

**ZONING CHANGE AND NEIGHBORHOOD PLAN AMENDMENT  
REVIEW SHEET**

**CASE#:** NPA-07-0015.01 and C14-2007-0134

**PC DATE:** November 27, 2007

**ADDRESS:** 6121 FM 969

**APPLICANT/OWNER:** Asero Holdings Corporation

**AGENT:** David Holt, Holt Planners  
Christopher Benjamin, McLeroy, Alberts & Benjamin, PC

**AREA:** 1.78 acres

**ZONING FROM:** CS-NP. General Commercial Services District -Neighborhood Plan  
Combining District

**TO:** LI-CO-NP, Limited Industrial Service – Conditional Overlay – Neighborhood Plan  
Combining District

**LAND USE FROM:** Mixed Use    **TO:** Industrial

**NEIGHBORHOOD PLAN TEXT AMENDMENT:** Modify Page 79, Craigwood Subarea, as follows:

**“Recommendations**

Due to the size and location of the industrial land uses in Craigwood, little or no land is available for new residential development. The primary goal is maintaining the stability of the existing residential area and minimizing potential impacts from additional commercial or industrial development. The vacant and underused land on FM 969 is best suited for community-serving commercial uses, but some residential uses can be added through mixed use development. The vacant and residential tracts to the south of Motorola should be allowed to develop as highway commercial or industrial uses. Existing light manufacturing uses along FM 969 should continue as long as they do not negatively affect the neighborhood.

**Action Items**

**Action 73:** Allow neighborhood commercial/mixed and existing light manufacturing uses along FM 969.”

### **STAFF RECOMMENDATION:**

- 1) Staff recommends approval of Limited Industrial Service –Conditional Overlay - Neighborhood Plan Combining District zoning. The conditional overlay would limit the total daily vehicle trips to less than 2000 and prohibit the following uses:
  - Basic industry,
  - Custom manufacturing,
  - General warehousing & distribution,
  - Limited warehousing & distribution,
  - Recycling center,
  - Resource extraction,
  - Adult-oriented,
  - Automotive sales,
  - Automotive washing,
  - Communications services,
  - Convenience storage,
  - Drop-off recycling facility,
  - Exterminating services,
  - Kennels,
  - Liquor Sales,
  - Outdoor entertainment,
  - Printing and publishing,
  - Scrap and salvage,
  - Transportation terminal,
  - Vehicle storage
- 2) Staff recommends approval of the requested change on the Future Land Use Map (FLUM) to Industrial.
- 3) Staff recommends approval of the requested text changes.

### **PLANNING COMMISSION RECOMMENDATION:**

**November 27, 2007: Planning Commission approved staff recommendation by consent.**

### **DEPARTMENT COMMENTS:**

This report covers a request for zoning change from CS-NP to LI-CO-NP and a neighborhood plan amendment consisting of two parts. The neighborhood plan amendment request is for a change in the future land use map from mixed use to industrial and to amend the text portion of the plan that address the location of industrial uses.

The East MLK Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on November 7, 2002. The boundaries of the planning area are: Anchor to Manor Road to East 51st Street on the north, Springdale on the southeast, and Airport Boulevard to the southwest.

The subject parcel contains an existing industrial site that conducts welding. As part of the East MLK neighborhood planning process, the subject parcel was zoned CS-NP. The subject parcels are located at FM 969 near the intersection of Highway 183 (Ed Bluestein Blvd.), which is part of the Craigwood neighborhood. The applicant would like to re-designate the property to reflect the current use and allow for an expansion of the welding operations. The site has had industrial operations since the early 1970s. After the Neighborhood Plan designated this site for Mixed Use, the continuing industrial uses has been operating as a legal non-conforming use.

**EXISTING LAND USE AND ZONING**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-NP	Industrial (Welding)
<i>North</i>	CS-CO-NP, LR-MU-NP, LR-NP	Day care, beauty supply store, FM 969, vacant retail center
<i>South</i>	CS-NP	Vacant and Industrial (former Motorola site)
<i>East</i>	W/LO-CO, SF-2-NP	Vacant and residential (Craigwood Subdivision)
<i>West</i>	CS-NP	Vacant and US 183

**NEIGHBORHOOD PLAN:** The property lies within the East Martin Luther King Combined Neighborhood Plan adopted on November 7, 2002. The future land use map for this neighborhood plan designates this site for Mixed Use.

**TIA:** A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No      **HILL COUNTRY ROADWAY:** No

**REGISTERED COMMUNITY ORGANIZATIONS:**

- Craigwood Neighborhood Association
- Del Valle Neighborhood Association
- Austin Neighborhoods Council
- Home Builders' Association of Greater Austin
- Austin Independent School District
- Homeless Neighborhood Organization

**SCHOOLS: (AISD)**

Norman Elementary

Garcia Middle School

LBJ High School

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bike Route</b>	<b>Bus Routes</b>
FM 969	118' – 146'	70' – 77'	Arterial	No	No	23 Johnny Morris
Ed Bluestein	Varies		Highway	Yes	No	

**PUBLIC MEETINGS:** On November 1, 2007, a meeting was held with stakeholders within the Craigwood neighborhood, the applicant, and City staff. At this time, there is no planning contact team for this combined planning area. During this meeting, the stakeholders raised a series of questions related to the types of industrial uses that could be allowed and the potential impacts to the neighborhood. The group decided to have two neighborhood representatives, the applicant, and City staff meet to address these issues then report back to the larger group. On November 7, 2007, the three parties met and agreed to the language shown in this report. The group also agreed to prohibiting all industrial uses allowed under the LI zoning district except for light manufacturing. The larger group met on November 13, 2007 and agreed to the proposed FLUM and text change and rezoning changes but added liquor sales, scrap and salvage, and railroad facility to the list of prohibited uses to be covered by the conditional overlay. Staff believes that the following uses should also be prohibited: adult-oriented, automotive sales, automotive washing, communications services, convenience storage, drop-off recycling collection facility, exterminating services, kennels, outdoor entertainment, printing and publishing, and vehicle storage.

**CITY COUNCIL DATE:** December 13, 2007

**ACTION:**

**ORDINANCE READINGS:**            1<sup>st</sup>            2<sup>nd</sup>            3<sup>rd</sup>

**ORDINANCE NUMBER:**

**NEIGHBORHOOD PLANNING CASE MANAGER:** Paul DiGiuseppe

**PHONE:** 974-2865

**Email:** paul.digiuseppe@ci.austin.tx.us

**ZONING CASE MANAGER:** Robert Heil

**PHONE:** 974-2330

**E-mail:** robert.heil@ci.austin.tx.us





**Future Land Uses**

**Future Land Use Map Color**

 Mixed Use

 High Density Mixed Use

 Mixed Use/Office

 Industrial





East Martin Luther King  
Neighborhood Plan Amendment  
NPA-07-0015.03  
C14-2007-0134  
From Mixed Use to Industrial  
CS-NP to LI-CO-NP



## **STAFF RECOMMENDATION:**

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## **BASIS FOR RECOMMENDATION:**

The relevant plan goals, objectives, and recommendations are included on Page 1. While the plan infers that this corridor should transition to commercial, this area is suitable for industrial uses. Reasons for this suitability include the proximity to FM 969 and US 183, proximity to a large industrial site to the south, the site is currently used for welding and has operated as industrial since the early 1970s, and that the applicant is only seeking a land use and zoning change for a portion of the parcel. In addition, the text amendment would still allow for commercial development along FM 969 consistent with the original recommendation of the plan.

## **Site Plan**

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

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.

The site is located within Austin-Bergstrom Overlay {CCLUA, or AO-1,2,3}. No use will be allowed that create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the

landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. Airport Hazard Zoning Committee review may be required prior to Planning Commission Hearing.

### **Transportation**

No additional right-of-way is needed at this time.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

### **Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development 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. 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 Net Site Area</i>	<i>% 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 flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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 existing trees and other 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 on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Water and Wastewater**

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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak **FOR** or **AGAINST** the proposed amendment. You may also contact a registered neighborhood organization that is within the planning area.

The proposed amendment will be reviewed and acted upon at two public hearings: first, before the Planning Commission and then before the City Council. After a public hearing, the Planning Commission reviews and evaluates City staff's recommendation and public input and then sends its own recommendation on the plan amendment request to the City Council. Meeting dates and locations are shown on this notice.

If you have any questions concerning this notice, please contact the City of Austin Neighborhood Planning & Zoning Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Public Hearing and conveying your concerns at that meeting
- by submitting the Public Hearing Comment Form
- by writing to the city contact listed on the previous page

For additional information on Neighborhood Plans, visit the website: [www.ci.austin.tx.us/zoning/](http://www.ci.austin.tx.us/zoning/)

## PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:

City of Austin  
Neighborhood Planning and Zoning Department  
Paul DiGiuseppe  
P. O. Box 1088  
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2007-0015.03  
Case Number: C14-2007-0134  
Contact: Paul DiGiuseppe, 512-974-2865

### Public Hearings:

Planning Commission: November 27, 2007  
City Council: December 13, 2007

☒ I am in favor  
☐ I object

Mrs. Eleanor White

Your Name (please print)

4513 Oakwood Dr.

Your address(es) affected by this application

Eleanor J. White

11-20-07

Signature

Date

Comments: It will be to busy for the Oakwood Neighborhood children and family here.

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Case Number: C14-2007-0134

Contact: Paul DiGiuseppe, 512-974-2865

Public Hearings:

Planning Commission: November 27, 2007

City Council: December 13, 2007

<input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> I object
--

Antonio & Maria Carbajal  
Your Name (please print)

4605 Sherwood Dr. Austin, TX 78725  
Your address(es) affected by this application

Signature

Date

Comments: I live close to the  
area where you want to  
construct. We have a  
disabled child with lung  
problems, I don't want an  
industry to exist that can  
further harm him.