ZONING CHANGE REVIEW SHEET


ADDRESS: 2705 East State Highway 71 Westbound

DISTRICT: 2

OWNER: ExecuTesla, LLC (Tim Spires)  AGENT: Law Offices of Damon A. Goff (Damon Goff)

ZONING FROM: CS-CO  TO: CS  AREA: 0.16 acres
(6,969.60 square feet)

SUMMARY STAFF RECOMMENDATION:

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

ZONING AND PLATTING COMMISSION RECOMMENDATION:

August 1, 2017: APPROVED CS-CO DISTRICT ZONING, WITH THE -CO PROHIBITING ADULT-ORIENTED BUSINESSES, ALTERNATIVE FINANCIAL SERVICES, BAIL BOND SERVICES AND PAWN SHOP SERVICES
[A. AGUIRRE; S. TRINH – 2ND] (10-0) Y. FLORES, B. GREENBERG, J.
KIOLBASSA, S. LAVANI – ABSENT

ISSUES:

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

DEPARTMENT COMMENTS:

The subject property is undeveloped, is located on the East State Highway 71 and is general commercial services – conditional overlay (CS-CO) district. In June 2010, Council approved CS-CO zoning with the CO allowing construction sales and services and all community commercial (GR) uses, and prohibiting certain uses, including all automotive-related uses and drive-through services as an accessory use. There is undeveloped land to the north and east (I-RR), the Austin International Bergstrom Airport to the south (AV), and a restaurant to the west (I-SF-2). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and C (2010 Rezoning Ordinance).

The Applicant has requested a zoning change to the general commercial services (CS) district in order to develop the property with an administrative office, and auto-related uses, including automotive rentals, automotive sales, and a service station. Since 2010, additional roadway improvements to the main lanes and frontage road of SH 71 have occurred and are
ongoing in the vicinity. The I-RR zoned property to the north was previously used as a manufactured home park but has been cleared within the last five years. For these reasons, Staff recommends the Applicant’s request based upon the following: 1) it is compatible with the adjacent uses along East S.H. 71 between Lyle Road and Cardinal Lane; 2) its frontage on a major arterial roadway allows for good vehicular access; and 3) the rezoning area is in close proximity to the Austin Bergstrom International Airport, and commercial zoning and uses are compatible with airport activities.

**EXISTING ZONING AND LAND USES:**

<table>
<thead>
<tr>
<th>Site</th>
<th>ZONING</th>
<th>LAND USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>I-RR</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>South</td>
<td>AV</td>
<td>Austin Bergstrom International Airport</td>
</tr>
<tr>
<td>East</td>
<td>I-RR</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>West</td>
<td>I-SF-2</td>
<td>Restaurant; Undeveloped</td>
</tr>
</tbody>
</table>

**AREA STUDY:** N/A    **TIA:** Is not required

**WATERSHED:** Colorado River **DESORED DEVELOPMENT ZONE:** Yes

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

**NEIGHBORHOOD ORGANIZATIONS:**

511 – Austin Neighborhoods Council  
774 – Del Valle Independent School District  
1195 – Imperial Valley Neighborhood Association  
1228 – Sierra Club, Austin Regional Group  
1340 – Austin Heritage Tree Foundation  
1528 – Bike Austin  
1550 – Homeless Neighborhood Association  
627 – Onion Creek Homeowners Association  
1005 – Elroy Preservation Association  
1258 – Del Valle Community Coalition  
1363 – SEL Texas  
1530 Friends of Austin Neighborhoods

**SCHOOLS:**

The subject property is within the Del Valle Independent School District.

**CASE HISTORIES:**

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>REQUEST</th>
<th>COMMISSION</th>
<th>CITY COUNCIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>C14-04-0011 –</td>
<td>I-RR to CS</td>
<td>To Grant GR-CO w/CO for 2,000 trips/day</td>
<td>Apvd GR-CO as Commission recommended (3-11-2004).</td>
</tr>
<tr>
<td>Frenchville – 2859 SH 71 E</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C14-00-2258 – Dairy Queen</td>
<td>I-SF-2 to GR</td>
<td>To Grant GR</td>
<td>Apvd GR (2-8-2001).</td>
</tr>
<tr>
<td>C14-00-2176 – Silverstone Inn Project – 2525 E SH 71</td>
<td>I-SF-2 to CS; GR</td>
<td>To Grant CS; GR</td>
<td>Apvd GR-CO w/CO for 2,000 trips/day and prohibiting adult-oriented businesses and pawn shop services (1-18-2001).</td>
</tr>
<tr>
<td>C14-00-2061 – Stamey Zoning – 2601 E SH 71</td>
<td>I-RR to GR for Tract 1, CS-1 for Tract 2</td>
<td>To Grant GR-CO for Tract 1; CS-1-CO for Tract 2 w/CO for 2,000 trips/day</td>
<td>Apvd GR-CO for Tract 1, CS-1-CO for Tract 2 as Commission recommended (6-1-2000).</td>
</tr>
<tr>
<td>C14-00-2060 – Stamey Zoning – 2777 E SH 71</td>
<td>I-RR to GR</td>
<td>To Grant GR-CO</td>
<td>Apvd GR-CO w/CO for 2,000 trips/day (6-1-2000).</td>
</tr>
<tr>
<td>C14-98-0056 – Austin Airport Hotel, L.C. – 2751 E SH 71</td>
<td>I-RR to GR</td>
<td>To Grant GR</td>
<td>Apvd GR (2-25-1999).</td>
</tr>
</tbody>
</table>

**RELATED CASES:**

The rezoning area is a portion of Lot 1, Gregg & Bryant Subdivision, recorded in April 1967 (C8s-67-007). Please refer to Exhibit B (Recorded Plat).

The subject property was annexed into the Full-purpose City limits on September 6, 2001 and zoned I-RR. In June 2010, Council approved CS-CO district zoning with the CO allowing construction sales and services and all GR uses, prohibiting adult-oriented businesses, all automotive related uses, drive-through services as an accessory use, and pawn shop services. A public Restrictive Covenant prohibits 24-hour business operations (C14-2010-0050 – 2705 East Highway 71).

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

**ABUTTING STREETS:**

<table>
<thead>
<tr>
<th>Name</th>
<th>ROW</th>
<th>Pavement</th>
<th>Classification</th>
<th>Sidewalks</th>
<th>Bike Route</th>
<th>Capital Metro (within ¼ mile)</th>
</tr>
</thead>
<tbody>
<tr>
<td>East SH 71</td>
<td>215 feet</td>
<td>150 feet</td>
<td>Highway</td>
<td>Yes</td>
<td>Yes, wide shoulder</td>
<td>Yes</td>
</tr>
</tbody>
</table>

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, an urban trail is recommended for East SH 71.
FYI – The Texas Department of Transportation shall approve access to East SH 71. East SH 71 is currently being reconstructed, including curb line changes and may require joint use access to adjacent rights-of-way or existing driveways.

CITY COUNCIL DATE: August 31, 2017

ORDINANCE READINGS: 1st  2nd  3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 512-974-7719
ET REZONING 2017

ZONING CASE#: C14-2017-0075
LOCATION: 2705 E. SH 71 Westbound
SUBJECT AREA: .16 ACRES
GRID: N17
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.
THE STATE OF TEXAS
COUNTY OF TRAVIS

This plat of Grego Subdivision was recorded as Exhibit B in the courts of Travis County, Texas, and is hereby deemed to be a subdivision subject to any covenants or restrictions heretofore granted.

WITNESS MY HAND AND SEAL OF OFFICE this the 15th day of December, A.D. 1964.

Cecil P. Bryant

Public Surveyor

Recorded Plat

Exhibit B

Rezoning Area
ORDINANCE NO. 20100624-135

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 2705 EAST STATE HIGHWAY 71 AND CHANGING THE ZONING MAP FROM INTERIM-RURAL RESIDENCE (I-RR) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from interim-rural residence (I-RR) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-2010-0050, on file at the Planning and Development Review Department, as follows:

A 0.16 acre tract of land, more or less, out of Lot 1, the Gregg and Bryant Subdivision, a subdivision in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit “A” incorporated into this ordinance (the “Property”),

locally known as 2705 East State Highway 71, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit “B”.

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

A. The following uses are conditional uses:

   Custom manufacturing
   Food preparation
   Maintenance and service facilities
   Special use historic
   Drop-off recycling collection facility
   Limited warehousing and distribution
   Plant nursery

B. The following uses are prohibited uses:

   Adult-oriented uses
   Automotive repair services
   Automotive sales
   Agricultural sales and services
   Automotive rentals
   Automotive washing (of any type)
Building maintenance services  Campground
Commercial blood plasma center  Convenience storage
Electronic prototype assembly  Electronic testing
Equipment repair services  Equipment sales
Exterminating services  Kennels
Laundry service  Monument retail sales
Off-site accessory parking  Pawn shop services
Service station  Transitional housing
Transportation terminal  Vehicle storage
Veterinary services

C. Drive-in service is prohibited as an accessory use to commercial uses.

Except as specifically provided in this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on July 5, 2010.

PASSED AND APPROVED

June 24, 2010

Lee Jeffingwell
Mayor

APPROVED:
Karen M. Kennard
Acting City Attorney

ATTEST:
Shirley A. Gentry
City Clerk
SUMMARY STAFF RECOMMENDATION:

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

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.

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

   Since 2010, additional roadway improvements to the main lanes and frontage road of SH 71 have occurred and are ongoing in the vicinity. Staff recommends the Applicant’s request based upon the following: 1) it is compatible with the adjacent uses along East S.H. 71 between Lyle Road and Cardinal Lane; 2) its frontage on a major arterial roadway allows for good vehicular access; and 3) the rezoning area is in close proximity to the Austin Bergstrom International Airport, and commercial zoning and uses are compatible with airport activities.

EXISTING CONDITIONS

Site Characteristics

The subject property is undeveloped and fairly flat, with sparse vegetative cover. 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 zoning regulations.

Comprehensive Planning

This rezoning case is located on the north side of Bastrop Highway/SH 71 (just north of the airport) on a property that is approximately 0.16 acres in size. The property is undeveloped and is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses includes undeveloped land to the north and east, a small restaurant to the west, and Bastrop Highway/SH 71 to the south. The proposal is to remove the CO to make way for an auto oriented (chauffeur) commercial/auto rental business. The current CO on the property prohibits a variety of auto related uses (auto sales, auto rental, auto washing,
off-site accessory parking, service station, vehicle storage, drive-thru, and transportation terminal.)

**Connectivity**
Public sidewalks are currently being installed along this section of the SH 71 but there are no public transit stops within walking distance to this highly traveled highway. The Walkscore for this site is 9/100, meaning almost all errands require a car.

**Imagine Austin**
Based on the comparative scale of the site relative to other commercial uses located along SH 71, as well as the site not being located along an Activity Corridor or within an Activity Center as identified on the Imagine Austin Growth Concept Map, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

**Environmental**

The site is not located over the Edwards Aquifer Recharge 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. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<table>
<thead>
<tr>
<th>Development Classification</th>
<th>% of Gross Site Area</th>
<th>% of Gross Site Area with Transfers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family (minimum lot size 5750 sq. ft.)</td>
<td>50%</td>
<td>60%</td>
</tr>
<tr>
<td>Other Single-Family or Duplex</td>
<td>55%</td>
<td>60%</td>
</tr>
<tr>
<td>Multifamily</td>
<td>60%</td>
<td>70%</td>
</tr>
<tr>
<td>Commercial</td>
<td>80%</td>
<td>90%</td>
</tr>
</tbody>
</table>

According to floodplain maps there is no floodplain within or adjacent to the project location.

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

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 512-974-1876. 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 requires water quality control with increased capture volume and control of the 2 year storm on site.

**Site Plan and Compatibility Standards**

The site is located within Austin-Bergstrom Overlay [AO-2]. No use will be allow that create 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 Zoning and Platting Commission Hearing.

This site is in the Scenic Roadway sign district. As a result, the subject tract will be limited to one freestanding sign not to exceed 12 feet in height and the lesser of 64 square feet or 0.4 square feet for each linear foot of street frontage.

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.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

**Transportation**

Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC, Section 25-6-113.

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for E SH 71. TxDOT may request the dedication and/or reservation of additional right-of-way in accordance with the Transportation Plan during the subdivision and/or site plan application [LDC, Sec. 25-6-51 and 25-6-55].

**Water and Wastewater**

FYI: 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, water or wastewater easements,
utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. 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 fees once the landowner makes an application for Austin Water utility tap permits.
PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application’s hearing to a later date, or may evaluate the City staff’s recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin’s land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission’s name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2017-0075
Contact: Wendy Rhoades, 512-974-7719
Public Hearings: August 1, 2017, Zoning and Platting Commission
August 31, 2017, City Council

Cecil P. Bryant
2648 E. State Hw 71
435 E. Elizabeth

I am in favor
☒ I object

Your address(es) affected by this application

Cecil P. Bryant
Signature 7/24/17 Date

Daytime Telephone: 409-540-2205

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810