

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2017-0111 – 3059 Hwy 71 East

**Z.A.P. DATE:** October 17, 2017

**ADDRESS:** 3059 East State Highway 71 Westbound

**DISTRICT AREA:** 2

**OWNER/APPLICANT:** 3059 Highway 71  
Investments, LLC (Saeed Minhas)

**AGENT:** Lenworth Consulting, LLC  
(Nash Gonzales)

**ZONING FROM:** SF-2     **TO:** CS     **AREA:** 0.517 acres (22,500 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay: 1) establishes a 15' wide vegetative buffer along Meldrum Road; 2) prohibits access to Meldrum Road and 3) prohibits the following uses: adult-oriented businesses, campground, commercial blood plasma center, custom manufacturing, funeral services, indoor entertainment, indoor sports and recreation, outdoor entertainment, outdoor sports and recreation, pawn shop services, theater, and vehicle storage.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

October 17, 2017: *APPROVED CS-CO DISTRICT ZONING AS STAFF RECOMMENDED, NOTING THAT HOTEL-MOTEL WAS REMOVED FROM THE PROHIBITED USE LIST [D. KING; S. LAVANI – 2<sup>ND</sup>] D. BREITHAUP, Y. FLORES, S. TRINH – ABSENT*

### **ISSUES:**

The Applicant is in agreement with the Staff recommendation.

### **DEPARTMENT COMMENTS:**

The subject rezoning area is undeveloped and located on the westbound lane of East SH 71 west of between Cheviot Lane and extends to Meldrum Road. Driveway access is taken to East SH 71. The property has single family residence-standard lot (SF-2) district zoning and there are residential uses across Meldrum Road to the north (I-SF-2); residences along Meldrum Road and an auto repair and rental business and a restaurant on SH 71 to the east (I-SF-2; GR-CO; GR), and an undeveloped area and vacant buildings to the west (CS-CO). The property is also within the Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

TXDOT has acquired area along the SH 71 frontage for highway improvements and the Applicant has requested general commercial services (CS) district zoning on the property in

order to combine the subject rezoning area with adjacent property to the west and construct a hotel. The adjacent property has CS-CO zoning by way of a 2002 rezoning case and the Conditional Overlay establishes a 15' wide vegetative buffer along the north property line (Meldrum Road and does not allow for vehicular access to occur) and prohibits certain uses.

As this tract will be developed in conjunction with the adjacent property, Staff recommends applying the same Conditional Overlay to this rezoning case. Staff recommends the CS-CO district based on its location on SH 71, an arterial roadway which lends itself to more intense zoning. However, due to the adjacent residential area to the north and east, Staff is also recommending that the tract not have access to Meldrum Road, a residential roadway because the traffic service requirements of the CS district are generally incompatible with residential environments. Finally, there are commercial uses and zonings along the SH 71 frontage to the east and west, and the existing residential zoning assigned at the time of annexation in 2001 is no longer desirable due to highway noise and flight path activities.

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

|              | <b>ZONING</b> | <b>LAND USES</b>                                                                                  |
|--------------|---------------|---------------------------------------------------------------------------------------------------|
| <i>Site</i>  | SF-2          | Undeveloped                                                                                       |
| <i>North</i> | I-SF-2        | Residential                                                                                       |
| <i>South</i> | East SH 71    | Westbound frontage road and main lanes                                                            |
| <i>East</i>  | GR-CO; GR     | Auto repair; Auto rentals; Restaurant (limited); Apartments; Single family residences             |
| <i>West</i>  | CS-CO         | Undeveloped; Vacant commercial buildings; Telecommunications tower; A few residences; Auto repair |

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** Colorado River

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** Yes

#### **NEIGHBORHOOD ORGANIZATIONS:**

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

#### **SCHOOLS:**

Hillcrest Elementary School      Dailey Middle School

Del Valle High School

**CASE HISTORIES:**

| <b>NUMBER</b>                                                                           | <b>REQUEST</b>      | <b>COMMISSION</b>                                                                 | <b>CITY COUNCIL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------|---------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| C14-2015-0034 –<br>Sonic Drive In #21<br>- Del Valle – 3115<br>E SH 71 WB               | I-SF-2 to GR        | To Grant                                                                          | Apvd (6-11-2015).                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| C14-2008-0244 –<br>Najib 0.7 – 3133 E<br>SH 71 WB                                       | I-SF-2 to CS        | To Grant GR-CO<br>w/CO prohibiting auto<br>repair, auto washing<br>and pawn shops | Apvd GR-CO as<br>Commission<br>recommended (2-12-<br>2009).                                                                                                                                                                                                                                                                                                                                                                                                                 |
| C14-05-0017 –<br>Highway 71 – 3103<br>E SH 71 WB                                        | I-SF-2 to GR-<br>CO | To Grant GR-CO                                                                    | Apvd GR-CO w/CO<br>for 2,000 trips (4-7-<br>2005).                                                                                                                                                                                                                                                                                                                                                                                                                          |
| C14-01-0186 –<br>State Highway 71<br>East 3039 – 3039-<br>3101 E SH 71 WB               | I-SF-2; RR to LI    | To Grant CS-CO with<br>added conditions                                           | Apvd CS-CO w/CO<br>for 15' vegetative<br>buffer along Meldrum<br>Rd., prohibit adult<br>businesses, B & B<br>residential (Groups<br>1&2); campground,<br>cocktail lounge,<br>commercial blood<br>plasma center, custom<br>mfg, funeral services,<br>hotel-motel,<br>indoor/outdoor<br>entertainment, indoor /<br>outdoor sports and<br>recreation, marina,<br>pawn shops, scrap &<br>salvage, special use<br>historic, stables,<br>theater, vehicle storage<br>(5-16-2002). |
| C14-01-0027 –<br>High Performance<br>Automotive –<br>Highway 71 East at<br>Cheviot Lane | I-SF-2 to GR        | To Grant GR-CO                                                                    | Approved GR-CO w/<br>CO for 2,000 trips (4-<br>19-2001).                                                                                                                                                                                                                                                                                                                                                                                                                    |

**RELATED CASES:**

The property was annexed into the Full-purpose City limits on September 6, 2001 (C7a-01-002).

The rezoning area is unplatted and there are no subdivisions or site plans in process.

**EXISTING STREET CHARACTERISTICS:**

| Name         | ROW      | Pavement    | Classification | Sidewalks | Bike Route | Capital Metro (within ¼ mile) |
|--------------|----------|-------------|----------------|-----------|------------|-------------------------------|
| SH 71        | 350 feet | 2 @ 36 feet | Freeway        | No        | No         | Yes                           |
| Meldrum Road | 50 feet  | 20 feet     | Local          | No        | No         | Yes                           |

**CITY COUNCIL DATE:** November 9, 2017

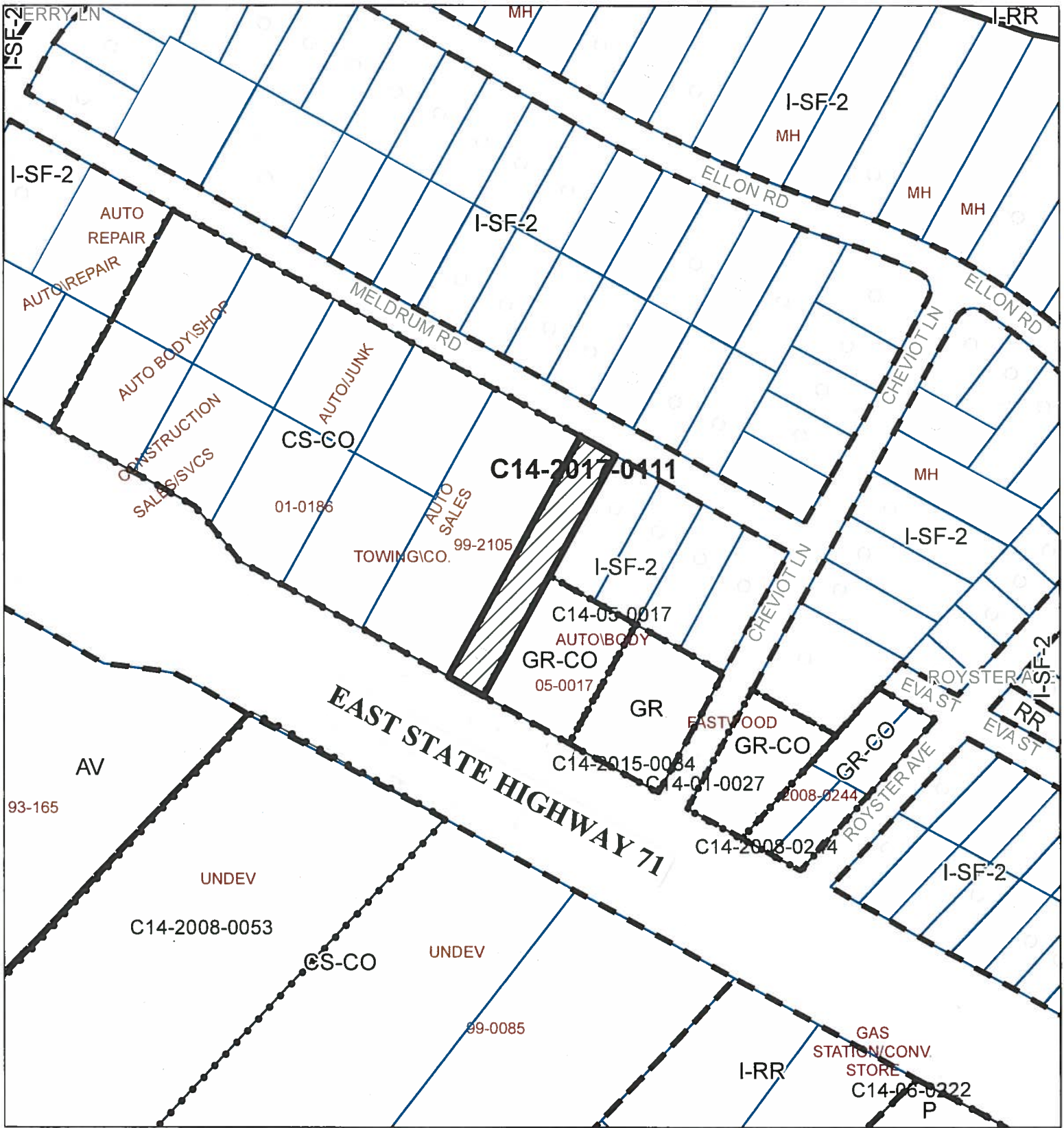
**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>                      2<sup>nd</sup>                      3<sup>rd</sup>

**ORDINANCE NUMBER:**

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

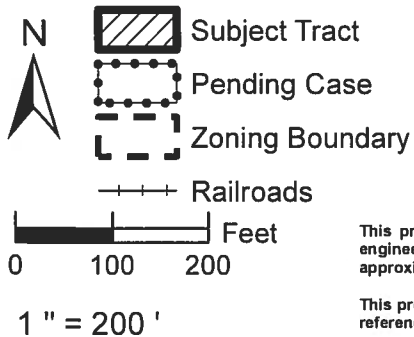
**PHONE:** 512-974-7719



## ZONING

Case#: C14-2017-0111

Exhibit A



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 8/29/2017





 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

 CREEK BUFFER

1" = 200'

**3059 HWY 71 EAST**

**EXHIBIT A-1**

ZONING CASE#: C14-2017-0111

LOCATION: 3059 E SH 71 WB

SUBJECT AREA: .517 ACRES

GRID: P17

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:**

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**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 direct access to the westbound frontage road of East State Highway 71.*

*2. Granting the request should result in equal treatment of similarly situated property and result in compatible land uses.*

*3. Zoning changes should be consistent with an adopted area study.*

*4. A change in conditions has occurred within the area indicating that there is a basis for changing the originally established zoning.*

As this tract will be developed in conjunction with the adjacent property, Staff recommends applying the same Conditional Overlay to this rezoning case. Staff recommends the CS-CO district based on its location on SH 71, an arterial roadway which lends itself to more intense zoning. However, due to the adjacent residential area to the north and east, Staff is also recommending that the tract not have access to Meldrum Road, a residential roadway because the traffic service requirements of the CS district are generally incompatible with residential environments. Finally, there are commercial uses and zonings along the SH 71 frontage to the east and west, and the existing residential zoning assigned at the time of annexation in 2001 is no longer desirable due to highway noise and flight path activities.

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

The site is flat and there appear to be no significant topographical constraints on the site.

**Impervious Cover**

The maximum impervious cover allowed by the CS zoning district is 80%, based on the more restrictive *watershed* 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 0.51 acres in size and has a double frontage on Meldrum Road. The property is undeveloped and is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses includes residential to the north; Bastrop Highway/SH 71 to the south; a used car lot, restaurant and residential to the east; and undeveloped/vacant land to the west. The proposed use is a hotel.

**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 13/100, Car Dependent, meaning almost all errands require a car.

**Imagine Austin**

Based on the comparative scale of the site relative to the variety of 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.

**Drainage**

The developer is required to submit a pre and post development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

**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:



| <i>Development Classification</i>                | <i>% of Gross Site Area</i> | <i>% of Gross Site Area with Transfers</i> |
|--------------------------------------------------|-----------------------------|--------------------------------------------|
| Single-Family<br>(minimum lot size 5750 sq. ft.) | 50%                         | 60%                                        |
| Other Single-Family or Duplex                    | 55%                         | 60%                                        |
| Multifamily                                      | 60%                         | 70%                                        |
| Commercial                                       | 80%                         | 90%                                        |

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.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

#### **Site Plan and Compatibility Standards**

Site plans will be required for any new development other than single-family or duplex residential.

Any new development is subject to Subchapter E. Design Standards and Mixed Use.

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 subject to compatibility standards. Along the northeast property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.

- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

Additional comments will be made when the site plan is submitted.

FYI – This site is located within the Austin-Bergstrom Airport Controlled Compatible Land Use Area Overlay. No use will be allowed that can 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 Planning Commission Hearing. Additional comments may be generated during the site plan review process.

This site is within the Scenic Roadway Sign District. All signs must comply with Scenic Roadway Sign District regulations. Contact Viktor Auzenne at 512-974-2941 for more information.

### **Transportation**

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

### **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.