

ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0039
Allen Development

Z.A.P. DATE: June 18, 2013

OWNER: Joe D. Allen

ADDRESS: 8800 FM 969

AGENT: The Faust Group (Bill Faust)

ZONING FROM: SF-2, MH **TO:** CS **AREA:** 2.677 Acres

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. The recommended conditional overlay would prohibit the following land uses: Adult oriented business, Alternative financial services, Bail bond services, Exterminating services, and Pawn shop services. The conditional overlay would also require that vehicular trips be limited less than 2,000 per day. The Applicant supports the Staff recommendation.

ZONING & PLATTING COMMISSION RECOMMENDATION:

June 18, 2013: *RECOMMENDED TO APPROVE GR-MU-CO AS RECOMMENDED BY STAFF, ON CONSENT AGENDA. (7-0-1; P. SEEGER- 1ST, R. MCDANIEL- 2ND; C. BANKS-ABSENT).*

DEPARTMENT COMMENTS:

The subject property is located on the north side of FM 969, just east of Decker Lane. The property is comprised of two lots. Lot 1 is 1.928 acres, and zoned MH. Lot 2 is 0.697 acres and zoned SF-2. The property is developed with an automotive repair business, two single family houses, and a mobile home.

Undeveloped property to the west is zoned GR, and to the north are GR-CO and IP-CO properties that are also undeveloped. The conditional overlays associated with the properties to the north limit traffic levels and prohibit general warehousing and distribution on the IP-CO property. East of the subject property is land zoned DR, and is owned and used as a Texas Department of Transportation maintenance yard. Further east is a residential neighborhood, zoned SF-4A-CO and I-SF4A. Directly across FM 969 are properties zoned MH, DR, and CS-CO. These properties are used as a mobile home park, open storage, and undeveloped, respectively. The conditional overlay on the CS-CO property limits traffic, access, and prohibits several intensive land uses.

The Applicant has agreed to support the GR-MU-CO zoning that is recommended by Staff. The rezoning request is intended to bring the property into compliance as much as possible, while allowing for future redevelopment. GR-MU-CO will allow both the existing automotive repair services and single family residence land uses; however manufactured housing is only permitted in MH zoning. The existing manufactured house on the subject property (Lot 1) has been on the property since at least 1997, and would be an existing nonconforming land use, if GR-MU-CO is granted.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2, MH	Automotive repair services, single family residences, manufactured housing
<i>North</i>	GR-CO, IP-CO	Undeveloped
<i>South</i>	MH, DR, CS-CO	Manufactured housing, Open storage, Undeveloped
<i>East</i>	DR	TxDOT maintenance yard
<i>West</i>	GR	Undeveloped

AREA STUDY: N / A**TIA:** N/A**WATERSHED:** Elm Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

FM 969 Woodland Hills Homeowners Association, Inc.

Imperial Valley Neighborhood Association

FRS Property Owners Association

Manor ISD Population & Survey Analysts

Del Valle Community Coalition

SCHOOLS: Manor ISD**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0101	DR, I-RR to GR-CO, IP-CO	8/21/2007: ZAP Approve on consent (7-0); prohibit gen. warehousing/distribution; <2,000 v.p.d.	9/27/2007: Approve on consent as recommended by ZAP (5-0) All 3 readings
C14-06-0201	DR to CS-1* *Amended to MH 3/30/2007	11/21/2006: ZAP Approved Staff rec. of CS-CO	1/11/2007: Approved ZAP rec. of CS-CO, 1 st reading (7-0) 6/29/2007: Approved MH zoning, 2 nd & 3 rd readings (7-0)

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
FM 969	Varies	MAU 4	Major Arterial	No	No	Yes

CITY COUNCIL DATE: June 27, 2013:**ACTION:****ORDINANCE READINGS:****ORDINANCE NUMBER:**

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 974-2122

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The Applicant has agreed to support the GR-MU-CO zoning that is recommended by Staff. The rezoning request is intended to bring the property into compliance as much as possible, while allowing for future redevelopment. GR-MU-CO will allow both the existing automotive repair services and single family residence land uses; however manufactured housing is only permitted in MH zoning. The existing manufactured house on the subject property (Lot 1) has been on the property since at least 1997, and would be an existing nonconforming land use, if GR-MU-CO is granted. Leaving Lot 1 as MH would prohibit any reasonable redevelopment of the property, since it allows no new commercial land uses.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The Applicant proposes to continue his automotive services business on the site, and may expand retail or other commercial land uses in the future.

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

The Staff recommendation of GR-CO is consistent with the GR, GR-CO, and IP-CO zoned properties to the north and west of the site, and with the CS-CO zoned property across FM 969. Although the property to the east is zoned DR, it is owned and used as the Texas Department of Transportation maintenance yard.

EXISTING CONDITIONS**Site Characteristics**

The subject property is currently undeveloped, and generally flat and featureless.

Impervious Cover

For this property, watershed regulations supersede zoning regulation regarding impervious cover. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

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

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Elm 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. See above for impervious cover information.

2. According to floodplain maps there is no floodplain within or adjacent to the project boundary.

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. 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.
5. 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.
6. 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 Plan

1. Site plans will be required for any new development other than single-family or duplex residential.
2. The site plan will require compliance with Subchapter E. FM 969 Rd is the Principal Street, and is a Suburban Roadway. Some examples of Subchapter E requirements are as follows: A 12-foot sidewalk consisting of a 7-foot planting zone (trees optional) along the curb, followed by a 5-foot clear zone (sidewalk). Any parking between the street and the building will require a shaded sidewalk connecting the building entrance (facing the street) to the ROW. Exterior lighting must be hooded and shielded.
3. This site is over 2 acres. 5% of the gross site area must be dedicated to open space and pedestrian amenities, meeting the scale and design requirements of Subchapter E section 2.7.
4. 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.

Transportation

TR1. The Austin Metropolitan Area Transportation Plan calls for a total of 140 feet of right-of-way for FM 969. If the requested zoning is granted, then 70 feet of right-of-way (ROW) should be dedicated from the existing centerline of FM 969 in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55) This ROW dedication will be deferred to time of subdivision or site development permitting.

TR2. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

TR3. FM 969 is classified in the Bicycle Plan as Bike Route No. 44.

TR4. Capital Metro bus service is not available along FM 969.

TR5. There are no existing sidewalks along FM 969.

Comprehensive Planning

This zoning case is located on the north side of FM 969 Road, which is also called Martin Luther King Boulevard. The subject property is not located within the boundaries of a neighborhood planning area.

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies FM 969 Road as an Activity Corridor. Activity corridors are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites.

Based upon (1) the existing retail use; (2) the variety of warehouse, outdoor storage, government services, and residential uses that surround the subject property; (3) the property being situated along a corridor that is designated as an ‘Activity Corridor’ by the Imagine Austin Growth Concept Map, which supports retail; and (4) the Imagine Austin Comprehensive Plan policies referenced above that supports a variety of land use, including retail to promote complete communities, staff believes that a retail use at this location is in compliance to the Imagine Austin Comprehensive Plan.

Water and Wastewater

WW1. The landowner intends to serve the site with City of Austin water utilities and On-Site Sewage Facilities approved by the City of Austin. 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.

FYI. Current On-Site Sewage Facilities are permitted for the structures as currently existing. Any modification or change of use of the structures will require a new On-Site Sewage Facilities License to Operate. For more information pertaining to the On-Site Sewage Facilities process and submittal requirements contact Katherine Jashinski with the Austin Water Utility, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0296.

If it is desired to serve the site(s) with City wastewater service, a Service Extension Request will be required. For more information pertaining to the Service Extension Request process and submittal requirements contact Phillip Jaeger with the Austin Water Utility, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0207.