

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0147 – Linda Vista / Elroy West Industrial Park DISTRICT: 2
at Moore's Crossing MUD

ZONING FROM: I-RR; I-SF-2

ZONING TO: LI

ADDRESSES: 6807 South FM 973 Road

SITE AREA: 31.89 acres

PROPERTY OWNER: SRMC Investments, LLC
(Bill Gurasich)

AGENT: Alice Glasco Consulting
(Alice Glasco)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant limited industrial services (LI) district zoning.

PLANNING COMMISSION ACTION / RECOMMENDATION:

January 10, 2023:

CITY COUNCIL ACTION:

February 9, 2023:

ORDINANCE NUMBER:

ISSUES:

None at this time.

CASE MANAGER COMMENTS:

The subject unplatted and unplatted property has access to South FM 973 Road. Linda Vista Drive extends from FM 973 as an east-west driveway through the property and Rowood Drive does not appear to have been constructed. A tributary of Onion Creek flows through the near center of the property in a north-south direction. Linda Vista was a 46-lot subdivision recorded in 1972 and vacated by separate instrument at the Travis County Clerk's office in September 2022. The property has interim – rural residence (I-RR) zoning and interim – single family residence (I-SF-2) district zonings upon annexation into the City's limited purpose jurisdiction in 2010, consistent with the remainder of the Moore's Crossing Municipal Utility District (MUD).

The property is within the Airport Overlay Zones 2 and 3 (AO-2, defined as a portion of the controlled compatible land use area which has a yearly day-night average sound level of at least 65 decibels and not more than 70 decibels; AO-3, is the 1/2 mile Buffer Zone), neither

of which allows for residential uses outside of MUDs adopted prior to the 2001 Airport Overlay Zone ordinance.

There is undeveloped land and a tributary of Onion Creek to the north (LI; RR), undeveloped land to the east (IP), and undeveloped land to the south (County). There is a closed landfill across FM 973 to the west (LI). ***Please refer to Exhibits A and A-1 (Zoning Map and Aerial View) and Exhibit B (Total Plat Vacation).***

The Applicant proposes to zone the property to the limited industrial services (LI) district for administrative and business offices.

BASIS OF RECOMMENDATION:

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

The limited industrial services (LI) district designation is for a commercial service use or limited manufacturing use generally located on a medium or large sized site.

2. Zoning changes should promote an orderly and compatible relationship among land uses. .

Staff recommends the Applicant's request based on the following considerations: 1) adjacency to industrial zoned property to the west, north and east, and 2) access is taken to FM 973 an arterial roadway.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR; I-SF-2	Undeveloped, including a tributary of Onion Creek
<i>North</i>	LI; RR	Undeveloped, including a tributary of Onion Creek
<i>South</i>	County	Undeveloped
<i>East</i>	IP	Undeveloped
<i>West</i>	LI	Closed Landfill

MUNICIPAL UTILITY DISTRICT: Moore's Crossing TIA: Is not required
(also known as Stoney Ridge)

WATERSHED: Onion Creek – Suburban

CAPITOL VIEW CORRIDOR: No SCENIC ROADWAY: Yes, FM 973 Road

SCHOOLS:

The subject property is within the Del Valle Independent School District boundaries.

COMMUNITY REGISTRY LIST:

511 – Austin Neighborhoods Council
 774 – Del Valle Independent School District
 1195 – Imperial Neighborhood Association
 1258 – Del Valle Community Coalition
 1530 – Friends of Austin Neighborhoods
 1616 – Neighborhood Empowerment Foundation
 627 – Onion Creek HOA
 1005 – Elroy Preservation Association
 1228 – Sierra Club, Austin Regional Group
 1550 – Homeless Neighborhood Association
 1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2021-0048 & C14-2021-0049 – Moore’s Crossing Industrial Park, Tracts 1 and 2 - 6300 Elroy Rd and 6213 S FM 973 Rd (Tract 1); 6505 S FM 973 Rd (Tract 2)	I-RR (Tract 1); GR (Tract 2) to LI	To Grant LI	Apvd LI (6-10-2021).
C14-2014-0184 – Austin [re]Manufacturing Hub and Closed FM 812 Landfill – 10108 FM 812 Rd	I-RR (Upon annexation) to LI	To Grant LI	Apvd LI (2-11-2014).
C14-2010-0063 through C14-2010-0066 – Linda Vista A, B, C & D – South FM 973 at Linda Vista Dr	I-RR to LI	Not reviewed by Commission; Case Expired	Not applicable
C14-2010-0062 – 973/Elroy C Store – S FM 973 and Elroy Rd – SE corner of S FM 973 and Elroy Rd	I-RR to GR	Not reviewed by Commission; Case Expired	Not applicable
C14-02-0053 – City of Austin, Department of Aviation – 3600 Presidential Blvd	I-RR to AV	To Grant AV w/conds to allow National Guard uses, no public surface parking, RR for the floodplain	Apvd AV (8-1-2002).

RELATED CASES:

In January 2010, the Applicant applied to zone the property to the LI district. At the time, Linda Vista Drive and Rowood Drive were public rights-of-ways which resulted in four zoning cases (C14-2010-0063 through C14-2010-0066 – Linda Vista A, B, C & D). The cases were not reviewed by Commission within the prescribed amount of time (181 days after the case has been filed) and subsequently expired. The property was annexed into the limited purpose jurisdiction on February 25, 2010 (C7L-10-002).

Approval of a total plat vacation of Linda Vista subdivision was approved by Planning Commission on June 28, 2022 and the plat vacation instrument was recorded at the Travis County Clerk's office on September 26, 2022 (C8-71-051(VAC)). A total plat vacation returns to property to raw land.

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

The properties are within the Moore's Crossing Municipal Utility District (MUD) created in 1986 and revised in June 1998. The primary purpose of the Land Plan is to identify the collector street network and public facilities, the latter including sites for City-financed housing, parks, school sites, library and a Fire/EMS station. The properties to the east and south within the MUD are undeveloped.

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Linda Vista Drive	Level 1	64'	49'	23'	No	N/A	No
South FM 973 Road	Level 4	120'	100'	38'	No	Shared Lane	No
Rowood Drive	Level 1	64'	50'	N/A	No	N/A	No

ADDITIONAL STAFF COMMENTS:Inclusive Planning

Proposed Use: Undeveloped to 10,000 square feet of administrative and business offices.

Yes	Imagine Austin Decision Guidelines
Complete Community Measures	
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center: abuts FM812/130 Job Center
	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.
Y	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.
	Connectivity and Education: Located within 0.50 miles from a public school or university.
	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Mixed use: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
2	Total Number of "Yes's"

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 Onion 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.

Impervious Cover

Within the Onion Creek watershed, the maximum impervious cover allowed by the *LI zoning district* would be 80% (90% with transfers), which is based on the more restrictive zoning regulations.

PARD – Planning & Design Review

Parkland dedication will be required for the new applicable uses proposed by this development, administrative and business offices with LI zoning, at the time of subdivision or site plan, per City Code § 25-1-601, should such applications be filed after December 31, 2022. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Additional requirements for parkland dedication may apply in accordance with the Moore's Crossing Stoney Ridge development agreements. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan and Compatibility Standards

A site plan will be required for any new development other than single-family or duplex residential.

This site may be subject to compatibility standards due to the presence of adjacent RR zoning property to the north. Additional comments may be made when the site plan is submitted.

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

Scenic Roadway Sign District Regulations

Any proposed signs along South FM 973 will need to comply with Scenic Roadway sign regulations in LDC 25-10-124.

Airport Overlay

The site is located within Austin-Bergstrom Airport Overlay AO-2 and AO-3. No use will be allowed that creates electrical interference with navigational signals or radio communications between airport and aircraft, makes it difficult for pilots to distinguish between the airport lights and others, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, creates bird strike hazards or otherwise in any way endangers or interferes 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 the site plan*, Airport Hazard Zoning Committee review may be required prior to the Planning Commission hearing. Additional comments may be generated during the site plan review process.

Hazardous Pipeline Ordinance

Due to the presence of a hazardous pipeline in the rear of the site, this site is subject to the Hazardous Pipeline Ordinance. Development in a restricted pipeline area is regulated by Sec. 25-2-516. Review by the Fire Department will be required for any proposed development. Before a person may place a road, surface parking lot, or utility line in a restricted pipeline area, the person must deliver to the Director a certification by a registered engineer stating that the proposed construction activity and structure are designed to prevent disturbing the pipeline or impeding its operation.

Austin Transportation Department – Engineering Review

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. **Transportation assessment/traffic impact analysis and transportation demand management plan shall** be required at the time of site plan if triggered per **LDC 25-6 and TCM 10.2.1**.

The Austin Strategic Mobility Plan (ASMP) calls for 120 feet of right-of-way for S FM 973 Road. It is recommended that 60 feet of right-of-way from the existing centerline should be dedicated for S FM 973 Road according to the Transportation Plan with the first subdivision or site plan application [LDC 25-6-51 and 25-6-55].

Water and Wastewater

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.

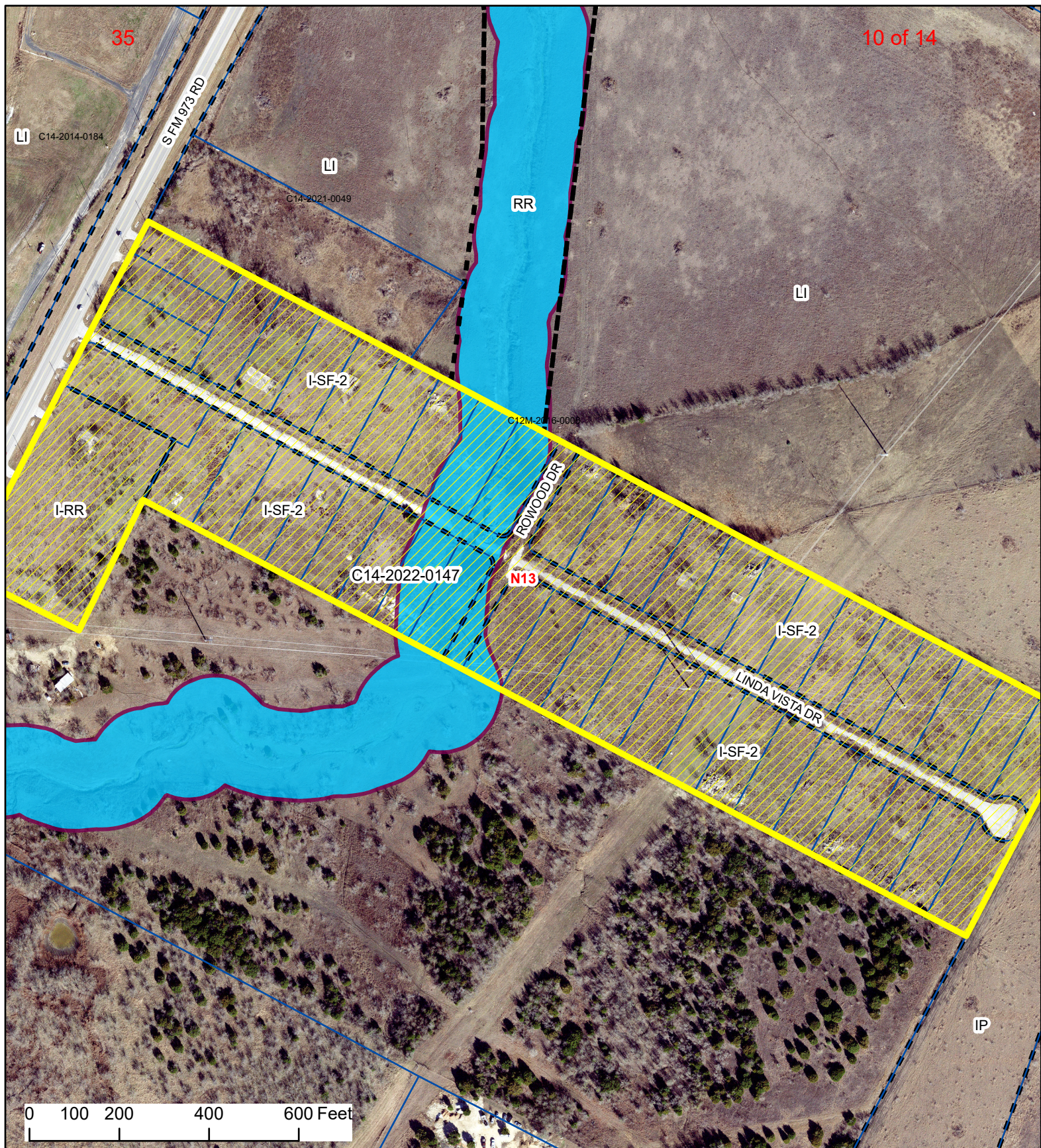
Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

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:

Exhibits A and A-1: Zoning Map and Aerial Map





Exhibit B: Total Plat Vacation



Linda Vista/Elroy West Industrial Park at Moore's Crossing MUD

Exhibit A - 1



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

ZONING CASE#: C14-2022-0147
 LOCATION: 6807 South FM 973 Road
 SUBJECT AREA: 31.89 Acres
 GRID: N13
 MANAGER: Wendy Rhoades



This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created: 10/26/2022



TOTAL VACATION OF LINDA VISTA

THE STATE OF TEXAS

COUNTY OF TRAVIS

Whereas TSWG 130, LLC, owner of 28.89 acres out of the N.M. Bain Survey, did heretofore subdivide the same into the subdivision designated Linda Vista, the plat of which is recorded in Book 57, Page 91 of Travis County, Texas Plat Records, and

WHEREAS, all of said subdivision is now owned by the parties indicated, to wit:

LOT
1-46

OWNER
TSWG 130, LLC

WHEREAS, TSWG 130, LLC, for and in consideration of the premises and pursuant to the provisions of Chapter 212.013 of the Local Government code, does hereby vacate Lots 1-46 of the Plat in accordance with the procedures set forth in Section 232.008 of the Texas Local Government Code. All public right of way dedication, public utility easements, and drainage easements dedicated by the plat are hereby vacated.

EXECUTED THE DAYS HEREAFTER NOTED.

DATEOWNER'S SIGNATURE

01/23/2022

By: John Gurasich
Lots 1-46
TSWG 130, LLC
4425 S MoPac Expy Ste 205
Austin, TX 78735

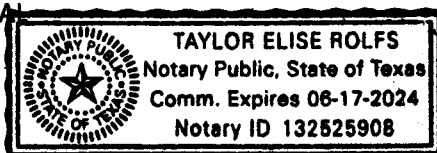
THE STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared John Gurasich, known to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

Printed name: T. Elise Rolfs

SEALED



Notary Public in and for the State of Texas

My commission expires: 6.17.2024

Exhibit B

TOTAL VACATION OF LINDA VISTA

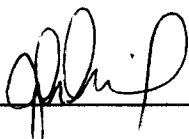
WHEREAS TSWG 130 LLC is the owner of all of the real property included in the Linda Vista a subdivision located in Travis County, Texas, of which is recorded in Plat Book 57, Page 91 of the Plat Records of Travis County, Texas (the "Plat"), and

WHEREAS, Owner now wishes to cancel the entire Plat in accordance with the procedures set forth in Section 232.008 of the Texas Local Government Code

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS: That Owner does hereby declare that Travis County Commissioners Court has authorized the filing of this instrument and Owner further hereby declares that all of said subdivision is canceled. It is understood that this action will in no way affect other lots of said subdivision. All public utility easements and drainage easements dedicated by the plat are hereby canceled.

EXECUTED this 23rd day of June, 2022.

OWNER:

By: 

John Gurasich

TSWG 130 LLC

STATE OF TEXAS

COUNTY OF TRAVIS

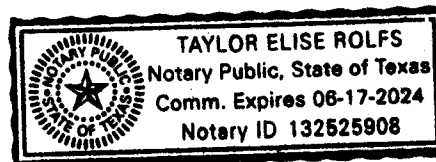
Before me, the undersigned authority, a Notary Public for the State of Texas, on this day personally appeared John Gurasich known to me to be the person whose name is subscribed to in the foregoing instrument of writing, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in capacity therein stated.

Given under my hand and seal of office, this the 23rd day of June, 2022.



Notary Public in and for the State of Texas

My Commission Expires: 06.17.2024



APPROVAL OF TOTAL PLAT VACATION

BE IT KNOWN, that on the 28 day of JUNE, 2022, the ^{Planning}~~Zoning & Platting~~ Commission Planning Commission of the City of Austin, at its regular meeting, did approve the total vacation of the subdivision known as LINDA VISTA, as recorded in in Book 57, Page 91 of Travis County, Texas Official Public Records, upon application therefore by all of the owners of all the lots in said subdivision.

EXECUTED, this 28 day of JUNE, 2022.

TODD SHAW

Todd Shaw Chair
^{Planning}~~ZONING & PLATTING~~ COMMISSION
 City of Austin
 Travis County, Texas

ATTEST:

 DIRECTOR, Executive Secretary
~~Zoning & Platting~~ Commission of the City of Austin
^{Planning}
 THE STATE OF TEXAS
 COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to be the person whose name is subscribed to the foregoing instrument as Chairperson of the ^{Planning}~~Zoning & Platting~~ Commission of the City of Austin, Texas, a municipal corporation, and he acknowledged to me that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 202____.

SEAL

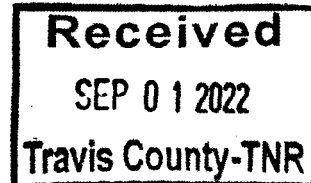
 Printed name: _____

Notary Public in and for the State of Texas

My commission expires: _____

STATE OF TEXAS

COUNTY OF TRAVIS



On August 16, 2022, the Travis County Commissioners Court approved the total vacation of the subdivision known as Linda Vista Subdivision LINDA VISTA SUBDIVISION, as described above.

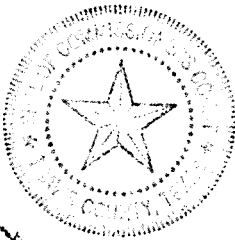
EXECUTED, this 31st day of August, 2022.

Rebecca Guerrero, County Clerk
Travis County, Texas

By: Gillian Porter
Deputy

GILLIAN PORTER

Return to:
Travis County TNR
Attention: Joe L. Arriaga
P.O. Box 1748
Austin, TX 78767



SEAL



**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**

Rebecca Guerrero

Rebecca Guerrero, County Clerk
Travis County, Texas

2022158165

Sep 26, 2022 03:53 PM

Fee: \$38.00

JOHNSOK11

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.