ZONING CHANGE REVIEW SHEET

CASES: C14-2022-0146 – Bergstrom Trail Area Infill – Western Tract DISTRICT: 2
C14-2022-0148 – Bergstrom Trail Area Infill – Eastern Tract

ZONING FROM: LI-NP (Western); LI-NP (Eastern) ZONING TO: CS-MU-V-NP

ADDRESSES: 6300 Burleson Road (Western);
6410 Burleson Road (Eastern)

SITE AREA: 2.69 acres (Western); 1.16 acres (Eastern) TOTAL: 3.85 acres

PROPERTY OWNER: ZIFS Burleson6300, LLC (Zain Fidai)

AGENT: Husch Blackwell LLP (Micah King)

CASE MANAGER: Nancy Estrada (512-974-7617, nancy.estrada@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to deny the Applicant's request for general commercial services – mixed use – vertical mixed use building – neighborhood plan (CS-MU-V-NP) combining district zoning. ***For a summary of the basis of Staff's recommendation, see pages 2 - 3.***

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 9, 2023: ***APPROVED (CS-MU-V-NP) COMBINING DISTRICT ZONING [G. ANDERSON; J. MUSHTALER – 2ND] (11-1) T. SHAW – NAY; ONE VACANCY ON THE DIAS***

April 25, 2023: *Approved a POSTPONEMENT REQUEST by staff to May 9, 2023 [N. BARRERA-RAMIREZ; F. MAXWELL – 2ND] (8-0) A. AZHAR, J. CONNOLLY, Y. FLORES, A. WOODS, A. HAYNES – ABSENT*

April 11, 2023: *Approved a POSTPONEMENT REQUEST by staff to AUGUST 25, 2023 [A. AZHAR; A. WOODS – 2ND] (11-0) A. HAYNES – OFF THE DIAS; Y. FLORES – ABSENT*

CITY COUNCIL ACTION:

June 8, 2023:

ORDINANCE NUMBER:

ISSUES: None at this time.

CASE MANAGER COMMENTS:

The subject rezoning area is located at the northeast corner of Burleson Road and Montopolis Drive. It is composed of two tracts of land separated by right-of-way that was used for Burleson Road until it was realigned.

The Western tract is approximately 2.7 acres and is located at 6300 Burleson Road. A hydraulic parts shop, and an auto body shop are currently located on this tract. The 1.2-acre Eastern tract at 6410 Burleson Road is undeveloped. Both parcels are zoned LI-NP and are located within the Southeast Combined Neighborhood Planning Area.

The subject area is surrounded by industrial business parks, which include warehouses containing distribution and supply companies, manufacturing companies, construction sales and service businesses, and outside storage uses (LI-NP; LI-CO-NP; -LI-PDA-NP). ***Please refer to Exhibits A and B (Zoning Maps) and A-1 and B-1 (Aerial Views).***

Although these are two separate zoning cases, the applicant is proposing a unified development and is requesting general commercial services – mixed use – vertical mixed use building – neighborhood plan (CS-MU-V-NP) combining district for a possible mixed-use development that would include multi-family units requiring an affordable component.

This area does not support residential uses since it is predominantly an industrial area. There are several local businesses in this area. In general, mixed-use and permanent residential are not appropriate in industrial areas. Safety issues contribute to residential and industrial uses not being compatible.

The existing industrial landscape indicates that this area is **not** transitioning to residential mixed-use.

BASIS OF RECOMMENDATION:

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

The limited industrial services (LI) district designation is for a commercial service use or limited manufacturing use generally located on a medium or large sized site. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

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

After careful consideration and deliberation, Staff is unable to recommend the Applicant's rezoning request and recommends maintaining LI-NP zoning, for the following reasons:

- Residential uses are not compatible since it is predominantly an industrial area.
- Rezoning would continue the trend of reducing the amount of industrial acreage in the City of Austin.

- Adding residential uses to the area could result in the loss of more industrial uses.
- The property is located in an Imagine Austin Jobs Center and industrial areas generally do not support residential uses.
- The Southeast Neighborhood Plan supports maintaining the industrial uses and encouraging new industrial and commercial uses which will allow space for small businesses, warehouse manufacturing, and blue-collar jobs.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Sites	LI-NP	Hydraulic parts shop; Auto body shop; Undeveloped
North	LI-NP; P-NP	Distribution warehouses; Supply companies; LCRA Service Center
South	LI-PDA-NP	Gas station; Car rentals; Businesses
East	LI-NP; LI-CO-NP; LI-PDA-NP	Trucking company; Supply distributers/businesses
West	LI-NP; LI-PDA-NP; CS-MU-NP	Building materials supplier; Manufacturer; Warehouse

NEIGHBORHOOD PLANNING AREA: Southeast Combined (Southeast)

TRAFFIC IMPACT ANALYSIS: Is not required

WATERSHED: Onion Creek – Suburban

CAPITOL VIEW CORRIDOR: No SCENIC ROADWAY: No

SCHOOLS:

The subject property is within the Del Valle Independent School District boundaries.

COMMUNITY REGISTRY LIST:

1363 – SELTexas
627 – Onion Creek Homeowners Assoc.
774 – Del Valle Independent School District
176 – Kensington Park Homeowners Assoc.
1228 – Sierra Club, Austin Regional Group
1530 – Friends of Austin Neighborhoods
1616 – Neighborhood Empowerment Foundation
1550 – Homeless Neighborhood Association
1316 – Southeast Combined Neighborhood Plan Contact Team
511 – Austin Neighborhoods Council
1441 – Dove Springs Proud
1408 – Go Austin Vamos Austin 78744
1614 – Caracol Southeast
1258 – Del Valle Community Coalition
1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-98-0092 – Reid Zoning Change – 6100 Burleson Rd	SF-2 to LI-CO		Apvd (10-08-1998).
C14-02-0148 – JCBY Warehouse – 6500 Burleson Rd	DR to LI-CO-NP		Apvd (11-21-2002).
C14-03-0116 – Colorado Crossing – 6800 Burleson Rd	LI-CO-NP & RR-CO-NP to LI-PDA-NP		Apvd (03-11-2004).
C14-2008-0200 – Expo Glo – 6133-6325 E Stassney Ln	GR-MU-NP to LI-CO-NP		Apvd (11-20-2008).
C14-2015-0135 – South Six – 4212 Smith School Rd	DR-NP to LI-PDA-NP		Apvd (02-11-2016).

RELATED CASES:

NPA-2022-0014.05

ADDITIONAL STAFF COMMENTS:

Drainage

Western & Eastern Tracts
The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

Western & Eastern Tracts
The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Onion 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. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	*% of Gross Site Area*	*% of Gross Site Area with Transfers*
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm on site.

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.

PARD – Planning & Design Review

Western Tract
Parkland dedication will be required for the new applicable uses proposed by this development, multifamily and retail with CS-V-MU-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. The intensity of the proposed development creates a need of nearly six acres of additional parkland, per requirements described in § 25-1-602; when over six acres, parkland must be dedicated – see § 25-1-605 (A)(2)(a). Land may be required to meet this critical need. Should any fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Eastern Tract
Parkland dedication will be required for the new applicable uses proposed by this development, multifamily and retail with CS-V-MU-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan and Compatibility Standards

Western Tract
A site plan will be required for any new development other than single-family, two-family, or duplex residential.

Any new development is subject to the design standards in Subchapter E of the Land Development Code. Additional comments will be made when the site plan is submitted.

This site will be subject to the multifamily density provisions in Sub. E 4.2.1.D.6.c.

In the event that demolition or relocation of existing buildings is proposed, the applicant is responsible for requesting demolition or relocation permits at the appropriate stage of the development process. The City Historic Preservation Office will review all proposed building demolitions and relocations. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

This site is located in the Southeast Combined Neighborhood Plan. Please see the City's Neighborhood Plans and Resources webpage for a copy of the recommended design guidelines.

Eastern Tract
A site plan will be required for any new development other than single-family, two-family, or duplex residential.

Any new development is subject to the design standards in Subchapter E of the Land Development Code. Additional comments will be made when the site plan is submitted.

This site will be subject to the multifamily density provisions in Subchapter E 4.2.1.D.6.c.

This site is located in the Southeast Combined Neighborhood Plan. Please see the City's Neighborhood Plans and Resources webpage for a copy of the recommended design guidelines.

Austin Transportation Department – Engineering Review

Western Tract
Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. **Transportation assessment/traffic impact analysis and transportation demand management plan shall** be required at the time of site plan if triggered per **LDC 25-6 and TCM 10.2.1.**

The Austin Strategic Mobility Plan (ASMP) calls for 116 feet of right-of-way for Montopolis Drive. It is recommended that 58 feet of right-of-way from the existing centerline should be dedicated for Montopolis Drive according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 64 feet of right-of-way for Old Burleson Road. It is recommended that 32 feet of right-of-way from the existing centerline should be dedicated for Old Burleson Road according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

Name	**ASMP Classification**	**ASMP Required ROW**	**Existing ROW**	**Existing Pavement**	**Sidewalks**	**Bicycle Route**	**Capital Metro (within ¼ mile)**
Burleson Road	3	116'	116'	60'	No	Bike Lane	Yes
Montopolis Drive	3	116'	60'	58'	Yes	Shared Lane	Yes
Old Burleson Road	1	64'	56'	23'	No	N/A	Yes

Eastern Tract
Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. **Transportation assessment/traffic impact**

analysis and transportation demand management plan shall be required at the time of site plan if triggered per **LDC 25-6 and TCM 10.2.1.**

The Austin Strategic Mobility Plan (ASMP) calls for 116 feet of right-of-way for Burleson Road. It is recommended that 58 feet of right-of-way from the existing centerline should be dedicated for Burleson Road according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Old Burleson Road	1	64’	78’	38’	No	N/A	Yes
Silver Dollar Circle	1	64’	82’	46’	No	N/A	Yes
Burleson Road	3	116’	104’	60’	No	Bike Lane	Yes

Austin Water Utility

Western & Eastern Tracts
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 water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

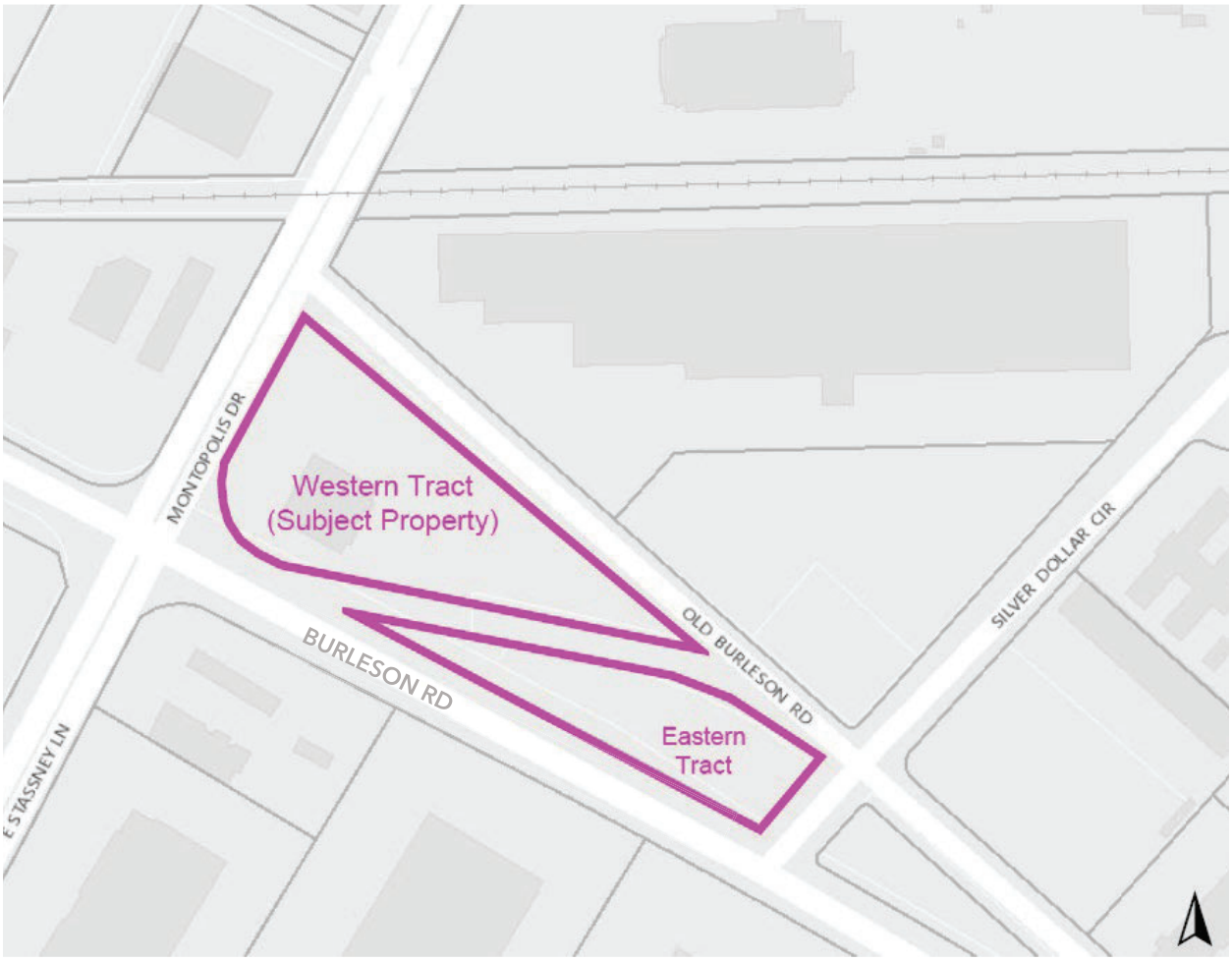
INDEX OF EXHIBITS TO FOLLOW

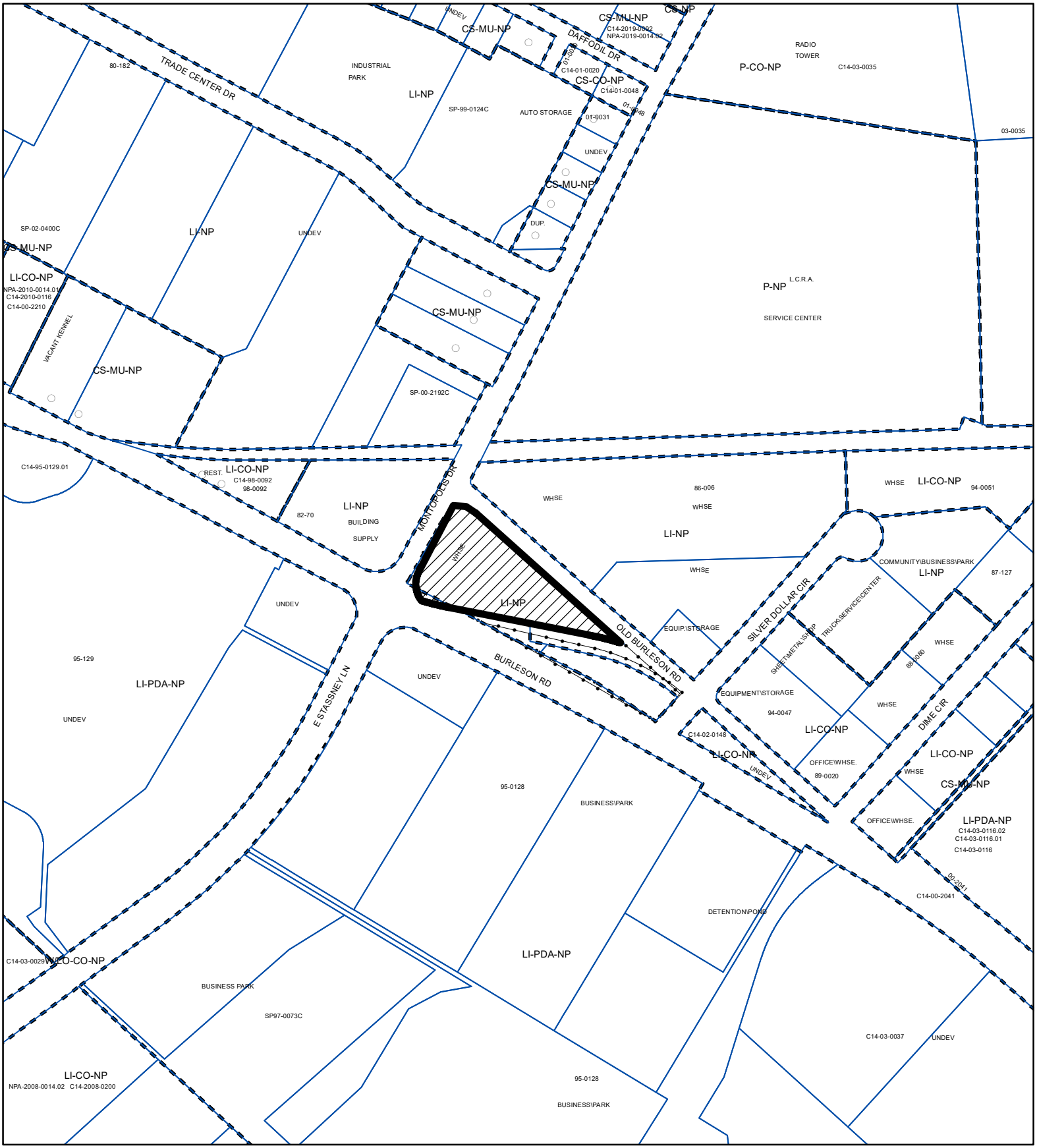
Property Location and Tract Map – Western & Eastern

Exhibit A: Zoning Map – Western
Exhibit B: Zoning Map – Eastern

Exhibit A-1: Aerial Map – Western
Exhibit B-1: Aerial Map – Eastern

Property Location and Tract Map





N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 400 '

ZONING

ZONING CASE#: C14-2022-0146

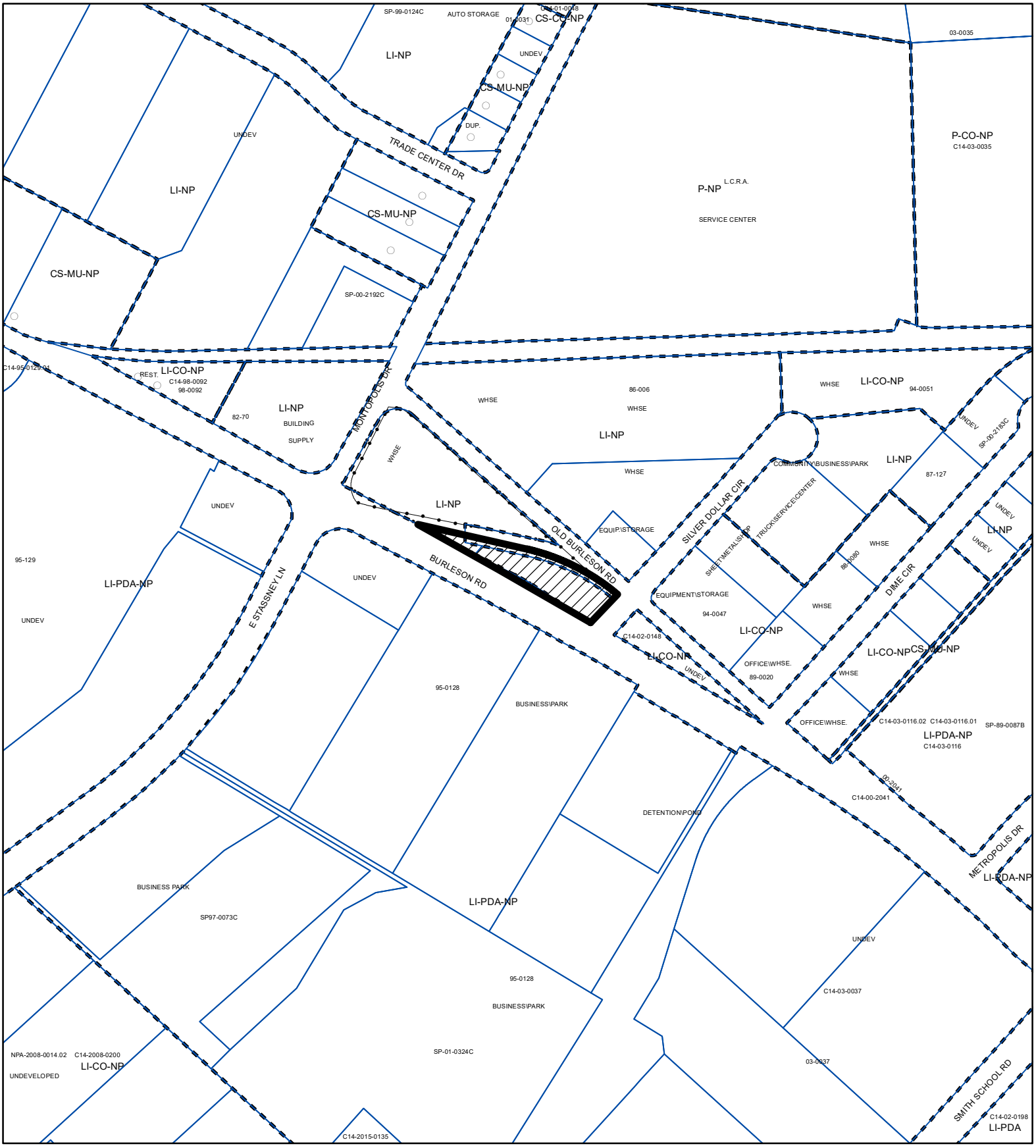
Exhibit A

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CITY OF AUSTIN FOUNDED 1839

Created: 10/20/2022



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2022-0148

Exhibit B

1 " = 400 '

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CITY OF AUSTIN FOUNDED 1839

Created: 10/20/2022



Bergstrom Trail Area Infill - Western Tract

N

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

Exhibit A-1

ZONING CASE#:	C14-2022-0146
LOCATION:	6300 Burleson Road
SUBJECT AREA:	2.6978 Acres
GRID:	K17
MANAGER:	Wendy Rhoades

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Created: 10/26/2022



Bergstrom Trail Area Infill - Eastern Tract

N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

Exhibit B-1

ZONING CASE#: C14-2022-0148
LOCATION: 6410 Burleson Road
SUBJECT AREA: 1.1631 Acres
GRID: K17
MANAGER: Wendy Rhoades

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