

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2010-0002 / Brown Lane / Commercial Square Ltd.

**ZAP Date:** April 6, 2010  
March 16, 2010

**ADDRESS:** 9333 Brown Lane

**OWNER/APPLICANT:** Carey (Rey) Leggett, III, (512) 926-1999

**AGENT:** Conley Engineering, Inc. (Carl Conley), (512) 328-3506

**ZONING FROM:** I-RR                      **TO:** LI (10.677 acres) and CS-MU (0.98 acres)

**AREA:** 10.775 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 2000 daily vehicle trips.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:** On April 6, 2010, Zoning and Platting Commission *APPROVED* staff's recommendation for LI-CO with additional prohibited uses of vehicle storage, adult oriented businesses, pawnshops and scrap & salvage; was approved by Commissioner Gregory Bourgeois' motion, Commissioner Teresa Rabago second the motion on a vote of 7-0.

(This case was postponed by the Zoning and Platting Commission on March 16, 2010).

**ISSUES:** Staff has confirmed that pawnshops and adult oriented businesses are not permitted in the LI zoning district. The applicant is in agreement with the recommendation.

**DEPARTMENT COMMENTS:**

The property is comprised of three separate but contiguous tracts of land comprising a total of 10.775-acres of land located on the east side of Brown Lane and on the north side of Aldridge Drive.

There is currently existing development on this site. While the development is mixed, the majority of uses is best described as Limited Warehouse and Distribution.

The site was recently annexed into the City and received the Interim Rural Residence (I-RR) zoning district. Since there are multiple uses currently on the site, the applicant is requesting Limited Industrial Services (LI) district zoning because that zoning best fits the multiple uses on the property. The applicant is also requesting General Commercial Services-Mixed Use (CS-MU) on a portion (approximately 4,000 sf) of the easternmost tract because of an existing single family residence located behind the warehouse. The single family residence takes its access to Brown Lane via a driveway that serves the warehouse uses.

Staff recommends Limited Industrial Services - Conditional Overlay (LI-CO) district zoning on the entire site because surrounding tracts are zoned or used commercially and industrially. Staff does not recommend the mixed use (MU) component because the surrounding uses are incompatible with residential development. The types of commercial businesses nearby produce noise, light, odors, truck traffic, which are incompatible with a residential neighborhood. Although the existing

residence would be considered a nonconforming use, a rezoning to the CS-MU district would allow the potential for additional residential development to occur.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR	Residential / Commercial
<i>North</i>	County	Commercial / Undeveloped / Civic
<i>South</i>	I-SF-2	Residential / Commercial
<i>East</i>	County	Warehousing
<i>West</i>	LI-CO	Undeveloped Tract / Outdoor Storage / Office

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

**TIA:** Waived

**WATERSHEDS:** Walnut Creek, Little 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	SF-3 to LI	5/15/2001: APPROVED STAFF REC OF LI-CO	6/14/2001: APPROVED LI-CO (7-0); 1ST RDG

LANE (9202 Brown Ln.)		BY CONSENT (6-1, SG-ABSTAIN)	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	Pending- Scheduled for the ZAP meeting of 3/16/2010	Pending – Scheduled for the Council hearing of 4/29/2010
C14-2010-0002 BROWN LANE/ COMMERCIAL SQUARE LTD. (9333 Brown Ln.)	I-RR to LI and CS-MU	Pending- Scheduled for the ZAP meeting of 3/16/2010	Pending – Scheduled for the Council hearing of 4/29/2010

**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
Brown Ln	60'	35'	Collector	No	None Exist/ Recommended	No
Aldridge	50'	50'	Arterial	No	None Exist/ Shared Lane Recommended	

- There are no existing sidewalks along Brown Lane and Aldridge Drive.
- According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not proposed on Brown Lane and Aldridge Drive.

- Capital Metro bus service is not available within 1/4 mile of this property.

**CITY COUNCIL DATE:**

April 22, 2010

**ACTION:**

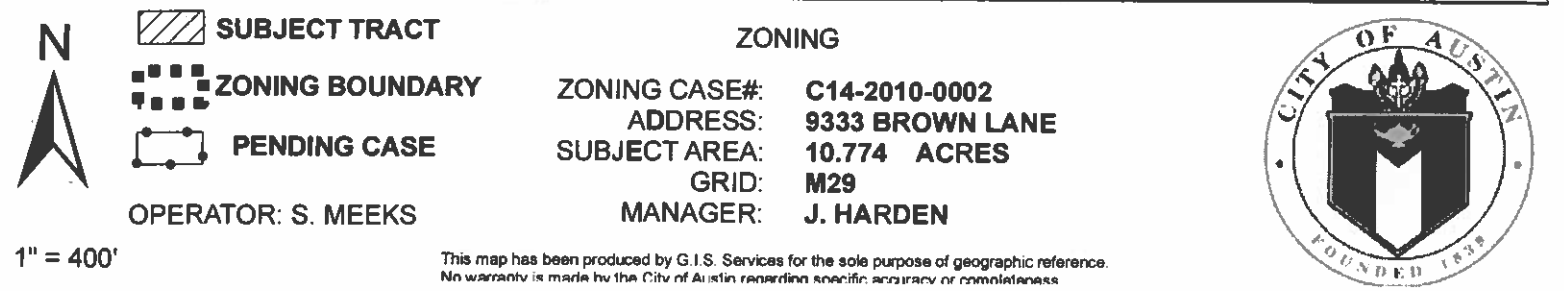
**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Joi Harden

**E-MAIL:** joi.harden@ci.austin.tx.us

**PHONE:** 974-2122



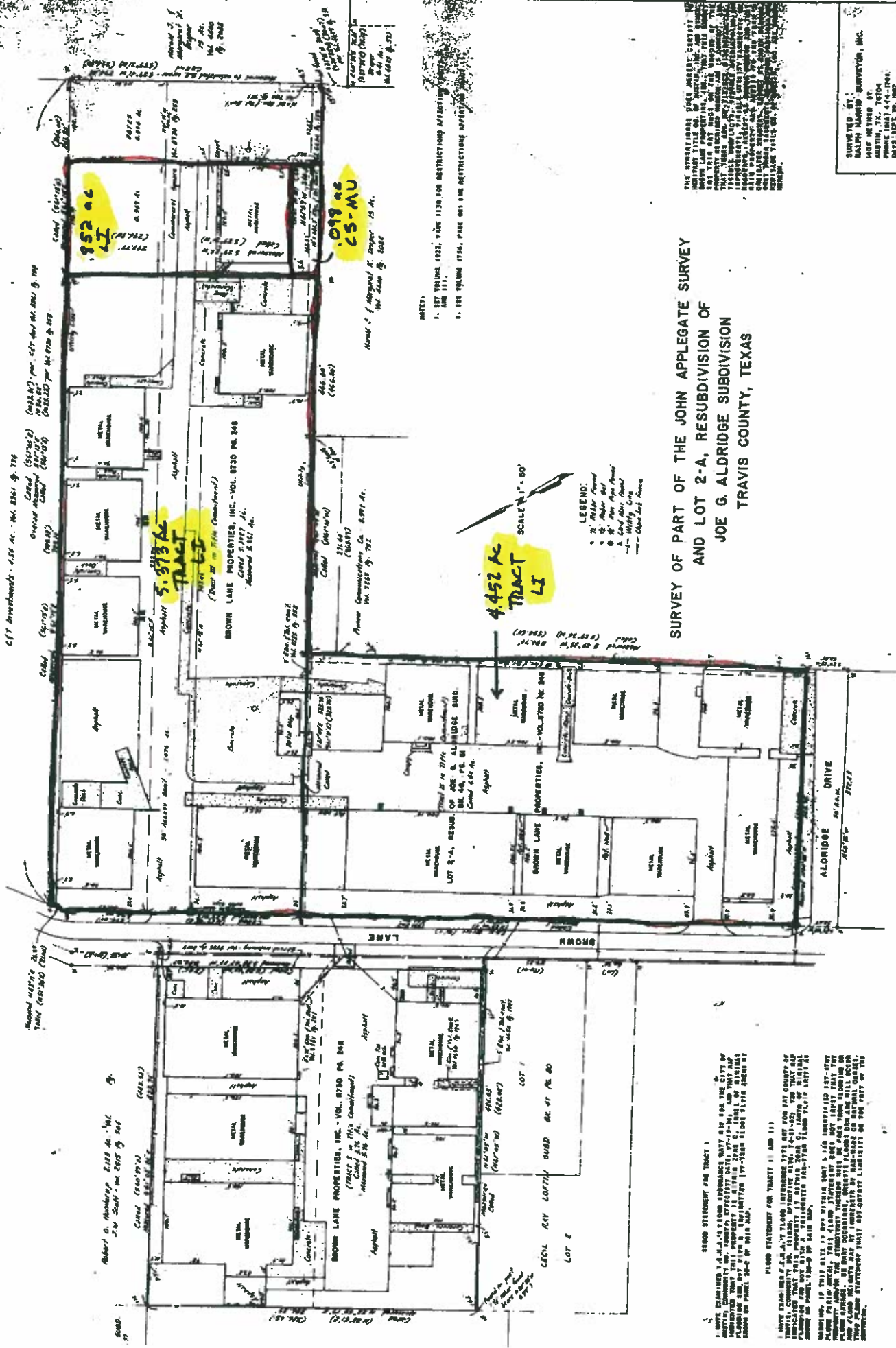




SUBJECT  
TRACT



CIT Investments, LLC Ac. Vol. 2561 & 774  
 (2561 Ac. Vol. 2561 & 774)  
 (2561 Ac. Vol. 2561 & 774)  
 (2561 Ac. Vol. 2561 & 774)



SCALE 1" = 60'

- LEGEND:
- 2" Wide Road
  - 4" Wide Road
  - 6" Wide Road
  - 8" Wide Road
  - 10" Wide Road
  - 12" Wide Road
  - 14" Wide Road
  - 16" Wide Road
  - 18" Wide Road
  - 20" Wide Road
  - 22" Wide Road
  - 24" Wide Road
  - 26" Wide Road
  - 28" Wide Road
  - 30" Wide Road
  - 32" Wide Road
  - 34" Wide Road
  - 36" Wide Road
  - 38" Wide Road
  - 40" Wide Road
  - 42" Wide Road
  - 44" Wide Road
  - 46" Wide Road
  - 48" Wide Road
  - 50" Wide Road
  - 52" Wide Road
  - 54" Wide Road
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  - 72" Wide Road
  - 74" Wide Road
  - 76" Wide Road
  - 78" Wide Road
  - 80" Wide Road
  - 82" Wide Road
  - 84" Wide Road
  - 86" Wide Road
  - 88" Wide Road
  - 90" Wide Road
  - 92" Wide Road
  - 94" Wide Road
  - 96" Wide Road
  - 98" Wide Road
  - 100" Wide Road

SURVEY OF PART OF THE JOHN APPLIGATE SURVEY  
 AND LOT 2-A, RESUBDIVISION OF  
 JOE G. ALDRIDGE SUBDIVISION  
 TRAVIS COUNTY, TEXAS

STATEMENT FOR TRACT 1  
 I, JAMES E. ALDRIDGE, JR., being a duly qualified surveyor in the State of Texas, do hereby certify that the foregoing is a true and correct copy of the original survey as shown on the plat of said survey.

STATEMENT FOR TRACT 2 AND 3  
 I, JAMES E. ALDRIDGE, JR., being a duly qualified surveyor in the State of Texas, do hereby certify that the foregoing is a true and correct copy of the original survey as shown on the plat of said survey.

SURVEYED BY: JAMES E. ALDRIDGE, JR.  
 JAMES E. ALDRIDGE, JR.  
 AUSTIN, TX 78704  
 PHONE (512) 454-1740  
 DATE: JUNE 28, 2007





## **SUMMARY STAFF RECOMMENDATION**

Staff recommends approval of Limited Industrial Services – Conditional Overlay (LI-CO) district zoning. The conditional overlay would limit the trip generation to no more than 2000 daily vehicle trips.

## **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 General Commercial Services (CS) district is the designation for commercial or industrial activities which typically have operating characteristics or traffic service requirements generally incompatible with residential environments such as equipment sales, custom manufacturing, vehicle storage, or construction services.

The Mixed Use (MU) combining district is intended for combination with selected base district, in order to permit any combination of office retail, commercial, and residential uses within a single development. Allows development of all types of residential uses, including single-family residential, multifamily residential and townhouses.

The site is currently developed with Limited Warehouse and Distribution uses as well as a single-family residence. Staff recommends Limited Industrial Services-Conditional Overlay (LI-CO) district zoning because surrounding tracts are zoned or used commercially and industrially. Staff does not recommend the mixed use because the surrounding uses are not compatible with residential development.

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 keep 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 CONDITIONS**

### **Site Characteristics**

The property is comprised of three separate but contiguous tracts of land comprising a total of 10.775-acres of land located on the east side of Brown Lane and on the north side of Aldridge Drive. There is currently existing development on this site. While the development is mixed, the majority is best described as Limited Warehouse and Distribution. The property is relatively flat with little vegetation as the site is almost fully developed. Existing vegetation includes grasses and a few small trees.

## **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. This site lies on, or very close to, the divide between the Little Walnut Creek Watershed (Urban) and the Walnut Creek Watershed (Suburban). A geological and/or topographical analysis of the site may be needed to determine the exact boundaries of the aforementioned watersheds.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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.

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

Following are the comments for each watershed classification:

### **Urban**

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

### **Suburban**

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%

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.

## **Transportation**

Upon submittal of a consolidated site plan for this site, the Director may require the dedication of up to 35 feet of right-of-way from the centerline of Brown Lane in accordance with the Transportation Criteria Manual.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

### **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**

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

The site is subject to compatibility standards. Along the south property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
  - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
  - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
  - No parking or driveways are allowed within 25 feet of 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.
- 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: C14-2010-0003

Contact: Joi Harden, 512-974-2122

Public Hearing: Mar. 16, 2010, Zoning & Planning Commission

Apr. 22, 2010, City Council

Carey Leggett for Brown Lane Prop.

Your Name (please print)

9201-9333 Brown Lane

Your address(es) affected by this application

Carey Leggett

Signature

Daytime Telephone: \_\_\_\_\_

Date

3/8/10

☒ I am in favor  
☐ I object

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

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