

## ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0017 MLK & 183 Residential

DISTRICT: 1

ZONING FROM: CS-NP and LI-CO-NP

TO: CS-MU-NP

ADDRESS: 6121 FM 969

REZONING AREA: 9.5460 Acres

PROPERTY OWNERS:

Asero Holdings Corporation  
(Dale Wimmer)

AGENT:

Armbrust & Brown, PLLC  
(Ferris Clements)

CASE MANAGER: Heather Chaffin (512-974-2122, [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov))

STAFF RECOMMENDATION:

**Staff supports the Applicant's request of CS-MU-NP.**

*For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 23, 2020: To grant CS-MU-NP as recommended by Staff. (10-0)[Kenny- 1st, Shaw-2nd; Azar, Llanes-Pulido- Abstain]

June 9, 2020: Meeting canceled

CITY COUNCIL ACTION:

July 30, 2020:

ORDINANCE NUMBER:

ISSUES:

No issues at this time.

CASE MANAGER COMMENTS:

The proposed rezoning is for a +/- 9.6 acre tract located near the southeast corner of US 183 and FM 969. The property is zoned CS-NP and LI-CO-NP and is mostly undeveloped with a metal fabrication shop on the LI-CO-NP portion. The existing conditional overlay (CO) prohibits some industrial uses and limits vehicular trips to less than 2,000 vehicles per day (vpd). To the west, directly at the corner of US 183 and FM 969, is an undeveloped parcel zoned CS-NP. A site plan for a convenience store is under review for this site. Immediately north of the rezoning site is property zoned CS-CO-NP that is developed with a cocktail lounge. Further north, across FM 969, is property zoned CS-MU-CO-NP that is developed with a fast food restaurant and disused shopping center. The CO limits some commercial and industrial land uses. Further north is a single family neighborhood zoned SF-2-NP. East of the rezoning tract is undeveloped land zoned W/LO-CO-NP; the CO limits some commercial and industrial land uses. Further east is a single family neighborhood zoned SF-2-NP. South is undeveloped land zoned CS-NP; further south is part of the former Motorola campus, zoned LI-NP. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

Staff supports the Applicant's request of CS-MU-NP. The existing zoning does not allow the possibility of residential or mixed use development of the property. The Applicant has stated that they intend to develop approximately 250-300 multifamily units on the site. ***Please see Exhibit C- Applicant Letter.***

BASIS OF RECOMMENDATION:

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

Adding Mixed Use (MU) allows the property to be developed with the residential land use proposed by the property owner.

2. *Zoning changes should promote an orderly relationship among land uses.*
3. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*

The proposed rezoning will allow an orderly relationship among land uses. The zoning closest to US 183 is CS-NP; changing this tract to CS-MU-NP provides an orderly transition toward the SF-2-NP neighborhood to the east. A similar transition is located on the north side of FM 969.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-NP, LI-CO-NP	Undeveloped, Metal fabrication
North	CS-CO-NP, CS-MU-CO-NP, SF-2-NP	Undeveloped, Cocktail lounge, Fast food restaurant, Single family residential
South	CS-NP, LI-NP	Undeveloped, Mixed commercial and industrial
East	W/LO-CO-NP, SF-2-NP	Undeveloped, Single family residential
West	CS-NP	Undeveloped

NEIGHBORHOOD PLANNING AREA: East MLK Combined (MLK-183)

TIA: N/A- deferred to time of site plan

WATERSHED: Walnut Creek

NEIGHBORHOOD ORGANIZATIONS:

Bike Austin

Homeless Neighborhood Association

Cavalier Park Neighborhood Association

Austin Neighborhoods Council

Del Valle Community Coalition

Neighborhood Empowerment Foundation

East MLK Combined Neighborhood Contact Team

Friends of Northeast Austin

AISD

Sierra Club

SELTexas

Neighbors United for Progress

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2020-0010 FM 969 Retail	LR-NP to CS-1-NP	5/26/2020: To grant CS-1-CO-NP; Cocktail lounge-prohibited	6/11/2020:
C14-2017-0083 Mosaic Sound Collective	GO-NP to CS-MU-CO-NP and CS-1-MU-NP	8/22/2017: CS-MU-CO-NP and CS-1-MU-CO-NP- Comm'l blood plasma center, Equip sales, Equip repair svcs, Vehicle storage. Bail bond svcs, Alt Financial svcs, Offsite access parking prohibited	9/28/2017: Ord 20170928-091 approved as rec
C14-2016-0031 Kaleidoscope Village	SF-6-NP, LR-MU-NP, and LR-NP to MF-2-NP (Tract 1) and LR-MU-NP (Tract 2)	5/24/2016: Recommended MF-2-NP(Tract 1) and LR-MU-NP (Tract 2)	8/11/2016: Ord #20160811-041 Approved MF-2-NP(Tract 1) and LR-MU-NP (Tract 2)

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
FM 969	~117'	154'	66'	4	No	Yes	Yes

OTHER STAFF COMMENTS:

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.
2. 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%

3. According to floodplain maps there is no floodplain within or adjacent to the project location.

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.

### SITE PLAN

SP 1. 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.

#### Compatibility Standards

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.

#### TRANSPORTATION

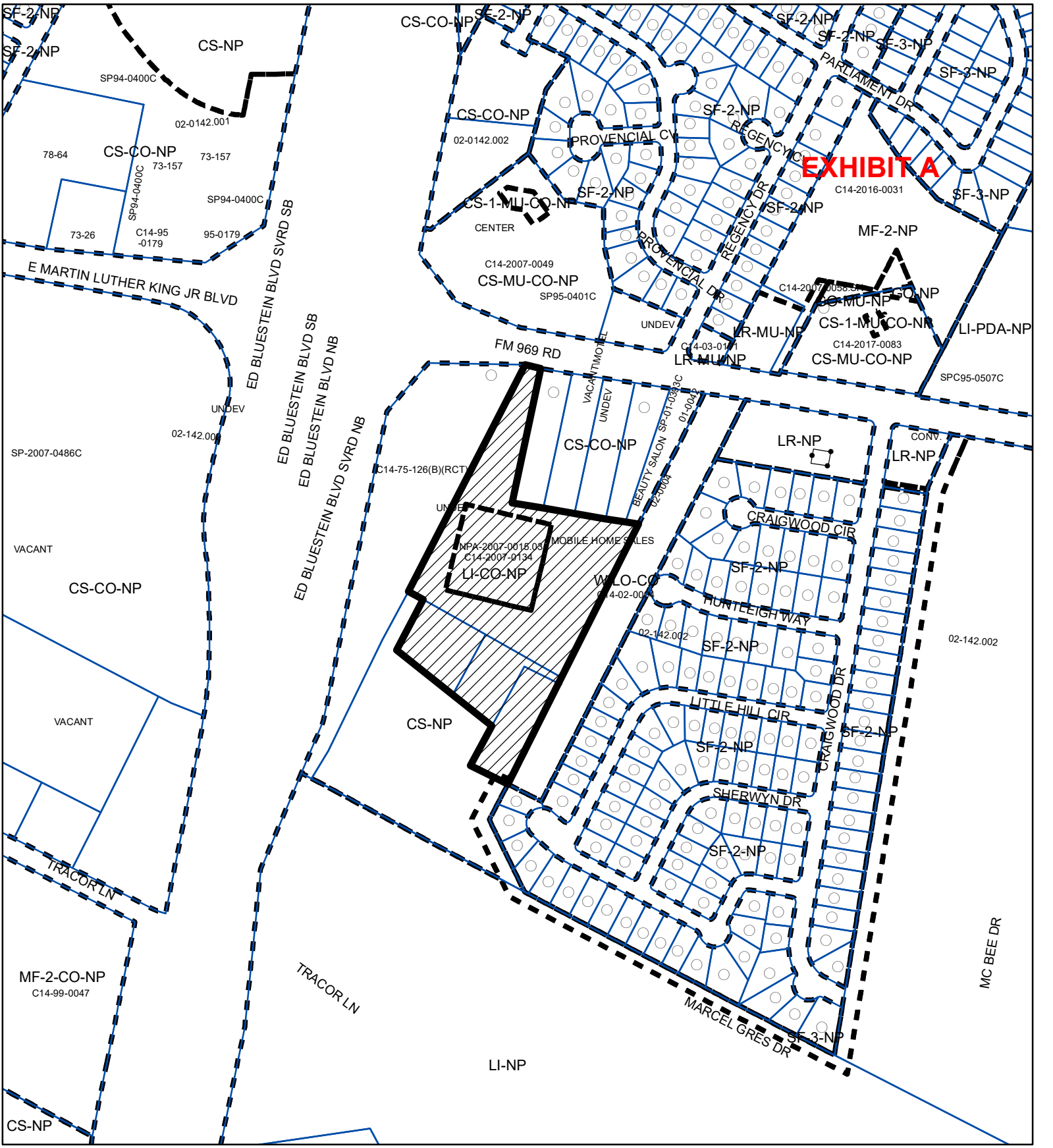
Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
FM 969	~117'	154'	66'	4	No	Yes	Yes

#### WATER UTILITY

1. 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. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.




#### INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Exhibit
- C. Applicant Letter



**EXHIBIT A**



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**

**ZONING CASE#: C14-2020-0017**

1" = 400'

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**Created: 2/6/2020**



# ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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**EXHIBIT C**

Ferris Clements  
(512) 435-2337  
fclements@abaustin.com

February 4, 2020

Greg Guernsey  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road, 5th Floor  
Austin, TX 78704

Re: Rezoning of 6121 FM Rd 969 (9.5460 acres) (the "Application")

Dear Mr. Guernsey:

This firm represents and this letter is submitted on behalf of the Applicant for the above referenced Application. The area to be rezoned is comprised of a 9.5460 acre tract of land located at 6121 FM Rd 969, Austin, Texas 78724 (the "Property"). A neighborhood plan amendment application is being submitted in addition to the zoning request. The property is in the MLK-183 Combined Neighborhood Plan. This neighborhood plan designates the Future Land Use Map ("FLUM") the Property as Industrial.

The request is to rezone the Property from Light Industrial-Conditional Overlay-Neighborhood Plan (LI-CO-NP) and General Commercial Services-Neighborhood Plan (CS-NP) to General Commercial Services-Mixed Use-Neighborhood Plan (CS-MU-NP) to allow for residential apartment units. The neighborhood plan request is to change the FLUM from Industrial to Mixed Use.

Thank you in advance for your time and consideration of this zoning request. If you have any questions or need additional information, please do not hesitate to contact me at (512) 435-2337.



Respectfully,

ARMBRUST & BROWN, PLLC

A handwritten signature in blue ink, appearing to read 'C. F. Clements', with a stylized flourish at the end.

Ferris Clements

cc: Kate Clark, City of Austin  
Amanda Morrow, Armbrust & Brown  
Luke Phillipi, Endeavor  
Collin Aufhammer, Endeavor  
Dale Wimmer, Asero Holdings Corp.

