

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0008 (Auto Repair Shop)

DISTRICT: 4

ADDRESS: 301 and 303 Ferguson Drive

ZONING FROM: CS-MU-CO-NP

TO: CS-MU-CO-NP*

*The applicant is requesting to amend the existing conditional overlay (CO) to add back Automotive Repair Services and Automotive Sales uses as permitted uses on the property.

SITE AREA: 0.4217 acres

PROPERTY OWNER: Duraid Alawe

AGENT: Development and Consulting Bridgeway, LLC (Marisa Kane)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMEDATION:

Staff recommends denial of the proposed rezoning from CS-MU-CO-NP to CS-MU-CO-NP, to change a condition of zoning.

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 25, 2024: Approved staff's recommendation to deny the rezoning (8-0, C. Hemple, A. Azhar and A. Haynes-absent, G. Cox-arrived late); R. Johnson-1st, F. Maxwell-2nd.

CITY COUNCIL ACTION:

August 29, 2024: Postponed to September 12, 2024 at the applicant's request (9-0, A. Alter-off dais, N. Harper-Madison-absent); J. Vela-1st, Z. Qadri-2nd.

September 12, 2024

ORDINANCE NUMBER:

ISSUES:

There is an associated neighborhood plan amendment request for this property under consideration, case NPA-2024-0026.01.

CASE MANAGER COMMENTS:

The property in question consists of two vacant lots fronting Ferguson Drive, a Level 2/Collector roadway. There is a multifamily use (Lotus Village) zoned GR-MU-CO to the north and single-family residences zoned SF-2-NP to the south. To the east, there are automotive uses and to the west there are medical office and office/warehouse uses that are zoned CS-MU-CO-NP. The applicant is requesting a rezoning to CS-MU-CO-NP to remove Automotive Repair and Automotive Sales from the existing conditional overlay on the property. Thereby, allowing these uses as permitted uses on this site.

The staff recommends denial of the applicant's rezoning request. While there are automotive uses that are currently in operation to the east of this property, they are legal non-conforming uses. According to aerials, the automotive repair use at 207 Ferguson Drive (NT Autobody and Frame) was on the property in 2009 prior to the adoption of the neighborhood plan and associated rezonings in 2010. Through the neighborhood plan, the lots along this portion of Ferguson Drive were designated as Neighborhood Mixed Use on the FLUM and zoned CS-MU-CO-NP (for Tract 11 through Ordinance No. 20100624-111), with a conditional overlay (CO) for the following:

1. The following uses are conditional uses:

Automotive repair services	Hotel-motel
Plant nursery	Convenience storage
Laundry services	

2. The following uses are prohibited uses:

Agricultural sales & services	Automotive sales
Bail bond services	Business or trade school
Campground	Construction sales & services
Electronic prototype assembly	Electronic testing
Equipment repair services	Exterminating services
Indoor entertainment	Kennels
Off-site accessory parking	Outdoor sports & recreation
Research services	Vehicle storage
Limited warehousing & distribution	

Therefore, Automotive Repair is conditional use per the current zoning ordinance and the applicant could go through the Conditional Use Permit (CUP) process to develop this use on this site within Code regulations.

As there is a new multifamily development (Lotus Village) to the north on the other side of Ferguson Drive, the Current Planning staff believes that this area is transitioning to permit additional residential density near available supporting services and transit options in

accordance with City Council's current direction. Encouraging more intensive auto centric commercial uses at this location is inconsistent with the original intent for a transition in uses in this area from the Mixed Use land use designation to the north to the Single-Family land use designation to the south on the North Lamar Neighborhood Plan FLUM. According to the ETOD Priority Tool Typology Map these two lots are inside the ½ mile buffer of two ETOD station areas, Masterson Pass and Chinatown/Kramer), and are part of the future extensions to light rail transit envisioned as part of Project Connect.

The applicant does not agree with the staff's recommendation.

BASIS OF RECOMMENDATION:

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The property in question is currently vacant. Even though there are automotive repair and vehicle storage uses to the east, these uses are non-conforming uses that would not be permitted under the current CS-MU-CO-NP zoning for these lots. The Automotive Repair use is conditional and the Automotive Sales use is prohibited on these lots, which are known as Tract 11 in case C14-2010-0048, the North Lamar Neighborhood Plan Rezoning.

2. *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 Future Land Use Map (FLUM) for the North Lamar Combined Neighborhood Plan calls for the properties along this portion of Ferguson Drive to be designated as Neighborhood Mixed Use to provide a transition from the more intensive mixed developments to the north to the single-family residences to the south. In accordance with the neighborhood plan, the properties along Ferguson Drive were rezoned from CS to CS-MU-CO-NP restricting more intensive commercial uses adjacent to the SF-2-NP zoning to the south.

3. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

This area is transitioning to permit additional residential density near available supporting services and transit options in accordance with City Council's direction. As the neighborhood plan rezonings added a mixed use combining district to this area along Ferguson Drive, the current zoning is in accordance with the goals to provide additional housing opportunities in this area per the Strategic Housing Blueprint and the Imagine Austin Comprehensive Plan. The property in question is located within 0.19 miles of the Lamar Boulevard Activity Corridor and there is Capital Metro bus service (Routes 1 and 801) to the west along N. Lamar Boulevard.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-MU-CO-NP	Vacant
<i>North</i>	CS-V-CO-NP, GR-MU-CO	Food Sales (MT Supermarket), Multifamily (Lotus Village)
<i>South</i>	SF-2-NP	Single-Family Residences
<i>East</i>	CS-MU-CO-NP	Automotive Repair (NT Autobody and Frame), Vehicle Storage (Tow Time)
<i>West</i>	CS-MU-CO-NP	Office (Neeraj Shah Doctor), Office/Warehouse

NEIGHBORHOOD PLANNING AREA: North Lamar/Georgian Acres Combined NP (North Lamar)

TIA: Deferred to the time of Site Plan

WATERSHED: Walnut Creek

SCHOOLS: Austin I.S.D.

NEIGHBORHOOD ORGANIZATIONS:

Austin Lost and Found Pets,
 Austin Neighborhoods Council,
 Friends of Austin Neighborhoods,
 Go Austin Vamos Austin - North,
 Homeless Neighborhood Association,
 Mockingbird Hill Neigh. Assn.,
 Neighborhood Empowerment Foundation,
 North Growth Corridor Alliance,
 North Lamar Neighborhood Association,
 North Lamar/Georgian Acres Neighborhood Team,
 SELTexas,
 Sierra Club Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2022-0162 (10601 N Lamar Blvd.)	CS-NP, LO-NP, SF-3-NP to CS-V-CO-NP	5/14/24: Approved staff's recommendation of CS-V-CO-NP zoning by consent (9-0, P. Howard, R. Johnson, J. Mushtaler and A. Woods-absent); A. Azhar-1st, A. Haynes-2nd.	5/30/24: Approved CS-V-CO-NP zoning by consent on 1st reading only (11-0); P. Ellis-1st, Z. Qadri-2nd. 7/18/24: Approved CS-V-CO-NP zoning by consent on 2nd/3rd readings (11-0); Z. Qadri-1st, R. Alter-2nd.

C14-2016-0032 (Smithers RV Storage: 10400 North Lamar Boulevard)	GR-CO-NP to CS-NP	7/26/16: Approved staff's recommendation of CS-CO-NP zoning by consent (10-0, F. Kazi, A. Pineyro De Hoyos, J. Thompson-absent); S. Oliver-1 st , T. White-2 nd . The conditional overlay (CO) will limit development to less than 2,000 vehicle trips per day and will prohibit the following uses on the property: Alternative Financial Services, Agricultural Sales and Services, Bail Bond Services, Building and Maintenance Services, Campground, Construction Sales and Services, Equipment Repair Services, Kennels, Commercial Blood Plasma Center, Laundry Services, Monument Retail Sales, Vehicle Storage, Veterinary Services, Maintenance and Service Facilities, Equipment Sales and Exterminating Services.	8/11/16: Approved CS-CO-NP zoning on consent, 1 st reading (11-0); K. Tovo-1 st , L. Pool-2 nd . 9/22/16: Ordinance No. 20160922-049 for CS-CO-NP combining district zoning was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.
C14-2012-0023 (601 W. Applegate Drive)	LO-MU-CO-NP to GR-MU-NP	6/12/12: Approved staff recommendation to deny the requested zoning (6-1, A. Hernandez-No, D. Anderson and D. Chimenti-absent); M. Dealey-1 st , D. Tiemann-2 nd .	6/28/12 : Denied the rezoning request (7-0); B. Spelman-1 st , L. Morrison-2 nd .
C14-2010-0048 (North Lamar NP Rezoning)	CR-CO to LO-MU-CO-NP	5/11/10: Approved the staff's recommendation for LO-MU-CO-NP zoning, with condition to remove Art Gallery, Art Workshop, and Counseling Services as prohibited uses, for Tract 20 (ABS 29 SUR 38 Applegate J ACR .17, Lot 1 Block K Mockingbird Hill Section 1 Subdivision, Lot 2 Block K Mockingbird Hill Section 1 Subdivision, and 601 West Applegate Drive); Vote: (8-0, J. Reddy-absent); C. Small-1 st , M. Dealey-2 nd .	6/24/10: Approved the North Lamar Combined Neighborhood Plan, except for tract 32 (postponed to July 29, 2010), and tracts 134 and 135B, on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote. Approved the North Lamar Neighborhood Plan Combining District (NP) was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
C14-05-0163 (Landrum-4: 601 W. Applegate Drive)	SF-2 to GR* *The applicant amended their rezoning request to CR zoning on November 14, 2005	10/18/05: Postponed to November 1, 2005 by the staff (9-0); J. Martinez-1 st , J. Gohil-2 nd . 11/01/05: Postponed to November 15, 2005 by the applicant (9-0); J. Martinez-1 st , J. Gohil-2 nd .	3/02/06: Approved CR-CO zoning on 1 st reading with the following additional restrictions: 18 foot height limitation, minimum of 6 foot solid fence around all four sides of the property with the additional provision that the fence along Applegate must be 10 feet off the north property line and must have

		<p>11/15/05: Case continued to January 17, 2006 ZAP Commission meeting (7-0, J. Gohil, J. Martinez – absent); M. Hawthorne-1st, T. Rabago-2nd).</p> <p>1/17/06: Postponed to January 31, 2006 at the applicant’s request (9-0); J. Martinez-1st, J. Gohil-2nd.</p> <p>1/31/06: Approved CR-CO zoning with the following conditions: 1) Recreational Equipment Maintenance & Storage as the only permitted CR (Community Recreation) district use; 2) Permit SF-6 (Townhouse & Condominium Residence) district uses; 3) SF-6 (Townhouse & Condominium Residence) district site development standards; 4) Limit access to the driveway previously considered Motheral Drive (vacated Motheral Drive); 5)The applicant will provide a vegetative buffer along Applegate Drive; 6) The site shall be limited to less than 300 vehicle trips per day above the existing trip generation. Vote: (8-0, J. Gohil-absent)</p>	<p>landscaping in front of it, and driveway access would be from Motheral Drive (6-1, Kim-Nay); Alvarez-1st, Wynn-2nd</p> <p>4/20/06: Approved CR-CO zoning with conditions by consent (6-0, D. Thomas-off dais); 2nd/3rd readings</p>
C14-04-0209	CS-CO, CS to CS-1	<p>3/01/05: Approved staff rec. of CS-1-CO with following conditions: Prohibit Adult Oriented Businesses, Liquor Sales, Cocktail Lounge, Vehicle Storage, Pawn Shop Services, Indoor Entertainment, Exterminating Services, Guidance Services; limit height to a maximum of 40 feet; limit development to 2,000 vtpd (8-0)</p>	<p>3/24/05: Approved CS-1-CO (7-0); all 3 readings</p>
C14-03-0150 (Gilleland Zoning Change: 606 West Grady Drive)	SF-2 to CS* *Amended to ‘GR’ on 11/5/03	<p>11/4/03: Approved staff’s recommendation to deny CS, General Commercial Services District, zoning (9-0)</p>	<p>12/11/03: The motion to deny zoning request was approved (7-0); Slusher-1st, McCracken-2nd. The motion to approve reconsideration of this item was approved (7-0); Slusher-1st, Thomas-2nd. This item was postponed to January 29, 2004 (7-0); Slusher-1st, Wynn-2nd</p>

			1/29/04: Denied request (4-0), Thomas/ Goodman-absent, McCracken-off dais)
C14-01-0116	LO to CS	1/22/02: Approved staff alternate rec. of CS-CO; w/conditions (8-0)	2/28/02: Approved CS-CO w/other conditions (6-0); all 3 readings: 1) Subject to TIA conditions; 2) Prohibiting the following uses: a) Automotive Washing (of any type) b) Commercial Off-Street Parking c) Convenience Storage d) Equipment Sales e) Funeral Services f) Kennels g) Monument Retail Sales h) Outdoor Sports and Recreation i) Residential Treatment j) Local Utility Services k) Service Station l) Campground m) Construction Sales and Services n) Equipment Repair Services o) Exterminating Services p) Hotel-motel q) Laundry Services r) Outdoor Entertainment s) Vehicle Storage t) Community Recreation (public) u) Community Recreation (private) v) Off-site Accessory Parking w) Drop-off Recycling Collection Facility 3) Prohibit Drive-in Service
C14-01-0037	MF-2, SF-3, SF-2 to NO-NP	4/17/01: Approved staff rec. of NO-NP, CS-NP, MF-2-NP, LO-NP, GR-NP, P-NP, LI-NP (9-0)	5/24/01: Approved PC rec. on all 3 readings, except Tract 9 (1 st reading only); (6-0) 8/9/01: Approved CS-NP for Tract 9 (7-0); 2 nd /3 rd readings

RELATED CASES:

C14-2010-0048 – North Lamar Neighborhood Plan Rezoning

OTHER STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 301 FERGUSON DRIVE. C14-2024-0008. Project: 301 & 303 Ferguson - automotive repair and automotive sales uses. North Lamar NP. FLUM: Neighborhood Mixed Use. 0.4217 acres from CS to CS. Existing: undeveloped (none). Proposed: commercial auto repair and sales shop.

Yes	Imagine Austin Decision Guidelines
Complete Community Measures *	
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Names of Activity Centers/Activity Corridors/Job Centers *: 0.19 miles from Lamar Boulevard Activity Corridor.
Y	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station.
	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.
Y	Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market.
	Connectivity and Education *: 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 recreation area, park or walking trail.
Y	Connectivity and Health *: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor’s office, drugstore clinic, and/or specialized outpatient care.)
	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.
	Housing Affordability *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Mixed use *: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy *: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin’s creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
Y	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone
6	Number of “Yes’s”

Environmental

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. 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 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 2 year storm on site.

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

Fire

No comments.

Parks and Recreation

There are no parkland dedication requirements for the proposed uses considered as part of this application.

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.

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

Compatibility Standards

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.
- 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.
- 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.
- 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.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.
- Additional design regulations will be enforced at the time a site plan is submitted.

This tract is already developed, and the proposed zoning change is a footprint within the existing development.

FYI, this site is within the North Lamar Neighborhood Plan.

Transportation

The Austin Strategic Mobility Plan (ASMP) calls for 84 feet of right-of-way for Ferguson Dr. It is recommended that 42 feet of right-of-way from the existing centerline should be dedicated for Ferguson Dr according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Ferguson Dr	Level 2	84 feet	Approx 56 feet	Approx 30 feet	No	Yes	Yes

Water Utility

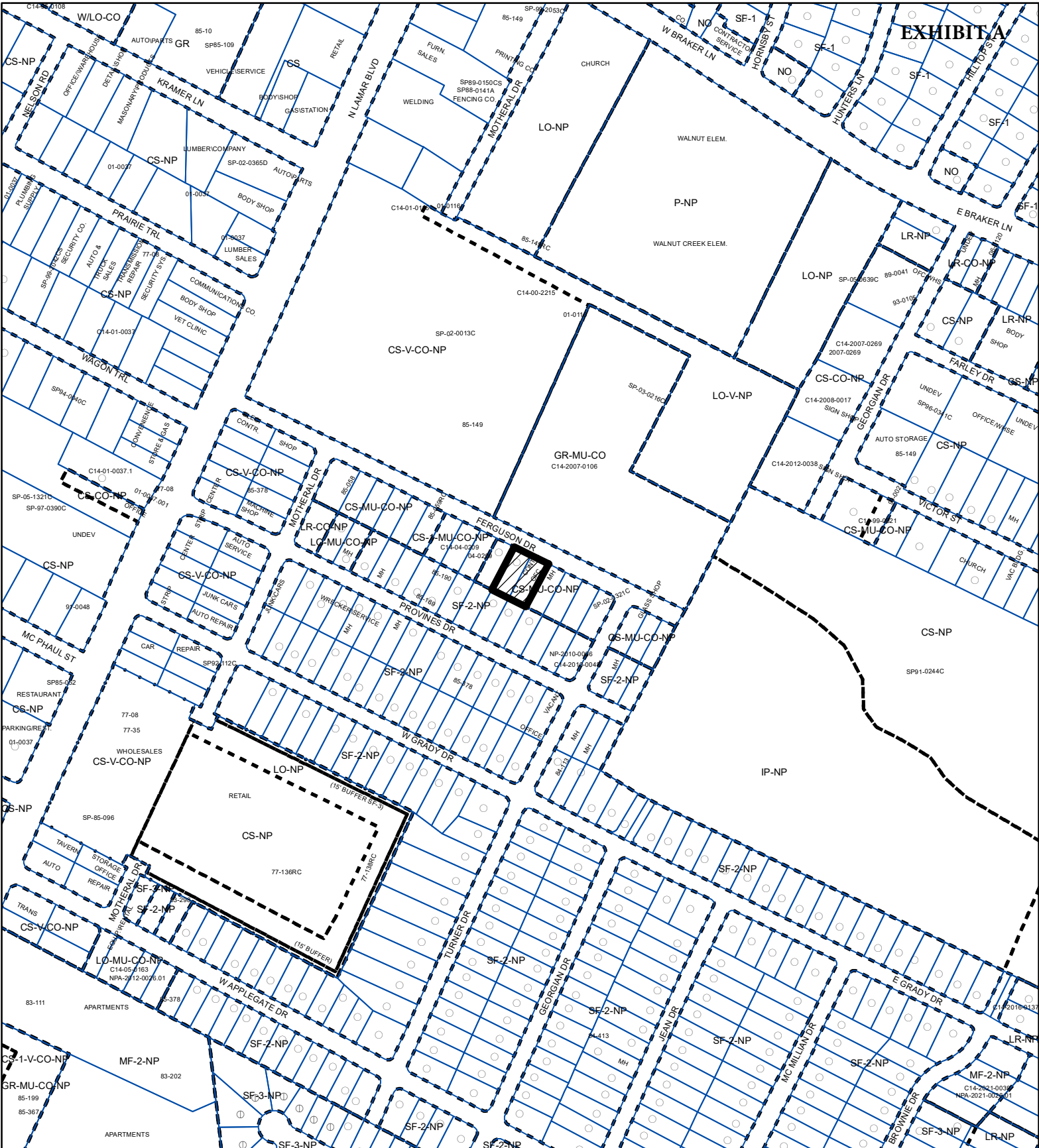
No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities.

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

INDEX OF EXHIBITS TO FOLLOW




- A: Zoning Map
- B. Aerial Map
- C. Applicant’s Request Letter
- D. North Lamar Neighborhood Plan FLUM



ZONING

ZONING CASE#: C14-2024-0008



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



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

1" = 400'





Created: 1/26/2024



EXHIBIT B

301 & 303 Ferguson - automotive repair and automotive sales uses



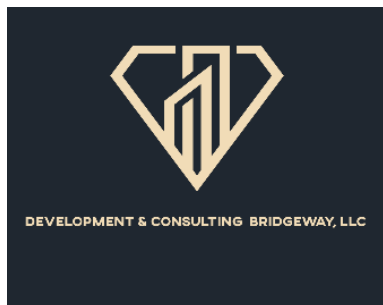
-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

CASE#: C14-2024-0008
 LOCATION: 301 & 303 Ferguson Dr
 SUBJECT AREA: 0.4217 Acres
 GRID: M31
 MANAGER: Jonathan Tomko



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Created: 1/31/2024



March 1, 2024

Request proposing to change Conditional Overlay (CO) on the property located at:
301 & 303 Ferguson Drive
LOT 11 & 12 BLK B MOCKINGBIRD HILL SEC 1

This letter will serve as clarification that the Property owner Duraid Alawe is requesting to remove Automotive Repair Services and Automotive Sales from the CO. Property Owner is wanting to be able to Repair and Sale Cars on the property.

Please let me know if you need any additional information is needed, and coordination is much appreciated.

Regards,

Marisa Kane

Owner

Ph: 830-660-5498

Email: Bridgewayllc1@gmail.com

Development & Consulting Bridgeway, LLC

North Lamar Combined Neighborhood Planning Area Future Land Use Map

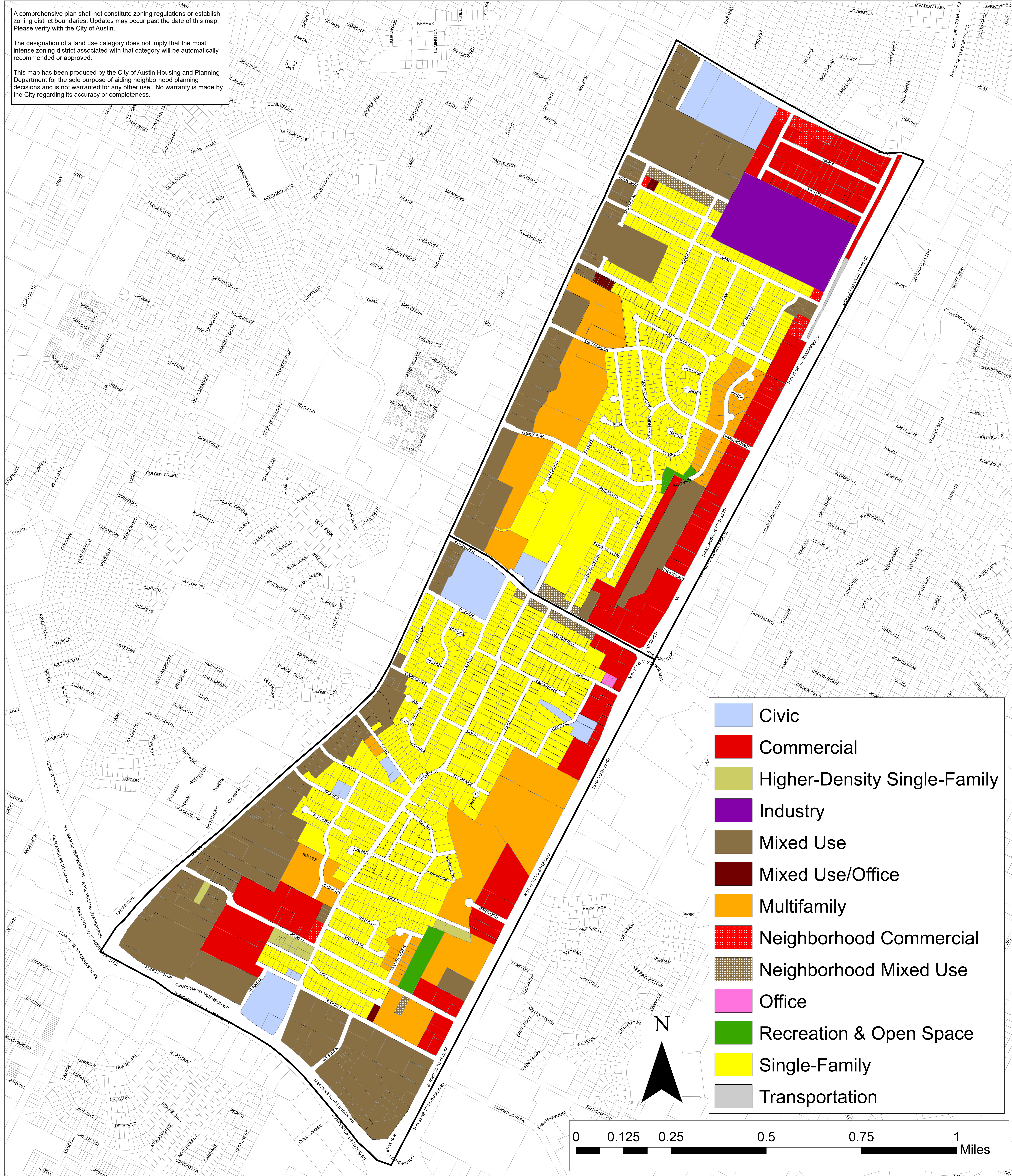


Plan Adopted: June 24, 2010
Last Amended: Apr 2, 2024

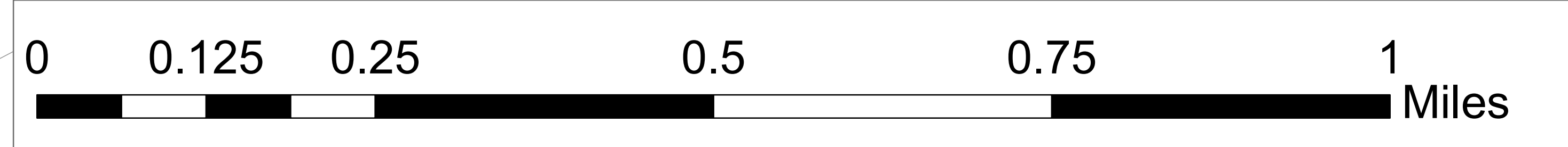
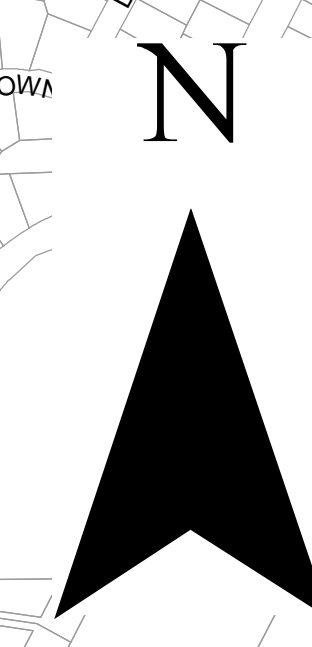
A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. Updates may occur past the date of this map. Please verify with the City of Austin.

The designation of a land use category does not imply that the most intense zoning district associated with that category will be automatically recommended or approved.

This map has been produced by the City of Austin Housing and Planning Department for the sole purpose of aiding neighborhood planning decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.



- Civic
- Commercial
- Higher-Density Single-Family
- Industry
- Mixed Use
- Mixed Use/Office
- Multifamily
- Neighborhood Commercial
- Neighborhood Mixed Use
- Office
- Recreation & Open Space
- Single-Family
- Transportation



From: [Mockingbird Hill](#)
To: [Sirwaitis, Sherri](#)
Subject: Case Number: C14-2024-0008
Date: Tuesday, August 20, 2024 4:48:28 PM

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External Email - Exercise Caution

Case Number: C14-2024-0008

Project Address: 301 & 303 Ferguson Drive

I am reaching out on behalf of Mockingbird Hill NA. The property in question is within our boundaries. We have been actively working over the past several years with Code, APD and our neighbors to clean up the area. We spent several years working with the city to come up with our Neighborhood Plan. This request is not in line with our Neighborhood Plan. Mockingbird Hill will not be supporting this request.

Mona Noll

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