

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2017-0057 – Lot 973 Retail

**Z.A.P. DATE:** June 20, 2017

**ADDRESS:** 3424 South FM 973 Road

**DISTRICT:** 2

**OWNER:** Market Place Real Estate Group  
(Karl Koebel)

**AGENT:** Metcalfe Wolff Stuart &  
Williams, LLP  
(Michele R. Lynch)

**ZONING FROM:** I-RR

**TO:** CS-CO **AREA:** 1.86 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay prohibits the following uses: adult-oriented businesses, automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), bail bond services, commercial blood plasma center, pawn shop services, and service station.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

June 20, 2017: *APPROVED CS-CO DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT*

*[A. AGUIRRE; B. EVANS – 2<sup>ND</sup>] (10-0) S. LAVANI – ABSENT*

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The subject portion of a lot is undeveloped and zoned interim – rural residence (I-RR). Access to the site is taken from South FM 973 Road, and is closely situated to the intersection of SH 71 and FM 973. The intersection of SH 71 and SH 130 is located less than one mile to the east. To the north there is a transitional housing facility (P-CO), to the east is undeveloped but planned for residential, office, commercial and warehouse use (LI-PDA), to the south is a community recreation center and sports complex (County), and to the west are residential treatment, transitional housing and detention facilities operated by the County (P, P-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes general commercial services – conditional overlay (CS-CO) zoning for a 7,500 square foot urgent care facility and 9,000 square feet of retail uses. The Conditional Overlay consists of a list of prohibited uses which has been incorporated into the

Staff recommendation. Staff recommends the Applicant's request given that CS-CO zoning is appropriate in proximity to the intersection of SH 71 / FM 973 which has been improved to accommodate additional turning movements, and is compatible with the surrounding land uses and commercial nature of the area.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR	Undeveloped
<i>North</i>	P-CO; I-RR	Transitional housing; FM 973/SH 71 r-o-w
<i>South</i>	County	Community recreation center; Sports complex; Correctional facility
<i>East</i>	LI-PDA (across FM 973)	FM 973 right-of-way; Undeveloped (planned for multi-family residences; offices; retail and restaurants; food sales; movie theater; hotel; and warehouses)
<i>West</i>	P; P-CO	Residential treatment; Transitional housing; Detention facility

**AREA STUDY:** N / A

**TIA:** Is not required

**WATERSHED:** Colorado River

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

511 – Austin Neighborhoods Council	627 – Onion Creek Homeowners Association
774 – Del Valle Independent School District	1005 – Elroy Neighborhood Association
1138 – Far Southeast Improvement Association	
1195 – Imperial Valley Neighborhood Association	
1228 – Sierra Club, Austin Regional Group	1258 – Del Valle Community Coalition
1340 – Austin Heritage Tree Foundation	1363 – SEL Texas
1528 – Bike Austin	1530 – Friends of Austin Neighborhoods
1550 – Homeless Neighborhood Association	

**SCHOOLS:**

This site is served by the Del Valle Independent School District.

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-02-0013 – Interport South – 3801-4231 S FM 973 Rd	I-RR; DR to LI	To Grant LI-CO w/CO for list of prohibited uses, screening buffer for parking, loading	Apvd LI-CO w/a Street Deed for add'l r-o-w as Commission recommended (3-20-

		and outside storage on FM 973, limit improvements w/i 100-year floodplain to stormwater detention, water quality facilities & utility crossings, IP dev's stds except bldg. coverage which is limited to 60% for lots <4 acres, and conds for r-o-w on FM 973 and post fiscal surety for transportation improvements in the TIA	2003).
C14-03-0047A – Speedy Stop 202 – 3208B SH 71 at FM 973 Rd	I-RR to GR	To Grant GR	Apvd GR (6-05-2003).
C14-03-0047B – Speedy Stop 202 – 3208 SH 71 at FM 973 Rd	I-RR to GR	To Grant GR-CO w/CO for 2,000 trips/day	Apvd GR-CO as Commission recommended (6-05-2003).
C14-05-0070 – T. Warren Investments – 3320-3404 S FM 973 Rd	I-RR to P	To Grant P-CO w/CO for 2,000 trips and subject to Staff rec for r-o-w reservation and dedication on FM 973	Apvd P-CO (9-01-2005).
C14-06-0208 – Eastbourne Crossing – 3400-3517 Blk of S FM 973 Rd	DR to CS-CO	To Grant CS-CO w/CO for list of prohibited uses and a Restrictive Covenant for the conds of the TIA memo	Apvd CS-CO w/RC as Commission rec, and a Road Construction Agreement for FM 973 (6-21-2007).
C14-2009-0061 – Smart Facility – 3404 S FM 973 Rd	I-RR to P	To Grant P w/r-o-w dedication on S FM 973	Apvd P (8-06-2009).
C14-2011-0048 - 973 Retail – 3311 S FM 973 Rd	DR to CS-CO	To Grant CS-CO w/CO for list of prohibited uses and 2,000 trips/day	Apvd CS-CO as Commission rec (7-28-2011).
C14-2015-0117 – Velocity Crossing – 3311 S FM 973 Rd and 3326 E SH 71 EB	I-RR, DR, CS-CO to LI-PDA	To Grant LI-PDA w/PDA for all LI uses, add'l permitted and cond. uses, prohibit certain LI uses, LI	Apvd LI-PDA w/RC as Commission rec w/exception of affordability parameters (4-14-

		dev't stds w/certain modifications, allow for vertical mixed use buildings and affordability parameters, establish procedure for amending the land use exhibit, and a RC for conds of the TIA	2016).
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**RELATED CASES:**

This property was annexed into the Full-Purpose Jurisdiction on September 6, 2001.

As shown in Exhibit B, the rezoning area represents a portion of Lot 1, Browning-Ferris Corner II, recorded on October 30, 1987 (C8s-87-065). An approved "D" Site Plan known as Browning Ferris Industries included several portable buildings was released on July 7, 1993 (SP-93-0218D). In June 2001, a zoning case on Lot 1 was filed in response to Code compliance issues, but was withdrawn by the Applicant before it was scheduled for Commission (C14-01-0103 – 3424 FM 973 S).

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
FM 973 Road	136 feet (based on City maps)	36 feet (divided)	Arterial	Yes (under construction)	Yes, shared lane	Yes

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a wide shoulder is recommended for FM 973. TXDOT is currently reconstructing the road. There does not appear to be proposed curblin changes for bicycle improvements.

**CITY COUNCIL DATE:** August 3, 2017

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

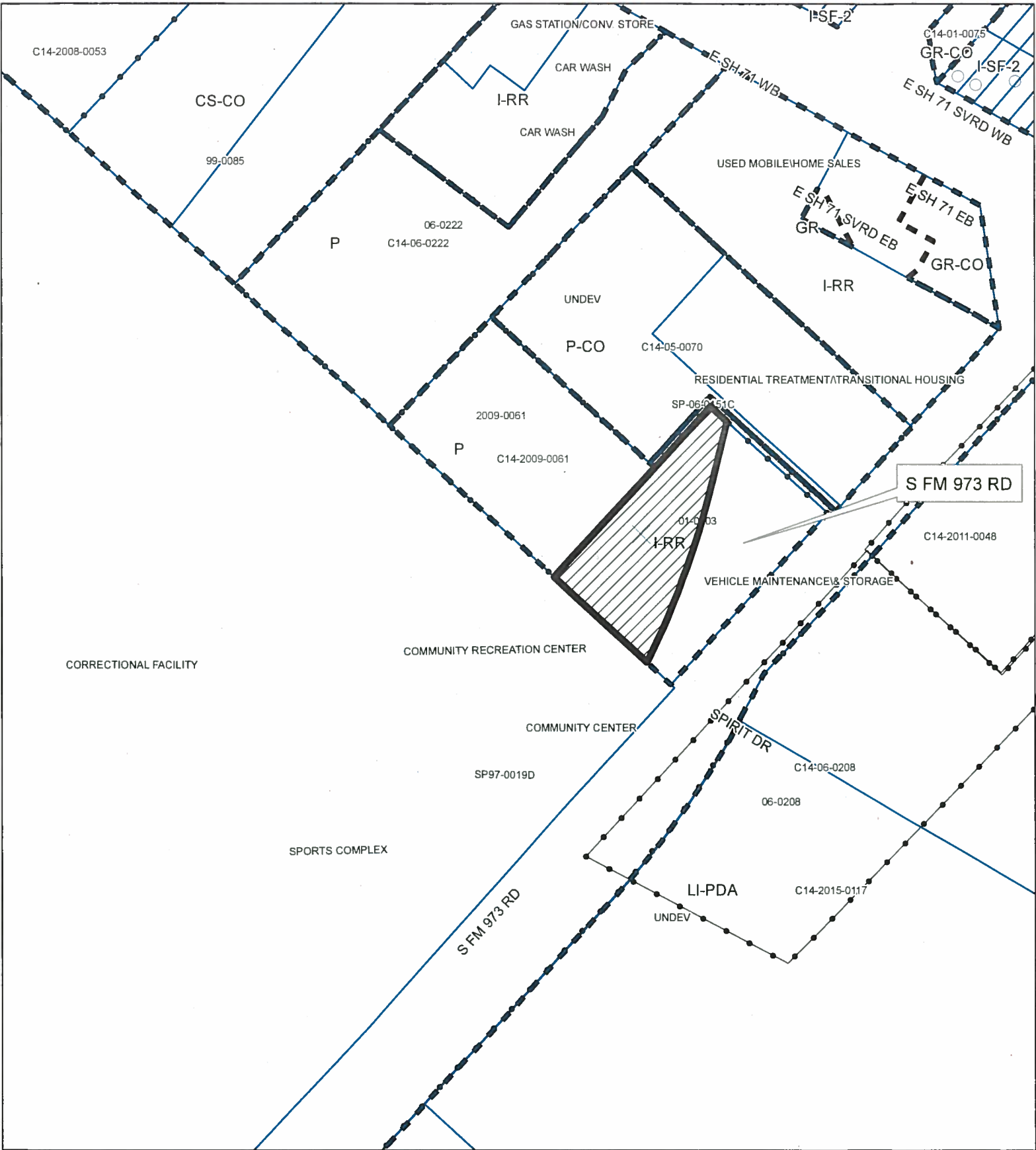
2<sup>nd</sup>




3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@austintexas.gov

**PHONE:** 512-974-7719



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**  
ZONING CASE#: C14-2017-0057

*Exhibit A*

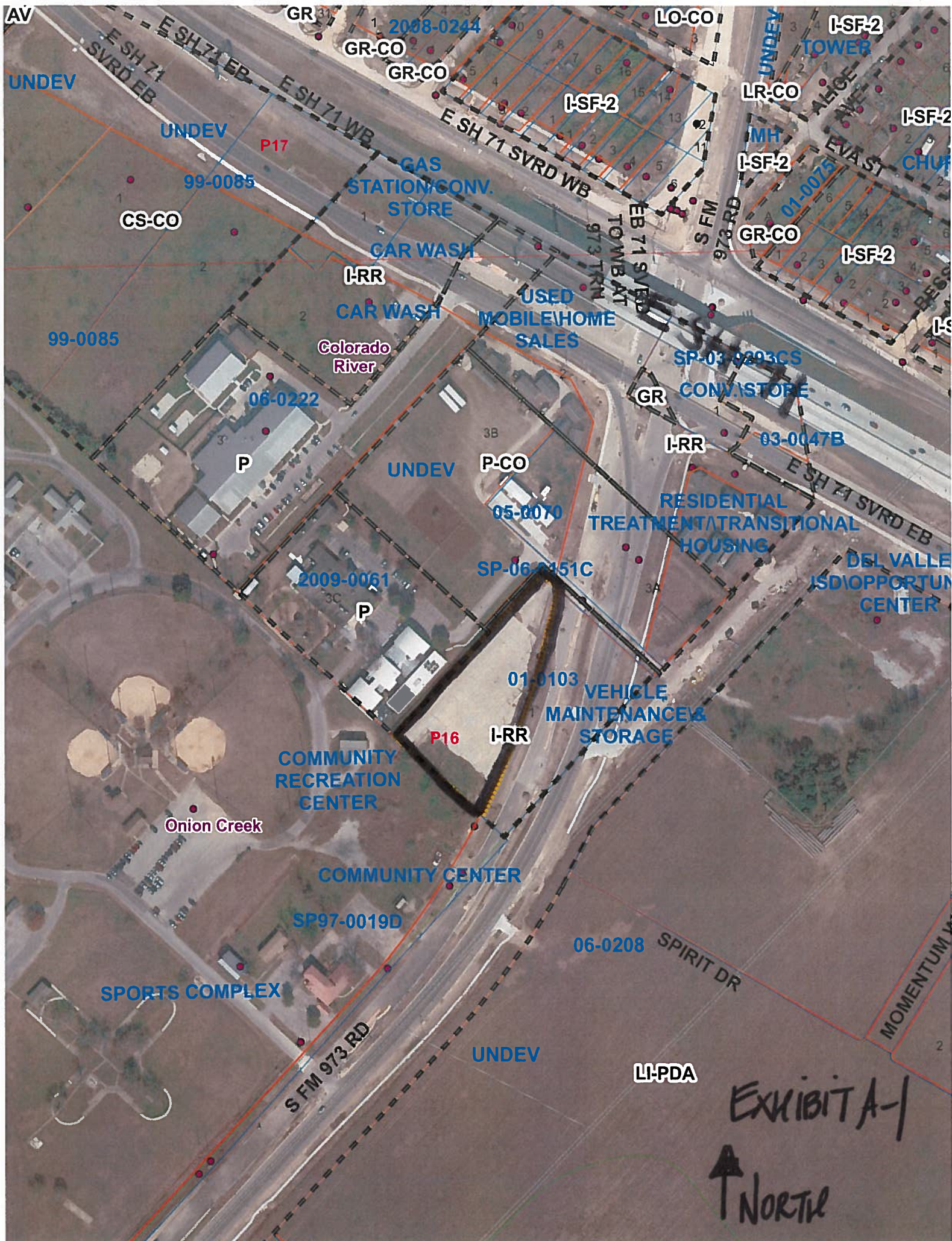


1" = 274'

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.



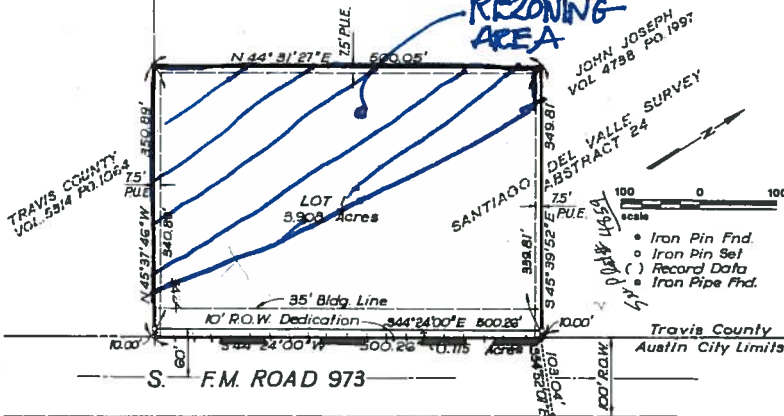




7644

**BROWNING-FERRIS CORNER II**

ADD 7644

**4.023 ACRES****SEPTEMBER 1987****REZONING  
AREA****LOCATION MAP**

OWNER: Browning-Ferris Industries  
5424 F.M. 973  
Del Valle, Texas 78617

STATE OF TEXAS  
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS

That Browning-Ferris Industries, owner of a tract of land containing 4.023 acres in the Santiago Del Valle survey, Abstract No. 24 in Travis County known as Browning-Ferris Corner, a subdivision of record in Book 72, Page 80, of the Plat Records of Travis County, Texas, said subdivision having been vacated by instrument recorded in Volume 12472 Page 287, Travis County Deed Records, do hereby subdivide said 4.023 acres of land in accordance with the plat as shown hereon, to be known as "BROWNING-FERRIS CORNER II", and do hereby dedicate to the public the use of the easements and street right-of-way for the purpose expressed, subject to any restrictions and/or easements heretofore granted.

WITNESS the hand of Bill Patjo, this the 22 day of Sept., 1987 A.D.

Bill Patjo  
Bill Patjo, Manager  
Browning-Ferris Industries

STATE OF TEXAS  
COUNTY OF TRAVIS

This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_ of Browning-Ferris, Inc., a Delaware corporation, on behalf of said corporation.

Notary Public in and for Travis County, Texas

(Printed Name)

My Commission expires: \_\_\_\_\_

THE STATE OF TEXAS  
COUNTY OF TRAVIS

I, Dana DeBeauvoir, Clerk of the County Court, do hereby certify that on the 22 day of Oct., 1987 A.D., the Commissioners Court of Travis County, Texas, passed an order authorizing the filing for record of this plat and that said order has been duly entered in the minutes of said Court in Book 12472 at Page 287.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT of said County this the 22 day of Oct., 1987.

DANA DEBEAUVOIR, CLERK COUNTY COURT, TRAVIS COUNTY, TEXAS.

By: D. DeBeauvoir  
DEPUTY

NOV 03 1987

7644

SHT 1 of 2  
P-16

**CAI** CONEWAY AND ASSOCIATES, INC.  
CONSULTING ENGINEERS

3103 Bee Cave Road, Suite 202, Austin, Tx. 78746  
(512) 327-2546

CAI #246 01-02

In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads or other public thoroughfares or any bridges or culverts necessary to be placed on such streets, roads, or other public thoroughfares shall be the responsibility of the owner and/or developer of the tract of land covered by this plat and in accordance with the plans and specifications prescribed by the Commissioners Court of Travis County, Texas and said court assumes no obligation to build any of the streets, roads, or other public thoroughfares or any bridges or culverts in connections therewith. Be it resolved by the Commissioners Court of Travis County, Texas:

That the acceptance for maintaining by Travis County, Texas, of the roads or streets in real-estate subdivision does not obligate the County to install street marking signs, as this is considered to be a part of the developer's construction, but that erecting signs for traffic control such as speed limit signs and stop and yield signs shall remain the responsibility of the County.

THE STATE OF TEXAS  
COUNTY OF TRAVIS

I, Dana DeBeauvoir, County Clerk, within and for the County and State aforesaid, do hereby certify that the within and foregoing instrument of writing with its Certificate of Authentication was filed for the record in my office on the 31 day of Oct., 1987 A.D., at 3:10 o'clock P.M., and duly recorded on the 30 day of Oct., 1987 A.D., at 3:15 o'clock P.M. in the Plat Records of said County in Plat Book B7 at Pages 12472, 1251.

WITNESS MY HAND AND SEAL of said County this the 30 day of Oct., 1987.

DANA DEBEAUVOIR, COUNTY CLERK, TRAVIS COUNTY, TEXAS

By: D. DeBeauvoir  
DEPUTY

FILED FOR RECORD this the 31 day of Oct., 1987 A.D.

DANA DEBEAUVOIR, COUNTY CLERK, TRAVIS COUNTY, TEXAS

By: D. DeBeauvoir  
DEPUTY

APPROVED FOR ACCEPTANCE:

Marie A. Gaines  
MARIE A. GAINES

OCTOBER 6, 1987

TRACY H. MATSON, ACTING DIRECTOR  
OFFICE OF LAND DEVELOPMENT SERVICES

ACCEPTED AND AUTHORIZED FOR RECORD by the Planning Commission of the City of Austin on the 6 day of OCT., 1987 A.D.

Mary M. Arnold  
MARY M. ARNOLD, Chairperson

James E. Cousar  
JAMES E. COUSAR, Secretary



C8s-87-065

SHT 1 of 2

**EXHIBIT B**  
**RECORDED PLAT**

**SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay prohibits the following uses: adult-oriented businesses, automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), bail bond services, commercial blood plasma center, pawn shop services, and service station.

**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.

2. *Zoning changes should allow for reasonable use of the property.*

Staff recommends the Applicant's request given that CS-CO zoning is appropriate in proximity to the intersection of SH 71 / FM 973 which has been improved to accommodate additional turning movements, and is compatible with the surrounding land uses and commercial nature of the area.

**EXISTING CONDITIONS****Site Characteristics**

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

**Impervious Cover**

The maximum impervious cover allowed by the CS zoning district would be 80% which is a consistent figure between the watershed and zoning regulations.

**Comprehensive Planning**

This zoning case is located on the west side of FM 973, on an undeveloped property that is approximately 1.86 acres in size. The property is not located within the boundaries of a neighborhood planning area and is located east of the airport. Surrounding land uses includes a Travis County probation/transitional center to the north and west, a softball field and undeveloped land to the south and east. The proposed use is a retail/medical office.



**Connectivity:** There are intermittent public sidewalks located along FM 973. The Walkscore for this property 7/100, meaning almost all errands require a car.

### **Imagine Austin**

One of the goals of the Imagine Austin Comprehensive Plan (IACP) is to achieve 'complete communities.' Page 88 of the IACP states that complete communities are areas that provide amenities, transportation, services, and opportunities that fulfill all residents' material, social, and economic needs. Page 107 of the IACP also states, "*While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas. New commercial, office, larger apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its context. It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city.*"

The following IACP policies are applicable to this project:

- **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 both community gathering spaces, parks and safe outdoor play areas for children.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **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 healthy food, schools, retail, employment, community services, and parks and recreation options.

### **Conclusion:**

Based on the Imagine Austin text and policies above, this proposed retail/medical office use will further contribute to making this area a complete community and therefore appears to be supported by the Imagine Austin Comprehensive Plan.

### **Drainage**

The developer is required to submit a pre and post development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Colorado River 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.

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.

### **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.

### **Airport Overlay**

FYI – This site is located within the Austin-Bergstrom Airport Controlled Compatible Land Use Area Overlay. No use will be allowed that can create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult

for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. For site plan applications, review by the Airport Hazard Zoning Committee review may be required prior to a Zoning and Platting Commission hearing. Additional comments may be generated during the site plan review process.

### **Transportation**

It appears that improvements for FM 973 have been completed; however, our maps indicate that right-of-way has not been dedicated for FM 973. Additional right-of-way may be required at the time of subdivision and/or site plan.

Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

### **Water and Wastewater**

FYI: 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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water 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 fees once the landowner makes an application for Austin Water utility tap permits.