

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2019-0068 – SH 45 North Tract      DISTRICT: 6

ZONING FROM: LI, DR, GR-CO      TO: GR-MU

ADDRESS: 14310-15700 North FM 620 Road

SITE AREA: 26.97 acres

PROPERTY OWNER: Ivalene Pearson Banks

AGENT: McLean & Howard, LLP (Jeffrey Howard)

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

STAFF RECOMMENDATION:

**Staff recommends GR-MU, Community Commercial-Mixed Use Combining District, zoning.**

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**July 2, 2019: Approved staff's recommendation of GR-MU zoning (8-0, A. Denkler-abstain, N. Barrera-Ramirez and J. Kiolbassa-absent); E. Goff-1<sup>st</sup>, B. Evans-2<sup>nd</sup>.**

CITY COUNCIL ACTION:

**August 8, 2019**

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is comprised of three parcels of land fronting North FM 620 Road/North SH 45 to the east of W. Parmer Lane. They contain a single-family residences and undeveloped land. The applicant is requesting GR-MU zoning to develop office and restaurant uses at this location.

The staff recommends the applicant's request for GR-MU, Community Commercial-Mixed Use Combining District, zoning. The site under consideration meets the intent of the proposed zoning district as it will permit the applicant to develop office and commercial services that are accessible from a major arterial/highway, North FM 620 Road/North SH 45, and will provide services to the residential uses to the north and west.

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.*

Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways.

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.

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

The proposed GR-MU zoning will permit the applicant to develop office and commercial uses on these parcels that will provide services to the residential uses to the north and west.

3. *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.*

The property in question fronts onto a state highway, North FM 620 Road/North SH 45, to the east of W. Parmer Lane. The MetroRail line is directly to the southwest of the current LI zoned parcel in this request.

EXISTING ZONING AND LAND USES:

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LI, DR, GR-CO	Single-Family, Undeveloped
<i>North</i>	County	Undeveloped
<i>South</i>	PUD	Undeveloped
<i>East</i>	DR	Undeveloped Ranchland
<i>West</i>	GR, CS-CO, MF-3-CO	Service Station/Food Sales (CEFCO Convenience Store), Retail Center (Papa John’s, State Farm, NW Austin Family Dentistry), Multifamily (The Ranch Apartments)

NEIGHBORHOOD PLANNING AREA: N/A

TIA: Deferred

WATERSHED: Lake Creek Watersheds

NEIGHBORHOOD ORGANIZATIONS:

- Bike Austin
- Friends of Austin Neighborhoods
- Homeless Neighborhood Association
- Neighborhood Empowerment Foundation
- Northwest Austin Coalition
- SELTEXAS
- Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2011-0148 (620 MJJ Zoning: 14926 North FM 620 Road)	DR to CS	02/07/12: Approved staff’s recommendation of CS-CO with additional conditions to prohibit the following uses: Adult Oriented Business, Pawn Shop Services, Bail Bond Services, Monument Sales, Club or Lodge, Campground, Transitional Housing and Vehicle Storage (5-0, P. Seeger and G. Bourgeois-absent); S. Baldrige-1 <sup>st</sup> , G. Rojas-2 <sup>nd</sup> .	3/01/12: Approved CS-CO zoning on consent on all 3 readings (6-0, Spelman-off dais); S. Cole-1 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> .

C14-2011-0097 (Round Rock ISD West Transportation Facility: 15000 North FM 620 Road)	DR to GR	10/04/11: Approved the staff's recommendation for GR-CO zoning, with a 2,000 vehicle trip limit per day, on consent (6-0), G. Bourgeois-1 <sup>st</sup> , P. Baldrige-2 <sup>nd</sup> .	11/03/11: Approved GR-CO on consent on all 3 readings (7-0)
C14-2008-0192 (Pearson Place South: 14608 N. FM 620 Road)	DR to GR	11/04/08: Approved staff's rec. of GR-CO zoning on consent, with a CO for a 2,000 vehicle trip limit per day (5-0, C. Hammond, R. Evans-absent)	12/11/08: Approved GR-CO zoning on consent (7-0); all 3 readings
C14-2008-0045 (St. Dominic de Savio: 9400 Neenah Avenue)	Unzoned to GO-CO	4/01/08: Approved the staff's recommendation of GO-CO district zoning, with an additional condition that the site plan will come back to the Zoning and Platting Commission for approval (This condition would make Private Secondary Educational Facility a conditional use on the site, thereby, requiring a conditional use site plan on this property for this use to go before the Zoning and Platting Commission for approval.). Vote: (6-0, T. Rabago, J. Martinez-absent); K. Jackson-1 <sup>st</sup> , C. Hammond-2 <sup>nd</sup> .	5/22/08: Approved the Zoning and Platting Commission's recommendation, with the additional condition from Transportation that specifies a bicycle-pedestrian path that connects to the abutting subdivision to the north (7-0); 1 <sup>st</sup> reading  6/18/08: Approved GO-CO zoning by consent with an effective date of July 7, 2008 (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C814-04-0066 (Robinson Property: West Parmer Lane and North FM 620 Road)	Unzoned to PUD	6/15/04: Approved staff rec. for PUD zoning with conditions, including EV Board rec. (9-0)	6/17/11: Approved PUD zoning with conditions (7-0); all 3 readings

C814-99-0001.05 (Avery Ranch PUD Amendment #5)	To amend the PUD to rezone 14.694 acres of land from I-RR to PUD to be incorporated into Tracts III-G and III-H of the Avery Ranch Planned Unit Development (PUD) and to amend the Avery Ranch PUD Land Use Table to permit Village Center Residential (VCR) uses, Service Station use, Liquor Sales use (not to exceed 6,000 square feet and prohibiting Cocktail Lounge), and Mobile Home Residential use on Tract II-E of the PUD.	4/04/06: Approved staff's recommendation for PUD amendment by consent (7-0, T. Rabago, J. Pinnelli-absent); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> .	5/18/06: Approved PUD amendment by consent (7-0); all 3 readings
C814-99-0001.04 (Avery Ranch PUD Amendment #4)	PUD to PUD	9/06/05: Approved staff's recommendation of PUD zoning by consent (9-0)	
C814-99-0001.03 (Avery Ranch PUD Amendment #3)	PUD to PUD	9/21/04: Approved staff's recommendation of PUD amendment by consent (7-0, K. Jackson-off dais, J. Gohil-absent)	5/12/05: Postponed indefinitely by the applicant (7-0)
C814-99-0001.02 (Avery Ranch PUD Amendment #2)	PUD to PUD	1/28/03: Approved staff's recommendation of PUD zoning (6-0, J. Martinez, K. Jackson-off dais)	2/27/03: Granted PUD zoning as rec. by the ZAP Commission on 1 <sup>st</sup> reading (6-0, Goodman-off dais)

			4/24/03: Approved PUD (6-0, Garcia-off dais); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C814-99-0001.01 (Avery Ranch PUD Amendment #1)	PUD to PUD	<p>6/18/02: Postponed to 7/16/02 by the applicant (8-0, A. Adams-absent)</p> <p>7/16/02: Postponed to 7/30/02 by the staff for re-notification purposes (6-0, M. Casias/ D. Castaneda/ K. Jackson-absent)</p> <p>7/30/02: Postponed to 9/10/02 by the applicant and neighborhood (6-0, V. Aldridge-absent)</p> <p>9/10/02: Approved staff's recommendation for PUD zoning; by consent (6-0, D. Castaneda-absent)</p>	<p>10/10/02: Granted PUD on 1st reading (7-0)</p> <p>1/30/03: Approved PUD amendment (7-0); 2<sup>nd</sup>/3<sup>rd</sup> readings</p>

RELATED CASES: C14-2008-0192

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within 1/4 mile)
SH 45	400 ft.	360 ft. (frontage to frontage)	Highway	No	Yes, wide shoulder	No

OTHER STAFF COMMENTS:

Comprehensive Planning

This 26.97 acre property is located on the north side of FM 620 Road, which runs parallel to SH45. This case is not located within the boundaries of a neighborhood planning area. Surrounding land uses include vacant land, a convenience storage facility, and two apartment complexes to the northwest; to the south is vacant land; to the east are two ranches and

vacant land; and to the west are commercial uses and an apartment complex. The proposal is to demolish three existing single-family houses on the property and construct an office and a restaurant.

### **Connectivity**

There are no public sidewalks, bike lanes, or public transit stops located along this portion of FM 620 Road. The Walkscore for this area is **33/100, Car Dependent**, meaning most errands require a car. There is no existing urban trail located within a mile of the site. The mobility options are limited while connectivity options are average.

### **Imagine Austin**

This portion of FM 620 is not identified as being located along an Activity Corridor or within an Activity Center. An Activity Corridor is located 1,300 feet west, on West Parmer Lane. Most of the development in this area of Austin consists of market rate apartment complexes, high end single family subdivisions, and commercial and office uses, which are not connected by public sidewalks, public transit or bike lanes. Page 107 of IACP specifically addresses new development that occurs outside of Growth Concept Centers and Corridors, including this language: “The type of infill housing will vary ... and include single-family houses, duplexes, secondary apartments, townhouses, row houses, and smaller-scaled apartments. New commercial, office, larger apartments ... may also be located in areas outside of centers and corridors.”

The following Imagine Austin policy is applicable to this case:

- **LUT P3** Promote development in compact centers, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.

**Overall Conclusion:** Based upon: (1) the comparative scale of the site relative to other commercial and office uses that are located along the heavily travelled FM 620 corridor; (2) the project providing a mixture of uses under the mixed use zoning district category (office and commercial); but (3) the lack of mobility options in the area beyond a personal vehicle, this request appears to only partially support the policies of the Imagine Austin Plan. It is hoped in the near future that the property owner considers installing a shared path or public sidewalk along FM 620 to connect to nearby commercial, office and residential uses in the vicinity.

### Environmental

The site is located over the Edwards Aquifer Recharge Zone. The site is in the Lake 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. However, City of Austin GIS shows a Critical Water Quality Zone on the west portion of the site.

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 preexisting ovals 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 on this site may be subject to compatibility development regulations, as applicable.

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

#### Transportation

Development Services Department transportation staff defers to the Austin Transportation Department for transportation comments.

Per an email dated 5/30/2019, ATD has waived the TIA for the zoning application and requires a master TIA for the entire site with the first site plan application. Each site being submitted after the initial master TIA will be required to submit a short technical memo

showing that the trips fit into the assumptions made in the master TIA as well as making payments toward mitigations proposed in the master.

Sidewalk and driveway access to SH 45 shall be reviewed and approved by the Texas Department of Transportation at the time of the site plan application.

#### Austin Water Utility

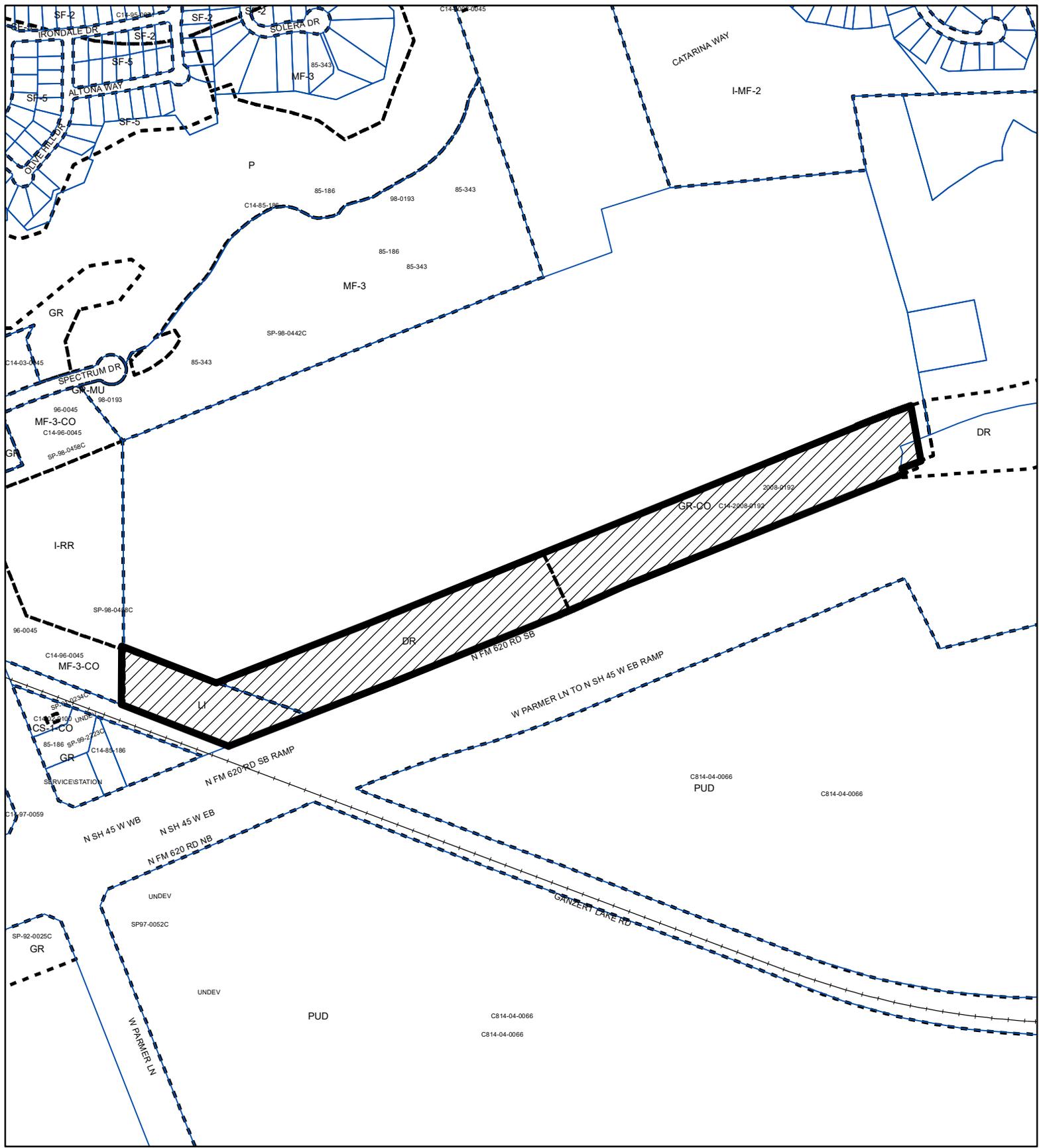
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide water and wastewater service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7<sup>th</sup> floor. Ph: 512-972-0211.

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



**ZONING**

ZONING CASE#: C14-2019-0068



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 600'

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.

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