

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0122 – Airport Commerce 13 **P.C. DATE:** September 11, 2007
September 25, 2007

ADDRESS: 7600 – 7812 East Ben White Boulevard; 1707, 1801, 1901 Airport
Commerce Drive

OWNERS: Riverside 71, L.P.;
Southeast Austin Associates c/o
Bennett Realty Group, Inc.; Airport
Properties, L.P. (Zahir Walji)

AGENT: Jim Bennett Consulting
(Jim Bennett)

ZONING FROM: CS-CO-NP **TO:** CS-CO-NP, to change a condition of zoning

AREA: 13.9 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – conditional overlay - neighborhood plan (CS-CO-NP) combining district zoning to remove the floor-to-area ratio limit as it applies to Tract 1 for Lots 1-6 and 10-12 of Block B, Airport Commerce Park, Section One. The remainder of the Conditional Overlay as it applies to Tract 1, including a list of prohibited uses and conditional uses, will remain intact.

PLANNING COMMISSION RECOMMENDATION:

September 11, 2007: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO
09/25/07 M. DEALEY, T. ATKINS – 2ND] (8-0)*

September 25, 2007: *APPROVED CS-CO-NP DISTRICT ZONING TO CHANGE A
CONDITION OF ZONING, AS STAFF RECOMMENDED; BY CONSENT.
[S. KIRK, J. REDDY – 2ND] (8-0)*

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject rezoning area consists of nine undeveloped, platted lots that have been zoned general commercial services – conditional overlay since 1992, with the neighborhood plan combining district added in 2001 (CS-CO-NP). The property has frontage on East Ben White Boulevard, East Riverside Drive and Airport Commerce Drive. There is a four-story hotel that is under construction to the north, and two office-warehouses that are on the west side of Airport Commerce Drive, as well as

undeveloped lots (CS-CO-NP and LI-CO-NP). The Riverside Meadows single family subdivision is located further west (SF-4A-NP) and to the south there is undeveloped land and two single family residences (GR-MU-NP). Across East Ben White Boulevard, there are hotel and restaurant uses, and a mobile home park (LI-NP; CS-NP). The rezoning area is situated within the Airport Overlay Zone 3, also known as the ½ mile buffer zone, which permits commercial and industrial uses. (The AO-3 Zone does not allow for new residential development to occur, with limited exceptions, hence an MU district is not recommended.) Please refer to Exhibits A (Zoning Map), A-1 (Aerial View), B (Recorded Plat) and C (1992 Rezoning Ordinance).

The Applicant has requested to remove the floor-to-area ratio (FAR) component of the Conditional Overlay that is limited to 0.3 to 1 for the subject nine lots. Under the CS district the maximum FAR is 2 to 1. All other components of the Conditional Overlay associated with Tract 1, including prohibited and conditional uses, will remain intact and will be within the scope of the approved Traffic Impact Analysis. Staff supports the Applicant's request to remove the FAR limit as roadway improvements have occurred since the 1992 zoning case, and it will allow denser commercial development to occur at two arterial roadways and a collector street.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|------------------------------|--|
| <i>Site</i> | CS-CO-NP | Undeveloped |
| <i>North</i> | CS-CO-NP; LI-CO-NP | Hotel (under construction); Office-Warehouses; Undeveloped |
| <i>South</i> | GR-MU-NP | Undeveloped |
| <i>East</i> | LI-NP; CS-NP | Hotels; Restaurant; Mobile home park |
| <i>West</i> | CS-CO-NP; CS-MU-NP; SF-4A-NP | Undeveloped; Single family residences within the Riverside Meadows subdivision |

NEIGHBORHOOD PLANNING AREA: Montopolis **TIA:** Is not required

WATERSHED: Carson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

189 – Southeast Austin Neighborhood Alliance
 299 – The Crossing Gardenhome Owners Association
 300 – Terrell Lane Interceptor Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 477 – El Concilio, Coalition of Mexican American Neighborhood Association
 511 – Austin Neighborhoods Council
 634 – Montopolis Area Neighborhood Alliance
 742 – Austin Independent School District

743 – Southeast Austin Trails & Greenbelt Alliance
 763 – East Riverside / Oltorf Neighborhood Planning Contact Team
 774 – Del Valle Independent School District
 786 – Home Builders Association of Greater Austin
 922 – PODER People Organized in Defense of Earth & Her Resources

SCHOOLS:

The rezoning area is within the Del Valle Independent School District.

CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|-----------------------------|---|--|--|
| C14-2007-0126 – Sky Inn | CS-CO-NP to CS-CO-NP to change the FAR limit within the Conditional Overlay | Scheduled for PC 9-25-07. | Scheduled for CC 10-11-07. |
| C14-01-0010 – Steiner Tract | SF-2; SF-3 to CS; CS-1 | To Grant MF-3-CO-NP for Tracts 1 and 2; CS-CO-NP for Tract 3 with conditions | Approved SF-6-CO-NP for Tract 1; MF-3-CO-NP for Tract 2; CS-CO-NP for Tract 3; CO for maximum number of dwelling units and density; and prohibited uses (1-30-03). |

RELATED CASES:

The property was zoned CS-CO district zoning on February 13, 1992. The Conditional Overlay established prohibited and conditional uses, and a floor to area ratio of 0.3 to 1.0 (C14-86-316). A Restrictive Covenant requires conformance with the noise level reduction measures, reservation of right-of-way along U.S. Highway 183 and compliance with the traffic impact analysis. The Applicant's proposal to remove the FAR limit will still be within the scope of the approved Traffic Impact Analysis.

The property is platted as Lots 1 through 4, and 10 through 12, Block B of Airport Commerce Park, Section One, recorded July 1999 (C8-97-0062.1A).

The Montopolis Neighborhood Plan Rezoning was completed on September 27, 2001 (Ordinance 010927-28). The base district of the subject property did not change, and the NP combining district was added.

ABUTTING STREETS:

| Name | ROW | Pavement | Classification | Sidewalks | Bike Route | Bus Routes |
|--------------------------------|----------|-----------------------|----------------|-----------|--|-----------------------------|
| Airport Commerc e Drive | 46 feet | 30 feet | Collector | No | No | 350 Airport |
| East Ben White Boulevard | 380 feet | 3 lanes at 40 feet | Freeway | No | Classified in the Bicycle Plan as a Priority Barrier to Traffic bike | No, not within ¼ mile |

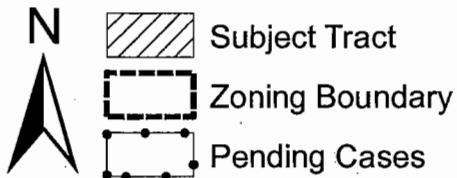
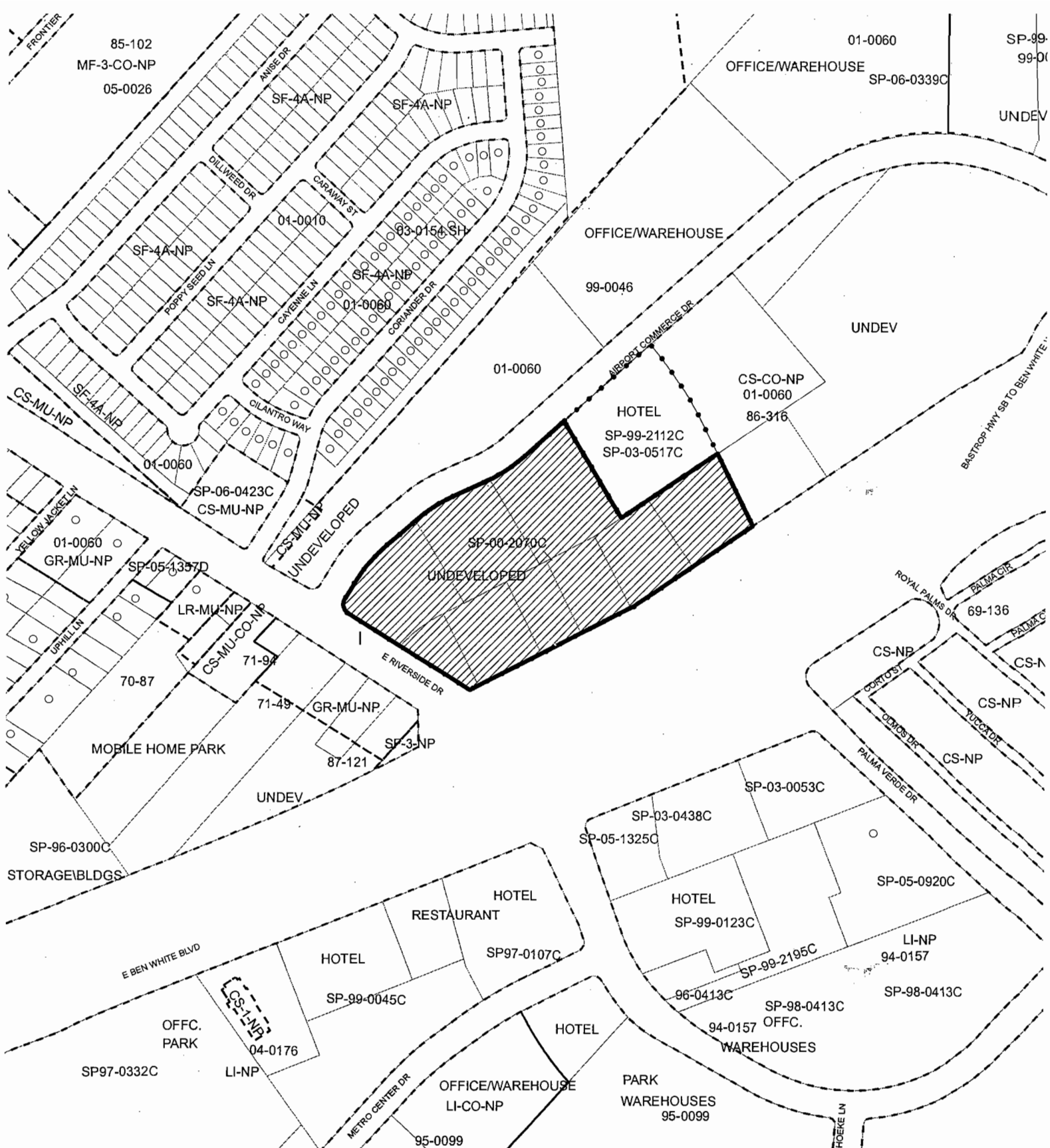
CITY COUNCIL DATE: October 11, 2007 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719



ZONING
ZONING CASE#: C14-2007-0122
ADDRESS: 7600-7812 E BEN WHITE BLVD & 1707,
1801 & 1901 AIRPORT COMMERCE DR
SUBJECT AREA: 13.9 ACRES
GRID: L18
MANAGER: R. HEIL

EXHIBIT A



1" = 400' OPERATOR: S MEEKS

This map has been produced by G.I.S. Services for the sole purpose of geographic reference.
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AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

TRACT 1: 57.28 ACRE TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, FROM "SF-2" SINGLE-FAMILY RESIDENCE (STANDARD LOT) DISTRICT TO "CS-CO" GENERAL COMMERCIAL SERVICES DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 2: 30.46 ACRE TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, FROM "SF-2" SINGLE-FAMILY RESIDENCE (STANDARD LOT) DISTRICT AND "SF-3" FAMILY RESIDENCE TO "LI-CO" LIMITED INDUSTRIAL SERVICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS 7000-7009 EAST BEN WHITE BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Chapter 13-2 of the Austin City Code of 1981 is amended to change the respective base zoning districts and to establish a Conditional Overlay combining district on all of the property described in File C14-86-316, as follows:

TRACT 1: FROM "SF-2" SINGLE-FAMILY RESIDENCE (STANDARD LOT) DISTRICT TO "CS-CO" GENERAL COMMERCIAL SERVICES DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT.

57.28 acre tract of land out of the Santiago Del Valle Grant, said 57.28 acre tract of land of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes.

TRACT 2: FROM "SF-2" SINGLE-FAMILY RESIDENCE (STANDARD LOT) DISTRICT AND "SF-3" FAMILY RESIDENCE TO "LI-CO" LIMITED INDUSTRIAL SERVICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT.

30.46 acre tract of land out of the Santiago Del Valle Grant, said 30.46 acre tract of land of land being more particularly described by metes and bounds in "Exhibit B" attached and incorporated herein for all purposes.

locally known as 7000-7009 East Ben White Boulevard, in the City of Austin, Travis County, Texas.

PART 2. That the property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following restriction:

1. The following uses of Tracts 1 and 2 shall be prohibited:

- | | |
|--|---|
| (a) Agricultural sales and services, | (h) Basic industry, |
| (b) Automotive washing (self service), | (i) Outdoor entertainment, |
| (c) Campground, | (j) Day care services (limited), |
| (d) Equipment repair services, | (k) Day care services (general), |
| (e) Equipment sales, | (l) Day care services (commercial), |
| (f) Exterminating services, | (m) Hospital services (limited), |
| (g) Kennels, | (n) Hospital services (general), |
| (o) Monument retail sales, | (t) Private primary educational facilities, |
| (p) Scrap and salvage service, | (u) Private secondary educational facilities, |

- (q) Resource extraction,
- (r) Vehicle storage,
- (s) Veterinary services,

- (v) Public primary educational facilities, and,
- (w) Public secondary educational facilities.

2. A Conditional Use permit shall be required to develop or establish the following uses on Tracts 1 and 2 or any portion of Tracts 1 and 2:

- (a) Commercial off-street parking,
- (b) Automotive rentals,
- (c) Automotive repair services,
- (d) Automotive sales,
- (e) Arts and craft studio (industrial), [with outdoor storage and manufacturing uses only]
- (f) Constructions sales and services, [with outdoor storage use only]
- (g) Convenience storage,
- (h) General warehousing and distribution, [with outdoor storage use only]
- (i) Limited warehousing and distribution, [with outdoor storage use only]
- (j) Light manufacturing, [with outdoor storage use only] and,
- (k) Custom manufacturing, [with outdoor storage use only].

3. Development of Tract 1 shall be restricted to a maximum floor to area ratio of .3 to 1.

4. Development of Tract 2 shall be restricted to a maximum floor to area ratio of .5 to 1.

Except as specifically restricted by this ordinance, the property may be developed and used in accordance with regulations established for the respective base districts and other applicable requirements of the Land Development Code.

PART 3. That it is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1981 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

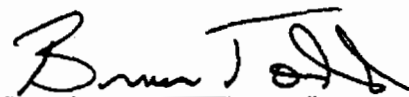
PART 4. That the requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 5. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage.

PASSED AND APPROVED:

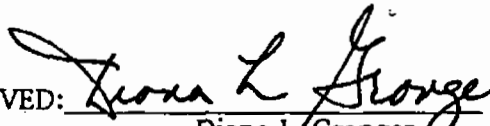
February 13, 1992

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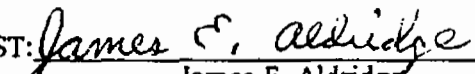
Bruce Todd
Mayor

APPROVED:



Diana L. Granger
Acting City Attorney

ATTEST:



James E. Aldridge
City Clerk

13Feb92
ME/jj

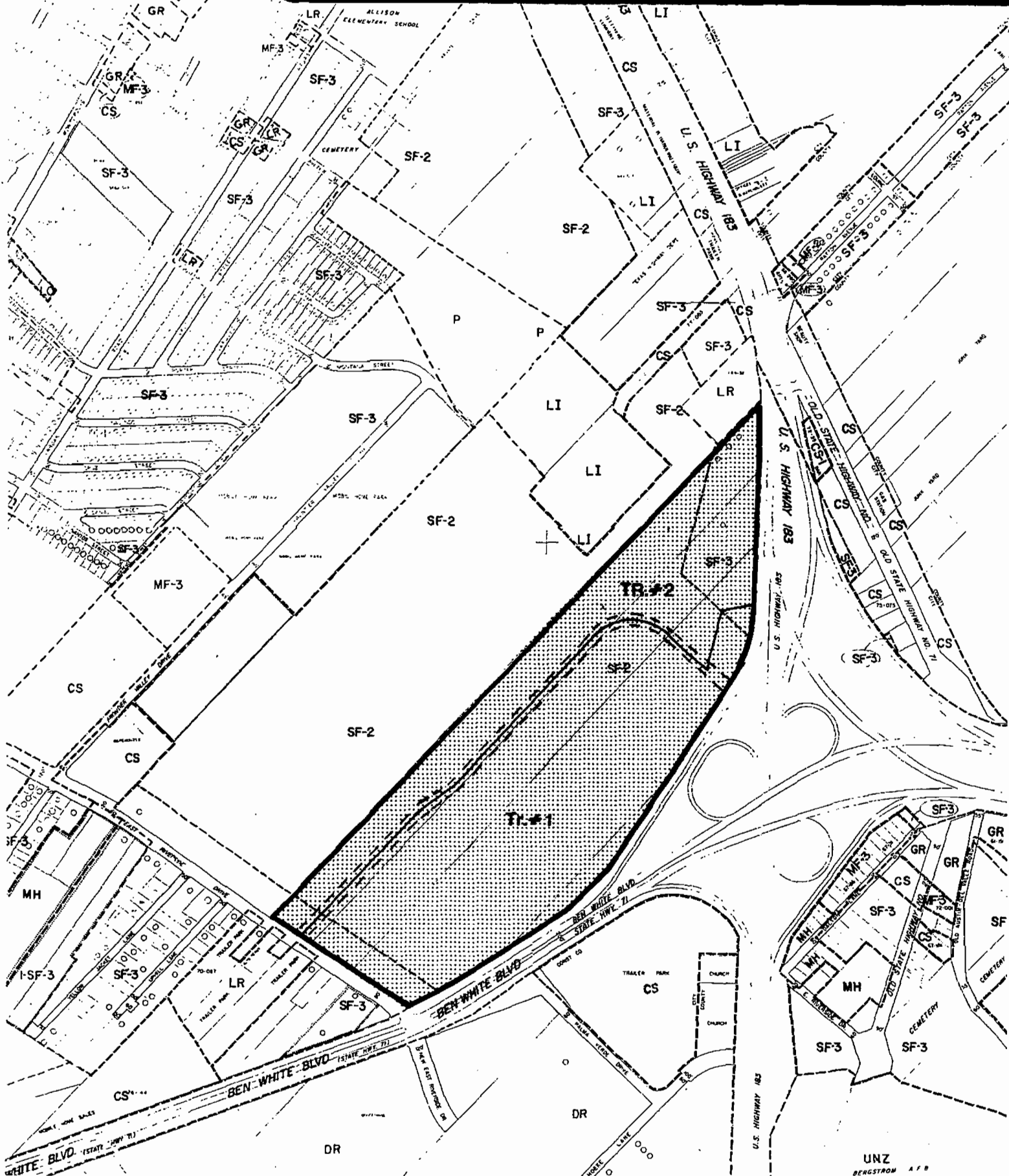


PENDING CASE
ZONING LINE - - - - -
CYCLE 4/88 INTLS LB

SUBJECT TRACT
SUBJECT ACREAGE 99.62

CASE NO: C14r-86-316

GRID
L&M
18&19



SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – conditional overlay - neighborhood plan (CS-CO-NP) combining district zoning to remove the floor-to-area ratio limitation as it applies to Tract 1 for Lots 1-6 and 10-12 of Block B, Airport Commerce Park, Section One. The remainder of the Conditional Overlay as it applies to Tract 1, including a list of prohibited uses and conditional uses, will remain intact.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities.

The property has frontage on East Ben White Boulevard, a freeway, East Riverside Drive, an arterial and Airport Commerce Drive, a collector street.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

Staff supports the Applicant's request to remove the FAR limit as roadway improvements have occurred since the 1992 zoning case, and it will allow denser commercial development to occur at two arterial roadways and a collector street. In addition, all other components of the Conditional Overlay associated with Tract 1, including prohibited and conditional uses, will remain intact and be within the scope of the approved Traffic Impact Analysis.

EXISTING CONDITIONS**Site Characteristics**

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

Impervious Cover

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

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 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. 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.

Transportation

No additional right-of-way is needed at this time.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

Compatibility Standards

The site is subject to compatibility standards. Along the northwest property line, the following standard applies: No structure in excess of 60 feet in height may be constructed within 300 feet of the single family property line to the northwest.

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. For more information, contact Joe Medici, Noise Abatement Officer at (512) 530-6652.

This property is within the Airport Overlay Zone AO-3. 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. For more information, contact Joe Medici, Noise Abatement Officer at (512) 530-6652.

This site is subject to the Hazardous Pipeline Ordinance. During site plan application, review by the Fire Department is required. [LDC, 25-2-516]

Development in a restricted pipeline area is regulated by Sec. 25-2-516. The site plan shows proposed structures within 100 feet of a hazardous pipeline easement. During site plan application, please identify the actual location of the pipeline itself.

Before a person may place a road, surface parking lot, or utility line in a restricted pipeline area, the person must deliver to the Director a certification by a registered engineer stating that the proposed construction activity and structure are designed to prevent disturbing the pipeline or impeding its operation. [LDC, 25-2-516(D)(2)]