

**ZONING AND PLATTING COMMISSION  
SITE PLAN  
CONDITIONAL USE PERMIT AND  
COMPATIBILITY VARIANCE**

**CASE NUMBER:** SP-2019-0141C      **ZONING AND PLATTING COMMISSION**  
**HEARING DATE:** July 6, 2021

**PROJECT NAME:** Howard Plaza

**ADDRESS:** 3127 East Howard Lane

**APPLICANT:** Attn: Peter Pham (512) 989-1362  
c/o Platron Manufacturing  
13930 Immanuel Rd.  
Pflugerville, TX 78660

**AGENT:** Attn: Way Atmadja, PE (512) 343-0766  
WAY Consulting Engineers, Inc.  
11615 Angus Road, Suite 119  
Austin, TX 78759

**CASE MANAGER:** Randall Rouda (512) 974-3338  
[Randall.Rouda@austintexas.gov](mailto:Randall.Rouda@austintexas.gov)

**NEIGHBORHOOD PLAN:** None

**PROPOSED DEVELOPMENT:**

The applicant is proposing to develop a vacant lot, zoned W/LO (Warehouse/Limited Office) with two warehouse buildings and one building for alternating Daycare Services (Commercial) during daily business hours and Community Recreation (Private) in the evenings and weekends. Those uses are defined as follows:

**DAY CARE SERVICES (COMMERCIAL)** use is the use of a site for the provision of daytime care for more than 20 persons. This use includes nursery schools, preschools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.

**COMMUNITY RECREATION (PRIVATE)** use is the use of a site for the provision of an indoor or outdoor recreational facility for use by residents or guests of a residential development, planned unit development, church, private primary or secondary educational facility, club or lodge, or non-profit organization.

Warehouse and Day Care Services (Commercial) are allowed uses in the W/LO Zone. Community Recreation (Private) is allowed with a Conditional Use Permit.

Each of the three buildings is single story with 5,000 square feet of gross floor area. A 6,000 square foot pavilion is also proposed in the vicinity of the day care/community recreation building. Total gross floor area is 51,000 square feet. Total proposed parking is 242 spaces, (including 7 ADA spaces) and bike rack (6 spaces). The site will have a single driveway, shared with the parcel to the east, accessing East Howard Lane. Public sidewalk improvements are proposed along East Howard Lane. One variance from compatibility setback requirements is being requested.

**DESCRIPTION OF COMPATIBILITY VARIANCE:**

- 1) From 25 feet to 5.1 feet for the easterly setback. [LDC § 25-2-1063]

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the Conditional Use Permit for Community Recreation (Private) Use and approval of the Compatibility Waiver with the following condition of approval:

- 1) *That all remaining informal administrative comments are cleared prior to site plan approval*

The site borders the ETJ to the west, and a single family residence and PUD to the east. The adjacent portion of the PUD is subdivided for single family residential development. Adequate parking and facilities are provided for the proposed use and access is available from Howard Lane. This request does not include provision for amplified outdoor sound.

The applicant proposes to place shared driveway improvements, paved parking and tree wells within the 25 foot compatibility setback along their entire 700 foot shared property line. The paved areas are approximately 5.1 feet (varying but not less than 5 feet) from the property line. All improvements are flush to the ground. In total, approximately 14,000 square feet of paved improvements are located within the compatibility setback. The landscape plan shows the border between the parking area and the adjacent single family residence as shaded and partially screened by a row of live oaks and red oaks to be planted in the five foot wide landscaped area east of the paved parking lot.

The parcel to the east which creates the compatibility setback is zoned W/LO (Warehouse and Limited Office) and is developed with a single family residence. As the residence is an allowed use in zones more restrictive than SF-5, the compatibility requirements of LDC Article 10 apply. The parcels are under common ownership and the property owner has submitted a letter on behalf of the parcel with the residential use expressing support for the compatibility waiver. Note that the parcel to the west is also developed with residential uses, however, Article 10 does not apply as that parcel is within the ETJ.

The subject parcel is unusually narrow, making compliance with the compatibility standards quite challenging. The site is approximately 190 feet in width where compatibility applies, and is approximately 1,480 feet in depth. Further, the development requires a substantial area for wastewater treatment (septic) as the site is beyond the limits of the City of Austin's wastewater collection infrastructure.

The site plan complies with all other compatibility standards.

**PROJECT INFORMATION**

<b>TOTAL SITE AREA</b>	364,597 sq. ft.	8.37 acres	
<b>EXISTING ZONING</b>	W/LO		
<b>PROPOSED ZONING</b>	W/LO		
<b>WATERSHED</b>	Harris Branch (Suburban)		
<b>WATERSHED ORDINANCE</b>	Comprehensive Watershed Ordinance		
<b>TRAFFIC IMPACT ANALYSIS</b>	Not required		
<b>CAPITOL VIEW CORRIDOR</b>	None		
<b>PROPOSED ACCESS</b>	E. Howard Lane		
	<b>Allowed/Required</b>	<b>Existing</b>	<b>Proposed</b>
<b>FLOOR-AREA RATIO</b>	0.25:1	N/A	<b>0.14:1</b>
<b>BUILDING COVERAGE</b>	N/A%	N/A	<b>14%</b>
<b>IMPERVIOUS COVERAGE</b>	70%	N/A	<b>53.8%</b>
<b>PARKING</b>	241 (with CUP)	N/A	<b>242</b>

**COMPATIBILITY**

The subject site is bordered by a single-family residential land uses, to the east. The proposed parking improvements within the 25 foot setback are typical for warehouse/industrial projects and do not include any vertical construction components. Both parcels are under common ownership and no objections to the compatibility waiver have been presented to date.

The site complies with all other compatibility standard requirements.

**EXISTING ZONING AND LAND USES**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	W/LO	Vacant
<i>North</i>	I-SF-4A	Howard Lane, Vacant and Single family residences
<i>South</i>	PUD	Vacant, Critical Water Quality Zone and Critical Environmental Features.
<i>East</i>	W/LO, PUD	Vacant
<i>West</i>	ETJ	Single Family Residence(s), Vacant

**ABUTTING STREETS**

<b>Street</b>	<b>Right-of-Way Width</b>	<b>Pavement Width</b>	<b>Classification</b>
East Howard Lane	106 feet	58 feet	Suburban

**NEIGHBORHOOD ORGNIZATIONS:**

- Austin Lost and Found Pets
- Friends of Austin Neighborhoods
- Harris Branch Master Association, Inc.
- Harris Branch Residential Property Owners Assn.
- Homeless Neighborhood Association
- Neighborhood Empowerment Foundation
- North Gate Neighborhood Association
- North Growth Corridor Alliance
- Pflugerville Independent School District
- SELTexas
- Sierra Club, Austin Regional Group
- TechRidge Neighbors

**CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERIA**

The following evaluation is included to provide staff's position on each point of the conditional use permit criteria. Section **25-5-145** of the Land Development Code (**EVALUATION OF CONDITIONAL USE SITE PLAN**) states:

A. The Land Use Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

**B. A conditional use site plan must:**

**1. Comply with the requirements of this title;**

Staff Response: This site plan complies with all regulations and requirements of the Land Development Code.

**2. Comply with the objectives and purposes of the zoning district;**

Staff Response: The W/LO Zone is intended for uses that do not require a highly visible location or generate substantial volumes of heavy truck traffic, that generates low or moderate vehicular trips, and that requires less access than a retail use. When adjacent to single family residential use, the W/LO zone should accommodate buffering. As proposed the Day Care and Community Recreation uses are less intensive and provide a buffer for the PUD to the east. The entire site serves as a buffer between the unregulated land uses of the ETJ to the west and the residential uses to the east. The proposed development complies with all site development regulations for the zoning district.

**3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;**

Staff Response: The site plan will comply with all requirements of the Land Development Code and zoning district. In addition, the buildings comply with setback and height requirements, including the height requirements for compatibility with residential uses to the east. The site is providing, shaded sidewalks, and open space as required by Subchapter E (Commercial Design Standards)

**4. Provide adequate and convenient off-street parking and loading facilities; and**

Staff Response: Off-street parking is provided in accordance with Land Development Code requirements. The loading facilities will be screened from view.

**5. Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects.**

Staff Response: The site plan will comply with all requirements of the Land Development Code and reasonably protects the health, safety, and welfare of persons and property.

**C. In addition, a conditional use site plan may not:**

**1. More adversely affect an adjoining site than would a permitted use;**

The site plan will conform to all regulations and standards established by the Land Development Code. This proposed site plan does not more adversely affect an adjoining site than would a permitted use. The portion of the site proposed for Day Care/Community Recreation Use would otherwise be available for additional warehouse uses with associated truck access and equipment use.

**2. Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; or**

Staff Response: The site plan does not adversely affect the safety and convenience of vehicular

and pedestrian circulation. A condition of approval is proposed to avoid the loss of pedestrian convenience by requiring the replacement of the existing pedestrian passageway.

3. **Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign.** Staff Response: All signs and lighting will comply with the Land Development Code.

**D. A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.**

No such adverse effect has been identified.

In addition, Sec. **25-5-146 (CONDITIONS OF APPROVAL)** states:

(A) To make a determination required for approval under Section 25-5-145 (Evaluation Of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:

- (1) a special yard, open space, buffer, fence, wall, or screen;
- (2) landscaping or erosion;
- (3) a street improvement or dedication, vehicular ingress & egress, or traffic circulation;
- (4) signs;
- (5) characteristics of operation, including hours;
- (6) a development schedule; or
- (7) other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.

The following condition of approval is recommended:

- 1) That all remaining informal administrative comments are cleared prior to site plan approval

May 17, 2021

Mr. Randall Gouda, Case Manager  
Development Services Department  
City of Austin  
P.O. Box 1088  
Austin, TX 78767

RE: HOWARD PLAZA (SP-2019-0141C)  
COMPATIBILITY SETBACK REDUCTION  
3127 E. Howard Lane, Austin, Texas 78653

Dear Mr. Rouda,

My name is Peter Pham and I am the owner of the house located at 3131 E. Howard Lane directly adjacent to the east side of the proposed Howard Plaza development.

I am also the owner of the proposed Howard Plaza development. I, hereby, testify that I have no objection to the proposed reduction of the 25 foot wide compatibility buffer as proposed for the Howard Plaza (SP-2019-0141C).

If you have any questions, please don't hesitate to call me.

Sincerely,



Peter Pham  
3131 E. Howard Lane  
Austin, Texas 78653  
(512) 989-1362

Cc: Way Atmadja, P.E.  
Jody Jarrett, RLA



-  Subject Tract
-  Base Map

CASE#: SP-2019-0141C  
LOCATION: 3131 E Howard Ln. W/buildings



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 Development Review Department for the sole purpose of geographic reference.

