

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0146 (Volente Business Park)

**Z.A.P. DATE:** December 17, 2013

**ADDRESS:** 11901 Anderson Mill Road

**OWNER/APPLICANT:** Johnson Four Corners (Brent Johnson)

**AGENT:** McLean & Howard, LLP (Jeffrey S. Howard)

**ZONING FROM:** I-RR

**TO:** Tract 1: GR  
Tract 2: CS-1

**AREA:** Tract 1: 4.817 acres (209,828 sq.ft.)  
Tract 2: 0.232 acres (10,123 sq. ft.)  
Total : 5.049 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff recommends GR-CO, Community Commercial-Conditional Overlay Combining District, zoning for Tract 1 and CS-1-CO Commercial-Liquor Sales-Conditional Overlay Combining District, zoning for Tract 2. The conditional overlay will limit development on the site to less than 2,000 vehicle trips per day.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

12/17/13: Approved staff's recommendation of GR-CO zoning for Tract 1 and CS-1-CO zoning for Tract 2 on consent (4-0, B. Baker, S. Compton, R. McDaniel-absent); G. Rojas-1<sup>st</sup>, C. Banks-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question is an undeveloped tract of land that fronts onto Anderson Mill Road. The lot to the east, at the southwest corner of Anderson Mill Road and North FM 620, is developed with a food sales/service station use (7-Eleven), a restaurant use (Sonic), and a service station use (Jiffy Lube). To the west, there is an undeveloped tract of land with a telecommunication tower. The property to the north, across Anderson Mill Road, is developed with office uses, a multifamily development (The Marquis Apartments), and a commercial retail center that contains a financial services use (Bank of America) and restaurant uses (Wendy's, Carino's Italian, Nagoya Steak and Sushi). To the south, there is another commercial retail center with retail sales, restaurant, cocktail lounge, office, and personal improvement services uses (The Shops at Volente Retail Center: Sprint, Sacconi's Restaurant, Stoggies, Volente Nails, Shooter's Billards and Sports Bar, John's Gym, Scubaland, Travel). The applicant is requesting Community Commercial district zoning with a pad site of Commercial-Liquor Sales District zoning to develop this property with commercial retail uses.

The staff supports the applicant's request for permanent GR-CO zoning for Tract 1 and CS-1-CO zoning for Tract 2 because the site under consideration meets the intent of these districts. The property fronts onto and takes access from a major arterial roadway, Anderson Mill Road. This lot is surrounded by commercial uses as there are office/financial services/ restaurant uses to the north, convenience store/food sales/restaurant/service station uses to the east, and commercial retail uses to the south. The proposed rezoning promotes consistency and orderly planning as the properties to the south and to the east, across FM 620 Road, are also zoned GR-CO with a CS-1 zoning footprints.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR	Undeveloped Area
<i>North</i>	County	Office (Hayes Software Systems, Plan Benefit Services, etc.), Multifamily (The Marquis), Financial Services (Bank of America)
<i>South</i>		Commercial Retail Center - General Retail, Restaurant, Cocktail Lounge, Office, Personal Improvement Services (The Shops at Volente Retail Center: Sprint, Sacconi's Restaurant, Stoggies, Volente Nails, Shooter's Billards and Sports Bar, John's Gym, Scubaland, Travel)
<i>East</i>	I-RR	Food Sales (7-Eleven), Restaurant (Sonic), Service Station (Jiffy Lube)
<i>West</i>	County	Undeveloped Area, Telecommunications Tower

**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** Lake Travis

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** Yes

**HILL COUNTRY ROADWAY:**

The site is located within 1,000 feet of RM 620 and within a Hill Country Roadway Corridor. The site is located within the high intensity zone of FM 620. Please see Site Plan comments below.

**NEIGHBORHOOD ORGANIZATIONS:**

Anderson Mill Neighborhood Association  
Austin Heritage Tree Foundation  
Austin Monorail Project  
Bike Austin  
Bull Creek Foundation  
Homeless Neighborhood Association  
Leander ISD Population and Survey Analysts  
Long Canyon Homeowners Association  
Long Canyon Phase II & LLL Homeowners Association Inc.  
SELTEXAS  
Sierra Club, Austin Regional Group  
Super Duper Neighborhood Objectors and Appealers Organization  
The Parke HOA  
The Real Estate Council of Austin, Inc.  
Volente Neighborhood Association

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2011-0120 (Shops at Volente, Ltd.: 11416 North FM 620 Road)	I-RR to Tract 1: GR, Tract 2: CS-1	11/15/11: Approved staff's recommendation of GR-CO zoning for Tract 1 and CS-1-CO zoning for Tract 2 (6-0, G. Bourgeois-absent); G. Rojas-1 <sup>st</sup> , P. Seeger-2 <sup>nd</sup> .	12/08/11: Approved GR-CO zoning for Tract 1 and CS-1-CO zoning for Tract 2 on consent on all 3 readings (6-0, S. Cole-off dais); B. Spelman-1 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> .
C14-04-0028 (Jack Brown Cleaners: 11521 RM 620 Road North)	GR-CO to CS	3/16/04: Approved staff's recommendation of CS zoning by consent (8-0, K. Jackson-absent); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> .	4/15/04: Approved ZAP recommendation of CS zoning (7-0); 1 <sup>st</sup> reading  4/22/04: Approved CS zoning (6-0, McCracken-off dais); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-04-0027 (Twin Liquors: 11521 RM 620 Road North)	GR-CO to CS-1	3/16/04: Approved staff's recommendation of CS-1 zoning by consent (8-0, K. Jackson-absent); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> .  5/4/04: Approved staff's recommendation of CS-1 zoning by consent (5-0, J. Martinez, J. Pinnelli, C. Hammond-absent); J. Gohil-1 <sup>st</sup> , J. Donisi-2 <sup>nd</sup> .	4/15/04: Pulled off agenda. Case re- noticed and sent back to ZAP Commission.  6/10/04: Granted CS-1 (7-0); all 3 readings
C14-03-0111	DR to GR-CO	8/26/03: Approved staff's recommendation of GR-CO zoning by consent (8-0, K. Jackson-absent)	9/25/03: Approved GR-CO & RC-for TIA recommendations (7-0); all 3 readings
C14-02-0041	SF-2, DR to GR	11/19/02: Approved staff's recommendation of GR-CO zoning with conditions of: <ul style="list-style-type: none"> <li>• 300' (depth) x 400' parallel to FM 620, will have 'LR' uses only (Tract 2);</li> <li>• conditions set out by staff in the T.I.A.;</li> <li>• No Pawn Shop Services;</li> <li>• No Adult Oriented Businesses;</li> <li>• No Automotive Uses</li> </ul> (Vote: 7-0, A. Adams-absent)	1/30/03: Granted GR-CO on 1 <sup>st</sup> reading (7-0)  3/6/03: Approved (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** There are no pending related cases.

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>ADT</b>
Anderson Mill Road	Varies	MAD-4	Arterial	13,100

**CITY COUNCIL DATE:** January 23, 2013

**ACTION:**

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

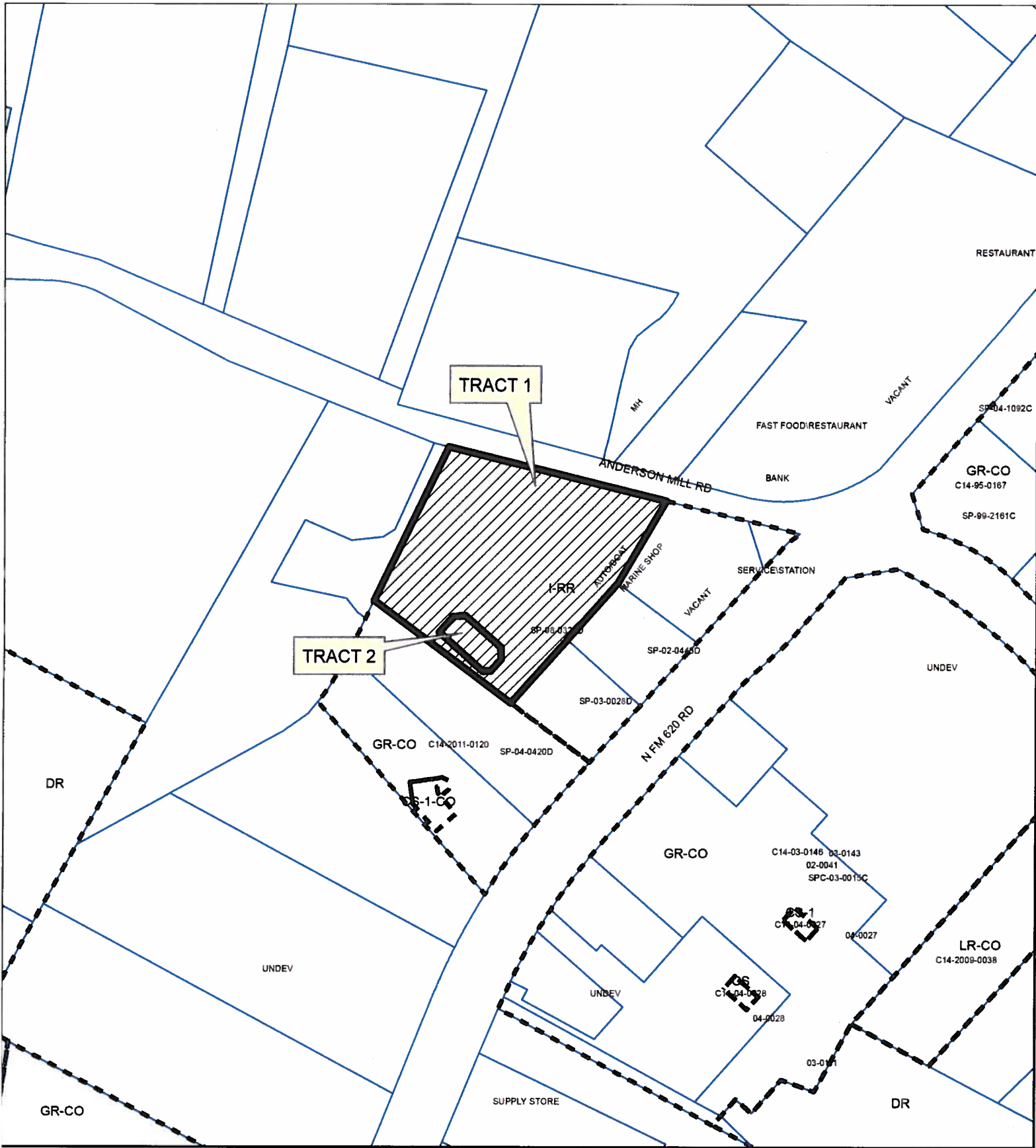
2<sup>nd</sup>




3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

## ZONING

### ZONING CASE#: C14-2013-0146

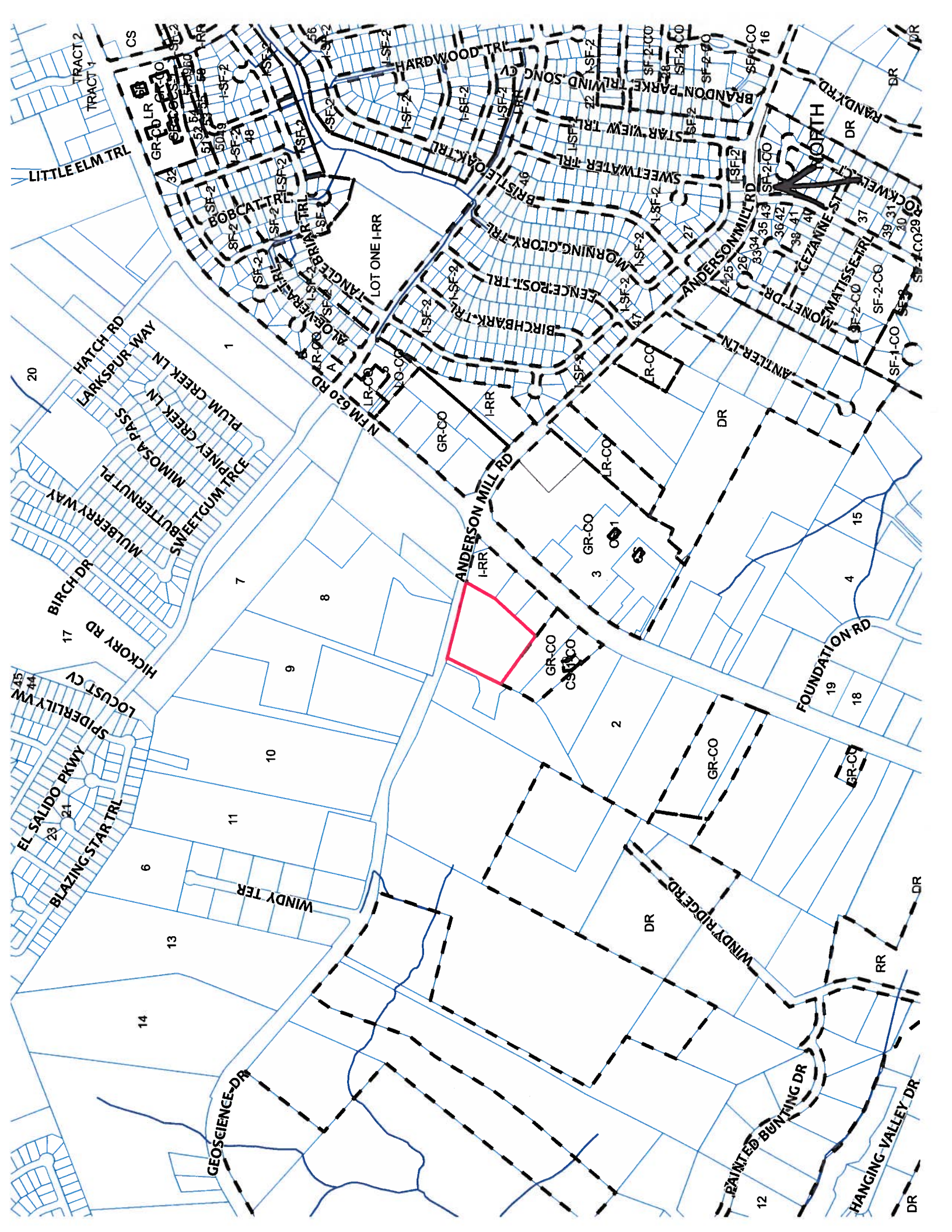
1" = 300'

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.

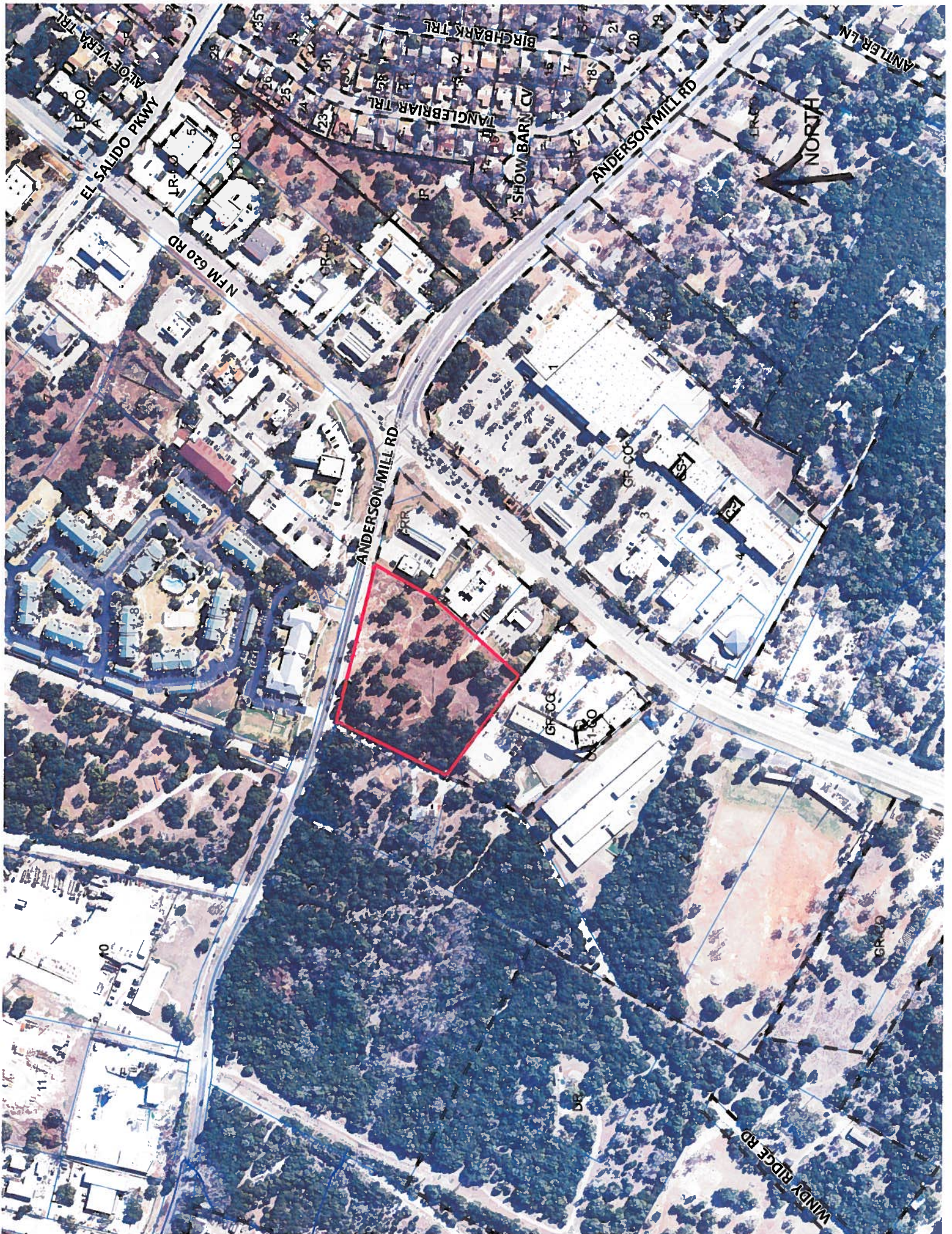
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.













## **STAFF RECOMMENDATION**

The staff recommends GR-CO, Community Commercial-Conditional Overlay Combining District, zoning for Tract 1 and CS-1-CO Commercial-Liquor Sales-Conditional Overlay Combining District, zoning for Tract 2. The conditional overlay will limit development on the site to less than 2,000 vehicle trips per day.

## **BASIS FOR RECOMMENDATION**

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

Tract 1:

Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

Tract 2:

The CS-1 zoning district is intended for the development of a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments. Liquor sales is one of the permitted uses in a CS-1 district.

- 2. The proposed zoning should promote consistency and orderly planning.*

The proposed GR-CO zoning and CS-1-CO zoning districts would be compatible and consistent with the adjacent uses because there is GR-CO zoning with a CS-1 zoning footprint located to the south and to the east, across FM 620 Road. The property in question is also surrounded by commercial uses as there are office/financial services/ restaurant uses to the north, convenience store/food sales/restaurant/service station uses to the east, and commercial retail uses to the south.

- 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 is a large tract of land that is located near the southwest intersection of two arterial roadways, North FM 620 Road and Anderson Mill Road.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The property in question is currently an undeveloped tract of land that fronts onto Anderson Mill Road. The property has is moderately vegetated (please see aerial map).

### **Comprehensive Planning**

I-RR to GR and CS-1

This zoning case is located on the south side of Anderson Mill Road, approximately 425 feet west of FM 620 Road. The subject property is undeveloped, approximately 5.04 acres in size, and is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes an



office building and a multi-family apartment complex to the north, commercial uses to the east and south, and vacant land to the west. The proposed use is a business park.

### **Imagine Austin**

The site is located over the Edwards Aquifer Recharge Zone. An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and “contribute” water to the aquifer.

### **Conclusion**

The comparative scale of the site relative to similar commercial and office uses in the area, which are located along Anderson Mill Road and nearby FM 620, falls below the scope of Imagine Austin, and consequently the plan is neutral on the proposed rezoning. However, due to the site’s location in an environmentally sensitive area, there will be at the site planning stage an environmental review to determine if any critical environmental features are located on the site. If any are located, mitigation and setbacks necessitated by the land development code will be required.

### **Environmental**

The site is located over the Edwards Aquifer Recharge Zone. The site is in the Lake Travis Watershed of the Colorado River Basin, which is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

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.

Numerous 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 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.

### **Impervious Cover**

The maximum impervious cover allowed by the GR zoning district would be 90% and the CS-1 zoning district would be 95%. However, because the Watershed impervious cover is more restrictive than the zoning district’s allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Under the 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>% NSA with Transfers</i>	<i>Allowable Density</i>
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

Note: The most restrictive impervious cover limit applies.

### **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.

The site is located within 1,000 feet of RM 620 and within a Hill Country Roadway Corridor. The site is located within the high intensity zone of FM 620. The site may be developed with the following maximum floor-to-area ratio (FAR):

<u>Slope</u>	<u>Maximum FAR</u>
0-15%	0.30
15-25%	0.12
25-35%	0.06

Except for clearing necessary to provide utilities or site access, a 100 foot vegetative buffer will be required along 620.

At least 40% of the site (excluding dedicated right-of-way) must be left in a natural state.

The allowable height is as follows: Within 200 feet of 620 the maximum height is 28 feet, and beyond 200 feet the maximum height is 53feet.

Prior to the issuance of a building permit for the proposed use, a site plan must be approved by the Planning Commission

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.



## **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]

Anderson Mill Road is classified in the Bicycle Plan as Bike Route No. 454.

Capital Metro bus service is not available along Anderson Mill Road.

There are existing sidewalks along the north side of Anderson Mill Road.

Eric Dusza in the Neighborhood Connectivity Division may provide additional comments regarding mobility enhancement and bicycle/pedestrian facilities.

Existing Street Characteristics:

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>ADT</b>
Anderson Mill Road	Varies	MAD-4	Arterial	13,100

## **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 the Austin Water Utility for compliance with City criteria. 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.



McLEAN & HOWARD, L.L.P.

Barton Oaks Plaza, Building II  
901 South MoPac Expressway  
Suite 225  
Austin, TX 78746  
phone 512.328.2008  
fax 512.328.2409  
[www.mcleanhowardlaw.com](http://www.mcleanhowardlaw.com)

January 15, 2014

Sherri Sirwaitis  
City of Austin  
Planning & Development Review Department  
505 Barton Springs Road  
Austin, Texas 78704

*via email to [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)*

RE: Request for Postponement from January 23, 2014 to January 30, 2014 for Case No. C14-2013-0146

Dear Sherri:

I am writing on behalf of Johnson Four Corners, Ltd. ("Applicant"), to request a postponement of consideration of the rezoning Case No. C14-2013-0146 from City Council's January 23, 2014 meeting to its January 30, 2014 meeting. The Applicant's 1704 determination is being reconsidered by City of Austin staff, and we would like to obtain a final determination before presentation of the rezoning case before City Council.

Please let me know if you have any questions, and confirm the postponement when it becomes effective.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Katie Van Dyk', with a stylized flourish at the end.

Katie Van Dyk