

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2019-0040 (Victory Medical Office)    **DISTRICT:** 5

**ZONING FROM:** NO-MU-CO, SF-3                      **TO:** LO

**ADDRESS:** 2111 Fort View Road

**SITE AREA:** 0.2974 acres (12,954.744 sq. ft.)

**PROPERTY OWNER:** Eveann Investments, L.P. (William G. Franklin)

**AGENT:** Husch Blackwell, LLP (Nikelle Meade)

**CASE MANAGER:** Sherri Sirwaitis (512-974-3057, [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov))

**STAFF RECOMMENDATION:**

**Staff recommends LO-MU-CO, Limited Office – Mixed Use – Conditional Overlay District, zoning. The conditional overlay will 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.**

**PLANNING COMMISSION ACTION / RECOMMENDATION:**

**June 25, 2019**

**CITY COUNCIL ACTION:**

**August 8, 2019**

**ORDINANCE NUMBER:**

ISSUES: N/ACASE MANAGER COMMENTS:

The property in question is currently developed with an administrative office use that fronts onto Fort View Road between Manchaca Road and Victory Drive, one block north of Ben White Boulevard. Fort View Road is designated as a residential collector street that dead ends into the GR zoned tract along Victory Drive. The applicant is requesting LO, Limited Office District, zoning for this lot to utilize this property as part of the medical office use with associated parking for the adjacent Victory Medical facility to the south and west.

The staff is recommending LO-MU-CO, Limited Office-Mixed Use-Conditional Overlay Combining District, zoning at this location because the lot will provide a transition in zoning/uses from the NO-MU-CO zoning to the east to the GR zoning to the west. The lot under consideration fronts onto Fort View Road, a residential collector street, near its terminus. The majority of the properties along this stretch of Fort View Road are developed with single-family residential homes.

While rezoning and reuse of the remaining residences along both Manchaca Road and Ben White Boulevard characterize the transition this area is experiencing, this portion of Fort View Road remains residential. Despite existing access and connections to Ben White Boulevard and Victory Drive, the staff does not think access to residential Fort View Road, even if limited to exit-only, is justifiable.

Therefore, the staff is recommending LO-MU zoning, with the stipulation that no vehicular access be allowed to Fort View Road for civic and commercial uses with the exception of emergency services. This means if the property were used as residential, residents could freely traverse Fort View Road 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.

LO-MU-CO zoning will provide a transition between the SF-3 and NO-MU-CO zoning to the east and the GR zoning along Victory Drive to the west. This lot is situated in that it can be integrated and function, with conditions, as part of the Victory Medical "campus" and not as an independent office use at the end of a residential street.

The property in question is located in the Galindo portion of the South Lamar Combined Neighborhood Planning Area. This neighborhood planning effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in determining the staff recommendation.

The Imagine Austin Growth Concept Map, in the Imagine Austin Comprehensive Plan, identifies this area as an 'Activity Center for Redevelopment in Sensitive Environmental Area'. 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. The staff's recommendation of LO-MU-CO zoning, with access prohibitions, will provide protection of the neighborhood character on Fort View Road.

The applicant agrees with the staff's recommendation.

**BASIS OF RECOMMENDATION:**

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

Limited Office district is intended for offices predominately serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods.

Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

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

The proposed zoning is consistent with the LO-MU-CO zoning on the property to the south and will provide a transition in the intensity of permitted uses from the SF-3 and NO-MU-CO zoning to the east and the GR zoning along Victory Drive to the west. The recommended zoning will permit the applicant to reuse the existing structure for medical office and parking while placing a condition on access to limit or mitigate detrimental impacts to the adjacent residential area along Fort View Road. This lot is also uniquely situated in that it can be integrated and function, with conditions, as a part of the Victory Medical "campus".

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	NO-MU-CO	Administrative Office
<i>North</i>	SF-3	Single-Family Residences
<i>West</i>	GR	Medical Office
<i>South</i>	LO-CO	Medical Office; Ben White Boulevard
<i>East</i>	NO-MU-CO	Single-Family Residence

**NEIGHBORHOOD PLANNING AREA:** South Lamar Neighborhood Planning Area, which does not have an adopted neighborhood plan.

**TIA:** Not Required

**WATERSHED:** Williamson Creek

CAPITOL VIEW CORRIDOR: N/AHILL COUNTRY ROADWAY: N/ASCHOOLS: Austin Independent School District

Joslin Elementary School  
 Covington Middle School  
 Crockett High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District  
 Austin Neighborhoods Council  
 Bike Austin  
 Friends of Austin Neighborhoods  
 Go! Austin /Vamos! Austin (GAVA)-78745  
 Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 Oak Hill Trails Association  
 Onion Creek Homeowners Assoc.  
 Perry Grid 614  
 Preservation Austin  
 Sierra Club, Austin Regional Group  
 SELTEXAS  
 South Austin Neighborhood Alliance  
 TNR BCP – Travis County Natural Resources

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2018-0071 (Victory Medical Office: 2109 Fort View Road)	SF-3 to LO	1/08/19: Approved staff's recommendation of NO-MU-CO zoning, with conditions, by consent (9-0, A. De Hoyos Hart, F. Kazi, K. McGraw, P. Seeger-absent); C. Kenny-1 <sup>st</sup> , R. Schneider-2 <sup>nd</sup> .	2/07/19: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20190207-047 for NO-MU-CO zoning was approved on Council Member Renteria's motion, Council Member Flannigan's second on a 10-1 vote. Council Member Flannigan voted nay.
C14-2017-0014	SF-3 to LO-CO	5/22/17: Recommended LO-CO, with a 2,000 vehicle trip limit per day and additional condition to require joint access to W. Ben White Boulevard for two tracts (10-	6/12/17: Approved LO-CO, with a 2,000 vehicle trip limit per day, on all 3 readings

		0, J. Vela, T. White and N. Zaragoza-absent); F. Kaza-1 <sup>st</sup> , J. Shissler-2 <sup>nd</sup> .	
C14-2012-0145 (2111 Fort View Road)	SF-3 to LO, NO	2/12/13: To grant NO-MU-CO zoning with conditions: 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 (8-0, Hernandez- absent); Chimenti-1 <sup>st</sup> , Nortey-2 <sup>nd</sup> .	3/07/13: Approved NO-MU-zoning, with conditions, on first reading (7-0); K. Tovo-1 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> .  4/11/13: Approved NO-MU-CO, with conditions on 2 <sup>nd</sup> /3 <sup>rd</sup> readings (6-0, K. Tovo-absent); B. Spelman-1 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> .
C14-2012-0049 (2104 W Ben White)	SF-3 to LR	7/24/2012: Approved LR zoning	12/13/2012: Approved LR zoning
C14-2008-0185 (2110 W Ben White)	SF-3 to LO-CO	6/10/2008: Approved LO-CO zoning, w/2000 trip limit condition	11/20/2008: Approved LO-CO zoning
C14-2008-0096 (2012 W Ben White)	SF-3 to LO-MU	6/24/2008: Approved staff rec. of LO-MU zoning (9-0)	7/24/2008: Approved LO-MU zoning (5-0); all 3 readings
C14-2007-0051 (2028 W Ben White)	SF-3 to GO-MU	6/12/2007: Approved LO-MU zoning	7/26/2007: Approved LO-MU zoning

**RELATED CASES:**

Subdivision Case: C8-1948-1875

Adjacent Zoning Cases: C14-2018-0071

C14-2017-0014

C14-2012-0145

C14-2008-0185

Site Plan Case: SP-2019-0049C

EXISTING STREET CHARACTERISTICS:

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

OTHER STAFF COMMENTS:Comprehensive Planning

## NO-MU-CO to LO

This zoning case is located on the south side of Fort View Road, one block north of Ben White Boulevard, on a 0.23 acre parcel that contains a one story administrative office, which was formerly a house. The property is located in the South Lamar Neighborhood Planning Area, which does not have an adopted neighborhood plan. Surrounding land uses include retail, auto service uses, and an apartment complex to the north; to the south are a variety of commercial and office uses, SH 290, and more office and commercial uses; to the east is single family housing; and to the west is the Victory Medical multi-story office building and Target. The proposal is to convert the property from administrative offices to a medical office, which would increase entitlements to the property.

See chart below:

	Building height	Maximum building coverage	Impervious surface coverage	Maximum FAR
NO	35 ft.	35%	60%	.35:1
LO	40 ft.	50%	70%	.7:1

The western portion of Fort View Road consisted solely of residential uses until this property was rezoned from 'single family, SF-3' to 'office, NO-MU-CO' in 2012 for Victory Medical practice.

**Connectivity**

Fort View Rd. is predominantly residential development; public sidewalk access is limited to short segments constructed in front of single-family homes. This sidewalk is located at the street's terminus and leads directly to the Victory Medical Office Building. Several CapMetro transit stops are located less than 1,000 ft. from the property on Manchaca Road and Ben White Blvd. The Walkscore for this site is 71/100, **Somewhat Walkable**, meaning some errands may be accomplished on foot. There are no existing urban trails within a mile of this property. The mobility and connectivity options in the area are above average.



### **Imagine Austin**

The property is located within one of five **Activity Centers for Redevelopment in Sensitive Environmental Areas** as identified on the Imagine Austin Growth Concept Map. 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:

- **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.
- **LUT P10.** Direct housing and employment growth to activity centers and corridors and preserving and integrating existing affordable housing where possible.
- **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.

### 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.

At this time, site specific information is unavailable regarding 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 Is that preempt current water quality or Code requirements.

### Site Plan

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

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.

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: Additional design regulations will be enforced at the time a site plan is submitted.

### **COMPATIBILITY STANDARDS**

The entire site is subject to compatibility standards due to the proximity of SF-3 zoned property to the east and north. The following standards apply:

- 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.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less property in an SF-5 or more restrictive zoning district.

### **RESIDENTIAL DENTIAL DESIGN STANDARDS OVERLAY**

The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.



### Transportation

Additional right-of-way maybe required at the time of subdivision and/or site plan.

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, and a neighborhood traffic analysis was not required because the traffic generated by the proposed zoning does not exceed 300 vehicle trips per day. [LDC 25-6-113, 25-6-114].

FYI – the existing driveways along Fort View Road may be required to be removed and/or reconstructed at the time of the site plan application in accordance with the Land Development Code and Transportation Criteria Manual.

FYI – Sidewalks shall be constructed according to City of Austin standards along Fort View Road at the time of the site plan application.

#### Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Fort View Road	50 feet	30 feet	Local	No	No	Yes

### Austin Water Utility

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 Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.




**INDEX OF EXHIBITS TO FOLLOW**

**A: Zoning Map**

**B. Aerial Map**

**C. Applicant Request Letter**


$$1'' = 400'$$

-  SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY

## ZONING

**ZONING CASE#: C14-2019-0040**

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.

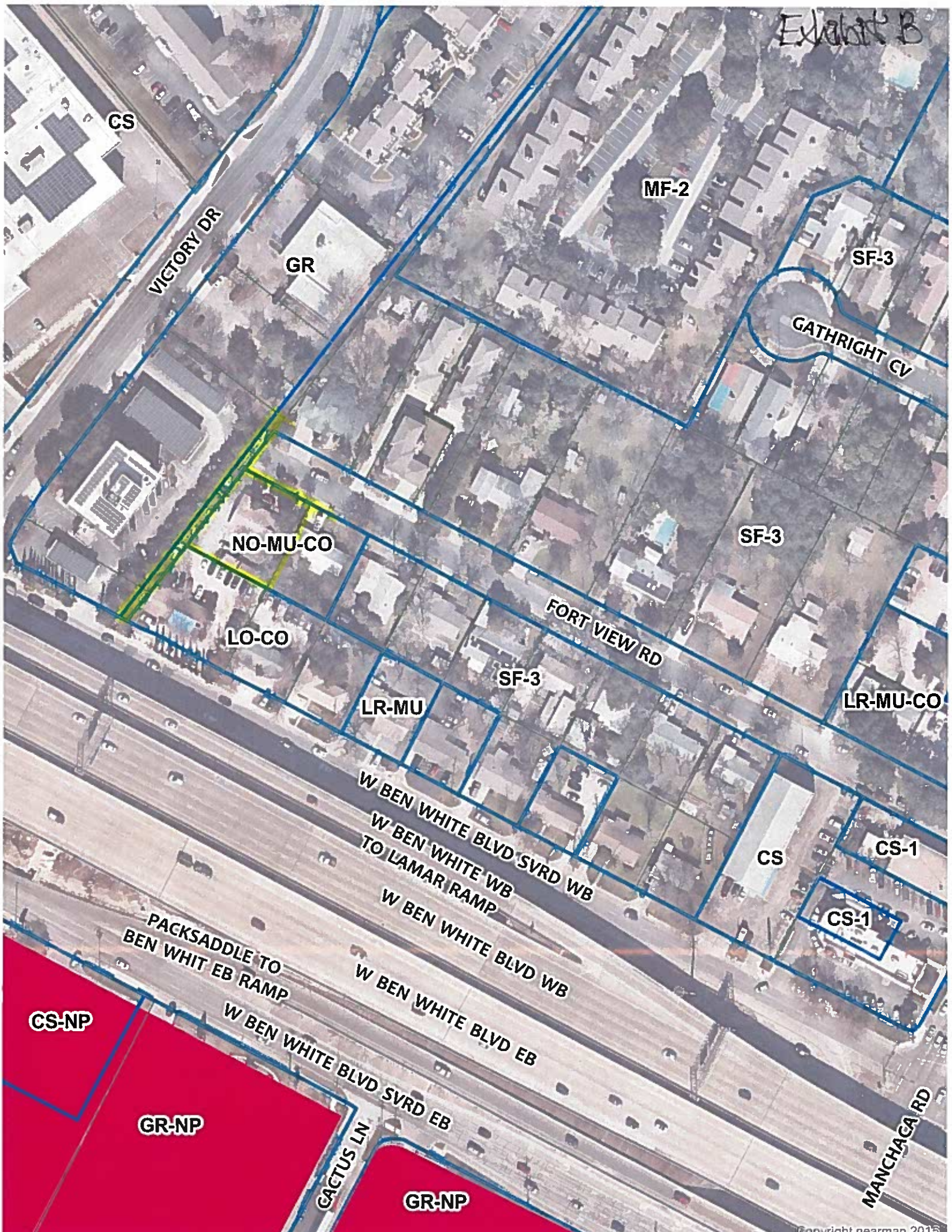
This product has been produced by CTM for the sole purpose of geographic reference. NO warranty is made by the City of Austin regarding specific accuracy or completeness.



**Created: 5/7/2019**



Exhibit B





## HUSCH BLACKWELL

111 Congress Avenue, Suite 1400  
Austin, Texas 78701  
512.472.5456

**Nikelle S. Meade**  
**Partner**  
512.479.1147 direct  
512.226.7373 direct fax  
[nikelle.meade@huschblackwell.com](mailto:nikelle.meade@huschblackwell.com)

February 22, 2019

Greg Guernsey  
Planning and Zoning Department  
The City of Austin  
One Texas Center

RE: Rezoning Application  
2111 Fort View Road  
Victory Medical Office

Dear Greg:

The enclosed application is to rezone the above-referenced property from NO-MU-CO to LO. Approval will allow for the modernization of the overall Victory Medical Center campus. We appreciate your department's review of this application, and respectfully request to have it set for the soonest possible meeting of the Planning Commission.

Sincerely,



Nikelle S. Meade

Enclosures

## 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:

[www.austintexas.gov/planning](http://www.austintexas.gov/planning).

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: C14-2019-0040  
Contact: Sherri Sirwaitis, 512-974-3057  
Public Hearing: Jun 25, 2019, Planning Commission  
Aug. 8, 2019, City Council

William KREBB ELSSA  
Your Name (please print)

2102 FORTVIEW RD. Austin  
Your address(es) affected by this application

WM. Krebb  
Signature

☐ I am in favor  
☒ I object

70704  
JUN 25 2019  
Date

Daytime Telephone: 512 796 2520

Comments: See Attached

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

City of Austin  
Planning & Zoning Department  
Sherri Sirwaitis  
P. O. Box 1088  
Austin, TX 78767-8810

June 25, 2019

William Kregg Elsass, AIA  
2102 Fortview Road  
Austin, TX 78704  
(512) 796-2520

RE:

**Case # C14-2019-0040**

**Planning Commission Change of Zoning**

**Hearing Date June 25, 2019**

**Contact: Sherri Sirwaitis**

Planning Commission:

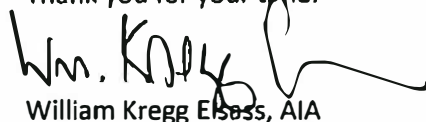
I cannot be in attendance for tonight's hearing but I am writing in objection to the requested zoning change. I have been a resident of Fortview Road since 2000 and have seen much change to it since that time.

Generally, I support the Victory Medical complex at the west end of the street but there seems to be this ongoing creep of the business as it is taking over, step by step, that end of the street. The fear is that the creep will simply continue until the quality of the residential aspects of the street will be eliminated.

Further, there does not appear to be any rationale to the change in zoning as aspects of what the current zoning is completely matches the intent and adjacent property's zoning (SF-3). It seems the request would further open the flood gates to unwanted development at that end of the street.

Please deny this request and help maintain some of the qualities of this street that have been there for decades. With Radio Bar at the eastern end and all of their traffic and congestion to the Victory complex at the western end, we are simply being squeezed in the middle to an uncomfortable level.

Thank you for your time.

A handwritten signature in black ink, appearing to read 'Wm. Kregg Elsass', with a long, sweeping horizontal line extending to the right.

William Kregg Elsass, AIA