

THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2014-0136 - Cameron Apartments

DISTRICT: 1

REQUEST:

Approve third reading of an ordinance amending City Code Chapter 25-2 by rezoning property locally known 9201 Cameron Road (Little Walnut Creek Watershed) from limited industrial services (LI) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning on Tract 1 and general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning on Tract 2.

DEPARTMENT COMMENTS:

OWNER / APPLICANT: FSI Cameron Crossing, LP (Philip Capron)

AGENT: Husch Blackwell, LLP (Nikelle Meade)

DATE OF FIRST READING: June 11, 2015: *Closed public hearing and approved first reading of CS-MU-CO, on consent. Vote: 11-0, on Council Member Kitchen's motion, Council Member Renteria's second.*

DATE OF SECOND READING:

August 13, 2015: *Closed public hearing and approved second reading of LR-CO on Tract 1 and CS-MU-CO on Tract 2, with the following condition: a certificate of occupancy for more than 100 multifamily units shall not be issued until a certificate of occupancy is issued for a commercial use on Tract 1. Vote: 11-0, on Council Member Pool's motion, Council Member Zimmerman's second.*

DATE OF THIRD READING:

August 20, 2015: *Postpone to August 25, 2015, with the following conditions be approved, superseding those made on second reading: Tract 1: GR-CO zoning with the following prohibited uses: Automotive washing (of any type), Automotive repair, Automotive sales, Automotive rentals, Commercial off-street parking, Exterminating services, Funeral services, Pawn shops, Drop off recycling collection facilities, and Service stations. Tract 2: CS-MU-CO with the following condition: maximum of 309 multifamily units. Tracts 1 and 2: 1. Vehicular trips are limited to 4,000 vehicle trips per day. 2. In lieu of a Traffic Impact Analysis (TIA), at least \$15,000 will be provided by the applicant for traffic, pedestrian or transit related improvements on or near the site at the time of a first site plan on the property. The requirement for said improvements does not include items otherwise required by the City Code. The improvements shall be approved by the City at the time of a first site plan on the property. Vote: 10-0, on Council Member Casar's motion, Council Member Zimmerman's second with Council Member Houston off the dais.*

CITY COUNCIL HEARING DATE: August 25, 2015:

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

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
May 5, 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: CS-MU – General Commercial Services-Mixed Use (*Amended request, April 20, 2015*)

SUMMARY STAFF RECOMMENDATION:

Staff does not support the request for general commercial services-mixed use (CS-MU) 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:

May 5, 2015: *TO GRANT 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; ADDITIONAL PROHIBITED LAND USES: ADULT ORIENTED BUSINESS, PAWN SHOP SERVICES. (6-0) R. MC DANIEL, S. COMPTON SECONDED THE MOTION G. ROJAS- ABSENT.*

March 3, 2015: *TO GRANT 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. (6-0) P. SEEGAR, 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:

The proposed rezoning was originally filed to request MF-5 – Multifamily Residence (High Density) zoning. City Council heard the original request on April 16, 2015, and directed the case to be renotified and re-heard by Zoning and Platting Commission, in conjunction with the Applicant amending the request from MF-5 to CS-MU.

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 & 3rd 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 & 3rd 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 Heritage Tree Foundation
Austin Neighborhoods Council	North Growth Alliance
Harris Branch Master Association, Inc.	The Real Estate Council of Austin, Inc.
Bike Austin	Sierra Club
SelTexas	AISSD
Windsor Hills Neighborhood Association	Edward Joseph Developments, Ltd.
Heritage Hills/Windsor Hills Combined Neighborhood Contact Team	
Super Duper Neighborhood Objectors and Appealers Organization	

CITY COUNCIL DATE/ ACTION:

December 11, 2014: *Case not on the agenda*

March 12, 2015: *Pulled from the agenda, no action taken.*

April 16, 2015: *Approved a Postponement request by Staff to May 14, 2015. Vote: 10-0, Council Member Kitchen was off the dais.*

May 14, 2015: *Approved a Postponement request by Applicant to June 11, 2015, on consent. Vote: 11-0, Zimmerman's motion, Council Member Pool's second.*

June 11, 2015: *Closed public hearing and approved first reading of CS-MU-CO, on consent. Vote: 11-0, on Council Member Kitchen's motion, Council Member Renteria's second.*

August 13, 2015: *Closed public hearing and approved second reading of LR-CO on Tract 1 and CS-MU-CO on Tract 2, with the following condition: a certificate of occupancy for more than 100 multifamily units shall not be issued until a certificate of occupancy is issued for a commercial use on Tract 1. Vote: 11-0, on Council Member Pool's motion, Council Member Zimmerman's second.*

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ORDINANCE READINGS: 1st June 11, 2015 2nd August 13, 2015 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 974-2122

STAFF RECOMMENDATION:

Staff does not support the request for general commercial services-mixed use (CS-MU) 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.