. Lee (Quiette Drive)

I was awakened last night by a loud banging sound that came from across the street (trucking facility). I wish I had looked at the clock to take note of the time but I didn't. Sleep is precious to me as I already have to wake up every 2 hours to feed my newborn baby, so I tried my best to go back to sleep without further investigating the noise. It sounded like heavy doors or a dumpster being dropped onto the ground. Laurie (Sansom Road)

Joyce Thoresen
Wallnut Place Neighborhood Assn.
512-926-6204 (home)
512-217-3275 (cell)

Chaffin, Heather

From:

Joyce Thoresen

Sent:

Wednesday, November 13, 2013 9:17 PM

To:

Jim Wittliff

Cc:

angela michaels; Dana milligan; ernie gammage; Jane Falkenberg; jim donovan; Joyce

Thoresen; kristina kubeck; larry havel; Chaffin, Heather

Subject:

8601 Tuscany Way, C14-2013-0105

Attachments:

Restrictive Covenants.WPNA.pdf; R.C.Exhibit A.pdf; R.C.Exhibit B.pdf; City Staff

Recommendations.pdf

Jim,

Walnut Place Neighborhood Association and Beneficiaries are willing to agree to the Restrictive Covenants (attached). If Mr. Farrell agrees to sign this document, WPNA and Beneficiaries will agree to support re-zoning of 8601 Tuscany Way from I-RR to LI-CO with the conditions recommended by the City Staff as set forth in the October 25, 203 email from Heather Chaffin (copy attached).

We will complete the document with Beneficiary Names, Addresses, and Legal Property descriptions when all parties have agreed on the terms.

Thanks for your patience and hard work. Call if you have questions.

Joyce

Joyce Thoresen President Walnut Place Neighborhood Assn 512-926-6204 (home) 512-217-3275 (cell)

RESTRICTIVE COVENANTS

DATE:	November, 2013
OWNER:	Austin Shared Logistics, LLC
OWNER MAILING ADDRESS:	P.O. Box 2645 Conroe, TX 77305
CONSIDERATION:	Ten and No/100 Dollars (\$10.00) and other good and valuable Consideration the receipt and sufficiency of which is acknowledged
RESTRICTED PROPERTY:	8601 Tuscany Way, Austin, TX 78754 (see Exhibit A)
NEIGHBORHOOD ASSOCIATION	: Walnut Place Neighborhood Association
BENEFICIARY:	
	Tract 1:
	Tract 2:
	Tract 3:

Austin Shared Logistics, LLC ("Owner"), the Walnut Place Neighborhood Association, a registered Austin neighborhood ("WPNA") and Beneficiary, hereby agree to the following restrictions and terms described below:

In exchange for Beneficiary's and WPNA's support of rezoning case C14-2013-0105, in which Owner has requested a zoning change of the Restricted Property from I-RR to LI-CO, and following approval of the rezoning by the Austin City Council, Owner agrees to immediately implement the following restrictive covenants running with the land:

- The parties agree that the provisions of this agreement will be deemed to be covenants running with the land that are for the benefit of Beneficiary and WPNA, and create burdens on, the respective portions of the Restricted Property described above.
- Access will be prohibited from the Restricted Property (8601 Tuscany Way, Austin, TX 78754) to both Bosque Lane and Sansom Road, and Bosque Lane will never be extended through the Restricted Property.
- 3. The Restricted Property shall not be used for races, parties, shows, or festivals.
- 4. All sounds and/or volumes will be muffled or turned down as relating to the beeping on spotter tugs operating on this Restricted Property, if volume controls exist on the vehicles. This

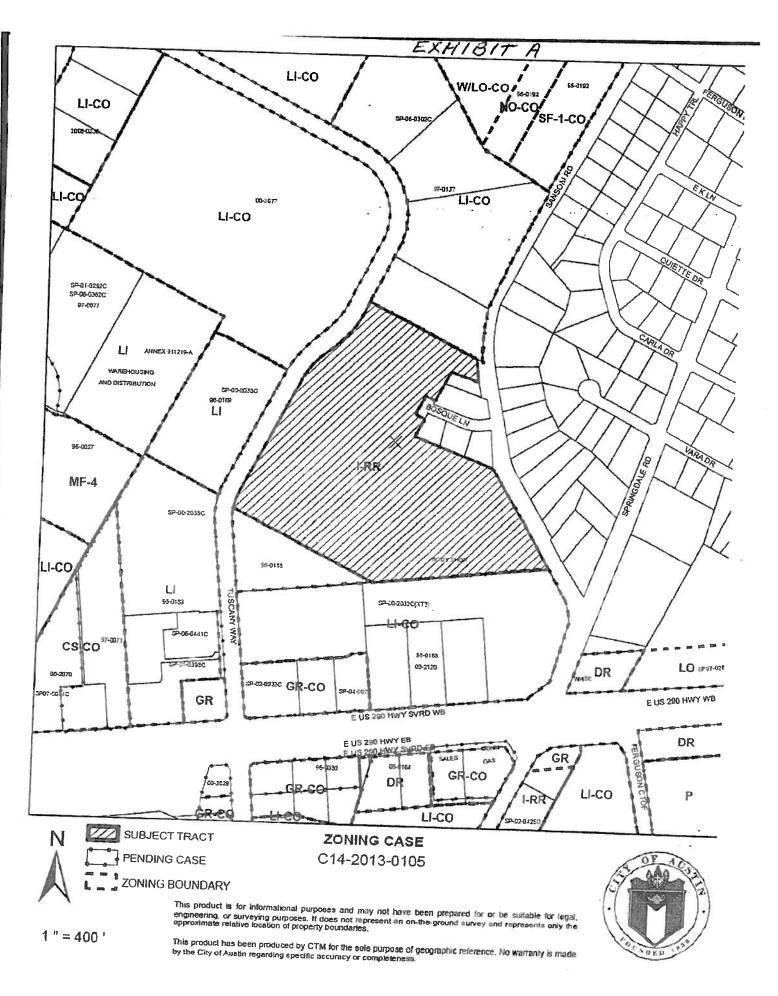
- provision will be made a part of all future leases on any part or all of the Restricted Property, and this provision shall be binding on all tenants and/or lessees of the Restricted Property.
- Signage reminding employees and truckers to be aware of and courteous to the adjacent neighborhood and to avoid slamming bay doors either open or closed, shall be prominently posted on the Restricted Property and maintained kept in good repair.
- 6. Leveling devices will be properly maintained in order to minimize the noise associated with their use, and all employees, contractors or agents will be trained and controlled users of the leveling devices. This requirement shall be made a part of all future leases on any part or all of the Restricted Property, and this provision shall be binding on all tenants and/or lessees of the Restricted Property.
- 7. Signage will be prominently posted and maintained in good repair reminding truckers and site employees of the adjacent neighborhood and encouraging them not to use the neighborhood sides of the building, if other options exist.
- 8. Signage will be prominently posted and maintained in good repair that reminds truckers that there is a nearby neighborhood and to be considerate by avoiding unnecessary honking at all times.
- Any modifications to existing buildings will include adding sound insulation, and ventilation systems will be constructed in such a manner so as not to be a noise pollutant to the neighborhood.
- 10. Unless there is a regulatory or legitimate safety reason which requires an audible warning device, outside phone ringers, bells, music, and PA systems will be prohibited on the Restricted Property. This requirement shall be made a part of all future leases on any part or all of the Restricted Property, and this provision shall be binding on all tenants and/or lessees of the Restricted Property.
- 11. Light from any proposed new light fixtures or reinstallations of existing light fixtures will be prohibited from being aimed toward the neighborhood. If reasonably requested by WPNA, existing lighting will be shielded.
- 12. Owner and any future owner of the Restricted Property will install and maintain in good repair, at his sole cost and expense, approximately 1,700 linear feet of six foot tall cedar privacy fencing around the entire perimeter of his Restricted Property that is adjacent to Sansom Road and adjacent to the homes on Bosque Lane (including around the Bosque Lane turn-around cul-desac), as shown on the sketch, attached as Exhibit B and incorporated herein for all purposes. Owner will work with adjacent residents on Bosque to coordinate construction of the fence. Signage will be prominently posted on the fence and maintained in good repair, reminding truckers and site employees of the residences directly on the other side of the fence and encouraging them not to park trailers in that area.
- 13. All future tenants, occupants, or owners and any employees, contractors, or agents of all future tenants, occupants, or owners of the Restricted Property will be required to abide by and conform to these Restrictive Covenants. Owner agrees to furnish to WPNA names and

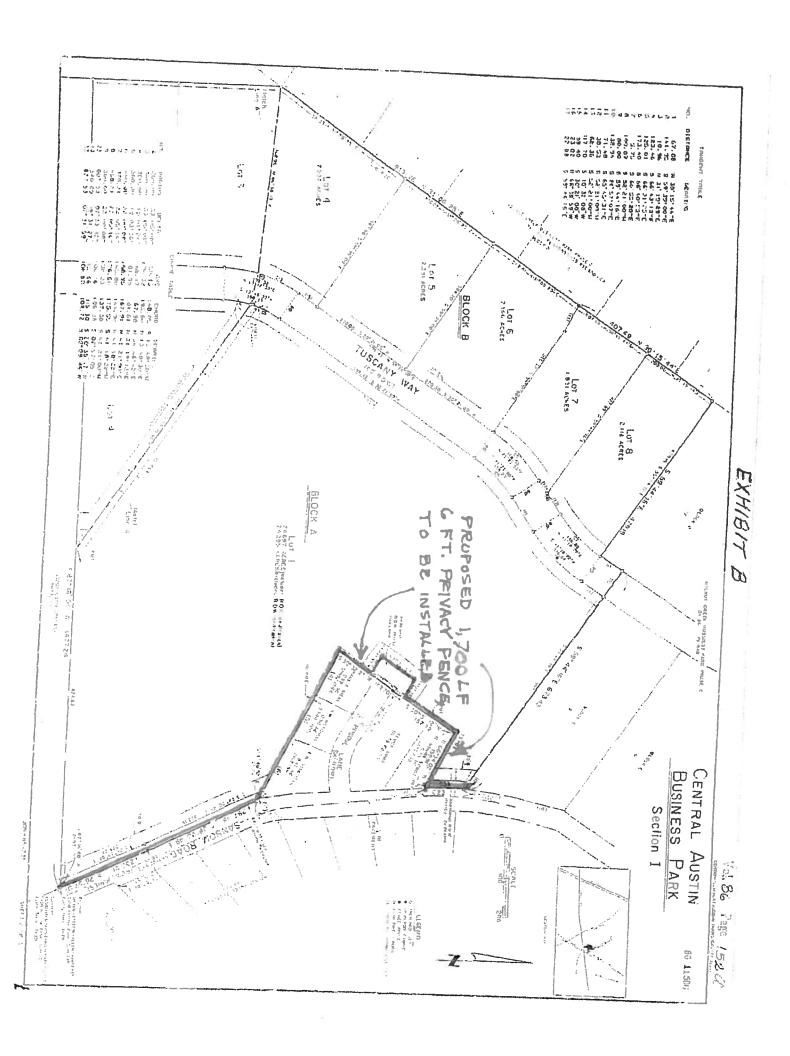
telephone numbers of daytime and nighttime site managers of any and all companies operating on the Restricted Property and keep this information updated as necessary.

- 14. These Restrictive Covenants are being executed in connection with the pending approval of the rezoning of the Restricted Property by the Austin City Council, zoning case number C14-2013-0105 ("Zoning Request"). As such, these Restrictive Covenants shall only be effective and may only be filed in the records of Travis County, Texas after all of the zoning matters in the Zoning Request are granted.
- 15. If any person or entity shall violate or attempt to violate these Restrictive Covenants, any Beneficiary, WPNA, or its successor organization, will have standing and may pursue legal proceedings in law or in equity against such person or entity violating or attempting to violate these Restrictive Covenants.
- 16. The parties agree that if either party has to institute legal proceedings to enforce its rights hereunder, then the prevailing party is entitled to recover reasonable legal fees and court costs upon final determination by a court of competent jurisdiction from the non-prevailing party.
- 17. If any part of the Restrictive Covenants are declared invalid or void, by judgment or court order, the same shall in no way affect any of the other provisions of these Restrictive Covenants, and such remaining provisions of these Restrictive covenants shall remain in full force and effect.
- 18. The Restrictive Covenants may only be modified, amended or terminated by joint action of the WPNA or such other committee or successor organization, sixty-seven percent of the Beneficiaries and Owner.
- 19. These Restrictive Covenants are a private agreement among the parties hereto and no third party beneficiaries are intended. No third party, other than Beneficiary, successors or assigns of WPNA or Owner may enforce these Restrictive Covenants.

IN WITNESS WHEREOF, Owner and WI	PNA have executed these restrictive Covenants as of
	, 2013.
OWNER	WPNA
	Walnut Place Neighborhood Association
	_
Lance Farrell, President	Ву:

Austin Shared Logistics, LLC	Name:
	Title:
BENEFICIARY:	
Tract1:	
Tract 2:	
Tract 3:	





Staff is recommending LI-CO zoning, with the following conditions (I've added some comments in *blue italics* to clarify.) FYI, some of these items may need to be placed in a separate Restrictive Covenant tied to the zoning ordinance—it's just a procedural/legal thing.

- 1. No vehicular access to Sansom Road or Bosque Lane. (This means car/trucks—City Council typically will not prohibit bicycle or pedestrian access. We cannot address the issue of any future extension of Bosque Lane in the zoning ordinance because it is a subdivision issue, not a zoning issue. Please note that the property is currently a single lot and Bosque Lane is not platted; if anyone ever proposed resubdividing the property, it would require City review/approval.)
- 2. Development on the property shall be limited to no more than 2,000 vehicular trips per day.
- 3. Any new development/redevelopment of the property will trigger the following requirements:
 - Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent residential property.
 - b. No outdoor amplified sound shall be permitted on the property, including public address or intercom systems.
 - c. A person constructing a building shall screen each area on a property that is used for a following activity from the view of adjacent residential property:
 - i. off-street parking;
 - ii. the placement of mechanical equipment;
 - iii. storage; or
 - iv. refuse collection.
- 4. The following land uses shall be prohibited:
 - a. Automotive Repair Services
 - b. Automotive Washing (Of Any Type)
 - c. Restaurant (Limited)
 - d. Restaurant (General)
 - e. Scrap and Salvage
 - f. Campground
 - g. Service Station
 - h. Equipment Repair Services

- i. Exterminating Services
- j. Vehicle Storage
- k. General Retail Sales (Convenience)
- I. General Retail Sales (General)
- m. Basic Industry
- n. Resource Extraction
- o. Hotel-Motel
- p. Railroad Facilities
- q. Kennels
- r. Congregate Living
- s. Residential Treatment
- t. Transitional Housing
- u. Outdoor Entertainment
- v. Outdoor Sports and Recreation

I hope this is helpful. Please call/write with any questions, and I'd appreciate any feedback from your neighborhood meeting.

Heather Chaffin, AICP

Senior Planner -- Zoning Review Division

Planning and Development Review Department

City of Austin

505 Barton Springs Road

Austin, Texas 78704

T: 512.974.2122

F: 512.974.6054

heather.chaffin@austintexas.gov

www.cityofaustin.org