

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0064 (Victory Medical Micro Hospital)

DISTRICT: 5

ZONING FROM: LO-MU-CO, NO-MU-CO, LO-CO

TO: GR

ADDRESS: 4303 Victory Drive, 2109 and 2111 Fort View Road and
2106, 2108 & 2110 W. Ben White Boulevard Service Road West Bound

SITE AREA: 1.1217 acres

PROPERTY OWNER: Eveann Investments, L.P. (William G. Franklin)

AGENT: Husch Blackwell, LLP (Nikelle Meade)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends GR, Community Commercial District, zoning for the LO-CO zoned properties fronting East Ben White Boulevard (proposed Tract 1).

The staff recommends that the lots fronting Fort View Road (proposed Tract 2) shall remain zoned LO-MU-CO, Limited Office-Mixed Use-Conditional Overlay Combining District, zoning and NO-MU-CO, Neighborhood Office-Mixed Use-Conditional Overlay Combining District, zoning.*

*** Upon further consideration, the staff is revised our recommendation to LO-MU-CO, Limited Office-Mixed Use-Conditional Overlay Combining District, zoning for Tract 2 (*Please see Revised Staff Recommendation - Exhibit E*).**

PLANNING COMMISSION ACTION / RECOMMENDATION:

July 26, 2022: Approved staff's revised recommendation in Exhibit E of GR zoning for Tract 1 and LO-MU-CO zoning for Tract 2 by consent (9-0, C. Hempel, J. Mushtaler, S. Praxis and J. Shieh-absent).

CITY COUNCIL ACTION:

September 1, 2022

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question consists of six lots that have been re-subdivided and are currently developed with medical, administrative office and personal services uses located between Fort View Road and West Ben White Boulevard. Fort View Road is designated as a residential collector street that dead ends into the GR zoned tract along Victory Drive. The lots to the north, across Fort View Road, are developed with single-family residences. To the east, there are single-family residences fronting Fort View Road and an office and a personal services use fronting W. Ben White Boulevard. The property to the west is developed with a medical office (original Victory Medical Facility). The applicant is requesting GR, Community Commercial District, zoning for these lots to redevelop this property as a Hospital Services use to add four in-patient overnight beds as part of the expansion of the adjacent Victory Medical Center facility to the west (*please see the Applicant's Request Letter – Exhibit D*).

The staff is recommending GR zoning on Tract 1, the front portion of Lot 1 currently zoned LO-CO that fronts onto/accesses the frontage road for West Ben White Boulevard (*please see Staff's Proposed Tract Map - Exhibit C*). However, the staff does not support a zoning change for Tract 2, the rear two lots zoned LO-MU-CO and NO-MU-CO that front onto Fort View Road. Fort View Road is a residential collector street, near its terminus. The majority of the properties along this stretch of Fort View Road are developed with single-family residential homes. While rezoning and reuse of the remaining residences along both Manchaca Road and Ben White Boulevard characterize the transition this area is experiencing, this portion of Fort View Road remains residential. Despite existing access and connections to Ben White Boulevard and Victory Drive, the staff does not think access to residential Fort View Road, even if limited to exit-only, is justifiable.

GR zoning along Ben White Boulevard will permit the applicant to redevelop these lots with a Hospital Services use to expand the current Victory Medical campus. The property fronting onto W. Ben White Boulevard meets the intent of the Community Commercial district as it is accessible from a major traffic way and will provide services for neighborhood and community needs. GR zoning will provide a transition for more intensive commercial uses fronting a Level 4/Major Arterial Roadway to the LO-MU-CO and NO-MU-CO zoning fronting onto a residential collector street and the developed residential neighborhood to the north.

The property in question is located in the Galindo portion of the South Lamar Combined Neighborhood Planning Area. This neighborhood planning effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in determining the staff recommendation.

The Imagine Austin Growth Concept Map, in the Imagine Austin Comprehensive Plan, identifies this area as within an 'Activity Center for Redevelopment in Sensitive Environmental Areas'. In the Comprehensive Planning notes, protecting neighborhood character is also cited, along with the property's location at the end of a mostly residential street. The staff's recommendation to maintain LO-MU-CO zoning and NO-MU-CO zoning, with access prohibitions, on the rear/northern lots will provide protection of the neighborhood character on Fort View Road.

BASIS OF RECOMMENDATION:

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

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 property fronting onto W. Ben White Boulevard (Tract 1) meets the intent of the Community Commercial district as it is accessible from a major traffic way and will provide services for neighborhood and community needs.

2. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses and development intensities.*

The proposed GR zoning along Ben White Boulevard will permit the applicant to redevelop these lots with a Hospital Services use to expand the current Victory Medical campus. The GR zoning on Tract 1 will provide a transition from more intensive commercial uses fronting a Level 4/Major Arterial Roadway to Tract 2, the LO-MU-CO and NO-MU-CO zoning fronting onto a residential collector street and the developed residential neighborhood to the north.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-MU-CO, NO-MU-CO, LO-CO	Administrative Office, Medical Office, Personal Services (Victory Med Spa)
<i>North</i>	SF-3	Single-Family Residences
<i>West</i>	GR	Medical Office
<i>South</i>	ROW	Ben White Boulevard
<i>East</i>	SF-3, LR-MU	Single-Family Residence, Office, Personal Services (The Nines Men's Grooming)

NEIGHBORHOOD PLANNING AREA: South Lamar Neighborhood Planning Area, which does not have an adopted neighborhood plan.

TIA: Not Required

WATERSHED: Williamson Creek

CAPITOL VIEW CORRIDOR: N/AHILL COUNTRY ROADWAY: N/ASCHOOLS: Austin Independent School District

Joslin Elementary School
 Covington Middle School
 Crockett High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Friends of Austin Neighborhoods
 Go! Austin /Vamos! Austin (GAVA)-78745
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Oak Hill Trails Association
 Onion Creek HOA
 Perry Grid 614
 Preservation Austin
 Sierra Club, Austin Regional Group
 SELTEXAS
 South Austin Neighborhood Alliance (SANA)
 South Central Coalition
 TNR BCP – Travis County Natural Resources
 Westgate Neighborhood Plan Contact Team

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2019-0040 (Victory Medical Office: 2111 Fort View Road)	NO-MU-CO, SF-3 to LO	6/25/19: Approved staff's recommendation of LO-MU- CO zoning by consent (11-0, P. Seeger and J. Shieh- absent); P. Howard-1 st , C. Kenny-2 nd .	8/08/19: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20190808-130 for limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.
C14-2018-0071 (Victory Medical Office: 2109 Fort View Road)	SF-3 to LO	1/08/19: Approved staff's recommendation of NO-MU- CO zoning, with conditions, by consent (9-0, A. De Hoyos	2/07/19: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No.

		Hart, F. Kazi, K. McGraw, P. Seeger-absent); C. Kenny-1 st , R. Schneider-2 nd .	20190207-047 for NO-MU-CO zoning was approved on Council Member Renteria's motion, Council Member Flannigan's second on a 10-1 vote. Council Member Flannigan voted nay.
C14-2017-0014	SF-3 to LO-CO	5/22/17: Recommended LO-CO, with a 2,000 vehicle trip limit per day and additional condition to require joint access to W. Ben White Boulevard for two tracts (10-0, J. Vela, T. White and N. Zaragoza-absent); F. Kaza-1 st , J. Shissler-2 nd .	6/12/17: Approved LO-CO, with a 2,000 vehicle trip limit per day, on all 3 readings
C14-2012-0145 (2111 Fort View Road)	SF-3 to LO, NO	2/12/13: To grant NO-MU-CO zoning with conditions: 1) Limit vehicle trips per day to less than 2000; 2) Limit hours of operation as Monday through Saturday from 8:00 AM to 5:00 PM and Sunday from 12 Noon to 5:00 PM; 3) Prohibit vehicular access to and from the subject tract and Fort View Road for civic and commercial uses, with exceptions for emergency services and bicycle and pedestrian traffic; and 4) Prior to Council adoption of a rezoning ordinance, require recordation of a shared access easement between the subject property and the property at 2110 W. Ben White Boulevard (8-0, Hernandez-absent); Chimenti-1 st , Nortey-2 nd .	3/07/13: Approved NO-MU-CO zoning, with conditions, on first reading (7-0); K. Tovo-1 st , L. Morrison-2 nd . 4/11/13: Approved NO-MU-CO, with conditions on 2 nd /3 rd readings (6-0, K. Tovo-absent); B. Spelman-1 st , L. Morrison-2 nd .
C14-2012-0049 (2104 W Ben White)	SF-3 to LR	7/24/2012: Approved LR zoning	12/13/2012: Approved LR zoning
C14-2008-0185 (2110 W Ben White)	SF-3 to LO-CO	6/10/2008: Approved LO-CO zoning, w/2000 trip limit condition	11/20/2008: Approved LO-CO zoning

C14-2008-0096 (2012 W Ben White)	SF-3 to LO-MU	6/24/2008: Approved staff rec. of LO-MU zoning (9-0)	7/24/2008: Approved LO-MU zoning (5-0); all 3 readings
C14-2007-0051 (2028 W Ben White)	SF-3 to GO-MU	6/12/2007: Approved LO-MU zoning	7/26/2007: Approved LO-MU zoning

RELATED CASES:

Subdivision Case: C8-1948-1875

Zoning Cases: C14-2019-0040

C14-2018-0071

C14-2017-0014

C14-2012-0145

C14-2008-0185

Site Plan Case: SP-2019-0049C

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Fort View Road	1 - Local	50 feet	53 feet	28 feet	No	No	Yes
West Ben White Boulevard	4 – Major Arterial	N/A	362 feet	Varies	Yes	Shared Lane	Yes

OTHER STAFF COMMENTS:Comprehensive Planning

Project Name and Proposed Use: 4303 Victory Drive; 2109 and 2111 Fort View Road; 2106, 2108, and 2110 West Ben White Boulevard Service Road Westbound. C14-2022-0062.
 Project: Victory Medical Micro Hospital. 1.12 acres from LO-MU-CO, LO-MU-CO, NO-MU-CO & LO-CO to GR. Admin Bus Office/Medical Office to Hospital Services to add four in-patient overnight beds.

Yes	Imagine Austin Decision Guidelines
	Compact and Connected Measures
Y	Imagine Austin Growth Concept Map: Located close to, within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified on the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center: Lamar and Ben White Activity Centers for Redevelopment in Sensitive Environmental Areas
Y	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.
Y	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center.
Y	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	Connectivity and Education: Is located within 0.50 miles from a public school or university.
Y	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreational area, park or walking trail.
Y	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	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.
	Mixed Use: Provides mixed use development (minimum 10% residential and 10% non-residential floor area).
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
8	Total Number of "Yes's"

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson 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.

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 ls that preempt current water quality or Code requirements.

Fire

No comments.

Parks and Recreation

There are currently no parkland dedication requirements associated with the proposed hospital use.

Site Plan

Site plans will be required for any new development other than single-family, two-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 subject to compatibility standards due to the adjacent SF-3 district to the east and north.

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

This tract is already developed and the proposed zoning change is a footprint within the existing development. 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

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

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)
Fortview Road	1	50'	53'	28'	No	N/A	Yes
W Ben White Blvd.	4	N/A	362'	Varies	Yes	Shared Lane	Yes

Austin Water Utility

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.

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.

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.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Proposed Tract Map
- D. Applicant's Request Letter
- E. Revised Staff Recommendation



EXHIBIT B
SF-6 SF-3

Victory Medical Micro-Hospital

N

1" = 200'

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




ZONING CASE#: C14-2022-0064
LOCATION: 4303 Victory Dr, 2109 & 2111 Fort View Rd and 2106, 2108 & 2110 W Ben White Blvd Svrdr WB
SUBJECT AREA: 1.12 Acres
GRID: G19
MANAGER: Sherri Sirwaitis



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

Created: 5/31/2022



-  SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2022-0064

Staff's Proposed Tract Map

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



Created: 7/20/2022

$$1'' = 400'$$

HUSCH BLACKWELL

Nikelle Meade
Partner

111 Congress Avenue, Suite 1400
Austin, Texas 78701
Mobile: 512.992.6001
nikelle.meade@huschblackwell.com

April 22, 2022

Rosie Trulove, Director
Housing and Planning Department
Street-Jones Building
1000 E. 11th St., Ste. 200
Austin, Texas 78702

Re: Request to Rezone Part of the Victory Medical Campus Located Near the Northeast Intersection of Victory Dr. and the Ben White Blvd. Service Rd. (the "Property")

Dear Rosie:

I am writing on behalf of Eveann Investments, L.P., the owner of the above-referenced Property, which, as Victory Medical Center, has provided integrative healthcare services to the Austin area for almost three decades.

The City recently approved the rezoning and site plan for part of the Victory Medical campus to allow for the construction of a modern new structure with administrative and medical offices to address Austin's healthcare needs. Given the growing need for the provision of actual healthcare treatments and services and the increase in in-patient medical care we have seen over the past three years, we are submitting the attached application to make "Hospital Services (General)" a conditional use of the Property to allow for the provision of four in-patient hospital beds in the planned new structure. In this new facility, not all patients will be overnight, but there are circumstances we have seen recently where overnight admission is necessary either because of quarantine issues or the seriousness of the health condition of patients who come to us for medical care. While most of our patients are out-patients, we now have a need for more in-patient care.

The structure will still be oriented toward the Ben White Blvd. service road, and the GR use of the tracts that are immediately adjacent to Fort View Road would be for associated surface parking only, as already shown on the approved site plan. Per the plan and as was required by a plat restriction and conditional overlay, there will be no vehicular access via the residential Fort View Road. In addition, all compatibility protections will be provided, including minimum 25-foot setbacks with tree plantings and landscaping, and the applicant's adjacent lot at 2107 Fort View Road will retain its existing residential use and zoning to help provide an additional buffer area.

Thank you for your assistance, and please let me know if you require any additional information.

Sincerely,



Nikelle Meade



MEMORANDUM

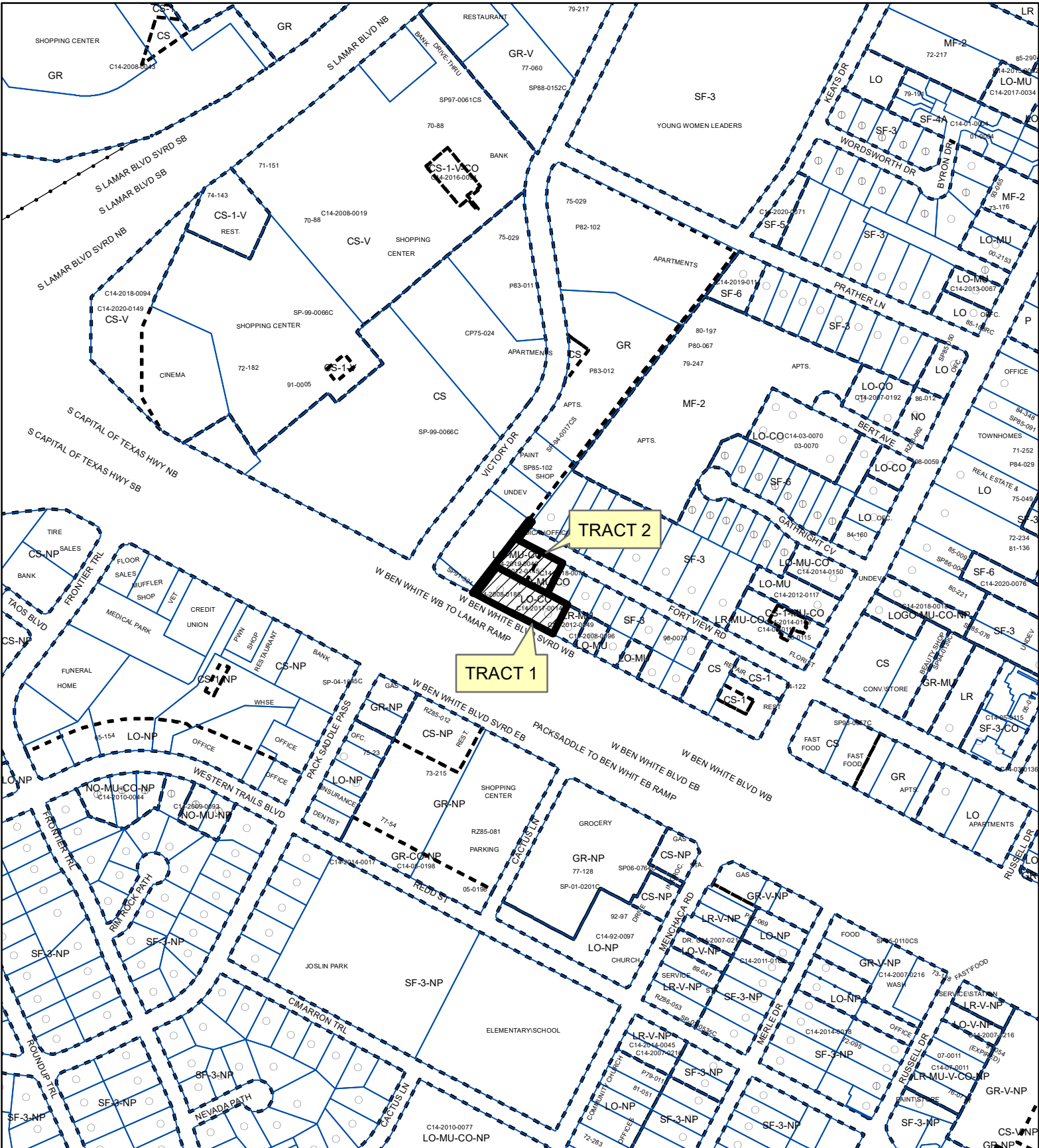
TO: Planning Commission Members




FROM: Sherri Sirwaitis
Housing and Planning Department

DATE: July 25, 2022

RE: C14-2022-0064 (Victory Medical Micro Hospital) – Updated Staff Recommendation

Upon further consideration, the staff is revising our recommendation for this case. The staff maintains our recommendation of GR zoning for Tract 1, the LO-CO zoned properties fronting East Ben White Boulevard. However, we are updating our recommendation to LO-MU-CO zoning for Tract 2, the two rear lots fronting onto Fort View Road. Revising our recommendation from LO-MU-CO and NO-MU-CO zoning to LO-MU-CO zoning for Tract 2 will allow for consistency in development on the rear portion of this property along Fort View Road. The proposed conditional overlay will continue to prohibit vehicular access to and from the subject tract and Fort View Road for civic and commercial uses, with exceptions for emergency services and bicycle and pedestrian traffic.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2022-0064



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

Created: 7/20/2022

$$1'' = 400'$$