

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0136
Cameron Apartments

Z.A.P. DATE: November 4, 2014
November 18, 2014
January 6, 2015
January 20, 2015
February 17, 2015
March 3, 2015

DISTRICT: 1

ADDRESS: 9201 Cameron Road

AREA: 12.09 Acres

OWNER: FSI Cameron Crossing, LP

AGENT: Husch Blackwell, LLP (Nikelle Meade)

FROM: LI – Limited Industrial **TO:** MF-5 – Multifamily Residence (High Density)

SUMMARY STAFF RECOMMENDATION:

Staff does not support the request for multifamily residence-high density (MF-5) zoning.

If the rezoning is granted, Staff recommends the following conditions be added via conditional overlay:
site development shall not generate more than 2,000 vehicular trips per day.

TIA: N/A

WATERSHED: Little Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

Z.A.P. COMMISSION RECOMMENDATION:

March 3, 2015: *GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-CO) COMBINING DISTRICT ZONING, WITH 2,000 V.P.D TRIP LIMIT AND 310 MAXIMUM MULTIFAMILY UNITS WAS GRANTED BY P. SEEGER, B. BAKER SECONDED THE MOTION (6-0); G. ROJAS- ABSENT.*

February 17, 2015: *TO POSTPONE TO MARCH 3, 2015 BY REQUEST OF APPLICANT WAS APPROVED BY G. ROJAS, S. COMPTON SECONDED THE MOTION (6-0); J. GOODMAN- OFF THE DAIS.*

January 20, 2015: *TO POSTPONE TO FEBRUARY 17, 2015 BY REQUEST OF STAFF WAS APPROVED BY R. MCDANIEL, C. BANKS SECONDED THE MOTION (5-0); B. BAKER, S. COMPTON- ABSENT.*

January 6, 2015: *TO POSTPONE TO JANUARY 20, 2015 BY REQUEST OF THE APPLICANT WAS APPROVED BY R. MCDANIEL, S. COMPTON SECONDED THE MOTION (5-0); P. SEEGER AND J. GOODMAN- ABSENT.*

November 18, 2014: *TO POSTPONE TO JANUARY 6, 2014 BY REQUEST OF THE APPLICANT WAS APPROVED BY G. ROJAS, C. BANKS SECONDED THE MOTION (5-0); S. COMPTON AND R. MCDANIEL- ABSENT.*

November 4, 2014: *TO POSTPONE TO NOVEMBER 18, 2014 BY REQUEST OF STAFF WAS APPROVED BY R. MCDANIEL, C. BANKS SECONDED THE MOTION (7-0).*

ISSUES:

On March 3, 2015, the Zoning and Platting Commission (ZAP) made a recommendation of CS-MU-CO for the subject property. We have been advised by the Law Department that the CS-MU-CO recommendation cannot be put forth to City Council as a viable recommendation unless the applicant modifies the zoning request to CS-MU-CO and new notification is sent out. This is because neighboring property owners and interested parties have only been notified for MF-5, and CS-MU is a more intense zoning district. The original LI base district is not a factor.

Staff offered the Applicant the opportunity to amend their request from MF-5 to CS-MU-CO, but they declined. Consequently, the case will go forward with information about the ZAP deliberation and recommendation, but City Council will be advised that CS-MU-CO cannot be granted under the current request.

If the City Council desires to grant the CS-MU-CO rezoning, Staff will request a postponement of the case, re-notify for CS-MU-CO and bring the item back to ZAP and back to City Council.

DEPARTMENT COMMENTS:

The proposed rezoning tract is located on the east side of Cameron Road, between Ferguson Lane and Rundberg Lane. The property is zoned LI and is undeveloped. North of the property are undeveloped tracts zoned LI and CS-CO. Northeast of the subject tract are properties zoned LI and SF-3. The LI properties are a mix of limited industrial uses—warehousing/distribution, appliance repair, and more. The SF-3 zoned property is not developed. East of the subject tract is undeveloped property zoned LI, and across Brown Lane, property zoned CS-CO and LI-CO. The CS-CO tract is undeveloped, and the LI-CO tracts are developed with limited industrial uses. Southeast of the subject tract is more undeveloped LI property, as well as a LI-CO property that appears to be developed with a single family residence. South of the property are properties zoned CS that contain a mix of uses, including construction sales and services and mobile homes. West of the property, across Cameron Road, are two industrial parks zoned LI-NP that include several limited industrial uses. *Please refer to Exhibits A and B (Zoning Map and Aerial Map).*

The wider area surrounding the subject tract has been identified by the City as suitable for industrial land uses and zoning, primarily east of Cameron Road and north of East Anderson Lane. This area was first described as an industrial district in 1976 with the Brown-Dungan Lane Area Study. This area is almost completely zoned LI and CS. *Please refer to Exhibit C (Vicinity Zoning Map).* A single family residential neighborhood remains southeast of the proposed rezoning tract; the residences are zoned SF-3 and are surrounded by limited industrial-type land uses. To the west along Rundberg are several significant buffers between this industrial area and residential areas. Two industrial parks, small commercial sites, and a large mobile home park are the closest land uses to the west; beyond that are Gus Garcia Park and Dobie Middle School. Two apartment complexes northwest of the intersection of Rundberg and Cameron appear to have been zoned MF-3 in 1970.

As shown in the Case Histories section of this report, six rezoning requests have been filed in this area since 2001. There have been no requests for single family or multifamily zoning, and there have been only two requests that would allow residential land use—CS-MU (C14-2010-0002 and C14-2009-0164). These two rezoning requests are the most recent cases in the vicinity, and both cases were not approved with the –MU designation. Staff and ZAP both recommended CS-CO instead of CS-MU, and Council approved both CS-CO rezonings in 2010.

Staff has attached correspondence that has been from interested parties regarding the rezoning request. *Please refer to Exhibit D (Correspondence).*

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI	Undeveloped
<i>North</i>	LI, CS-CO	Undeveloped
<i>South</i>	CS	Limited industrial, Mobile homes
<i>West</i>	LI-NP	Industrial park
<i>East</i>	LI, SF-3	Undeveloped, Limited industrial

CASE HISTORIES:

NUMBER / NAME	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0068 Ferguson Lane (1834 Ferguson Lane)	I-RR to LI	6/1/2010: ZAP Approved staff recommendation LI-CO zoning (7-0) <2000 vpd, no scrap/salvage, vehicle storage, convenience storage, service station	6/24/2010: Approved LI-CO as recommended ORD #. 20100624-128
C14-2010-0002 Brown Lane / Commercial Square Ltd. (9333 Brown Ln.)	I-RR to LI and CS-MU	4/6/2010: ZAP Approved staff recommendation LI-CO zoning (7-0) <2000 vpd, no scrap/salvage, vehicle storage	04/22/2010: Approved LI-CO as recommended ORD #. 20100422-055
C14-2009-0164 PAYNE TRACTS (Aldridge Drive)	I-SF-2 to CS-MU	4/6/2010: ZAP Approved staff recommendation CS-CO zoning (7-0) <2000 vpd, no AOB, Pawn shop svcs, vehicle storage	10/29/2010: Approved CS-CO as recommended ORD #. 20100422-054
C 14-2007-0098 Wasatch, LLC (9011 Brown Lane)	SF-3 to LI	8/21/07: Approved staff recommendation LI-CO zoning by consent (7-0).	9/27/2007: APPROVED LI-CO (5-0); 1st rdg only. 11/8/2007: APPROVED ORD. # 20071108-085 for LI-CO (7-0); (2 nd & 3 rd rdgs)
C14-01-0114 1611 Dungan Lane (1611 Dungan Ln.)	LI to CS-1	10/2/2001: DENIED CS-1 (9-0); PREVIOUS MOTION TO APPROVE FAILED(4-5)	11/29/2001: APVD CS-1 (4-3) 1 st rdg only. 1/10/2002: APVD CS-1 (7-0); (2 nd & 3 rd rdgs)
C14-01-0068 9202 BROWN LANE (9202 Brown Ln.)	SF-3 to LI	5/15/2001: APPROVED STAFF REC OF LI-CO BY CONSENT (6-1)	6/14/2001: APPROVED LI-CO (7-0); 1ST RDG 1/29/2001: APPROVED LI-CO (5-0); 2ND/3RD RDGS

ROADWAY CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Cameron Road	104'	75'	Major Arterial	Yes	Yes	Yes

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association
Austin Neighborhoods Council
Harris Branch Master Association, Inc.
Bike Austin

Austin Heritage Tree Foundation
North Growth Alliance
The Real Estate Council of Austin, Inc.
Sierra Club

SelTexas

Windsor Hills Neighborhood Association

AISS

Edward Joseph Developments, Ltd.

Heritage Hills/Windsor Hills Combined Neighborhood Contact Team

Super Duper Neighborhood Objectors and Appealers Organization

CITY COUNCIL DATE: April 16, 2015:

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin

PHONE: 974-2122

e-mail: heather.chaffin@austintexas.gov

STAFF RECOMMENDATION:

Staff does not support the request for multifamily residence-high density (MF-5) zoning.

If the rezoning is granted, Staff recommends the following conditions be added via conditional overlay: site development shall not generate more than 2,000 vehicular trips per day.

1. Granting/denial of the request should result in an equal treatment of similarly situated properties.

As shown in the Case Histories section of this report, six rezoning requests have been filed in this area since 2001. There have been no requests for single family or multifamily zoning, and there have been only two requests that would allow residential land use—CS-MU (C14-2010-0002 and C14-2009-0164). These two rezoning requests are the most recent cases in the vicinity, and both cases were not approved with the –MU designation. Staff and ZAP both recommended CS-CO instead of CS-MU, and Council approved both CS-CO rezonings in 2010.

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

A change to multifamily zoning would reduce compatibility with adjacent land uses. The existing LI zoning is more compatible with the surrounding LI, CS, and LI-NP properties.

3. The proposed zoning should promote consistency and orderly planning, and promote an orderly relationship among land uses.

Rezoning the subject tract to MF-5 would not lead to an orderly relationship among the land uses in this area. Planning principles typically recommend that the most intensive land use categories (industrial) be separated from residential areas. This is usually done with transitional areas of less intense commercial zoning. While a mix of land uses is appropriate in many areas, the most intense categories pose a more difficult challenge, particularly when near residential uses.

SITE PLAN

SP1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

TRANSPORTATION

TR1. The Austin Metropolitan Area Transportation Plan calls for a total of 200 feet of right-of-way for Cameron Road. If the requested zoning is granted, then 75 feet of right-of-way should be dedicated and 25 feet of right-of-way reserved from the existing centerline of Cameron Road in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55).

TR2. Additional right-of-way may be required at the time of subdivision and/or site plan.

TR3. A traffic impact analysis may be waived for this case if 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]

TR4. A Traffic Impact Analysis (TIA) is required (if a CO is not agreed to) but has not been received. A zoning application is not complete until the required TIA has been received. This delay in the submittal of the TIA may result in a delay in the scheduling of this zoning change request on a Land Use Commission agenda. The TIA must be submitted at least 26 calendar days (18 working days) prior to consideration of this case by the Commission. Please contact the assigned transportation reviewer for this case. [LDC, 25-6-113]

TR5. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities exist and/or recommended along the adjoining streets as follows: Cameron Road (shared lane).

TR6. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Cameron Road	104'	75'	Major Arterial	Yes	Yes	Yes

ENVIRONMENTAL

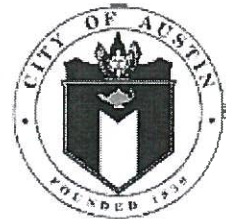
1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location. However, COA GIS shows a Critical Water Quality Zone within the property. Development in the CWQZ is limited per LDC 25-8-261 and 262.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. 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.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
7. 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.

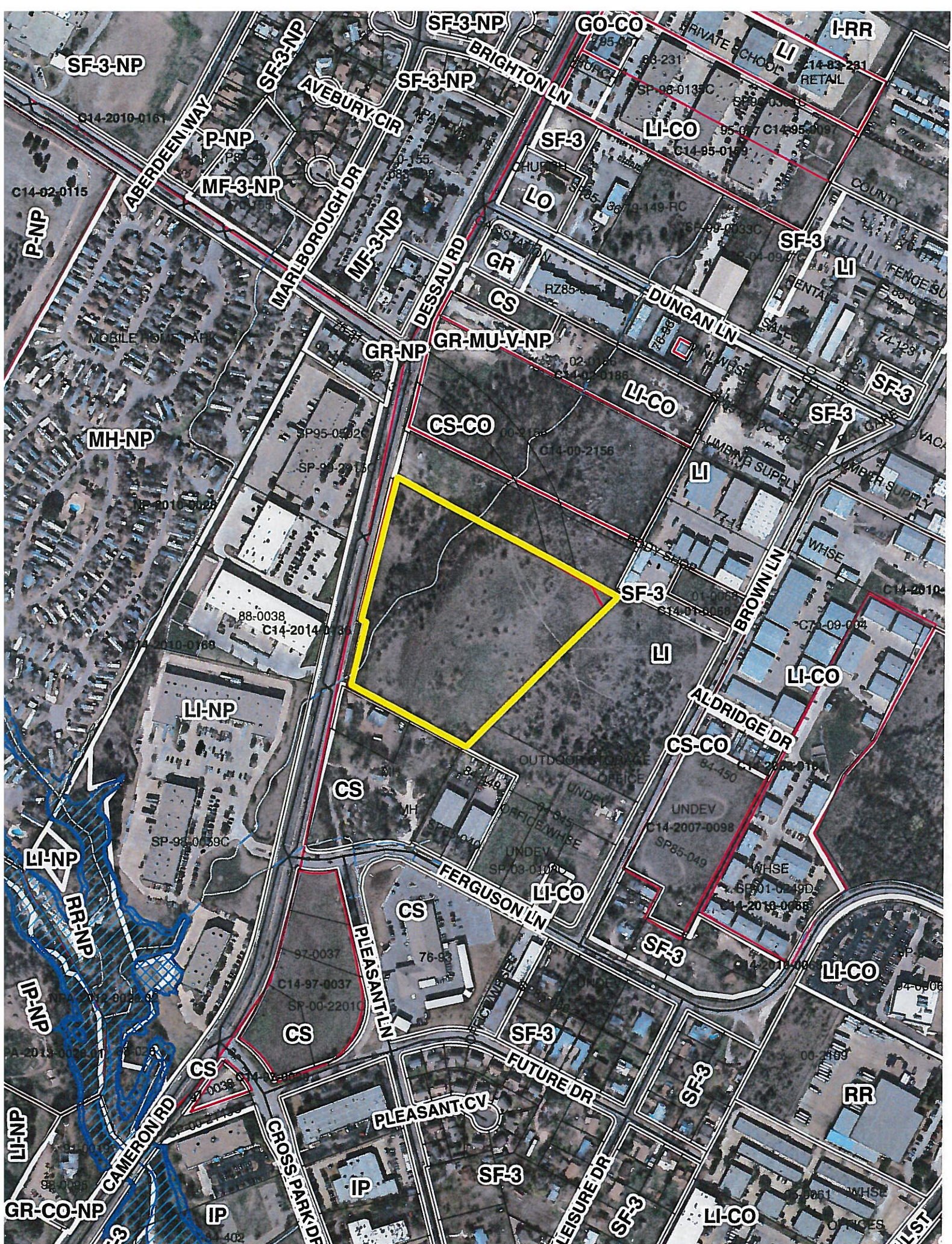
WATER UTILITY

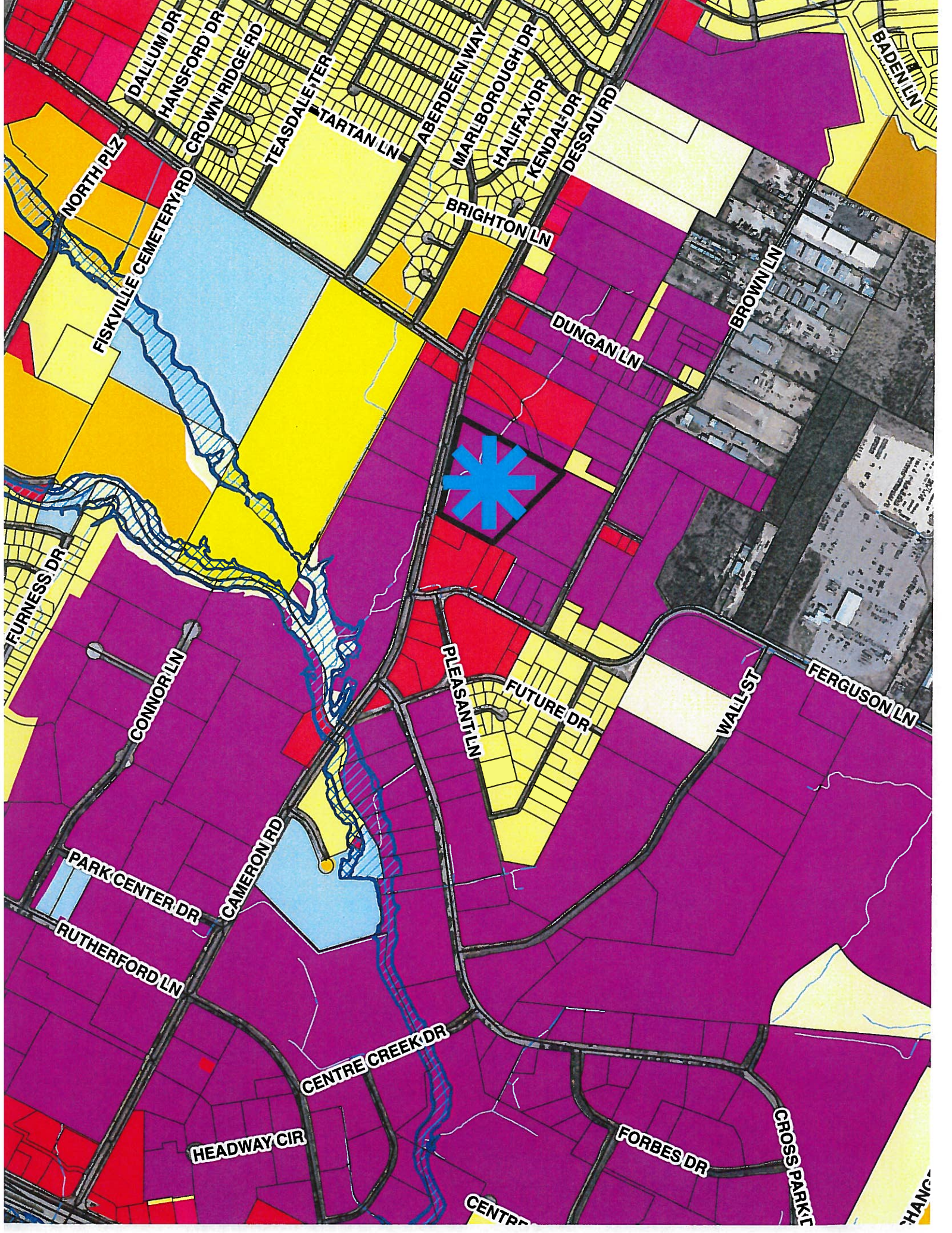
FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.


$$1'' = 400'$$

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.







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: C14-2014-0136

Contact: Heather Chaffin, 512-974-2122

**Public Hearing: March 17, 2015, Zoning and Platting Commission
April 16, 2015, City Council**

Braz H01t

Your Name (please print)

9200 Brown Lane

Your address(es) affected by this application

Braz H01t

Signature

☐ I am in favor
☒ I object

3/16/15

Date

Daytime Telephone: (512) 294-5810

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

heather.chaffin@austintexas.gov

Michelle Murray
512-576-1663

PUBLIC HEARING INFORMATION

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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:

<http://www.austintexas.gov/development>.

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Case Number: C14-2014-0136

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Nov 4, 2014, Zoning and Platting Commission
Dec 11, 2014, City Council

Tessell Todd
Your Name (please print) *Tessell Todd*

2200 Brown Lane
Your address(es) affected by this application

☐ I am in favor
☒ I object

Heather Chaffin
Signature
10/30/2014
Date

Daytime Telephone: *(512) 977-9753*

Comments: *This is an industrial area. The traffic will be a night mare and businesses will be greatly affected.*

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2014-0136

Contact: Heather Chaffin, 512-974-2122

Public Hearing: March 17, 2015, Zoning and Platting Commission
April 16, 2015, City Council

Your Name (please print)

Your address(es) affected by this application

☒ I am in favor
☐ I object

Encore Mechanical
9201 Brown Ln. Ste 141 Austin, TX 78754

Signature

Date

Daytime Telephone

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2014-0136

Contact: Heather Chaffin, 512-974-2122

Public Hearing: March 12, 2015, City Council

Dale Davis

Your Name (please print)

9201 Brown Lane #141, Austin TX 78754

Your address(es) affected by this application

Dale Davis

Signature

Date

Daytime Telephone:

(512) 338-3012

Comments:

☒ I am in favor
☐ I object

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

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P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2014-0136

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Nov 4, 2014, Zoning and Platting Commission
Dec 11, 2014, City Council

1 MAYAT FIDA)
Your Name (please print)

9001 CAMERON RD

Your address(es) affected by this application

Signature

10/28/14

Date

Daytime Telephone: 512-534-1158

Comments:

I am in favor of the rezoning.

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2014-0136

Contact: Heather Chaffin, 512-974-2122

Public Hearing: March 17, 2015, Zoning and Platting Commission
April 16, 2015, City Council

Your Name (please print)

Rozyn Fuda

☒ I am in favor
☐ I object

Your address(es) affected by this application

1500 Ferguson Ln Austin, TX 78754

Heather Chaffin

Signature

Date

Daytime Telephone:

512-534-1159

Comments:

I am in favor of this change

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

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Contact: Heather Chaffin, 512-974-2122

Public Hearing: March 17, 2015, Zoning and Platting Commission
April 16, 2015, City Council

ROBERT TIMMERMANN

Your Name (please print)

9407 Brown Lane

Your address(es) affected by this application

Robert

Signature

3/18/15

Date

Daytime Telephone:

512-836-8990

Comments:

lots response - out of town.

I support any and all

development in our area.

Helps everyone.

Thank's

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810