Item C-08 1 of 14

#### **ZONING CHANGE REVIEW SHEET**

<u>CASE</u>: C14-2018-0119 – 3005 E State Hwy 71 <u>Z.A.P. DATE</u>: December 18, 2018

ADDRESS: 3005 East State Highway 71 Westbound

**DISTRICT AREA: 2** 

OWNER/APPLICANT: Dimension Properties, Inc. AGENT: Lenworth Consulting, LLC (Michael J. Kuhn; Mark J. Salmanson) (Nash Gonzales)

**ZONING FROM:** I-SF-2 **TO:** CS-CO **AREA:** 0.8402 acres (36,599.11 square feet)

# **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: adult-oriented businesses, campground, commercial blood plasma center, 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:**

December 18, 2018:

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The subject corner lot contains a non-conforming automotive repair business located at the east corner of East SH 71 and Terry Lane. Driveway access is taken to East SH 71 and Terry Lane. The property has interim – single family residence-standard lot (SF-2) district zoning assigned upon annexation into the City limits in 2001. There are residential uses on Terry Lane and Meldrum Road to the north (I-SF-2); undeveloped land and commercial buildings on SH 71 to the east (I-SF-2; CS-CO), and undeveloped land and apartments to the west (CS-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

TXDOT has acquired area along the SH 71 frontage and has recently made highway improvements, and the Applicant requests general commercial services – conditional overlay (CS-CO) district zoning on the property in order to reconstruct the auto repair use. The Applicant's proposed Conditional Overlay is for a set of prohibited uses that are consistent with those of several properties on this block of East SH 71 that were approved for CS-CO zoning by in 2002.

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This lot is similarly situated and therefore, Staff recommends CS-CO zoning 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 also recommends applying a similar set of prohibited uses, as requested by the Applicant. 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:**

ZONING LAND USES		LAND USES	
Site	I-SF-2	Auto repair business	
North	I-SF-2	Residential	
South	East SH 71	Westbound frontage road and main lanes	
East	CS-CO; I-SF-2	Undeveloped; Telecommunications tower; Commercial	
West	CS-CO; I-SF-2	Undeveloped; Apartments; A few residences	

**AREA STUDY:** Not Applicable

**TIA:** Is not required

**WATERSHED:** Colorado River – Suburban

**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

1363 – SEL Texas 1528 – Bike Austin

1530 – Friends of Austin Neighborhoods 1550 – Homeless Neighborhood Association

1616 – Neighborhood Empowerment Foundation

# **SCHOOLS:**

Hillcrest Elementary School Dailey Middle School

Del Valle High School

#### **CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL	
C14-2017-0111 -	SF-2 to CS	To Grant CS-CO w/CO	Apvd CS-CO as	
3059 Hwy 71 East	,"	for a 15' vegetative	Commission	
		buffer along Meldrum	recommended (11-9-	
		Rd; 2) prohibits access	2017).	
		to Meldrum Rd and 3)	8	
13		prohibits the following		

Page 3

		uses: adult-oriented	
		businesses,	
		campground,	
_ >		commercial blood	1
		plasma center, custom	-
		manufacturing, funeral	
		services, indoor	
	7.	entertainment, indoor	2
		sports and recreation,	
	- 5	outdoor entertainment,	
		outdoor sports and	_
		recreation, pawn shop	
į.		services, theater, and	77.
		vehicle storage.	
C14-05-0017 -	I-SF-2 to GR-	To Grant GR-CO	Apvd GR-CO w/CO
Highway 71 – 3103	CO	10 Grain GR-CO	1 -
E SH 71 WB			for 2,000 trips (4-7-
	LOE O. DD 4- LI	To Count Of OO with	2005).
C14-01-0186 —	I-SF-2; RR to LI	To Grant CS-CO with	Apvd CS-CO w/CO
State Highway 71	'	added conditions	for 15' vegetative
East 3039 – 3039-			buffer along Meldrum
3101 E SH 71 WB	**		Rd., prohibit adult
			businesses, B & B
			residential (Groups
			1&2); campground,
			cocktail lounge,
			commercial blood
			plasma center, custom
			mfg, funeral services,
			hotel-motel,
			indoor/outdoor
			entertainment, indoor /
	¥ = #		outdoor sports and
		٨	recreation, marina,
			pawn shops, scrap &
			salvage, special use
			historic, stables,
	U		theater, vehicle storage
	27		(5-16-2002).
C14-99-2105 -	I-RR to RR	To Grant RR	Apvd (4-20-2000).
3059 State Hwy 71			
E (City- Initiated)			
L (City- Illitiated)		<u></u>	

# **RELATED CASES:**

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

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The rezoning area is platted as Lot 24-A of the Resubdivision of Lots 24 & 25 Glenbrook Addition Section One recorded in March 1983 (C8s-83-012). There are no site plans in process.

# **EXISTING STREET CHARACTERISTICS:**

Name	ROW	Pavement	Classification	Sidewalks (along property frontage)	Bicycle Route	Capital Metro (within 1/4 mile)
SH 71	275 feet	130 feet	Highway	Yes	Yes, wide shoulder	Yes
Terry Lane	50 feet	22 feet	Local	No	No	Yes

**CITY COUNCIL DATE:** January 31, 2019

**ACTION**:

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

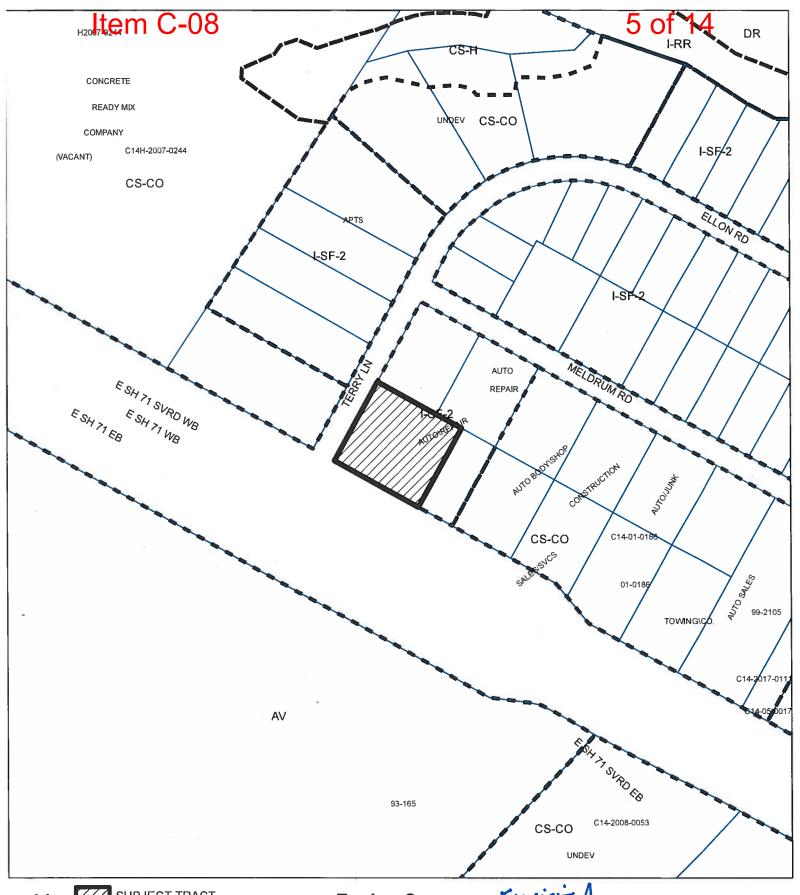
3rd

**ORDINANCE NUMBER:** 

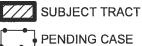
**CASE MANAGER:** Wendy Rhoades

**PHONE:** 512-974-7719

e-mail: wendy.rhoades@austintexas.gov



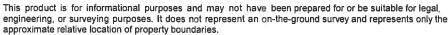


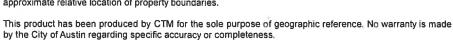


**Zoning Case** C14-2018-0119

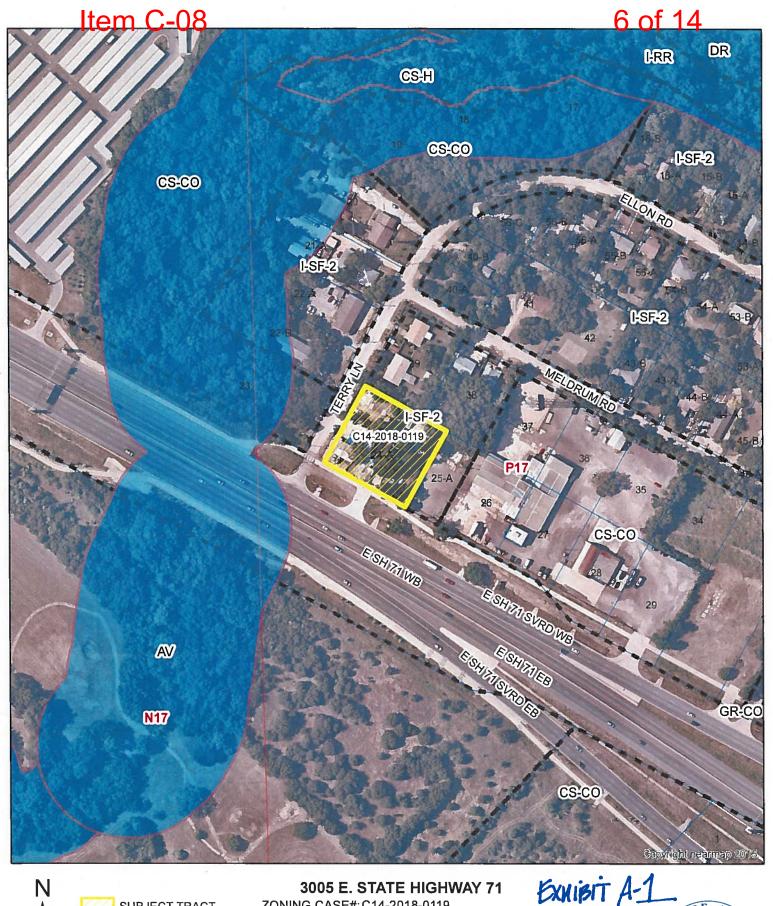
EXHIBIT A















3005 E. STATE HIGHWAY 71

ZONING CASE#: C14-2018-0119

LOCATION: 3005 E. STATE HIGHWAY 71 SERVICE ROAD WB

SUBJECT AREA: .8402 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.



U. S. HIGHWAY 71 EAST

#### COUNTY STATEMENT OF STREETS AND ROADS:

Lei 23

LENGORANIE LIMITS 180 NOM.
RIOCO RANI AS PER TRANS COUNTY
RIOCO RAIN MAP NO. 181026-0130 ...

In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads and other public thoroughfares delingated and shown on this plat, and all bridges or other public thoroughfares, or in connection therewith, shall be the responsibility of the owner and/of the developer of the tract of land conveyed by the plat in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas, assumes no obligation to build the streets, roads or other public thoroughfares shown on this plat, or of constructing any bridges or culverts in connection therewith, and be resolved by the Commissioners Court of Travis County, Texas, that the acceptance for maintaining by Travis County, Texas, of the roads or streets in Real Estate Subdivisions does not obligate the County to install street marking signs, as this is considered to be a part of the Developers construction; but that erecting signs for traific control, such as for speed limits and STOP and YEALD signs, shall regain the responsibility of the county.

A.D. 19 at FILED FOR RECORD on the \_ \_day of Doris Shropshire, County Clerk, Travis County, Texas

Deputy

HEALTH DEPARTHENT RESTRICTIONS:

No structure in this subdivision shall be occupied until connected to a public causer system or to an individual sewage disposal system which has been approved by the Austin-Travis County Health Department.

No structure in this subdivision shall be occupied until connected to a potable water supply from an approved public water supply. These restrictions are enforceable by the Austin-Travis County Health Department and/or the lot owner or developers.

This subdivision has been accepted for development for septic tank use by the Austin-Travis County Health Department.

Date 3-14-83

Johnson J. Drien P.E. Health Officer Tomor F. Green

#### NOTES

- An easement of five (5) feet is reserved off the rear of all lots for public utilities.
- $\aleph$  59° 13' N. 200.'  $\times$  2.0' is a reserved strip for the purpose of water service assignment to lot 25A.
- Prior to construction on Lots 24A and 25A, drainage plans will be submitted for review. Rainfall runoff shall be held to the amount existing at undeveloped status by use of ponding or other approved
- No part of this tract is within the boundaries of the 100 year flood plain: Based upon information obtained from the Travis County Engineer's Office. Travis County Flood Plain Map No. 481026-01308.

William H. Smith Jr., am authorized under the laws of the State
of Texas to practice the profession of Surveying, and hereby
certify that this plat complies with surveying related portions of
Chapter #25 of the Austin City Code and correctly represents a
survey made on the ground under my suprevision January; 1983.

william H Smith 5

William H. Smith Jr. Texas Registration No. 3982 Date 10 Therol: \*F3



THE STATE OF TEXAS COUNTY OF TRAVIS

NORMEN OF ALL MEN BY THESE PRESENTS:

1, John Loughlin, owner of the herein designated lats, being Lots
24 & 25 (1.189 Ac.) of the GLEMBROOK ADDITION SECTION ONE according
to the piat of sais subdivision recorded in Volume 5, Page 30 of the
plat records of Travis County, Texas, being a part of the same lots
conveyed to me by Deed recorded in Volume 5092, Page 1094 of the Dred
Records of Travis County, Texas, said Lots 24 & 25 being permitted to
use for commercial purposes by Deed recorded in Volume 1073, Page 210
of the Deed Records of Travis County, Texas, do hereby resubdivide
said lots in accordance with the foregoing plat and do hereby adopt
this plat as our subdivision to be known as the RESUBDIVISION OF
LOTS 24 t 25 GLEMBROOK ADDITION SECTION ONE, and do hereby dedicate
all streets and easements shown hereon as far as my interest may
appear.

Ritness my hand this it day of Missur A.D. 1983

John Loughlin 3005 BASTROP HICHMAY DEL WILLE; TEXAS 70217.

28617 STATE OF TEXAS

COUNTY OF TRAVES

Before me, the undersigned authority, on this day personally appeared John Loughlin, known to me to be the person whose name is subscribed to the forgoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

HITHESS MY HAND AND SEAL OF OFFICE this the 40 day of Macan A.D., 1933.

Hotary Public in John for the County, lexas Hy comission expires 10-46-67

APPROVED FOR ACCEPTANCE: Director of Planning

MARCH 22, 1983

ACCEPTED AND AUTHORIZED FOR RECORD by the Planning Commission of the City of Austin, Texas, this the 22 day of MARCH, 1983, A.D.

West Marabine

MARY E 'S

COMMISSIONERS COURT CERTIFICATE

STATE OF TEXAS COUNTY OF TRAVIS

I, Doris Shropshire, County Clerk of Travis County, Texas, do hereby certify that on the 20 mday of MARCHI.B. 1933, the Commissioners Court of Travis County lexas passed an order authorizing the filing for record of this plat and that said order has been duly entered in the minutes of the said court in Book 3 Page 444.

WITHESS MY HAND AND SEAL OF THE COURT of said County this 257 day of Marcy A.D. 1963 Doris Shropshire, Clerk County Court, Travis County, Texas:

BY TO AMPANEDICA DESIGNATION OF THE PROPERTY O

DORIS SHROPSHIRE Transcounty Clerk \*\*\*

FILEO FOR RECORD, this the 28th day of March, 1985, A.D. Fib o'clock M.

Doris Shropshire, Clerk County Court, Travis County, Texas

L. Jones L JONES Dorio Shippikite

STATE OF TEXAS

COUNTY OF TRAVIS

I. Doris Shropshire, Clerk of the County Court of Travis County
Texas, within and for the County and State aforesaid do hereby certify
that the forgoing inatroment of writing with its cortificate of
authentication was filed for record in my office on the State day of
11 acch 193, A.D., give o'clock H. and duly recorded on
the State of the County of the County flow of the

Doris Shropshire, Clerk County Court, Travis County , Texas

Dores

83

ECORDED

N 40 A15

. . 1749

Turner Collie & Braden Inc.

JOS NO. 41- 07745-001 II JAN 1943

Page 5

### **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: adult-oriented businesses, campground, commercial blood plasma center, funeral services, indoor entertainment, indoor sports and recreation, outdoor entertainment, outdoor sports and recreation, pawn shop services, theater, and vehicle storage.

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

This lot is similarly situated and therefore, Staff recommends CS-CO zoning 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 also recommends applying a similar set of prohibited uses, as requested by the Applicant. 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.

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# **Comprehensive Planning**

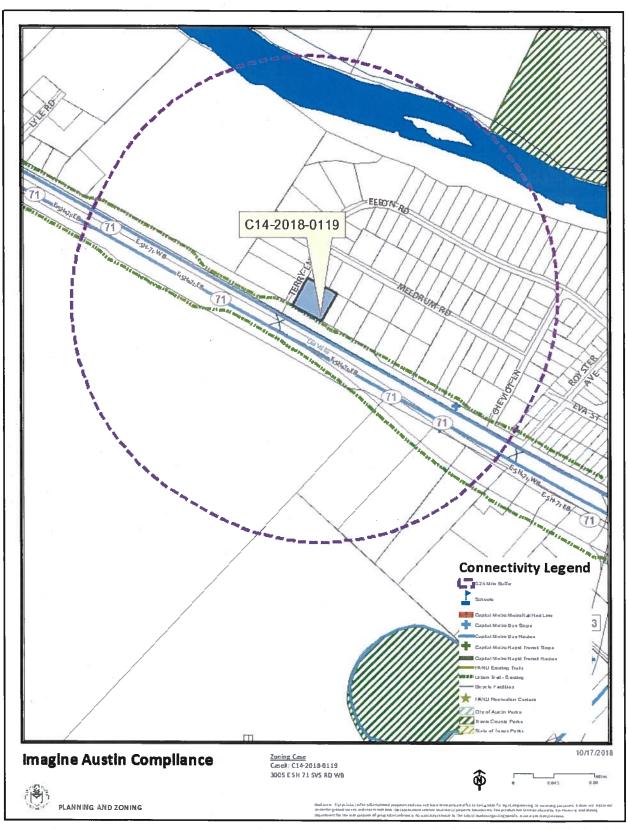
This rezoning case is located on the northeast corner of Bastrop Highway/SH 71 frontage road and Terry Lane, on property that contains an existing auto repair shop. The property is approximately 0.82 acres in size, and is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses include single family housing and undeveloped land to the north; the Austin-Bergstrom International Airport, a softball field and the Travis County Jail to the south; to the east is a tire shop, a trunk rental business and commercial / light industrial businesses; and to the west is undeveloped land, a small apartment building, a couple of single family residences and commercial airport parking facility. The proposal is to acknowledge the existing use on the site, which is auto repair shop by obtaining commercial zoning for the property.

### Connectivity

The Walkscore for this site is 14/100, Car Dependent, meaning almost all errand require a car. A new public sidewalk/urban trails is currently being installed along this portion of the highway. There are no transit stops in this area. The mobility options have improved with the installation of the urban trail, which offers another option besides driving in the area.

#### **Imagine Austin**

Based on the existing and comparably sized auto-centric uses in the area (auto repair, tire sales, truck rental, airport parking facility) and light industrial uses located along this portion of Hwy 71, as well as the site not being located along an Activity Corridor or within an Activity Center, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.



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# **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:

Development Classification	% of Gross Site Area	% of Gross Site Area with Transfers
Single-Family	50%	60%
(minimum lot size 5750 sq. ft.)		
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.

Several 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

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

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

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.

### **Compatibility Standards**

The site is subject to compatibility standards. Along the north and east property lines, 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.

### **Airport Overlay**

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. Additional comments may be generated during the site plan review process.

#### Scenic Roadways

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.

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# **Transportation**

TxDOT has already reviewed and approved this site for access, and it is assumed no proposed change in the current driveway locations will result based on this rezoning.

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

The Austin Metropolitan Area Transportation Plan calls for 400 feet of right-of-way for SH 71. With the approval of the Texas Department of Transportation, 200 feet of right-of-way should be dedicated and/or reserved from the existing centerline at the time of the subdivision and/or site plan application, whichever comes first [LDC 25-6-51 and 25-6-55].

Additional right-of-way may be required at the time of subdivision and/or site plan.

Janae Spence, Urban Trails, Public Works Department, Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

The Urban Trails Master Plan recommends a tier II urban trail along SH 71. Please review the Urban Trails Master Plan for more information. Janae Spence, Urban Trails, Public Works Department may provide additional comments and requirements for right-of-way dedication and trail construction in accordance with LDC 25-6-55 and LDC 25-6-101.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, an urban trail is recommended for SH 71. Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments and requirements for right-of-way dedication and bicycle facility construction in accordance with LDC 25-6-55 and LDC 25-6-101. Please review the Bicycle Master Plan for more information.

FYI – It is recommended that the applicant provide joint access to the eastern lot to Terry Lane to reduce the number of driveways to SH 71. Access to SH 71 shall be reviewed and approved by the Texas Department of Transportation. The existing driveway may be required to be removed and/or reconstructed at the time of the site plan application.

FYI – The existing driveways and sidewalks along SH 71 and Terry Lane may be required to be removed and/or reconstructed at the time of the site plan application in accordance with the Land Development Code, Transportation Criteria Manual, and Texas Department of Transportation requirements.

## 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. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater

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service extension requests may be required. 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.

There are no records to indicate that the site is currently served by City of Austin wastewater, and per the AW TAPS office, the site is not billed for wastewater service. The owner must connect the site to city wastewater service through the cutover process. For more information pertaining to the wastewater cutover process, contact Reyna Holmes at 512-972-0202. The cutover process may also initiate a required review by the Industrial Waste Division and/or the Cross Connection Division depending on building usage.

FYI – The change of use will require the City wastewater connection.