

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2007-0126 – Sky Inn

**P.C. DATE:** September 11, 2007  
September 25, 2007

**ADDRESS:** 1609 Airport Commerce Drive

**OWNER:** Sky Inn Hotels & Suites, Inc.  
(Armando Batarse)

**AGENT:** A.E.C., Inc.  
(Phil Moncada)

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

**AREA:** 3.20 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 Lot 9, 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 – 2<sup>ND</sup>] (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 – 2<sup>ND</sup>] (8-0)*

### **ISSUES:**

The four-story hotel under construction has an FAR of 0.75 to 1 which exceeds that allowed by the 1992 rezoning ordinance (0.3 to 1). The discrepancy was discovered in the final stages of construction, and subsequently, a rezoning application was filed to remove the FAR limit. For information, the maximum FAR in the CS district is 2 to 1.

### **DEPARTMENT COMMENTS:**

The subject rezoning area consists of one platted lot that is under construction for a hotel and has 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 Airport Commerce Drive, and two private streets provide one connection each to East Ben White Boulevard and East Riverside Drive. There is undeveloped property directly north and south (CS-CO-NP), two office-warehouses

that are on the west side of Airport Commerce Drive (LI-CO-NP) and the Riverside Meadows single family subdivision is further west (SF-4A-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) C (1992 Rezoning Ordinance) and D (Approved Site Plan).

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 lot. 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 on property that is located on a collector street and has access to a freeway and an arterial street.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-CO-NP	Hotel – under construction
<i>North</i>	CS-CO-NP	Undeveloped
<i>South</i>	CS-CO-NP	Undeveloped
<i>East</i>	LI-NP; CS-NP	Hotels; Restaurant; Mobile home park
<i>West</i>	LI-CO-NP; CS-MU-NP; SF-4A-NP	Office-Warehouses; 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:**

This property is within the Del Valle Independent School District.

### **CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0122 – Airport Commerce 13	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 Lot 9, 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:** 1<sup>st</sup>                      2<sup>nd</sup>                      3<sup>rd</sup>

**ORDINANCE NUMBER:**

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

**PHONE:** 974-7719



BASTROP

801

RIVER-SIDE

ALBERTA BLVD

BASTROP BLVD

W. MARKET

W. MARKET

W. MARKET

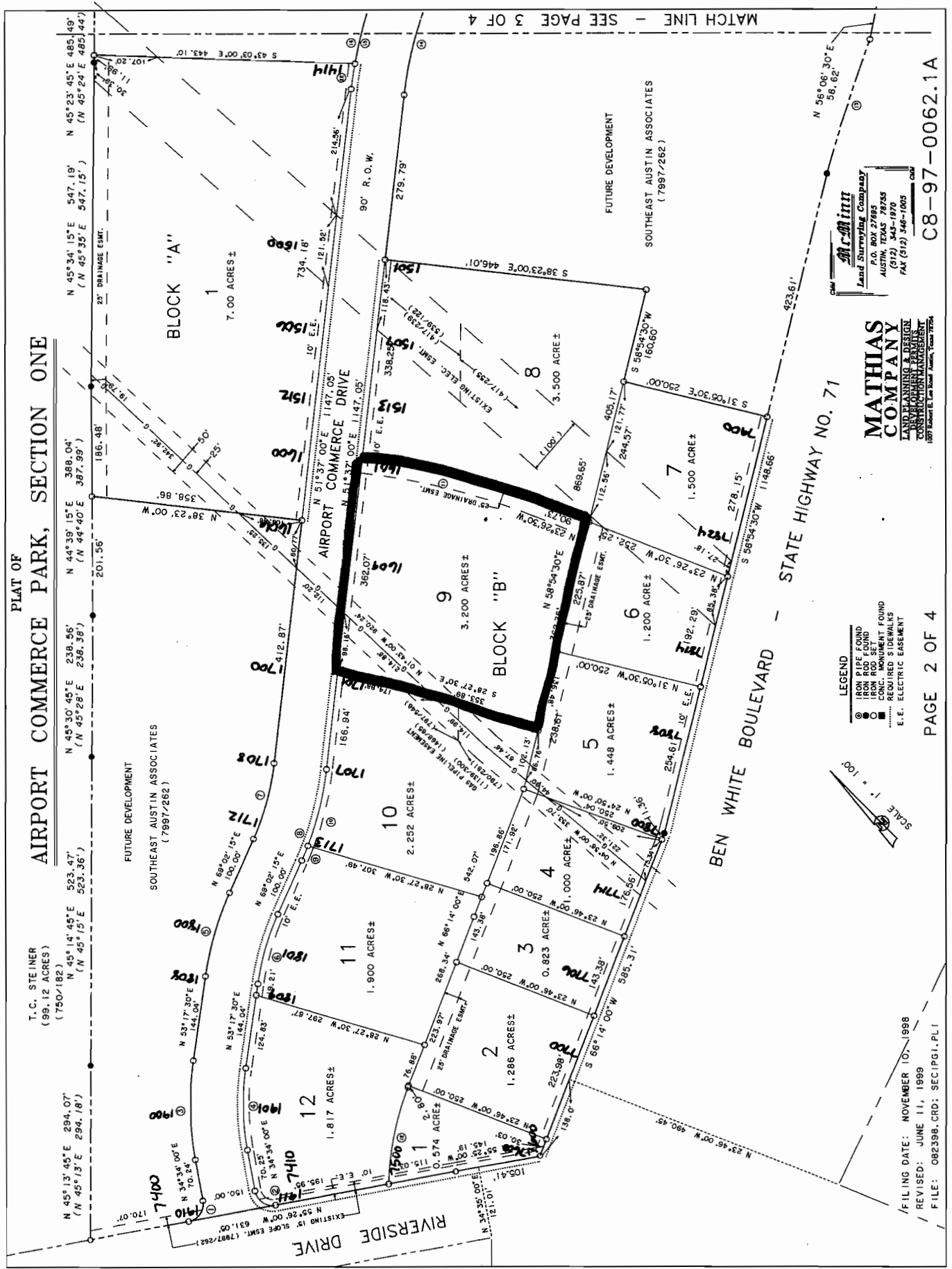
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EXHIBIT B  
RECORDED PLAT



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Austin Waiver Utility  
Austin Waiver Utility

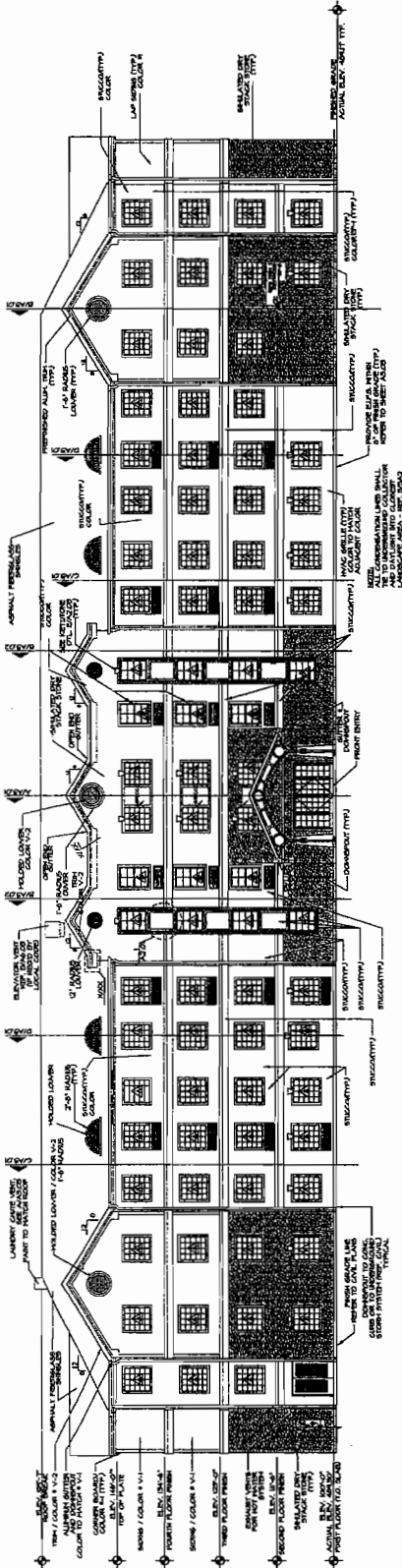
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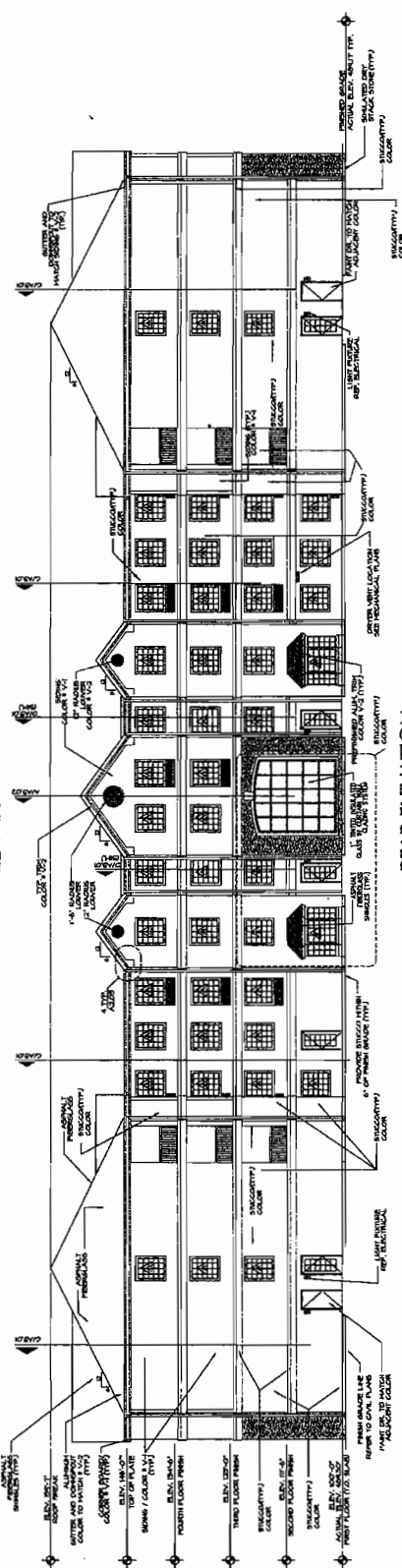
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EXHIBIT C  
APPROVED  
SITE PLAN





FRONT ELEVATION  
 SCALE: 1" = 10'-0"



REAR ELEVATION  
 SCALE: 1" = 10'-0"

NOTES:  
 1. ALL MATERIALS AND FINISHES ARE TO BE APPROVED BY THE ARCHITECT.  
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Mike Capt, P.E.  
 Registered Professional Engineer  
 State of Texas  
 License No. 12345  
 Seal No. 12345

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, |

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

- (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].

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

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

February 13, 1992

conclusion

Brun Toll

**Bruce Todd**  
**Mayor**

APPROVED:

VED: Liona L George

Diana L. Granger  
Acting City Attorney

**ATTEST**

ST: James E. Aldridge  
James E. Aldridge  
City Clerk

James E. Aldridge  
City Clerk

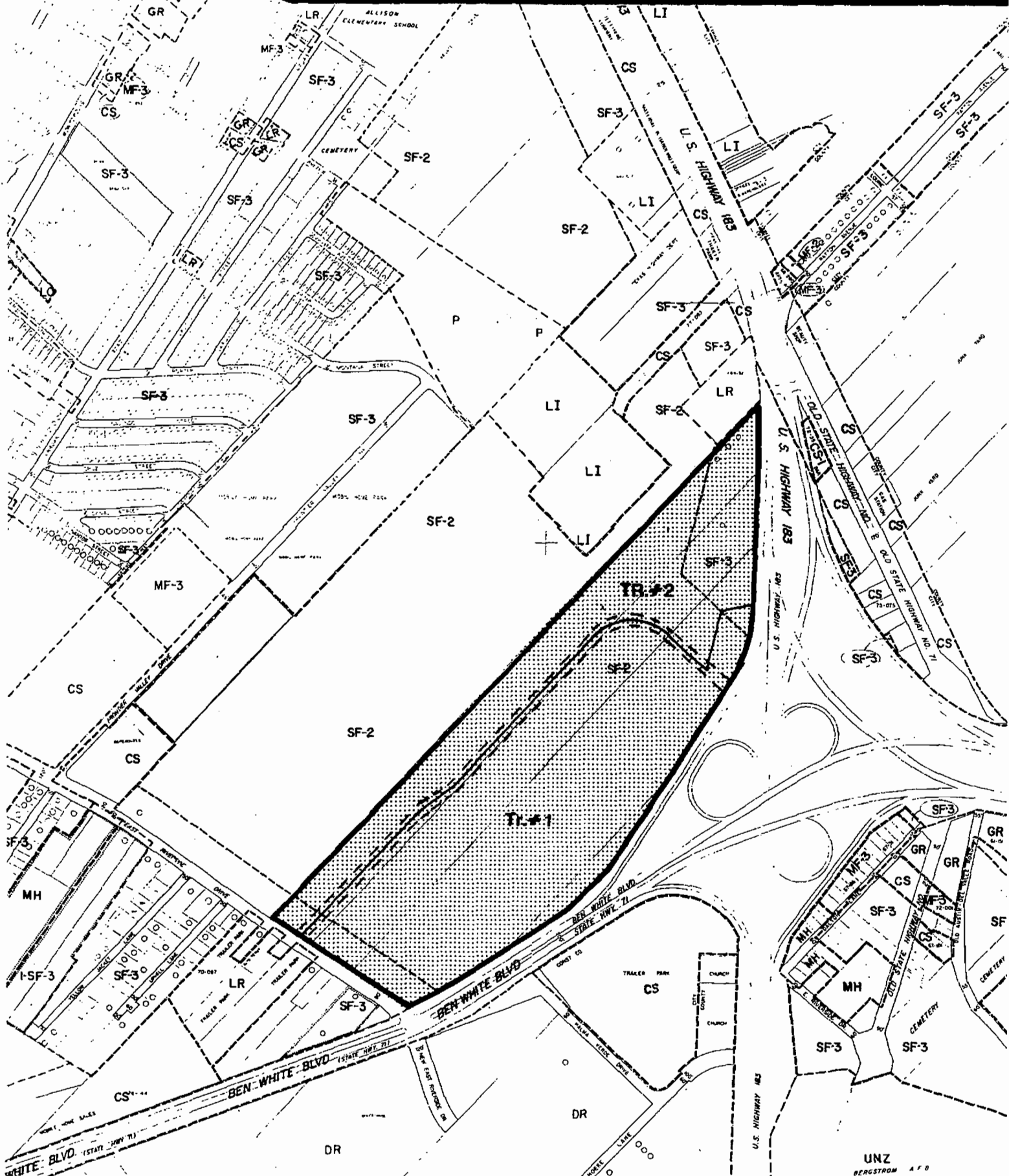
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PENDING CASE .....  
ZONING LINE - - - - -  
CYCLE 4/68 INTLS 26

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 limit as it applies to Tract 1 for Lot 9, 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 Airport Commerce Drive, a collector street, and two private streets: one intersects East Ben White Boulevard, a freeway and the other intersects East Riverside Drive, an arterial.*

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 on a collector street that has access to a freeway and an arterial street. In addition, all other components of the Conditional Overlay as it applies to 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 under construction for a hotel site and is 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 own expense will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and utility 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 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)]