

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0042 – Burleson - Norwood Corner
CO Amendment DISTRICT: 2

ZONING FROM / TO: CS-MU-CO-NP, to change a condition of zoning

ADDRESS: 8016 Burleson Road

SITE AREA: 2.362 acres

PROPERTY OWNER: Friendly Will Baptist Church AGENT: Thrower Design, LLC
(Emanuel Limuel, Jr.) (Victoria Haase)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – conditional overlay – neighborhood plan (CS-CO-NP) combining district zoning. The Conditional Overlay would be modified to remove limited warehousing and distribution from the prohibited use list in Ordinance No. 030424-27 as shown in Exhibit B. *The basis of Staff's recommendation is provided on pages 2 - 3.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 14, 2022:

CITY COUNCIL ACTION:

July 28, 2022:

ORDINANCE NUMBER:

ISSUES:

The Applicant is in agreement with the Staff recommendation to rezone the property to CS-CO-NP.

CASE MANAGER COMMENTS:

The subject rezoning area consists of one platted lot, located at the north corner of Burleson Road and Norwood Lane. The subject site is currently zoned general commercial services – mixed use – conditional overlay – neighborhood plan (CS-MU-CO-NP) combining district zoning. The subject site is an undeveloped lot landscaped with natural grasses. There are other single-family residences to the northeast (CS-MU-CO-NP), a small used car dealership to the southeast (CS-NP), a construction company and warehouse use to the northwest (CS-

CO-NP; IP-CO-NP), and industrial uses to the southwest (LI-CO). ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).***

In April 2003, the subject property and the remainder of the blocks on the north and south sides of Norwood Lane were rezoned to CS-MU-CO-NP following Council direction provided at the conclusion of the Southeast Neighborhood Plan. Because the properties are within the Airport Overlay Zone 3 (AO-3, also known as the ½ mile buffer zone), new residential development is not allowed to occur outside of recorded final plats, municipal utility districts (MUDs) or certain neighborhood plans. The mixed use (MU) allows for continuation of the existing single family residences on Norwood Lane because they are within the recorded Blue Bonnet Gardens subdivision which predated adoption of the Airport Hazards and Compatible Land Uses ordinance by several decades. The Conditional Overlay (-CO) allows for personal services, personal improvement services, and general commercial service uses, but also prohibits a broad range of potential uses, including most residential uses and some heavy commercial uses that typically generate a lot of traffic and would be disruptive to the area (C14-03-0012 – Ordinance No. 030424-27). ***Please refer to Exhibit B (2003 Rezoning Ordinance).***

The Applicant has requested an amendment to the Conditional Overlay for the sole purpose of removing limited warehousing and distribution from the prohibited use list. The submitted application indicates that if the proposed amendment were granted, a 32,645-square foot building would be constructed on-site for the storage of stage and lighting equipment. Access would be taken from Burleson Road in order to serve the new building, consistent with a note on the recorded plat which states “Driveway access is restricted to Burleson Road. Driveways are not allowed on Norwood Lane.”

BASIS FOR RECOMMENDATION

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

The general commercial services (CS) district predominately allows for commercial and industrial activities that are generally not appropriate for residential neighborhoods due to their operating characteristics or traffic service requirements. The Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

The Applicant’s proposal to maintain the existing zoning designation, but not prohibit limited warehousing and distribution uses for the site, would be consistent with the purpose statement of the district sought.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

The proposed amendment to the -CO would allow for limited warehousing and distribution uses at the subject site. Staff supports CS-CO-NP in the context of 1) its proximity to a highway and proximity to Austin-Bergstrom International Airport; 2) required access to a major arterial roadway; 3) similar uses are already operating within the immediate vicinity of the property, both on the other side of Burleson Road and to the northwest; and 4) continuance of prohibiting all other intensive, truck-generating commercial uses.

Staff also recommends removing the -MU from the zoning string because the site is undeveloped and located within the AO-3 zone which does not permit new residential development.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-MU-CO-NP	Undeveloped
<i>Northeast</i>	CS-MU-CO-NP	Single-family residences
<i>Southeast</i>	CS-NP	Used car dealership
<i>Northwest</i>	CS-CO-NP; IP-CO-NP	Construction company; warehouse
<i>Southwest</i>	LI-CO	Logistics business

NEIGHBORHOOD PLAN AREA: Southeast Combined (Southeast)

TIA: Deferred to the site plan application when land uses and intensities will be finalized

WATERSHED: Onion Creek – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

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

COMMUNITY REGISTRY LIST:

511 – Austin Neighborhoods Council	627 – Onion Creek Homeowners Association
774 – Del Valle Independent School District	1195 – Imperial Neighborhood Association
1228 – Sierra Club, Austin Regional Group	1258 – Del Valle Community Coalition
1316 – Southeast Combined Neighborhood Plan Contact Team	1363 – SEL Texas
1408 – Go!Austin/Vamos!/Austin (GAVA) – 78745	1441 – Dove Springs Proud
1530 – Friends of Austin Neighborhoods	1550 – Homeless Neighborhood Association
1616 – Neighborhood Empowerment Foundation	1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2020-0101 – 7800 Burleson – 7800 Burleson Rd	GR-MU-NP; LI- CO-NP to GR- MU-NP	To Grant	Apvd GR-MU-NP as Commission recommended (2-04-2021).
C14-2016-0111 – Burleson – 8219 Burleson Rd	LI-CO to LI-CO, with select uses prohibited	To Grant	Apvd LI-CO with a Restrictive Covenant establishing that no site plan or building plan for the property may be approved if it would result in cumulative traffic generation exceeding the total traffic generation identified in the TIA; any development on-site is subject to the staff memorandum dated 10/30/2017 and any subsequent TIA updates (12/07/2017).
C14-2016-0015 – Joan Elaine Smith, et al – 8008-8016 Burleson Rd	I-RR to LI-CO	To Grant	Apvd LI-CO as Commission recommended (6-16-2016)
C14-2007-0152 – Felter Investments – 7910 Burleson Rd	RR-CO-NP; IP- NP; IP-CO-NP to RR-CO-NP for Tract 1 and LI-CO-NP for Tract 2	To Grant RR-CO-NP for Tract 1 and LI-CO- NP for Tract 2 w/the CO for a 50' open waterway setback and 2,000 daily vehicle trips	Apvd RR-CO-NP and LI-CO-NP as Commission recommended (12-13-2007).
C14-01-0008 – McKinney Falls Zoning – 3919- 4007 McKinney Falls Pkwy	IP-CO to P	To Grant P-CO w/CO for 2,000 daily vehicle trips	Apvd P-CO as Commission recommended (4-19-2001).
C14-94-0058 – NE corner of McKinney Falls Industrial Park – McKinney Falls	DR to IP	To Grant LI-CO for Tract 1 and IP-CO for Tract 2	Apvd IP-CO with CO for 2,000 daily trip limit (10-20-1994).

Pkwy and Burleson Rd (adjacent 39 acres to the west)			
C14-94-0024 – Araclean Services, Inc.-Bldg II Rezoning – 7910 Burleson Rd	IP to LI	To Grant LI-CO, subject to an Integrated Pest Management Program	Apvd LI-CO w/the CO prohibiting restaurants and food sales, and limiting the F.A.R. of financial services to 0.287 to 1 (3-24-1994).
C14-86-141 – James W. Akins, Et Ux – 8008 Burleson Rd	DR to W/LO and IP	To Grant W/LO and IP with conditions	Apvd W/LO and IP with a Restrictive Covenant requiring a contact person during construction; no access through Blue Bonnet Gardens to Norwood Ln as long as the west side of Norwood remains residentially zoned; 25' strip of DR to remain on east side of tract; any land determined to be in the 100-year floodplain will be zoned RR if Waterway Development Permit precludes alteration or fill which would remove land from the floodplain (5-14-1987).
C14-86-069 – Commercial Square General Partnership – 7914 Burleson Rd	DR to IP	To Grant IP and RR w/Restrictive Covenant establishing a max of 119,000 bldg sf	Apvd IP and RR w/RC as Commission recommended (9-04-1986).

RELATED CASES:

The subject property is located within the boundaries of the Southeast Combined (Southeast) Neighborhood Planning Area. The property was rezoned from DR to SF-2-NP at the time the neighborhood plan was adopted (C14-02-0128.01 – Ordinance No. 021010-12c). In 2003, a subsequent City-initiated case from SF-2-NP to CS-MU-CO-NP was filed per Council direction (C14-03-0012 – Ordinance No. 030424-27). The adopted Future Land Use Map designates this property and the remainder of both blocks on Norwood Lane as Mixed Use.

The property is platted as Lot 1, Block A, Resubdivision of Lots 1, 2 and the Norwood School Tract, Blue Bonnet Gardens, recorded in March 2015 (C8-2014-0055.0A). ***Please refer to Exhibit B.***

In June 2016, a site plan for the subject site was approved to construct two religious assembly buildings with the associated improvements (SP-2015-0436C). The application was subsequently extended for 180 days and approved thereafter. Two sets of corrections to the site plan were approved in 2017 and 2018. An extension was granted in June 2019, but it expired in December 2019 (SP-2015-0436C(XT)).

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Burleson Road	Level 3	116'	109'	60'	No	Bike Lane	Yes
Norwood Lane	Level 1	50'	53'	18'	No	N/A	Yes

ADDITIONAL STAFF COMMENTS:

Drainage

The applicant would be 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.

Inclusive Planning

Yes	Imagine Austin Decision Guidelines
Compact and Connected Measures	
Y	Imagine Austin Growth Concept Map: Located close to, within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified on the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center: within McKinney Job Center
	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
Y	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.
Y	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: Is 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 recreational area, park and/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, specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable house.
	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.
	Mixed Use: Provides mixed use development (minimum 10% residential and 10% non-residential floor area).
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
3	Total Number of "Yes's"
Imagine Austin Priority Program Bonus Features (Extra Points)	
Y	Small Area Plan Policies: Supports applicable Small Area Plans, including the Future Land Use Map, goals, objectives, actions and text. List three small area plan policies that relate to this project. Name of Small Area Plan: Southeast Combined NP
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Culture and Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
Y	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially an industry that is currently not represented in particular area or that promotes a new technology.
	Workforce Development, the Economy and Education: Promotes educational opportunities or workforce development training.
5	Total Number of "Yes's" from Up Top and Under Bonus Features

Industrial Districts make up a significant portion of the Southeast Combined Neighborhood Plan Area. While they are a source of employment and economic development for the area, they have a significant impact on the visual character of the community.

- **OBJECTIVE 1:** Minimize the visual impact of industrial properties from other districts and public spaces in the neighborhood planning area. (see pg. 32 for all guidelines)
- **Goal 5** Create land use and zoning recommendations that reflect the existing industrial nature of parts of the planning area. (pg. 56)
- **Objective 5.1** Make non-industrial properties in areas with a dominant industrial character compatible with the prevailing land use scheme.

- **Action Item 10** Upzone DR & SF-zoned property in highly industrial areas to allow for industrial or commercial development.

Environmental

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:

<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 documented 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 two-year storm on site.

Austin Fire Department

Austin Fire Department (AFD) searched its permit data base for locations within 1,000 feet of this parcel to identify addresses that have permits for above-ground storage of hazardous materials or high-piled combustible storage. High-piled combustible storage is a practice where goods are stored greater than 12 feet in height. This type of storage can challenge the ability of an automatic sprinkler system to control a fire and is regulated in accordance with 2021 International Fire Code Chapter 32.

An AFD search of address ranges from 4300-4618 Norwood Land and 7800-8199 Burleson Road identified five locations with permits for above-ground hazardous materials, high-piled combustible storage.

Parks & Recreation Department (PARC) – Planning & Design Review

Parkland dedication will be required for any new applicable uses proposed by this development, CS-CO-NP, with the removal of a prohibition on limited warehouse and industrial uses. Currently, limited warehouse and industrial uses are not subject to parkland dedication requirements.

Site Plan

General

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

Any 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.

Compatibility Standards

The site is subject to compatibility standards due to nearby single-family residential land uses. Along the northeast and southeast property lines, the following standards apply:

- No structure in excess of two stories and 30 feet in height may be constructed within 50 feet of the property line of the compatibility-triggering property.
- No structure in excess of three stories and 40 feet in height may be constructed within 100 feet of the property line of the compatibility-triggering property.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

Airport Overlay

The site is located within AO-3 subdistrict of the Austin-Bergstrom Airport Overlay. No use will be allowed that creates electrical interference with navigational signals or radio communications between airport and aircraft, makes it difficult for pilots to distinguish between the airport lights and others, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, creates bird strike hazards or otherwise in any way endangers or interferes with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom International 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 with the site plan application.

Neighborhood Planning Area

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.

Transportation

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. A traffic impact analysis shall be required at the time of site plan, if triggered, per LDC 25-6-113.

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 Rd according to the Transportation Plan with the first subdivision or site plan application [LDC 25-6-51 and 25-6-55].

Water / Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at their own expense, would 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.

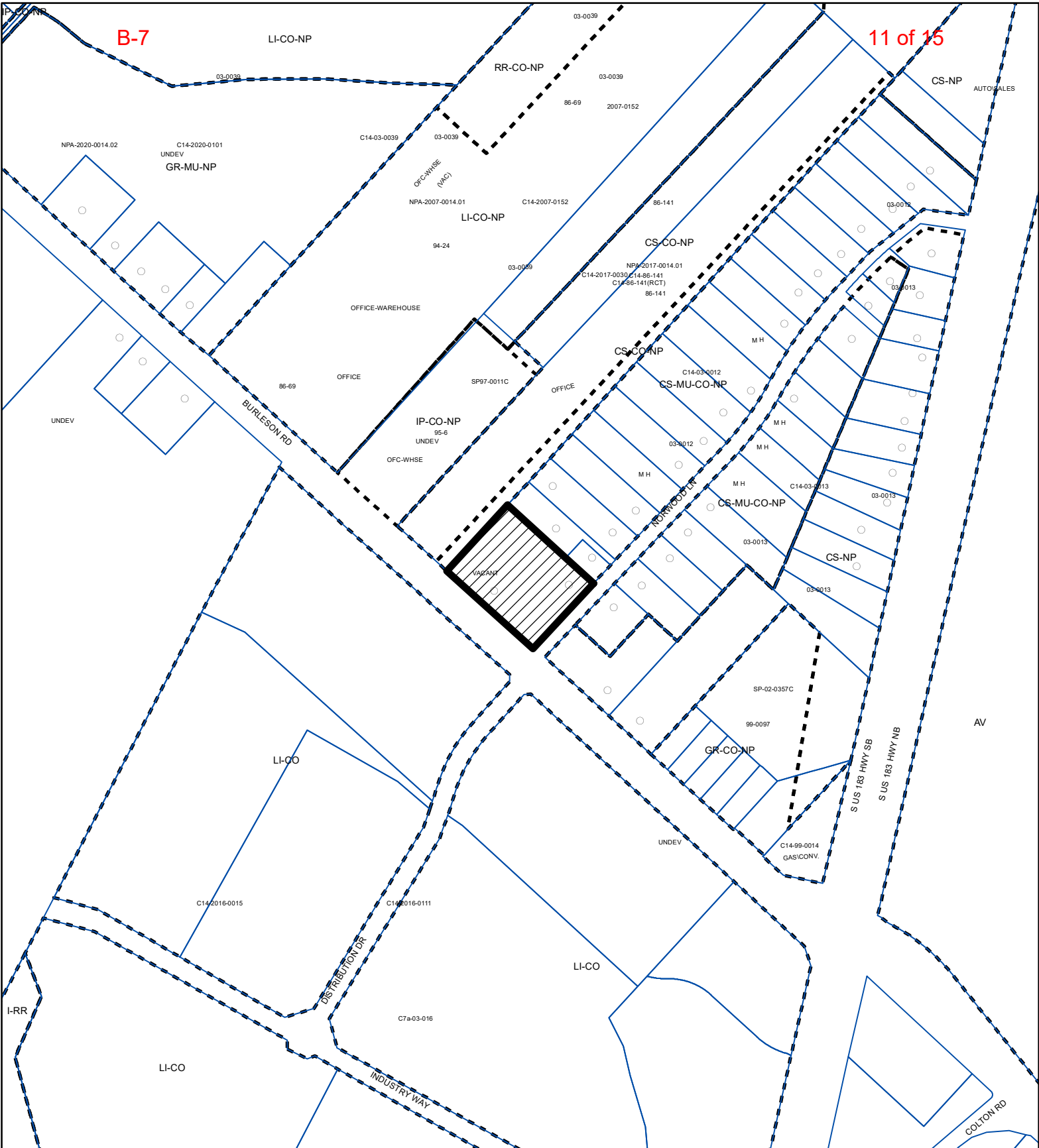
Based on current public infrastructure configurations, it appears that service extension requests (SER) would be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements, the applicant may contact the Austin Water SER team at ser@austintexas.gov.




In order to proceed with the project, the landowner must pay the City inspection fee with the utility construction. The landowner must also pay the tap and impact fee once an application for a City of Austin water and wastewater utility tap permit has been submitted.

INDEX OF EXHIBITS TO FOLLOW:

Exhibit A: Zoning Map
Exhibit A-1: Aerial Map

Exhibit B: 2003 Rezoning Ordinance


$$1'' = 400'$$

 SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY

ZONING

Exhibit A

ZONING CASE#: C14-2022-0042

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 Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or







Created: 3/23/2022



Burleson - Norwood Corner CO Amendment

Exhibit A - 1

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

ZONING CASE#: C14-2022-0042
 LOCATION: 8016 Burleson Road
 SUBJECT AREA: 2.362 Acres
 GRID: L15
 MANAGER: WENDY RHOAD



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

ORDINANCE NO. 030424-27

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4216 U.S. HIGHWAY 183 SOUTH, 4300-4622 NORWOOD LANE AND 8008-8016 BURLESON ROAD, FROM SINGLE FAMILY RESIDENCE STANDARD LOT-NEIGHBORHOOD PLAN (SF-2-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from single family residence standard lot-neighborhood plan (SF-2-NP) combining district to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district on the property described in Zoning Case No.C14-03-0012, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: A 0.963 acre tract of land, more or less, out of the Santiago del Valle Grant, in Travis County, Texas, and

Tract Two: Lots 1 and 2, Blue Bonnet Gardens Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 4, Page 261, of the Plat Records of Travis County, Texas, and

Tract Three: Lots 3-A and 3-B, a Resubdivision of Lot 3, Blue Bonnet Gardens Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 52, Page 11, of the Plat Records of Travis County, Texas, and

Tract Four: Lots 4-18, and 18A, Blue Bonnet Gardens Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 4, Page 261, of the Plat Records of Travis County, Texas, (the "Property")

locally known as 4216 U.S. Highway 183 South, 4300-4622 Norwood Lane and 8008-8016 Burleson Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property is subject to Ordinance No. 021010-12c that established the Southeast neighborhood plan combining district.

PART 3. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

The following uses are prohibited uses of the Property:

Agricultural sales and services
Construction sales and services
Equipment repair services
Kennels
Vehicle storage
Transportation terminal
Duplex residential
Single family attached residential
Townhouse residential

Building maintenance services
Drop-off recycling collection facility
Equipment sales
Laundry services
Limited warehousing and distribution
Bed and breakfast residential (Groups I & II)
Multifamily residential
Small lot single family residential

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district and other applicable requirements of the City Code.

PART 4. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 5. This ordinance takes effect on May 5, 2003.

PASSED AND APPROVED

_____, April 24, 2003

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§
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Jackie Goodman

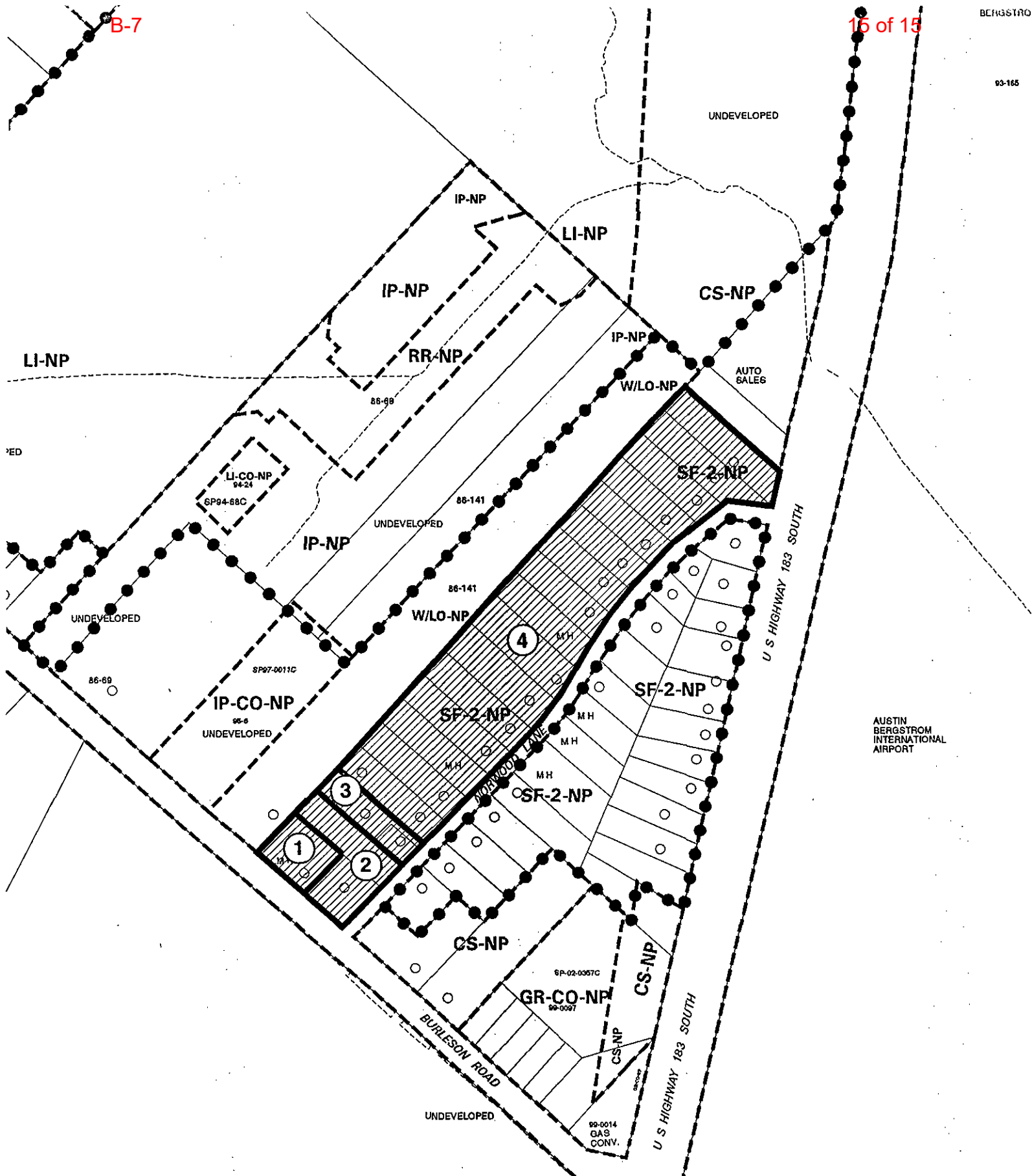
Gustavo L. Garcia *Mayor*
Mayor *Pro Tem*


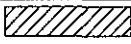

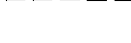
APPROVED:

Sedora Jefferson
Sedora Jefferson
City Attorney

ATTEST:

Shirley A. Brown
Shirley A. Brown
City Clerk



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT A		CITY GRID REFERENCE NUMBER L15 M15
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-03-0012	DATE: 03-04	
	CASE MGR: W. WALSH	ADDRESS: 4216 U S HWY 183 S, 4300-4622 NORWOOD LANE & 8008-8016 BURLESON ROAD SUBJECT AREA (acres): 19.900	INTLS: SM	