ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0145
2111 Fort View Road

P.C. DATE: February 12, 2013

ADDRESS: 2111 Fort View Road

AREA: 0.3964 Acres (17,267 sq. ft.)

NEIGHBORHOOD PLAN AREA: Galindo
(South Lamar Combined Neighborhood Plan Area)

OWNER: Eveann Investments, LP (William G. Franklin)

APPLICANT: One Management, Inc. (Howard P. Kells)

ZONING FROM: SF-3; Family Residence

ZONING TO: LO-CO; Limited Office – Conditional Overlay
(CO would limit vehicle trips per day to less than 2000 and limit the hours of operation as Monday through Saturday from 8:00 AM to 5:00 PM and Sunday from 12 Noon to 5:00 PM)

SUMMARY STAFF RECOMMENDATION
To grant NO-MU-CO; Neighborhood Office – Mixed Use – Conditional Overlay in which the conditions are as follows:

1) Limit vehicle trips per day to less than 2000;
2) Limit hours of operation as Monday through Saturday from 8:00 AM to 5:00 PM and Sunday from 12 Noon to 5:00 PM;
3) Prohibit vehicular access to and from the subject tract and Fort View Road for civic and commercial uses, with exceptions for emergency services and bicycle and pedestrian traffic; and
4) Prior to Council adoption of a rezoning ordinance, require recordation of a shared access easement between the subject property and the property at 2110 W. Ben White Boulevard

PLANNING COMMISSION RECOMMENDATION:
To be determined

DEPARTMENT COMMENTS:
The South Lamar Combined Neighborhood Plan effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in deteriming the staff recommendation.

The subject tract is located at the western terminus of Fort View Road, between Manchaca Road and Victory Drive, one block north of Ben White Boulevard. It abuts commercial, office, and residentially-zoned property. It is one of eighteen residential lots on this portion of Fort View, but would, if rezoned as recommended with conditions, effectively operate as integral part of the Victory Medical enterprise rather than a stand-alone office (please refer to Exhibits A to A-2).

The other side and other end of this block are in areas of transition. As noted in the Case Histories, there has been a number of recent rezoning cases on the Ben White side of this

block and at the intersection of Fort View Road and Manchaca. Properties on Ben White are converting from residential to office, and in at least one case, commercial uses. Properties along Manchaca, especially at the intersection and north of Fort View, are also converting from single family residential to office uses. The more intense commercial uses, especially at the intersection of Ben White and Manchaca, have existed for decades. Despite the reuse and redevelopment along Manchaca and Ben White, there has been no rezoning along this portion of Fort View. However, there has been a recent resubdivision of one residential lot to three, and those newly constructed homes are currently on the market.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3	Single-family house
North	SF-3	Single-Family Residential
West/Northwest	GR	Medical Offices
South/Southeast	LO-CO; LO-MU; SF-3	Medical Office; Mix of Single-Family and Office; Ben White Boulevard
East	SF-3; CS; CS-1; LR-MU-CO;	Single-Family Residential along Fort View; at Fort View-Manchaca intersection a Restaurant, Automotive Repair Shop and Florist

AREA STUDY: No
WATERSHED: Williamson Creek
CAPITOL VIEW CORRIDOR: No
TIA: Not Required
DESIRED DEVELOPMENT ZONE: Yes
HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

South Central Coalition	498
Austin Neighborhoods Council	511
Onion Creek Homeowners Assoc.	627
Austin Independent School District	742
Home Builders Association of Greater Austin	786
Save Our Springs Alliance	943
Homeless Neighborhood Organization	1037
League of Bicycling Voters	1075
Perry Grid 614	1107
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Austin Heritage Tree Foundation	1340
SEL Texas	1363

SCHOOLS:
Austin Independent School District
Joslin Elementary School Covington Middle School Crockett High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic Count
Fort View Road	50'	30'	Collector	780

NO ABUTTING TRANSIT:

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
West/Northwest			
2142-2150 W Ben White, 2201-2327 Prather Lane, & 4000-4312 Victory Drive C14-75-029 (East of Victory, from Ben White north to School)	"A" Residence, 1st H&A to "GR" Commercial, 1st H&A and "C" Commercial, 1st H&A		Approved; 10/27/1977
2142 W Ben White & 2201-2327 Prather Lane C14-72-182 (West of Victory)	"A" Residence, 1st H&A to "C" Commercial, 2nd H&A & "C" Commercial, 3rd H&A		Approved; 09/14/1972
Northeast			
2007-2009 Bert Ave C14-79-247	"A" Residence, 1st H&A to "BB" Residence, 1st H&A		Approved; 04/24/1980
2007 Bert Ave	SF-3 to NO	Approved LO w/Conditions; 05/20/03	Approved LO-CO; 07/13/2003
South/East			
2110 W Ben White C14-2008-0185	SF-3 to LO	Approved LO w/2000 trip limit condition; 06/10/2008	Approved LO-CO; 11/20/2008
2104 W Ben White C14-2012-0049	SF-3 to LR	Approved LR; 07/24/2012	Approved LR; 12/13/2012
2012 W Ben White C14-2008-0096	SF-3 to LO-MU	Approved; 06/10/2008	Approved; 07/24/2008
2028 W Ben White C14-2007-0051	SF-3 to GO-MU	Approved LO-MU; 06/12/2007	Approved LO-MU; 07/26/2007
2009-2011 Fort View C14-98-0078	SF-3 to CS	Approved LR w/Conditions;	Approved NO w/Conditions 1st

		07/21/1998	Reading; Indefinite Postponement on 2nd/3rd; Expired
4302-4304 Manchaca & 2004-2012 Ivy Trail C14-72-222	"C" 6th H&A to "C-2" 6th H&A	Approved, Limited use of C-2 to package store only	Approved as PC Recommended; 11/16/1972
4300 Manchaca & 2001-2005 Fort View C14-74-122	"C" 6th H&A to C-1 6th H&A		Approved 10/31/1974
4204 Manchaca C14-72-099 4204 & 4208 Manchaca C14-06-0115	"A" Residence to "LR" Local Retail LR & SF-3 to (LR-MU-CO)	 Approved LR-MU w/Conditions; 06/27/2006	Approved 06/08/1972 Approved LR-MU-CO; 09/28/2006
4200 Manchaca C14-2012-0117	SF-3 to LO-MU	Approved LO-MU; 11/13/2012	Approved LO-MU; 12/06/2012

CITY COUNCIL DATE: March 7, 2013 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Lee Heckman **PHONE:** 974-7604
e-mail address: lee.heckman@austintexas.gov

STAFF RECOMMENDATION **C14-2012-0145**

BACKGROUND
The site contains an existing residential structure built in the mid-1950s and consists of approximately 2,240 square feet. The 1948-platted lot on which the structure sits is relatively flat and contains no topographical features of note.

The South Lamar Combined Neighborhood Plan effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in deriving the staff recommendation.

SUMMARY STAFF RECOMMENDATION
Staff recommends NO-MU-CO, Neighborhood Office – Mixed Use – Conditional Overlay. The conditions for the recommendation are as follows:

1) Limit vehicle trips per day to less than 2000;
2) Limit hours of operation as Monday through Saturday from 8:00 AM to 5:00 PM and Sunday from 12 Noon to 5:00 PM;
3) Prohibit vehicular access to and from the subject tract and Fort View Road for civic and commercial uses, with exceptions for emergency services and bicycle and pedestrian traffic; and
4) Prior to Council adoption of a rezoning ordinance, require recordation of a shared access easement between the subject property and the property at 2110 W. Ben White Boulevard

BASIS FOR RECOMMENDATION

This request is driven by the desire to reuse an existing residential structure for medical office use, as part of the adjacent Victory Medical facility. The applicant has requested Limited Office with a cap of 2,000 vehicle trips per day and offered limited hours of operation. Staff recommends Neighborhood Office-Mixed Use, with additional conditions.

Limited office (LO) and Neighborhood Office (NO) zoning districts are very similar in that both are uses that serve neighborhood or community needs and are located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses, but has development regulations and performance standards designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

An office in an NO district may only contain one use, but also has development regulations applicable designed to preserve compatibility with existing neighborhoods through renovation and modernization of existing structures. NO offices are typically found on collector streets less than 40 feet in width, and are intended to not unreasonably affect traffic.

A primary difference in the two zoning districts, especially significant to this case in that the applicant wishes to use the existing residence as a medical office, is that medical office use is allowed in an LO district, but not LO.

Normally, staff would not recommend office zoning at this location, at this time. The subject property fronts onto Fort View Road, at its terminus, approximately 1000 feet west of the Fort View/Manchaca intersection. One must pass a number of single-family homes to reach the tract at the end of the street.

Although the Fort View/Manchaca intersection is characterized by LO-MU, LR-MU, CS, and CS-1 zoning districts, the vast majority of property along this stretch of Fort View is single-family residential. Given the subject tract's location at the end of the street, this is not a standard case of commercial creep into a neighborhood.

This block lies between Fort View and Ben White, which has seen significant change in recent years. Three of the former residences have been rezoned to LO or LO-MU uses; a fourth was rezoned to LR-MU in December of 2012. However, all of these rezonings, and their subsequent non-residential use, has occurred on the Ben White side of this block. There has been no rezoning of property along Fort View Road. In fact, a recent resubdivision across the street from the subject tract has resulted in three new single-family homes on what once was a single-family lot.

While rezoning and reuse of the remaining residences along both Manchaca and Ben White characterize the transition this area is experiencing, this portion of Fort View remains residential. An office at the end of this residential street, and the traffic an office would generate, seems out of place; a medical office seems too intense a use.

However, this is not a stand-alone medical office and staff is not entirely opposed to an office at this site if it had minimal impact on Fort View residences. As with the LO-zoned office between this property and Ben White, the subject tract will be affiliated with Victory Medical at the corner of Victory and Ben White (all three tracts are under the same ownership). As envisioned, patients would access the office either directly from Ben White, or walk over from the Victory Drive office (after parking there). This office was envisioned to contain a couple of exam rooms and ancillary staff offices, as part of their skin care program.

Despite existing access and connections to Ben White and Victory Drive, staff does not think a medical office with access to residential Fort View Road, even if limited to exit-only, is justifiable. Moreover, if the property ever were to become a stand-alone medical office, or redeveloped into more than an ancillary facility to the adjacent facilities, traffic on Fort View would only increase.

Consequently, staff is recommending NO-MU – but with the stipulation that no vehicular access be allowed to Fort View for civic and commercial uses, with the exception of emergency services and bicycle and pedestrian access. This means if the property were used as residential, residents could freely traverse Fort View and the impact would be negligible, unless the property was redeveloped with additional residential units. Bicycle and pedestrian access would not be limited for any use.

Related, staff is recommending that a shared access easement between this property and the property between it and Ben White be executed and recorded prior to third reading of the rezoning ordinance, if so recommended by the Commission and granted, by Council. This recorded easement would ensure that access to the tract is provided by the property abutting Ben White, even if one or both properties is conveyed to a non-affiliated owner.

Staff wholly concurs with the limited hours offered by the applicant, and the cap of less than 2,000 vehicle trips per day, which is standard in lieu of an approved traffic impact analysis. Although the prohibition against vehicular traffic from the office to Fort View could make the vehicle trip limit a moot point, staff does think the limited hours help mitigate any negative impacts to abutting residences from office operations in the evenings and on weekends.

Even with the limitation on office hours and limited access to Fort View, staff is concerned about office use at this spot. It's a uniquely situated property at the end of a mostly residential street. Granted, office use is often used as a transition between single-family residential and more intense uses, and is thought to be more or less compatible with such residential uses. But the tract is also uniquely situated in that it can be integrated, and function - with the right restrictions - as more or less an integral part of the Victory Medical "campus" and not as an office at the end of a residential street.

Staff understands that if NO is granted, rather than the LO requested, the owner will only be able to reuse the existing structure for administrative offices and a staff lounge. In other words, the owner would be required to relocate existing administrative office uses from the Ben White property to this property, and locate what was planned for this location to the tract fronting Ben White.

Given the above discussion, staff thinks the recommendation of NO-MU with the identified conditions is warranted because it furthers the following zoning principles:

The proposed zoning promote clearly-identified community goals, such as creating employment opportunities;

The proposed zoning should be consistent with the purpose statement of the district sought; and

Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

As regards the principles that ***zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character***, and ***that granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city***, staff thinks the recommended conditions regarding access and hours of operation limit or mitigate detrimental impacts. While neighborhood creep of office and commercial properties could occur, staff thinks the unique location, ownership, and connection between this property and the existing Victory Medical facilities helps ensure this office rezoning does not set a precedent for other properties on Fort View Road. It is difficult to imagine staff support for another property on Fort View that sought either NO or LO zoning.

Staff does not think, given the property's location and affiliation with adjacent medical office uses, that office rezoning could be considered spot zoning. Nor would it be interpreted as a special privilege because similar situated properties could be given the same consideration. Although staff does not recommend the requested zoning district, staff thinks the NO-MU with conditions does allow for a reasonable use by the property owner.

As noted, the South Lamar Combined Neighborhood Plan effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in developing the staff recommendation. The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan, identifies this area as an Activity Center for Redevelopment. In the Comprehensive Planning notes below, protecting neighborhood character is also cited, along with the property's location at the end of a mostly residential street. Indeed, it is protection of the neighborhood character on Fort View Road that requires staff to recommend NO rather than LO, and then only NO with the limited hours of operation, access prohibitions, and other conditions as listed above.

C10/9

EXISTING CONDITIONS

Site Characteristics

Lots along Fort View Road were platted in 1948. The existing family residence has an effective construction date of 1954 and comprises approximately 2250 square feet. The site is relatively flat and contains no know topographical or environmental constrains to redevelopment.

Comprehensive Planning

This zoning case is located on the south side of Fort View Road, one block north of Ben White Boulevard. The property contains a duplex. Surrounding land uses include single family houses to the north and east, and medical offices to the west and south. This portion of Fort View Road is entirely residential. The request is to utilize the subject property for a medical office.

The property is located within one of five **'Activity Centers for Redevelopment (located) in an Environmentally Sensitive Area'** as identified on the Imagine Austin Growth Concept Map, found in the Image Austin Comprehensive Plan. Page 106 of the Imagine Austin Comprehensive Plan states, "*Five centers are located over the recharge or contributing zones of the Barton Springs Zone of the Edwards Aquifer or within water-supply watersheds. These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods. State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context. One of the Land Use and Transportation policies, LUT P21 (p. 102), clarifies the intent, "Ensure that redevelopment in the Edwards Aquifer's recharge and contributing zones maintains the quantity and quality of recharge of the aquifer.*"

The following are key policies taken from Chapter 4 of the Imagine Austin Comprehensive Plan, which specifically discuss the preservation of neighborhood character, including within designated redevelopment areas:

- LUT P4. Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

- HN P11. Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

- HN P15. Protect neighborhood character by providing opportunities for existing residents who are struggling with rising housing costs to continue living in their existing neighborhoods.

Based on the property being located at the end of a residential street, and Imagine Austin policies referenced above, staff believes that residential rather than limited office use is consistent with the Imagine Austin Comprehensive Plan.

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 Williamson 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:

Development Classification	*% of Net Site Area*	*% with Transfers*
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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

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

3. 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.

4. 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.

5. 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.

Site Planning and Compatibility Standards

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

2. The site is subject to compatibility standards. Along the north, east and south property lines, 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.

Transportation

1. No additional right-of-way is needed at this time.

2. 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]

3. Fort View Road is not classified in the Bicycle Plan.

4. Capital Metro bus service is not available along Fort View Road.

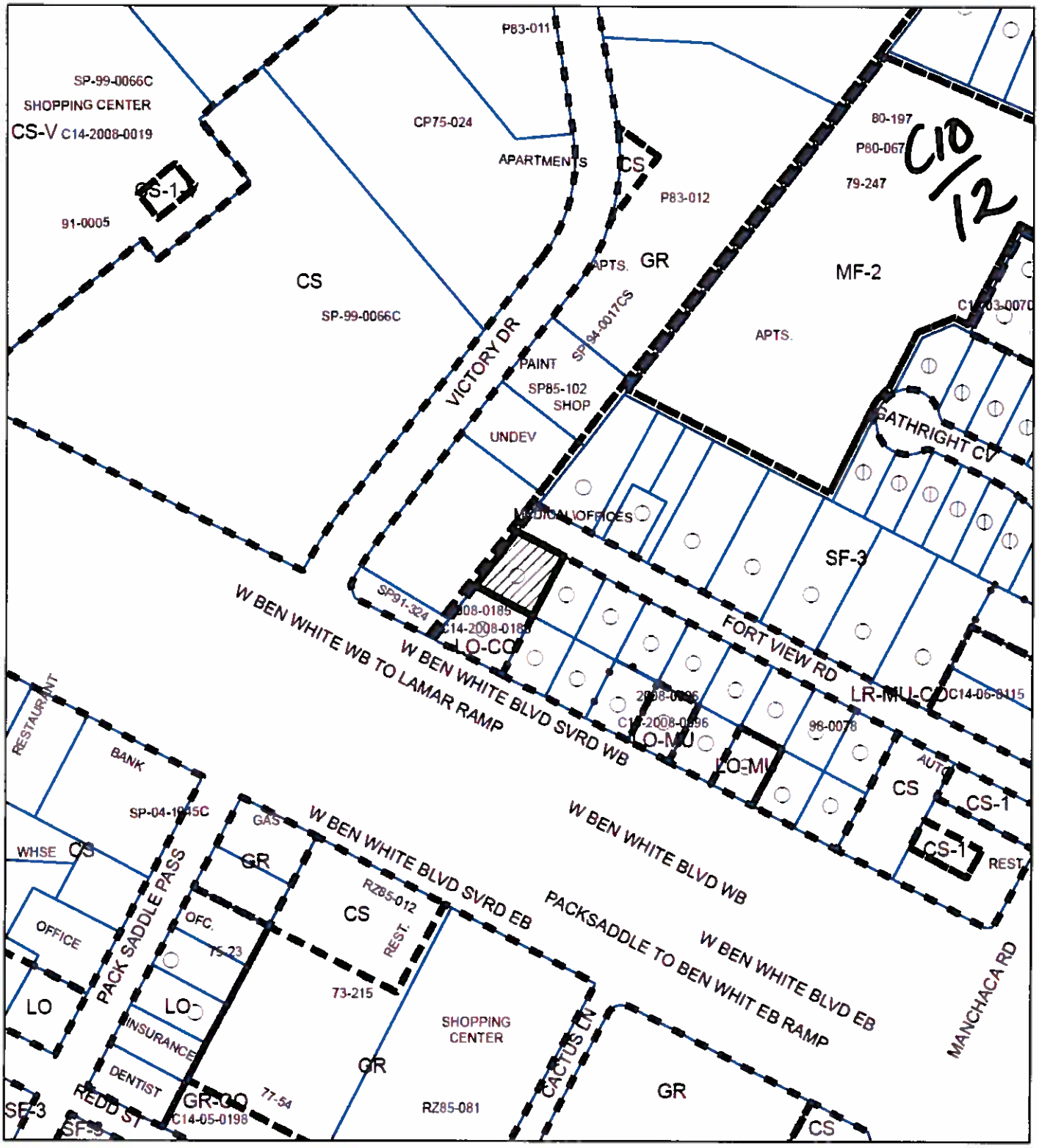
5. There are no existing sidewalks along Fort View Road.

6. Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Fort View Road	50'	30'	Collector	780

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 by the land use. The water and wastewater utility plan 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.



ZONING

N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING CASE#: C14-2012-0145

1 " = 200 '

Exhibit A

C14-2012-0145/ 2111 Fort View Road

Imagery: 2011

Exhibit A-1
Aerial & Zoning

0 100 200 400 Feet

1 inch = 200 feet

C14-2012-0145/ 2111 Fort View Road

Imagery: 2009

Exhibit A-2
Aerial & Zoning

0 25 50 100 Feet

1 inch = 50 feet