

SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-06-0208, Eastbourne Crossing

REQUEST: Approve 2nd/3rd readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as **3400-3517 Block of South FM 973 Road** (Colorado River Watershed) from development reserve (**DR**) district zoning to general commercial services – conditional overlay (**CS-CO**) combining district zoning.

AREA: 11.76 acres

APPLICANT: Eastbourne Crossing Limited Partnership (Frank Egan)

AGENT: Drenner & Golden Stuart Wolff, LLP (Michele Rogerson)

CITY COUNCIL DATES & ACTIONS:

May 24, 2007: Postponed to June 7, 2007 at request of applicant to finalize execution of restrictive covenant and other transportation-related details.

June 7, 2007: ZAP recommendation approved on 1st reading (7-0, consent).

June 21, 2007: Scheduled for 2nd and 3rd readings.

DEPARTMENT COMMENTS:

Council approved the ZAP recommendation on first reading on June 7, 2007. The case was not ready for all three readings because Staff and the applicant were finalizing transportation requirements. As of June 14, 2007, the applicant was in the process of fulfilling the requirements enumerated in the TIA memo. The Staff and applicant anticipate that these obligations will be met before the June 21 Council meeting.

ZONING & PLATTING COMMISSION RECOMMENDATION:

May 1, 2007: Approved Staff's recommendation of CS on consent [8-0 (Keith Jackson, Clarke Hammond 2nd; Joseph Martinez absent)] but added the following uses for prohibition:

- | | |
|------------------------------------|--|
| • Adult Oriented Businesses | • Convenience Storage |
| • Agricultural Sales and Services | • Drop-Off Recycling Collection Facility |
| • Automotive Rentals | • Equipment Sales |
| • Automotive Repair Services | • Group Home Class I – Limited |
| • Automotive Sales | • Group Home Class I – General |
| • Automotive Washing (of any type) | • Group Home Class II |
| • Bail Bond Services | • Pawn Shop Services |
| • Campground | • Vehicle Storage |
| • Commercial Blood Plasma Center | |

STAFF RECOMMENDATION:

The Staff's recommendation is to grant general commercial services (CS) district zoning.

C14-06-0208, Eastbourne Crossing

2nd and 3rd Readings Summary Sheet

If the rezoning is to be approved, the Transportation Staff has offered in the attached Traffic Impact Analysis (TIA) memo a list of requirements that should be fulfilled before 1st and final readings of the approval ordinance by the City Council.

CITY COUNCIL DATE: June 21, 2007

ASSIGNED STAFF: Tina Bui, 974-2755, Tina.Bui@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0208, Eastbourne Crossing

ZAP DATE: May 1, 2007

COUNCIL DATES: May 24, 2007
June 7, 2007
June 21, 2007

ADDRESS: 3400-3517 Block of South FM 973 Road

OWNER: Eastbourne Crossing Limited Partnership (Frank Egan)

AGENT: Drenner & Golden Stuart Wolff, LLP (Michele Rogerson)

ZONING FROM: DR

TO: CS-CO

AREA: 11.76 acres

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant general commercial services (CS) district zoning.

If the rezoning is to be approved, the Transportation Staff has offered in the attached Traffic Impact Analysis (TIA) memo a list of requirements that should be fulfilled before 1st and final readings of the approval ordinance by the City Council.

ZONING & PLATTING (ZAP) COMMISSION RECOMMENDATION:

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| • Agricultural Sales and Services | • Drop-Off Recycling Collection Facility |
| • Automotive Rentals | • Equipment Sales |
| • Automotive Repair Services | • Group Home Class I – Limited |
| • Automotive Sales | • Group Home Class I – General |
| • Automotive Washing (of any type) | • Group Home Class II |
| • Bail Bond Services | • Pawn Shop Services |
| • Campground | • Vehicle Storage |
| • Commercial Blood Plasma Center | |

DEPARTMENT COMMENTS:

The subject lot is 11.76 acres and is undeveloped. This property was annexed into the City's Full-Purpose Jurisdiction in 2001. This is located just east of the Austin Bergstrom International Airport, near the intersection of SH 71 and FM 973 and less than one mile west of the future intersection of SH 130 and SH 71.

On the subject site, the applicant is currently proposing a 20,000 square foot specialty retail center; a 4500 square foot fast food restaurant with a drive-through window; and a 6,000 square foot high turnover restaurant. Proposed access will be from both FM 973 and SH 71, which is classified as a City of Austin Scenic Roadway. The proposed development is part of the larger almost 400-acre Eastbourne Crossing

mixed use planned development, most of which is within Travis County, that will stretch to the future SH 130.

A TIA was provided as part of this rezoning request. Because this proposed development is part of a larger planned development, an interlocal agreement governing significant improvements to SH 130 and SH 71 is currently being finalized by the applicant, the Texas Department of Transportation, and Travis County. The Transportation Staff has reviewed the TIA and has offered requirements that should be met before 1st and final readings by the Council if the requested rezoning is to be approved. Please see the attached memo from the Transportation Staff for details.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	Undeveloped
<i>North</i>	DR	Del Valle ISD and community center
<i>South</i>	DR	Undeveloped
<i>East</i>	Unzoned (County)	Undeveloped
<i>West</i>	Unzoned (County); I-RR; P-CO	Unzoned: Community center, Sports complex, Correctional facility; I-RR: Vehicle maintenance and storage; P-CO: Residential treatment, Transitional housing

AREA STUDY: N / A

TIA: Submitted. See attached memo.

WATERSHED: Colorado River

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No **SCENIC ROADWAY:** No

REGISTERED NEIGHBORHOOD/COMMUNITY ORGANIZATIONS:

511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
750 – Del Valle Neighborhood Association 774 – Del Valle Independent School District

SCHOOLS:

This site is served by the Del Valle Independent School District.

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION (PC) / ZONING & PLATTING COMMISSION (ZAP)	CITY COUNCIL
C14-99-0085	I-RR to CS	Approved Staff rec. of CS-CO but added the prohibition of outside auto uses (2000 trip limit; Prohibited uses: vehicle storage, pawn shop, auto repair and sales, equipment repair and	Approved PC rec. of CS-CO (1/27/00).

		sales, adult-oriented businesses).	
C14-99-2052 (Interport)	DR; UNZ; I-SF-2; I-RR to LI-PDA	Approved Staff rec. of LI-PDA.	Approved PC rec. of LI-PDA (9-28-00).
C14-00-2002	I-RR to RR	Approved Staff rec. of RR.	Approved PC rec. of RR (7-0).
C14-01-0027	I-SF-2 to GR	Approved Staff rec. of GR-CO (2000 trip limit).	Approved PC rec. of GR-CO (4-19-01).
C14-01-0075	I-SF-2 to GR	Approved Staff rec. of GR-CO (2000 trip limit).	Approved Commission rec. (7-19-01).
C14-01-0103	I-RR to LI	Withdrawn by applicant	Not applicable
C14-01-0186	I-SF-2 and RR to LI	Approved Staff rec. of CS-CO but added prohibited uses and 15-ft wide veg. buffer along Meldrum Rd. Prohibited uses: [Staff & ZAP] bed & breakfast, campground, cocktail lounge, commercial blood plasma center, funeral services, hotel-motel, indoor entertainment, indoor sports & rec., outdoor entertainment, stables, theatre, custom manufacturing, ltd. warehousing & distribution, outdoor sports & rec., marina, scrap & salvage, special use historic; [ZAP] adult-oriented businesses, convenient storage, pawnshops, auto/vehicle storage, off-site advertisement/billboards)	Approved Commission rec. of CS-CO but deleted ltd. warehouse and distribution & convenience storage from prohibited uses (6-0).
C14-02-0013 (Interport South)	DR to LI-CO	Approved Staff rec. of LI-CO which had numerous conditions and added conditions.	Approved LI-CO (7-0)
C14-03-0047A	I-RR to GR	Approved Staff rec. of GR.	Approved ZAP rec. of GR (6-5-03).
C14-03-0047B	I-RR to GR	Approved Staff rec. of GR-CO (2000 trip limit).	Approved ZAP rec. of GR-CO (6-5-03).
C14-05-0017	I-SF-2 to GR-CO	Approved Staff rec. of GR-CO (2000 trip limit).	Approved ZAP rec. of GR-CO (7-0).
C14-05-0070	I-RR to P-CO	Approved Staff rec. of P-CO (2000 trip limit).	Approved ZAP rec. of P-CO (7-0).

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
East SH 71	200 feet	4 lanes at 36 feet each	Divided Major Arterial (CAMPO 2030: 6-lane freeway)	45,000 – 49,000 (in 2004)
South FM 973	100 feet	2 lanes at 30 feet each	Minor Arterial	8,800 (b/t SH 71 and Pearce Lane)

Capital Metro bus service is available along both F.M. 973 and State Highway 71.

CITY COUNCIL DATE:

June 21, 2007

ACTION:

Scheduled for 2nd and 3rd readings

ORDINANCE READINGS:

1st Noticed for May 24, 2007. Postponed to June 7, 2007 at request of applicant. Approved ZAP recommendation on June 7, 2007.

2nd and 3rd Scheduled for June 21, 2007

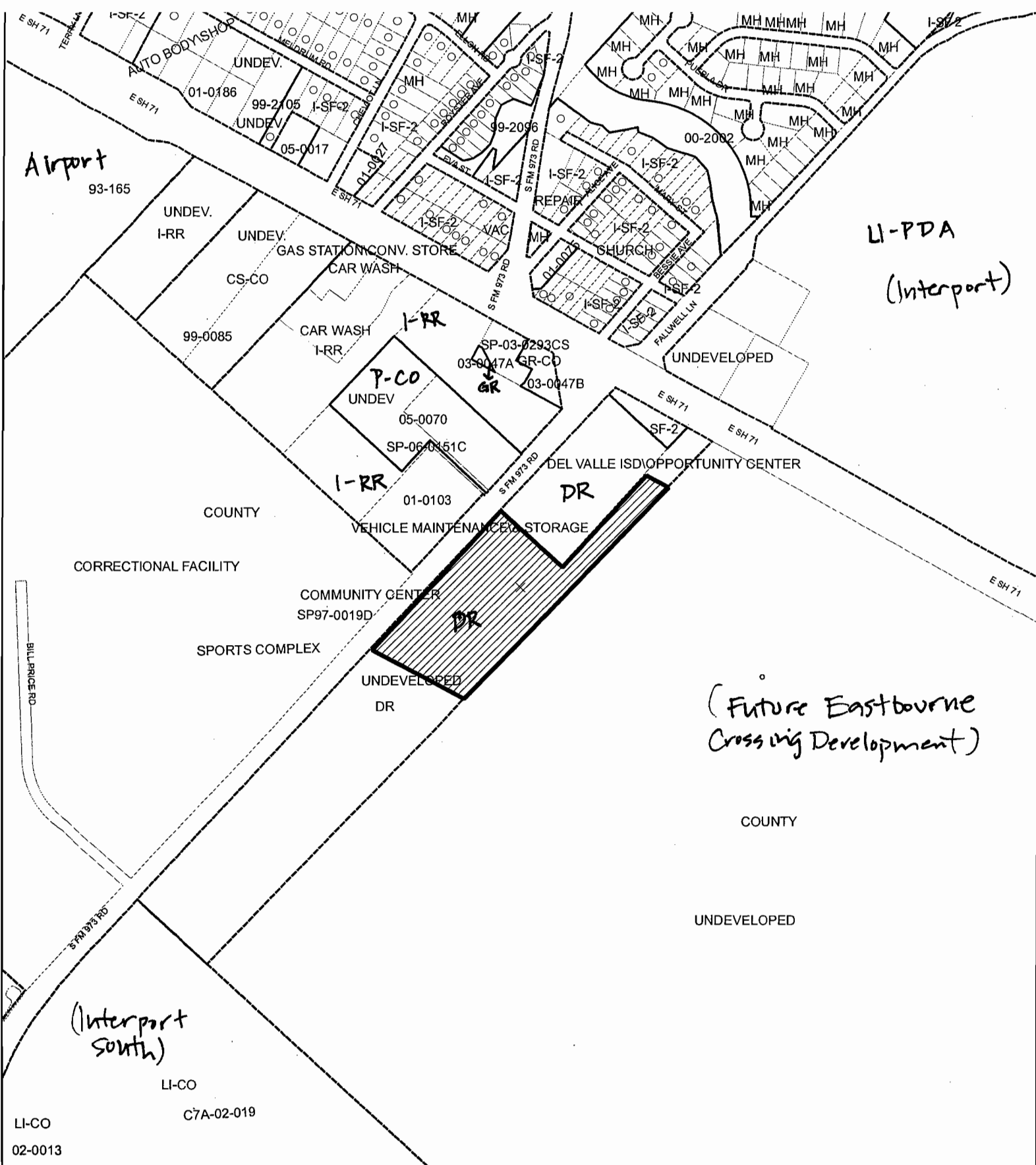
CASE MANAGER: Tina Bui

PHONE:

(512) 974-2755

EMAIL:

tina.bui@ci.austin.tx.us



ZONING

CASE#: C14-06-0208

ADDRESS: 3400-3517 BLK S FM 973 RD

ACRES: 11.76

GRID: P16

MANAGER: T. BUI



1" = 600'



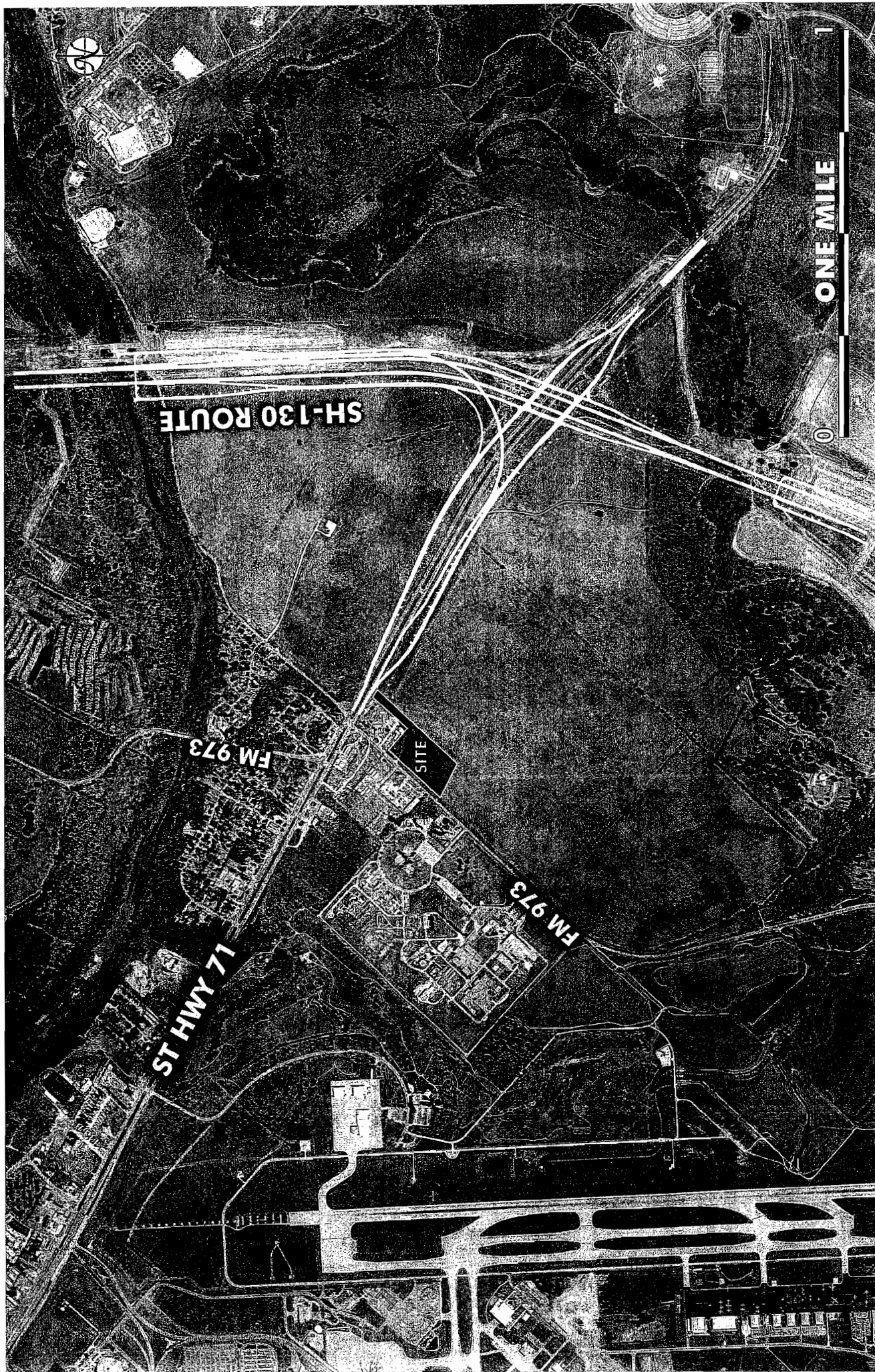
Subject Tract



Zoning Boundary



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



SH-130 ROUTE

FM 973

SITE

FM 973

ST HWY 71

ONE MILE

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant general commercial services (CS) district zoning.

BACKGROUND

The subject lot is 11.76 acres and is undeveloped. This property was annexed into the City's Full-Purpose Jurisdiction in 2001. This is located just east of the Austin Bergstrom International Airport, near the intersection of SH 71 and FM 973 and less than one mile west of the future intersection of SH 130 and SH 71.

On the subject site, the applicant is currently proposing a 20,000 square foot specialty retail center; a 4,500 square foot fast food restaurant with a drive-through window; and a 6,000 square foot high turnover restaurant. Proposed access will be from both FM 973 and SH 71, which is classified as a City of Austin Scenic Roadway. The proposed development is part of the larger almost 400-acre Eastbourne Crossing mixed use planned development, most of which is within Travis County, that will stretch to the future SH 130.

A TIA was provided as part of this rezoning request. Because this proposed development is part of a larger planned development, an interlocal agreement governing significant improvements to SH 130 and SH 71 is currently being finalized by the applicant, the Texas Department of Transportation, and Travis County. The Transportation Staff has reviewed the TIA and has offered requirements that should be met before 1st and final readings by the Council if the requested rezoning is to be approved. Please see the attached memo from the Transportation Staff for details.

BASIS FOR LAND USE RECOMMENDATION

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

General commercial services (CS) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments. This property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code and within the Airport Overlay Zone AO-1. Development on this property is limited by Chapter 25-13 of the Austin City Code. Residential uses are prohibited in the Airport Overlay Zone AO-1.

- 2. Zoning should allow for reasonable use of the property.*

General Commercial Services zoning is compatible with the surrounding intense land uses and commercial nature of the area. Additionally, this is located near the intersection of FM 973 and SH 71 with future SH 130 intersecting SH 71 less than a mile away. Other sizable properties nearby (Interport, Interport South) were granted more permissive levels of zoning.

EXISTING CONDITIONS

Site Characteristics

The subject property is undeveloped. The site is relatively flat and there appear to be no significant topographical constraints on the site.

Environmental

The site is not located over the Edward's 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.

At this time, site specific information is unavailable regarding existing trees and 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.

Site Plan

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.

This property is within the Airport Overlay Zone AO-1. 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 Section 25-13-23, are prohibited. Noise level reduction measures may be required for certain new structures.

This location is in the Scenic Roadway. All signs must comply with Scenic Roadway sign district regulations.

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.

Transportation

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments are provided in a separate memo.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utility service. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and relocation. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay all associated and applicable City fees.



Date: June 14, 2007
To: Tina Bui, Case Manager
CC: Kathy Hornaday, P.E. HDR/WHM Transportation Engineering
Reference: Eastbourne Crossing TIA (Hwy 71 East at FM 973)\
C14-06-0208

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Eastbourne Crossing dated October 26, 2006, prepared by Kathy Hornaday, P.E., WHM Transportation Engineering, and offers the following comments:

TRIP GENERATION

Eastbourne Crossing is a 10.71-acre development located in east Austin just southeast of the intersection of State Highway 71 and FM 973. The area analyzed in this TIA is within the City's full purpose jurisdiction and is a portion of a larger planned development, most of which is within Travis County. An interlocal agreement between the applicant, TxDOT and Travis County for significant improvements to SH 130 and SH 71 in conjunction with the overall development is currently being finalized.

The property is currently undeveloped and zoned Development Reserve (DR). The applicant has requested a zoning change to General Commercial Services (CS). The estimated completion of the project is expected in the year 2008.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 3,882 unadjusted average daily trips (ADT).

The table below shows the adjusted trip generation by land use for the proposed development:

Table 1. Trip Generation						
			AM Peak		PM Peak	
LAND USE	Size	ADT	Enter	Exit	Enter	Exit
Specialty Retail Center	20,000 SF	327	0	0	18	22
Fast Food w/o Drive Thru	4,500 SF	1,015	56	54	36	34
High Turnover Restaurant (Sit-Down)	6,000 SF	525	32	30	19	12
Total		1,867	88	84	73	68

ASSUMPTIONS

1. Traffic growth rates provided by the Texas Department of Transportation were as follows:

Table 2. Growth Rates per Year	
Roadway Segment	%
All Roads	6%

2. In addition to these growth rates, background traffic volumes for 2003 included estimated traffic volumes for the following projects:

Del Valle Detox & Treatment Facility	SP-06-0151C
Paul Keller Investments	C14-06-0125
Interport	C8-00-2121.01

3. Reductions were taken for pass-by for the following uses:

Table 3. Summary of Pass-By Reductions		
Land Use	Pass-By Reductions %	
	AM	PM
Specialty Retail Center	0	18
Fast Food Restaurant w/o Drive Thru	49	50
High Turnover Restaurant	0	47

4. Reductions were taken for internal capture for the following uses:

Table 4. Summary of Internal Capture Reductions		
Land Use	Internal Capture Reductions %	
	AM	PM
Specialty Retail Center	10	10
Fast Food Restaurant w/ Drive Thru	10	10
High Turnover Restaurant	10	10

5. No reductions were taken for transit use.

EXISTING AND PLANNED ROADWAYS

SH 71 – SH 71 forms the northern boundary of the subject site. This roadway is currently classified as a four-lane divided major arterial from Avenue F to SH 130. The CAMPO 2030 Plan identifies this roadway as a six-lane freeway, by 2030. This expansion construction, however, is not assumed to take place before project build out. The 2004 traffic volumes on SH 71 were approximately 45,000 and 49,000 vehicles per day (vpd), respectively, east and west of FM 973.

FM 973 – This roadway is classified as a two lane minor arterial from FM 969 to SH 71 and as two lane major undivided arterial from FM 71 to Pearce Lane. The existing traffic volume for FM 973, between SH 71 and Pearce Lane, was approximately 8,800 vpd.

Fallwell Lane – Fallwell Lane is a two-lane undivided roadway north of the site across SH 71. 24-hour traffic data are not available for this location; however, based on a review of peak traffic period traffic counts, 1,600 vpd are estimated north of SH 71.

SH 130 – This roadway is under construction in the vicinity of the site. The CAMPO 2030 Mobility Plan classifies this roadway as a six-lane toll parkway. Traffic volumes for 2007 on SH 130, north and south of SH 71, are forecasted to be 22,100 vpd and 19,900 vpd, respectively.

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 5 intersections, 2 of which are or will be signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

Table 4. PM Peak Level of Service		
Intersection	2006 Existing	2008 Site + Forecasted
Fallwell Ln/FM 973 and SH 71*	D	D
FM 973 and SH 71*	C	C
FM 973 and Driveway A	-	A
FM 973 and Driveway B	-	A
Driveway C and SH 71	-	A

* = SIGNALIZED

RECOMMENDATIONS

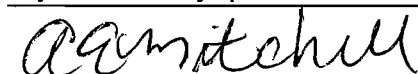
- 1) Prior to 3rd reading at City Council, fiscal is required to be posted for the following improvements:

Intersection	Improvements	Pro Rata Share (%)
Fallwell Lane/FM 973(East) and SH 71	Left turn bays for driveways A and B on FM 973	23.0
FM 973(East) and Driveway A	Install a traffic signal when warrants are met	100

EB=Eastbound WB=Westbound NB=Northbound SB=Southbound

- 2) Final approval from DPWT ~ Signals and TXDOT is required prior to 1st Reading.
- 3) Cost estimates for the above improvements should be submitted prior to 1st Reading.
- 4) Driveways should be constructed to the widths and cross-sections recommended in the TIA.
 - Recommend no lefts out of Driveway B.
 - Recommend Driveway C operate as a right-in, right-out driveway.
- 5) For information: Two copies of the final version of the TIA incorporating all corrections and additions must be submitted prior to final approval of the zoning case.
- 6) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics. Should the proposed development exceed the trips assumed in this TIA, the TIA must be amended by the applicant and approved by Director of Development. The TIA amendment may not exceed 8,000 unadjusted trips per day.
- 7) Recommend that an EB right-turn lane on SH 71 to Driveway C be constructed at time of site plan by the applicant

If you have any questions or require additional information, please contact me at 974-3428.



Amber Mitchell

Sr. Planner ~ Transportation Review Staff

City of Austin – Watershed Protection and Development Review Department