

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0053 – 5.93 Acre deLisser Tract **Z.A.P. DATE:** September 2, 2008
October 7, 2008

ADDRESS: 3000 Block of East SH 71 Eastbound

OWNERS: Lou Langford deLisser;
Gayle Elizabeth Langford deLisser;
Robert Glass Langford and
Jefferson Milner Langford

AGENT: LJA Engineering and
Surveying, Inc. (Paul J. Viktorin)

ZONING FROM: I-RR **TO:** CS **AREA:** 5.922 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay prohibits the following uses: automotive sales, automotive repair services, equipment repair services, equipment sales and vehicle storage.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated October 21, 2008, as provided in Attachment A.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

September 2, 2008: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO OCTOBER 7, 2008.*

[K. JACKSON; C. HAMMOND – 2ND] (5-0) T. RABAGO; R. EVANS – ABSENT

October 7, 2008: *APPROVED CS-CO DISTRICT ZONING WITH THE CONDITIONS OF THE TRAFFIC IMPACT ANALYSIS AS STAFF RECOMMENDED, WITH ADDITIONAL PROHIBITED USES OF ADULT-ORIENTED USES AND PAWN SHOP SERVICES; BY CONSENT.*

[C. HAMMOND; T. RABAGO – 2ND] (6-0) K. JACKSON – ABSENT

ISSUES:

The adjacent property owner to the east (zoned CS-CO) is in favor of the proposed zoning.

DEPARTMENT COMMENTS:

The subject property is an undeveloped tract that is situated on State Highway 71 East and is zoned interim – rural residence (I-RR) since its annexation into the City limits on September 6, 2001. The Austin-Bergstrom International Airport is adjacent to the west (AV), a restaurant and auto-related uses are to the north across SH 71 (I-SF-2; GR-CO; CS-CO), undeveloped land and an auto-washing facility is to the east (CS-CO) and the Del Valle

Correctional Facility and Community Center is to the south (County). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant is proposing general commercial services (CS) district zoning for the property. The property is located entirely within the Airport Overlay Zone (AO-3) also known as the ½ mile buffer zone that permits commercial and industrial uses. The AO-3 Zone does not allow for new residential development to occur outside of recorded final plats, municipal utility district boundaries or neighborhood plan combining district boundaries. Please refer to Exhibit A-2.

Staff recommends the Applicant's request based on the following considerations of the property: 1) location on a major arterial roadway; 2) commercial uses are appropriate within the Airport Overlay Zone; and 3) the Conditional Overlay prohibits automotive rentals and repair uses, equipment sales and repair, and vehicle storage, similar to the adjacent CS-CO zoned property to the east.

The Traffic Impact Analysis establishes intersection improvements at State Highway 71 and FM 973, and at SH 71 and Terry Lane.

	ZONING	LAND USES
<i>Site</i>	I-RR	Undeveloped
<i>North</i>	I-SF-2; GR-CO; CS-CO	Fast food restaurant; Automotive repair; Automotive sales; Construction sales and services
<i>South</i>	County	Del Valle Correctional Facility and Community Center
<i>East</i>	CS-CO; I-RR	Undeveloped; Service station/convenience store; Automotive washing
<i>West</i>	AV	Austin-Bergstrom International Airport

AREA STUDY: N/A

TIA: Is required – Please refer to Attachment A

WATERSHED: Colorado River

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes, SH 71

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association

750 – Del Valle Association

774 – Del Valle Independent School District

786 – Home Builders Association of Greater Austin

1005 – Elroy Preservation Association

1037 – Homeless Neighborhood Organization

1113 – Austin Parks Foundation

SCHOOLS:

This property is located in the Del Valle Independent School District.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0039 – Airport Self Storage - 2725 Lyle Road	I-RR to CS	To Grant CS-CO	Approved CS-CO with the CO for a max. of 300 trips (5-8-08).
C14H-2007-0244 – Keller Zoning and McKinney Mill Historic Site - 2935 East SH 71 Westbound; 2901, 2903 and 2905 Ellon Road; and 2936 Terry Lane	I-RR; I-SF-2 to CS	To Grant CS-CO for Tracts 1 and 2; CS-H for Tract 3, with conditions of r-o-w reservation on SH 71.	Approved CS-CO for Tracts 1 and 2; CS-H for Tract 3, with conditions of r-o-w reservation on SH 71 as ZAP recommended (7-24-08).
C14-06-0222 – ACS Corrections – 3148 E SH 71	I-RR to P	To Grant P with a Restrictive Covenant for reservation of r-o-w	Approved P with Restrictive Covenant as ZAP recommended (3-22-07).
C14-05-0070 – T Warren Investments - 3320 – 3404 South FM 973 Road	I-RR to P-CO	To Grant P-CO with CO for 2,000 trips	Approved P-CO as ZAP recommended (9- 1-05).
C14-05-0017 – Highway 71 - 3103 East State Highway 71	I-SF-2 to GR- CO	To Grant GR-CO	Approved GR-CO with CO for 2,000 trips (4-7-05).
C14-01-0186 – State Highway 71 East - 3039 – 3101 SH 71 East	I-SF-2; RR to LI	To Grant CS-CO	Approved CS-CO with CO for a list of prohibited uses (5-16- 02).
C14-01-0027 – High Performance Automotive – East SH71 at Cheviot Lane	I-SF-2 to GR	To Grant GR-CO with CO for 2,000 trips	Approved GR-CO as Commission recommended (4-19- 01).
C14-99-0085 – WCBP-71 – 3102- 3114 E SH 71	I-RR to CS	To Grant CS-CO with conditions	Approved CS-CO with 2,000 trips and prohibited uses of adult-oriented uses, auto rentals & repair, equipment sales & repair, pawn shops and vehicle storage (1-27-

			00).
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RELATED CASES:

This property was annexed into the Full-Purpose Jurisdiction on September 6, 2001.

There are no subdivision or site plan applications on the property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
SH 71 East	195 feet	90 feet	Freeway	No	No	350 Airport

CITY COUNCIL DATE: November 20, 2008

ACTION: Approved a Postponement request by the Applicant to December 11, 2008 (6-0, Mayor Pro Tem McCracken – off the dais).

December 11, 2008

ORDINANCE READINGS: 1st

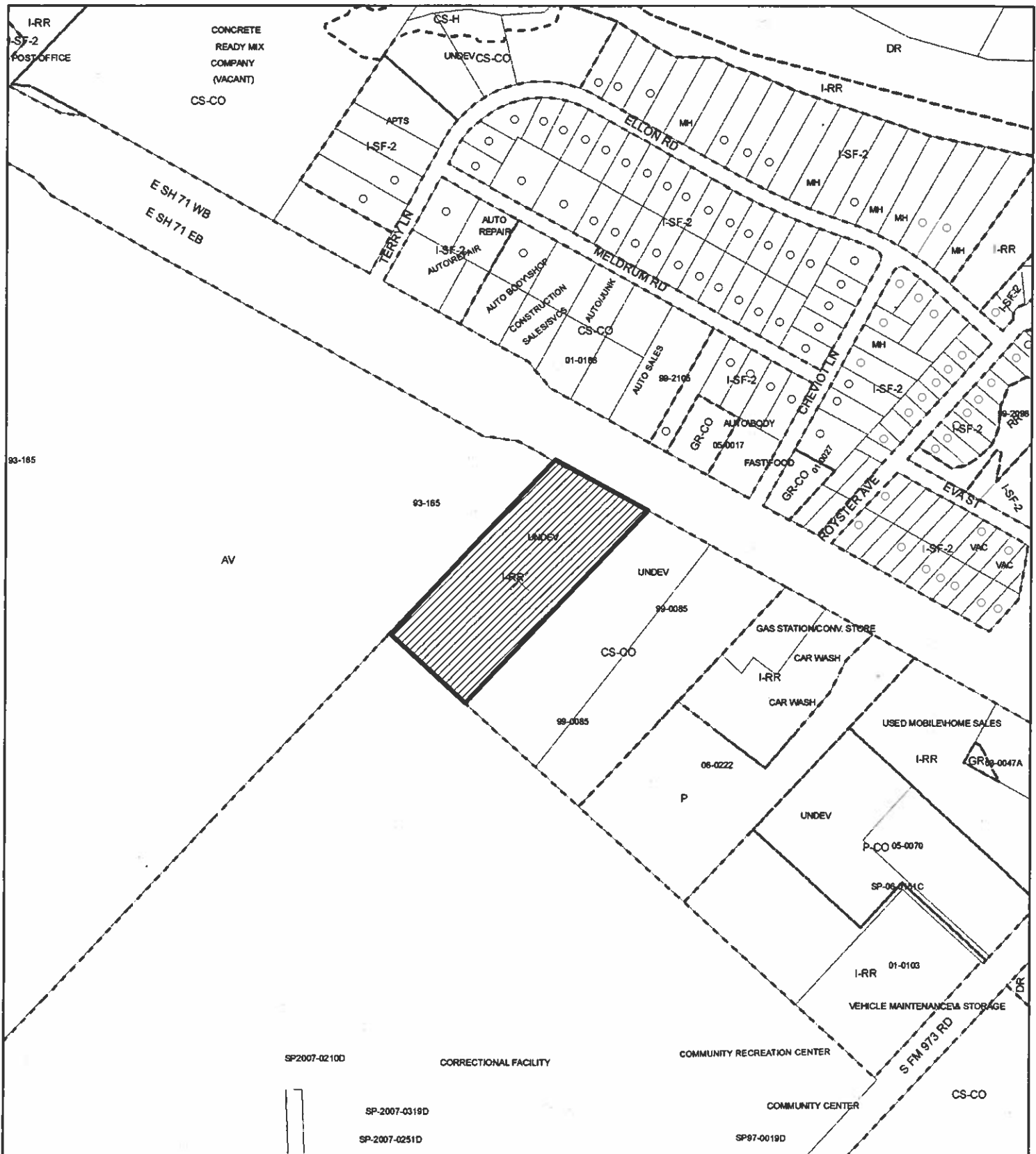
2nd

3rd




ORDINANCE NUMBER:

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

PHONE: 974-7719



1" = 400'

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

OPERATOR: S. MEEKS

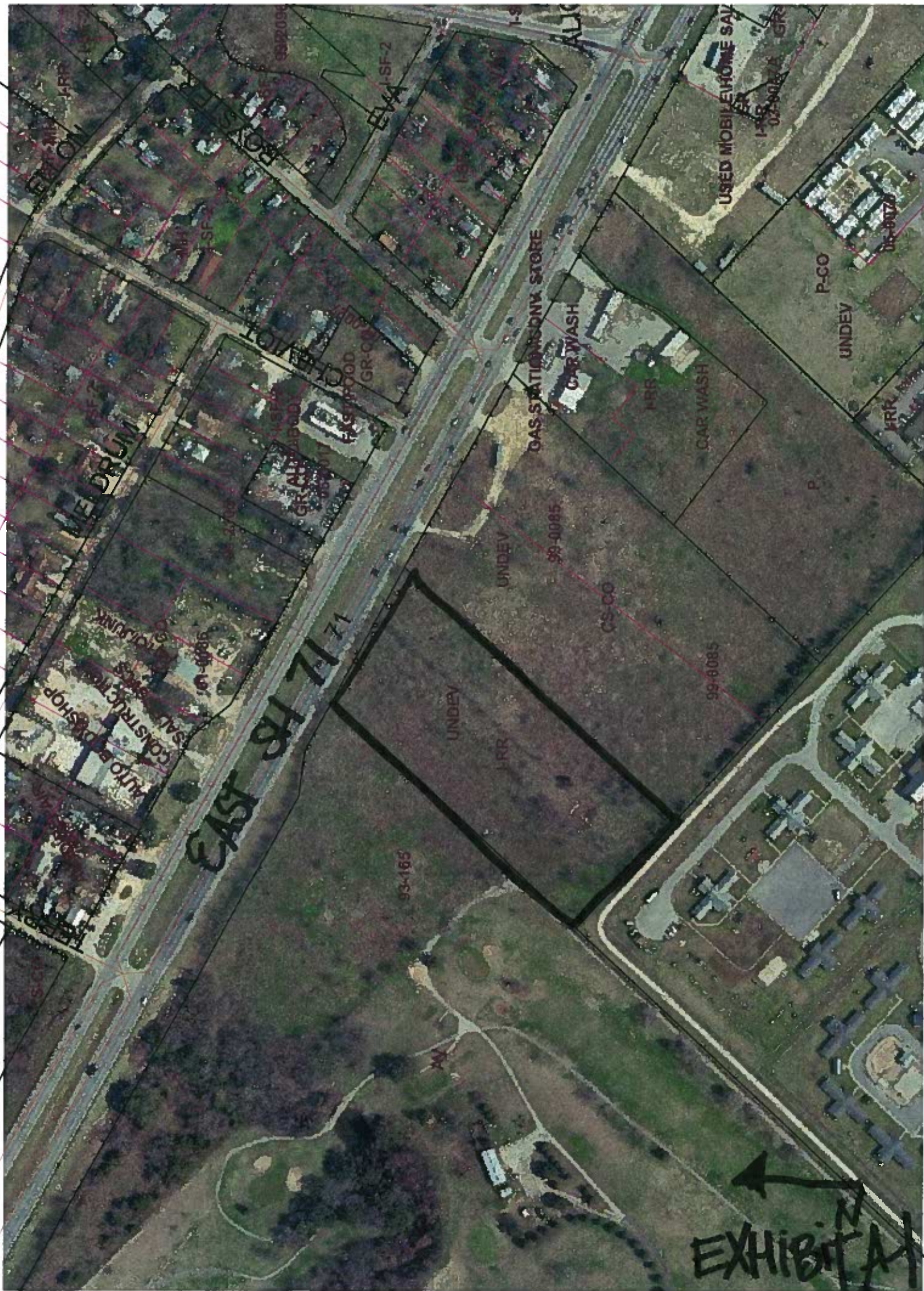
ZONING

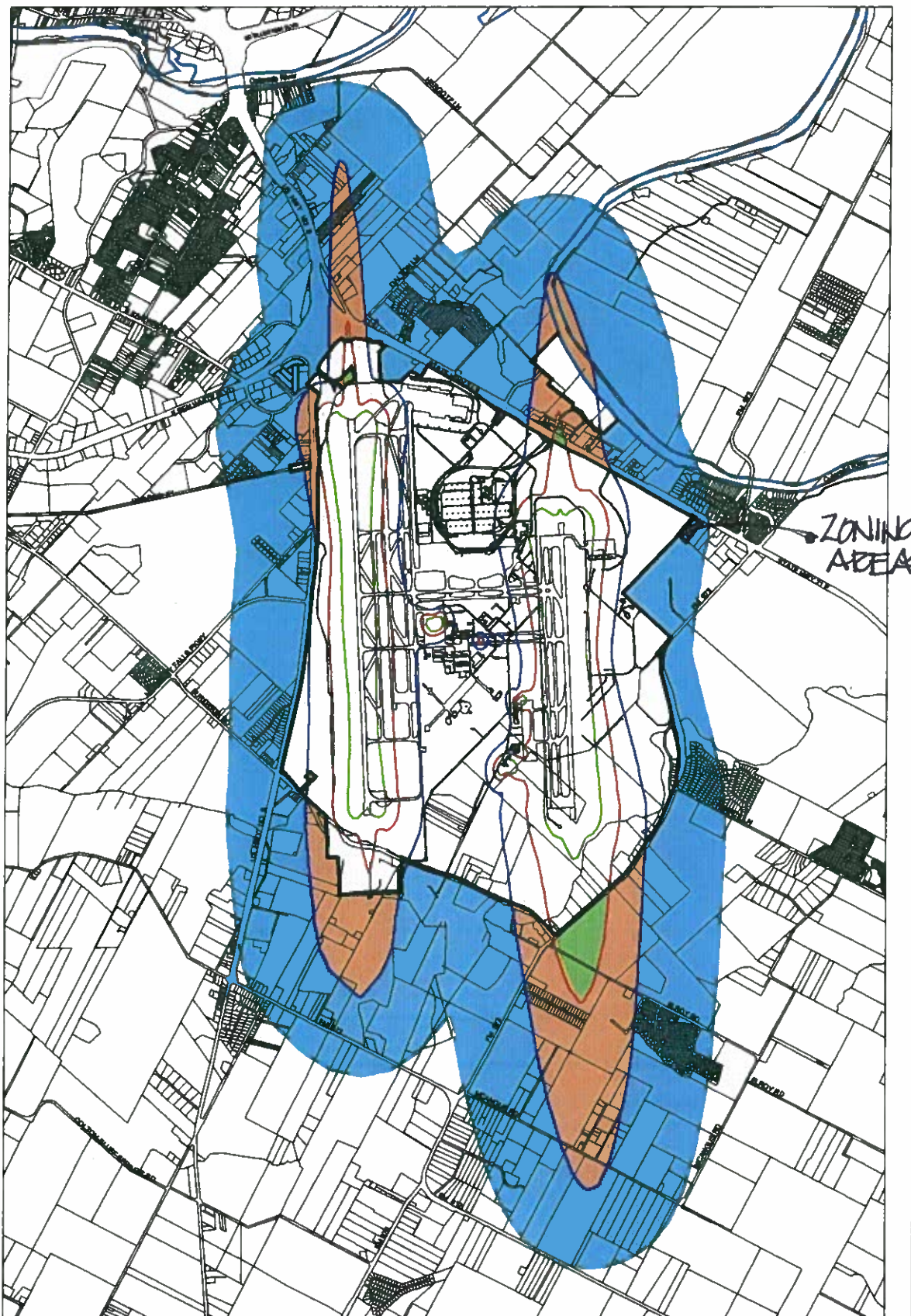
ZONING CASE#: C14-2008-0053
 ADDRESS: 3000 BLK E SH 71 EB
 SUBJECT AREA: 5.922 ACRES
 GRID: P16 & P17
 MANAGER: W. RHOADES

Exhibit A



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.





Austin-Bergstrom International Airport

Proposed Airport
Overlay Zones

Produced by: Infrastructure
Support Services



Date Plotted: August 7, 2001

- Airport Overlay Zone AO-1
- Airport Overlay Zone AO-2
- Airport Overlay Zone AO-3
- 65 DNL Contour
- 70 DNL Contour
- 75 DNL Contour
- Airport Property Boundary

-1/2 mile buffer

EXHIBIT
A-2



Date: October 21, 2008
To: Wendy Rhoades, Case Manager
CC: Scott Feldman, P.E., Alliance Transportation Group, Inc.
Reference: deLisser Tract TIA (3000 blk of Hwy 71 E)\C14-2008-0053

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Riata Vista dated September 2008, prepared by Scott Feldman, P.E., Alliance Transportation Group, Inc, and offers the following comments:

TRIP GENERATION

deLisser is a 5.9-acre development located in southeast Austin on State Hwy 71, between Terry Lane and Cheviot Lane.

The property is currently undeveloped and zoned Interim Rural Residence (IRR). The applicant has requested a zoning change General Commercial (CS) and is proposing 10,000 square feet of specialty retail and 8,000 square feet of fast food restaurant with drive through. The estimated completion of the project is expected in the year 2010.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 4,411 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	10,000 SF	443	0	0	20	25
Fast Food Restaurant w/ Drive Through	8,000 SF	3,271	112	104	74	64
Total		3,714	112	104	94	89

ASSUMPTIONS

1. Traffic growth rates applied were as follows:

ATTACHMENT A

Table 2. Growth Rates per Year	
Roadway Segment	%
SH 71 East	30
SH 71 West	20
Royster Ave	2
FM 973 North	20
FM 973 South	20
Fallwell Ln	8

2. In addition to these growth rates, background traffic volumes for 2010 included estimated traffic volumes for the following projects:

Eastbourne Crossing	C14-06-0208
Interport	C14-00-2052
3039 E. Hwy 71	C14-01-0186
Paul Keller	C14-06-0125
3103 E. Hwy 71	C14-05-0017
Interport South	C14-02-0013
Hornsby Glen	C8J-04-0041
Lexington Park	C8J-03-0111.SH

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
Fast Food Restaurant w/ Drive Through	49	50

4. No reductions were taken for internal capture.

5. No reductions were taken for transit use.

EXISTING AND PLANNED ROADWAYS

SH 71 E – State Highway 71 East is currently constructed as a six lane divided arterial east of US 813. The CAMPO 2030 plan does not identify any expansion of the roadway and the current cross section is assumed for this study.

FM 973 – FM 973 is classified in the CAMPO 2030 plan as a two lane minor arterial north of SH 71 and a two lane undivided arterial south of SH 71. This cross section is expected to remain through build out.

Royster St – Royster Lane is a collector taking direct access from SH 71.

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 4 intersections, 2 of which are signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

Table 5. PM Peak Level of Service			
Intersection	2006 Existing	2010 Forecasted (Without Site)	2010 Site + Forecasted
SH 71 and Royster	A	A	A
SH 71 and FM 973 S	E	F	F
SH 71 and FM 973 N	F	F	F
SH 71 and Driveway	-	-	A

RECOMMENDATIONS

- 1) Prior to any site plan approval on the site, fiscal is required to be posted for the following improvements:

Intersection	Improvement	Total Cost	Pro-Rata Share	Pro-Rata Cost
SH 71 and FM 973 S	Signal Timing Improvements	\$3,000	1.7%	\$51
	SB: Reconfigure for 2 lefts, 1 thru/right	\$285,311	3.8%	\$10,842
	NB: Reconfigure for 2 lefts, 1 thru/right	\$206,388	2.0	\$4128
	EB: Reconfigure for 2 lefts, 3 thru lanes and 1 right turn lane	\$323,853	2.0	\$6477
SH 71 and FM 973 N	SB: Reconfigure for 2 lefts, 1 right	\$150,483	2.9%	\$4,364
SH 71 and Terry Ln	Add WB U-turn	\$42,048	77.4%	\$32,546
Total		\$1,011,083		\$58,408

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

- 2) 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 site plan case.

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- 3) 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.

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

A handwritten signature in black ink, appearing to read "Amber Mitchell". The signature is fluid and cursive, with the first name "Amber" written in a larger, more prominent script than the last name "Mitchell".

Amber Mitchell

Sr. Planner - Transportation Review Staff

City of Austin - Watershed Protection and Development Review Department

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay prohibits the following uses: automotive sales, automotive repair services, equipment repair services, equipment sales and vehicle storage.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated October 21, 2008, as provided in Attachment A.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

CS, Commercial Services, zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments. The property is located on East SH 71, a freeway.

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

Staff recommends the Applicant's request based on the following considerations of the property: 1) location on a major arterial roadway; 2) commercial uses are appropriate within the Airport Overlay Zone; 3) the Conditional Overlay prohibits automotive rentals and repair uses, equipment sales and repair, and vehicle storage, similar to the adjacent CS-CO zoned property to the east; and 4) the Traffic Impact Analysis establishes intersection improvements at State Highway 71 and FM 973, and at SH 71 and Terry Lane.

EXISTING CONDITIONS**Site Characteristics**

The zoning area is undeveloped. The site is relatively flat and there appear to be no significant topographical constraints.

Impervious Cover

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

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%

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.

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 Attachment A.

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for SH 71 East. If the requested zoning is granted then 53 feet of right-of-way should be reserved from the existing right-of-way line of SH 71 East in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55)] *Confirm and provide documentation from TxDOT as to whether or not they require right-of-way reservation along this segment of SH 71.*

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 relocations and or abandonments required. 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.

Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-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 located within Austin-Bergstrom Overlay {AO-3}. No use will be allowed that creates electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. Airport Hazard Zoning Committee review may be required prior to the Zoning and Platting Commission Hearing.

Approval from TXDOT will be required for any access onto U.S. Highway 183.

LJA Engineering & Surveying, Inc.



5316 Highway 290 West
Suite 150
Austin, Texas 78735

Phone 512.439.4700
Fax 512.439.4716
www.ljaengineering.com

November 20, 2008

Ms Wendy Rhoades, Case Manager
Watershed Protection and Development Review
City of Austin
500 Barton Springs Road
Austin, Texas 78704

**Subject: 5.93 Acre deLisser Tract Zoning Request
City Case Number C14-2008-0053
Request for City Council Postponement**

Dear Ms Rhoades:

LJA Engineering & Surveying, Inc. as agent for the owner of the 5.93 acre deLisser Tract is requesting postponement of the Zoning Case before the City of Austin City Council, today, November 20, 2008. We are requesting a postponement of the case to the December 11, 2008 City Council Meeting. We are requesting this postponement to allow the owners to properly sign the associated restrictive covenant that is a part of this case.

We appreciate your cooperation and acceptance of this request. If you have any questions or need any information at this time, please call.

Sincerely,
LJA Engineering & Surveying, Inc.



Paul J. Viktorin, P.E.
Senior Project Manager

C; Danny Miller, P.E., LJA Engineering and Surveying, Inc.
Lou deLisser, Applicant/Owner