

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0177 (2311 W. Howard Lane Project) DISTRICT: 7

ADDRESS: 2311 West Howard Lane

ZONING FROM: GR

TO: CS

SITE AREA: 0.5804 acres (25,284 sq. ft.)

PROPERTY OWNER: Duque Estates, LLC (Gabriel Aviles)

APPLICANT/AGENT: I.T. Gonzalez Engineers (Bill Graham)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMEDATION:

Staff recommends CS, General Commercial Services District, zoning.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

February 18, 2025

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES:

On January 24, 2024, a code violation was filed for this property for an Enterprise Violation - case number ECV 2024-010795, for an unpermitted commercial development of site operating a towing service (*please see Notice of Violation - Exhibit C*).

CASE MANAGER COMMENTS:

The property under consideration is a 25,284 sq. ft. lot that is currently being utilized for a construction sales and services use (Best Insulation) that fronts onto W. Howard Lane. There are also construction sales and services businesses to the north (ABC Heating and Air Services Supply Co Inc.) in the county and to the west (Demolition Excursion Alliance LLC, Construction Innovators Additions, Bartlett Tree Experts) zoned CS and CS-1-CO respectively. The lots to the east contain a vehicle storage use (Eagle Towing) zoned GR and an office/warehouse use (Jorgenson) zoned LI. There is a manufactured home to south fronting Daisy Drive with LI zoning. In this request, the applicant is asking to rezone the property from GR to CS to bring the existing use into conformance with land use regulations in the Code.

BASIS OF RECOMMENDATION:

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

General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.

2. The proposed zoning should allow for a reasonable use of the property.

CS zoning would allow for a fair and reasonable use of the site because the proposed zoning will bring the existing Construction Sales and Services use into conformance with land use regulations in the Code.

3. The proposed zoning should promote consistency and orderly planning.

The CS zoning district would be consistent with the zoning in this area because there is commercial and industrial zoning surrounding this tract of land. There is CS-1-CO and CS zoning to the west and an LI zoning to the south and east.

The CS zoning base district is appropriate for this location because of the commercial and industrial character of the area and the adjacency of the property to an activity corridor (Howard Lane/Gregg Activity Corridor).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR	Construction Sales and Services (Best Insulation)
<i>North</i>	County	ABC Heating and Air Services Supply Co Inc.
<i>South</i>	CS, LI	Manufactured Home
<i>East</i>	GR, LI	Vehicle Storage (Eagle Towing), Office/Warehouse (Jorgensen)
<i>West</i>	CS, CS-1-CO, CS	Construction Sales and Services (Demolition Excursion Alliance LLC, Construction Innovators Additions, Bartlett Tree Experts)

NEIGHBORHOOD PLANNING AREA: N/A

WATERSHED: Walnut Creek

CAPITOL VIEW CORRIDOR: N/A

SCENIC ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Lost and Found Pets,
 Friends of Austin Neighborhoods,
 Homeless Neighborhood Association,
 North Growth Corridor Alliance,
 Save Our Springs Alliance,
 Sierra Club, Austin Regional Group,
 Wells Branch Neighborhood Association

SCHOOLS: Round Rock I.S.D.

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2017-0147 (Daisy Drive Rezoning: 2401 and 2405 Daisy Drive)	CS to CS-MU	1/30/18: Approved staff's recommendation of CS-MU-CO zoning by consent (7-0, D. Breithaupt – absent, A. Denkler and Y. Flores, S. Lavani -arrived late); J. Duncan-1 st , B. Evans-2 nd .	2/15/18: The public hearing was conducted and a motion to close the public hearing and approve Ordinance 20180215-077 for CS-MU-CO district zoning was approved with the amendment listed below on Council Member Pool's motion, Council Member Houston's second on a 9-1 vote. Council Member Flannigan voted nay. Council Member Casar was off the dais.

			The amendment to allow one unit per lot was accepted without objection.
C14-2015-0041 (Trial's Rezoning: 13805 Orchid Lane)	GR to CS	6/02/15: Approved staff's recommendation of CS-CO zoning on consent (6-0); G. Rojas-1 st , S. Compton-2 nd .	6/11/15: Approved CS-CO zoning on consent on all 3 readings (11-0); A. Kitchen-1 st , P. Renteria-2 nd .
C14-2010-0156 (2609 and 2701 Daisy Drive)	CS to CS-MU	11/02/10: Approved the staff's recommendation of CS-MU-CO zoning, with CO to limit the site to 2,000 vehicle trips per day, on consent (7-0); S. Baldrige, G. Bourgeois-2 nd .	12/09/10: Approved CS-MU-CO zoning on consent on all 3 readings (7-0); Spelman-1 st , Martinez-2 nd .
C14-2007-0109 (2600 Gardenia Drive)	CS to CS-MU	8/21/07: Approved staff's recommendation of CS-MU-CO zoning with added condition to prohibit drive-in service by consent (7-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd .	9/27/07: Approved CS-MU-CO zoning by consent (5-0, B. Dunkerley-absent, J. Kim- off the dais)
C14-05-0035 (3101 – 3105 West Howard Lane)	GO to GR	4/19/05: Approved staff's recommendation of GR-CO by consent (7-0, C. Hammond, K. Jackson-absent); J. Martinez-1 st , M. Hawthorne-2 nd .	3/19/05: Approved GR-CO (6-0; Thomas- off dais); 1 st reading 6/09/05: Approved GR-CO by consent(6-0, McCracken-off dais); 2 nd /3 rd readings
C14-03-0188 (13201-13205 Burnet Road)	GO to GR	4/3/04: Approved staff's recommendation of GR zoning, by consent (9-0)	3/4/04: Granted GR zoning (6-0, McCracken-absent); all 3 readings
C14-03-0181 (2401 West Howard Lane)	GR to CS-1	2/3/04: Approved staff recommendation of CS-1-CO zoning, with a 2,000 vehicle trip limit per day (9-0)	3/4/04: Granted CS-1-CO (6-0, McCracken-absent); all 3 readings
C14-00-2205	GR to LI	12/5/00: Approved staff rec. of CS-CO (as amended by applicant) by consent (8-0); conditions as follows: 1) Height limit of 40 feet 2) Prohibit Adult Oriented Businesses 3) 2,000 vehicle trip per day limit	1/18/01: Approved CS-CO w/conditions; (6-0); all 3 readings
C14-00-2112	IP to MF-3	9/19/00: Approved staff alt. rec. of MF-3-CO by consent (9-0)	10/26/00: Approved MF-3-CO on 1 st reading (7-0) 12/7/00: Approved MF-3-CO (7-0); 2 nd /3 rd readings
C14-00-2179	IP to SF-2, SF-3, MF-1	10/17/00: Approved staff rec. of SF-2 (TR1), SF-3 (TR 2), and MF-1 (TR3) by consent (8-0)	11/30/00: Approved SF-2-CO (TR1), SF-3-CO (TR2); MF-1-CO (TR3) w/condition of 2,000

			vehicle trip per day limit (7-0); all 3 readings
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RELATED CASES:

C8-54-080 – Subdivision Case

OTHER STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 2311 W HOWARD LANE. C14-2024-0177. Project: 2311 W Howard Lane Project. 0.58-acre tract from GR to CS. Existing: construction site. Proposed: construction site. Demolition is proposed. Applicant seeks a rezoning allowing for construction sales and services uses at the site.

Yes	Imagine Austin Decision Guidelines
	Complete Community Measures *
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Names of Activity Centers/Activity Corridors/Job Centers *: <ul style="list-style-type: none"> • Adjacent to Howard Lane/Gregg Activity Corridor
	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station.
	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane.
	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market.
	Connectivity and Education *: Located within 0.50 miles from a public school or university.
	Connectivity and Healthy Living *: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
	Connectivity and Health *: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor’s office, drugstore clinic, and/or specialized outpatient care.)
	Housing Choice *: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Housing Affordability *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Mixed use *: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy *: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.

	Creative Economy: Expands Austin’s creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone
1	Number of “Yes’s”

Drainage

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

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. 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:

<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%

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.

Fire

No comments.

Parks and Recreation

Parkland dedication fees may apply to any future site or subdivision applications resulting from this rezoning. As of January 1, 2024, new commercial non-residential uses are not subject to parkland dedication requirements at the time of site plan and subdivision.

Site Plan

Site plans will be required for any new development except residential only projects with up to 4 units.

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

This tract is already developed and the proposed zoning change is within the footprint of an existing development.

Transportation

The Austin Strategic Mobility Plan (ASMP) calls for 72 feet of right-of-way for Howard Lane. It is recommended that 36 feet of right-of-way from the existing centerline should be dedicated for Howard Lane according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55]. Please confirm with Travis County.

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Daisy Dr. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for Daisy Dr according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55]. Please confirm with Travis County.

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)
Howard Lane (County maintained)	Level 2/ Collector	72 feet	Approx 90 feet	Approx 30 feet	None	Yes	No
Daisy Dr (County maintained)	Level 1/ Residential	58 feet	Approx 50 feet	Approx 22 feet	None	No	No

Water Utility

No comments on zoning change.

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities as the site is with the CCN of Austin Water. 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 to meet project demands.

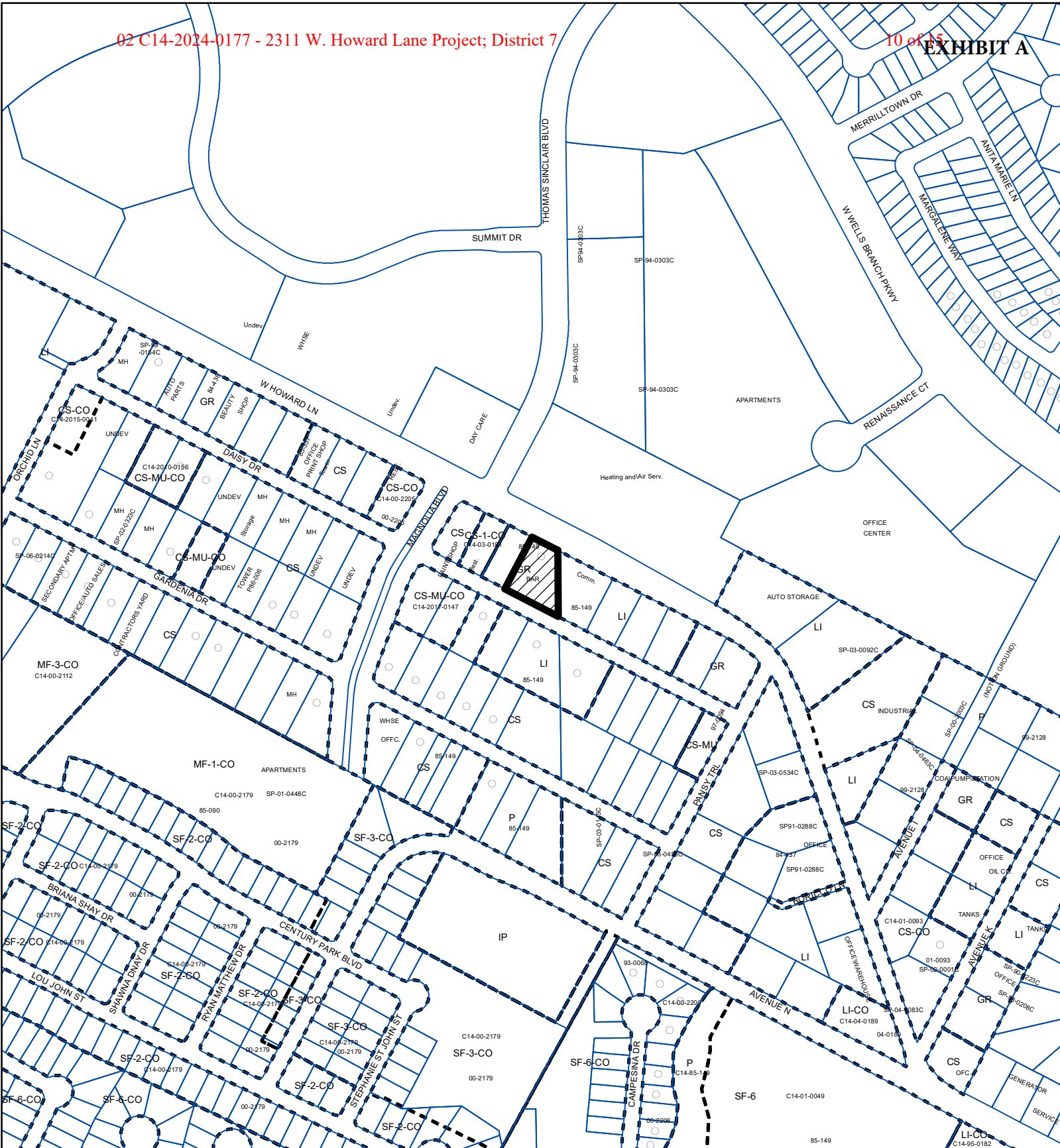
Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide City wastewater service to this lot unless an On-Site Sewage Facility is utilized. If OSSF is utilized, the site is within the City of Austin jurisdiction for on-site sewage facilities, and therefore will require approval from the Austin Water Utility. For more information pertaining to the On-Site Sewage Facilities process and submittal requirements contact the AW OSSF team at OSSF@austintexas.gov or call (512)972-0050. Austin Water reserves the right to make additional comments and to establish other requirements with the On-Site Sewage Facilities review.

All new development within the proposed project will be subject to City Code Chapter 25-9 and any future amendments relating to reclaimed water connections, water benchmarking, and mandatory onsite water reuse.

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 Map
- C. Notice of Violation



ZONING

ZONING CASE#: C14-2024-0177



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

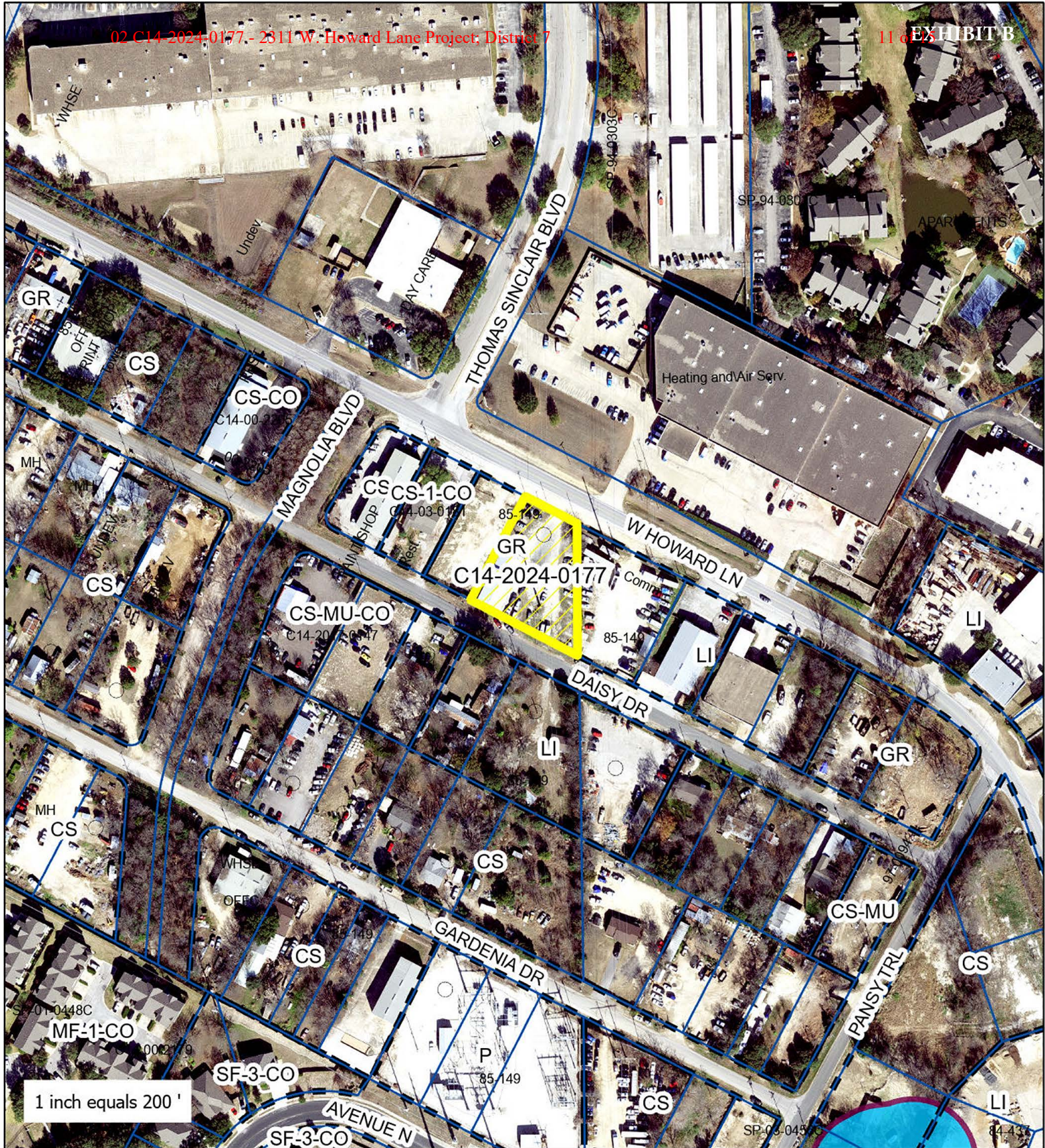
1" = 400'

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Created: 12/9/2024



2311 W Howard Lane Project

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

ZONING CASE#: C14-2024-0177
 LOCATION: 2311 Howard Ln.
 SUBJECT AREA: 0.5804 Acres
 MANAGER: Sherri Sirwaitis



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City of Austin

6310 Wilhelmina Delco Drive, Austin TX 78752

512-978-4000

DevelopmentATX.com

NOTICE OF VIOLATION

Case Number: ECV 2024-010795

Via Certified Mail #7020 2450 1237 4791

Date February 29, 2024

Duque States LLC
2311 W Howard Ln
Austin, TX US 78728-7618

RE: 2311 W Howard Ln
AUSTIN, TX 78728
TCAD Parcel Number 0268180204

Dear Owner

The City of Austin investigated the property described above on *January 30, 2024* Austin City Code violations were found that require your immediate attention. A description of the violation(s) and compliance timeframe(s) are provided in the attached violation report.

For additional information, I can be reached at (737) 230-4744 or derrick.lee@austintexas.gov. Please reference **case number** ECV 2024-010795 ours of operation are Monday – Friday, 7:00 a.m. – 3:30 p.m. If I am unavailable, please contact (512) 974-2278 or environmental.inspections@austintexas.gov.

Para obtener más información, llame al (737) 230-4744 o enviar un correo electrónico a derrick.lee@austintexas.gov. Por favor, consulte **caso número** ECV 2024-010795. El horario de atención es: lunes a viernes, 7:00 a.m. – 3:30 p.m. Si no estoy disponible, comuníquese (512) 974-2278) o por correo electrónico environmental.inspections@austintexas.gov.

Sincerely,

Derrick Lee
City of Austin
Environmental Inspections

VIOLATION REPORT

Date of Notice: February 29, 2024
Code Officer: Inspector Derrick Lee,
Case Number: ECV 2024-010795
Property Address: 2311 W Howard Ln, AUSTIN, TX 78727

The items listed below are violations of the Austin City Code and require your immediate attention. If the violations are not brought into compliance within the timeframes listed in this report, enforcement action may be taken. Timeframes start from the Date of Notice.

Violation Type: No Site Plan

Austin City Code Section: No Site Plan (Code: 73013)

Description of Violation: Did then and there fail to obtain a site plan which had been approved and released by the City of Austin under Chapter 25 of the Land Development Code, contrary to Sections 25-5-1, 25-1-391, 25-1-462 and 1-1-99 of the Code of the City of Austin, 2003, as amended, prior to developing or changing the use of the property at 2311 W Howard Ln, Austin, TX 78727

Recent inspections from the ROW along with aerial imagery indicate that this lot has been developed commercially or is being utilized commercially without proper permitting. All commercial development in the City of Austin 2 mile ETJ and Limited Purpose require an approved and released site plan or site plan exemption to be in compliance with Development Code.

Date Observed: January 30, 2024

Timeframe to Comply: 30 days

Recommended Resolution: A site plan or site plan exemption will need to be approved and released by City of Austin for all lots affected by this commercial development.

IMPORTANT INFORMATION

Failure to Correct

If the violations are not brought into compliance within the timeframes listed in the violation report, enforcement action may include:

- Criminal charges in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.
- Suspension or cancellation of existing site plan, permit or certificate of occupancy. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.
- Civil injunctions or penalties in State court.

Notes: If the corrective action requires a permit please contact the Development Services Department at <http://www.austintexas.gov/department/development-services> or by contacting the Development Assistance Center at 512-974-6370 for more information.

In order to close the above code violation(s), an inspection will need to be conducted. Please contact Inspector at (737) 230-4744 or derrick.lee@austintexas.gov to schedule an inspection.

