

**ZONING CHANGE REVIEW SHEET****CASES:** C14-2018-0040 – 3400 Comsouth**P.C. DATE:** May 22, 2018**ADDRESS:** 3400 Comsouth Drive**DISTRICT AREA:** 2**OWNER/APPLICANT:** CV 3400 Comsouth LLC**AGENT:** Metcalfe, Wolff,  
Stuart & Williams, LLP  
(Michele Rogerson Lynch)**ZONING FROM:** CS-NP; LI-NP**TO:** LI-CO-NP**AREA:** 3.603 acres**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant limited industrial services – conditional overlay – neighborhood plan (LI-CO-NP) combining district zoning. The Conditional Overlay prohibits the following uses: basic industry, resource extraction and recycling center.

**PLANNING COMMISSION RECOMMENDATION:**

May 22, 2018:

**ISSUES:**

None at this time.

**DEPARTMENT COMMENTS:**

The subject platted lot is undeveloped and situated at the southwest corner of the East Ben White Boulevard frontage road and Comsouth Drive. The majority of the lot is zoned general commercial services – neighborhood plan (CS-NP) district and it is surrounded by limited industrial services – neighborhood plan (LI-NP) zoning on the west and south of the property. The existing zonings were established in the 1980s. The –NP combining district was added when Council approved the Southeast Combined Neighborhood Plan rezonings in October 2002. The existing uses and zoning surrounding the property are primarily commercial and industrial in nature, with some undeveloped land as well.

The Applicant is requesting rezoning the entire lot to the LI-CO-NP district so that the property is able to be developed with a facility that houses a series of commercial kitchens, which is considered a food preparation use. The food preparation use is first allowed in the GR zoning district as a conditional use and limited to 5,000 square feet of gross floor area. A food preparation use that exceeds 5,000 square feet is considered to be a light manufacturing use. The Applicant proposes a Conditional Overlay to prohibit the basic industry, resource extraction and recycling center uses.

Staff supports the Applicant's request for LI-CO-NP zoning based on its frontage on a major arterial roadway, compatibility with the surrounding commercial and industrial zoning and uses, and because it will provide uniformity in site development regulations for the lot.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-NP; LI-NP	Undeveloped
<i>North</i>	N / A	East Ben White Boulevard service road and main lanes
<i>South</i>	LI-NP	Light manufacturing
<i>East</i>	CS-NP; LI-NP	Pharmacy and offices; Detention / water quality pond
<i>West</i>	LI-NP	Undeveloped; Automotive sales

**NEIGHBORHOOD PLAN AREA:** Southeast Combined  
(McKinney)

**TIA:** Is not required

**WATERSHED:** Carson Creek

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** Yes

**NEIGHBORHOOD ORGANIZATIONS:**

96 – Southeast Corner Alliance of Neighborhoods (SCAN)  
 189 – Southeast Austin Neighborhood Alliance  
 299 – The Crossing Gardenhome Owners Assn.      481 – Sunridge Homeowners Assn.  
 511 – Austin Neighborhoods Council      627 – Onion Creek Homeowners Association  
 774 – Del Valle Independent School District  
 1228 – Sierra Club, Austin Regional Group      1255 – Pleasant Valley  
 1258 – Del Valle Community Coalition  
 1316 – Southeast Combined Neighborhood Plan Contact Team  
 1363 – SEL Texas      1408 – Go! Austin/Vamos! Austin - Dove Springs  
 1424 – Preservation Austin      1438 – Dove Springs Neighborhood Association  
 1441 – Dove Springs Proud      1528 – Bike Austin  
 1530 – Friends of Austin Neighborhoods      1550 – Homeless Neighborhood Association  
 1578 – South Park Neighbors      1605 – Tejana Bilingual Community  
 1607 – Austin Inncity Alliance      1616 – Neighborhood Empowerment Foundation

**SCHOOLS:**

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

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-86-323 – Ben White JV – 5600 - 6200 Blk of E Ben White Blvd at Alvin Devane Blvd (currently Comsouth Dr)	SF-2 to LI	To Grant RR for floodplain & LI for balance, subject to conds	Apvd CS and LI w/a public Restrictive Covenant that establishes development and use restrictions, architectural controls, terms and enforcement (11-17-1988)
C14-86-324 – Ben White JV – 5600 - 6200 Blk of E Ben White Blvd at Alvin Devane Blvd (currently Comsouth Dr)	SF-2 to LI	To Grant RR and CS, w/conds	Apvd LI, SF-2 & CS w/a public Restrictive Covenant that establishes development and use restrictions, architectural controls, terms and enforcement (11-17-1988).

**RELATED CASES:**

The property is platted as Lot 1, Block B, Commerce Center South Section Two, a subdivision recorded on October 8, 1999 (C8-95-0214.2A).

The subject property is within the boundaries of the Southeast Combined (McKinney) Neighborhood Planning Area and is designated as Industry on the adopted Future Land Use Map (NP-02-0014). The –NP combining district was appended to the existing base districts (C14-02-0128 – Ordinance No. 021010-12b).

**EXISTING STREET CHARACTERISTICS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
E. Ben White Blvd	350 feet	315 feet (w/medians)	Major Arterial (MAD 6)	Yes	Shared lane	No
Comsouth Drive	90 feet	58 feet	Industrial Collector	Yes, East side only	No	No

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a wide curb is recommended for E. Ben White Blvd.

**CITY COUNCIL DATE:** June 14, 2018

**ACTION:**

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

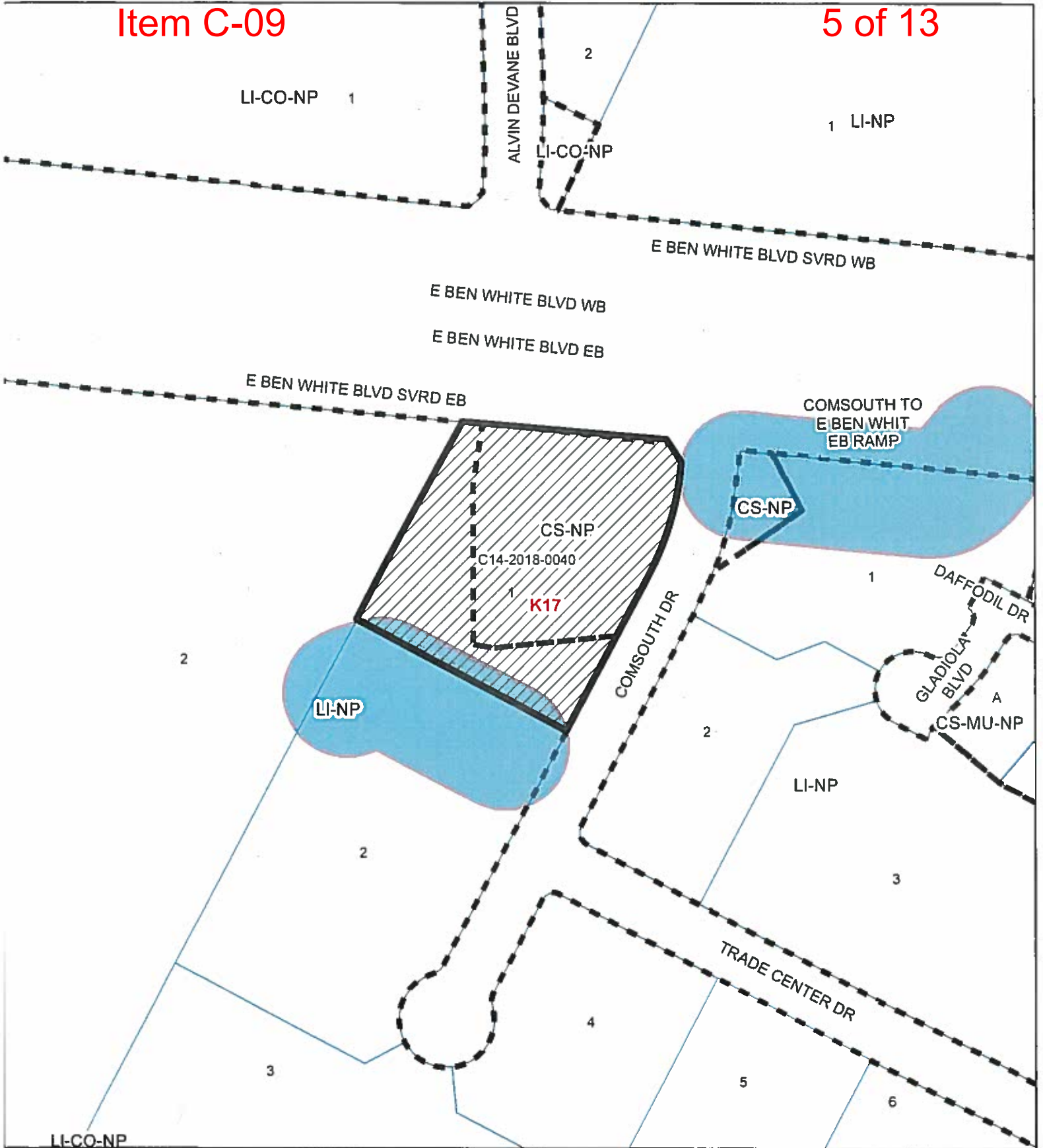
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)

**PHONE:** 512-974-7719







**3400 COMSOUTH**

ZONING CASE#: C14-2018-0040  
 LOCATION: 3400 COMSOUTH DR  
 SUBJECT AREA: 3.60 ACRES  
 GRID: K17  
 MANAGER: WENDY RHOADES

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1" = 200'

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





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**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant limited industrial services – conditional overlay – neighborhood plan (LI-CO-NP) combining district zoning. The Conditional Overlay prohibits the following uses: basic industry, resource extraction and recycling center.

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

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

The LI district designation is for a commercial service use or limited manufacturing use generally located on a moderately sized site.

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

Staff supports the Applicant's request for LI-CO-NP zoning based on its frontage on a major arterial roadway, compatibility with the surrounding commercial and industrial zoning and uses, and because it will provide uniformity in site development regulations for the lot.

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

The subject property is undeveloped and contains groupings of trees along the East Ben White Boulevard and Comsouth Drive frontages.

**Impervious Cover**

The maximum impervious cover allowed by LI zoning district would be 80%, which is based on the more restrictive watershed regulations described below.

**Comprehensive Planning**

This rezoning case is located on the southwest corner of Comsouth Drive and E. Ben White Blvd., on an undeveloped parcel that is approximately 3.60 acres in size. The subject property is located within the boundaries of the Southeast Combined Neighborhood Planning Area and more specifically within the McKinney NP. Surrounding land uses includes SH-71/E. Ben White Blvd. to the north; undeveloped land and a large laboratory/office facility to the south; undeveloped land and a drugstore to the east; and undeveloped land and a car dealership to the west. The proposed use is large scaled commercial kitchen facility that would contain 35 to 45 separate commercial kitchens, and would be leased by people who own catering or food truck businesses.



**Connectivity:** The property does have a partial public sidewalk system along E. Ben White and Comsouth Drive. There are no public transit stops located within walking distance to the site. The Walkscore for this area is 33/100, **Car-Dependent**, meaning most errands require a car. There is no installed urban trail within a ½ mile from this site.

#### **Southeast Combined Neighborhood Plan (SECNP)**

The SECNP Future Land Use Map (FLUM) classifies this portion of the planning area as **‘Industrial’** which is reserved for manufacturing and related uses that provide employment to the area but is generally not compatible with other areas with a lower intensity use. Industry includes general warehousing, manufacturing, research and development, and storage of hazardous materials. LI zoning is permitted under the Industrial FLUM category. The following design guidelines, text and policies are taken from the SECNP and are applicable to this case:

#### **SECNP Voluntary Design Guidelines for Industrial Districts (p 32)**

**OBJECTIVE 1:** Minimize the visual impact of industrial properties from other districts and public spaces in the neighborhood planning area.

**Guideline 1.1:** Industrial properties are encouraged to set back from street frontages as much as possible. Berms and landscaped buffers should be used to screen unattractive activities from the street and adjacent non-industrial districts.

**Guideline 1.2:** Landscaped buffers along street frontages should include shaded sidewalks or trails.

**Guideline 1.3:** Where inhabited portions of buildings exist (such as office and lunch rooms) they are encouraged to face the street, and have windows and doors directly accessible to the street.

**Guideline 1.4:** Parking and shipping/receiving areas should be treated to the same standard as commercial districts.

#### **SECNP Policies and Text:**

The Southeast Planning Area is primarily industrial yet has pockets of residential areas throughout and some commercial nodes along the major corridors. A great majority of the land in this area is undeveloped, but currently zoned industrial. Due to the airport overlay zone and the proximity of the entire area to the airport, the future land use scenario makes no accommodation for residential uses except for the addition of some commercial/mixed - use. A significant amount of future land uses are slated for industrial development with corresponding increases in the amount of land suited for commercial and warehouse/limited office type development. (p 46)

#### **Industrial Zones (p. 55)**

A distinctive element of the existing land use landscape within the Planning Areas is that there are defined districts with large amounts of existing industrial development, and numerous undeveloped proper ties with industrial zoning. The fact that this part of southeast Austin is surrounded by major Southeast Combined Neighborhood Plan transportation corridors, has a large amount of undeveloped land, and is in close proximity to the airport makes it a very attractive location for industrial development. The McKinney and Southeast NPAs host the majority of this type of construction, much of this in the form of large

industrial office parks. Instead of rejecting industrial-type development around their homes, residents in the Franklin Park and McKinney NPAs have been successful at communicating and cooperating with nearby industrial property owners. Area residents have traditionally been amenable to those types of industrial uses that don't interfere with neighborhood activities or infringe upon their quality of life.

#### **IH-35 and Ben White Corridors (p. 55)**

**Goal 3:** Encourage employment centers, commercial activities, and other non-residential development to locate along major thoroughfares.

**Objective 3.1:** Maintain prevailing land use pattern of commercial, office and industrial development to ensure compatibility of existing and future land uses. (Implementer: NPZD)

**Action Item 8:** Upzone DR & SF-zoned property along IH-35 and Ben White Boulevard to a zoning category that would allow for commercial and industrial uses

**Goal 4:** Ensure that existing residential and industrial zoned properties co-exist in a compatible manner. (p. 56)

**Objective 4.1:** Provide appropriate buffer zones between residential and industrial zoned properties

**Goal 5 -** Create land use and zoning recommendations that reflect the existing industrial nature of parts of the planning area. (p 56)

The proposed light industrial project appears to support the text and policies of the SECNP. The SECNP Voluntary Design Guidelines also recommends that any development that is located in industrial areas provide appropriate landscaping, shaded sidewalk, and push the building back from the road and providing windows in the office areas.

#### **Imagine Austin**

The Imagine Austin Growth Concept Map identifies this property as being located within a "Job Center."

Page 107 of the IACP states, "*Job centers accommodate those businesses not well-suited for residential or environmentally sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International Airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the Growth Concept Map offers transportation choices such as light rail and bus rapid transit to increase commuter options.*" The following IACP policy also supports business parks: **LUT P20.** Locate industry, warehousing, logistics, manufacturing, and other freight-intensive uses in proximity to adequate transportation and utility infrastructure.

The following IACP policies are also applicable to this case:

**LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.

**LUT P4.** Protect neighborhood character by directing growth to areas of change that include designated redevelopment areas, corridors and infill sites. Recognize that different

neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

Based on the property: (1) being located in a designated industrial area on the SECNP FLUM and within an Imagine Austin 'Job Center', which supports industrial uses; and (2) the Imagine Austin Plan policies referenced above, which supports locating office/warehouses and other light industrial uses in Job Centers, this project appears to support the Plan. Staff encourages the developer to review the SECNP design guidelines to incorporate architectural features into this proposed office/warehouse building and also provide a public sidewalk along with landscaping along Comsouth Road.

### **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 Carson 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.

According to GIS maps there is a Critical Water Quality Zone 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.

Few 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 512-974-1876.

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.

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

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 design regulations will be enforced at the time a site plan is submitted.

FYI: This case is located within a Scenic Roadways Overlay and may be subject to further compatibility standards in the site plan phase.

#### **Transportation**

The Texas Department of Transportation may provide additional comments and requirements for right-of-way dedication and bicycle facility construction in accordance with LDC 25-6-55 and LDC 25-6-101. Please review the Bicycle Master Plan for more information.

FYI: The Austin Metropolitan Area Transportation Plan calls for 400 feet of right-of-way for E Ben White Blvd. ROW dedication, 200 ft from the existing centerline, may be required at time of any resubdivision or site plan [LDC 25-6-51 and 25-6-55].

A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

#### **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.