ZONING CHANGE AND RESTRICTIVE COVENANT TERMINATION REVIEW SHEET

CASES: C14-2017-0030 & C14-86-141(RCT) – McComb Commercial

P.C. DATE: June 13, 2017

ADDRESS: 8008 Burleson Road

DISTRICT AREA: 2

OWNERS/APPLICANTS: Jim and Shirlene McComb

AGENT: Thrower Design (Ron Thrower)

ZONING FROM: DR-NP; W/LO-NP; IP-CO-NP **TO:** CS-NP **AREA:** 14.145 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to 1) grant general commercial services – conditional overlay – neighborhood plan (CS-CO-NP) combining district zoning, with the Conditional Overlay to prohibit the following uses: Agricultural Sales and Services; Building Maintenance Services; Equipment Repair Services; Equipment Sales; Kennels; Laundry Services; Transportation Terminal, and Vehicle Storage; and 2) to terminate the Restrictive Covenant.

PLANNING COMMISSION RECOMMENDATION:

June 13, 2017: *APPROVED CS-CO-NP DISTRICT ZONING AND A TERMINATION OF THE RESTRICTIVE COVENANT AS STAFF RECOMMENDED, BY CONSENT*
[J. SCHISSLER; J. SHIEH – 2ND] (12-0) A. DE HOYOS HART – ABSENT

ISSUES:

The Southeast Combined Neighborhood Planning Contact Team supports the requested FLUM amendment from Warehouse/Limited Office to Commercial and the associated rezoning to CS-NP.

The Applicant does not agree with the Conditional Overlay prohibiting several intensive CS uses recommended by the Staff. All correspondence received is located at the back of the Staff packet.

DEPARTMENT COMMENTS:

The subject unplatted property contains a single-story office for a construction sales and services business and is zoned development reserve – neighborhood plan (DR-NP) district, warehouse/limited office – neighborhood plan (W/LO-NP) district, and industrial park – conditional overlay – neighborhood plan (IP-CO-NP) district. On the IP-CO-NP zoned tract, the CO establishes a 50-foot wide setback on both sides prohibiting any development, with

certain exceptions. The property is also entirely within the Airport Overlay Zone – 3, also known as the ½ mile buffer zone) which does not allow for any new residential development to occur outside of recorded final plats, municipal utility district boundaries or neighborhood plan combining district boundaries.

The Applicant is requesting rezoning to the general commercial services – neighborhood plan (CS-NP) district and a termination of the Restrictive Covenant that accompanied the rezoning ordinance approved by Council in May 1987. The proposed use is construction sales and services, which has also occurred on this property in the past.

The Staff supports the Applicant's request to change the base district to allow for commercial uses that support the Austin Bergstrom International Airport. However, given that the subject property is adjacent to residential uses (CS-MU-CO-NP), including single family residences, two-family residences, and low-density multi-family residences, Staff recommends a Conditional Overlay to prohibit the more intensive commercial uses with significant truck-generation, as listed below:

Agricultural Sales and Services
Equipment Repair Services
Kennels
Transportation Terminal
Building Maintenance Services
Equipment Sales
Laundry Services
Vehicle Storage

In addition, the provisions of the 1987 Restrictive Covenant are no longer appropriate or applicable. The residential neighborhood on Norwood Lane now has commercial base district zoning due to its location within the AO-3 zone, compatibility standards apply to adjacent properties zoned or used for single family residences, two-family residences and townhouse/condominiums with 10 or fewer units on a single site, and stricter watershed regulations apply than in 1987 or as recently as 2003 with the adoption of the Headwaters Protection Ordinance.

In conclusion, Staff supports CS-CO-NP zoning and a termination of the Restrictive Covenant in the context of its proximity to a highway and major arterial roadway, location within the Airport Overlay Zone, its compatibility with the surrounding commercial zoning established by the Southeast Neighborhood Plan, with the exception of intensive, truck-generating, commercial uses.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	DR-NP; W/LO-NP; IP-CO-NP	Office for a construction sales and services use
North	CS-CO-NP; IP-CO-NP	Undeveloped
South	LI-CO	Undeveloped
East	CS-MU-CO-NP	Undeveloped; Single family residences; Manufactured homes; Multi-family residences; Mobile food vending;

		Automobile sales
West	IP-CO-NP	Office-warehouse; Undeveloped

NEIGHBORHOOD PLAN AREA: Southeast Combined (Southeast) **TIA:** Is not required

WATERSHED: Onion Creek **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** Yes

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
634 – Montopolis Area Neighborhood Alliance 774 – Del Valle Independent School District
1005 – Elroy Preservation Association
1195 – Imperial Valley Neighborhood Association
1228 – Sierra Club, Austin Regional Group 1258 – Del Valle Community Coalition
1316 – Southeast Combined Neighborhood Plan Contact Team
1340 – Austin Heritage Tree Foundation 1363 – SEL Texas
1408 – Go! Austin/Vamos! Austin - Dove Springs
1438 – Dove Springs Neighborhood Association 1441 – Dove Springs Proud
1530 – Friends of Austin Neighborhoods 1550 – Homeless Neighborhood Association
1578 – South Park Neighbors

SCHOOLS:

The subject property is within the Del Valle Independent School District.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2016-0111 – Burleson – 8219 Burleson Rd	LI-CO to LI-CO to remove the 2,000 vehicle trips/day limit and replace it with conditions of a Traffic Impact Analysis	To Grant an Indefinite PP request by Staff (4-18-2017)	Not yet scheduled
C14-2016-0015 – Burleson – 8219 Burleson Rd	I-RR to LI	To Grant LI-CO w/CO to prohibit basic industry, resource extraction, and scrap and salvage and limit vehicle trips to 2,000 per day	Apvd as Commission recommended (6-16-2016).

C14-2007-0152 – Felter Investments – 7910 Burleson Rd	RR-CO-NP; IP-NP; IP-CO-NP to RR-CO-NP for Tract 1 and LI-CO-NP for Tract 2	To Grant RR-CO-NP for Tract 1 and LI-CO-NP for Tract 2 w/CO for a 50' setback on either side of the centerline of an open waterway and 2,000 trips/day	Apvd as Commission recommended (12-13-2007).
C14-03-0039 – Southeast Combined Creek Setback – Northeast of Burleson Rd, Southeast of McCall Lane and West of U.S. 183 – City-Initiated	RR-NP; CS-NP; IP-NP; LI-NP; LI-CO-NP to RR-CO-NP; CS-CO-NP; IP-CO-NP; LI-CO-NP, to establish a setback that prohibits development for 50' in both directions from the centerline of an open waterway, with certain exceptions	To Grant as requested	Apvd (6-12-03).
C14-03-0013 – Blue Bonnet Gardens, Southeast side of Norwood Ln – City-Initiated	SF-2-NP to CS-MU-CO-NP	To Grant CS-MU-CO-NP w/the CO prohibiting intensive CS uses and residential uses except the existing single family residences	Apvd CS-MU-CO-NP as Commission recommended (4-24-2003).
C14-03-0012 – Blue Bonnet Gardens, Northwest side of Norwood Lane – City-Initiated	SF-2-NP to CS-MU-CO-NP for Tracts 1 and 2, and CS-NP for Tract 2	To Grant CS-MU-CO-NP w/the CO prohibiting intensive CS uses and residential uses except the existing single family residences for Tracts 1 and 2, and CS-NP for Tract 3	Apvd CS-MU-CO-NP and CS-NP as Commission recommended (4-24-2003).
C14-99-0014 – Countryside Exxon – 4718 U.S. Hwy 183 S	I-RR; DR to CS-1	To Grant GR-CO w/the CO for 2,000 trips	Apvd GR-CO as Commission recommended (4-15-1999).
C14-94-0024 –	IP to LI	To Grant LI-CO,	Apvd LI-CO w/ the

Araclean Services, Inc.-Bldg II Rezoning – 7910 Burleson Rd		subject to an Integrated Pest Management Plan	CO prohibiting restaurants and food sales, and limiting the F.A.R. of financial services to 0.287 to 1 (3-24-1994).

RELATED CASES:

The property was annexed into the full-purpose City limits on December 31, 1985 (C7a-85-023 – Ordinance No. 851219-G).

On May 14, 1987, Council approved IP zoning for the west portion of the property, and W/LO for the eastern portion which includes Burleson Road frontage. As a means of providing compatibility with the residences on Norwood Lane, a 25-foot wide strip of DR zoning was maintained along the east property line. A Restrictive Covenant accompanied the zoning case and established the following four provisions: 1) designation of a contact person for the neighborhood association during site construction, 2) prohibit access to Norwood Lane as long as it remains zoned for residential use, 3) maintain DR zoning on the east side of the tract and 4) zone any land determined to be in the 100-year floodplain to the rural residence (RR) district if a Waterway Development Permit precludes alteration or fill which would remove the land from the flood plain (C14-86-141). Please refer to Exhibit B.

The subject property is within the boundaries of the Southeast Combined (Southeast) Neighborhood Planning Area and is designated as Warehouse / Limited Office on the adopted Future Land Use Map (NP-02-0014). The –NP combining district was appended to the existing base districts (C14-02-0128 – Ordinance No. 021010-12c). A FLUM Amendment to Commercial is also in process (NPA-2017-0014.01 – 8008 Burleson Road FLUM Amendment).

As part of the Southeast Combined Planning Area rezonings, Council also directed Staff to initiate a rezoning to add a Conditional Overlay (CO) for the purpose of providing unclassified waterways with a higher level of protection. The Conditional Overlay was applied to all similarly situated properties in the Southeast area that are in close proximity to an unclassified waterway. At the time, in suburban watersheds such as Carson Creek, Onion Creek and Slaughter Creek, an unclassified waterway was defined as having a drainage basin of less than 320 acres. The Conditional Overlay applies to waterways with an upstream drainage area of 64 acres or greater existing on October 10, 2002 and establishes a setback that prohibits development for 50 feet in both directions from the centerline of an open waterway. Exceptions to the no-development stipulation are: a) utility crossings, b) hike and bike trails, c) driveway crossings, and d) roadway crossings. On June 12, 2003, this -CO was added to the IP-NP tract (C14-03-0039 - Southeast Combined Creek Setback-Northeast of Burleson Rd., Southeast of McCall).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Burleson Road	110 feet	63 feet	Arterial	Yes, one side	Yes, bike lane	No

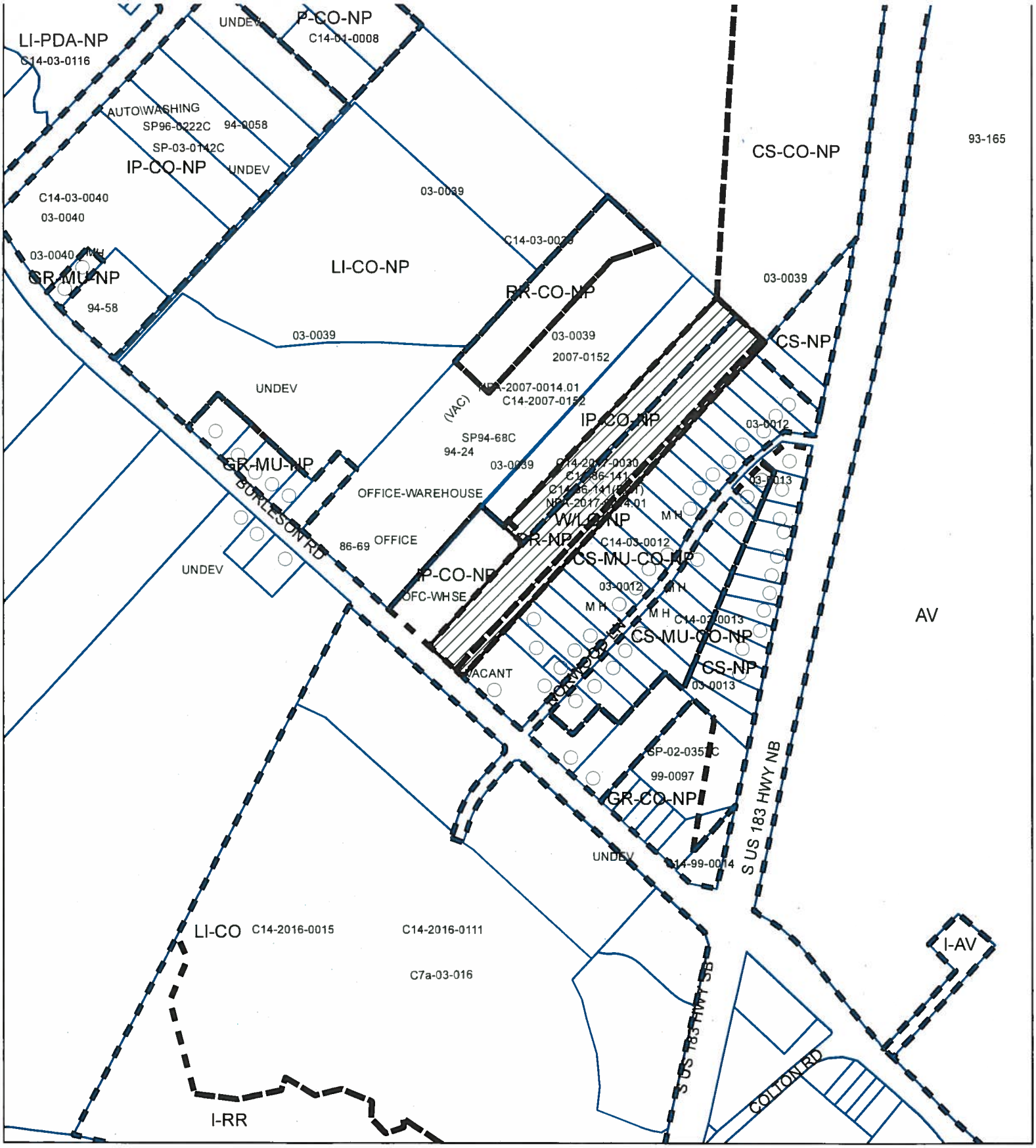
According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for Burleson Road.

CITY COUNCIL DATE: August 3, 2017 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades **PHONE:** 512-974-7719
e-mail: wendy.rhoades@austintexas.gov



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 585 '

ZONING

Zoning Case: C14-2017-0030

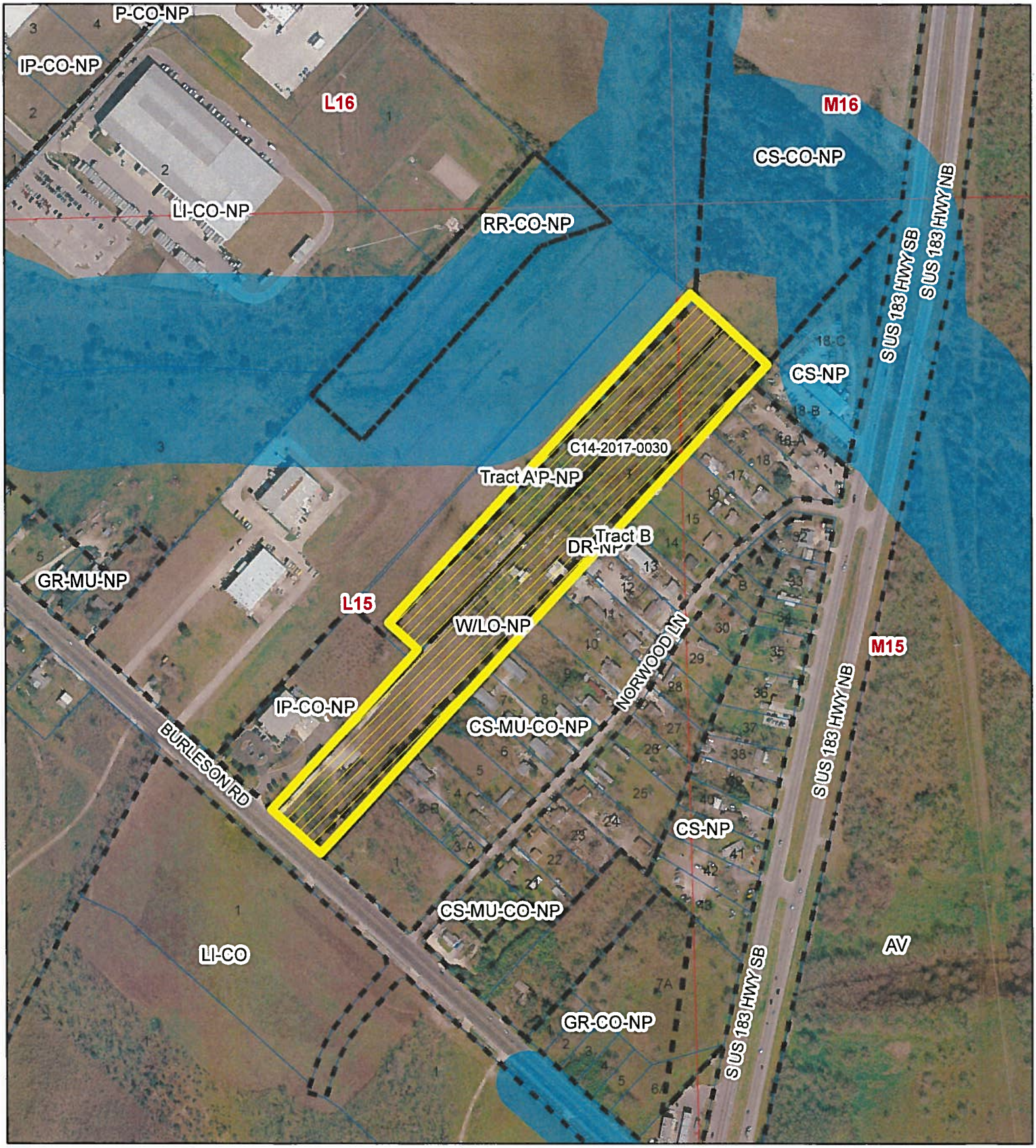
Restrictive Covenant Termination case: C14-86-141(RCT)

Exhibit A

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.

CITY OF AUSTIN FOUNDED 1839



N

1" = 400'

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CREEK BUFFER

McCOMBS COMMERCIAL - ZONING

Exhibit A-1

ZONING CASE#: C14-2017-0030
LOCATION: 8008 BURLESON ROAD
SUBJECT AREA: 14.15 ACRES
GRID: L15
MANAGER: WENDY RHOADES

CITY OF AUSTIN FOUNDED 1839

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

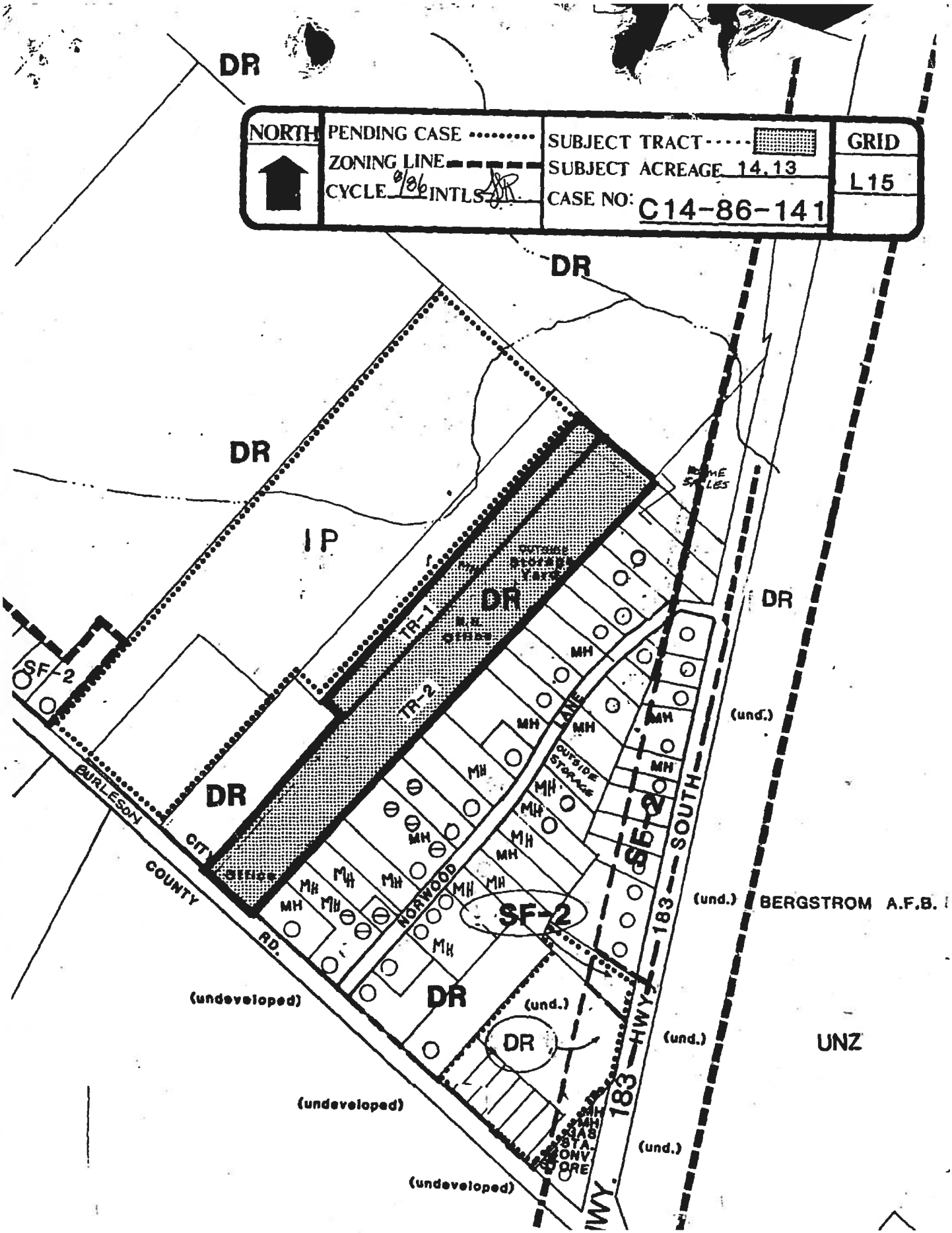


Exhibit B
1987 Zoning Ordinance +
Restrictive Covenant

CITY OF AUSTIN, TEXAS

RECEIVED

JUN 4 1987

LAND DEV. SERV.

ORDINANCE NO. 87 0514-I

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2A OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:
TRACT 1. 4.11 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, FROM "DR" DEVELOPMENT RESERVE TO "IP" INDUSTRIAL PARK; AND,
TRACT 2. 8.81 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, FROM "DR" DEVELOPMENT RESERVE TO "W/LO" WAREHOUSE/LIMITED OFFICE, LOCALLY KNOWN AS 8008 BURLESON ROAD, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. CHAPTER 13-2A of the Austin City Code of 1981 is hereby amended to change the base zoning district on the property described in File C14-86-141, to-wit:

Tract 1. From "DR" Development Reserve to "IP" Industrial Park.

All that certain parcel or tract of land being 4.11 acres out of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, being described as a 4.1 acre tract in a partition correction deed from Lillian Waters Hamman et al to Jack L. Waters, dated September 22, 1964 as recorded in Volume 2838, Page 583 of the Travis County Deed Records, said 4.11 acre tract being more particularly described by metes and bounds in Exhibit "A", attached hereto and incorporated herein for all purposes; and,

TRACT 2. From "DR" Development Reserve to "W/LO" Warehouse/Limited Office.

All that certain parcel or tract of land being 8.81 acres out of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, said tract being a portion of a 10 acre tract described in a deed from B. M. Waters to Jack L. Waters dated May 24, 1948 and recorded in Volume 909, Page 313 of the Travis County Deed Records, said 8.81 acre tract being more particularly described by metes and bounds in Exhibit "B", attached hereto and incorporated herein for all purposes,

locally known as 8008 Burleson Road in the City of Austin, Travis County, Texas.

R.C.

Posted 6/18/87

86-141

PART 2. It is hereby ordered that the Zoning Map accompanying Chapter 13-2A of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

PART 3. The requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three (3) separate days shall be waived by the affirmative vote of five (5) members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 4. This ordinance shall be effective ten (10) days following the date of its final passage.

PASSED AND APPROVED

May 14, 1987

§
§
§
§

Frank C. Cooksey
Mayor

APPROVED

Barney L. Knight
City Attorney

ATTEST:

James E. Aldridge
City Clerk

SJS:saf
86-141/2

PD111F8

11.00

Zoning Case No. C14-86-141

RESTRICTIVE COVENANT

4 28 0174

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS §

WHEREAS, James W. Akin, of Travis County, Texas, is the owner of the following described property:

> All that certain tract, piece or parcel of land, lying and being situated in the County of Travis, State of Texas, described in Exhibit "A" attached hereto and made a part hereof for all purposes, to which reference is here made for a more particular description of said property; and,

WHEREAS, the City of Austin, Texas, and the owner of the property have agreed that the property should be impressed with certain covenants and restrictions running with the land, and desire to set forth such agreement in writing;

NOW, THEREFORE, in consideration of One and No/100 Dollars ($1.00) and other good and valuable consideration paid by the City of Austin in hand to the owner, the receipt and sufficiency of which is acknowledged, the owner does hereby impress upon the property the following covenants and conditions which shall be considered to be covenants running with the land and which shall be binding on the owner, his heirs, personal representatives, successors and assigns, as follows:

1. James W. Akin or his agent will identify a contact person for the neighborhood association during construction on the site; and,

2. There shall be no access through Bluebonnet Gardens Subdivision to Norwood Lane as long as the west side of Norwood Lane remains zoned for residential use; and

3. A 25' strip of DR, Development Reserve, to remain on the east side of the tract and waiver of distance requirements of Compatibility

REAL PROPERTY RECORDS
Travis County, Texas

Standards by the neighborhood association from the 25' strip. Re-zoning of the 25' strip of DR zoning may occur at any time property on the west side of Norwood Lane is zoned non-residential.

4. Any land determined to be in the 100-year floodplain will be zoned RR if a Waterway Development Permit precludes alteration or fill which would remove the land from the floodplain.

If any person or entity shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law or in equity, against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.

If any part of this agreement or covenant shall be declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, then such remaining portion of this agreement shall remain in full effect.

If at any time the City of Austin, its successors or assigns, fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other government body as may succeed the City Council of the City of Austin; and, (b) by the owner(s) of the property at the time of such modification, amendment or termination.

EXECUTED this 27 day of April, 1987.

James W. Akin
JAMES W. AKIN, Owner

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on April 27, 1987, by James W. Akin.

Carol J. Baldwin
Notary Public, State of Texas
Print Name: Carol J. Baldwin
My Commission Expires: 1-1-88

(SEAL)

NOTARY SEAL

10416 0843

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

ALL THAT CERTAIN PARCEL OR TRACT OF LAND BEING 14.13 ACRES OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, SAID TRACT BEING COMPOSED OF A 10 ACRE TRACT DESCRIBED IN A DEED FROM B.M. WATERS TO JACK L. WATERS DATED MAY 24, 1948 AND RECORDED IN VOLUME 909, PAGE 313 OF THE TRAVIS COUNTY DEED RECORDS AND A 4.1 ACRE TRACT DESCRIBED IN A PARTITION CORRECTION DEED FROM LILLIAN WATERS HAMMAN ET. AL. TO JACK L. WATERS, DATED SEPTEMBER 22, 1964 AND RECORDED IN VOLUME 2838, PAGE 583 OF THE TRAVIS COUNTY DEED RECORDS, SAID 14.13 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pin found in the northeast R.O.W. line of Burleson Road at the south corner of said 10 acre tract for the south corner and POINT OF BEGINNING hereof, said point being also the west corner of Blue Bonnet Gardens, a subdivision in Travis County, Texas of record in Plat Book 4, Page 261 of the Travis County Plat Records

THENCE with the northeast R.O.W. line of Burleson Road and southwest line of said 10 acre tract N43°49'W for a distance of 207.91 feet to an iron pipe found at the west corner of said 10 acre tract for the most southerly west corner hereof, said point being also the south corner of a 12.2 acre tract out of a 48.2 acre tract described in a deed to B.M. Waters of record in Volume 867, Page 74 of the Travis County Deed Records

THENCE with the northwest line of said 10 acre tract and southeast line of said 12.2 acre tract N47°04'E for a distance of 687.76 feet to an iron pipe found at the south corner of said 4.1 acre tract for an ell corner hereof

THENCE with the southwest line of said 4.1 acre tract N43°27'30"W for a distance of 125.53 feet to an iron pipe found at the west corner of said 4.1 acre tract for the most northerly west corner hereof

THENCE with the northwest line of said 4.1 acre tract N47°01'20"E for a distance of 1417.14 feet to an iron pipe found at the north corner of said 4.1 acre tract for the north corner hereof

THENCE with the northeast line of said 4.1 acre tract S43°39'06"E for a distance of 126.37 feet to an iron pipe found at the east corner of said 4.1 acre tract and north corner of said 10 acre tract for an angle point hereof

THENCE with the northeast line of said 10 acre tract S43°14'26"E for a distance of 207.32 feet to an iron pin found in or near the northwest line of Lot 20 of said subdivision at the east corner

10416 0844

of said 10 acre tract for the east corner hereof

THENCE with the southeast line of said 10 acre tract S47°01'W for a distance of 2103.23 feet to the POINT OF BEGINNING hereof and containing 14.13 acres of land, more or less.

AS SURVEYED BY:

RALPH HARRIS SURVEYOR, INC.
1406 HETHER ST.
AUSTIN, TEXAS 78704
DECEMBER 3, 1984

Michael Samford, R.P.S. #3693
13101.01

STATE OF TEXAS
MICHAEL SAMFORD
3693
REGISTERED
PUBLIC SURVEYOR

RECORDER'S MEMORANDUM:
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions, and changes were present at the time the instrument was filed and recorded.

STATE OF TEXAS — COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me; and was duly RECORDED, in the Volume and Page of the named RECORDS of Travis County, Texas, on

SEP 15 1987

COUNTY COURT OF TRAVIS COUNTY, TEXAS
COUNTY CLERK
TRAVIS COUNTY, TEXAS

FILED
1987 SEP 15 PM 3:12

COUNTY CLERK
TRAVIS COUNTY, TEXAS

AFTER RECORDING, PLEASE RETURN TO:
CITY OF AUSTIN
DEPT. OF LAW
P. O. BOX 1088
AUSTIN, TEXAS 78767-88

10416 0845

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to 1) grant general commercial services – conditional overlay – neighborhood plan (CS-CO-NP) combining district zoning, with the Conditional Overlay to prohibit the following uses: Agricultural Sales and Services; Building Maintenance Services; Equipment Repair Services; Equipment Sales; Kennels; Laundry Services; Transportation Terminal, and Vehicle Storage; and 2) to terminate the Restrictive Covenant.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

General commercial services (CS) district zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments. The NP, neighborhood plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan. The property is located in close proximity to U.S. Highway 183, a highway and Burleson Road is a major arterial.

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

Staff supports CS-CO-NP zoning and a termination of the Restrictive Covenant in the context of its proximity to a highway and major arterial roadway, location within the Airport Overlay Zone, its compatibility with the surrounding commercial zoning established by the Southeast Neighborhood Plan, with the exception of intensive, truck-generating, commercial uses.

EXISTING CONDITIONS

Site Characteristics

The subject property contains an office for a construction sales and services business, and the northeast portion is more heavily vegetated as it slopes towards Onion Creek.

Impervious Cover

The maximum impervious cover allowed by CS zoning district would be 80%, which is based on the more restrictive watershed regulations described below.

Drainage

The developer is required to submit a pre and post development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through

engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Onion Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development on this site will be subject to the following impervious cover limits:

Development Classification	*% of Gross Site Area*	*% of Gross 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%

According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.

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

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 512-974-1876. 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 requires water quality control with increased capture volume and control of the 2 year storm on site.

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

Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

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

Compatibility standards are triggered by the CS-MU-CO-NP zoned properties adjoining the subject tract to the southeast. These standards include height and setback provisions, and other design regulations as indicated in Article 10: Compatibility Standards in the City of Austin Land Development Code.

- No structure may be built within 25 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the triggering property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the triggering property line.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed within 50 feet of adjoining SF-4A or SF-2 zoned property.

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 140 feet of right-of-way for Burleson Road. If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of Burleson Road in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]. Additional right-of-way may be required at the time of subdivision and/or site plan.

Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

It does not appear that the IP-CO-NP tract has frontage to public right-of-way. If the requested zoning is granted, it is recommended that at the time of site plan a joint access be provided for tract with Burleson Road frontage.

A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

Water and Wastewater

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 Austin Water for compliance with City criteria and suitability for operation and maintenance. 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.

Thrower Design
510 S. Congress Avenue, Ste. 207
P. O. Box 41957
Austin, Texas 78704
(512) 476-4456

March 9, 2017

Mr. Greg Guernsey
Director
Planning and Zoning Department
City of Austin
PO Box 1088
Austin, Texas 78767

RE: 8008 Burleson Road - Applications
- Neighborhood Plan Amendment
- Rezoning
- Restrictive Covenant Termination

Dear Mr. Guernsey,

This firm represents the owner of the property for the above referenced address. The above referenced applications are being submitted concurrently. While the NPA application is out-of-cycle, a letter provided by the Southeast Combined Neighborhood Planning Contact Team supports the filing of the NPA application.

The subject area consists of two tracts of land that total 14.2 acres located near the northwest corner of Burleson Road and HWY 183, in the Southeast Planning Area of the Southeast Combined Neighborhood Plan. The proposed use is Construction Sales & Service (lumber yard) and Office. A FLUM amendment, rezoning, and RC termination are submitted to accomplish the proposed use.

The FLUM amendment from *Warehouse/Limited Office* to *Commercial* and a re-zoning from W/LO-NP, DR-NP and IP-CO-NP to CS-NP will allow for the proposed Construction Sales & Service use.

Additionally, both Tracts are jointly subject to a 1987 Restrictive Covenant that mandated protections of the residential properties to the east. Conditions in the area have changed over

time to the extent that the RC is no longer valid or necessary. Tract 2 is subject to conditions of a CO that were applied to several acres of land as a precursor to watershed regulations that have since been adopted. Current watershed regulations apply stronger protections than those stated in this CO. Therefore, the request is to terminate the 1987 RC and remove the CO that applies to Tract 2.

The requests made in the referenced applications should be supported because they are consistent and compatible with existing zoning and uses in the area and are supported by the Imagine Austin Comprehensive Plan and the South East Combined Neighborhood Plan goals and objectives that encourage commercial uses in close proximity to the airport and major transportation networks. With this, we respectfully request Staff support for the requested changes.

Should you have any questions or need additional information, please contact me at my office.

Sincerely,

A. Ron Thrower

A. Ron Thrower

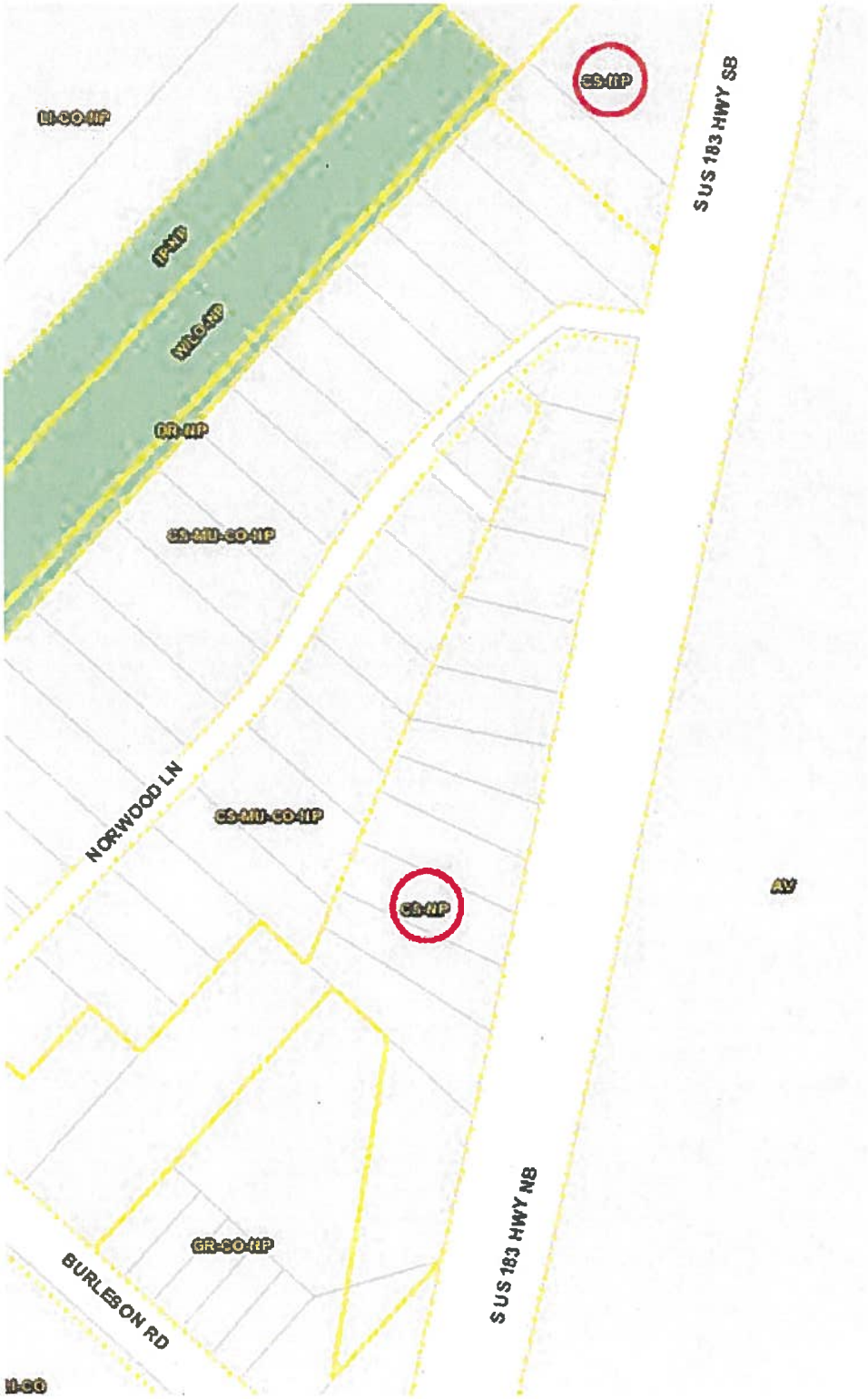
Rhoades, Wendy

From: Victoria [redacted]
Sent: Thursday, June 01, 2017 12:12 PM
To: Rhoades, Wendy
Cc: Ron Thrower
Subject: 8008 Burleson Road Rezoning

Good afternoon Wendy,

I need to touch base with you about this rezoning case in regards to Staff's desire to place a conditional overlay for prohibited uses.
It makes sense that the motivation for the CO is to protect the remaining single-family uses, of which there are not many. Considering that compatibility requirements offer a degree of protection to those remaining, we strongly encourage Staff to consider this area holistically and be mindful of the following:

1. The greater area has a significant amount of warehouse and commercial uses existing.
   There are many acres in the immediate and general area that are currently entitled with the full list of industrial and commercial uses. The most proximate example is the CS-NP zoning district immediately adjacent to the properties that front the eastern side of Norwood Lane, circled in red:



Other examples of CS zoning district adjacent to well established SF zoning districts:

Hwy 183 & Fairfield Area:

There are several examples along Burnet Road:

2. The area is slated for industrial and commercial uses that are appropriate for the proximity to the airport by the Neighborhood Plan.
   When I met with the Neighborhood Planning Contact Team, the members in attendance were very supportive and said that the request is in line with the plan and makes sense for this area. While members are aware of the few remaining single family residential uses on Norwood Lane, there was no mention of prohibiting certain uses with the zoning change. One individual spoke out saying that they believe this zoning change will only benefit the remaining residential land owners as this rezoning would increase the potential for a higher property value, especially at the time of sale. It was also noted that the appearance of the remaining residential homes suggests that the owners are likely in need of a maximum profit from land sale.

3. Residential is not a desired use here because of proximity to Airport.
   The City recognized the need to transition residential uses out of this area with the rezoning of the properties along Norwood Lane to CS base district zoning in 2003. The MU overlay was included to keep from creating legal, non-conforming uses for the remaining residential. The City's action to encourage commercial uses in this area is accompanied by the discouragement of residential uses.

The changes proposed with CodeNEXT are directing away from the application of COs. Conditional Overlays applied over several decades is one of the driving forces of the extremely complicated and cumbersome land development code that exists today. While we realize that changes to the land development code and policy are only a draft proposal at this time, we believe it is necessary to consider the major changes on the horizon and how those changes will dovetail with existing conditions under the current land development code. Noting these significant factors, it seems that a CO is not necessary and should be discouraged, especially in this instance. Therefore, we respectfully will not agreeable with the application of a conditional overlay with this rezoning as it will only prolong the symptoms that ail the City today in moving forward as a progressive, compact and connected community.

We are available should you have any questions. Please include this letter in the back-up materials for this rezoning case.

Kind regards,

Victoria Haase

Thrower Design

510 South Congress Avenue, Suite 207
Mail: P.O. Box 41957
Austin, Texas 78704
512-476-4456

May 14, 2017

Ms. Maureen Meredith
Case Manager
Planning and Zoning Department
City of Austin
PO Box 1088
Austin, Texas 78767

RE: Southeast Combined NPCT Letter of Support
8008 Burleson Road - NPA-2017-0014.01

Dear Ms. Meredith,

The Southeast Combined Neighborhood Planning Contact Team and local residents met on Monday, May 8, 2017 to discuss the Team's position for the Neighborhood Plan/FLUM amendment for the property and case referenced above.

With a quorum present, the proposed amendment of the FLUM from Warehouse/Limited Office to Commercial and the associated rezoning from DR-NP, W/LO-NP, and IP-NP to CS-NP was supported with a 5-0-2 vote; 5 ayes, 0 nays, 2 abstaining.

Should you have any questions or need additional information, please feel free to contact me at 512-708-0647. Thank you.

Sincerely,

Ana Aguirre, Chair
Southeast Combined Neighborhood Planning Contact Team

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-86-141(RCT)
Contact: Wendy Rhoades, 512-974-7719
Public Hearings: June 13, 2017, Planning Commission
August 03, 2017, City Council

Tom E. Sapp
Teri Johnson-Sapp
Your Name (please print)

☐ I am in favor
☒ I object

4600, 4604, 4512, 4510 Norwood
10 units (homes/duplexes) HAVE
Your address(es) affected by this application

Signature

6-9-2017
Date

Daytime Telephone: 512-263-3632

Comments: We totally object to Above Referenced Zoning and development plans in the above referenced case number. Our properties house over 30 Low Income, families, disabled, and elderly occupants for over 30yrs. (without ANY aid or help from the city or Any USA govt.) The drainage is deploreable already - several units have flooded - no curbs or gutters on Norwood so no where for it to go - (land is low & flat) Noise, Additional traffic & proposed density will have huge negative impact on all our properties.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-86-141(RCT)
Contact: Wendy Rhoades, 512-974-7719
Public Hearings: June 13, 2017, Planning Commission
August 03, 2017, City Council

Tom E. Sapp
Teri Johnson-Sapp
Your Name (please print)

☐ **I am in favor**
☐ **I object**

4600 4604 4510 4512
Norwood Lane
Your address(es) affected by this application

Signature — 6/9/2017 *Date*

Daytime Telephone: 512-263-3622

Comments: See Attached
(10 units - homes / duplexes)

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2017-0030
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: Jun 13, 2017, Planning Commission
Aug 3, 2017, City Council

Tom E. Sapp
Teri Johnson-Sapp
Your Name (please print)

☐ I am in favor
☑ I object

4600, 4604, 4512, 4510 Norwood
10 units - homes/duplexes LN, Aus 78744
Your address(es) affected by this application

Signature — 6-9-2017 *Date*

Daytime Telephone: 512-263-3622

Comments: We totally object to Above referenced zoning & development plans for above referenced Case#/track. Our properties house over 30 low income families, disabled, and elderly occupants. Additional traffic & increase density, noise and daily activity will have a big NEGATIVE impact on their daily lives and living conditions. The drainage is "DEPLORABE". Several units have flooded. There are no curbs or sewer/gutters so no where for water to go. This project will make it considerably worse and have a severe negative impact on Abutting properties on Norwood Lane.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2017-0030
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: Jun 13, 2017, Planning Commission
Aug 3, 2017, City Council

Your Name (please print)

☐ **I am in favor**
☐ **I object**

Your address(es) affected by this application 4600, 4604, 4512 AND 4510 Norwood LN.
10 units/homes/duplexes

Signature *Date*

Daytime Telephone:

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-86-141(RCT)
Contact: Wendy Rhoades, 512-974-7719
Public Hearings: June 13, 2017, Planning Commission
August 03, 2017, City Council

M. Isabel Rodriguez
Your Name (please print)

☐ **I am in favor**
☑ **I object**

4400 US Highway 183 S.
Your address(es) affected by this application

M Isabel Rodriguez — *Signature*

6/12/17 — *Date*

Daytime Telephone: 512-717-2336

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

To whom it may concern,

I am a resident at Nayoma Stark, 4401 Norwood Lane 78744.

I am against rezoning at 8008 Burleson Road and I do not feel that the rezoning will be an improvement in the quality of life for the residences of Bluebonnet Gardens nor I feel that the rezoning change will improve the quality of the community in this area. We are firmly against and object the rezoning of 8008 Burleson Road.

Sincerely,

Nayoma Stark

To whom it may concern,

I am a resident at Lillian Williams 4400 Norwood Lane 78744

I am against rezoning at 8008 Burleson Road and I do not feel that the rezoning will be an improvement in the quality of life for the residences of Bluebonnet Gardens nor I feel that the rezoning change will improve the quality of the community in this area. We are firmly against and object the rezoning of 8008 Burleson Road.

Sincerely,

Lillian Williams

To whom it may concern,

I am a resident at 4603 + 4605 Norwood.

I am against rezoning at 8008 Burleson Road and I do not feel that the rezoning will be an improvement in the quality of life for the residences of Bluebonnet Gardens nor I feel that the rezoning change will improve the quality of the community in this area. We are firmly against and object the rezoning of 8008 Burleson Road.

Sincerely,

Benni

To whom it may concern,

I am a resident at 4610 B NORWOOD LN.

I am against rezoning at 8008 Burleson Road and I do not feel that the rezoning will be an improvement in the quality of life for the residences of Bluebonnet Gardens nor I feel that the rezoning change will improve the quality of the community in this area. We are firmly against and object the rezoning of 8008 Burleson Road.

Sincerely,

HERBERT WILLIAMS