

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0242 / Mueller Austin Energy Substation

P.C. DATE: October 13, 2009
September 22, 2009
August 11, 2009
May 12, 2009
March 24, 2009
February 24, 2009
February 10, 2009

ADDRESS: 2403 E 51st Street

OWNER: Austin Energy (Dorthy Kester), 512-505-7000

AGENT: Stanley Consultants, Inc. (Charles Steinman), 512-427-3600

ZONING FROM: GR-NP

TO: P-NP

SITE AREA: 4.426 acres (192,796.56 sq. ft.)

SUMMARY STAFF RECOMMENDATION: The staff recommendation is to grant the change from GR-NP (Community Commercial – Neighborhood Plan) district zoning to P-NP (Public – Neighborhood Plan) zoning district.

SUMMARY PLANNING COMMISSION RECOMMENDATION: On October 13, 2009 Planning Commission voted to DENY staff's recommendation for P-NP zoning, was approved by Commissioner Jay Reddy's motion, Commissioner Danette Chimenti second the motion on a vote of 5-1. Commissioner Clint Small voted against the motion (nay); Commissioners Sandra Kirk and Dave Anderson were absent, with 1 vacancy on the Commission.

* The Commission recommended and voted unanimously for City Council to forward this case to the Mueller Commission.

(This case was postponed by the Neighborhood and Applicant on February 12, 2009; by the Neighborhood on February 24, 2009; by the Applicant on March 24, 2009 and an indefinite postponement was granted by the request of the Applicant on May 12, 2009; by the Neighborhood on August 11, 2009 and continued by the Planning Commission on September 22, 2009 – the public hearing remained open).

UPDATE:

On March 25, 2010, the Austin City Council will hold a public hearing on the Memorandum of Understanding (MOU) between Parks and Recreation Department (PARD) and Austin Energy (AE) to locate the Substation on a section of the 18-hole Morris William Golf Course at 3851 Manor Road. One part of the MOU is that AE will transfer the subject rezoning area to PARD. The P-district zoning for this site will allow PARD to create a pocket park.

ISSUES:

At the Planning Commission meeting of September 22, 2009, there was some discussion as to whether part of the 4.42-acre tract could maintain the current zoning of GR-NP and also be developed with commercial uses. Although the substation will occupy less than 2 acres of the site, Austin Energy requests a buffer between the substation and any commercial uses. Although the specific location of the substation on this tract has yet to be resolved, site constraints include the 35' drainage easement, floodplain, and the restriction that no permanent structures can be constructed under the power lines of the substation. Additionally, if the substation is permitted to build on the alternate site to the south, Austin Energy's power lines will still cross the current site, and no permanent structures could be constructed under these power lines.

On May 12, 2009, Austin Energy requested an indefinite postponement. The purpose of the indefinite postponement request was to allow additional time to consider an alternate site, and for Austin Energy to continue to meet with the neighborhood and other stakeholders. An alternate site was proposed by Austin Energy, however, all stakeholders did not support this proposition, so the applicant is moving forward with the original location. This case was re-noticed.

Austin Energy met with the Windsor Park Contact Team on February 9, the Robert Mueller Municipal Airport Plan Implementation Advisory Committee on March 10, and with the Mueller New Construction Council Team on March 11.

DEPARTMENT COMMENTS: The 4.42-acre site is currently zoned GR-NP (Community Commercial – Neighborhood Plan) district and is located at the northeast corner of Old Manor Road and E 51st Street. The proposed development will have driveway access from both streets, to which both ingress and egress access will be taken. The site lies within the University Hills/Windsor Park Combined Neighborhood Plan and is surrounded by Private Secondary Educational Facilities to the north, Communication Services to the south and multifamily to the east and west.

The subject property is currently undeveloped. Austin Energy, the property owner, is requesting P-NP, Public-Neighborhood Plan zoning to build a 138 kV substation by the summer of 2011. This substation is necessary to serve the redevelopment of Mueller (which includes the Dell Children's Hospital, offices, retail, and residential) and to solve other reliability issues in the surrounding area. The proposed substation will serve load within the 720 acre Mueller Redevelopment and the surrounding residential Windsor Park area. The applicant states that there will be a 10' tall concrete masonry wall and landscaping around the substation. Less than two acres will be used for the substation and the remainder will be left in its natural state.

The staff recommendation is to approve the requested zoning change because the proposed substation is 1) considered a civic use, and will provide electric service to the Mueller redevelopment and to the surrounding residential area of Windsor Park; 2) access is taken to an arterial and a collector street; and 3) it is the City Council's general policy that all City-owned or leased land be zoned Public (P) district.

In the P zoning district, any use on a site larger than one acre requires a conditional use site plan. The purpose of this requirement is to establish site development regulations such as building height, scale, setbacks and drainage. It also allows public comment at a hearing to ensure compatibility in terms of access, traffic circulation, bulk, open space and landscaping.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-NP	Undeveloped
<i>North</i>	CS-V-CO-NP	Private Educational Facilities (Austin Peace Academy)
<i>South</i>	GO-NP / GO-MU-V-CO-NP	Detention pond / Communication Services (Trouble Maker Studio)
<i>East</i>	MF-3-NP	Multifamily – Apartments
<i>West</i>	LR-MU-V-NP	Multifamily – Apartments

NEIGHBORHOOD PLAN AREA: University Hills/Windsor Park Combined

TIA: A traffic impact analysis was not required for this case.

WATERSHED: Tannehill Branch

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Austin Parks Foundation
 PODER People Organized in Defense of Earth & Her Resources
 Anberly Airport Assn.
 League of Bicycling Voters
 Windsor Park Neighborhood Plan Contact Team
 University Hills/Windsor Park NPA Staff Liaison
 Mueller Property Owners Association
 Mueller Neighborhoods Coalition
 Mueller Community Association
 Mueller Master Community Inc
 Austin Neighborhoods Council
 Homeless Neighborhood Organization
 Home Builders Association of Greater Austin
 Keep the Land

SCHOOLS:

Blanton Elementary School

Pearce Middle School

Reagan High School

RELATED CASES:

The University Hills/Windsor Park Combined rezonings were approved on August 9, 2007. (C14-2007-0006).

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0044 – City Initiated for Multiple Tracts	The applicant is requesting Vertical Mixed Use Zoning.	4/9/2008 PC Apvd V (9-0); see PC minutes for additional details	5/27/2008 Apvd Ord. 20080522-041 for V excluding Tr 15-16, 26 (& 30); (7-0); 2nd/3rd rdgs
C14-2007-0070 - 4800 Manor Road	From PUD to GO-MU.	6/22/2007 PC APVD staff rec of GO-MU by consent (9-0)	Apvd Ord 20070621-133 for GR-MU (7-0); all 3 rdgs

C14-07-0003 – 4611 Manor Road	from PUD-NP to GR-MU-CO-NP	5/15/2007 PC APVD staff rec of GR-MU- CO-NP (8-0)	6/11/2007 Apvd Ord 20070524- 045 for GR-MU-CO-NP (6-0); all 3 rdgs
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ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Old Manor Rd	85'	25'	Collector	No	No	No
E 51 st St	80'	44'	Arterial	No	PR 1	Yes

CITY COUNCIL DATE:

March 12, 2009

ACTION:

This item was postponed to April 2, 2009 at the staff's request on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

April 2, 2009

This item was postponed to May 21, 2009 at the applicant's request on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

May 21, 2009

This item was postponed indefinitely on consent at the applicant's request on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)

September 24, 2009

This item was postponed on consent to October 22, 2009 at the staff's request on Council Member Shade's motion, Council Member Spelman's second on a 7-0 vote.

October 22, 2009

This item was postponed to November 19, 2009 at the neighborhood's request on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

November 19, 2009

This item was postponed on consent to December 17, 2009 at the applicant's request on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.



OPERATOR: S. MEEKS

ZONING CASE#: C14-2008-0242
ADDRESS: 2403 E 51ST ST
SUBJECT AREA: 4.426 ACRES
GRID: L25
MANAGER: J. HARDEN



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

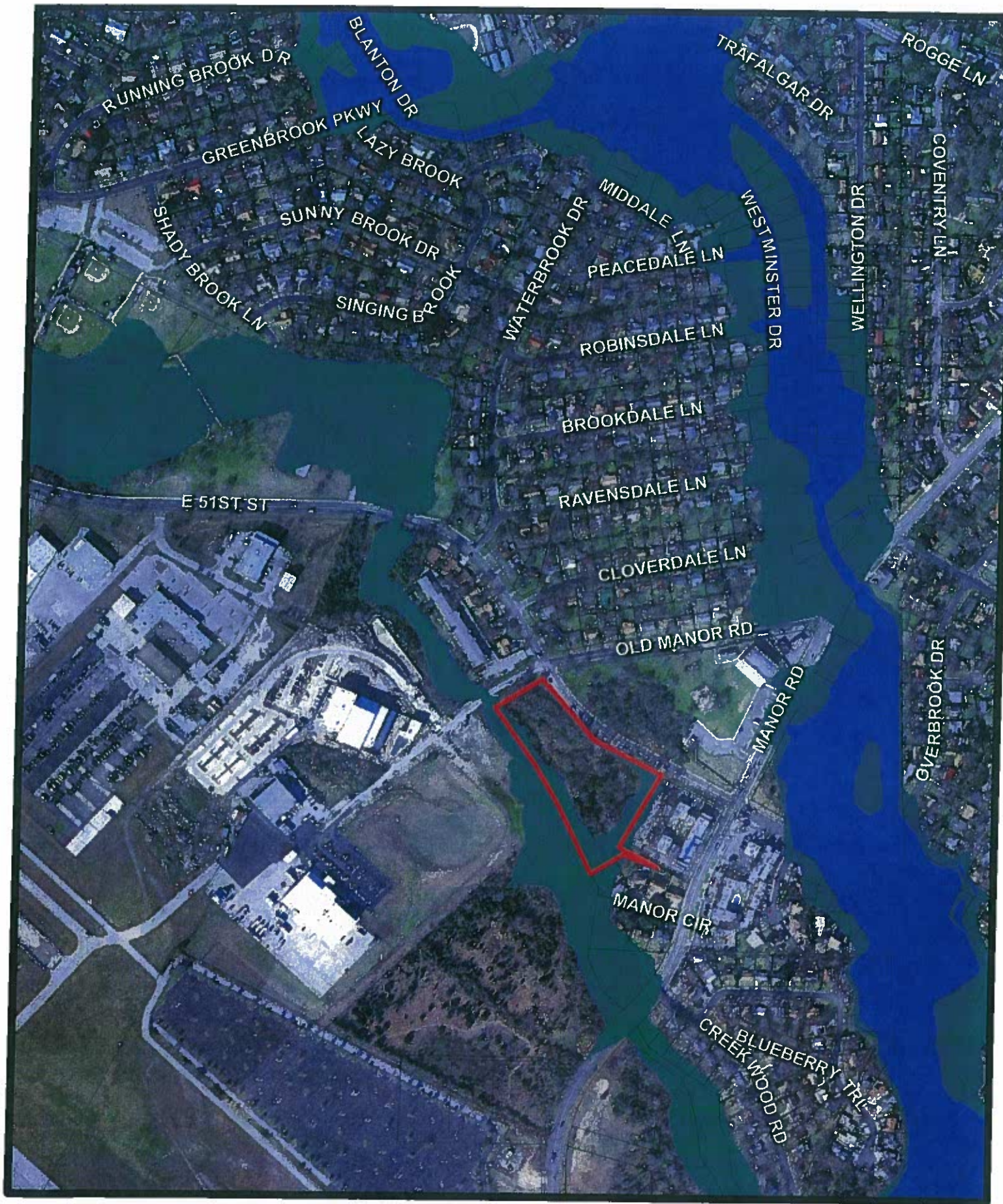


C14-2008-0242 2403 E. 51st ST.



**From Community Commercial - Neighborhood Plan (GR-NP)
to Public-Neighborhood Plan (P-NP) District Zoning**





C14-2008-0242 2403 E. 51st ST.

**From Community Commercial - Neighborhood Plan (GR-NP)
to Public-Neighborhood Plan (P-NP) District Zoning**

100 Year Flood Plain



December 17, 2009

This item was postponed on consent to January 28, 2010 at Austin Energy's request on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

January 28, 2010

This item was postponed on consent to March 25, 2010 at Austin Energy's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

March 25, 2010

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Joi Harden

PHONE: 974-2122

E-MAIL: joi.harden@ci.austin.tx.us;

SUMMARY STAFF RECOMMENDATION

The staff recommendation is to grant the change from GR-NP (Community Commercial – Neighborhood Plan) district zoning to P-NP (Public – Neighborhood Plan) zoning district.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

P- Public district is the designation for a governmental, civic, public service, or public institution use. A P zoning district designation may be applied to a use located on property used or reserved for a civic or public institutional purpose or for a major public facility, regardless of ownership of the land on which the use is located. The proposed Mueller Austin Energy substation is consistent with this purpose statement.

- 2. Zoning should be consistent with the proposed Future Land Use Map (FLUM) or adopted neighborhood plan.*

The property lies within the University Hills/Windsor Park Combined Neighborhood Plan adopted on August 9, 2007. The current land use on the Future Land Use Map (FLUM) shows the subject property is designated as “Utilities” which is for land used or dedicated for public or private utilities including pipelines, utility lines, water and wastewater facilities, substation and telephone facilities consistent with the proposed zoning request and development.

EXISTING CONDITIONS

Site Characteristics

The site is currently undeveloped and heavily wooded. The property slopes from 51st Street toward the rear of the property where there is a floodplain.

Impervious Cover

The maximum impervious cover allowed by the P zoning district is established by a conditional use site plan. The maximum impervious cover allowed by the GR zoning district is 90%.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill Branch Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is a flood plain within the project area.

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.

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

Transportation

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

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [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 his own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Site Plan Review

This site is over 1 acre. Any development of land on "P" public zoning over 1 acre requires a Conditional Use Permit. Once all site plan reviewers' comments are cleared, the site plan must then have a public hearing at Planning Commission, and can only be approved after Planning Commission approval.

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.