ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0029 (1501 Airport Commerce Dr)  DISTRICT: 3

ZONING FROM: CS-CO-NP  TO: CS-MU-CO-NP

ADDRESS: 1501 Airport Commerce Drive

SITE AREA: 10.95 acres (478,288.8 sq. ft.)

PROPERTY OWNER: W2 Hill ACP II, LP

AGENT: Drenner Group, PC (Amanda Swor)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMENDATION:
Staff recommends denial of the applicant’s request to add a MU, Mixed Use Overlay Combining District, to the Property.

PLANNING COMMISSION ACTION / RECOMMENDATION:
April 23, 2019: Postponed to May 14, 2019 at the staff’s request (11-0); P. Renteria-1st, D. Garza-2nd.

May 14, 2019

CITY COUNCIL ACTION:
May 23, 2019

ORDINANCE NUMBER:
ISSUES:

The Director of the Planning and Zoning Department, Greg Guernsey, discussed this case with Shane Harbinson, the Assistant Director of the Department of Aviation, and agreed that the staff will protect the Airport Overlay Zones. Therefore, the staff will not be supporting the rezoning request to add a MU, Mixed Use Overlay Combining District, to create new residential dwelling units on a tract within the A0-3 zone that is currently not zoned for residential uses.

CASE MANAGER COMMENTS:

The property is located on the Ben White Boulevard access road just west of the intersection of Bastrop Highway/US Highway 183 South and US HWY 71 East within the Montopolis Neighborhood Planning Area. The request is to add a MU, Mixed Use Combining District, to the existing CS-CO-NP zoning to allow for residential uses on the property (Please see applicant’s request letter – Exhibit C).

This property is part of a platted lot which was originally zoned commercial services-conditional overlay (CS-CO) in 1992. The property can take access to Airport Commerce Drive in addition to E. Ben White Boulevard. It is also located within Airport Overlay Zone 3 which permits commercial and industrial uses and prohibits new residential development to occur.

The development on Airport Commerce Drive consists of hotels and a business park. The East Riverside Corridor area stops at John Glenn Way. Across Highway 71 to the south are hotels, restaurants, a service station and a mobile home park (LI-NP, CS-NP), hotels are to the west (CS-CO-NP & ERC) and to the north, across Airport Commerce (business park/warehouse) are CS-CO-NP.

BASIS OF RECOMMENDATION:

The staff recommends denial of the applicant’s request to rezone the property to CS-MU-CO-NP to add a MU, Mixed Use Combining District, at this location. The property in question is surrounded by industrial and commercial uses to the north, south, east and west. There is CS-CO-NP and CS-NP zoning the north, south, east and west and LI-CO-NP zoning to the northeast, across E. Ben White Boulevard. The Montopolis neighborhood plan calls for this tract to remain commercial. This lot is located in the Airport Overlay AO3 zone which does not permit residential uses. In addition, property has a subdivision plat that was approved in 2017 through case C8-2017-0306.0A that includes a plat note to prohibit residential uses.
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>CS-CO-NP</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>East</td>
<td>ROW</td>
<td>US 71 &amp; US 183</td>
</tr>
<tr>
<td>South</td>
<td>CS-NP, LI-NP</td>
<td>Restaurants, Service Station, Mobile Home Park</td>
</tr>
<tr>
<td>West</td>
<td>CS-CO-NP</td>
<td>Hotel and Undeveloped</td>
</tr>
</tbody>
</table>

NEIGHBORHOOD PLANNING AREA: Montopolis Neighborhood Planning Area

TIA: Deferred to the time of Site Plan

WATERSHED: Carson Creek

SCHOOLS: Del Valle I.S.D.

Smith Elementary School
Ojeda Middle School
Del Valle High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
Austin Neighborhoods Council
Bike Austin
Carson Ridge Neighborhood Association
Del Valle Community Coalition
Del Valle Independent School District
Dove Springs Neighborhood Association
Dove Springs Proud
East Austin Conservancy
East Riverside Corridor Staff Liaison
El Conciilio Mexican-American Neighborhoods
Friends of Austin Neighborhoods
GO! Austin/VAMOS! AUSTIN – Dove Springs
Homeless Neighborhood Association
Montopolis Community Alliance
Montopolis Neighborhood Plan Contact Team
Montopolis Tributary Trail Association
Neighborhood Empowerment Foundation
Onion Creek Homeowners Association
Pleasant Valley
Preservation Austin
Seltexas
Sierra Club Austin Regional Group
**Area Case Histories:**

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>REQUEST</th>
<th>COMMISSION</th>
<th>CITY COUNCIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>C14-2017-0050 -</td>
<td>CS-CO-NP to CS-CO-NP, to remove the maximum floor-to area (FAR)</td>
<td>1/09/17: Approved CS-CO-NP on consent to change a condition of zoning to remove the FAR restriction (11-0, F. Kazai and T. Nuckols-absent); P. Seeger- 1st, A. De Hoyos Hart-2nd</td>
<td>2/01/18: Approved PC rec on all 3 readings</td>
</tr>
<tr>
<td>Airport Commerce II Rezoning</td>
<td>(FAR) requirement for the Property</td>
<td>-------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>C14-2015-0162</td>
<td>CS-CO-NP to CS-CO-NP to remove the FAR restriction.</td>
<td>Recommended CS-CO-NP</td>
<td>5/12/16: Approved CS-CO-NP</td>
</tr>
<tr>
<td>C14-2014-0093 -</td>
<td>CS-CO-NP to CS-CO-NP, to change a condition</td>
<td>To Grant – CS-CO-NP</td>
<td>8/24/14: Approved</td>
</tr>
<tr>
<td>1507 Airport Commerce</td>
<td></td>
<td>-------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>C14-2012-0112 -</td>
<td>CS-CO-NP to ERC</td>
<td>To Grant – ERC</td>
<td>5/09/13: Approved</td>
</tr>
<tr>
<td>1611 Airport Commerce</td>
<td></td>
<td>-------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>C14-2007-0126 -</td>
<td>CS-CO-NP to CS-CO-NP, to remove the FAR limit within the conditional overlay</td>
<td>To Grant</td>
<td>10/11/07: Approved</td>
</tr>
<tr>
<td>1611 Airport Commerce</td>
<td></td>
<td>-------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>C14-2007-0122 -</td>
<td>CS-CO-NP to CS-CO-NP, to remove the FAR limit within the conditional overlay</td>
<td>To Grant</td>
<td>10/11/07: Approved</td>
</tr>
<tr>
<td>Airport Commerce 13 – 7600-7812 E. Ben White; 1707, 1801, 1901 Airport Commerce Dr.</td>
<td></td>
<td>-------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
</tbody>
</table>
CASE HISTORIES FOR THIS PROPERTY:

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>REQUEST</th>
<th>COMMISSION</th>
<th>CITY COUNCIL</th>
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</thead>
<tbody>
<tr>
<td>C14-2017-0050 -</td>
<td>CS-CO-NP to CS-CO-NP, to change a condition of</td>
<td>1/09/17: Approved CS-CO-NP to change a condition of zoning on consent (11-0, F. Kazai and T. Nuckols-absent); P. Seeger-1ST, A. De Hoyos Hart-2nd</td>
<td>5/01/18:</td>
</tr>
<tr>
<td>Airport Commerce II Rezoning</td>
<td>zoning</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C14-01-0060 - 1501 Airport Commerce Dr.</td>
<td>Montopolis Neighborhood Plan CS-CO to CS-CO-NP</td>
<td>To Grant CS-CO-NP</td>
<td>9/27/01: Approved</td>
</tr>
<tr>
<td>C14-86-316 - 1501 Airport Commerce Dr.</td>
<td>SF-2 to CS-CO</td>
<td>To Grant CS-CO</td>
<td>2/13/92: Approved</td>
</tr>
</tbody>
</table>

RELATED CASES:

NPA-2018-0005.01 - Neighborhood Plan Amendment Case  
C14-2017-0050 - Previous Rezoning Case  
C8-2017-0306.0A - Subdivision Case

EXISTING STREET CHARACTERISTICS:

<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>Airport Commerce Drive</td>
<td>90 ft.</td>
<td>24 ft. divided</td>
<td>Collector</td>
<td>Yes, one side</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>US 290/SH 71</td>
<td>450 ft.</td>
<td>20 ft. (frontage road)</td>
<td>Arterial</td>
<td>Yes</td>
<td>Yes, wide shoulder</td>
<td>No</td>
</tr>
</tbody>
</table>

OTHER STAFF COMMENTS:

Environmental

Thursday February 14, 2019

The site is not located over the Edwards Aquifer Recharge 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. 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</td>
<td>50%</td>
<td>60%</td>
</tr>
<tr>
<td>(minimum lot size 5750 sq. ft.)</td>
<td></td>
<td></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.

At this time, specific information is unavailable regarding 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**

January 26, 2019

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

FYI: Additional design regulations will be enforced at the time a site plan is submitted.

FYI: The subject property is included in an approved site plan (SP-2015-0577C) and subdivision case (C8-2017-0306.OA).

Future site plans for this development will need to track vehicle trips as stipulated in restrictive covenant C14-86-316.
RESIDENTIAL DENTAL DESIGN STANDARDS OVERLAY
The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

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.

AIRPORT OVERLAY
The site is located within Austin-Bergstrom Overlay AO-3. 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 Planning Commission Hearing.

Transportation

Plat note 20 of the current subdivision plat (Case C8-2017-0306.0A) prohibits residential uses on the proposed rezoning property.

In lieu of a Traffic Impact Analysis, fiscal mitigation will be required at the time of site plan review for signal and corridor improvements as described in the memorandum by Chris Yanez on January 22, 2019. The following are the conditions of the memo:

At time of site plan:

i. [Staff will] waive the TIA requirement as authorized under Section 25-6-117(A), on the grounds that sufficient analysis of projected impacts is currently available for purposes of determining required mitigation at time of site plan review. This includes information from the 1990 TIA memo, a signal warrant analysis performed by Big Red Dog Engineering dated August 28, 2017 related to case C14-2017-0050, and a TIA waiver request performed by HDR Engineering dated September 20, 2018.

ii. [Staff will] require contributions towards off-site transportation infrastructure, as authorized under Section 25-6-102. Provided that the site plan application is submitted within one year from the date of this memo, the final amount required would not exceed an amount associated with either the maximum density permitted, or the density proposed with the site plan, when applied to the estimate of costs for improvements provided by the Corridor Planning Office dated January 23, 2019 for the Riverside Drive Corridor. If an application is submitted after the one year period, including withdrawal and resubmittal, additional analysis and costs may apply.
FYI: The Austin Metropolitan Area Transportation Plan calls for 400 feet of right-of-way for US 183. The Texas Department of Transportation will determine the need for additional right of way at the time of subdivision or site plan. [LDC 25-6-51 and 25-6-55].

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.

FYI: The existing sidewalks along US 183 will be reviewed by the Texas Department of Transportation and city staff at time of site plan. The sidewalks may be required to be reconstructed.

FYI: Sidewalks will be required at the time of site plan for Airport Commerce Drive for the full length of the frontage of the property.

As per plat note 27, access from SH 71 will be prohibited in all areas where control of access has been obtained. If control of access has not been identified, access location must meet or exceed the state’s access spacing requirement of 425-ft and line of sight within the limits of the right of way must meet the sight distance requirement in accordance with AASHTO. FYI. It is recommended, to stub out internal drives to adjacent properties for future connectivity.

FYI – vehicular access to US 183 shall be reviewed and approved by the Texas Department of Transportation and Development Services Department. FYI – TxDOT may only approve one driveway based on their spacing criteria.

Existing Street Characteristics:

<table>
<thead>
<tr>
<th>Name</th>
<th>ROW</th>
<th>Pavement</th>
<th>Classification</th>
<th>Sidewalks</th>
<th>Bicycle Route</th>
<th>Capital Metro (within ¼ mile)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Commerce</td>
<td>90’</td>
<td>64’</td>
<td>Commercial Collector</td>
<td>Partial – both sides</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>US 183</td>
<td>541’</td>
<td>375’</td>
<td>Freeway</td>
<td>North side</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

**Austin Water Utility**

Monday January 28, 2019

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.

INDEX OF EXHIBITS TO FOLLOW

A: Zoning Map
B. Aerial Map
C. Applicant’s request letter
D. Plat
F. Correspondence from Interested Parties
January 25, 2019

Mr. Greg Guernsey
Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

Re: 1501 Airport Commerce – Rezoning application for the 10.945 acre piece of property located at 1501 Airport Commerce Drive in Austin, Travis County, Texas (the “Property”)

Dear Mr. Guernsey:

As representatives of the owner of the Property, we respectfully submit the enclosed rezoning application package. The project is titled 1501 Airport Commerce, consists of 10.945 acres, and is located at 1501 Airport Commerce Drive, in the full purpose jurisdiction of the City of Austin. The Property is currently undeveloped.

The Property is zoned CS-CO-NP, General Commercial Services – Conditional Overlay – Neighborhood Plan. The requested rezoning is from CS-CO-NP to CS-MU-CO-NP, General Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan, zoning district. The purpose of this rezoning is to allow for residential uses on the Property. This application is not proposing any change to the existing conditional overlay.

The Property is located within the Airport Overlay zone AO-3. Per §25-13-45 Residential and School Uses in Airport Overlay Zone Three, residential uses are permitted within the AO-3 zone on property that is located within a neighborhood plan combining district, if the neighborhood plan was adopted prior to December 31, 2001. The Property is located within the Montopolis Neighborhood Planning Area which was adopted on September 27, 2001; therefore, a residential use is allowed on the Property.

Per the Montopolis Neighborhood Planning Area, the Future Land Use Map shows the Property as Commercial, therefore a Neighborhood Plan Amendment (NPA-2018-0005.01) was submitted in cycle on July 25, 2018 to change the designation of the Property from Commercial to Mixed-Use. This rezoning request is consistent with the land uses surrounding the Property, which include residential, hotel, office and general commercial uses.
January 25, 2019
Page 2

In conjunction with the rezoning request the Traffic Impact Analysis ("TIA") has been waived as Staff from Development Services and Austin Transportation Department have determined contributions will be made towards off-site transportation infrastructure at the time of site plan review. See attached memo and TIA waiver executed by Chris Yanez dated January 22, 2019.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,

Amanda Swor

Amanda Swor

cc: Joi Harden, Planning and Zoning Review Department (via electronic delivery)
MEMORANDUM

FROM: Chris Yanez, CNU-A
DSD/Land Use Review

DATE: January 22, 2019

SUBJECT: Traffic Impact Analysis Waiver for 1501 Airport Commerce

Staff from the Development Services and Austin Transportation Departments have reviewed the Riverside Center TIA Memo (dated June 29, 1990) written by George Zapalac, Transportation Review Manager, associated with case C14R-86-316. The TIA explicitly assumes that build-out was to occur in or around 1992. That did not happen, so the assumptions in the TIA are no longer valid and requirements for mitigating impacts to the transportation system may be revisited.

For these reasons, the City's engineering staff have reviewed this matter and intend to take the following steps at the time of site plan review:

- Waive the TIA requirement, as authorized under Section 25-6-117(A), on the grounds that sufficient analysis of projected impacts is currently available for purposes of determining required mitigation at time of site plan review. This includes information from the 1990 TIA memo, a signal warrant analysis performed by Big Red Dog Engineering dated August 28, 2017 related to case C14-2017-0050 and, a TIA Waiver request performed by HDR Engineering dated September 20, 2018.

- Require contributions towards off-site transportation infrastructure, as authorized under Section 25-6-102. Provided that the site plan application is submitted within one year from the date of this memo, the final amount required would not exceed an amount associated with either the maximum density permitted, or the density proposed with the site plan, when applied to the estimate of costs for improvements provided by the Corridor Planning Office (dated __________, 2019) for the Riverside Drive Corridor. If an application is submitted after the one year period, including withdrawal and resubmittal, additional analysis and costs may apply.

We hope this information is useful to Council and to the applicants in understanding the transportation requirements that would apply in the event a proposed rezoning is approved.
Chris Yanez, CNU-A, Program Manager
Development Services Department
Land Use Review Division/Transportation
REetermination of Lot 1B, Block A, of the Resubdivision of Lot 1, Block A, of the Resubdivision of Lot 1, Block A, Airport Commerce, Section Two

STATE OF TEXAS COUNTY OF TRANS

KNOW ALL MEN BY THESE PRESENTS

THAT Item C-06, a Texas Limited Partnership, being owner of 13 acres of land in the said county, have signed and deliver this instrument to the proper authorities as a token of their agreement and understanding in accordance with the provisions of the Resubdivision of Lot 1, Block A, of the Resubdivision of Lot 1, Block A, Airport Commerce, Section Two, as evidenced by the recorded instruments in Volume 123, Page 545 of the Official Public Records of Travis County, Texas.

Said Subdivision has been approved for Resubdivision pursuant to the Public Notification and Hearing Requirements of Texas Civil Practice & Procedure Code Section 251.013. The申sion of Resubdivision is subject to the approval of the City of Austin, and the Subdivision is subject to the City of Austin Code of the City of Austin in accordance with the City of Austin Ordinance No. 2013-1084, as amended, and is subject to the requirements of the City of Austin, Travis County, and the state of Texas.

The said Subdivision is hereby accepted as a Subdivision and the present instrument is made in accordance with the requirements of the City of Austin, and the Subdivision is subject to the City of Austin Code of the City of Austin in accordance with the City of Austin Ordinance No. 2013-1084, as amended, and is subject to the requirements of the City of Austin, Travis County, and the state of Texas.

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Montopolis Neighborhood Plan Contact Team

To: Jesse Guiterrez, Senior Planner, Planning & Zoning Department
From: Montopolis Neighborhood Plan Contact Team, Susana Almanza- President
Date: April 17, 2019
Subject: NPA #2018-0005.01 – 1501 Airport Commerce

The Montopolis Neighborhood Plan Contact Team (MNPCT) met with representative Amanda Swor, agent for the property located at 1501 Airport Commerce on February 25th. The MNPCT reviewed the zoning request for 1501 Airport Commerce from CS-CO-NP to CS-MU-CO. After over a month of discussion the MNPCT endorses the zoning request for the project with the agreement that approximately 18 units at the 60% affordability level will be made available through this project development.

Thank you,
Susana Almanza, President MNPCT
Email: poder.austin@gmail.com