

ZONING CHANGE REVIEW SHEET**CASE:** C14-2018-0043 - Belmont Apartments**Z.A.P. DATE:** September 18, 2018**DISTRICT:** 1**ADDRESS:** 9100 Brown Lane**AREA:** 8.078 Acres**OWNER:** LDG Development, LLC (Justin Hartz)**AGENT:** Costello, Inc. (Steven Buffum)**FROM:** LI – Limited Industrial**TO:** CS-MU**SUMMARY STAFF RECOMMENDATION:**

Staff recommends CS-MU for Tract 1 and CS zoning for Tract 2. See the Issues section below for information about the two tracts.

TIA: N/A**WATERSHED:** Little Walnut Creek**Z.A.P. COMMISSION RECOMMENDATION:**

September 18, 2018:

ISSUES:

The proposed rezoning tract is located in an area that includes residential, light industrial, and mixed use zoning, as well as a wide variety of land uses. The Applicant is proposing multifamily use for this site. The rezoning tract is also located directly in the path of the eastern extension of Rundberg Lane, which is currently under engineering design by the City of Austin. The planned extension will essentially bisect the tract, leaving Tract 1 adjacent to mixed uses and Tract 2 adjacent to industrial uses. The tracts will be separated by 116 feet of right-of-way (ROW) when Rundberg is constructed. The ROW area will comprise approximately 1.49 acres that are currently part of the rezoning tract. Staff's zoning recommendation reflects the fact that the site will be divided in the future, and recommends different zoning for the two remaining tracts.

City Staff cannot request that the ROW be dedicated at time of zoning due to the scale of the proposed ROW area. A Rough Proportionality estimate is required at time of ROW dedication; without knowing the land uses and features of the roadway, the estimate cannot be created at this time. The City's Law Department has determined that there is no mechanism to allow ROW reservation to be required as part of the rezoning process. Therefore, ROW will be required at time of subdivision or site development.

DEPARTMENT COMMENTS:

The proposed rezoning tract is located on the west side of Brown Lane, between Ferguson Lane and Rundberg Lane. The property is zoned LI and is undeveloped. North of the property are tracts zoned SF-3, LI-CO, and LI. The tracts contain an automotive repair shop, an undeveloped lot, and an industrial business park, respectively. Northeast and east of the subject tract, across Brown Lane, are properties zoned LI-CO and CS-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-CO property, as well SF-3 parcels developed with single family residences. South of the property are properties zoned LI and LI-CO that with office/warehouse use and undeveloped land. Southwest of the rezoning tract is land zoned MH and CS that contains a mix of uses, including mobile homes and construction sales and services. West of the property is undeveloped land zoned CS-MU-CO. This land was rezoned from LI in 2015 to allow development of a maximum of 310 residential units. The property is currently owned by Austin Housing Authority and is anticipated to be developed with multifamily land use. Northwest of the subject tract is undeveloped land zoned LI and CS-CO. *Please refer to Exhibits A and B (Zoning Map and Aerial Map).*

As stated in the Issues section, the rezoning tract is located directly in the path of the planned eastern extension of Rundberg Lane, which is under design at 116 feet of ROW. The planned extension will divide the 8.078 acre property in two tracts. *Please refer to Exhibit C (Tract Map) and table below.*

Original Tract *	8.0780 ac.		
Proposed ROW Acquisition *	1.4907 ac.		
Remainder *	6.5873 ac.		
		<u>Tract 1</u>	<u>Tract 2</u>
Rezoning Tracts ** (measured to ROW centerline)		+/- 4.751 ac.	+/- 3.331 ac.
Proposed ROW Acquisition per Tract **		+/- 0.7454 ac.	+/- 0.7454 ac.
Remainder Tracts ** (measured to edge of ROW)		+/- 4.0056 ac.	+/- 2.5856 ac.

* NOTE: These acreages are based on 30% draft engineering drawings of the East Rundberg extension provided by City of Austin Public Works Department.

** NOTE: These acreages are all approximate. A formal survey of the tracts has not yet been performed, but will be required prior to third reading.

By dividing the property into two tracts by an arterial roadway, the relationship that the tracts have with their adjacent land uses is changed. Tract 1 will be adjacent to mixed uses that include residential, and Tract 2 will be adjacent to mostly light industrial uses. The tracts will be separated by 116 feet of right-of-way (ROW) when Rundberg is constructed, making them distinct sites and not a cohesive development. Staff's zoning recommendation reflects the fact that the site will be divided in the future, and recommends different zoning for the two remaining tracts.

Staff supports the request of CS-MU on Tract 1. This tract is immediately adjacent to a CS-MU-CO-NP property that was rezoned in 2015. Tract 2, however, is adjacent to several light industrial properties along Brown Lane. Staff does not believe that residential land use is appropriate for Tract 2, and therefore recommends CS for Tract 2.

Staff has attached correspondence that has been received 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>	SF-3, LI-CO, LI	Undeveloped, Automotive repair shop, Industrial business park
<i>South</i>	LI, LI-CO, MH, CS-CO	Limited industrial, Mobile homes
<i>West</i>	CS-MU-CO	Undeveloped
<i>East</i>	LI, SF-3	Undeveloped, Limited industrial, Single family residential

CASE HISTORIES:

NUMBER / NAME	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0136 Cameron Apartments (9201 Cameron Road)	LI to CS-MU, as amended— original request was MF-5	05/05/2015: < 2,000 vpd.; Max 310 d.u., prohibited uses: Pawn shop services, Adult oriented businesses	08/25/2015: Approved Ord #20150825-003. Tract 1: GR- CO, Tract 2: CS-MU-CO. Both tracts: < 4,000 vpd.; Tract 2: Max 310 d.u., prohibited uses: Automotive rentals, Automotive washing (any type), Exterminating svcs, Pawn shop svcs, Drop-off recycling collection facility, Auto repair svcs, Auto sales, Commercial off-street parking, Funeral svcs, Service station
C14-2010-0068 Ferguson Lane (1834 Ferguson Lane)	I-RR to LI	6/1/2010: ZAP Approved staff rec. LI-CO zoning (7-0) <2000 vpd, no scrap/ salvage, vehicle storage, convenience storage, service	6/24/2010: Approved LI-CO as recommended ORD #. 20100624-128

		station	
C14-2010-0002 Brown Lane / Commercial Square Ltd. (9333 Brown Ln.)	I-RR to LI and CS-MU	4/6/2010: ZAP Approved staff rec. 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 rec. 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 rec. 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)

ROADWAY CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Brown Lane	62'	24'	Local	No	No	No

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association
Austin Neighborhoods Council
Neighborhood Empowerment Foundation
Harris Branch Master Association, Inc.
Sierra Club
AISD

Austin Heritage Tree Foundation
Friends of Austin Neighborhoods
North Growth Alliance
Bike Austin
SelTexas

CITY COUNCIL DATE/ ACTION: October 4, 2018:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

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

PHONE: 512-974-2122

STAFF RECOMMENDATION:

Staff supports the request of CS-MU on Tract 1. This tract is immediately adjacent to a CS-MU-CO-NP property that was rezoned in 2015. Tract 2, however, is adjacent to several light industrial properties along Brown Lane. Staff does not believe that residential land use is appropriate for Tract 2, and therefore recommends CS for Tract 2. By dividing the property into two tracts by an arterial roadway, the relationship that the tracts have with their adjacent land uses is changed. Tract 1 will be adjacent to mixed uses that include residential, and Tract 2 will be adjacent to mostly light industrial uses. The tracts will be separated by 116 feet of right-of-way (ROW) when Rundberg is constructed, making them distinct sites and not a cohesive development.

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

The property immediately to the west was granted CS-MU-CO in 2015 and is also planned for multifamily development. However, Tract 2 is separated from the CS-MU-CO property by the Rundberg extension.

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

Since the Rundberg extension will separate this property into two tracts, each tract must have an orderly relationship with their more immediate neighbors, not the remainder of the site that is 116' feet away. The CS-MU tract is adjacent to CS-MU and the CS tract is adjacent to several LI-CO and CS-CO properties.

SITE PLAN

Site plans will be required for any new development other than single-family or duplex residential.

SP 2. 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.

SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 4. The site is subject to compatibility standards.

- ☐ No structure may be built within 25 feet of the property line.
- ☐ No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- ☐ No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- ☐ No parking or driveways are allowed within 25 feet of the property line.
- ☐ A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

- ☐ 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 line.
 - ☐ An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
 - ☐ 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.
- Additional design regulations will be enforced at the time a site plan is submitted.

TRANSPORTATION

TR1. The Austin Metropolitan Area Transportation Plan requires East Rundberg Lane to be extended as a MAD4 from Dessau Road/Cameron Road to Ferguson Lane. Also, East Rundberg Lane extension has been identified in Austin's Corridor Mobility Program. Staff is on coordination with Lizzy Smith (Lizzy.Smith@austintexas.gov, 974-2856) from the Corridor Planning Office and the Austin Transportation Department to determine the location and required right-of-way width for the corridor improvements. Staff will provide the required ROW width and location to the applicant separately. [LDC 25-6-51 and 25-6-55]. FYI – the existing Rundberg Lane ROW (to the northwest) is 114 feet.

TR2. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113. LDC 25-6-113. Traffic mitigation will be required per LDC 25-6-101 (Ordinance No. 20170302-077).

TR3. Additional right-of-way maybe required at the time of subdivision and/or site plan.

TR4. Janae Spence, Urban Trails, Public Works Department, Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

TR5. FYI - All traffic mitigation is subject to rough proportionality, LDC 25-6-23.

TR6. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Brown Lane	62'	24'	Local	No	No	No

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.
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.

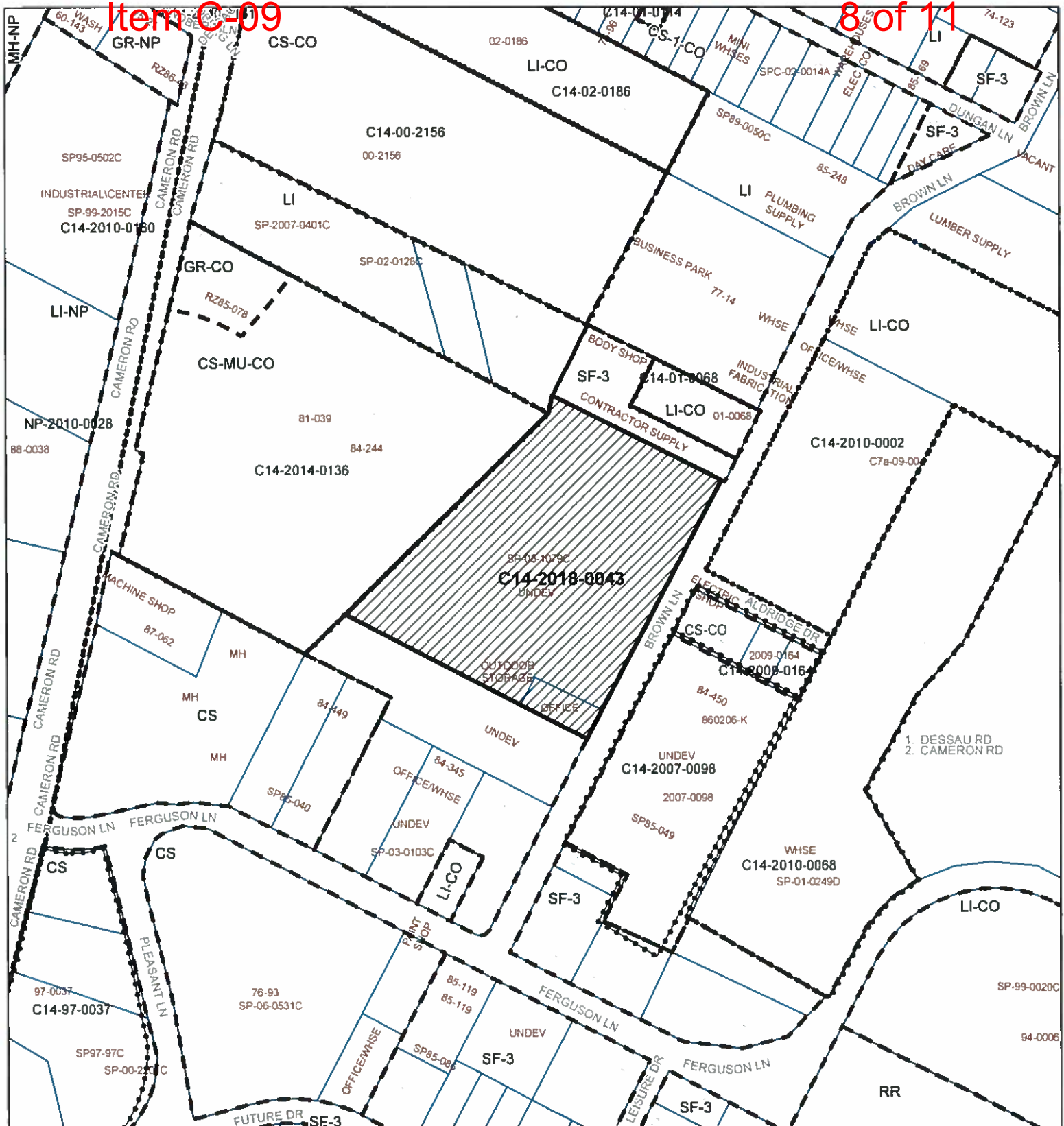
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please 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.

WATER UTILITY

WW1. 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, utility relocations and or abandonments required by the land use. The site shall have separate wastewater taps, separate water meters, and their respective private water and wastewater service lines shall be positioned or located in a manner that will not cross lot lines.

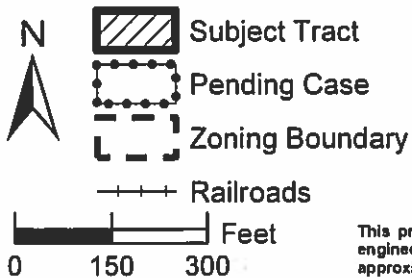
Based on current public infrastructure configurations, it appears that service extension requests will be required to provide adequate water service to this property. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0211.

The water and wastewater utility plan must be reviewed and approved by Austin Water 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.



ZONING

Case#: C14-2018-0043



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







Created: 4/26/2018



BELMONT APARTMENTS

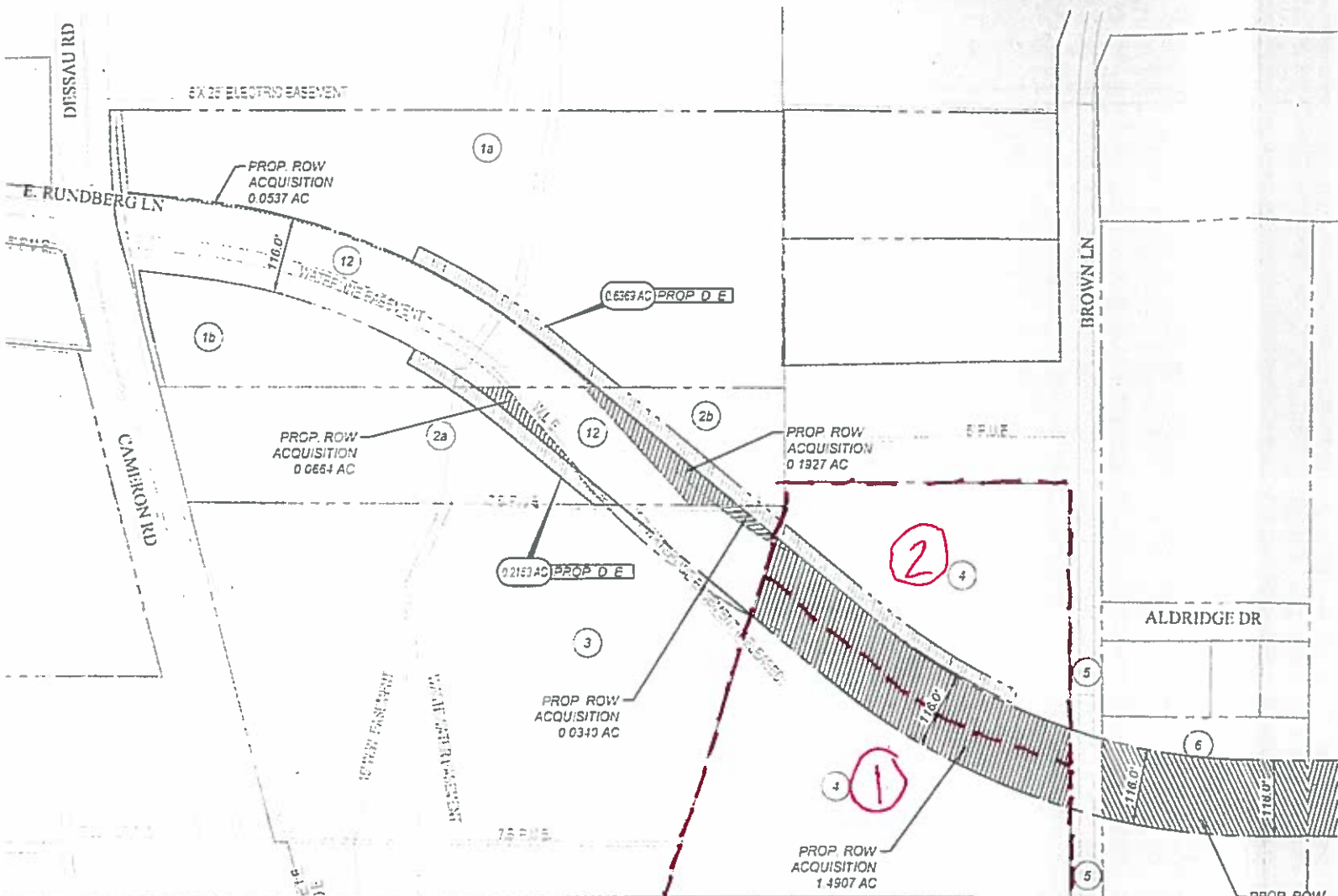
ZONING CASE#: C14-2018-0043
LOCATION: 9100 BROWN LANE
SUBJECT AREA: 8.08 ACRES
GRID: M29
MANAGER: HEATHER CHAFFIN

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

1" = 300'



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Parcel No.	Property ID	Legal Description	Owner Name (2017)	Previous Owner Name	Address	Additional ROW (s.f.)	Additional ROW (ac.)	Additional Easement (ac.)
1a	240691	A35 29 SUR 58 APPLGATE J ACR 6.751	Farahani Family LLC	Robert B. Reese, ET AL (9.900 ac.)	9401 Cameron Road, Austin TX 78754	2,339.91	0.0537	0.2034
1b	902486	A35 29 SUR 58 APPLGATE J ACR 1.305	RCCG SALVATION Center Inc.	Robert B. Reese, ET AL (9.900 ac.)	9401 Cameron Road, Austin TX 78754	0.00	0.0000	0.0516
2a	240690	A35 29 SUR 58 APPLGATE J ACR 2.3128	RCCG-SALVATION Center Inc.	RCCG Salvation Center, Inc. (Tract A, 2.416 ac.)	9309 Cameron Road Austin TX 78754	2,892.59	0.0664	0.1635
2b	825939	A35 29 SUR 58 APPLGATE J ACR 0.9423	RCCG-SALVATION Center Inc.	RCCG Salvation Center, Inc. (Tract B, 0.942 ac.)	9309 Cameron Road Austin TX 78754	8,355.51	0.1927	0.1606
3	772161	LOT 1 BLK A Cameron Industrial Park	Housing Authority of Austin	F51 Cameron Crossing LP Lot 1 Block A (9.190 ac.)	9201 Cameron Road, Austin TX 78754	1,479.54	0.0340	0.0314
4	238512	A35 29 SUR 58 APPLGATE J ACR 8.078	ROBERT TIMMERMAN	Robert Timmerman (8.078 ac.)	9100 Brown Lane, Austin TX 78754	64,936.60	1.4907	0.2414
5	-	Brown Lane	-	Brown Lane	-	0.00	0.0000	0.0000
6	238517	A35 29 SUR 58 APPLGATE J ACR 4.4210	Silver Island Limited LLC	Wasatch, LLC	Brown Ln TX 78754	37,322.41	0.8568	0.0000
7	238550	A35 29 SUR 58 APPLGATE J ACR 8.997	Ferguson Lane Business Park LP	Ferguson Lane Business Park, L.P. (8.997 ac.)	1834 Ferguson Lane, Austin TX 78754	30,868.02	0.7086	0.0000
						1,647.97	0.0378	0.0000
8	238549	A35 29 SUR 58 APPLGATE J ACR 15.0000 (1-D-1)	Allie Beck LLC	Draper Partners, LTD. (15.000 ac.)	1348 Ferguson, Austin TX 78754	41,637.97	0.9559	0.2766
9a	873510	LOT 1 BLK A SOMMERFELD COMMERCIA	SOMMERFELD FAMILY LP	SOMMERFELD FAMILY LP	2000 FERGUSON LN TX 78754	559	0.0128	0.0000
9b	873510	LOT 1 BLK A SOMMERFELD COMMERCIA	SOMMERFELD FAMILY LP	SOMMERFELD FAMILY LP	2000 FERGUSON LN TX 78754	0	0.0000	0.0000
10	238547	A35 29 SUR 58 APPLGATE J ACR 11.280	JOHNSON ELECTRIC INC & SETTLEMENT TRUST	JOHNSON ELECTRIC INC & SETTLEMENT TRUST	FERGUSON LN TX 78754	0	0	0
11	238557	LOT 4A BLK A *LESS .339 ACR AMENDED PLAT OF LTS 3-5 WALNUT CREEK BUSINESS PARK PHS B	CLINICAL PATHOLOGY LABORATORIE	CLINICAL PATHOLOGY LABORATORIE	9200 WALL ST TX 78754	0	0	0
12	-	STREET DEED	CITY OF AUSTIN	CITY OF AUSTIN	-	0	0	0
Total							4.4095	1.1287

Chaffin, Heather

From: YMail
Sent: Monday, May 21, 2018 10:18 AM
To: Chaffin, Heather
Subject: Case Number C14-2018-0043

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern:

We would like to support the zoning change for project location at 9100 Brown lane, austin TX 78754

ZIF Holdings Inc
9001 Cameron rd # 201
Austin TX 78754
Inayat Fidai, President
512-534-1158