

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2010-0068 / Ferguson Lane

**ZAP Date:** June 1, 2010

**ADDRESS:** 1834 Ferguson Lane

**OWNER/APPLICANT:** Ferguson Lane Business Park, L.P. (Carl Self), (512) 719-5500

**AGENT:** McLean & Howard, LLP (William McLean), (512) 328-2008

**ZONING FROM:** I-RR

**TO:** LI-CO

**AREA:** 8.997 acres

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends LI-CO (Limited Industrial Services - Conditional Overlay) combining district zoning. The conditional overlay would limit the trip generation to no more than 2,000 daily vehicle trips and prohibit the following uses: vehicle storage and scrap and salvage.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:** On June 1, 2010, Zoning and Platting Commission *APPROVED* staff's recommendation for LI-CO with additional prohibited uses of convenience storage and service station; was approved by Commissioner Sandra Baldrige's motion, Commissioner Patricia Seeger second the motion on a vote of 7-0.

**ISSUES:** Per AMATP 2025, the realignment of Ferguson Lane will pass through this tract as a four lane major divided arterial. Dedication of right of way for the alignment will be required if the site is subdivided or redeveloped.

**DEPARTMENT COMMENTS:**

The 8.997-acre lot is located on Ferguson Lane, approximately one block east of Brown Lane. Although Aldridge Drive terminates at the subject tract, access to the lot is taken only from Ferguson Lane. There is currently existing development on this site. The development on the site is mixed, consisting of Limited Warehouse and Distribution, Office and Light Manufacturing.

The site was recently annexed into the City and received the Interim Rural Residence (I-RR) zoning district. Since the site is currently developed with Industrial Uses, the applicant is requesting Limited Industrial – Conditional Overlay (LI-CO) district zoning because that zoning category fits the multiple uses on the property. The conditional overlay will prohibit vehicle storage and scrap and salvage uses.

Staff recommends Limited Industrial Services - Conditional Overlay (LI-CO) district zoning on the site because surrounding tracts are zoned or used commercially and industrially.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR	Warehouse and Distribution / Office
<i>North</i>	LI-CO	Office / Warehousing / One single-family residence
<i>South</i>	SF-3	Undeveloped / One single-family residence
<i>East</i>	County	Undeveloped
<i>West</i>	CS; LI-CO	Undeveloped Tract / Residential / Commercial / Warehouse and Distribution

**AREA STUDY:** Brown-Dungan Lane Area Study (December 23, 1976)

**TIA:** Waived

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS**

- Austin Neighborhoods Council
- North Growth Corridor Alliance
- Edward Joseph Developments, LTD
- NorthEast Action Group
- Austin Monorail Project
- Sierra Club, Austin Regional Group
- Super Duper Neighborhood Objectors and Appealers Organization
- The Real Estate Council of Austin, Inc.

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2007-0098 Wasatch, LLC (9011 Brown Lane)	SF-3 to LI	8/21/07: Approved staff's recommendation of LI-CO zoning by consent (7-0, K. Jackson-absent); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup>	9/27/2007: APPROVED LI-CO (5-0); 1st rdg  11/8/2007: APPROVED ORD. 20071108-085 for LI-CO (7-0); (2nd/3rd rdgs)
C14-01-0114 1611 DUNGAN LANE (1611 Dugan Ln.)	LI to CS-1	10/2/2001: DENIED CS-1 (9-0); [PREVIOUS MOTION TO APPROVE FAILED(4-5)]	11/29/2001: APVD CS-1 (4-3, BG/DT/WYNN-NO); 1ST RDG  1/10/2002: APVD CS-1 (7-0); 2ND/3RD RDG
C14-01-0068 9202 BROWN LANE (9202 Brown Ln.)	SF-3 to LI	5/15/2001: APPROVED STAFF REC OF LI-CO BY CONSENT (6-1, SG-ABSTAIN)	6/14/2001: APPROVED LI-CO (7-0); 1ST RDG  11/29/2001: APPROVED LI-CO (5-0); 2ND/3RD RDGS
C14-00-2156 CAMERON ROAD JOINT VENTURE (9309 Cameron Rd.)	SF-3 to CS	2/13/2001: APVD STAFF REC OF CS W/CONDS (5-3-1, JR/JM/RC-NO, SL-ABSTAIN)	3/22/2001: APVD CS-CO W/CONDS (6-1, SLUSHER-NO)  7/19/2001: APVD CS-CO (6-0), 2ND/3RD RDGS

C14-00-2109 PEPSI COLA BOTTLING COMPANY - CITY INITIATED (9000 - 9100 BLOCK OF WALL ST)	I-RR to RR	7/11/2000: APVD STAFF REC OF RR BY CONSENT (7-0)	8/17/2000: APVD PC REC OF RR, ALL 3 RDGS (6-0, GOODMAN ABSENT)
C14-2009-0164 PAYNE TRACTS (1705 Aldridge Drive)	I-SF-2 to CS-MU	4/06/2010 Apvd staff rec of CS-CO (7-0)	4/22/2010 Apvd Ord. 20100422-054 for CS-CO by consent (7-0)
C14-2010-0002 BROWN LANE/ COMMERCIAL SQUARE LTD. (9333 Brown Ln.)	I-RR to LI and CS-MU	4/06/2010 Apvd staff rec of LI-CO (7-0)	4/22/2010 Apvd Ord. 20100422-055 for LI-CO by consent (7-0); all 3 rdgs
C14-2010-0003 DEEPAK BAJAJ TRACT (9333 Brown Ln.)	I-RR to LI and CS-MU	4/06/2010 Apvd staff rec of LI-CO (7-0)	Apvd Ord. 20100422-056 for LI-CO by consent (7-0); all 3 rdgs

**RELATED CASES:** The subject property is within the Ferguson Lane-Brown Lane area, consists of approximately 22 acres and was annexed into the city limits on October 22, 2009 (C7a-09-004) under Ordinance No. 20091022-023.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Plan	Bus Routes
Ferguson Ln	60'	24'	Arterial	No	Shared Lane Exist/ Recommended	No

**CITY COUNCIL DATE:**

June 24, 2010

**ACTION:**

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

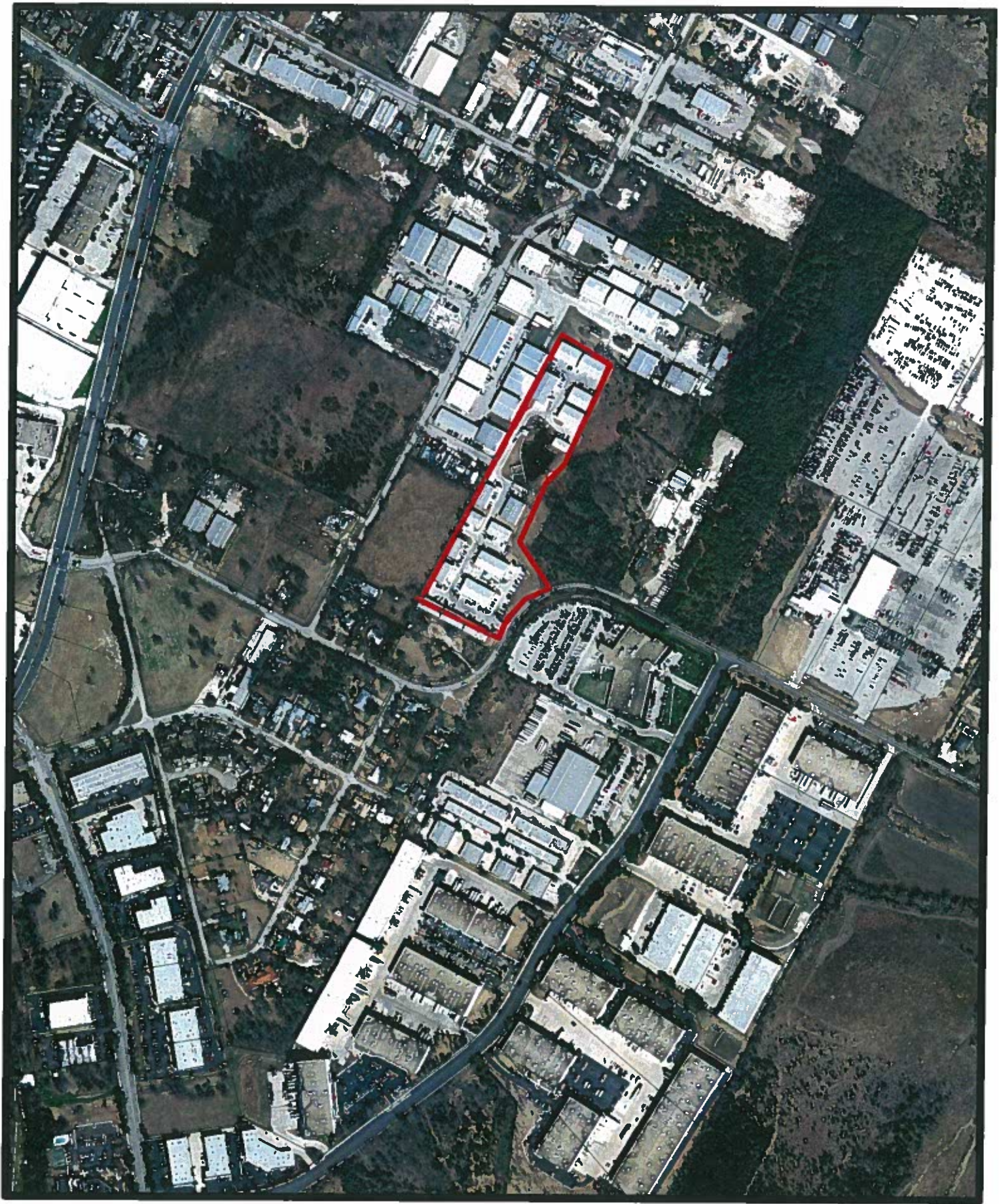
**ORDINANCE NUMBER:**

**CASE MANAGER:** Joi Harden  
**E-MAIL:** joi.harden@ci.austin.tx.us

**PHONE:** 974-2122







**C14-2010-0068 1834 Ferguson Ln.  
From Interim Rural Residence District (IRR) to  
Limited Industrial Services-Conditional Overlay  
(LI-CO) Combining District Zoning**





## **SUMMARY STAFF RECOMMENDATION**

Staff recommends LI-CO (Limited Industrial Services - Conditional Overlay) combining district zoning. The conditional overlay would limit the trip generation to no more than 2,000 daily vehicle trips and prohibit the following uses: vehicle storage and scrap and salvage.

## **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *Zoning changes should be consistent with the purpose of the zoning district.*

The Limited Industrial Services (LI) district is the designation for a commercial service use or limited manufacturing use generally located on a moderately sized site.

The site is currently developed Limited Warehouse and Distribution, Office, and Light Manufacturing uses. Staff recommends Limited Industrial Services-Conditional Overlay (LI-CO) district zoning because surrounding tracts are zoned or used commercially and industrially.

2. *The proposed zoning should promote consistency and orderly planning.*

LI-CO zoning would be appropriate for this location because the property is surrounded by commercial and industrial uses to the north, south, east and west.

3. *The proposed zoning should allow for reasonable use of the property.*

The LI-CO zoning district would allow for fair and reasonable use of the site. The proposed rezoning would allow the applicant to maintain the Limited Warehouse and Distribution use that is developed on site in an area that has been designated for commercial and industrial uses (Brown-Dungan Lane Area Study).

## **EXISTING CONDITONS**

### **Site Characteristics**

The 8.997-acre lot is located on Ferguson Lane, approximately one block east of Brown Lane. There is currently existing development on this site. The development on the site is mixed, consisting of Limited Warehouse and Distribution, Office and Light Manufacturing.

### **Impervious Cover**

The maximum impervious cover allowed by the LI zoning district would be 80% which is a consistent figure between the zoning and watershed regulations.

### **Environmental**

The site is not located over the Edwards 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.

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.

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.

### **Transportation**

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 over existing trips. [LDC, 25-6-117]

Per AMATP 2025, the realignment of Ferguson Lane will pass through this tract as a four lane major divided arterial. Dedication of right of way for the alignment will be required if the site is subdivided or redeveloped.

### **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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required to serve 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.

**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.

**Compatibility Standards**

- a. The site is subject to compatibility standards. Along the South property line, the following standards apply:
- b. No structure may be built within 25 feet of the property line.
- c. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- e. No parking or driveways are allowed within 25 feet of the property line.
- f. 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.
- g. for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- h. 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.
- i. Additional design regulations will be enforced at the time a site plan is submitted.



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. 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 development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2010-0068

Contact: Joi Harden, 512-974-2122

Public Hearing: June 1, 2010, Zoning & Planning Commission  
June 24, 2010, City Council

Your Name (please print) J.M. JOHNSON

☒ I am in favor  
☐ I object

FERGUSON LN ACROSS FROM W 9TH ST.  
Your address(es) affected by this application

Joi Harden 5/24/10  
Signature Date

Daytime Telephone: 214-436-1934

Comments: \_\_\_\_\_

I FEEL THE PROPERTY ALONG FERGUSON  
LN SHOULD BE COMBINATION ZONED

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

City of Austin

Planning & Development Review Department

Joi Harden

P. O. Box 1088

Austin, TX 78767-8810