

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0021 – 4525 South Interstate
Highway 35

P.C. DATE: March 24, 2015

ADDRESS: 4525 South IH 35 Service Road Northbound

DISTRICT AREA: 2

OWNERS/APPLICANTS: Duke M. Covert; 1982 Rox B. Covert Children Trusts; Kenneth Ryan Covert; Cory Brown Covert; Rox B. Covert; Kimberly Carol Covert 1982 Trust; Martha Carol Covert Crowley; Courtney C. Elliott; Frank M. Covert, III; JP Morgan Chase Bank, N.A.; Frank M. Covert; Dan Carlson Revocable Trust Dated December 31, 2007; Kathryn Conway Covert; Gary Elizabeth Covert Baggett; Chance Cottingham Covert

AGENT: Metcalfe, Wolff, Stuart & Williams, LLP (Michele Rogerson Lynch)

ZONING FROM: GR-NP **TO:** CS-CO-NP **AREA:** 2.11 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – conditional overlay – neighborhood plan (CS-CO-NP) combining district zoning. The Conditional Overlay 1) prohibits the following uses: bail bond services; campground; commercial blood plasma center; limited warehousing and distribution; maintenance and service facilities; monument retail sales; transitional housing; transportation terminal and vehicle storage and 2) limits trips to 2,000 per day.

PLANNING COMMISSION RECOMMENDATION:

March 24, 2015: *APPROVED CS-CO-NP DISTRICT ZONING WITH THE CONDITIONAL OVERLAY AS STAFF RECOMMENDED, WITH ADDITIONAL PROHIBITED USES OF CONSTRUCTION SALES AND SERVICES, DROP-OFF RECYCLING COLLECTION FACILITY AND KENNELS, AND ESTABLISHING CUSTOM MANUFACTURING AS A CONDITIONAL USE, BY CONSENT.*

[J. STEVENS; J. NORTEY – 2ND] (8-0) 1 VACANCY ON THE COMMISSION

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The rezoning area consists of an undeveloped 220-foot wide tract located on the northbound IH 35 service road north of Teri Road, and has community commercial – neighborhood plan

(GR-NP) district zoning. There are hotels to the north as well as undeveloped land, undeveloped land and a charter school to the south, and apartments and a church that access Teri Road to the east (MF-3-CO-NP; GR-NP). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant requests general commercial services – conditional overlay – neighborhood plan (CS-CO-NP) district zoning as the first step in developing the tract with a convenience storage use. Staff recommends the Applicant's request based on the following considerations: 1) access is taken to a major arterial roadway; 2) it is compatible with the commercial zoning pattern and land use character established along this segment of the IH-35 service road in proximity to East Stassney Lane; and 3) the Conditional Overlay prohibits the more intensive uses in the CS district, and includes a 2,000 vehicle trip limit.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-NP	Undeveloped
<i>North</i>	GR-NP; GR-CO-NP	Undeveloped; Hotels
<i>South</i>	GR-NP; CS-CO-NP	Undeveloped; Charter school
<i>East</i>	MF-3-CO-NP; MF-3-NP; GR-NP	Apartments; Church
<i>West</i>	N/A	IH-35 Northbound service road and main lanes

NEIGHBORHOOD PLAN AREA: Southeast Combined (Franklin Park) **TIA:** Is not required

WATERSHED: Williamson Creek **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No **SCENIC ROADWAY:** No

NEIGHBORHOOD ORGANIZATIONS:

9 – Battle Bend Springs Homeowners Association
 16 – Far South Austin Community Association
 96 – Southeast Corner Alliance of Neighborhoods (SCAN)
 176 – Kensington Park Homeowners Association 511 – Austin Neighborhoods Council
 627 – Onion Creek Homeowners Association 742 – Austin Independent School District
 753 – Paisano Mobile Home Park Neighborhood Association
 1108 – Perry Grid 644 1138 – Far Southeast Improvement Association
 1173 – South Congress Combined Neighborhood Plan Contact Team
 1228 – Sierra Club, Austin Regional Group 1236 – The Real Estate Council of Austin, Inc.
 1258 – Del Valle Community Coalition
 1316 – Southeast Combined Neighborhood Plan Contact Team
 1340 – Austin Heritage Tree Foundation 1363 – SEL Texas
 1408 – Go! Austin/Vamos! Austin – Dove Springs 1424 – Preservation Austin
 1429 – Go! Austin/Vamos! Austin (GAVA) 1438 – Dove Springs Neighborhood Association

1441 – Dove Springs Proud

1447 – Friends of the Emma Barrientos MACC

SCHOOLS:

Rodriguez Elementary School

Mendez Middle School

Travis High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0073 – Grocer's Tract – 5015 S IH-35 Service Rd NB; SW corner of Teri Rd and Freidrich Ln	GR-NP; LO-NP to CS-NP for Tract 1; LI-CO-NP for Tract 2	To Grant CS-CO-NP for Tract 1; LI-CO-NP for Tract 2 w/CO for 2,000 trips/day above existing number, list of prohibited uses; 50' vegetative buffer along Frederick Ln; prohibit access to Frederick except for emergency access; 30' max. building height; hooded and shielded exterior lighting	Apvd CS-CO-NP for Tract 1; LI-CO-NP for Tract 2 as Commission recommended (08-09-2007).
C14-02-0038 – 1600 Blk of Teri Rd	SF-3 to MF-3	To Grant	Apvd (06-27-2002).
C14-01-0143.SH – University of Texas Board of Regents – 1700 Teri Rd	SF-3 to MF-3	To Grant MF-3-CO w/CO for 2,000 trips/day	Apvd as Commission recommended (02-07-2002).
C14-98-0071 – Studio Plus at Meinardus Dr – 4525 S IH 35 Service Rd NB	SF-3 to GR	To Grant GR-CO w/CO for 2,000 trips/day and prohibit access to Meinardus Dr	Apvd GR-CO as Commission recommended (10-08-1998).
C14-96-0104 – Covert Addition No. 2 – 1010 ft from IH 35 Service Rd NB at Teri Rd N Side	SF-3 to GR	To Grant GR-CO w/CO for 2,000 trips/day	Apvd GR-CO (09-26-1996).

RELATED CASES:

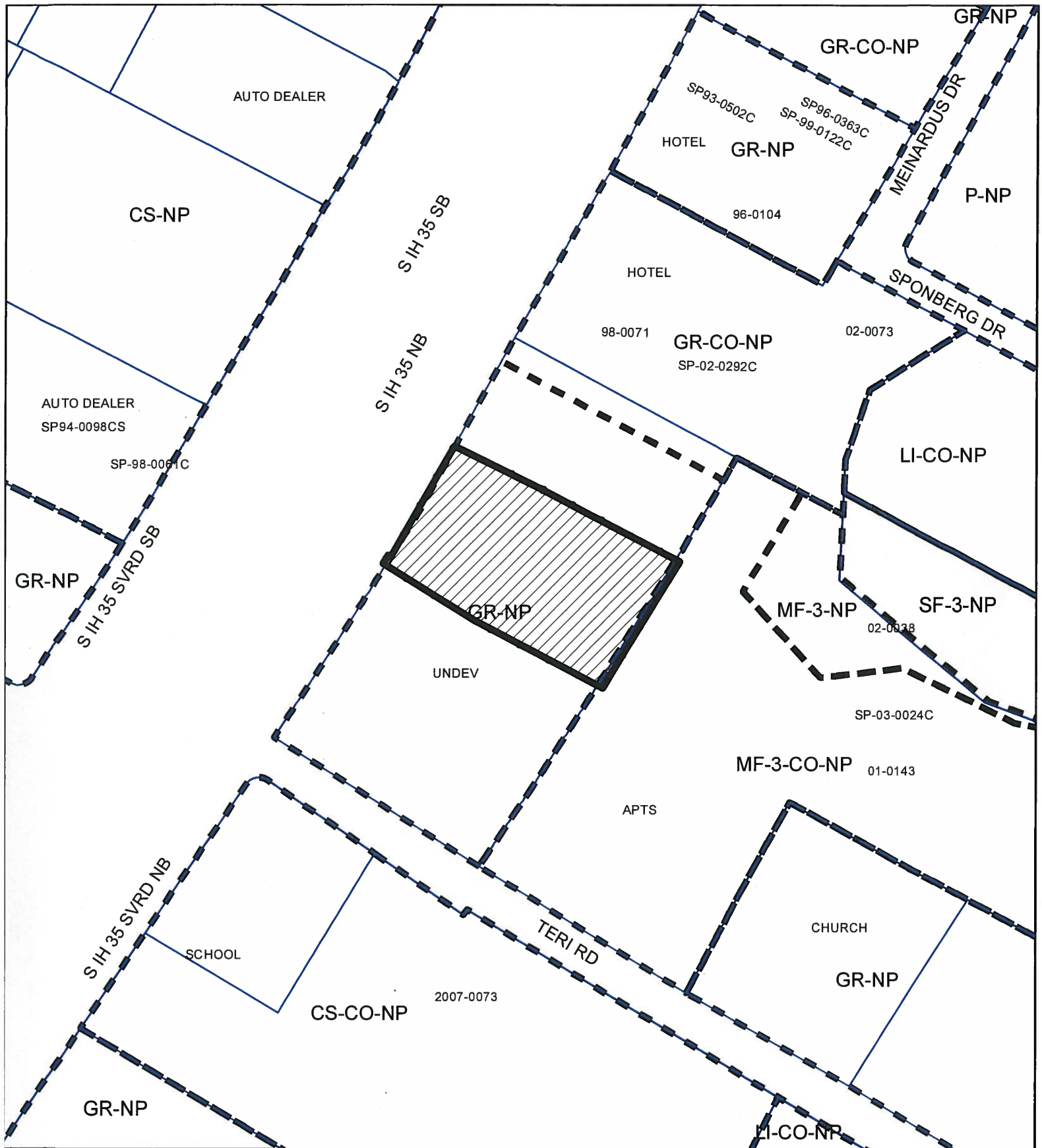
The subject property is within the boundaries of the Southeast Combined (Franklin Park) Neighborhood Planning Area and is designated as Commercial on the adopted Future Land Use Map (NP-02-0014). The –NP combining district was appended to the existing GR base district (C14-02-0128 – Ordinance No. 021010-12a).

There are no subdivision or site plan cases on the subject property.




EXISTING STREE CHARACTERISTICS:

Name	ROW	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
IH-35 Service Road NB	Varies	Freeway/Service Road – 6 lanes (170,000 ATD)	No	Yes, Route 421	Yes, Routes 127 & 716

CITY COUNCIL DATE: April 16, 2015**ACTION:****ORDINANCE READINGS:** 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov**PHONE:** 512-974-7719



1" = 200'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

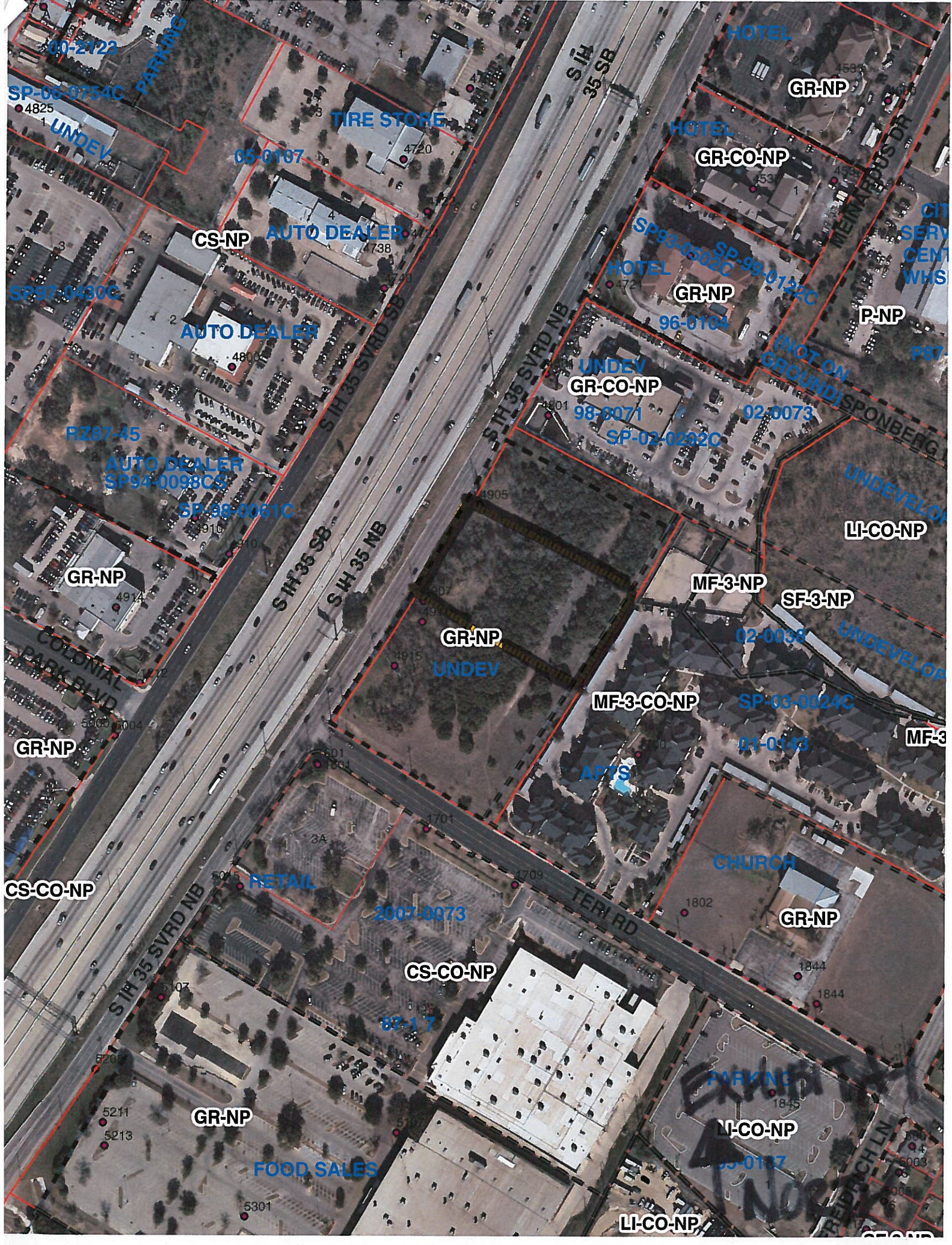
ZONING
CASE#:C14-2015-0021

Exhibit A



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



00-2123
SP-06-0754C
UNDEV
4825
PARKING
05-0167
TIRE STORE
4720
CS-NP
AUTO DEALER
4738
SP97-0430C
AUTO DEALER
4800
RZ87-45
AUTO DEALER
SP94-0098CS
SP-98-0061C
GR-NP
4914
COLDWATER PARK BLVD
GR-NP
5000 5004
CS-CO-NP
S IH 35 SVRD NB
S IH 35 SB
S IH 35 NB
S IH 35 SVRD NB
GR-NP
UNDEV
4905
4907
4915
601
604
1701
2007-0073
CS-CO-NP
82-17
GR-NP
5207
5211
5213
5301
FOOD SALES
HOTEL
GR-NP
HOTEL
GR-CO-NP
SP93-0502C
HOTEL
GR-NP
96-0104
UNDEV
GR-CO-NP
98-0071
SP-02-0202C
02-0073
(NOT ON GROUND)
P-NP
P87
CITY SERV CENT WHS
UNDEVELOP
LI-CO-NP
MF-3-NP
SF-3-NP
02-0038
SP-03-0024C
01-0143
MF-3
CHURCH
GR-NP
1802
1844
1844
PARKING
LI-CO-NP
55-0137
LI-CO-NP
REIDCHLN

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – conditional overlay – neighborhood plan (CS-CO-NP) combining district zoning. The Conditional Overlay 1) prohibits the following uses: bail bond services; campground; commercial blood plasma center; limited warehousing and distribution; maintenance and service facilities; monument retail sales; transitional housing; transportation terminal and vehicle storage and 2) limits trips to 2,000 per day.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities.

The property has access to the northbound frontage road of IH 35, a major arterial roadway.

- 2. Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways.*

Staff recommends CS-CO-NP zoning for the property based on the following considerations: 1) access is taken to a major arterial roadway; 2) it is compatible with the commercial zoning pattern and land use character established along this segment of the IH-35 service road in proximity to East Stassney Lane; and 3) the Conditional Overlay prohibits the more intensive uses in the CS district, and includes a 2,000 vehicle trip limit.

EXISTING CONDITIONS**Site Characteristics**

The subject property is undeveloped, heavily vegetated and is relatively flat. There appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the CS-CO-NP zoning district is 80%, based on the more restrictive *watershed* regulations.

Comprehensive Planning

This zoning case is located on the east side of frontage road of IH-35 and concerns an undeveloped parcel that is approximately 2.11 acres in size. This project is also located within boundaries of the Southeast Combined Planning Area in the Franklin Park planning area. Surrounding land uses includes a car dealership to the north, an office complex to the south, IH-35 to the west and an apartment complex to the east. The proposed use for this property is a convenience storage facility with a conditional overlay to limit the number of trips per day.

Southeast Combined Neighborhood Plan (SCNP)

The SCNP Future Land Use Map (FLUM) classifies this portion of IH-35 as '*Commercial*' which is intended for retail sales, services, motels/hotels, and all recreational services that are predominately privately owned and operated for profit. This FLUM category is intended to encourage employment centers, commercial activities, and other non-residential development. Zones GR and CS are permitted under the Commercial FLUM category.

The following design guidelines, text and policies are taken from the SCNP and are applicable to this case:

Commercial Districts (Voluntary Design Guidelines) (from p 30-31)

Commercial Districts in the SE NPA are located mostly along highways and frontage roads at the perimeter of the planning area.

OBJECTIVE 1: Improve pedestrian access to and through commercial districts.

Guideline 1.1: Commercial developments near residential districts are encouraged to provide direct pedestrian access to their properties. Vehicular access is discouraged to minimize cut through traffic on residential streets.

Guideline 1.2: Properly paved and drained walkways with shade, pedestrian level lighting, and landscaping should connect the entrance of commercial properties to abutting neighborhood streets.

OBJECTIVE 2: Minimize the visual impact of parking lots, parking structures and service areas.

Guideline 2.1: Locating parking lots or parking structures along the street creates an unpleasant environment for pedestrians. It is preferable to locate parking behind or to the side of a commercial building.

Guideline 2.2: The impact of side-lot parking can be mitigated by screening the parking from public view by means of a low (less than 4 foot high) hedge, wall or fence that buffers the view of parking while allowing for security surveillance.

SCNP and Franklin Park Policies and Text: (pg 46)

The Franklin Park NPA is predominantly single-family residential (a large percentage of the homes are duplexes) with some neighborhood retail at prominent street intersections, and the larger, more intensive commercial uses located along Interstate 35. There is very little undeveloped land. In the future land use scenario, multi-family land use doubles and commercial, office, and open space uses increase substantially, as does industrial. The main reason behind the increase in industrial land use is the large industrially-zoned tract of land south of St. Elmo Rd., of which the zoning is supported by the neighborhood.

Retail and Office Locations (p 54)

As is typical in most areas of the City, the more intensive types of commercial and office uses, that generate a large amount of traffic and require substantial amounts of parking, are located along the major corridors that bound the Planning Areas. *Hotels, manufactured home sales, eating establishments, office and industrial parks, and large "big box" style retail development are common sites along the major transportation corridors: IH-35, Ben White Blvd, US Hwy 183 and Burleson Rd. There is a small amount of "neighborhood friendly" retail-type establishments within the neighborhoods. However, a common response from the community has been that the area is deficient in neighborhood-serving businesses-both commercial and office uses; it lacks smaller sites that would be patronized regularly by residents and are easily accessible by a variety of transportation modes.* (P 54)

IH-35 and Ben White Corridors (p 55)

Goal 3: Encourage employment centers, commercial activities, and other non-residential development to locate along major thoroughfares.

Objective 3.1: Maintain prevailing land use pattern of commercial, office and industrial development to ensure compatibility of existing and future land uses. (Implementer: NPZD)

Action Item 8: Upzone DR & SF-zoned property along IH-35 and Ben White Boulevard to a zoning category that would allow for commercial and industrial uses.

While this project would not provide neighborhood serving retail, this project would provide convenience storage to the abutting neighborhood. The SCNP also supports all commercial enterprises along IH-35 to consider following the voluntary SCNP commercial design guideline standards, which supports all commercial business including a sidewalk and buffering parking from view.

Imagine Austin

The comparative scale of the site relative to other adjoining commercial uses, as well as the site not being located along an Activity Corridor or within an Activity Center as identified on the Imagine Austin Growth Concept Map this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning. However, the developer of this proposed convenience storage project could design this

complex so that it is connected to the adjoining residential neighborhood and be an asset to both the city **and support Imagine Austin** by including the following features and options to this project that would support Imagine Austin: (1) add street trees to provide shade and beauty; and (2) add a sidewalk to connect to the residential neighborhood to the east so that it readily accessible to pedestrians.

Environmental

The site is not located over the Edwards Aquifer Recharge 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. 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.

Numerous 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 512-974-1876. 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.

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.

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for IH-35. TxDOT may request the reservation of additional right-of-way in accordance with the Transportation Plan when the site is redeveloped [LDC, Sec. 25-6-51 and 25-6-55].

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].

Water and Wastewater

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. Water and wastewater service is not currently to these proposed lots. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Water and or wastewater service extension requests will be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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 and Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

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

FYI - This site is located in the Franklin Park Neighborhood Plan. Please see the City's website <http://www.austintexas.gov/departments/neighborhood-planning> for a copy of the recommended design guidelines.

There is a site plan currently under review for adjacent property (SP-2014-0292C) which provides for a hotel, along with associated parking and drainage facilities.

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:
<http://www.austintexas.gov/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: C14-2015-0021

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: March 24, 2015, Planning Commission

April 16, 2015, City Council

Arling Dillon
Your Name (please print)

1100 TEE J Rd Apt #104 Austin TX 78744

Your address(es) affected by this application

Arling Dillon

Signature

3-18-2015

Date

Daytime Telephone: 512 124 0113

Comments:

SO I can not attend this meeting to go to issue with my son he has mental problems so can you please excuse me thank

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810