

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0087

DISTRICT: 1

ADDRESS: 6314 and 6400 FM 969 Road

ZONING FROM: CS-MU-CO-NP; CS-1-MU-CO-NP;
LR-MU-NP; GO-MU-NP; GO-NP;
and MF-2-NP TO: CS-MU-V-NP

SITE AREA: approximately 9.98 acres (approximately 434,728 sq. ft.)

PROPERTY OWNER: 6400 FM 969, LLC (Anthony Clarke)

AGENT: Alice Glasco Consulting (Alice Glasco)

CASE MANAGER: Jonathan Tomko (512) 974-1057, jonathan.tomko@austintexas.gov

STAFF RECOMMENDATION:

Staff recommend is to grant general commercial services-mixed use-vertical mixed use-neighborhood plan (CS-MU-V-NP) combining district zoning. Please see the *basis of recommendation* section below for more details.

PLANNING COMMISSION ACTION / RECOMMENDATION:

November 14, 2023: Consent agenda only, Commission postponement to November 28, 2023

November 28, 2023: Commission postponement to December 12, 2023

December 12, 2023: Approved staff recommendation of CS-MU-V-NP on the consent agenda. Motion by Commissioner Maxwell, 2nd by Commissioner Azhar, Vote 11-0.

CITY COUNCIL ACTION: January 18, 2024: Case is scheduled to be heard by City Council

ORDINANCE NUMBER: N/A

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is largely undeveloped land except for a 23,000 sqft structure that houses the W'ALL Austin Art Center. To the north is a newer single-family neighborhood and to the east a slightly older single-family neighborhood. There is additional undeveloped land to the east and two gas station/food marts to the south.

BASIS OF RECOMMENDATION:

Intensive multi-family zoning should be located on major arterials and highways.

FM 969 is classified as a level 4 ASMP Corridor and an Imagine Austin Activity Corridor with traffic signals at Craigwood Drive to the south and Ed Bluestein Blvd NB Service Road to the west. Capital Metro's 237 and 339 bus routes. It provides access to the Walnut Creek Trail and 183 Toll Road.

Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.

With a vertical mixed use zoning category redevelopment of this site may result in additional income-restricted affordable housing and potentially street-level retail. This development pattern would support additional transportation choices which is a community goal articulated in the City's adopted Imagine Austin Comprehensive Plan for Imagine Austin Corridors, such as FM 969 to the west of SH 130. Additional mixed-use zoning in this area would support community goals for more diverse housing choices which would result in additional price points.

Zoning should allow for reasonable use of the property.

The subject tract has seen three partial rezonings in 2007, 2016 and 2017 (see *area case histories* section) and an alphabet soup of zoning strings. Six zoning strings is too many for a tract of nearly 10 acres. Having a single zoning string across the entire tract will lead to more predictability as to what may be developed on this site and is more likely to result in a reasonable use of the property than the existing, somewhat conflicted zoning strings.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-MU-CO-NP; CS-1-MU-CO-NP; LR-MU-NP; GO-MU-NP; GO-NP; and MF-2-NP	Approximately 23,000 sqft medium office built in 1973 with approximately 11,500 sqft paved parking lot.
<i>North</i>	SF-3-NP	Eight single family homes built in the early 2000s
<i>South</i>	LR-NP and W/LO-CO	Chevron Gas Station and Food Mart with Car Wash, Cell Phone Store and Mexican Restaurant, approximately 7,000 sqft with approximately 33,000 sqft paved area built in 2020. Texaco Gas Station and Food Mart with Food Truck, approximately 2,500 sqft with approximately 17,000 sqft paved area built in 1972.
<i>East</i>	LI-PDA-NP	Undeveloped land
<i>West</i>	SF-3-NP	Thirteen single family homes built in the early 1970s.

NEIGHBORHOOD PLANNING AREA: East MLK Combined Neighborhood Planning Area (MLK-183)

WATERSHED: Walnut Creek Watershed

SCHOOLS: A.I.S.D.

Norman-Sims Elementary School

Martin Middle School

LBJ High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Cavalier Park Neighborhood Association, Colony Park/Lakeside Community Development Corp, Del Valle Community Coalition, East MLK Combined Neighborhood

Plan Contact Team, Friends of Austin Neighborhoods, Friends of Northeast Austin, Heritage Village of Austin Home Owner's Association, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Neighbors United for Progress, Reissig Group, SELTexas, Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2017-0083 (Mosaic Sound Collective) <i>portion of subject tract</i>	The applicant is proposing to rezone property from GO-NP to CS-1-MU-NP (Tract 1) and CS-MU-NP (Tract 2).	08.22.2017 (PC): Approved CS-1-MU-CO-NP for Tract 1 and CS-MU-CO-NP for Tract 2 as Staff recommended, w/additional prohibited uses.	09.28.2017: Approved CS-1-MU-CO-NP for Tract 1 and CS-MU-CO-NP for Tract 2 as PC rec, on all 3 Readings.
C14-2016-0031 (KV Creation, LP) <i>portion of subject tract</i>	The Applicant proposes to rezone from SF-6-NP, LR-MU-NP and LR-NP to MF-2-NP for Tract 1; and from SF-6-NP and LR-NP to LR-MU-NP for Tract 2	05.24.2016 (PC): Approved MF-2-NP for Tract 1 and LR-MU-NP for Tract 2, as Staff recommended.	08.11.2016: Approved MF-2-NP for Tract 1 and LR-MU-NP for Tract 2, as on 1st Reading, on 2nd/3rd Readings.
C14-2007-0058.SH (Kaleidoscope 2) <i>portion of subject tract</i>	Applicant is requesting to rezone 0.025 acres from LR-NP to LR-MU-NP	06.12.2007 (PC): Approved staff recommendation of LR-MU-NP by consent (9-0).	06.21.2007: Approved Ordinance No. 20070621-131 for LR-MU-CO-NP (7-0); all 3 readings
C14-2007-0049 (Palm Square Shopping Center)	The applicant is requesting to rezone property from CS-CO-NP to CS-1-CO-NP.	07.24.2007 (PC): Approved CS-MU-CO-NP on balance of tract, CS-1-MU-NP on whole 31,000 sf (limited to 3,000 sq for CS-1 use; 6,000 sf for cocktail lounge (6-0)	11.29.2007: Approved Ordinance No. 20071129-064 for CS-MU-CO-NP (Tract 1), CS-1-MU-CO-NP (Tracts 2-3); (6-0) 1 st reading, (5-0), 2nd/3rd readings.
NPA-2022-0015.01 (Tracor Lane NPA)	The applicant is proposing to amend FLUM from Industry to Mixed - Use.	Case was indefinitely postponed at the January 10, 2023 PC meeting and will be re-notified for the June 13, 2023 PC	N/A

		date to keep the case from expiring.	
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RELATED CASES:

NPA-2023-0015.01: Applicant is requesting a FLUM change from Mixed Use and Mixed Residential to Mixed Use

Cases: C14-2017-0083, C14-2016-0031, and C14-2007-0058.SH listed in the *Area Case Histories* section are within the subject tract and are included in that section to provide additional detail.

ADDITIONAL STAFF COMMENTS:

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Walnut 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.

2. 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%

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. 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.

6. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

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.

Fire

No comments on rezoning

PARD – Planning & Design Review

PR1: Residential units that are certified affordable under a City housing policy are exempt from the parkland dedication requirements per City Code § 25-1-601(C)(3) and (4). Parkland dedication will be required for any new market-rate residential units that may be proposed by this development, multifamily with CS-MU-V-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Fees may be authorized in lieu of dedication. 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 parkland dedication requirements.

Site Plan

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

SP 2. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 3. Generally, any development which occurs in an SF-6 or less restrictive zoning district which is located 540 ft. or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations, per § 25-2-1051. However, this site is along FM 969, which is considered a "Medium Corridor" per Ordinance No. 20221201-056, and thus, is subject to less restrictive compatibility standards for residential or mixed-use properties. See <https://publicinput.com/CompatibilityCorridorsFAQ> for more information.

SP 4. This tract is already developed, and the proposed zoning change is a footprint within the existing development. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Airport Overlay

SP 5. The site is located within Austin-Bergstrom Overlay Controlled Compatible Land Use Area. No use will be allowed that creates 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 within each Airport Overlay zone are established in the Airport Overlay Ordinance.

Transportation and Public Works Department – Engineering Review

ATD 1. 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. The traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. [LDC 25-6-113].

ATD 2. FYI: The Austin Strategic Mobility Plan (ASMP) calls for 154 feet of right-of-way for FM 969 RD. Please, coordinate with TxDOT regarding the right-of-way dedication needs. [LDC 25-6-51 and 25-6-55].

ATD 3. The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for PARLIAMENT DR. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for PARLIAMENT DR according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

ATD 4. There is a proposed Urban Trail adjacent to this site, along the southern property boundary (US 183 To Johnny Morris TIER 1 trail along roadway). The easement required is a minimum of 20 ft as this allows for a 12 ft trail (minimum trail width per the urban trails plan) and room for maintenance activity. This is the same for Tier I and Tier II trails.

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
FM 969 RD (TxDOT)	Corridor Mobility - Level 4	154 feet	107 feet	67 feet	Incomplete 7 feet sidewalks	Bike lane (on-street)	Yes
PARLIAMENT DR	Local Mobility - Level 1	58 feet	50 feet	27 feet	Existing 4 feet sidewalks	No	Yes

TIA: Deferred to the time of Site Plan

Austin Water Utility

AW1. No comments on zoning change.

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, 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.

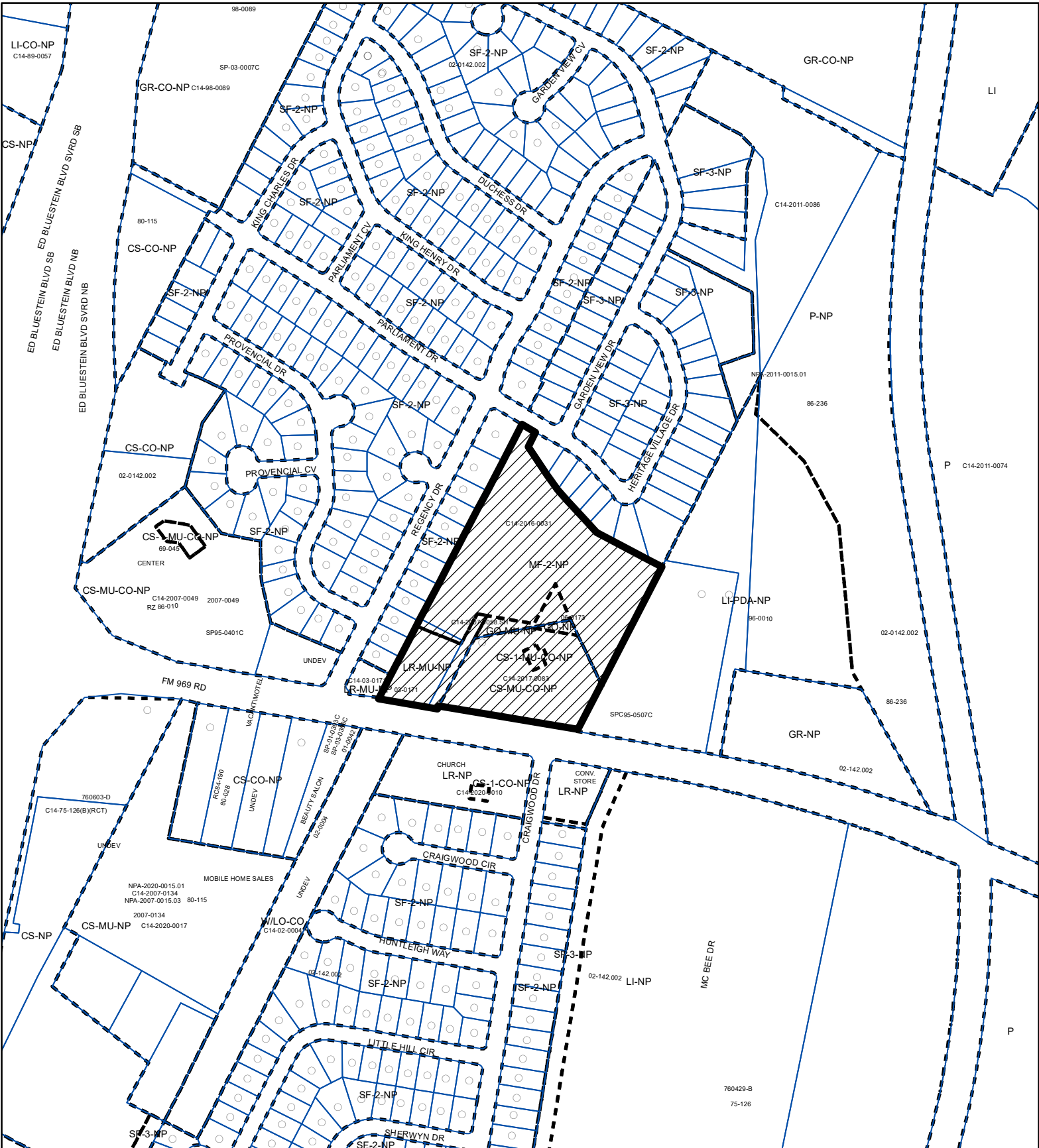
Depending on the development plans submitted, water and or wastewater service extension requests may be required.

All new development within the proposed project will be subject to City Code Chapter 25-9 and any future amendments relating to reclaimed water connections, water benchmarking, and mandatory onsite water reuse.

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 AND ATTACHMENTS TO FOLLOW:




- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter



ZONING

ZONING CASE#: C14-2023-0087



-  **SUBJECT TRACT**
-  **PENDING CASE**
-  **ZONING BOUNDARY**

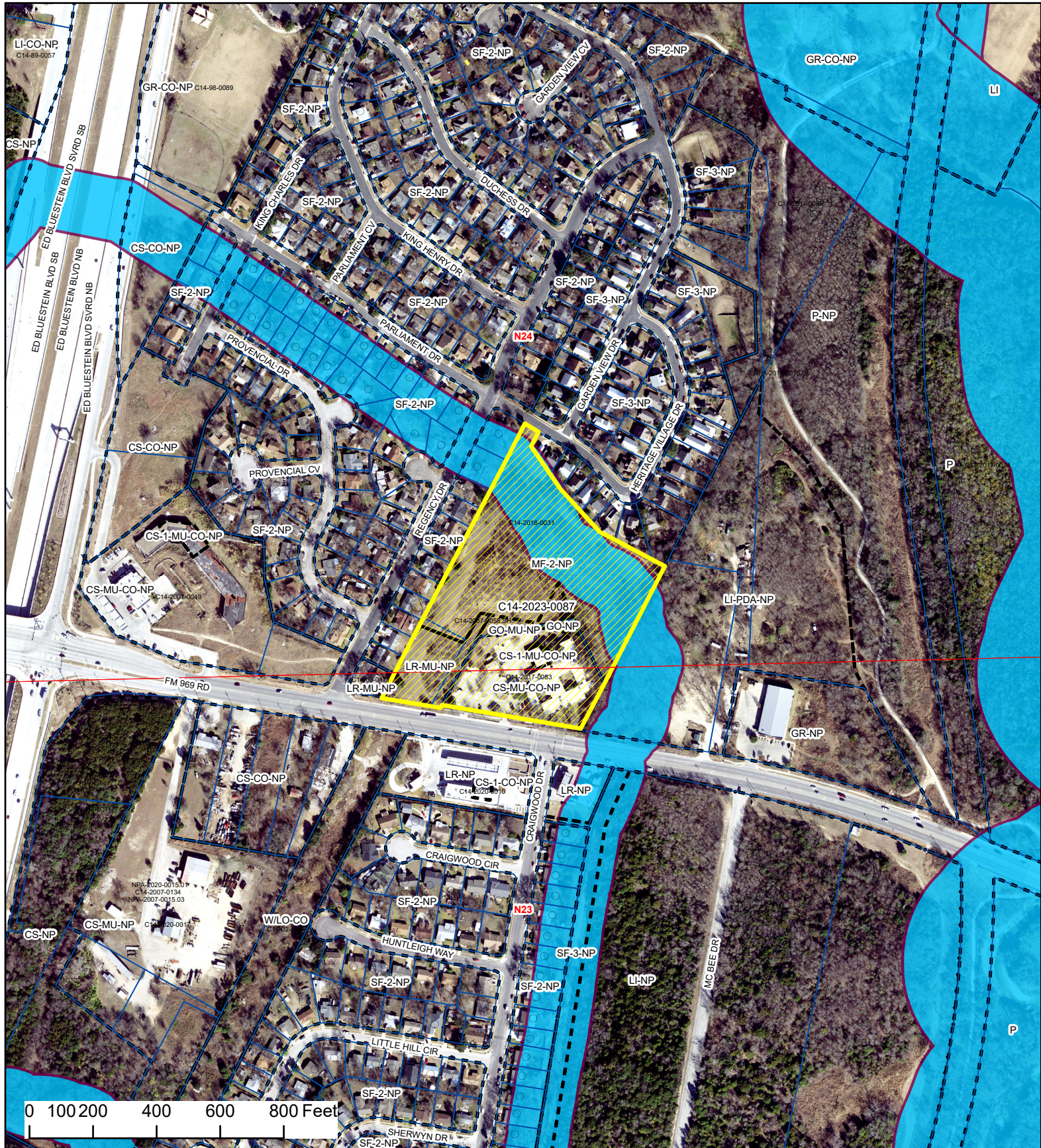
1" = 400'

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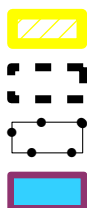
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FM 969



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

ZONING CASE#: C14-2023-0087
 LOCATION: 6314 and 6400 FM 969 Rd
 SUBJECT AREA: 9.98 Acres
 GRID: N24
 MANAGER: Jonathan Tomko



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Created: 8/16/2023

ALICE GLASCO CONSULTING

July 12, 2023

Laure Middleton-Pratt, Director
Planning Department
1000 E 11th Steet, Suite 200
Austin, Texas 78702

RE: 6314 & 6400 FM 969

Dear Rosie:

I represent the entity that owns subject property, 6400 FM 969, LLC. There are two cases being submitted for the site – a plan amendment (FLUM change to the East MLK Combined Neighborhood Plan) and rezoning. The proposed FLUM change, and rezoning are as follows:

Current FLUM Land Use: Mixed Use and Mixed Residential

Proposed FLUM Land Use : Mixed Use

Current Zoning: CS-MU-CO-NP, CS-1-MU-CO-NP, LR-MU-NP, GO-MU-NP, GO-NP, and MF-2-NP

Proposed Zoning: CS-MU-VMU1-NP

Justification For Plan Amendment and Rezoning

The proposed plan amendment and rezoning are supported by the following East MLK Combined Neighborhood Plan action items pertaining to the Cavalier Park Subarea.

Action Item # 66: Allow neighborhood commercial/ mix use along FM 969.

Action Item # 68: Allow mixed residential on the large vacant tracts east of Cavalier Park subdivision.

Rationale: the proposed use is multifamily housing, which will add to the diversity of housing in the area. Additionally, the proposed rezoning of CS-MU-V-NP for the entire property will enable the landowner to benefit from the density bonus allowed under the VMU ordinance. It is important to note that the subject property has 6 different zoning districts, which makes it difficult to plan the site as a unified project.

Please let me know if you have any questions or need additional information.

Sincerely,

Alice Glasco

Alice Glasco, President
AG Consulting

Cc: Craig Alter, LedgeStone Development Group
Joi Harden, Interim Zoning Officer, Planning Department, City of Austin
Maureen Meredith, Neighborhood Planner