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## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2011-0048 – 973 Retail

**Z.A.P. DATE:** June 21, 2011

**ADDRESS:** 3311 South FM 973 Road

**OWNER:** 973 Retail, LLC c/o  
East Bourne Investments (Frank Egan)

**AGENT:** Metcalfe Williams, LLP  
(Michele Rogerson Lynch)

**ZONING FROM:** DR

**TO:** CS-CO **AREA:** 6.658 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay: 1) prohibits the following uses: adult-oriented businesses, agricultural sales and services, automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), bail bond services, campground, commercial blood plasma center, convenience storage, drop-off recycling collection facility, equipment sales, group home class I (limited), group home class I (general), group home class II, pawn shop services, and vehicle storage and 2) limits the total number of daily trips to 2,000.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

June 21, 2011:

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The subject tract contains several vacant buildings which were previously used as the Del Valle Opportunity Center and is zoned development reserve (DR). Access to the site is taken from South FM 973 Road, and is closely situated to the intersection of SH 71 and FM 973. The intersection of SH 71 and SH 130 is located less than one mile to the east. To the north there is a church (SF-2), to the east is agricultural land (County), to the south is undeveloped (CS-CO), and to the west across FM 973 there is a service station with convenience store, manufactured home sales, a residential treatment and transitional housing facility operated by the County, and a vehicle storage and maintenance facility (GR-CO, GR, I-RR, P, P-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes general commercial services – conditional overlay (CS-CO) zoning consistent with the adjoining property to the south for a commercial development known as Eastbourne Crossing. A portion of Eastbourne Crossing will be located along the east side of FM 973 and the remainder adjoins the east property line, within Travis County. The Conditional Overlay consists of a list of prohibited uses which has been incorporated into the

Staff recommendation, and a 2,000 daily vehicle trip limit. Staff recommends the Applicant's request given that CS-CO zoning is appropriate in proximity to the intersection of SH 71 / FM 973 which will be improved to accommodate additional turning movements, and the Conditional Overlay is consistent with the adjacent property to the south.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	DR	Vacant civic buildings
<i>North</i>	SF-2	Religious assembly
<i>South</i>	CS-CO	Undeveloped
<i>East</i>	CS-CO; County	Undeveloped
<i>West</i>	GR-CO; I-RR; P-CO	Service station w/convenience store; Manufactured home sales; Transitional housing; Vehicle maintenance and storage

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** Colorado River

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** Yes, FM 973

**NEIGHBORHOOD ORGANIZATIONS:**

511 – Austin Neighborhoods Council      627 – Onion Creek Homeowners Association  
 774 – Del Valle Independent School District  
 786 – Home Builders Association of Greater Austin  
 1005 – Elroy Preservation Association  
 1037 – Homeless Neighborhood Association      1075 – League of Bicycling Voters  
 1113 – Austin Parks Foundation  
 1138 – Far Southeast Improvement Association  
 1195 – Imperial Valley Neighborhood Association  
 1200 – Super Duper Neighborhood Objectors and Appeals Organization  
 1224 – Austin Monorail Project      1228 – Sierra Club, Austin Regional Group  
 1236 – The Real Estate Council of Austin, Inc.      1258 – Del Valle Community Coalition

**SCHOOLS:**

Del Valle Elementary School

Del Valle Middle School

Del Valle High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2009-0061 – Smart Facility – 3404 South FM 973	I-RR to P	To Grant P with conditions of r-o-w dedication on FM 973	Approved P (8-6-09).

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Road			
C14-06-0208 – Eastbourne Crossing – 3400-3417 Block of South FM 973 Road	DR to CS-CO	To Grant CS-CO with the CO for a list of prohibited uses and conditions of the TIA	Approved CS-CO as ZAP recommended with a RC for the conditions of the TIA (6-21-07).
C14-2007-0070 – T. Warren Investments – 3320-3404 South FM 973	I-RR to P	To Grant P-CO subject to Staff recommendation for r-o-w reservation and dedication along FM 973	Approved P-CO (9-1-05).
C14-03-0047A – Speedy Stop 202 – 3208B East SH 71 and South FM 973 Road	I-RR to GR	To Grant GR-CO	Approved GR (6-5-03).
C14-03-0047B – Speedy Stop 202 – 3208 East SH 71 and South FM 973 Road	I-RR to GR	To Grant GR-CO	Approved GR-CO with CO for 2,000 trips (6-5-03).
C14-01-0103 – 3424 South FM 973 Road	I-RR to LI	Withdrawn by applicant	Not applicable

**RELATED CASES:**

The subject property was annexed into the full-purpose City limits on September 6, 2001 by Ordinance Number 010830-64 and zoned I-RR (C7A-01-002).

There are no pending subdivision or site plan applications on the subject property.

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
FM 973	110 feet	MNR 2	Arterial	No	Yes	Yes

**CITY COUNCIL DATE:** July 28, 2011

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

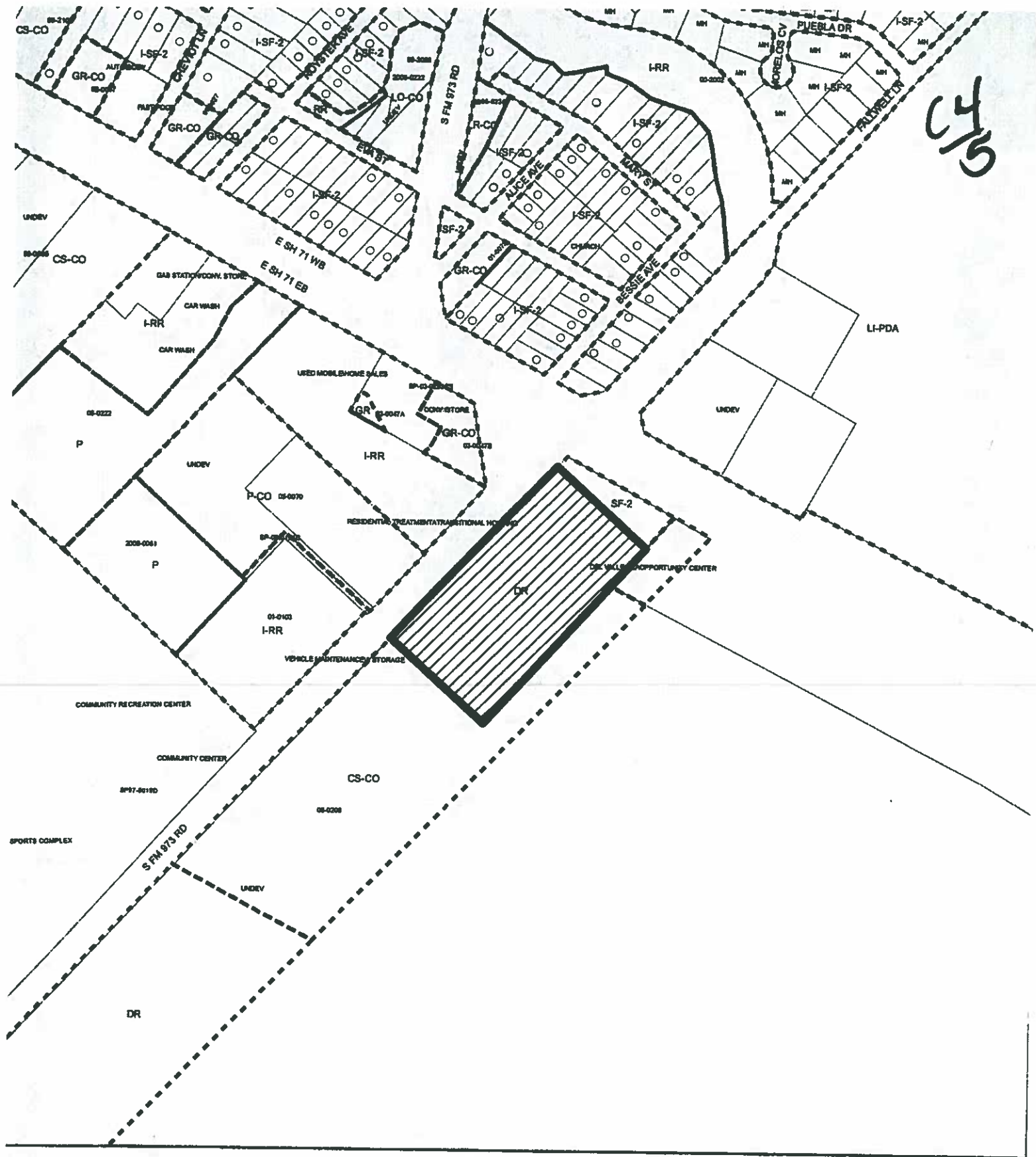
3<sup>rd</sup>

**ORDINANCE NUMBER:**

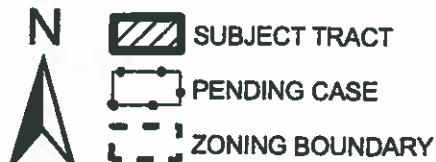
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**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@ci.austin.tx.us

**PHONE:** 974-7719



## ZONING



"= 400'

ZONING CASE#: C14-2011-0048  
 LOCATION: 3311 S FM 973 RD  
 SUBJECT AREA: 6.658 ACRES  
 GRID: P16  
 MANAGER: WENDY RHOADES



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







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7**SUMMARY STAFF RECOMMENDATION:**

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**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities.

- 2. Zoning changes should promote compatibility with adjacent and nearby uses.*

Staff recommends the Applicant's request given that CS-CO zoning is appropriate in proximity to the intersection of SH 71 / FM 973 which will be improved to accommodate additional turning movements, and the Conditional Overlay is consistent with the adjacent property to the south.

**EXISTING CONDITIONS****Site Characteristics**

The zoning area is undeveloped, relatively flat and there appear to be no significant topographical constraints on the site.

**Impervious Cover**

The maximum impervious cover allowed by the CS zoning district would be 80% which is a consistent figure between the watershed and zoning regulations.

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Colorado River Watershed of the Colorado River

Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. 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 Net Site Area</i>	<i>% 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 flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other 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 on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Transportation**

No additional right-of-way is needed at this time.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his 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. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.

#### **Site Plan and Compatibility Standards**

This site is within the Controlled Compatible Land Use Area of Austin-Bergstrom International Airport, but outside the Airport Overlay Zones. This property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23, are prohibited. For more information, contact Joe Medici, Airport Planner, 530-6563.

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

The site is subject to compatibility standards. Along the northern property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
  - 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.
  - No parking or driveways are allowed within 25 feet of the property line.
  - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

FYI - The site is located within a scenic roadway – sign ordinance is in effect.