

## SECOND/THIRD READING SUMMARY SHEET

**ZONING CASE NUMBER:** C14-2017-0118 – Texas Health and Science University Clinic and Dormitory

**REQUEST:**

C14-2017-0118 – Texas Health and Science University Clinic – District 5 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1709 Fort View Road (West Bouldin Creek Watershed) from Community commercial (GR) district zoning and Limited office (LO) district zoning to Community commercial – Mixed use (GR-MU). Staff Recommendation: To grant Community commercial – Mixed use (GR-MU) combining district zoning. City Council Action: Approved GR-MU on 1<sup>st</sup> Reading February 1, 2018, Vote 10-0. Owner/Applicant: T & L LP (Lisa Lin). Agent: Landanswers (Jim Wittliff). City Staff: Andrew Moore, 512-974-7604.

The 0.61-acre property located at 1707 & 1709 Fort View Road is within the South Lamar Neighborhood which is part of the South Lamar Combined Neighborhood Planning Area (SLNA). The property is currently zoned LO (limited office) and GR (community commercial) district zoning and contains a 5,252 square foot office building used by the Texas Health and Science University Clinic (applicant). The site is currently used by the THSU as their teaching clinic for acupuncture and oriental medicine practice. The request to rezone the property to GR-MU (community commercial – mixed-use) combining district zoning is to allow a consistent redevelopment of the site. The site will contain the THSU clinic, medical offices and a natural/herbal pharmacy.

CM Kitchen directed staff to work with Public Works to determine if improvements to the Fort View/Clawson intersection where planned to address drainage issues.

-Watershed is aware of it and is in design phase of a small project to address the drainage issue. Watershed Engineer Reem Zoun is leading the project.

CM Kitchen directed staff to determine if access to the W. Ben White frontage road would be possible.

- There are provisions within the LDC that restrict access to highways which apply to this property, 25-6-381 and 25-6-263:

**25-6-381 - MINIMUM FRONTAGE FOR ACCESS.**

(A) In this section, "major roadway" means a roadway that is designated as a major arterial, expressway, parkway, or freeway in the transportation plan or in a roadway plan approved by the appropriate county.

(B) Except as provided in Subsections (C) and (D), a subdivision plat or a site plan may not provide for direct access from a lot to a major roadway unless the lot contains 200 feet or more of frontage on the major roadway and alternative access is not available.

.....

**25-6-263 - CONSTRUCTION PERMIT FOR DRIVEWAY APPROACH.**

(A) Except as provided in Subsection (C), the city manager shall approve a construction permit application for a driveway approach unless the city manager determines that the proposed driveway will have an adverse effect on vehicle and pedestrian traffic and public safety.

(B) To determine the effect of a proposed driveway, the city manager shall consider:

- (1) the topography of the land;
- (2) land use, including the intensity of development, potential trip generation, the mix of vehicles, and turning movement;
- (3) function of the public street, including the design and layout of the street, sight distance, operating speed, traffic volume, **entrance/exit ramps, and frontage roads;** ....

TX DOT also confirms this site is located too close to Manchaca Road exit ramp. The below explanation was received from TX DOT Engineer, Jason Brecht:

*“The simplest explanation is the parcel is too near the exit ramp. By policy based on safety, a proposed access from it would not meet distance requirement from the ramp, at least 460FT.*

*The more in depth explanation is distance requirements are based on safety stemming from the physics of a car stopping in time no not collide with another vehicle. The ramp has cars traveling at a variable speed and the frontage road has the curve in it. Introducing a new conflict point -a driveway or street- on the frontage road adds to the risk. It also goes against the natural tendency of where a driver would expect a car to pull out- from a street (Example: from Fortview, Clawson or Russell). Our Access Management Manual cites a minimum distance of 425FT between driveways on a roadway that is 45MPH or greater. Curves & hills and restricted sight lines add to that distance. So do ramps.*

*Our Roadway Design Manual (Table 3-16) cites distances as a function of volume and weave (the number of lanes a car from the exit ramp must cross). Without actual volume numbers to which to compare, the extremes of the table for a weave of 3 range from 460FT to 1000FT. If a driveway is positioned at the western most parcel boundary, there is only ≈90FT available. As you can see, that location would not have enough frontage. Strictly speaking, neither does Russell Drive. However, Russell Drive existed prior to Ben White being upgraded to a freeway (cir 1993-95). The exit ramp to Manchaca Rd had to be placed where it is because of elevation, curve & slope changes of the mainlanes leading up to the bridge over Manchaca Rd.”*

TGIF

Jason L. Brecht, P.E. | TxDOT |512.832.7349

**DISTRICT AREA:** 5

**PROPERTY OWNER:** T & L LP (Lisa Lin)

**AGENT:** Landanswers (Jim Wittliff)

**ISSUES:** Neighbors concerned about access to Fort View. They want the property to take access to Ben White frontage road.

**DATE OF FIRST READING/VOTE:** February 15, 2018/10-0

**CITY COUNCIL DATE:** March 8, 2018

**CITY COUNCIL ACTION:**

**ASSIGNED STAFF:** Andrew Moore

**PHONE:** 512-974-7604

**EMAIL:** andrew.moore@austintexas.gov

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2017-0118 – Texas Health and Science University Clinic

**PC DATE:** October 24, 2017  
November 14, 2017

**ADDRESS:** 1707 & 1709 Fort View Road

**OWNER/APPLICANT:** T & L LP, Lisa Lin

**AGENT:** LandAnswers, Jim Whitliff

**ZONING FROM:** GR & LO                   **TO:** GR-MU

**AREA:** 0.61 acres (26,571 sq. ft.)

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends the applicant’s request to rezone the subject property to GR-MU (Community Commercial – mixed-use) combining district zoning.

**PLANNING COMMISSION RECOMMENDATION:**

*OCTOBER 24, 2017: POSTPONED BY THE PLANNING COMMISSION TO NOVEMBER 14, 2017, VOTE 12-0 [N. ZARAGOZA 1<sup>ST</sup>, P. SEEGER 2<sup>ND</sup>, ABSENT - G. ANDERSON].*

*NOVEMBER 14, 2017: APPROVED GR-MU ON CONSENT, VOTE 13-0 [J. SHIEH 1<sup>ST</sup>, T. WHITE 2<sup>ND</sup>].*

**CITY COUNCIL ACTION:**

*DECEMBER 7, 2017 – APPROVED POSTPONEMENT REQUEST BY CM KITCHEN (CM ALTER 2<sup>ND</sup>) TO DECEMBER 14, 2017, VOTE 9-0 [ABSENT – CM GARZA, CM TROXCLAIR].*

*DECEMBER 14, 2017 – APPROVED POSTPONEMENT REQUEST BY THE APPLICANT TO FEBRUARY 1, 2018 ON CONSENT, VOTE 9-0.*

*FEBRUARY 1, 2018 – APPROVED COMMUNITY COMMERCIAL-MIXED USE (GR-MU) COMBINING DISTRICT ZONING ON FIRST READING, VOTE 10-0 [CM KITCHEN 1<sup>ST</sup>, CM RENTERIA 2<sup>ND</sup>, CM TROXCLAIR OFF THE DAIS]. CM KITCHEN GAVE DIRECTION FOR PUBLIC WORKS AND TRANSPORTATION STAFF TO DETERMINE IF ACCESS TO BEN WHITE IS POSSIBLE AND TO ADDRESS THE FLOODING AT THE INTERSECTION OF FORT VIEW AND CLAWSON.*

**DEPARTMENT COMMENTS:**

The 0.61-acre property located at 1707 & 1709 Fort View Road is platted as the Asia Culture Center and is within the South Lamar Neighborhood which is part of the South Lamar Combined Neighborhood Planning Area (SLNA). Fort View Road is a short collector road (.52 miles) and connects with the W. Ben White Access Road just east of Clawson Road and dead ends west of Manchaca Road. The subject property fronts onto the W. Ben White Access Road although it does not take access to it because of proximity to a highway exit ramp. The property is currently zoned LO (limited office) and GR (community commercial) district zoning and contains a 5,252 square foot office building used by the Texas Health and Science University clinic (applicant). The SLNA neighborhood plan is suspended so this property is not part of a Future Land Use Map (FLUM).

Fort View Road between Manchaca Road and the West Ben White Boulevard Access Road is commercial in nature with a mixture of commercial services (CS), community commercial (GR), neighborhood commercial (LR), limited office (LO) and 3 family residence (SF-3) zoned tracts. The existing uses are automotive repair and body shop, convenience store, drive thru fast food, medical offices, professional services, personal services, counseling services, retail, multifamily and single family residences.

The site is currently used by the THSU as their teaching clinic for acupuncture and oriental medicine practice. The request to rezone the property to GR-MU (community commercial – mixed-use) combining district zoning is to allow a consistent redevelopment of the site. The site will contain the THSU clinic, medical offices and a natural/herbal pharmacy.

**ISSUES:**

The issue of whether this use is considered a “college or university” has been raised by the South Lamar Neighborhood Association. LDC section 25-2-831 requires a college and university facility use to take access to a street with a paved width of at least 40 feet from the site to where it connects with another street that has a paved width of at least 40 feet. The applicant has stated the uses would be a pharmacy, clinic and possibly a dormitory. If the pharmacy and clinic are available to the public, they would not be considered a college or university use. If they are only available to students of the Texas Health & Sciences University then it would be. Staff’s understanding is that they will be open to the public. That determination would happen at site plan.

Access to the W. Ben White frontage road: Texas Department of Transportation has stated the proximity to the exit ramp would prevent safe access to the frontage road.

Flooding/drainage issue at Fort View and Clawson Road: The Watershed Department is aware of the issue and has it on its list of “small projects” and is in initial design. They plan on the project being completed within 2 years.

Typically, we make road/sidewalk and drainage improvements as part of redevelopment projects. This site will be required to install sidewalks and install curb and gutters along its portion of Fort View Road.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR & LO	Medical office
<i>North</i>	SF-3 & CS-CO	Single family residence & vehicle storage
<i>South</i>	Highway ROW	W. Ben White/W. US HWY 290/71
<i>East</i>	GR	Retail
<i>West</i>	LO	Medical offices

**PLANNING AREA:** South Lamar Combined (Suspended)      **TIA:** Waived

**WATERSHED:** West Bouldin Creek      **DESIRED DEVELOPMENT ZONE:** YES

**CAPITOL VIEW CORRIDOR:** N/A      **HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

- |                                    |                                      |
|------------------------------------|--------------------------------------|
| Austin Heritage Tree Foundation    | Preservation Austin                  |
| Austin Neighborhoods Council       | Save Our Springs Alliance            |
| Austin Independent School District | Sierra Club, Austin Regional Group   |
| Bike Austin                        | South Central Coalition              |
| Friends of Austin Neighborhoods    | South Lamar Neighborhood Association |
| GO!AUSTIN/VAMOS! AUSTIN (GAVA)     | South Manchaca Contact Team          |
| Homeless Neighborhood Association  | Southwood Neighborhood Association   |
| Onion Creek Homeowners Association |                                      |

**SCHOOLS:**

Joslin Elementary School

Covington Middle School  
 Crockett High School

**CASE HISTORIES:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-73-134 1711 Fort View Rd	O, 1 <sup>st</sup> H&A and GR, 1 <sup>st</sup> H&A to GR, 1 <sup>st</sup> H&A	Recommended Denial (7/10/1973)	Denied (9/6/1973)
C14-83-012 1710 Fort View Rd	O, 1 <sup>st</sup> H&A to C 1 <sup>st</sup> H&A	Recommended C, 1 <sup>st</sup> H&A	Approved CS (4/7/1983) RC limiting uses
C14-03-0088 1702 Fort View Rd	SF-3 to CS	Recommended CS-CO (6/15/2003)	Approved CS-CO (9/25/2003) CO limits 2000 trips and uses
C14-2008-0046 1700 Fort View Rd	GR to GR-CO	Recommended GR-CO (3/25/2008)	Approved GR-CO (4/24/2008) CO restricts uses, height

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes w/in ¼ mile
Fort View Road	45'	22'	local	Yes	No	3 – Manchaca 30 – Barton Creek Square 103 – Manchaca Flyer 484 Night Owl
W. Ben White Blvd FWY	330'	46' Service Road	freeway	Yes	No	3 – Manchaca 30 – Barton Creek Square 103 – Manchaca Flyer 484 Night Owl

**CITY COUNCIL DATE:** Scheduled for March 8, 2018

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Andrew Moore

**PHONE:** 512-974-7604

**STAFF RECOMMENDATION**

Staff recommends approval of the applicant’s request for GR-MU (community commercial – mixed-use) zoning.

**BASIS FOR RECOMMENDATION**

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

Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

2. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

While this property does not take access to W. Ben White Blvd because of it's proximity to an exit ramp, GR zoning already exists on the site and more intense zoning categories are in the area. This area is likely to see increased retail activity as several well know local retail businesses have recently relocated to Fort View from other parts of South Austin (Hill Country Weavers, End of an Ear, Uncommon Objects). The applicant plans to include a retail "Natural Medicine" pharmacy which will provide a service to the neighborhood and community.

**ADDITIONAL DEPARTMENT COMMENTS:**

DSD – Transportation Review – Jaron Hogenson – 512-974-2253

- TR 1. Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.
- TR2. If the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of Fort View Road in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. LDC, 25-6-55; TCM, Tables 1-7, 1-12.
- TR3. If the requested zoning is granted, it is recommended that access to Ben White Boulevard Service Road be prohibited as a condition of zoning due to the available access off of Fort View Road and the proximity to an exit ramp from Ben White Boulevard.
- TR4. The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for Ben White Boulevard. 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].
- TR5. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a bike lane is recommended for Fort View Road.
- TR6. Janae Ryan, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.
- TR7. 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]
- TR8. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Fortview Road	50'	28'	Commercial Collector	No	No	Yes

Ben White Blvd FWY	330'	46' Service Road	FWY 6	Yes	No	Yes
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NPZ Comprehensive Planning Review - Kathleen Fox 512-974-7877

This zoning case is located on the south side of Fortview Road, and the north side of W. Ben White Boulevard. This 0.58 acre property contains an office building. Surrounding land uses include a house and commercial uses to the north; W. Ben White Blvd. and US 290/71 to the south; and commercial uses to the east and west. This portion of Fort View Road is mostly commercial, while the western end is mainly residential. The applicant is Texas Health and Science University is a private university, which offers undergraduate and graduate degrees in business, acupuncture and traditional Chinese medicine.

The request is to utilize the property for a retail pharmacy (800 sq. ft.), and a several story medical office/dormitory (12,000 sq. ft.) including classrooms and a dorm. The property has egress onto Fortview Road.

**Connectivity**

Public sidewalks are located along Fortview Road. A public transit stop is located within a brief walking distance from this location. The Walkscore for this site is 67/100, Somewhat Walkable, meaning some errands can be accomplished on foot.

**Imagine Austin**

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 plan states that 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.

The following are key policies taken from Chapter 4 of the Imagine Austin Comprehensive Plan, and are applicable to this case:

**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. Although this case is located by an ‘Activity Center for Redevelopment in Sensitive Environmental Areas’, based on the comparative scale of the site relative to adjoining office, commercial and residential uses in this commercial area, this case falls below the scope of Imagine Austin, which is broad in scope and consequently

the plan is neutral on the proposed rezoning.

NPZ Environmental Review - Alex Butler 512-974-2067

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Some 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.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
7. 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

NPZ Site Plan Review - Thomas Sievers 512-974-1237

- SP 1. Site plans will be required for any new development other than single-family or duplex residential.
- SP 2. 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.
- SP 3. 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**

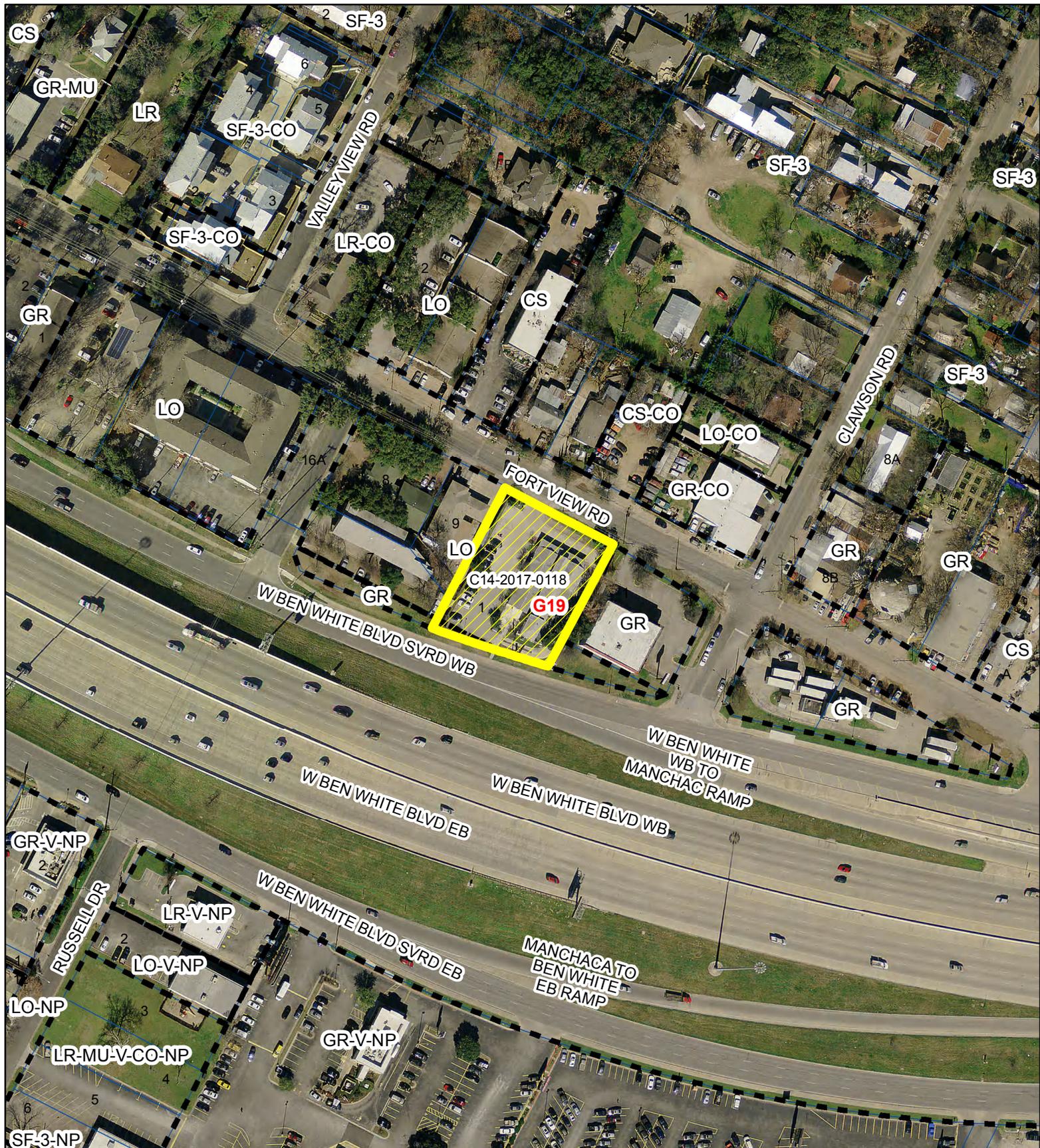
- SP 4. The site is subject to compatibility standards. Along the northeast property line, the following standards apply:
  - No structure may be built within 25 feet of the property line.

- 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, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- 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.

NPZ Austin Water Utility Review – Bradley Barron 512-972-0078

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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.





G19

C14-2017-0118

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

**Texas Health & Science University Clinic**

ZONING CASE#: C14-2017-0118  
 LOCATION: 1709 FORT VIEW RD.  
 SUBJECT AREA: 0.58 ACRES  
 GRID: G19  
 MANAGER: ANDREW MOORE



1" = 150'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.