

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2019-0131 (Covert Ford)

**Z.A.P. DATE:** November 5, 2019

**ADDRESS:** 11514 Research Boulevard South Bound Service Road

**DISTRICT AREA:** 10

**OWNER/APPLICANT:** D.R. Brothers Management, LLC (Rox B. Covert, Duke M. Covert, and Danay C. Covert)

**AGENT:** Alice Glasco Consulting (Alice Glasco)

**ZONING FROM:** LO

**TO:** GR-CO\*

**AREA:** 1.974 acres

\*On October 28, 2019, the staff received an updated application request letter from the agent stating that the applicant is modifying their request to add a conditional overlay to limit uses on the site to Automotive Sales, Automotive Repair Services, Automotive Washing (of any type) and all permitted LO district uses (Please see Attachment A).

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to **deny** the request for GR-CO, Community Commercial-Conditional Overlay Combining District, zoning.

If the Zoning and Platting Commission and City Council recommend/approve the requested rezoning request, then the staff recommends that right-of-way from the existing centerline be dedicated and/or reserved for Jollyville Rd. according to the Transportation Plan prior to 3<sup>rd</sup> reading of City Council.\*

\*At the Zoning and Platting Commission meeting, the ATD Transportation review staff stated that the ROW dedication determination would be deferred to the time of site plan review. Therefore, this condition is no longer part of the staff's recommendation for the rezoning request.

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

**11/05/19: Motion to approve the applicant's request for GR-CO zoning, with a conditional overlay to limit uses on the site to Automotive Sales, Automotive Repair Services, Automotive Washing (of any type) and all permitted LO district uses (8-1, D. King-No); B. Evans-1<sup>st</sup>, H. Smith-2<sup>nd</sup>.**

### **DEPARTMENT COMMENTS:**

The property in question is currently developed with a detention pond, driveway and parking area. This tract of land is located along Jollyville Road and is part of an automotive sales use (Covert Ford). There is a restaurant use to the north (Rudy's Bar-B-Q) and a multifamily residential use to the south (Oakwoods Condominiums). Across Jollyville Road to the west, there are multifamily residential and office uses. The applicant is requesting a rezoning because would like to build a new parking garage, service area for the existing automotive dealership.

The staff's recommendation is to deny GR district zoning at this location. This recommendation is consistent with the staff's policy of upholding the 120-foot office zoning along the eastern portion of Jollyville Road that came out of the recommendations in the U.S. 183/Jollyville Road Area Study. The U.S. 183 Study was approved by the City Council in November of 1978. The Area Study recommended that a 120-foot deep strip of land along Jollyville Road be zoned "O" Office zoning (which was converted to LO, Limited Office, in 1985) and that a 200 foot strip of land along the west side of Jollyville Road be zoned "A" Residence (which was converted to SF-3, Family Residence, in 1985). The policy of a 120-foot strip buffer of LO zoning along the east side of Jollyville Road has been consistently applied to date. The policy of SF-3 on the west side of Jollyville Road was never approved or implemented, and today the west side of Jollyville Road is primarily zoned office and multi-family, with the majority of office zoning being LO zoning. The recommendation for a 120-foot strip of LO zoning along the eastern portion of Jollyville Road was incorporated into the Jollyville Road Study, which was adopted in 1984.

\*The staff has reviewed the applicant's request to revise their case to include a conditional overlay in deference to the office buffer recommended by the U.S. 183/Jollyville Road Area Study. The staff is not opposed to the conditional overlay and recognizes the applicant's intent to maintain a stepdown in intensity of zoning from U.S. Highway 183 to Jollyville Road while redeveloping the automotive sales dealership on this property through SP-2019-0043C. However, the staff maintains our recommendation to deny the GO-CO rezoning request and to be consistent with the conditions of the U.S. 183/Jollyville Road Area Study

The applicant does not agree with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LO	Undeveloped, Detention Pond, Driveway, Parking
<i>North</i>	LO, GR	Restaurant (Rudy's Bar-B-Q)
<i>South</i>	LO	Multifamily (Oakwoods Condominiums)
<i>East</i>	GR, CS	Automotive Sales (Covert Ford/ Lincoln)
<i>West</i>	MF-2-CO, LO-CO	Multifamily (Northland Apartments), Office

**AREA STUDY:** U.S. 183/Jollyville Road Area Study

**TIA:** Not required

**WATERSHED:** Bull Creek

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**REGISTERED NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Bike Austin  
 Bull Creek Foundation  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association

Long Canyon Homeowners Association  
Mountain Neighborhood Association  
Neighborhood Empowerment Foundation  
North Oaks Neighborhood Association  
SELTEXAS  
Sierra Club, Austin Regional Group  
TNR BCP-Travis County Natural Resources

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2012-0013 (11602 Jollyville Road)	LO to LR	3/20/12: Approved LR zoning by consent (7-0); P. Seeger-1 <sup>st</sup> , C. Banks-2 <sup>nd</sup> .	4/26/12: Approved LR district zoning on consent on all 3 readings (7-0); B. Spelman-1 <sup>st</sup> , C. Riley-2 <sup>nd</sup> .
C14-2007-0148 (Beaver Brook Children Center: 11726 Jollyville Road)	SF-2, LO to LO	10/02/07: Approved staff's recommendation for LO-CO zoning, with a 2,000 vtpdl, adding a 35' height limit (6-0, C. Hammond, B. Baker-absent); J. Shieh-1 <sup>st</sup> , K. Jackson-2 <sup>nd</sup> .	11/08/07: Approved LO-CO zoning (7-0); all 3 readings
C14-2007-0123 (11701 Jollyville Road)	SF-2 to GR-MU * The applicant amended their rezoning request to LR-MU-CO. The applicant offered a conditional overlay to prohibit Food Sales, Off-Site Accessory Parking, Restaurant (Limited), Restaurant (General), and Service Station uses on the site.	10/02/07: Approved staff's recommendation for LO-MU-CO zoning, , with a 2,000 vtpdl (6-0, B. Baker, C. Hammond-absent); K. Jackson-1 <sup>st</sup> , T. Rabago-2 <sup>nd</sup> .	11/08/07: Approved ZAP recommendation of LO-MU-CO zoning (6-1, J. Kim-No); 1 <sup>st</sup> reading  11/29/07: Approved LO-MU-CO zoning by consent (5-0, J. Kim, M. Martinez-off dais); 2 <sup>nd</sup> /3 <sup>rd</sup> readings.
C14-2007-0082 (11603 Jollyville Road)	LO, LR to GR-MU	7/17/07: Approved staff's recommendation of GR-MU-CO zoning, with a 2,000 vtpdl, adding prohibition of Automotive Sales, Automotive Rentals, Automotive Repair, Automotive Washing (of any type) and Pawn Shops uses (8-0), J. Martinez-1 <sup>st</sup> , S. Hale-2 <sup>nd</sup> .	8/23/07: Approved GR-MU-CO zoning on all 3 readings (7-0); L. Leffingwell-1 <sup>st</sup> , M. Martinez-2 <sup>nd</sup> .
C14-2007-0081 (11625 Jollyville Road)	LR-CO to Tract 1: LO, Tract 2: GR-MU	7/17/07: Approved staff's recommendation of LO-CO zoning for Tract 1 and GR-MU-CO zoning	8/23/07: Approved LO-CO for Tract 1 and GR-MU-CO for Tract 2 (7-0); all 3 readings

		for Tract 2, with a 2,000 vtpdl, adding prohibition of Automotive Sales, Automotive Rentals, Automotive Repair, Automotive Washing (of any type) and Pawn Shops uses (8-0), J. Martinez-1 <sup>st</sup> , S. Hale-2 <sup>nd</sup> .	
C14-06-0172 (Arboretum Retirement Community: 11601 Jollyville Road)	LO to Tract 1(1.570 acres): GR-MU (for 866 to 896 ft above sea level) and MF-6 (for 896 to 986 ft above sea level) Tract 2 (0.424 acres): LO-MU (an area 120 ft in depth on the site from the property line along Jollyville Road)	10/17/06: Approved GR-MU-CO zoning on Tract 1 for an area 866 to 896 ft above sea level and MF-6-CO zoning for an area 896 to 926 ft above sea level; with conditions of a 60-foot height limit and 2,000 vehicle trip limit and approved LO-MU-CO zoning on Tract 2; with conditions of 2,000 vehicle trip limit, limit site to 'LO' district uses and residential accessory uses (prohibiting dwelling units). Vote: 9-0; K. Jackson-1 <sup>st</sup> , J. Martinez-2 <sup>nd</sup> .  1/09/07: Approved staff rec. of GR-MU-CO zoning for Tract 1 and LO-CO zoning for Tract 2, with a 2,000 vehicle trip limit per tract (6-0, B. Baker, S. Hale, J. Martinez-absent); J. Pinnelli-1 <sup>st</sup> , C. Hammond-2 <sup>nd</sup> .	1/25/07: Approved GR-MU-CO for Tract 1 and LO-CO for Tract 2 (6-0); all 3 readings
C14-06-0013 (Pavilion Condominiums: 11819 Pavilion Boulevard)	GR, SF-2 to MF-6* *On 4/27/06, the agent requested to amend the case to allow for a 65 foot strip of SF-3 zoning along the southeast property line.	5/02/06: Motion to approve MF-6-CO zoning, with a 60 foot height limit, and SF-3 zoning for an area 65 feet from the southeastern property line (5-3, B. Baker, M. Hawthorne, C. Hammond-No, J. Martinez-absent); K. Jackson-1 <sup>st</sup> , B. Baker-2 <sup>nd</sup> . Motion made to rescind and reconsider previous action (8-0, J. Martinez-absent); K. Jackson-1 <sup>st</sup> , B. Baker-2 <sup>nd</sup> .  Motion to deny the applicant's request for MF-6 zoning (6-2, J. Gohil, S. Hale-No, J. Martinez-absent); K. Jackson-1 <sup>st</sup> , J. Pinnelli-2 <sup>nd</sup> .	6/22/06: Case withdrawn by applicant
C14-02-0088 (Ghodsí Tract: 11820 Jollyville Road)	LO to LR-CO	6/18/02: Approved staff's recommendation of LR-CO zoning, by consent (8-0, A. Adams-absent)	7/18/02: Approved LR-CO, prohibiting the following uses as offered by the applicant: Restaurant (Drive-in, Fast Food), Service Station, Counseling Services, Guidance Services, and Safety

			Services (7-0); all 3 readings
C14-01-0160 (11851 Jollyville Road)	LO to GO	Withdrawn by applicant on 12/14/01	N/A

**RELATED CASES:** SP-2017-0241C

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Jollyville Road	98'	59'	Major Arterial	No	Yes	Priority 2

**CITY COUNCIL DATE:** December 5, 2019

**ACTION:**

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

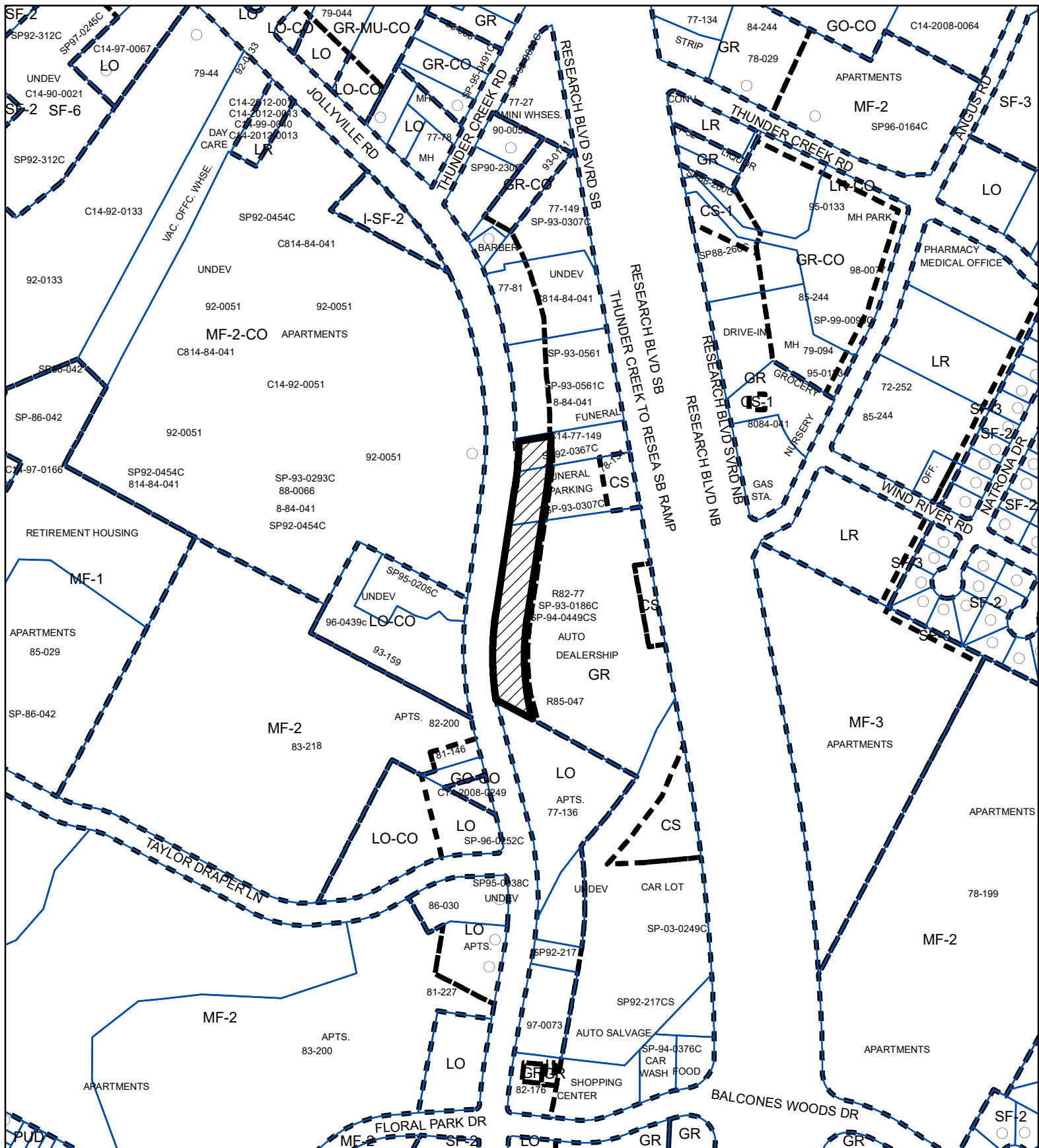
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis




**PHONE:** 512-974-3057,  
[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



## ZONING

ZONING CASE#: C14-2019-0131



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

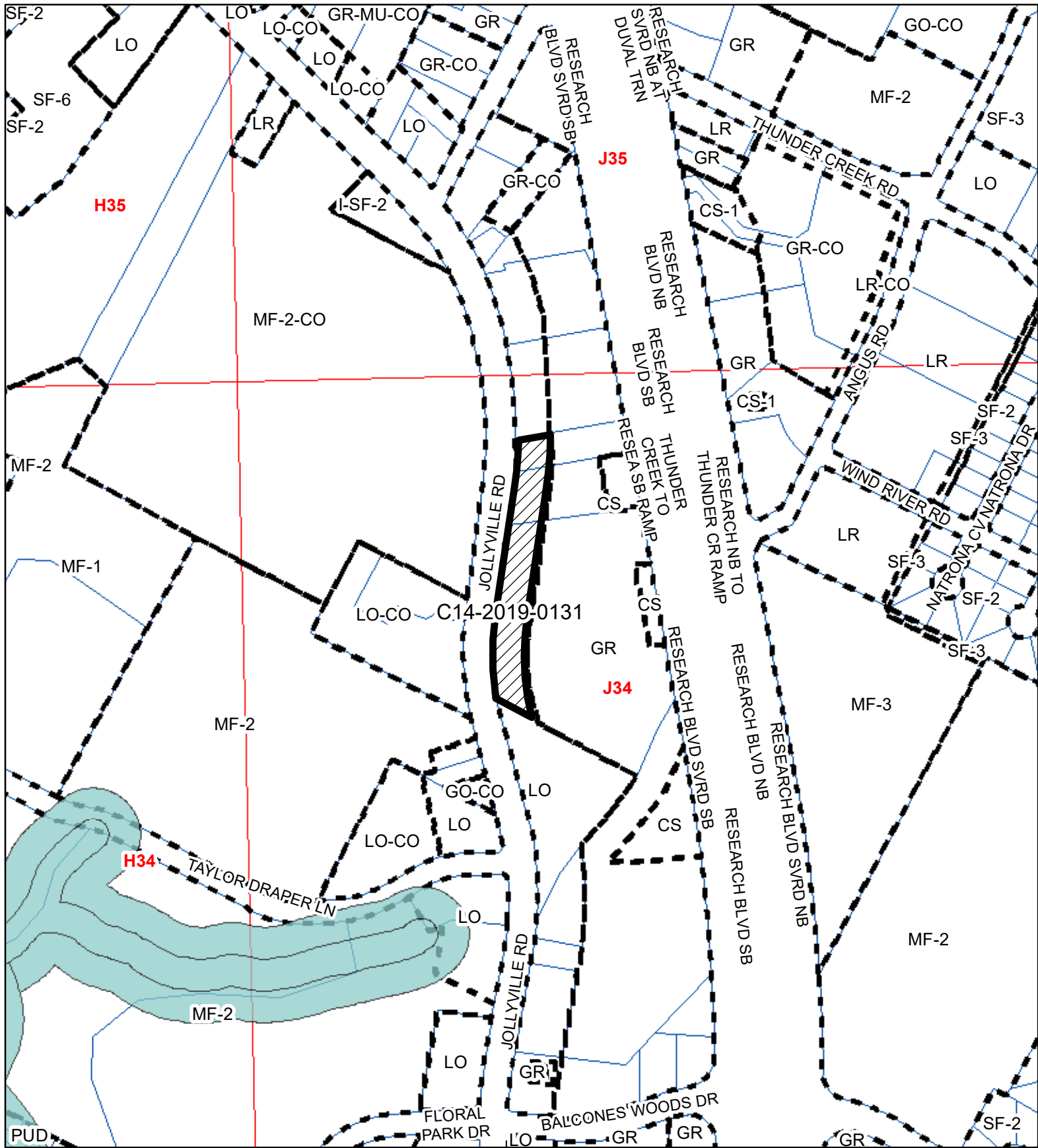
1" = 400'

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Created: 10/7/2019



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1" = 400'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

## COVERT FORD

ZONING CASE#: C14-2019-0131

LOCATION: 11514 Research Blvd Service Rd SB

SUBJECT AREA: 1.974 ACRES

GRID: J34

MANAGER: Sherri Sirwaitis



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.







## STAFF RECOMMENDATION

The staff's recommendation is to **deny** the request for GR-CO, Community Commercial-Conditional Overlay Combining District, zoning.

If the Zoning and Platting Commission and City Council recommend/approve the requested rezoning request, then the staff recommends that right-of-way from the existing centerline be dedicated and/or reserved for Jollyville Rd. according to the Transportation Plan prior to 3<sup>rd</sup> reading of City Council.

## BASIS FOR RECOMMENDATION

### *1. The proposed zoning should promote consistency and orderly planning.*

The staff's recommendation for to deny the request for GR zoning at this location is consistent with the policy to maintain a buffer along Jollyville Road of office zoning. The existing LO zoning permits the applicant to utilize this area for accessory on-site parking while upholding the intent of the Jollyville Area Study.

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

The applicant's proposal GR zoning for the entire site does not promote consistent and orderly planning because it is not in accordance with the Jollyville Area Road Study. This study recommends that a 120-foot strip buffer of office zoning be maintained along the east side of Jollyville Road to provide a transition from the commercial zoning/uses along U.S. Highway 183 to the office and residential uses along Jollyville Road.

There is currently multifamily use/MF-2 and office use/LO zoning across Jollyville Road to the west and a 120-foot strip of LO zoning along Jollyville Road to the north and south of this site.

## EXISTING CONDITIONS

### Site Characteristics

The property in question is currently developed with a detention pond, driveway and parking area.

### Comprehensive Planning

This subject property of this rezoning case is located along the east side of Jollyville Road (an **Activity Corridor**) and west side of Research Boulevard. This focus of this case is 1.974 acres, which is part of a larger property (10.563 acres), which is the home of Covert Ford, an auto dealership. The property is not located within a neighborhood planning area. Surrounding land uses includes commercial uses to the north and south; offices, apartments and single family housing to the west; and SH 183 to the east. The majority of the site is zoned GR and CS, which allows auto sales, while a small portion of the site, located along Jollyville Road (and the subject of this rezoning) is zoned LO, which does not permit auto sales. The property owners want to build a new parking garage, service area and showroom along Jollyville Road, and to do accomplish this, they want their property rezoned from LO to GR to accommodate this new use.

### **Connectivity**

There are bike lanes located on both sides of Jollyville Road and public sidewalks on the west side of this street. There are no public sidewalks located along the street frontage of the subject property,

along Research Boulevard frontage road. There is a CapMetro transit stop located 500 feet north of the subject property, along Research Boulevard. The mobility options in the area are fair.

### **Imagine Austin**

The property is located along an ‘**Activity Corridor**’, (Jollyville Road) as identified on the Imagine Austin’s Growth Concept Map. Activity Corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices.

The following policy is applicable to this request:

□ **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.

Based upon this property being located along an Activity Corridor and the policies above that supports a mixture of uses, including commercial, the proposed project appears to partially support the policies the Imagine Austin Comprehensive Plan.

### **Environmental**

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

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>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Development within a Water Quality Transition Zone is limited to 18%.

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.

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.

### **Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.

### **Site Plan**

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

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

FYI: The subject property is included in an active site plan SP-2019-0043C. If the intention of rezoning is to submit a subsequent site plan, the overlapping boundaries would have the effect of voiding the current site plan case.

### **DEMOLITION AND HISTORIC RESOURCES**

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.

### **Transportation**

The ASMP calls for 104 feet of right-of-way for Jollyville Rd. It is recommended that 52 feet of right-of-way from the existing centerline should be dedicated and/or reserved for Jollyville Rd. according to the Transportation Plan prior to 3<sup>rd</sup> reading of City Council. [LDC 25-6-51 and 25-6-55].

A traffic impact analysis was waived for this case, a TIA will be determined at the time of site plan review.

Existing Street Characteristics:

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bicycle Route</b>	<b>Capital Metro (within ¼ mile)</b>
Jollyville Rd.	98'	59'	ASMP level 3	West side only	yes	yes
US HWY 183	331'	239'	TxDOT roadway ASMP level 4	no	no	yes

### **Water and Wastewater**

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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. 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 fees once the landowner makes an application for Austin Water utility tap permits.



**ALICE GLASCO CONSULTING**

[alice@agconsultingcompany.com](mailto:alice@agconsultingcompany.com)\* Tel. 512-231-8110

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September 25, 2019

Mr. Jerry Rusthoven, Assistant Director  
Planning and Zoning Department  
505 Barton Spring Road, Suite 500  
Austin, Texas 78704

RE: 11514 Research Blvd. SVRD SB Rezoning

Dear Jerry:

I represent Matthews-Barnes Brothers Investments, LP, the owner of 11514 Research Blvd. SVRD SB (Covert Ford, Inc.) in a request to re-zone a 1.974 - acre tract from LO, Limited Office District, to GR, Community Commercial District.

The subject tract is part of a larger site (comprising 10.563 acres) – zoned GR and CS - with a site plan currently under review (SP-2019-0043C). The site is currently used for automotive sales (Covert Ford). The owners of the property want to build a new parking garage and service area and new, freestanding showroom/offices, which will replace the current one.

As shown on the attached site plan, a portion of the proposed garage and service area (approximately 7,682 square feet) encroaches in to the area that is zoned LO. So, one of the site plan case manager's comments is that the area currently zoned LO needs to be rezoned to GR to allow the encroachment of the parking garage and service area since LO zoning does not allow automotive sales.

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

Sincerely,



Alice Glasco, President  
Alice Glasco Consulting

Cc: Sherri Sirwaitis, Zoning Planner

**ALICE GLASCO CONSULTING**

September 25, 2019

Updated on October 27, 2019

Mr. Jerry Rusthoven, Assistant Director  
Planning and Zoning Department  
505 Barton Springs Road, Suite 500  
Austin, Texas 78704

RE: 11514 Research Blvd. SVRD SB Rezoning

Dear Jerry:

As discussed at our meeting of October 25<sup>th</sup>, in order to minimize concerns about rezoning the LO strip along Jollyville Road, on behalf of my client, I would like to offer limiting GR uses to automotive sales, automotive repair services and automotive washing, in addition to all uses allowed under LO zoning.

I represent Matthews-Barnes Brothers Investments, LP, the owners of 11514 Research Blvd. SVRD SB (Covert Ford, Inc. and Lincoln) in a request to rezone a 1.974 - acre tract from LO, Limited Office District, to GR, Community Commercial District.

The subject tract is part of a larger site (comprising 10.563 acres) – zoned GR and CS - with a site plan currently under review (**SP-2019-0043C**). The site is currently used for automotive sales (Covert Ford and Lincoln). The owners of the property want to build a new parking garage and service area and, new, freestanding showrooms/offices, which will replace the current buildings in order to protect vehicles from the elements.

As shown on the attached site plan, a portion of the proposed garage and service area (approximately 7,682 square feet) for Covert Ford encroaches into the area that is zoned LO. One of the site plan case manager's comments is that the area currently zoned LO needs to be rezoned to GR to allow the encroachment of the parking garage and service area since LO zoning does not allow automotive sales and related services. Additionally, GR zoning will also allow automotive sales and related accessory services for the existing Lincoln automotive sales tract.

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

Sincerely,

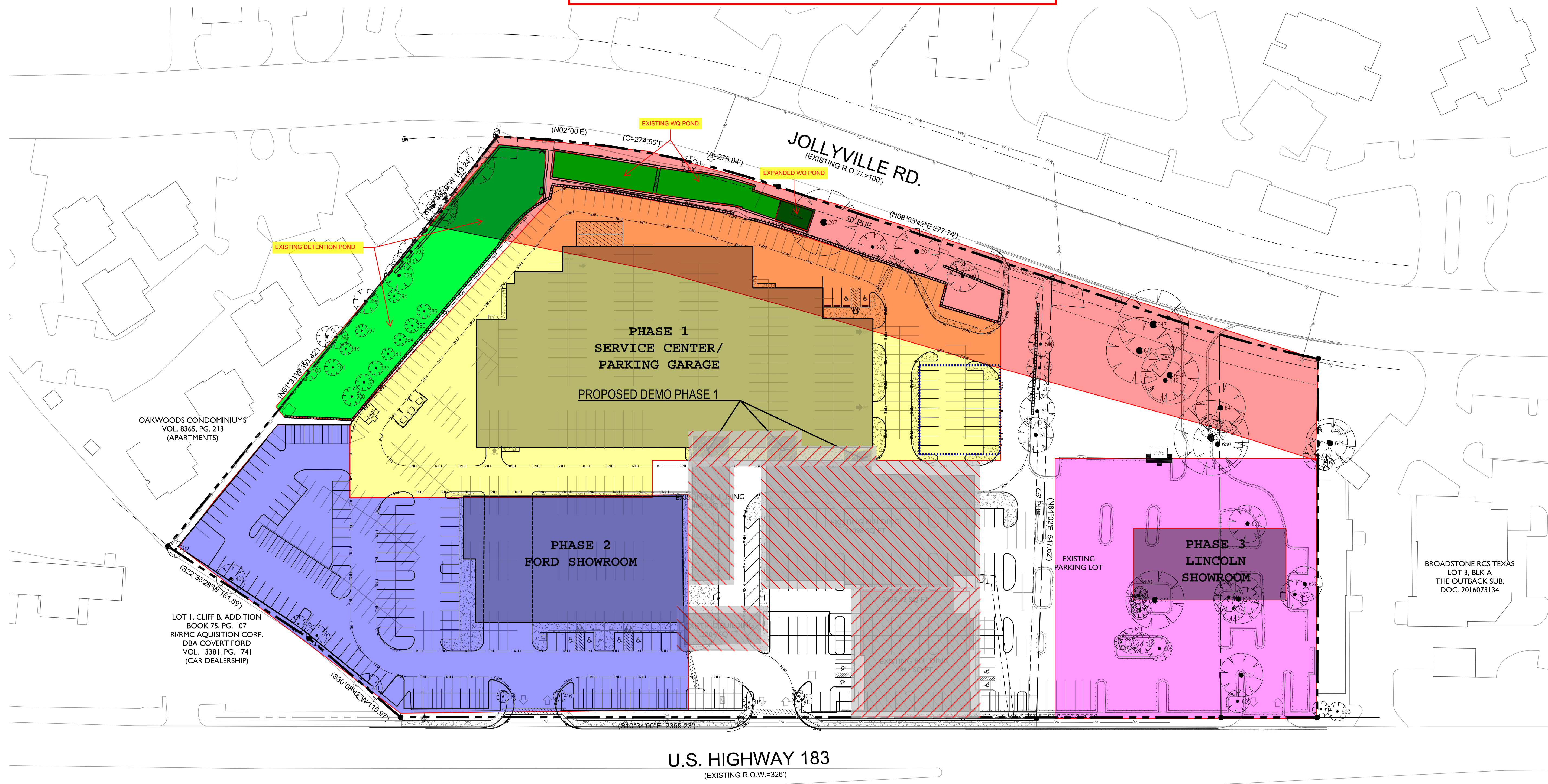


Alice Glasco, President  
Alice Glasco Consulting

Cc: Sherri Sirwaitis, Zoning Planner  
Joi Harden, Zoning Division Manager

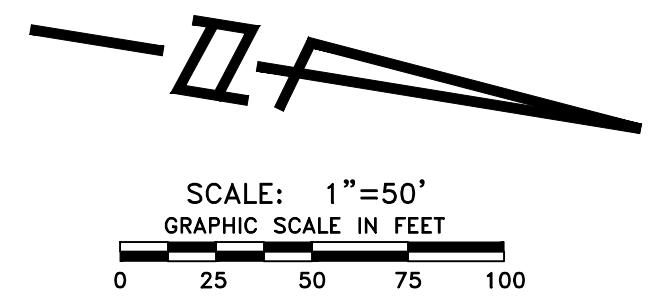


CONSTRUCTION LOGISTICS EXHIBIT  
COVERT FORD-LINCOLN



**LEGEND**

- DEMOLITION
- PHASE 1 (SERVICE/PARKING)
- PHASE 2 (FORD SHOWROOM)
- PHASE 3 (LINCOLN SHOWROOM)
- "LO" ZONED STRIP



Engineering Solutions  
TBPE FIRM No. 13987

110 Mesa Park, Suite 200  
El Paso, Texas 79912  
Office: (915) 852-9093  
Fax: (915) 629-9506

6101 W. Courtyard Dr., Bldg. 1, Ste. 100  
Austin, Texas 78730  
Office: (512) 358-4049  
Fax: (512) 366-5374



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