

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0108 (Indian Hills FM 973)

DISTRICT: 1

ADDRESS: 11900 Decker Lake Road

ZONING FROM: LI-CO & MF-3

TO: GR-MU-CO (as amended)

SITE AREA: .908 acres (39,552.48 sq. ft.)

PROPERTY OWNER: Club Deal 116 Indian Hills TX LP (Douglas Gilliland)

AGENT: Metcalfe Wolf Stuart & Williams, LLP (Michele Rogerson Lynch)

CASE MANAGER: Beverly Villela (512-978-0740, Beverly.Villela@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay Combining District. See the *Basis of Recommendation* section below. The Conditional Overlay will:

- 1. Prohibit the following uses: Alternative Financial Services, Automotive Rentals, Automotive Repair Services, Automotive Sales, Drop-Off Recycling Collection Facility, Pawn Shop Services, Exterminating Services, Funeral Services, and Vehicle Storage**

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

September 17, 2024:

CITY COUNCIL ACTION:

TBD

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question spans approximately .908 acres and is currently developed with a telecommunication tower. It is situated between Decker Lake Road (a street level 3) and N FM 973 Road (a street level 4) and is currently zoned as (LI-CO) and (MF-3). The surrounding area includes undeveloped (MF-3, DR, and P) zoned lots to the north, undeveloped, business offices, and light manufacturing (LI-CO) zoned lots to the south,

undeveloped (MF-3) zoned lot to the east and undeveloped zoned (P) lot to the west. *Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View) for more details.*

The applicant originally requested CS-MU-CO (General Commercial Services- Mixed Use-Conditional Overlay Combining district) and after discussion with staff has amended the request to a zoning change to GR-MU-CO (Community Commercial-Mixed Use-Conditional Overlay Combining district) to accommodate a telecommunication tower and a shared driveway between a proposed multifamily, commercial, and industrial uses as indicated in their summary letter and email confirmation.

Staff recommends GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay Combining district zoning. This proposed zoning is compatible with the surrounding land uses and will allow for shared use of the driveway.

The applicant is in agreement with the staff's recommendation.

BASIS OF RECOMMENDATION:

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

The 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.

The 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 applicant is requesting a rezoning of the property to permit the shared use of a driveway between commercial, multifamily, and industrial uses. This zoning change will facilitate a smoother transition between the various zoning districts, land uses, and development intensities on the site.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI-CO and MF-3	Undeveloped and Telecommunication Tower
<i>North</i>	MF-3, DR, P	Undeveloped
<i>South</i>	LI-CO	Undeveloped, Business Offices and Light Manufacturing
<i>East</i>	MF-3	Undeveloped
<i>West</i>	P	Undeveloped

NEIGHBORHOOD PLANNING AREA: N/A

WATERSHED: Decker Creek – Suburban

CAPITOL VIEW CORRIDOR: N/A

SCENIC ROADWAY: N/A

SCHOOLS: Del Valle Independent School District

Gilbert Elementary School

Dailey Middle School

Del Valle High School

COMMUNITY REGISTRY LIST:

Austin Lost and Found Pets,
 Austin Neighborhoods Council
 City of Manor,
 Colony Park/Lakeside Community
 Development Corp,
 Del Valle Community Coalition,
 Del Valle Independent School District,
 Friends of Austin Neighborhoods,

Friends of Northeast Austin,
 Homeless Neighborhood Association,
 Imperial Neighborhood Association,
 Neighborhood Empowerment Foundation,
 SELTexas,
 Sierra Club,
 Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2023-0002	LI-CO to LI-CO to modify CO condition	To Grant Staff’s Recommendation of LI-CO to modify CO condition (05/02/2023)	Approved LI-CO to modify CO condition as Planning Commission recommended (06/08/2023)

RELATED CASES:

Ordinance No. 20100826-065 established permanent zoning, rezoning and changing the zoning map from unzoned, development Reserve (DR) district, and Public (P) district to multifamily residence medium density (MF-3) district for tract one and limited industrial service-conditional overlay (LI-CO) combining district for tract two as described in File C14-2009-0089.

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning:

Project Name and Proposed Use: C14-2024-0108. 11900 DECKER LAKE ROAD. Project: Indian Hills FM 973. 0.908 acres from LI-CO, MF-3 to CS-MU-CO. Existing: undeveloped and telecommunication tower. Proposed: shared driveway and telecommunication tower. Proposed shared driveway will be between independently proposed multifamily, commercial and industrial uses.

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. Names of Activity Centers/Activity Corridors/Job Centers *: <ul style="list-style-type: none"> • Adjacent to Loyola Lane Activity Center
	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station.
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> • Sidewalk and bike lane present along Decker Lake Rd
	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 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.
	Housing Affordability *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	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 a

	particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone
2	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 Decker 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 a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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 preexisting approvals that preempt current water quality or Code requirements.

Fire

No comments on zoning change.

PARD – Planning & Design Review

Non-residential uses are not subject to parkland dedication requirements at the time of site plan and subdivision.

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, this site is adjacent to and impacted by the Scenic Roadways overlay.

FYI, this site is within the Wildland Urban Interface overlay.

Austin Transportation and Public Works Department – Engineering Review

The traffic impact analysis has been waived for the following reason: this rezoning case pertains solely to rezoning a LI-CO driveway to a CS-MU-CO driveway to allow shared driveway use with the MF-3 site to the north. The determination does not consider either the permitted MF land use or the proposed land use on the LI-CO lot. Another TIA determination worksheet may be required if this assumption changes.

FYI: The Austin Strategic Mobility Plan (ASMP) calls for 120 feet of right-of-way for N FM 973 RD. Please coordinate with TxDOT to determine whether additional right-of-way dedication is required. [LDC 25-6-51 and 25-6-55].

There is a proposed Urban Trail adjacent to this site, along the eastern/southern property boundary (Walter E Long Park Trail). 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.

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
N FM 973 RD	Regional Mobility - Level 4	120 feet	101 feet	41 feet	No	Shared lane (on-street)	No

TIA:

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].

Austin Water Utility

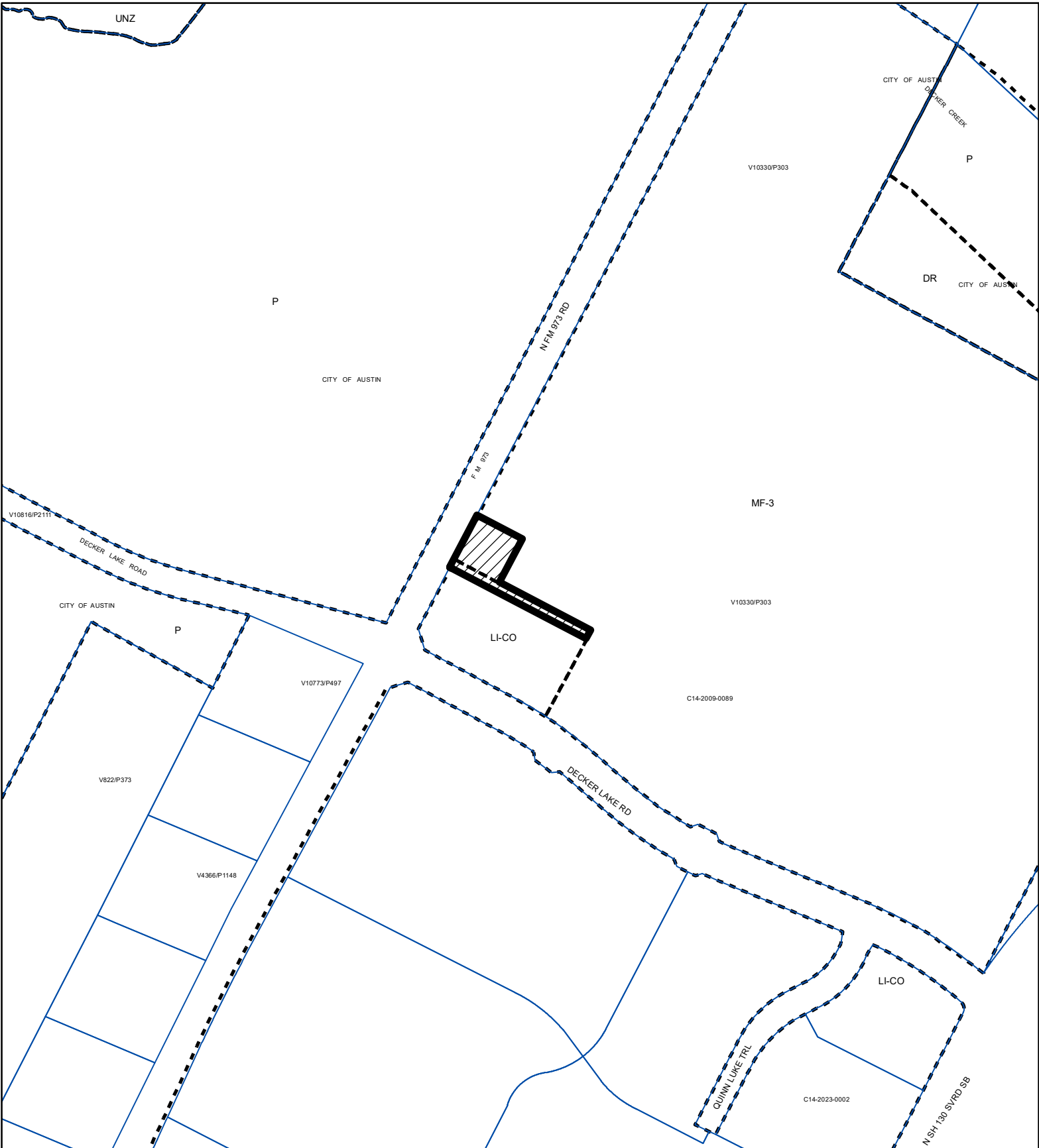
No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:




- Exhibit A: Zoning Map
- Exhibit A-1: Aerial Map
- Exhibit B: (Initial) Applicant’s Summary Letter
- Exhibit C: Revised Applicant Proposed Zoning and CO Email



ZONING

ZONING CASE#: C14-2024-0108



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'
Exhibit A

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 the Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







Created: 9/4/2024



Indian Hills FM 973



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

ZONING CASE#: C14-2024-0108
 LOCATION: NE Intersection of Decker Lake Rd and N FM 973
 SUBJECT AREA: 0.908 Acres
 MANAGER: Jonathan Tomko



1" = 400'
 Exhibit A-1

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

Created: 9/4/2024
 by: meekss



METCALFE WOLFF
STUART & WILLIAMS, LLP

MICHELE ROGERSON LYNCH
Director of Land Use &
Entitlements

mlynch@mwswtexas.com
512-404-2251

July 3, 2024

Mrs. Lauren Middleton-Pratt, Director of Planning
City of Austin Planning Department
1000 East 11th Street
Austin, Texas 78702

Via Online Submittal

Re: Application for Rezoning; 0.908 acres, located at NE Intersection of Decker Lake Rd and N FM 973 (the “Property”)

Dear Mrs. Pratt:

As representatives of the owner of the above stated Property we respectfully submit the attached Application for Rezoning. The Property consists of 0.908 acres of existing undeveloped land and a telecommunication tower (see Aerial and Zoning Exhibit attached) that is currently zoned Limited Industrial Services Conditional Overlay (LI-CO) and Multifamily—Medium Density (MF-3). The Application for Rezoning requests to rezone the Property to General Commercial Services - Mixed Use Combining District - Conditional Overlay (CS-MU-CO) to allow for a shared driveway between proposed multifamily, commercial and industrial uses per City Staff’s direction. The CO is intended to prohibit the following CS uses and includes uses that were previously prohibited on the Property:

Adult Oriented Business	Equipment Sales
Alternative Financial Services	Exterminating Services
Automotive Rentals	Funeral Services
Automotive Repair Services	Monument Retail Sales
Automotive Sales	Vehicle Storage
Campground	Basic industry
Commercial Blood Plasma Center	General warehousing & distribution
Commercial Off-Street Parking	Recycling center
Drop-Off Recycling Collection Facility	Resource extraction
Equipment Repair Services	Transportation Terminal
Pawn Shop Services	



If you have any questions about this Application for Rezoning or need additional information, please do not hesitate to contact me at your convenience. Thank you for your time and attention to this project.

Very truly yours,

Michele Rogerson Lynch

AERIAL EXHIBIT



ZONING EXHIBIT



Villela, Beverly

From: Michele Rogerson Lynch [REDACTED]
Sent: Wednesday, September 11, 2024 3:18 PM
To: Villela, Beverly
Cc: Urpi Arriola
Subject: C14-2024-0108 - Indian Hills - 973

External Email - Exercise Caution

Hello Beverly. Per our discussion, we are okay with revising our rezoning request to GR-MU-CO with the CO showing the following prohibited uses:

- **Alternative Financial Services, Automotive Rentals, Automotive Repair Services, Automotive Sales, Drop-Off Recycling Collection Facility, Pawn Shop Services, Exterminating Services, Funeral Services, and Vehicle Storage.**

Thank you,
M

Michele Rogerson Lynch
Director of Land Use & Entitlements
Metcalfe Wolff Stuart & Williams, LLP
221 W. 6th Street, Suite 1300
Austin, Texas 78701

[REDACTED]

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