

## ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0087 CKB Johnny Morris

DISTRICT: 1

ZONING FROM: LI-CO

TO: GR-MU-CO

ADDRESS: 6402 Johnny Morris Road

SITE AREA: 22.114 Acres

PROPERTY OWNER/APPLICANT:  
LSIR (Carey Legett III)

AGENT:  
Drenner Group PC, (Dave Anderson)

CASE MANAGER: Heather Chaffin (512-974-2122, [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov))

STAFF RECOMMENDATION:

**Staff supports the Applicant's request to rezone the property to GR-MU-CO. The conditional overlay includes the following restrictions:**

- 1. The following uses are not permitted uses of the Property: Automotive rentals, Automotive repair services, Automotive sales, Automotive washing (of any type), Exterminating services, Pawn shop services, Bail bond services, Drop off recycling collection facility, Off site accessory parking, Pedicab storage and dispatch, Service station, and Custom manufacturing.**
- 2. Drive-in service is prohibited as an accessory use to all commercial uses on the Property.**

*For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

ZONING AND PLATTING COMMISSION ACTION/ RECOMMENDATION:

July 6, 2021: To grant GR-MU-CO as recommended by Staff, on consent. (8-0)

CITY COUNCIL ACTION:

September 30, 2021:

August 26, 2021: Postponed to September 30, 2021 at request of Staff, on consent.

ORDINANCE NUMBER:

ISSUES:

A restrictive covenant amendment (RCT) has been filed in conjunction with this rezoning request (City File # C14-88-0137(RCT)).

CASE MANAGER COMMENTS:

The 22.114 acre subject property is located on the west side of Johnny Morris Road approximately 1,000 feet south of Loyola Lane. The property currently has one single family residence that is considered an existing nonconforming land use on the LI-CO zoned property. The 1989 zoning conditional overlay limits floor-to-area ratio (FAR) to 0.96 to 1, lot size to 10,000 square feet, requires Planned Development Area (PDA) standards, and limits permitted land uses to those allowed in IP zoning. ***Please see Exhibit C- Existing Zoning Ordinance.*** Immediately north of the property is undeveloped property zoned SF-3. This property is located at the intersection of Johnny Morris Road and Loyola Lane and is owned by Capital Metro. Immediately south of the subject tract is property zoned IP that is occupied with construction sales and services land use. Across Johnny Morris Road to the east is undeveloped land zoned LR, a mobile home community zoned MH, and an undeveloped property that was recently rezoned from LI-CO and W/LO-CO to GR-MU-CO. A Capital Metro bus stop is located directly across Johnny Morris. Immediately west of the property is railroad right-of-way (MoKan) that is planned to be part of the Capital Metro Green Line. Further west is Walnut Creek Metro Park and trail system, zoned P. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

Staff supports the proposed zoning. The addition of a mixed use designation would allow the Applicant to provide residential uses on the property. GR-MU-CO would be consistent with the recently rezoned GR-MU-CO property across the street, and the Applicant and Staff support prohibiting the same land uses and conditions on this property as the existing GR-MU-CO across the street. The Applicant has also agreed to prohibit additional land uses as requested by Colony Park Neighborhood Association. The conditional overlay would include the prohibition of drive-through services, as well as prohibiting Automotive rentals, Automotive repair services, Automotive sales, Automotive washing (of any type), Exterminating services, Pawn shop services, Bail bond services, Drop off recycling collection facility, Off site accessory parking, Pedicab storage and dispatch, Service station, and Custom manufacturing. Staff supports the Neighborhood Association's request to prohibit these land uses to the extent that Code does not permit certain uses to be prohibited (Telecommunication tower, Group home, etc.) Currently there are few multifamily options in the vicinity; the addition of mixed use designation on the property would allow the possibility of a range of housing options in this area of large lot and standard single family residences.

Staff has received correspondence in support of the proposed rezoning. ***Please see Exhibit D-Correspondence.***

BASIS FOR RECOMMENDATION

1. *Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

The proposed rezoning reflects the GR-MU-CO zoning that was approved across the street in March of this year.

2. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

Providing a range of housing types throughout the City reflects the goals of the Strategic Housing Blueprint and other Council-approved actions.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
Site	LI-CO	Single family residence
North	SF-3	Undeveloped
South	IP	Construction sales and services
East	LR, MH, GR-MU-CO	Undeveloped, Mobile home residential, Undeveloped
West	Rail ROW, P	Proposed CapMetro Green Line, Civic (park)

**STREET CHARACTERISTICS:**

<b>Name</b>	<b>Existing ROW</b>	<b>ASMP Required ROW</b>	<b>Pavement</b>	<b>ASMP Classification</b>	<b>Sidewalks</b>	<b>Bicycle Route</b>	<b>Capital Metro (within ¼ mile)</b>
Johnny Morris Rd	60'	120'	28'	3	No	Yes	Yes

TIA: Deferred to time of site plan, if triggered

WATERSHED: Walnut Creek (Suburban)

**NEIGHBORHOOD ORGANIZATIONS:**

Agave Neighborhood Association	Austin Independent School District
Austin Lost and Found Pets	Austin Neighborhoods Council
Bike Austin	Colony Park Neighborhood Association
Del Valle Community Coalition	Friends of Austin Neighborhoods
Friends of Northeast Austin	Homeless Neighborhood Association
Neighborhood Empowerment Foundation	Neighbors United for Progress
SELTEXAS	Sierra Club, Austin Regional Group

**AREA CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>COUNCIL</b>
C14-2020-0091	LI-CO and W/LO-CO to LI *amended	Staff recommendation of LI-CO (prior to amended request)	3/25/2021: to grant GR-MU-CO, as amended.

Johnny Morris Road Light Industrial)	to GR-MU-CO		
C14-2018-0117 (Loyola Lofts: 6420 Loyola Lane)	LR, SF-3 to GR-MU-CO	12/18/18: To grant staff's rec. of GR-MU-CO on consent, with a CO to prohibit Alt financial svcs, Auto rentals/repair svcs, washing (any type), Bail bond svcs, Drop-off recycling collection facility, Exterminating svcs, Funeral svcs, Pawn shop svcs, Pedicab storage and dispatch, Service station, and Custom Manufacturing & <2,000 vpd.	1/31/2019: Approved GR-MU-CO as rec by ZAP, Ord # 20190131-057
C14-06-0156.SH (6200 Loyola Lane)	MF-3-CO, GR-MU-CO to MF-3-CO	09/19/2006: MF-3-CO w/ max 2,000 v.p.d., max 254 d.u.	10/19/2006: Approved MF-3-CO as rec by ZAP, Ord # 20061019-062

#### OTHER STAFF COMMENTS:

#### COMPREHENSIVE PLANNING

Connectivity: Public sidewalks are sparse and intermittent along this portion of Johnny Morris Road, while a public transit stop is located directly in front of and across the street from the subject property. There are no bike lanes located along this portion of the street. The property is adjacent to the Walnut Creek Hike and Bike Trail system to the west. Mobility options are fair in the area due to the lack of a connecting public sidewalk system.

The property is located within the Colony Park Station Neighborhood Activity Center and 1,000 linear feet from an Activity Corridor. A Neighborhood Center, the smallest center in the Imagine Austin Comprehensive Plan, has a more local focus, and is intended for doctors and dentist offices, retail shops, branch libraries, dry cleaners, hair salons, coffee shops, restaurants, and other small and local businesses to generally serve the center and surrounding neighborhoods. Imagine Austin Centers are represented by a circle or globular shape that reflects the general location where a 'center' should be located in the future. The center's actual boundaries would need to be refined and clarified through a small area planning process. Regional, town, and neighborhood centers are supposed to be walkable, bikable, and supported by transit. Activity corridors are characterized by a variety of activities and types of buildings located along the roadway, and are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. The following IACP policies are also relevant to this case:

- ☐ LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- ☐ LUT P5. Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and

pedestrian travel and provides community gathering spaces, parks and safe outdoor play areas for children.

□ HN P10. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

The project is located within the Colony Park Station Neighborhood Center and near an Activity Corridor, which supports mixed use and multifamily uses. The property is also located near civic uses (park and hike/bike trail, a park and public elementary school) and has fair mobility options (a hike and bike trail and a public transit stop) and lacks a public sidewalks system to access nearby civic uses and retail and commercial uses in the vicinity. Based upon a Neighborhood Center supporting mixed use and multifamily uses, the mixed-use rezoning partially supports the policies of the Imagine Austin Comprehensive Plan.

### ENVIRONMENTAL

1. 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.

2. 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%

3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

4. 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.

5. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

### SITE PLAN

SP1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP2. The site is subject to compatibility standards. Along the north 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.

- d. No parking or driveways are allowed within 25 feet of the property line.
- e. 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.

SP3. Additional design regulations will be enforced at the time a site plan is submitted.

SP4. This site is located within 150 feet of a wildland area, in the Wildland Urban Interface (WUI). Please see this website for more information about construction in the WUI:

<http://www.austintexas.gov/departments/wildland-urban-interface-code>

### TRANSPORTATION

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies a need for 120' of right-of-way for Johnny Morris Road. A traffic impact analysis is waived, the determination is deferred to site plan application, when land use and intensity will be finalized.

Existing Street Characteristics:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Johnny Morris Rd	60'	120'	28'	3	No	Yes	Yes

### PARKS AND RECREATION

PR1: Parkland dedication will be required for the new residential units proposed by this development, condominiums with GR-MU-CO-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2). If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

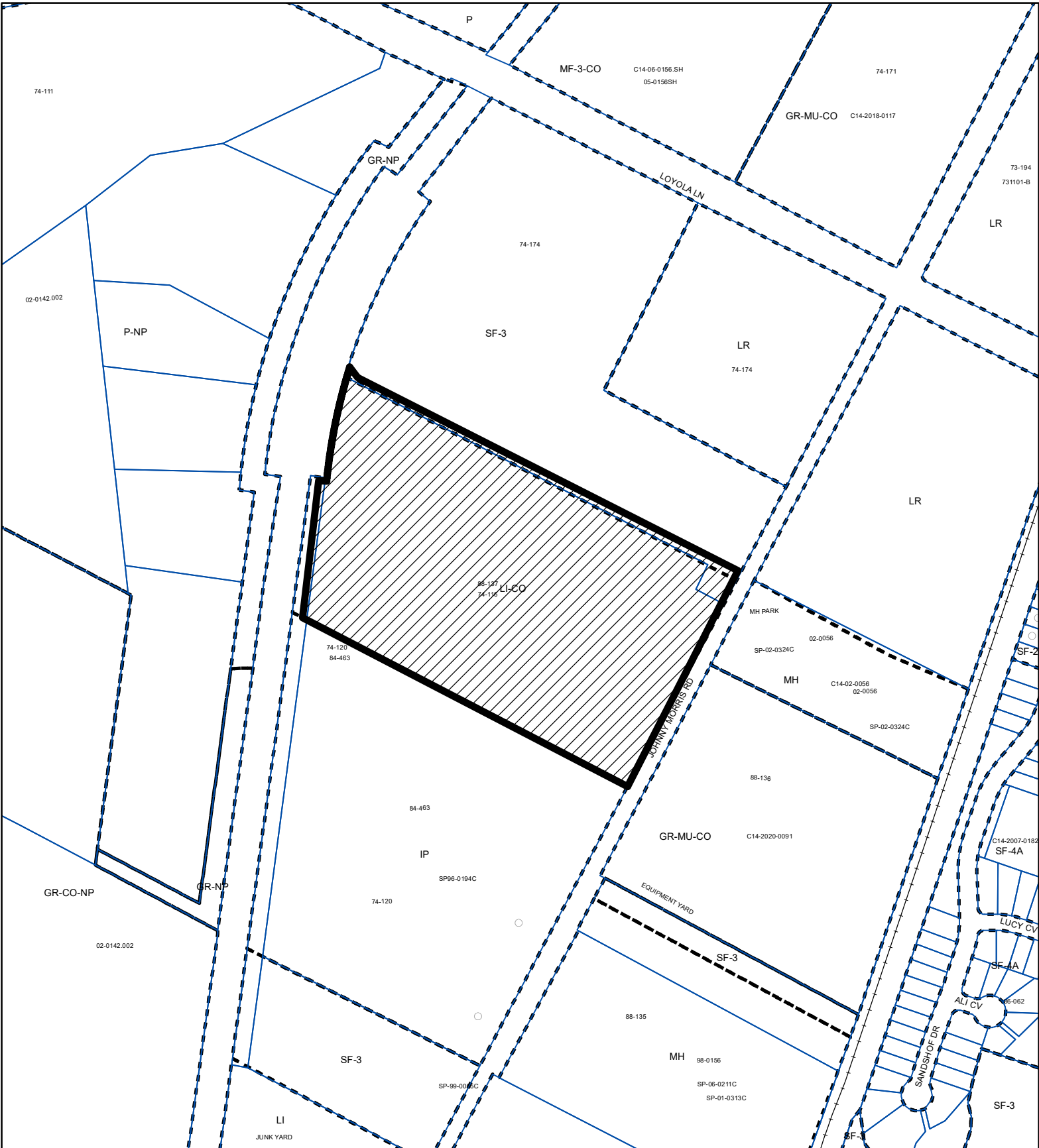
### WATER UTILITY




AW1. 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 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. 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 Exhibit
- C. Existing Zoning Ordinance
- D. Correspondence



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

## ZONING

### ZONING CASE#: C14-2021-0087

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: 5/5/2021**





# Property Profile



1: 9,600



0.3 0 0.15 0.3 Miles

NAD\_1983\_StatePlane\_Texas\_Central\_FIPS\_4203\_Feet

Date Printed:

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. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

## Legend

Street Labels

 Zoning Review Cases- IN REV

Fully Developed Floodplain

-  COA Fully Developed 25-Year
-  COA Fully Developed 100-Year
-  COA Master Plan 25-Year
-  COA Master Plan 100-Year
-  100-Year (Detailed-AE)
-  100-Year (Shallow-AO,AH)
-  100-Year (Approx-A)

Notes



P.O. Box 12891 Austin, Texas 78711-2891 USA

May 12, 2021

Heather Chaffin  
Senior Planner  
One Texas Center  
505 Barton Springs Rd.  
Austin, Texas 78704

Dear Ms Chaffin,

I am contacting you on behalf of the Colony Park/Lakeside Neighborhood Association concerning the re-zoning of 6402 Johnny Morris Rd. The Colony Park Neighborhood/Lakeside Neighborhood Association is the recognized representative of the Colony Park, and Lakeside communities.

The community has been working with Keith Buchanan, the General Partner of CKB Johnny Morris LP the owner of the property located at 6402 Johnny Morris Rd.

Our Community is committed to working with the owners to re-zone the property so it can bring businesses and housing that will be of benefit to the community.

The designer is asking for the property to be re-zoned GR-MU-CO which can be supported by the community. We have worked with the designer to add a conditional overlay to prohibit the following uses.

- Automotive Rentals
- Automotive Repair Services
- Automotive Sales
- Automotive Washing (of any type)
- Exterminating Services
- Pawn Shop Services
- Drive-thru fast-food
- Bail bond services
- Drop-off recycling collection facility
- Funeral services
- Off-site accessory parking
- Pedicab storage and dispatch
- Service station
- Custom manufacturing
- Limited warehousing and distribution
- Family Home
- Group Homes
- Residential treatment
- Telecommunication tower

We are also referring this re-zoning case to Council Member Harper-Madison' office to express the community's support for a re-zoning of GR for this property.

If you require additional information, you may contact me by email at [barbara\\_scott@sbcglobal.net](mailto:barbara_scott@sbcglobal.net) or by Phone at 512 922-1202.

Sincerely,

Barbara D. Scott, President – Colony Park Neighborhood Association Inc.