

SECOND/THIRD READINGS SUMMARY SHEET

CASE: C14-2019-0167 – 4530 E. Ben White Blvd

DISTRICT: 3

ADDRESS: 4530 East Ben White Blvd

SITE AREA: 12.44 acers

PROPERTY OWNER:

4530 East Ben White Associates LLC
(Trevor Belton)

AGENT:

Coats Rose (John Joseph)

CASE MANAGER: Kate Clark (512-974-1237, kate.clark@austintexas.gov)

REQUEST:

Approve Second and Third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 4530 E. Ben White Blvd. Applicant Request: To rezone from single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning and general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-conditional overlay- neighborhood plan (CS-CO-NP) combining district zoning, as amended.

PREVIOUS CITY COUNCIL ACTION:

July 30, 2020 Approved staff's recommendation of CS-CO-NP on the consent agenda for First Reading only. Vote: (11-0).

ISSUES:

No new issues at this time.

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0167 – 4530 E. Ben White Blvd

DISTRICT: 3

ZONING FROM: SF-2-NP and CS-CO-NP

TO: CS-CO-NP, as amended

ADDRESS: 4530 East Ben White Blvd

SITE AREA: 12.44 acres

PROPERTY OWNER:

4530 East Ben White Associates LLC
(Trevor Belton)

AGENT:

Coats Rose (John Joseph)

CASE MANAGER: Kate Clark (512-974-1237, kate.clark@austintexas.gov)

STAFF RECOMMENDATION:

On June 23, 2020, the applicant amended their rezoning request. Staff recommends approval of the applicant's request for general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. For a summary of the basis of staff's recommendation, see page 3.

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 12, 2020 **Approved staff's recommendation to deny rezoning request of CS-MU-CO-NP. Vote: (11-0). [A. Azhar, R. Schneider – 2nd; C. Llanes Pulido abstained and F. Kazi was off the dais].**

March 24, 2020 This meeting was canceled.

CITY COUNCIL ACTION:

March 4, 2021 **Scheduled for City Council**

July 30, 2020 Approved staff's recommendation of CS-CO-NP on the consent agenda for First Reading only. Vote: (11-0).

June 11, 2020 Approved applicant's postponement request to July 30, 2020 on the consent agenda. Vote: (11-0)

May 21, 2020 Approved applicant's postponement request to June 11, 2020 on the consent agenda. Vote: (11-0).

April 9, 2020 Approved staff's postponement request to May 21, 2020 on the consent agenda. Vote: (11-0).

ORDINANCE NUMBER:ISSUES

On June 23, 2020 the applicant requested to amend their rezoning request from CS-MU-CO-NP to CS-CO-NP. The amended request is to allow for some of the currently prohibited land uses to be permitted. The property is subject to a previous ordinance from 2000 (Ordinance No. 000511-67) which included 71 prohibited uses. The applicant and contact team have agreed to carry over the following existing prohibited uses with this rezoning case:

Agricultural Sales and Services
Automotive Rentals
Automotive Repair Services
Automotive Washing (of any type)
Building Maintenance Services

Campground

Club or Lodge

Commercial Off-Street Parking

Communication Service Facilities

Community Recreation (private)

Community Recreation (public)

Construction Sales and Service

Counseling Services

Custom Manufacturing

Drop-Off Recycling Collection Facility

Employee Recreation (non-profit)

Equipment Repair Services

Equipment Sales

Funeral Services

Indoor Entertainment

Indoor Sports and Recreation

Kennel

Local Utility Services

Maintenance and Service Facilities

Monument Retail Sales

Outdoor Entertainment

Outdoor Sports and Recreation

Pawn Shop Services

Pet Services

Residential Treatment

Scrap and Salvage

Theater

Transitional Housing

Transportation Terminal

Veterinary Services

If rezoning is approved, staff recommends the following uses be removed from this list for the following reasons:

- **Counseling Services:** is the use of a site for the provision of daytime counseling to neglected or abused children, 15 years of age or younger, or their managing conservators, who are referred by a governmental entity or other counseling service providers.
- **Employee Recreation (non-profit):** this use is not permitted in CS base zoning; staff does not recommend prohibiting a use that is not be allowed in the base district.
- **Local Utility Services:** this use cannot be prohibited or made conditional due to the potential to impede City's ability to place small utility poles and structures on property.
- **Scrap and Salvage:** this use is not permitted in CS base zoning; staff does not recommend prohibiting a use that is not be allowed in the base district.

The applicant and EROC plan contact team had agreed to a private agreement with the previous CS-MU-CO-NP rezoning request. Since amending the rezoning request the applicant has continued to communicate with the contact team. One of the agreements between the applicant and EROC plan contact team was for a dedicated easement along the western and northern boundaries of the property for a future trail. Access and trail easements cannot be included in a rezoning case as a part of a conditional overlay or within a public restrictive covenant. Therefore, the applicant has been working with the Parks and Recreation Department (PARD) staff on this matter through an independent process separate from the rezoning case.

For all communication received on this rezoning case see *Exhibit C: Correspondence Received*.

CASE MANAGER COMMENTS:

This property is located on the north side of E. Ben White Blvd along the westbound service road and not currently developed. It is approximately 12.44 acres in size and is primarily zoned CS-CO-NP with a small strip of SF-2-NP on the western and northern boundaries. Adjacent to the north is the Country Club Creek Greenbelt which is zoned SF-2-NP. Directly east of the property is a tract zoned GO-CO-NP which houses the Saint Peter Apostle Church and associated buildings. Directly south of the property is E. Ben White Blvd. and across the highway are tracts zoned P-NP and LI-NP. Adjacent to the west are properties zoned LO-CO-NP and SF-2-NP, both of which are undeveloped. Due to the existing greenbelt to the north and environmental features (floodplain and potential creek buffer) to the west, development on this property would have a natural buffer between it and the existing SF-2-NP zoned properties, see *Exhibit A: Zoning Map* and *Exhibit B: Aerial Map*.

BASIS OF RECOMMENDATION:

1. Zoning changes should promote compatibility with adjacent and nearby uses.

This property is in southeast Austin near a predominately industrial area. The applicant had originally requested CS-MU-CO-NP to allow for multifamily residential use. Scott Stookey from the Austin Fire Department (AFD) reviewed the site and its immediate surrounding area for hazardous materials. His assessment found hazardous materials on properties within 2,000 feet of the site. Two of the three risks met recommended distance separation. One of the risks (Anhydrous Chlorine) did not meet the separation distance. Due to the risk assessment report, it was determined that allowing multifamily housing on this site would not be compatible with existing land uses. AFD's comments and risk assessment are included within *Exhibit D: AFD Hazardous Materials Assessment*.

With the amended rezoning request, the applicant is no longer requesting residential uses be permitted on the property. Rezoning this property to allow for some of the less intense existing prohibited uses would provide flexibility on what can be built on site while still maintaining compatibility with the surrounding land uses.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	SF-2-NP and CS-CO-NP	Undeveloped
North	SF-2-NP	Country Club Creek Greenbelt
South	Unzoned	Right-of-way for E. Ben White Blvd
East	GO-CO-NP	Religious assembly
West	LO-CO-NP and SF-2-NP	Undeveloped

NEIGHBORHOOD PLANNING AREA: East Riverside/Oltorf Combined (Parker Lane)

TIA: is deferred until site plan submittal.

WATERSHED: Country Club West (Suburban)

OVERLAYS: Residential Design Standards and Scenic Roadways (SH 71).

SCHOOLS: Del Valle ISD - Smith Elementary, Ojeda Middle and Del Valle High Schools.

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District	Homeless Neighborhood Association
Austin Neighborhoods Council	Neighborhood Empowerment Foundation
Bike Austin	Onion Creek Homeowners Assoc.
Burleson Road Heights Neighborhood	Pleasant Valley
Crossing Gardenhome Owners Assn. (The)	Preservation Austin
Del Valle Community Coalition	SELTexas
Del Valle Independent School District	Sierra Club, Austin Regional Group
Dove Springs Proud	Southeast Austin Neighborhood Alliance
Friends of Austin Neighborhoods	Southeast Combined Neighborhood Plan
Go Austin! Vamos Austin! 78744	Sunridge Homeowners Assn.

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2016-0069 5016-1/2 E Ben White Blvd Service Road Westbound	CS-CO-NP and GR-CO-NP to CS-MU-CO-NP and GR-MU-CO-NP	Approved CS-CO-NP for Tract 1; CS-MU-CO-NP for Tract 2 and GR-MU-CO-NP for Tract 3 w/ additional conditions.	Approved CS-CO-NP for Tract 1; CS-MU-CO-NP for Tract 2 and GR-MU-CO-NP for Tract 3 as Commission recommended.

Number	Request	Commission	City Council
C14-2013-0106 5016-1/2 E Ben White Blvd Service Road Westbound	GR-NP to CS-CO-NP	Approved CS-CO-NP (Tract 1) and GR-CO-NP (Tract 2).	Approved CS-CO-NP (Tract 1) and GR-CO-NP (Tract 2) as Commission recommended.
C14-05-0111 4600, 4604 E. Ben White Blvd. (Tract 222) to amend Parker Lane NP combining district to add properties.	SF-2 to GO-CO-NP	Approved GO-CO-NP.	Approved GO-CO-NP as Commission recommended.
C14-97-0018 4818 E Ben White Blvd.	SF-2 and GR to GR-CO	Approved GR-CO.	Approved GR-CO as Commission recommended.

RELATED CASES:

C14-99-2108: rezoning from SF-2 to CS-CO. Conditional overly prohibited a set of land uses, limiting height of buildings to 636 feet above sea level and a maximum of 2,000 trips per day, Ordinance No. 000511-67.

East Riverside/Oltorf Combined Neighborhood Plan (Parker Lane Neighborhood Planning Area), NPA Ordinance No. 20061116-055, Rezoning Ordinance No. 20061116-056.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
E Ben White	360'	335' (Divided)	Level 5	yes	no	no

OTHER STAFF COMMENTS:**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Country Club West Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by

Chapter 25-8 of the City's Land Development Code (LDC). 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 Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
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 and/or redevelopment. At this time, site specific information is unavailable regarding 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 requires water quality control with increased capture volume and control of the 2-year storm on site.

Site Plan

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. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted. Additional design regulations will be enforced at the time a site plan is submitted.

Compatibility Standards

The site is subject to compatibility standards due to proximity and adjacency of SF-2-NP zoning to the west and north. The following standards apply:

- No structure may be built within 25 feet of the property line to west and north.
- 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 to the west and north.
- Landscaping or screening is required along the west and north property lines in accordance with the screening requirements (Section 25-2-1006 and ECM 2.9.1.), Parking Design Standards (Section 25-6-563) and/or Screening Standards (Section 25.2.1066) to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from property in an SF-5 or more restrictive zoning district.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

Scenic Roadways

A portion of this site is within the Scenic Roadway Sign District. All signs must comply with Scenic Roadway Sign District regulations. Contact Viktor Auzenne at (512) 974-2941 for more information.

Demolition and Historic Resources

The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Residential Design Standards Overlay

This site is within the Parker Lane Neighborhood Planning Area. The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

Transportation

At the time of submittal of any site plan on the Property, a traffic impact analysis (TIA) is required if the proposed development or uses on the Property, considered cumulatively with all existing or previously authorized development and uses, generates traffic that exceeds 2,000 trips per day.

Austin Water Utility

The landowner intends to serve the site with City of Austin water utilities and an On-Site Sewage Facility. 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.

City wastewater service is not currently available to serve this tract. If service is desired, a Service Extension Request (SER) will need to be approved. For more information pertaining to the SER process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7th floor, phone 512-972-0211. Austin Water reserves the right to make additional comments and to establish other requirements with the SER review.

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.

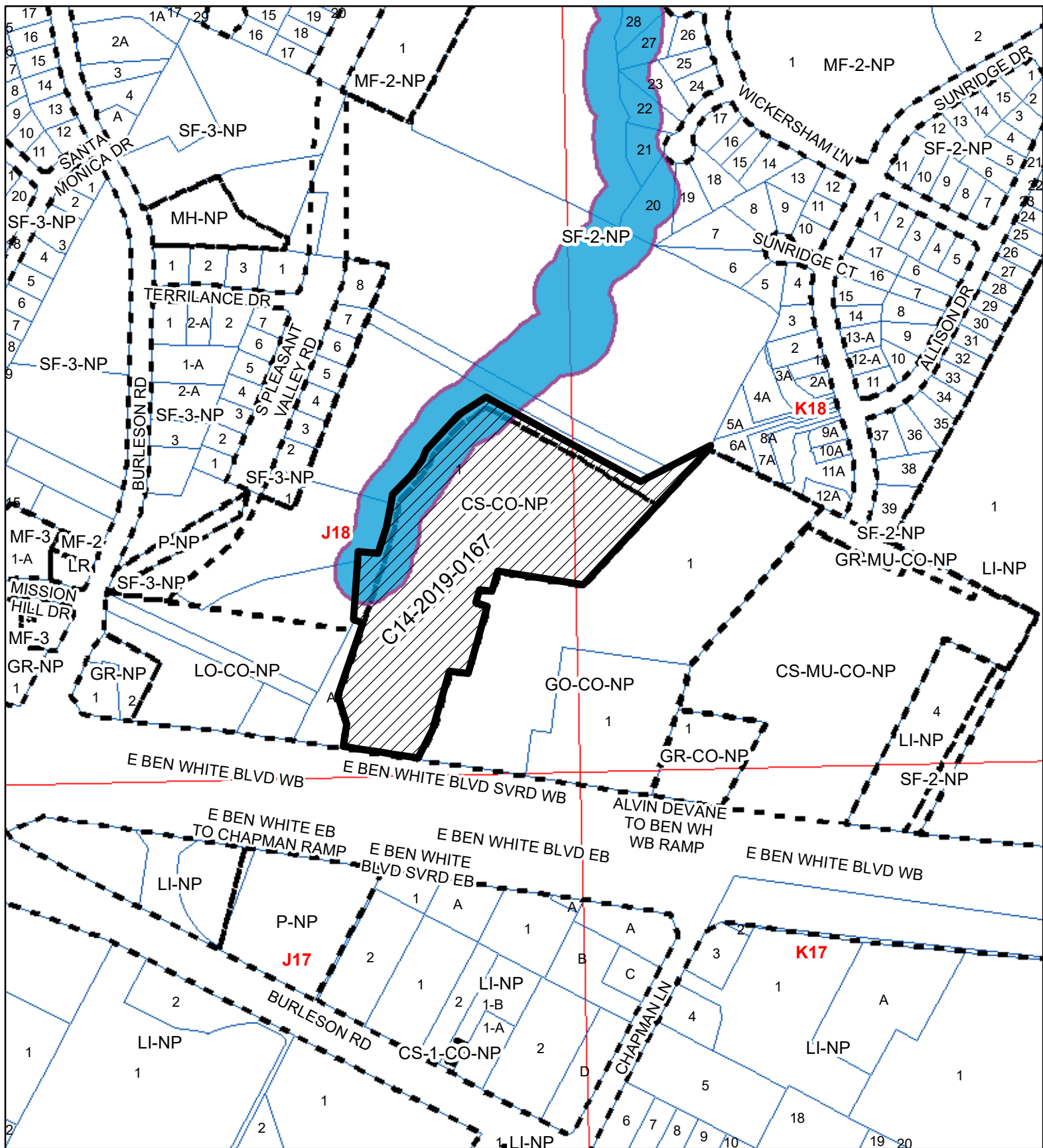
INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Correspondence Received

Exhibit D: AFD Hazardous Materials Assessment



4530 E Ben White Blvd Zoning

Exhibit A

ZONING CASE#: C14-2019-0167
 LOCATION: 4530 E Ben White Blvd
 SUBJECT AREA: 12.4 ACRES
 GRID: J18
 MANAGER: KATE CLARK



1" = 400'

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

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.



1" = 400'

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

4530 E Ben White Blvd Zoning

ZONING CASE#: C14-2019-0167
 LOCATION: 4530 E Ben White Blvd
 SUBJECT AREA: 12.4 ACRES
 GRID: J18
 MANAGER: KATE CLARK

Exhibit B



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JOHN M. JOSEPH
DIRECTOR

JMJOSEPH@COATSROSE.COM
DIRECT: (512) 541-3593
FAX: (512) 469-9408

June 23, 2020

VIA EMAIL

Ms. Kate Clark
Planning and Zoning Department
City of Austin
P.O. Box 1088
Austin, TX 78767

Ms. Maureen Meredith
Planning and Zoning Department
City of Austin
P.O. Box 1088
Austin, TX 78767

Re: 4530 East Ben White, Austin, Texas 78741 (the "Property") (Case Nos. C14-2019-0167 and NPA-2017-0021.01)

Ms. Clark and Ms. Meredith:

On behalf of our client, 4530 East Ben White Associates, LLC (the "Owner"), we formally request to amend our Zoning Application from CS-MU-CO-NP to CS-CO-NP. The proposed zoning change would amend the list of prohibited uses and eliminate the compatibility setback as currently described in Ordinance No. 000511-67 (see attached Exhibit "A"). The following uses shall be prohibited on the Property:

Agricultural Sales and Services
Automotive Rentals
Automotive Repair Services
Automotive Washing (of any type)
Campground
Commercial Off-Street Parking
Construction Sales and Service
Drop-Off Recycling Collection Facility
Equipment Sales

TERRACE 2, 2700 VIA FORTUNA, SUITE 350, AUSTIN, TEXAS 78746
PHONE: (512) 469-7987 FAX: (512) 469-9408
coatsrose.com

June 23, 2020

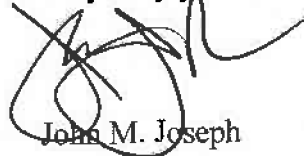
Page 2

Funeral Services
Kennel
Veterinary Services
Transportation Terminal
Indoor Entertainment
Indoor Sports and Recreation
Theater
Monument Retail Sales
Custom Manufacturing
Community Recreation (private)
Employee Recreation (non-profit)
Local Utility Services
Residential Treatment
Transitional Housing
Outdoor Entertainment
Outdoor Sports and Recreation
Pawn Shop Services
Building Maintenance Services
Pet Services
Scrap and Salvage
Club or Lodge
Communication Service Facilities
Community Recreation (public)
Counseling Services
Maintenance and Service Facilities

In addition, we formally request to amend the Neighborhood Plan Amendment Application from Mixed Use to Commercial. This request is only for the small portion of the Property that has a current Future Land Use Map ("FLUM") designation of Single Family. The FLUM for the remaining Property is currently designated as Commercial.

Thank you for your attention to this matter. Please let me know if you have any questions.

Very truly yours,



John M. Joseph

June 23, 2020

Page 3

EXHIBIT “A”

ORDINANCE NO. 000511-67

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

AN 11.22 ACRE TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT, LOCALLY KNOWN AS THE PROPERTY LOCATED IN THE 4500 BLOCK OF EAST BEN WHITE BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from Single Family Residence Standard Lot (SF-2) district to General Commercial Services-Conditional Overlay (CS-CO) combining district on the property described in File C14-99-2108, as follows:

An 11.22 acre tract of land out of the Santiago Del Valle Grant, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as the property located in the 4500 block of East Ben White Boulevard, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

2. The following uses of the Property are prohibited:

Agricultural Sales and Service	Off-Site Accessory Parking
Automotive Rentals	Outdoor Entertainment
Automotive Repair Services	Outdoor Sports and Recreation
Automotive Sales	Pawn Shop Services
Automotive Washing (of any type)	Personal Improvement Services
Campground	Building Maintenance Services
Commercial Blood Plasma Center	Pet Services
Commercial Off-Street Parking	Plant Nursery
Construction Sales and Service	Business or Trade School
Communications Services	Convenience Storage
Consumer Repair Services	Restaurant (drive-in, fast food)
Drop-Off Recycling Collection Facility	Restaurant (limited)
Equipment Sales	Restaurant (general)
Equipment Repair Services	Service Station
Food Sales	Exterminating Services
Funeral Services	Theater
General Retail Sales (convenience)	Vehicle Storage
General Retail Sales (general)	Veterinary Services
Hotel-Motel	Indoor Entertainment
Indoor Sports and Recreation	Kennels
Laundry Services	Medical Offices (all sizes)
Monument Retail Sales	Scrap and Salvage
Custom Manufacturing	Club or Lodge
College and University Facilities	Communication Service Facilities
Community Recreation (private)	Community Recreation (public)
Congregate Living	Counseling Services
Cultural Services	Day Care Services (commercial)
Day Care Services (general)	Day Care Services (limited)
Employee Recreation (non-profit)	Guidance Services
Hospital Services (general)	Hospital Services (limited)
Local Utility Services	Maintenance and Service Facilities
Private Primary Educational Facilities	Private Secondary Educational Facilities
Public Primary Educational Facilities	Public Secondary Educational Facilities
Residential Treatment	Safety Services
Transitional Housing	Transportation Terminal
Telecommunication Tower	

3. A structure or portion of a structure on the part of the Property described in Exhibit "C" may not exceed a height of 636 feet above sea level.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the General Commercial Services (CS) base district and other applicable requirements of the City Code.

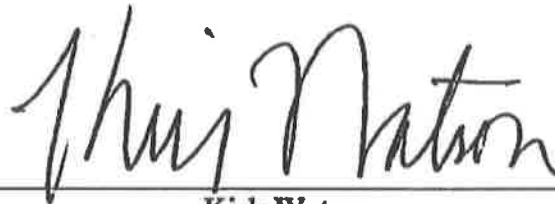
PART 3. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on May 22, 2000.

PASSED AND APPROVED

_____, May 11, 2000

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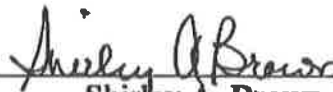
Kirk Watson
Mayor

APPROVED:



Andrew Martin
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

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JOHN M. JOSEPH
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June 19, 2020

VIA EMAIL: myeatts@austin.rr.com

East Riverside/Oltorf Combined
Neighborhood Plan Contact Team ("Team")
c/o Malcolm Yeatts

Re: Neighborhood Plan Amendment Case No. NPA-2017-0021.01
Zoning Case No. C14-2019-0167
4530 E. Ben White Blvd., Austin, TX 78741 (the "Property")

Dear Malcolm:

As you are aware the Planning Commission on May 12, 2020 unanimously voted to recommend denial of both our requested Neighborhood Plan Amendment and the Zoning request to add Mixed Use. As you are also aware, we entered into this letter agreement in an effort to cooperate in seeking the referenced application, In as much as the chance of obtaining City Council approval of our current request is virtually nil, I am suggesting, in an effort to salvage the possibility of the neighborhood realizing the multi-purpose hike and bike trail and the owner creating a land use menu that has a viable chance of resulting in the beneficial development of the subject property, the following modification of our agreement.

I am providing this communication to you in an effort to outline a modified agreement between the Neighborhood Contact Team and Owner to secure the support of the Neighborhood Contact Team for the proposed rezoning and neighborhood plan amendment of the Property, to remove certain compatibility restrictions, add some permitted uses, and set out a process for the establishment of a recreational easement for an approximate 1.1 acre tract for the exclusive purpose of a multi-purpose public hike and bike trail.

The following offer is an outline of a possible agreement and supersedes any prior verbal or written agreements with the East Riverside/Oltorf Combined Neighborhood Planning Area Contact Team (EROC).

Owner's Commitments:

1. To convey to the City of Austin, a non-exclusive recreational easement, upon final approval of an ordinance fulfilling No. 2 below, on the approximate 1.1 acres site for a multi-

TERRACE 2, 2700 VIA FORTUNA, SUITE 350, AUSTIN, TEXAS 78746

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4844-2367-5837.v1

My
6/19/2020

purpose hike and bike trail along the north and west property boundary of the subject tract as shown on the attached Exhibit A.

2. Amend the current zoning Ordinance No. 000511-67 to CS-CO-NP to allow the Property to be developed as any use, or combination of uses, currently allowed in "CS" zoning, except the following uses will be prohibited:

Agricultural Sales and Services

Automotive Rentals

Automotive Repair Services

Automotive Washing (of any type)

Campground

Commercial Off-Street Parking

Construction Sales and Service

Drop-Off Recycling Collection Facility

Equipment Sales

Equipment Repair Services

Funeral Services

Kennel

Veterinary Services

Transportation Terminal

Indoor Entertainment

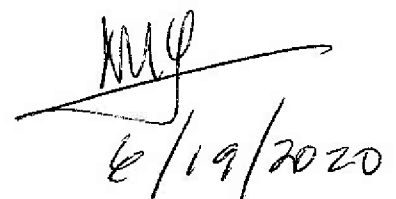
Indoor Sports and Recreation

Theater

Monument Retail Sales

Custom Manufacturing

Community Recreation (private)



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Employee Recreation (non-profit)

Local Utility Services

Residential Treatment

Transitional Housing

Outdoor Entertainment

Outdoor Sports and Recreation

Pawn Shop Services

Building Maintenance Services

Pet Services

Scrap and Salvage

Club or Lodge

Communication Service Facilities

Community Recreation (public)

Counseling Services

Maintenance and Service Facilities

3. Make application for the removal, or satisfactory amendment, of the compatibility restriction contained in zoning Ordinance No. 000511-67, attached as Exhibit B.


4. To dedicate, by appropriate means of conveyance, the easement referenced above upon the approval of the requested zoning, variances and the waiver of compatibility, whichever occurs last in time.

East Riverside/Oltorf Combined Neighborhood Plan Contact Team Commitments:

1. To support the zoning amendment to CS-CO-NP to allow the Property to be developed as any use currently allowed in "CS" zoning, except the prohibited uses listed in Number 2 above.

2. To support the pending Neighborhood Plan Amendment.

3. To support the removal or satisfactory amendment of the referenced compatibility restriction.

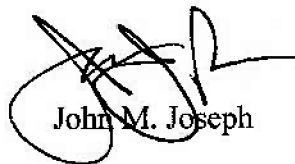
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4. Attend all board and commission meeting to support the applications.
5. Attend all Planning Commission meetings to support the applications.
6. Attend all City Council meetings to support the applications.

If this outline of the basic terms of an agreement is acceptable to the Team, please indicate by having the appropriate member indicate the Team's acceptance by signing in the place provided for that purpose below. This outline of terms replaces and supersedes any prior outline of agreement and/or agreement between the parties. If for any reason the amended zoning request, variances, and/or waivers are denied for any reason, this outline of agreement shall expire and neither party shall have any rights or responsibilities with respect thereto.

If you, or the Team, should have any questions please do not hesitate to contact me. Your cooperation is very much appreciated.

Very truly yours,



John M. Joseph

Accepted:
East Riverside/Oltorf Combined Neighborhood Plan Contact Team

Malcolm Yeatts, Chair

Date: _____

4. Attend all board and commission meeting to support the applications.
5. Attend all Planning Commission meetings to support the applications.
6. Attend all City Council meetings to support the applications.

If this outline of the basic terms of an agreement is acceptable to the Team, please indicate by having the appropriate member indicate the Team's acceptance by signing in the place provided for that purpose below. This outline of terms replaces and supersedes any prior outline of agreement and/or agreement between the parties. If for any reason the amended zoning request, variances, and/or waivers are denied for any reason, this outline of agreement shall expire and neither party shall have any rights or responsibilities with respect thereto.

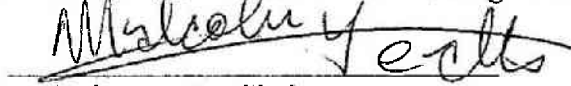
If you, or the Team, should have any questions please do not hesitate to contact me. Your cooperation is very much appreciated.

Very truly yours,

John M. Joseph

Accepted:

East Riverside/Oltorf Combined Neighborhood Plan Contact Team

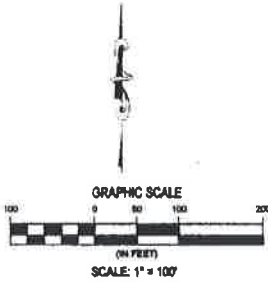


Malcolm Yeatts, Chair

Date: June 19 2020

BURLESON - BEN WHITE SUBDIVISION

SUBMITTAL DATE: NOVEMBER 16, 1999



Hike and Bike Trail Easement will be no more than 1 acre. Actual configuration will be agreed by the NCT and Owner.

- LEGEND**
- = IRON ROD FOUND
 - = IRON ROD SET
 - ⊙ = IRON PIPE FOUND
 - ▲ = NAIL FOUND
 - P.U.E. = PUBLIC UTILITY EASEMENT
 - = PROPOSED SIDEWALK
 - = TxDOT CONCRETE MONUMENT FOUND
 - ✦ = CALCULATED POINT IN CREEK CHANNEL

JOHN & PAUL MITCHELL
VOL. 11182, PG. 808

THREE S & O JOINT VENTURE
VOL. 10260, PG. 931

REV. JOHN MCCARTHY
DIOCESE OF AUSTIN
VOL. 10129, PG. 33

ALICE O. BRYANT
VOL. 11381, PG. 478

**BLOCK A
LOT 1
12.44 AC.**

A.J. BEITER
VOL. 12992, PG. 817

KIEFER ADDITION
BK. 63, PG. 51

ST. PETER THE APOSTLE
CHURCH ADDITION
LOT 1 - BLOCK 1
VOL. 89, PG. 240



SURVEYOR'S CERTIFICATE

I, JOHN NOELL, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH TITLE 13 OF THE AUSTIN CITY CODE, OF 1981, AS AMENDED, IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION ON THE GROUND.

SURVEYED BY: URBAN DESIGN GROUP



John Noell
JOHN NOELL, R.P.L.S. NO. 2433
URBAN DESIGN GROUP
1640 STOKERIDGE ROAD, E101
AUSTIN, TEXAS 78746

10/19/00
DATE

ORDINANCE NO. 000511-67

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

AN 11.22 ACRE TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT, LOCALLY KNOWN AS THE PROPERTY LOCATED IN THE 4500 BLOCK OF EAST BEN WHITE BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from Single Family Residence Standard Lot (SF-2) district to General Commercial Services-Conditional Overlay (CS-CO) combining district on the property described in File C14-99-2108, as follows:

An 11.22 acre tract of land out of the Santiago Del Valle Grant, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as the property located in the 4500 block of East Ben White Boulevard, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- 1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.**

2. The following uses of the Property are prohibited:

Agricultural Sales and Service	Off-Site Accessory Parking
Automotive Rentals	Outdoor Entertainment
Automotive Repair Services	Outdoor Sports and Recreation
Automotive Sales	Pawn Shop Services
Automotive Washing (of any type)	Personal Improvement Services
Campground	Building Maintenance Services
Commercial Blood Plasma Center	Pet Services
Commercial Off-Street Parking	Plant Nursery
Construction Sales and Service	Business or Trade School
Communications Services	Convenience Storage
Consumer Repair Services	Restaurant (drive-in, fast food)
Drop-Off Recycling Collection Facility	Restaurant (limited)
Equipment Sales	Restaurant (general)
Equipment Repair Services	Service Station
Food Sales	Exterminating Services
Funeral Services	Theater
General Retail Sales (convenience)	Vehicle Storage
General Retail Sales (general)	Veterinary Services
Hotel-Motel	Indoor Entertainment
Indoor Sports and Recreation	Kennels
Laundry Services	Medical Offices (all sizes)
Monument Retail Sales	Scrap and Salvage
Custom Manufacturing	Club or Lodge
College and University Facilities	Communication Service Facilities
Community Recreation (private)	Community Recreation (public)
Congregate Living	Counseling Services
Cultural Services	Day Care Services (commercial)
Day Care Services (general)	Day Care Services (limited)
Employee Recreation (non-profit)	Guidance Services
Hospital Services (general)	Hospital Services (limited)
Local Utility Services	Maintenance and Service Facilities
Private Primary Educational Facilities	Private Secondary Educational Facilities
Public Primary Educational Facilities	Public Secondary Educational Facilities
Residential Treatment	Safety Services
Transitional Housing	Transportation Terminal
Telecommunication Tower	

3. A structure or portion of a structure on the part of the Property described in Exhibit "C" may not exceed a height of 636 feet above sea level.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the General Commercial Services (CS) base district and other applicable requirements of the City Code.

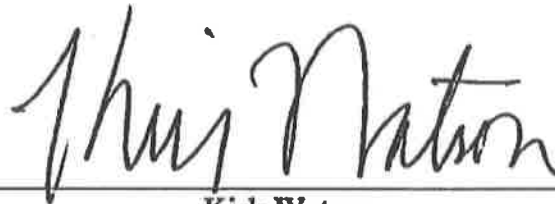
PART 3. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on May 22, 2000.

PASSED AND APPROVED

_____, May 11, 2000

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§
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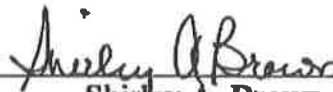
Kirk Watson
Mayor

APPROVED:



Andrew Martin
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

Report Date: December 30, 2019

Contact Information: 512-974-0157 scott.stookey@austintexas.gov

12.44 Acres

[illegible]



ABOVEGROUND HAZARDOUS MATERIALS RISK AND CONSEQUENCE ASSESSMENT REPORT

Address: 4530 E. Ben White Blvd WB SR

Case Number: C14-2019-0167

Project Name: 4530 E. Ben White Zoning

Report Date: December 30, 2019

Prepared By: Scott Stookey, Engineer A, Hazardous Materials

Contact Information: 512-974-0157 scott.stookey@austintexas.gov

Address Ranges within 1000 Ft.

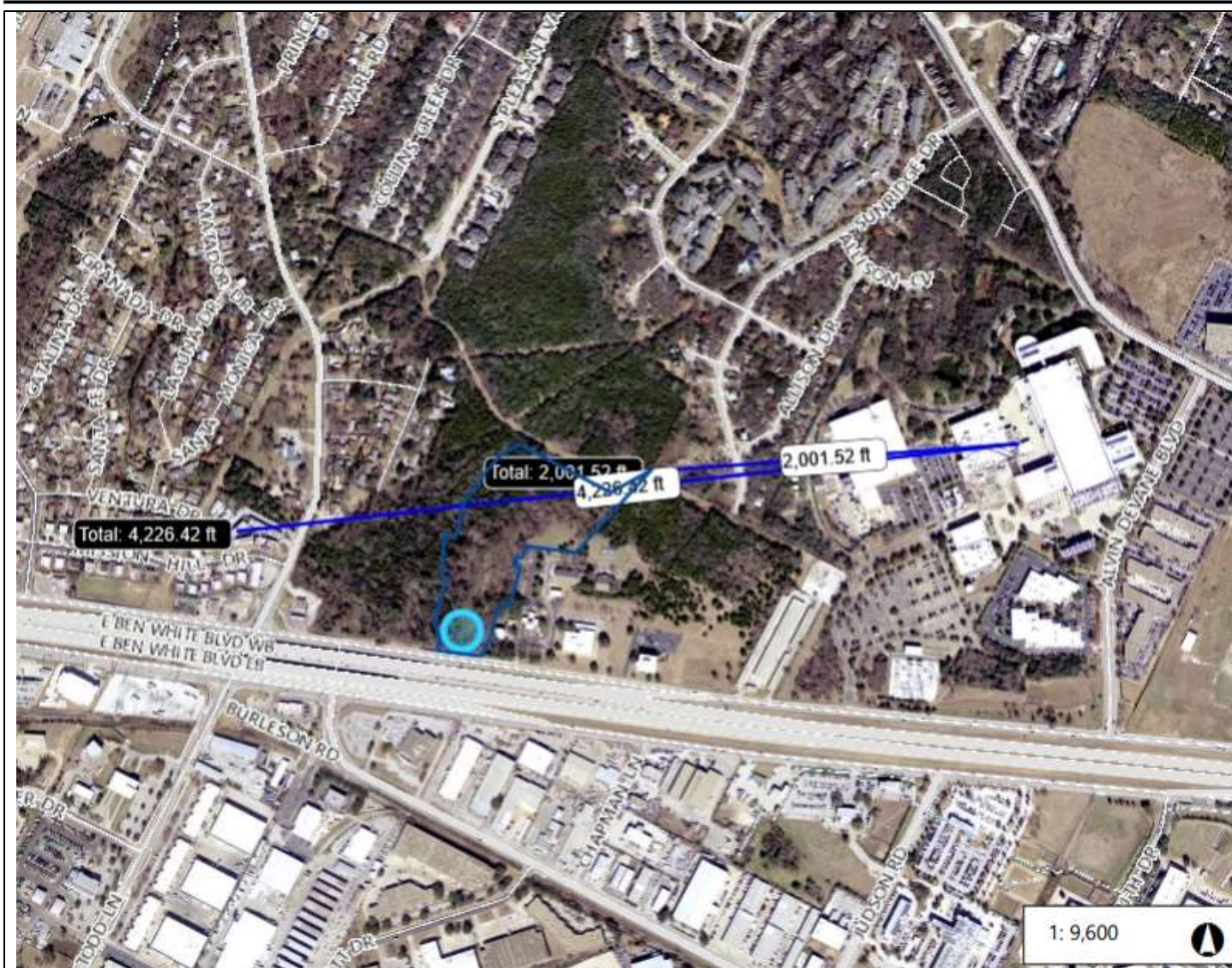
Address Range(s)	Street	Address Range(s)	Street
2815-2921	Allison Dr.	3002-3038	Sunridge Dr.
4400-5204	E. Ben White Blvd EB &WB	4400-4406	Terrilance Dr.
3300-3406	Burleson Rd.	3701 ½	Todd Ln.
4501-4906	Burleson Rd.	2414	Ventura Drive
4602-4603	Rivka Cv		

HMP Sites within 1000 Ft.

Business	Address	Zoning	HMP Type	Last Insp.	Concern?
United Rentals	4811 E. Ben White Blvd. EB	LI-NP	A	9/19	N
BMC Building Materials & Construction	5109 E Ben White Blvd. EB	LI-NP	B	12/17	N
Cypress Semiconductor	5204 E. Ben White Blvd WB	LI-NP	A	3/17	Y
Tire Shop	3800 Drossett Dr.	LI-NP	C	9/06	N
ORF Brewing	4700 Burleson Rd	LI-NP	B	2/19	N
Tex-Con Oil Company	4906 Burleson Rd	LI-NP	A	9/01	N

HMP Sites with Chemicals of Concern

Business	Chemicals	Distance to Property	AFD Required Distance for Chemical	ERG Required Distance for Chemical	Meeting Distance Requirement?
Cypress Semiconductor	Anhydrous Hydrogen Fluoride	2,000 Ft.	Not Established	1,584 Ft. (Guide Pg. 125 & Table 1)	Yes (night release winds 6-12 MPH)
Cypress Semiconductors	Anhydrous Chlorine	2,000 Ft.	Not Established	4,224 Ft. (Guide Pg. 124 & Table 1)	No (night release winds 6-12 MPH)
United Rentals	2,500 Gallon Aboveground Gasoline & Diesel Storage Tank	795 Ft.	175 Ft.	NA	Yes

**ABOVEGROUND HAZARDOUS MATERIALS RISK AND CONSEQUENCE ASSESSMENT REPORT****Address:** 4530 E. Ben White Blvd WB SR**Case Number:** C14-2019-0167**Project Name:** 4530 E. Ben White Zoning**Report Date:** December 30, 2019**Prepared By:** Scott Stookey, Engineer A, Hazardous Materials**Contact Information:** 512-974-0157 scott.stookey@austintexas.gov**Recommend Approval for Zoning Change?** ☐ Yes ☒ No**Supporting Information for Zoning Recommendations**

AFD recommends this Zoning Change be denied. The applicant is requesting a Zoning Change (ZC) approval to CS-MU-NP and develop the parcel for approximately 280 dwelling/sleeping units in apartment buildings. The parcel is well within the Protective Action Distance (PAD) for a Toxic and Corrosive liquefied compressed gas. The source for the PAD value is the 2016 *Emergency Response Guidebook* prepared by the US Department of Transportation. The required 4,224 Ft. PAD is not met based on AFD's analysis.

**ABOVEGROUND HAZARDOUS MATERIALS RISK AND CONSEQUENCE ASSESSMENT REPORT****Address:** 4530 E. Ben White Blvd WB SR**Case Number:** C14-2019-0167**Project Name:** 4530 E. Ben White Zoning**Report Date:** December 30, 2019**Prepared By:** Scott Stookey, Engineer A, Hazardous Materials**Contact Information:** 512-974-0157 scott.stookey@austintexas.gov**Attachments****Analysis of evaluated hazardous production materials****PROJECT NAME:** 4530 E. Ben White Blvd Zoning Change**ADDRESS:** 4530 E. Ben White Blvd WB SR**CASE NUMBER:** C14-2019-0167**BASIS FOR REVIEW:** 2016 *Emergency Response Guidebook* (US DOT PHMSA)

<u>Hazardous Material</u>	<u>UN ID Nbr.</u>	<u>ERG Guide Pg.</u>	<u>Transport Container</u>	<u>Time of Release</u>	<u>Wind Speed</u>	<u>Protective Action Distance</u>
Anhydrous Chlorine	UN1017	124 + Table 1	Small cylinders	Night	6-12 MPH	0.8 mile (4,224 Ft.)
Anhydrous Hydrogen Fluoride	UN1052	125 + Table 1	Small cylinders	Night	6-12 MPH	0.3 mile (1,584 Ft.)
Anhydrous Ammonia	UN1005	125 + Table 1	Small cylinders	Night	6-12 MPH	0.2 mile (1,056 Ft.)