

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2010-0203 – Old Bastrop Highway Rezoning      **Z.A.P. DATE:** February 1, 2011

**ADDRESS:** 1115 Bastrop Highway Service Road

**OWNER:** Ali Arabzadegan

**AGENT:** Holford Group (Charles Dunn)

**ZONING FROM:** I-RR; CS

**TO:** CS

**AREA:** 3.838 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant commercial – liquor sales – conditional overlay (CS-1-CO) combining district zoning for Tract 1 and general commercial services – conditional overlay (CS-CO) combining district zoning for Tract 2. The Conditional Overlay across both tracts limits the total number of daily trips to 2,000.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

February 1, 2011: *TO GRANT CS-1-CO DISTRICT ZONING ON TRACT 1 AND CS-CO DISTRICT ZONING ON TRACT 2 AS STAFF RECOMMENDED, WITH AN ADDITIONAL CONDITIONAL OVERLAY PROHIBITING ADULT-ORIENTED BUSINESSES; BY CONSENT.*

*[P. SEEGER; C. BANKS – 2<sup>ND</sup>] (5-0) G. BOURGEOIS – ABSENT*

### **ISSUES:**

The Applicant is in agreement with the recommendation of the Zoning and Platting Commission.

### **DEPARTMENT COMMENTS:**

The subject property is developed with a cocktail lounge use on Tract 1 and an automotive repair business on Tract 2, and zoned general commercial services (CS) district along the Old Bastrop Highway frontage and interim – rural residence (I-RR) district on the remainder. The property takes access to Old Bastrop Highway, which is classified as a collector street. The tract is also in close proximity to the US Highway 183 / SH 71 interchange. There is a scrap and salvage business to the northwest along Old Bastrop Highway, a construction sales and services use, an automotive and truck repair business and undeveloped property to the south and east (CH-CO; CS-CO), and TXDOT right-of-way to the west. The property is also located within Airport Overlay Zone 2 (AO-2 consists of the portions of the controlled compatible land use area that have a yearly day-night average sound level of at least 65 DNL decibels and not more than 70 DNL decibels. The AO-2 zone does not allow for new residential development to occur). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes commercial – liquor sales (CS-1) for the footprint of the existing cocktail lounge (Tract 1) and general commercial services (CS) district zoning for unspecified commercial uses (Tract 2). A review of 1997 City aerials and land use annotations shows that the cocktail lounge and an automotive-related use were in existence prior to annexation in 2001, and are considered non-conforming uses. Staff recommends the Applicant's request given its proximity to two state highways, location within the airport overlay zone, and adjacent and compatible zoning and uses. The Conditional Overlay limits development to less than 2,000 vehicle trips per day.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	<b>I-RR; CS</b>	Cocktail lounge; Automotive repair
<i>North</i>	<b>I-RR</b>	Scrap and salvage; Undeveloped
<i>South</i>	<b>CS-CO</b>	Construction sales and services
<i>East</i>	<b>I-RR; CH-CO</b>	Automotive and truck repair; Undeveloped – proposed for commercial, retail and warehouse uses
<i>West</i>	<b>I-SF-2; SF-3; CS; CS-1</b>	TXDOT right-of-way for Bastrop Highway

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** Carson Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

511 – Austin Neighborhoods Council                      742 – Austin Independent School District  
 774 – Del Valle Independent School District  
 786 – Home Builders Association of Greater Austin  
 1037 – Homeless Neighborhood Association                      1075 – League of Bicycling Voters  
 1113 – Austin Parks Foundation  
 1200 – Super Duper Neighborhood Objectors and Appealers Organization  
 1228 – Sierra Club, Austin Regional Group  
 1236 – The Real Estate Council of Austin, Inc.                      1258 – Del Valle Community Coalition

**SCHOOLS:**

Del Valle ISD – Elementary School; Middle School; and High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2010-0202 – Weinstein Property Rezoning – 1127 Bastrop Highway Service Road	I-RR; I-SF-2; CS to CS	Scheduled for ZAP 2-1-11	Scheduled for 3-3-11
C14-06-0153 – Austin First Church – 1203 Bastrop Highway	I-RR; I-SF-2; CS to CS	To Grant CS-CO with the CO for 2,000 trips	Approved CS-CO as commission recommended (9-28-06).
C14-05-0135 – Highway 183 / Highway 71 / Ben White – 1200-1324 Dalton Lane; 1301-1421 Bastrop Highway Service Road	I-RR; CS to CH	To Grant CH-CO with the CO prohibiting residential uses, and limiting height to 90 feet and a Restrictive Covenant for the Traffic Impact Analysis.	Approved CH-CO with Restrictive Covenant as recommended by the Commission (12-15-05).
C14-99-0134 – Dalton Lane Limited Partnership – 1010-1070 Dalton Lane	I-RR to RR for Tract 1 and LI for Tract 2	To Grant LI and to prohibit auto-related uses.	Approved RR for Tract 1 and LI-CO for Tract 2 with the CO for 2,000 trips and prohibiting auto-related uses; adult-oriented uses and scrap and salvage (2-1-01).

**RELATED CASES:**

The CS zoned frontage was annexed into the City limits on September 7, 1998. The I-RR zoned portion of the property was annexed on September 6, 2001.

There are no related subdivision or site plan cases on the subject property.

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bus Route</b>
Bastrop Highway Service Road	130 feet	28 feet	Collector	No	No

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows:

Street Name	Existing Bicycle Facilities	Recommended Bicycle Facilities
Bastrop Highway Service Road	Wide Shoulder	Wide Shoulder

**CITY COUNCIL DATE:** March 3, 2011

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

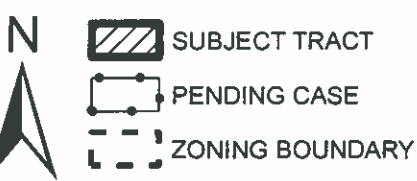
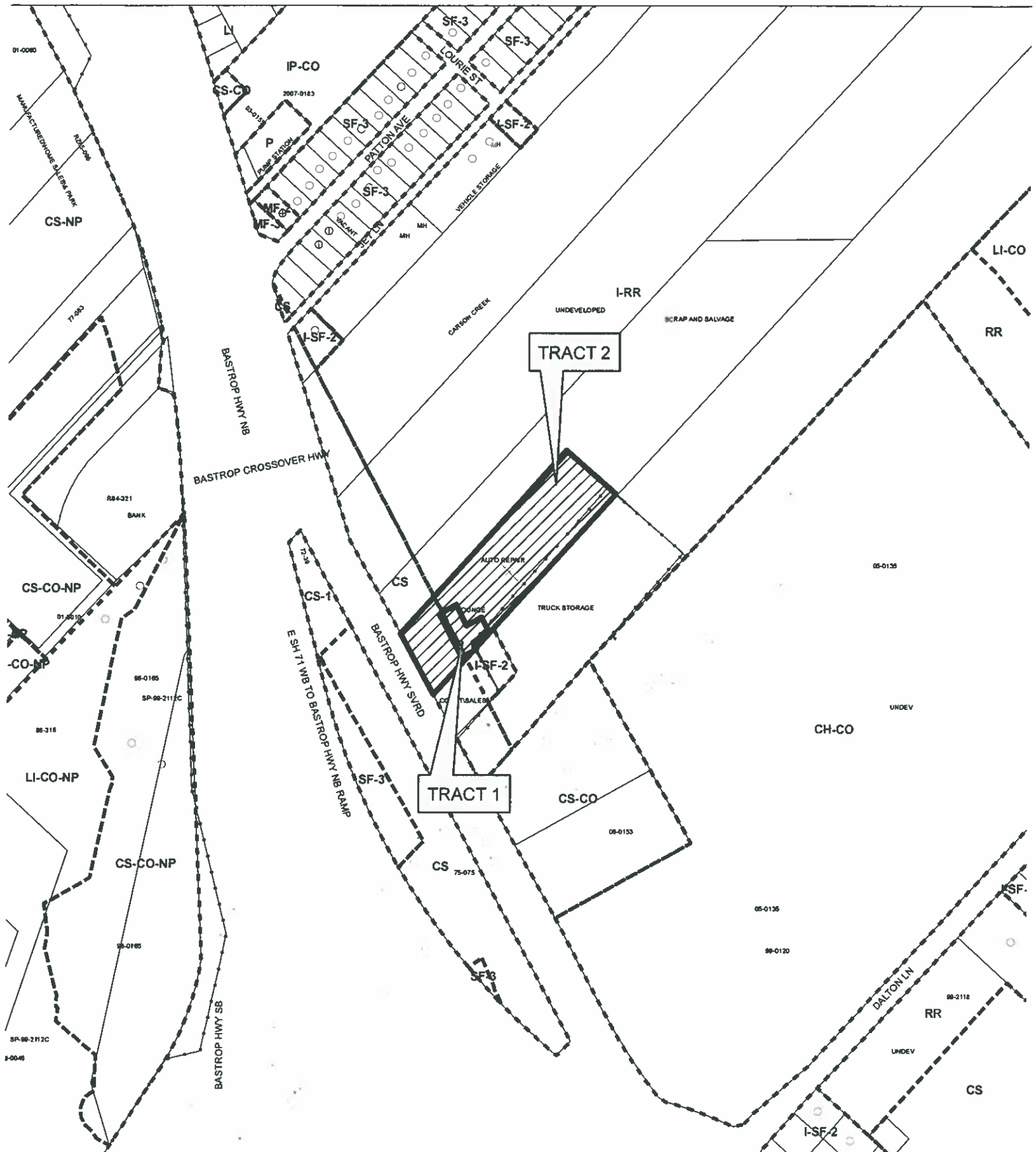
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

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

**PHONE:** 974-7719



1' = 500'

### ZONING

*Exhibit A*

ZONING CASE#: C14-2010-0203  
 LOCATION: 1115 BASTROP HWY SVRD  
 SUBJECT AREA: 3.838 AC.  
 GRID: M19  
 MANAGER: WENDY RHOADES



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant commercial – liquor sales – conditional overlay (CS-1-CO) combining district zoning for Tract 1 and general commercial services – conditional overlay (CS-CO) combining district zoning for Tract 2. The Conditional Overlay across both tracts limits the total number of daily trips to 2,000.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

*Tract 1:* The commercial – liquor sales (CS-1) zoning district is intended for commercial and industrial activities of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use.

*Tract 2:* 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.

*2. Zoning changes should promote compatibility with adjacent and nearby uses.*

Staff recommends the Applicant's request given its proximity to two state highways, location within the airport overlay zone, and adjacent and compatible zoning and uses. The Conditional Overlay limits development to less than 2,000 vehicle trips per day.

**EXISTING CONDITIONS****Site Characteristics**

The tract has been historically used for commercial purposes, and is presently developed with a cocktail lounge and an automotive repair business. The site is relatively flat and there appear to be no significant topographical constraints on the site.

**Impervious Cover**

The maximum impervious cover allowed by the CS and CS-1 zoning districts would be 80% which is a consistent figure between the watershed and zoning regulations.

**Environmental**

The site is not located over the Edwards 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 a floodplain within, or adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding 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**

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for Bastrop Highway. Additional right-of-way may be required at the time of site plan and / or subdivision application.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]



**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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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**

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 property is within the Airport Overlay Zone AO-2. 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 will be required for certain new structures. For more information, contact Joe Medici, Noise Abatement Officer at (512) 530-6652.

FYI – A cocktail lounge use is considered a conditional use in CS-1 zoning and therefore Land Use Commission review and approval of the site plan will be required. Neither a cocktail lounge nor restaurant with alcohol sales is allowed within 300 feet of a church, school or hospital.