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ZONING CHANGE REVIEW SHEET**CASE:** C14-2008-0234 ZFB, Ltd. Rezoning**Z.A.P. DATE:** February 17, 2009

March 3, 2009

March 17, 2009

April 7, 2009

ADDRESS: 9710 & 9718 Anderson Mill Road**OWNER/APPLICANT:** Pohl Brown & Associates, Inc. (William Pohl)**AGENT:** Thrower Design (Ron Thrower)**ZONING FROM:** I-RR **TO:** CS-CO (Tract 1 – 5.76 acres)**ZONING AND PLATTING COMMISSION RECOMMENDATION:** 4/7/09 – Approved on consent (7-0).

SUMMARY STAFF RECOMMENDATION: Staff recommends the approval of CS-CO (Commercial Services-Conditional Overlay) district zoning for tract 1 with the following conditions: The permitted CS uses on tract 1 will be limited to Convenience Storage and all uses permitted in LO (Limited Office) district zoning that are also permitted in CS district zoning. A conditional overlay of a daily 2,000 vehicle trip limit would also apply across tract 1 and 2.

The staff recommendation provides the zoning that allows for the uses defined on the site plans in process while permitting any other development that has similar zoning characteristics of adjacent properties to the east and south. It is reasonable given its location on a 4 lane arterial roadway, and is adjacent to commercial and office uses and zoning.

The Austin Metropolitan Area Transportation Plan calls for 114 feet of right-of-way for Anderson Mill Rd. If the requested zoning is granted for this site, then 57 feet of right-of-way from the existing centerline should be dedicated for Anderson Mill Rd. according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]. The applicant and staff have agreed to postpone the dedication of right-of-way to the site planning stage.

CITY COUNCIL 1st READING: The public hearing was closed and the first reading of the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning with the following conditions was approved on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Council Member Cole was absent. The conditions were as follows: one story convenient storage as the only (CS) commercial services use, all other (LO) limited office type uses and a 2,000 trip limitation per day. The additional permitted uses were as follows: art gallery and software development. A right-of-way of 114 feet for Anderson Mill road if zoning is granted. Direction was given to staff to bring the item back for second and third readings on June 18, 2009. A friendly amendment was made by Council Member Morrison to add as additional conditional uses screening mechanical equipment on the roof and to have compatibility standard for screening and lighting. The friendly amendment was accepted by Council Member Leffingwell, the maker of the motion, and Council Member Shade, who seconded the motion.

ISSUES: The applicant has withdrawn tract 2 from consideration in order to further negotiations with the neighborhood and city staff. They will re-submit this tract at a later time

DEPARTMENT COMMENTS: This property was annexed into the full purpose jurisdiction of the city of Austin on December 31, 2008, under annexation case C7A-08-009, as shown in Exhibit J. A proposed site plan (SPC-2008-0090D) for a convenience storage use on tract 1 was filed more than 90 days before the annexation, thereby establishing a Continuation of Land Use pursuant to the Texas Local Government Code § 43.002:

(a) A municipality may not, after annexing an area, prohibit a person from:

- (1) continuing to use land in the area in the manner in which the land was being used on the date the annexation proceedings were instituted if the land use was legal at that time; or
- (2) beginning to use land in the area in the manner that was planned for the land before the 90th day before the effective date of the annexation if:
 - (A) one or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned land use; and
 - (B) a completed application for the initial authorization was filed with the governmental entity before the date the annexation proceedings were instituted.

Because the site plan was filed within the appropriate timeframe before annexation, the existing uses were determined on the property. The staff recommends the continuation of these uses under CS for tract 1. Staff further recommends CR zoning for tract 2 with a conditional overlay on both tracts that prohibits any uses allowed in these zoning districts other than the current established uses, and will permit uses allowed in the LO zoning district that are also permitted in CR district zoning (see below).

The permitted uses on tract 1 will include the Convenience Storage use in Commercial Services (CS) district zoning, and the following uses in Limited Office (LO) district zoning also allowed in CS zoning:

Bed & Breakfast (Group 1)
Bed & Breakfast (Group 2)
Administrative and Business Offices
Art Gallery
Art Workshop
Communications Services
Medical Offices (exceeding 5000 sq. ft.)
Medical Offices (not exceeding 5000 sq. ft.)
Professional Office
Software Development

The staff recommendation provides the zoning that allows for the uses defined on the site plans in process while permitting any other development that has similar zoning characteristics of adjacent properties to the east and south. It is reasonable given its location on a 4 lane arterial roadway, and is adjacent to commercial and office uses and zoning.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Convenience Storage, Undeveloped (Tract 1)
<i>North</i>	SF-2	Single Family
<i>South</i>	LO, LR-CO, SF-6	Office, Retail, Undeveloped, Condominiums
<i>East</i>	DR	Church, Undeveloped
<i>West</i>	LO-CO, GR	Funeral Home, Service Station, Shopping Center

NEIGHBORHOOD PLAN: N/A**TIA:** Waived**WATERSHED:** Lake Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

Ash Creek Homes, Inc.
 Acres West Homeowners Association
 Homebuilders Association of Greater Austin
 Bull Creek Foundation
 Community Arboretum Park Master Condominium Association
 Anderson Mill Neighborhood Association
 Long Canyon Homeowners Association
 2222 Coalition of Neighborhoods Association
 Austin Parks Foundation
 Long Canyon Phase II & I Homeowners Association;
 River Place Residential Community Association

SCHOOLS:

Hill Elementary School
 Murchison Middle School
 Anderson High School

CASE HISTORIES: Annexation

NUMBER	REQUEST	YEAR
C7A-84-021	Limited Annexation (1984)	1984
C7AD-89-043	Disannexation into 2-mile ETJ	1989
C7A-08-009	Full purpose annexation (2008)	2008

CASE HISTORIES: Zoning

NUMBER	REQUEST	CITY COUNCIL
C14-88-0095	DR to LR-CO, GR-CO	Approved GR-CO & LO-CO (7-0); 2 nd /3 rd Readings, 2/23/1989

BASIS FOR RECOMMENDATION

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

Because the site plan was filed within the appropriate timeframe before annexation, the existing uses were determined on the property. The staff recommends the continuation of these uses under CS for tract 1, as well as uses allowed under both CS and LO zoning. Staff further recommends CR zoning for tract 2 with a conditional overlay on both tracts that prohibits any uses allowed in these zoning districts other than the current established uses, and will permit LO uses allowed under both CR and LO zoning.

EXISTING CONDITIONS

ENVIRONMENTAL

The site is located over the North Edwards Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the Lake Creek Watershed, 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:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

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

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention. The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species in conjunction with subdivision and/or site plan process.

Water and Wastewater

If the landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

Stormwater Detention

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

TRANSPORTATION:

The Austin Metropolitan Area Transportation Plan calls for 114 feet of right-of-way for Anderson Mill Rd. If the requested zoning is granted for this site, then 57 feet of right-of-way from the existing centerline should be dedicated for Anderson Mill Rd. according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]. Currently, there is approximately 50 feet of right-of-way available. An additional 7 feet would be required from the subject parcel.

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]

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Anderson Mill Rd	100'	45'	Arterial	No	No	No

SITE PLAN

There is a site plan currently under review for this property (SP-2008-0090D) which provides for 4 buildings with approximately 87,150 square feet of storage use, along with associated parking and drainage facilities. The site plan was submitted in February of 2008 and is pending final approval. *Since the site plan was submitted prior to annexation date of 12/31/08, this use will be allowed once the site plan has been approved and released.* Because the site was in the ETJ at the time, the application of compatibility standards was not triggered.

Any new development not shown on the current site plan will be subject to compatibility and to Subchapter E. Design Standards and Mixed Use. Any new development is subject to compatibility standards: along the north property line, the following standards apply:

- No structure may be built 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 property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - No parking or driveways are allowed within 25 feet of the property line.
 - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

HYDROGEOLOGIST REVIEW

The lot boundaries do not match the proposed resubdivision lot boundaries presented in ZFB Resubdivision, C8-2008-0229.0A as shown in Exhibit I. The 2.075-acre lot should be reconfigured to match the lots of the resubdivision case.

There is a large Critical Environmental Feature (CEF), a sinkhole, located on Lot 1. A significant portion of the 2.075-acre lot is a buffer for this CEF. The maximum impervious cover allowed on the 2.075-acre lot for the requested zoning may not be achievable due to the CEF buffer. A conditional overlay should be required as part of the rezoning. The overlay should delineate the area of the CEF buffer and clarify the restrictions on development within this area. A Restrictive Covenant is currently under negotiation as part of Marquis Ranch Self Storage site plan application SP-2008-0090D. This Restrictive Covenant documents the specific water quality treatment and maintenance standards required to minimize water quality impacts to the Edwards Aquifer via runoff into the sinkhole.

There are three (3) sinkhole Critical Environmental Features (S-1, S-2 and S-3) located on the ZFB tract. The largest sinkhole, S-1, has a drainage area of 28.59 acres. The rim of the collapse sink has the approximate dimensions of 25 feet long by 20 feet wide and is 8 feet deep. A probable cave passage is located at the northeast end of the collapse sink. The passage is blocked by debris and has not been entered by applicant's consultant or by City of Austin staff. Therefore, the full extent of the cave underlying the collapse sink is unknown. Although a sinkhole buffer of 300 feet radius is allowed by the Land Development Code (25-8-281 (C)), WPDRD staff compromised with the applicant to reduce the buffer to 50 feet up to 250 feet. The Texas Commission on Environmental Quality (TCEQ) required that the buffer be a minimum of 75 feet in all directions. This 75 feet requires the removal of a fence recently constructed at the perimeter of an interior lot.

Sinkhole S-2 is located approximately 45 feet southwest of the edge of S-1. This smaller sinkhole has the approximate dimensions of 6 feet long by 1.5 feet wide by 4 feet deep. There are two openings in the subsurface, one is 2 feet wide by 3 feet long by 4 feet deep and the second is 2 feet in diameter by 4.5 feet deep. The drainage area to this sinkhole has not been delineated separately from the drainage area of S-1. S-2 probably connects to a cave system thought to underlie the site.

Sinkhole S-3 is located in the northeastern corner of the site. It developed along a fracture into two solution cavities. Collectively, the sinkhole measures approximately 10 feet long by 4 feet wide by 4.5 feet deep. The drainage area to this sinkhole is approximately 50 feet by 80 feet by 120 feet.

S-1 and S-2 will be located within a 2.089-acre Critical Environmental Feature (CEF) buffer area. A 0.433 acre buffer area is required S-3. These buffers are shown on the site plan for Marquis Ranch Self Storage but were not shown on the zoning application. A restrictive covenant was required as part of the site plan review for the Marquis Ranch Self Storage site plan due to the complexity of

discharging treated stormwater runoff into sinkholes S-1 and S-2 while trying to eliminate disturbance to the area adjacent to the sinkholes. The primary CEF protective measures of this restrictive covenant are:

- Installing and maintaining a chainlink protective fence at the outer perimeter of the CEF buffer to minimize disturbance other than water quality treatment;
- Installing and maintaining a chainlink protective fence at a distance of 50 feet radially from the edge of sinkholes S-1 and S-2 to limit disturbance to the native vegetation and to limit access;
- Removing organic debris (mulch, wood logs) and construction debris from the CEF buffer;
- Constructing, operating and maintaining a vegetative infiltration strip within the outer CEF buffer in order to provide additional treatment of stormwater discharged from the sedimentation/filtration basin.

Recommendations for the Conditional Overlay associated with the Zoning application

Identify the locations of sinkhole Critical Environmental Features S-1, S-2 and S-3 and their associated buffer areas. The locations of these features are shown in Exhibit A(1) and A(2). Metes and bounds descriptions for the 2.089 acre buffer for S-1 and S-2 are referenced as Exhibit "B" and metes and bounds descriptions for the 0.433 acre buffer of S-3 are referenced as Exhibit "C."

No construction or disturbance is allowed within the area within 50 feet of Critical Environmental Features S-1 and S-2. Metes and bounds descriptions for this 0.397 acre area are provided as Exhibit "F."

Allow only the construction, operation and maintenance of a vegetative infiltration strip within the outer Critical Environmental Feature buffer of S-1 and S-2, as shown in the shaded area displayed in Exhibit "D."

Restrict impervious cover to 65% (as proposed in SP-2008-0090D and allowed by ordinance).
Restrict land uses to those currently proposed in the site plan or existing. (storage units and boat storage and repair)

Apply all allowances, prohibitions and restrictions of the Restrictive Covenant for Lot 1 Block A of the ZFB Re-subdivision, Williamson County.

CITY COUNCIL DATE: May 14, 2009
June 11, 2009
June 18, 2009

ACTION:

ORDINANCE READINGS: 1st June 11, 20009 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Stephen Rye

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