

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 42
AGENDA DATE: Thu 01/15/2004
PAGE: 1 of 1

SUBJECT: C14-03-0152 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as State Highway 71 East at Spirit of Texas Drive (Carson Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on November 20, 2003. Vote: 6-0, J. Goodman - off dais. Conditions met as follows: Conditional Overlay and restrictive covenant incorporates the conditions imposed or accepted by Council on first ordinance reading. Applicant: Gerald Kucera. Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 974-2775.

REQUESTING	Neighborhood Planning	DIRECTOR'S
DEPARTMENT:	and Zoning	AUTHORIZATION: <u>Greg Guernsey</u>

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-03-0152

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, by zoning the property locally known as State Highway 71 East at Spirit of Texas Drive from I-RR, Interim Rural Residence district zoning to GR-CO, Community Commercial-Conditional Overlay district zoning. The conditional overlay will prohibit the following uses: Adult Oriented Businesses, Pawn Shop Services and Scrap and Salvage.

DEPARTMENT COMMENTS

Staff recommends the proposed zoning change to GR-CO, Community Commercial-Conditional Overlay district zoning. The conditional overlay will prohibit the following uses: Adult Oriented Businesses, Pawn Shop Services and Scrap and Salvage. In addition, this case is subject to a Traffic Impact Analysis submitted with case number C14-01-0182 and C14-01-0183. The property would be subject to the assumptions and conditions associated with that T.I.A.

APPLICANT: Gerald Kucera

AGENT: Crocker Consultants (Sarah Crocker)

DATE OF FIRST READING/VOTE:

First ordinance reading was approved on November 20, 2003 (Vote: 6-0, J. Goodman – off dais).

CITY COUNCIL DATE:

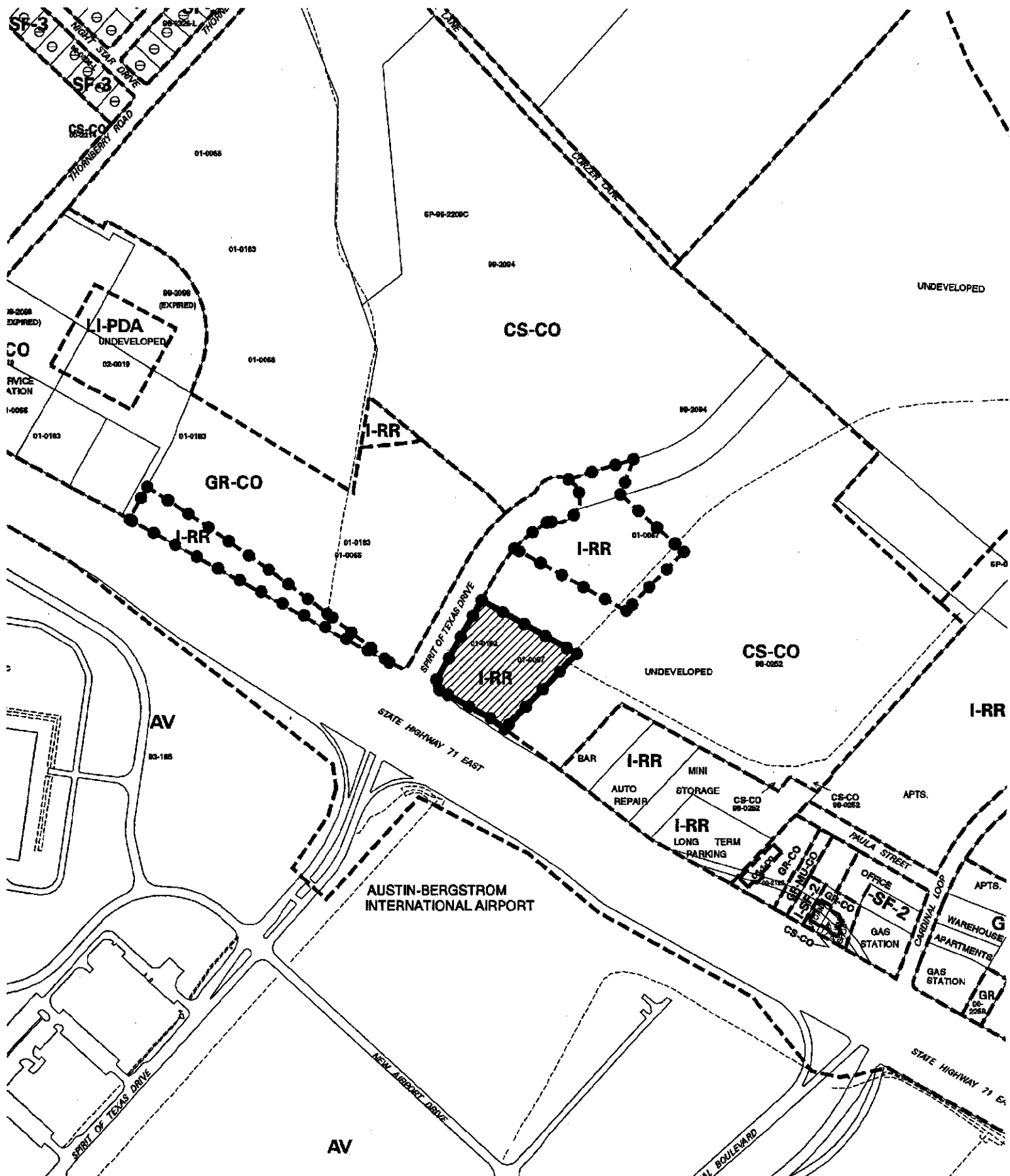
November 20, 2003 – Approved GR-CO, community Commercial district zoning on first ordinance reading (Vote: 6-0, J. Goodman – off dais). The conditional overlay will prohibit the following uses: Adult Oriented Businesses, Pawn Shop Services and Scrap and Salvage.





December 11, 1003 - Postponed at the request of staff to 1/15/04 (Vote: 6-0, J. Goodman – off dais)

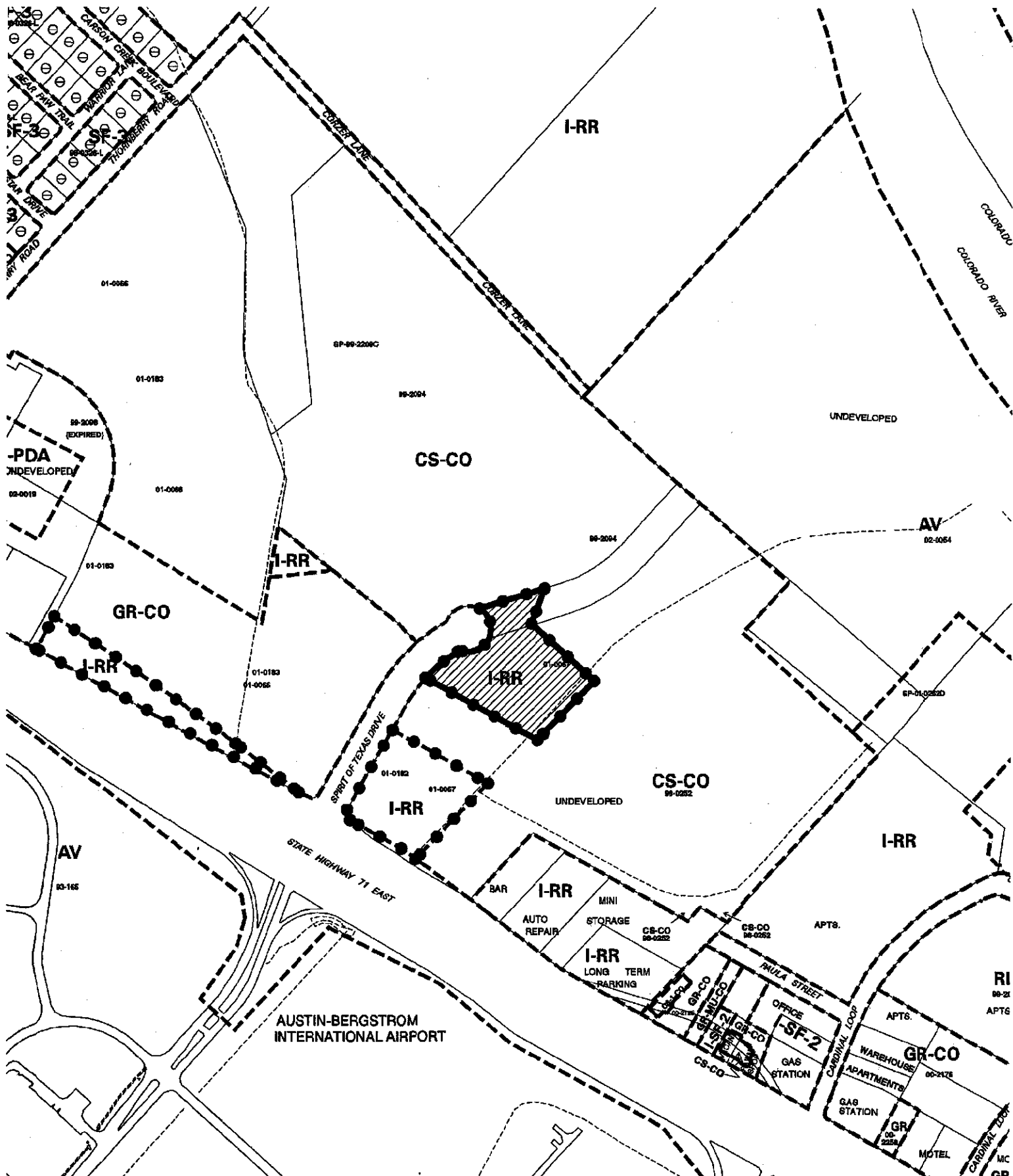
ASSIGNED STAFF: Glenn Rhoades

PHONE: 974-2775

E-MAIL: glenn.rhoades@ci.austin.tx.us



 1" = 400'	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: G.RHOADES</p>	<p style="text-align: center;">ZONING</p> <p>CASE #: C14-03-0152A</p> <p>ADDRESS: State Hwy 71 East @ Spirit of Texas Dr.</p> <p>SUBJECT AREA (acres): 2.350</p> <p>DATE: 03-12</p> <p>INTLS: TRC</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>M18</p>
-------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------



 1" = 400'	SUBJECT TRACT 	ZONING CASE #: C14-03-0152B ADDRESS: State Hwy 71 East @ Spirit of Texas Dr. SUBJECT AREA (acres): 2.900	DATE: 03-12 INTLS: TRC	CITY GRID REFERENCE NUMBER M18
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: G. RHOADES			

ORDINANCE NO. _____

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE
2 PROPERTY LOCATED AT STATE HIGHWAY 71 EAST AT SPIRIT OF TEXAS
3 DRIVE AND CHANGING THE ZONING MAP FROM INTERIM RURAL
4 RESIDENCE (I-RR) DISTRICT TO COMMUNITY COMMERCIAL-
5 CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
8

9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from interim rural residence (I-RR) district to community
11 commercial-conditional overlay (GR-CO) combining district on the property described in
12 Zoning Case No.C14-03-0152a, on file at the Neighborhood Planning and Zoning
13 Department, as follows:
14

15 A 2.35 acre tract of land, more or less, out of the Santiago Del Valle Grant in
16 Travis County, the tract of land being more particularly described by metes and
17 bounds in Exhibit "A" incorporated into this ordinance, (the "Property")
18

19 locally known as State Highway 71 East at Spirit of Texas Drive, in the City of Austin,
20 Travis County, Texas, and generally identified in the map attached as Exhibit "B".
21

22 PART 2. The Property within the boundaries of the conditional overlay combining district
23 established by this ordinance is subject to the following conditions:
24

25 The following uses are prohibited uses of the Property:

26 Adult oriented businesses Pawn shop services
27 Scrap and salvage
28
29

30 Except as specifically restricted under this ordinance, the Property may be developed and
31 used in accordance with the regulations established for the community commercial (GR)
32 base district and other applicable requirements of the City Code.
33
34
35
36
37

1 **PART 3.** This ordinance takes effect on _____, 2004.

2
3
4 **PASSED AND APPROVED**

5
6
7
8 _____, 2004

§
§
§

Will Wynn
Mayor

9
10
11
12
13 **APPROVED:**

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT STATE HIGHWAY 71 EAST AT SPIRIT OF TEXAS DRIVE AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-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 community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No.C14-03-0152b, on file at the Neighborhood Planning and Zoning Department, as follows:

A 2.90 acre tract of land, more or less, out of the Santiago Del Valle Grant in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as State Highway 71 East at Spirit of Texas Drive, 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:

The following uses are prohibited uses of the Property:

Adult oriented businesses	Pawn shop services
Scrap and salvage	

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

www

Will Wynn
Mayor

APPROVED:

ATTEST

David Allan Smith
City Attorney

Shirley A. Brown
City Clerk

RESTRICTIVE COVENANT

OWNER: Airport Commercial Center, Ltd., a Texas limited partnership,
f/n/a Austin-Bergstrom Airport Center, Ltd., a Texas limited partnership

ADDRESS: 7200 Mopac, Suite 450, Austin, TX 78731

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 2.90 acre tract of land and a 2.35 acre tract of land, more or less, out of the Santiago Del Valle Grant in Travis County, the tracts of land being more particularly described by metes and bounds in Exhibits "A" and "B", respectively, incorporated into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generates traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by John Hickman and Associates, dated December 2001, or as amended and approved by the Director of the Watershed Protection and Development Review Department. Development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department dated October 25, 2002. The TIA shall be kept on file at the Watershed Protection and Development Review Department
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2003.


OWNER:

Airport Commercial Center, Ltd.,
a Texas limited partnership,
f/n/a Austin-Bergstrom Airport Center, Ltd.,
a Texas limited partnership

By: AAC Management, L.L.C.,
a Texas limited liability company,
General Partner

By: _____
Gerald Kucera, Manager

APPROVED AS TO FORM:



Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2003, by Gerald Kucera, Manager, of AAC Management, L.L.C., a Texas limited liability company, on behalf of the company, and the company acknowledged this instrument as General Partner on behalf of Airport Commercial Center, Ltd. a Texas limited partnership, f/n/a Austin-Bergstrom Airport Center, Ltd., a Texas limited partnership.

Notary Public, State of Texas

EXHIBIT A
PROPERTY DESCRIPTION

A DESCRIPTION OF A 2.90 ACRE TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS. SAID 2.90 ACRE TRACT OF LAND BEING A PORTION OF THAT CALLED 110.81 ACRE TRACT OF LAND, AS CONVEYED TO AUSTIN-BERGSTROM AIRPORT CENTRE, LTD., AND RECORDED IN DOCUMENT NO. 2000074675 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. SAID 2.90 ACRE TRACT, AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at the apparent southeast corner of Spirit Of Texas Drive, as dedicated and recorded in Doc. No. 200000352 of the Official Public Records Of Travis County, Texas, same point being in the southwest boundary line of the said 110.81 acre tract and in the apparent northeastern right of way of State Highway No. 71;

THENCE, leaving the apparent northeastern right of way of State Highway No. 71, crossing the said 110.81 acre tract, with the apparent southeast right of way of Spirit Of Texas Drive, the following three (3) courses:

1. a distance of 39.45 feet with an arc of a curve to the right whose central angle is $90^{\circ} 24' 17''$, with a radius of 25.00 feet and whose chord bears $N 15^{\circ} 45' 49'' W$, a distance of 35.48 feet to a point,
2. $N 29^{\circ} 26' 20'' E$, a distance of 394.37 feet to a point, and
3. a distance of 105.11 feet with an arc of a curve to the right whose central angle is $13^{\circ} 26' 33''$, with a radius of 448.00 feet and whose chord bears $N 36^{\circ} 09' 32'' E$, a distance of 104.87 feet to the **POINT OF BEGINNING** of the herein described 2.90 acre tract;

THENCE, continuing across the said 110.81 acre tract, with the apparent southeast right of way of Spirit Of Texas Drive, the following three (3) courses:

1. a distance of 135.92 feet with an arc of a curve to the right whose central angle is $17^{\circ} 22' 58''$, with a radius of 448.00 feet and whose chord bears $N 51^{\circ} 34' 22'' E$, a distance of 135.40 feet to a 1/2 inch iron rod found,
2. a distance of 15.61 feet with an arc of a curve to the right whose central angle is $44^{\circ} 42' 40''$, with a radius of 20.00 feet and whose chord bears $N 82^{\circ} 37' 11'' E$, a distance of 15.21 feet to a 1/2 inch iron rod found,
3. a distance of 217.03 feet with an arc of a curve to the left whose central angle is $165^{\circ} 47' 42''$, with a radius of 75.00 feet and whose chord bears $N 22^{\circ} 04' 49'' E$, a distance of 148.85 feet to a point;

THENCE, leaving the said line, continuing across the said 110.81 acre tract, the following five (5) courses:

1. $N 73^{\circ} 07' 27'' E$, a distance of 222.20 feet to a point,
2. $S 20^{\circ} 50' 43'' E$, a distance of 122.27 feet to a point,
3. $S 47^{\circ} 35' 39'' E$, a distance of 277.79 feet to a point,

2.90 Acres
Airport Centre
GR Zoning

FN01-032R (SLK)
May 10, 2001
C-B Project No. 050249.001.1.4047

4. S 44° 06' 56" W, a distance of 268.40 feet to a point,
5. N 60° 33' 23" W, a distance of 418.57 feet to the **POINT OF BEGINNING** and containing 2.90 acres of land.

THE STATE OF TEXAS


KNOW ALL MEN BY THESE PRESENTS:

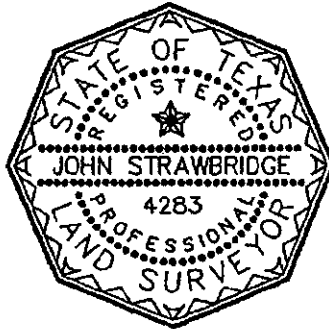
COUNTY OF TRAVIS

That I, John Strawbridge, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 10th day of May 2001 A.D.

Carter & Burgess, Inc.
901 South Mopac Blvd., Suite 200
Austin, Texas 78746


John Strawbridge
Registered Professional Land Surveyor
No. 4283 - State of Texas

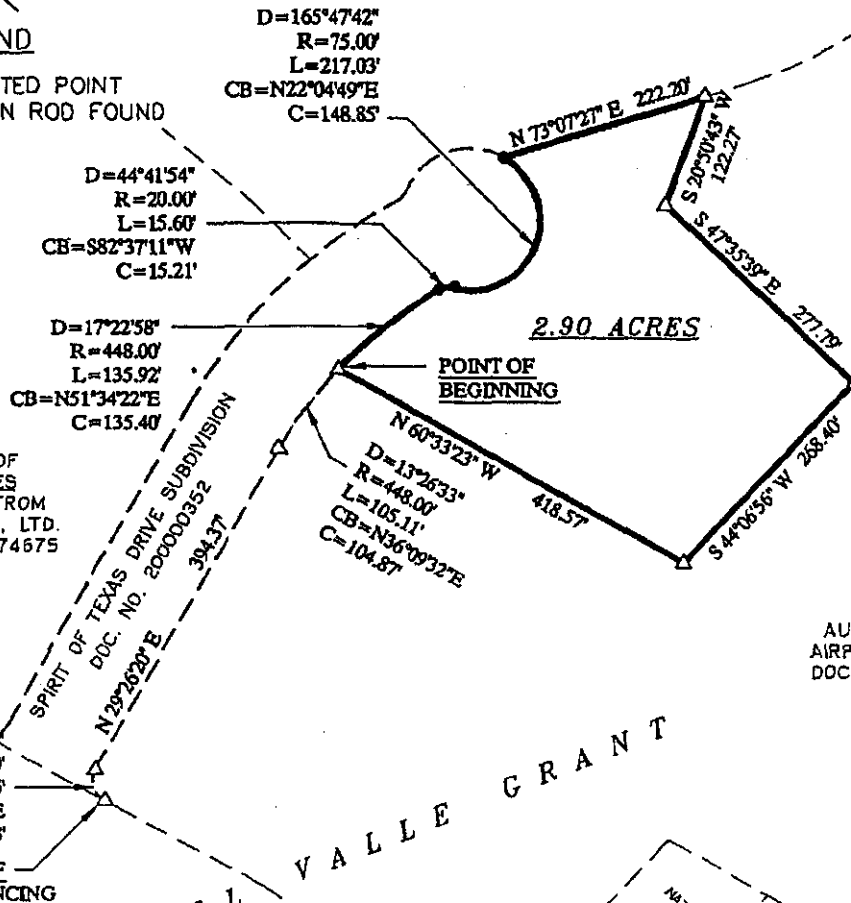


SCALE : 1" = 200'
MAY, 2001
TRAVIS COUNTY, TEXAS

AIRPORT FAST PARK SUBDIVISION
32.79 ACRES
DOC. No. 200000351

LEGEND

- △ CALCULATED POINT
- 1/2" IRON ROD FOUND



SANTIAGO DEL VALLE GRANT
(VARIABLE WIDTH R.O.W.)
STATE HIGHWAY 71

NATIONAL MOBILE PARKS
SUBDIVISION SEC. 1
VOL. 64 PG. 10
LOT 1
LOT 2

JIM DOBSON ADDITION
VOL. 88 PG. 30
LOT A

RANSLEY-REED ADDITION
VOL. 89 PG. 89
LOT 1

DRAWING to ACCOMPANY FIELDNOTE No. 01-032R

Carter-Burgess

Surveying
Carter and Burgess, Inc.

901 South MoPac Expressway Bldg. V Suite 200
Austin, Texas 78746

(512)314-3100 Fax (512)314-3135

EXHIBIT B
PROPERTY DESCRIPTION

A DESCRIPTION OF A 2.35 ACRE TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS. SAID 2.35 ACRE TRACT OF LAND BEING A PORTION OF THAT CALLED 110.81 ACRE TRACT OF LAND, AS CONVEYED TO AUSTIN-BERGSTROM AIRPORT CENTRE, LTD., AND RECORDED IN DOCUMENT NUMBER 2000074675 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. SAID 2.35 ACRE TRACT, AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at the apparent southeast corner of Spirit Of Texas Drive, as dedicated by and recorded in Doc. No. 200000352 of the Official Public Records Of Travis County, Texas, being in the southwestern boundary line of the said 110.81 acre tract, and being in the apparent northeastern right of way of State Highway No. 71;

THENCE, leaving the apparent northeastern right of way of State Highway No. 71, crossing the said 110.81 acre tract, with the apparent southeast right of way of Spirit Of Texas Drive, the following two (2) courses:

1. a distance of 39.45 feet with an arc of a curve to the right whose central angle is $90^{\circ} 24' 17''$, with a radius of 25.00 feet and whose chord bears $N 15^{\circ} 45' 49'' W$, a distance of 35.48 feet to a point, and
2. $N 29^{\circ} 26' 20'' E$, a distance of 298.52 feet to a point,

THENCE, leaving the said right of way, continuing over and across the said 110.83 acre tract, the following two (2) courses:

1. $S 60^{\circ} 33' 24'' E$, a distance of 358.20 feet to a point,
2. $S 43^{\circ} 51' 52'' W$, a distance of 340.47 feet to a point in the apparent northeastern right of way of State Highway No. 71,

THENCE, with the southwestern boundary line of the said 110.81 acre tract and the apparent northeastern right of way of State Highway No. 71, the following two (2) courses:

1. $N 53^{\circ} 04' 48'' W$, a distance of 58.33 feet to a 1/2 inch iron rod found,
2. $N 60^{\circ} 57' 57'' W$, a distance of 190.38 feet to the **POINT OF BEGINNING** and containing 2.35 acres of land.

2.35 Acres
Airport Centre
GR Zoning

FN01-031R (SLK)
May 10, 2001
C-B Project No. 050249.001.1.4047

THE STATE OF TEXAS

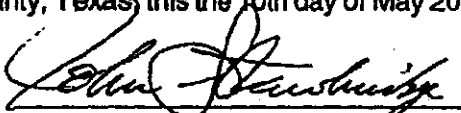
KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, John Strawbridge, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 10th day of May 2001 A.D..

Carter & Burgess, Inc.
901 South Mopac Blvd., Suite 200
Austin, Texas 78746


John Strawbridge
Registered Professional Land Surveyor
No. 4283 - State of Texas



SCALE : 1" = 200'
MAY, 2001
TRAVIS COUNTY, TEXAS

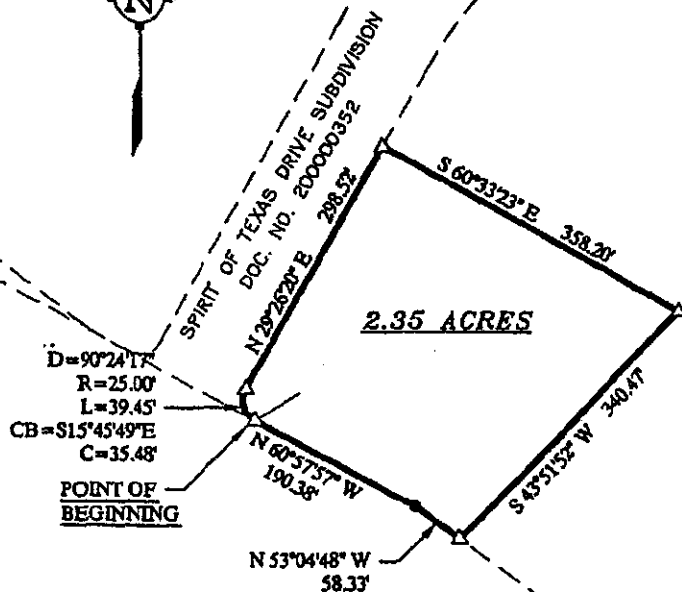
LEGEND

- △ CALCULATED POINT
- 1/2" IRON ROD FOUND



SANTIAGO DEL VALLE GRANT

REMAINDER OF
110.81 ACRES
AUSTIN-BERGSTROM
AIRPORT CENTRE, LTD.
DOC. NO. 2000074675



STATE HIGHWAY 71
(VARIABLE WIDTH R.O.W.)

NATIONAL MOBILE PARKS
SUBDIVISION SEC. 1
VOL. 84 PG. 10
LOT 1
LOT 2

JIM DOBSON ADDITION
VOL. 88 PG. 30
LOT A

RANNEY-REED ADDITION
VOL. 88 PG. 89
LOT 1

DRAWING to ACCOMPANY FIELDNOTE No. 01-031R

Carter & Burgess
Surveying

Carter and Burgess, Inc.

901 South McFee Expressway Bldg. V Suite 200
Austin, Texas 78748
(512) 314-3100 Fax (512) 314-3133

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0152

Z.A.P. DATE: November 4, 2003

C.C. DATE: November 20, 2003
December 11, 2003

ADDRESS: State Hwy 71 East at Spirit of Texas Drive

OWNER: Austin Airport Center Ltd
(Gerald Kucera)

AGENT: Crocker Consultants
(Sarah Crocker)

ZONING FROM: I-RR

TO: GR-CO

AREA: 5.25 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends the proposed zoning change to GR-CO, Community Commercial-Conditional Overlay district zoning. The conditional overlay will prohibit the following uses: Adult Oriented Businesses, Pawn Shop Services and Scrap and Salvage. In addition, this case is subject to a Traffic Impact Analysis submitted with case number C14-01-0182 and C14-01-0183. The property would be subject to the assumptions and conditions associated with that T.I.A.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

November 4, 2003 – Approved GR-CO, Community Commercial-Conditional Overlay district zoning (Vote: 9-0).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR,	Undeveloped
<i>North</i>	CS-CO	Parking
<i>South</i>	AV	Airport
<i>East</i>	CS-CO	Commercial
<i>West</i>	GR-CO I-RR	Undeveloped Undeveloped

AREA STUDY: N/A

TIA: N/A

WATERSHED: Carson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

#511 – Austin Neighborhoods Council
#627 – Onion Creek Homeowners Association
#915 – McKinney Park Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-97-0154	I-RR and SF-2 to MH-CO and RR	To approve MH-CO and RR. The CO limited density to 150 mobile home units (Vote: 6-1). 1/6/98.	To approve PC recommendation (Vote: 5-0). 2/5/98.
C14-99-0049	I-RR to LI	Withdrawn on 12/7/99	
C14-99-2094	I-RR to CS-CO	To approve CS-CO. The CO limits trips to 2,000 per day; prohibits vehicle storage, pawn shops and adult oriented businesses; prohibits vehicle access to residential streets (Vote: 6-1). 1/11/00	Approved PC recommendation (Vote: 7-0). 5/11/01
C14-99-2098	I-RR to RR	Expired	
C14-00-2214	I-RR to CS	Approved GR-CO (Vote: 8-0-1) 1/31/01	Approved CS-CO. The CO created a 50 foot buffer to the property facing the residential property; limits trips to 2,000 per day (Vote: 7-0). 4/26/01
C14-01-0066	I-RR to LI and GR	Expired	
C14-01-0067	I-RR to GR	Expired	
C14-01-0182	I-RR to GR	Expired	
C14-03-0152	I-RR to GR-CO	Approved GR-CO, CO prohibits Adult Oriented Businesses, Pawn Shops, and Scrap and Salvage (Vote: 9-0). 11/4/03.	Pending

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
SH 71 East	200'	Varies	Arterial	47,000 (98)
Spirit of Texas Drive	100'	Not built	Collector	N/A

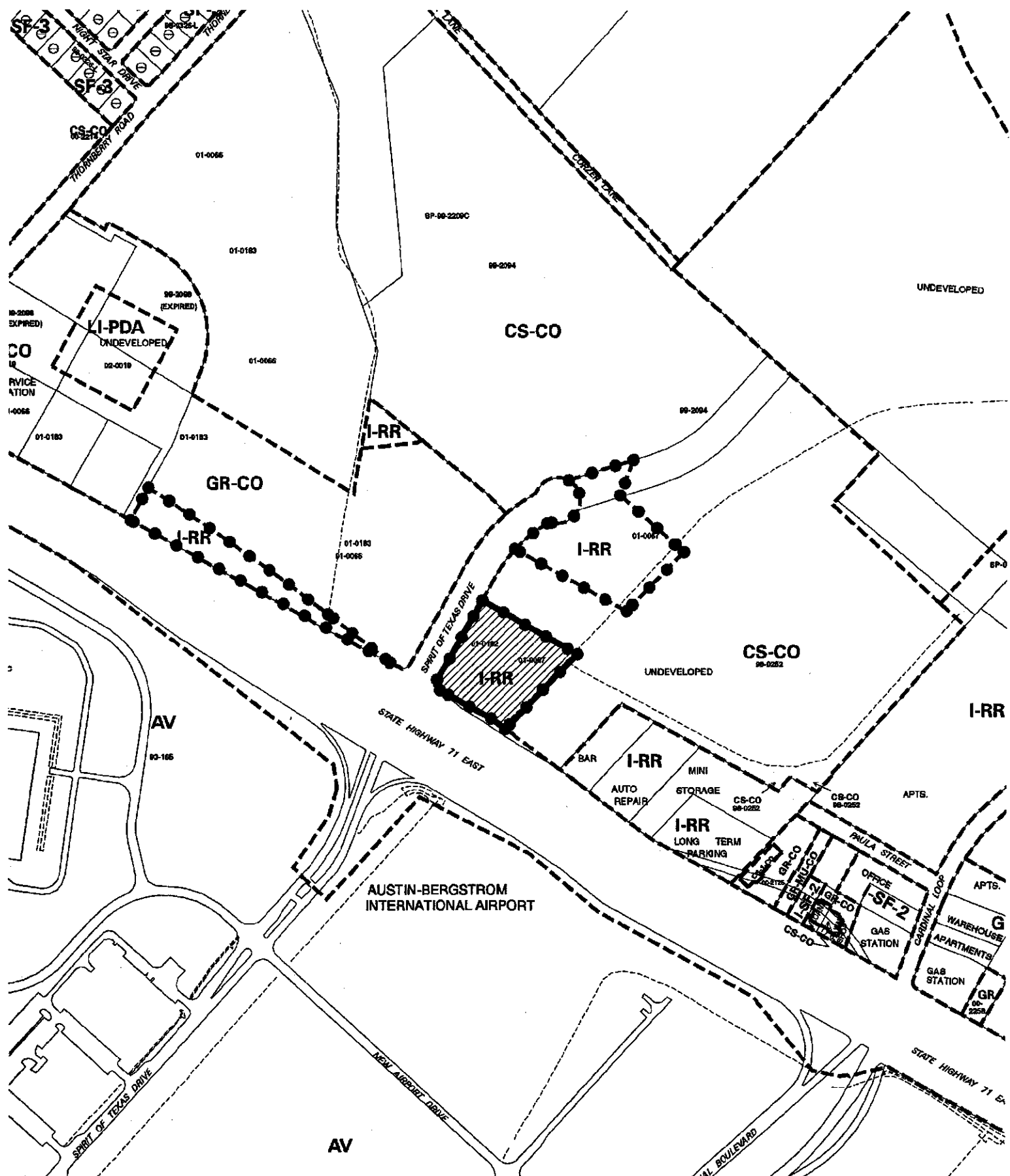
CITY COUNCIL DATE: November 20, 2003





December 11, 2003

ACTION: Approved GR-CO (Vote: 6-0, J. Goodman – off dais)

Postponed at the request of staff (Vote: 6-0, J. Goodman – off dais)

ORDINANCE READINGS: 1st 11/20/032nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Glenn Rhoades**PHONE:** 974-2775**E-MAIL:** glenn.rhoades@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: G.RHOADES	<div style="display: flex; justify-content: space-between;"> <div>    </div> <div> ZONING CASE #: C14-03-0152A ADDRESS: State Hwy 71 East @ Spirit of Texas Dr. SUBJECT AREA (acres): 2.350 </div> <div> DATE: 03-12 INTLS: TRC </div> </div>	CITY GRID REFERENCE NUMBER M18
-------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------

STAFF RECOMMENDATION

Staff recommends the proposed zoning change to GR-CO, Community Commercial-Conditional Overlay district zoning. The conditional overlay will prohibit the following uses: Adult Oriented Businesses, Pawn Shop Services and Scrap and Salvage. In addition, this case is subject to a Traffic Impact Analysis submitted with case number C14-01-0182 and C14-01-0183. The property would be subject to the assumptions and conditions associated with that T.I.A.

BASIS FOR RECOMMENDATION

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

GR – Community Commercial is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major roadways.

The applicant's request meets the purpose statement for GR district zoning set forth in the Land Development Code. It is located adjacent to a major arterial roadway near services that are generally incompatible with residential environments, such as the airport to the south and commercial parking lots to the north and east.

The proposed zoning should promote consistency, and orderly planning.

The proposed change is consistent and compatible with the CS zoning to the north, west and east and will be consistent with the commercial nature of the area.

Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.

The subject tract is located on and will take access from State Highway 71 East, a major arterial roadway

EXISTING CONDITIONS

Site Characteristics

The site is currently undeveloped.

Transportation

The trip generation under the requested zoning is estimated to be 1,270 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

The traffic impact analysis for this site was waived because the land in the proposed zoning change was included in a previous zoning case and associated TIA, (case number C14-01-0182 and C14-01-0183). This site is subject to the assumptions and conditions associated with that TIA.

No additional right-of-way is needed at this time.

SH 71 Capital Metro Route #34

Impervious Cover

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Carson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

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

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Environmental

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

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

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. Water and wastewater utility improvements are required. The landowner will be responsible for all costs and for providing. The water and wastewater utility plan must be reviewed and approved by the City of Austin Water and Wastewater Utility.

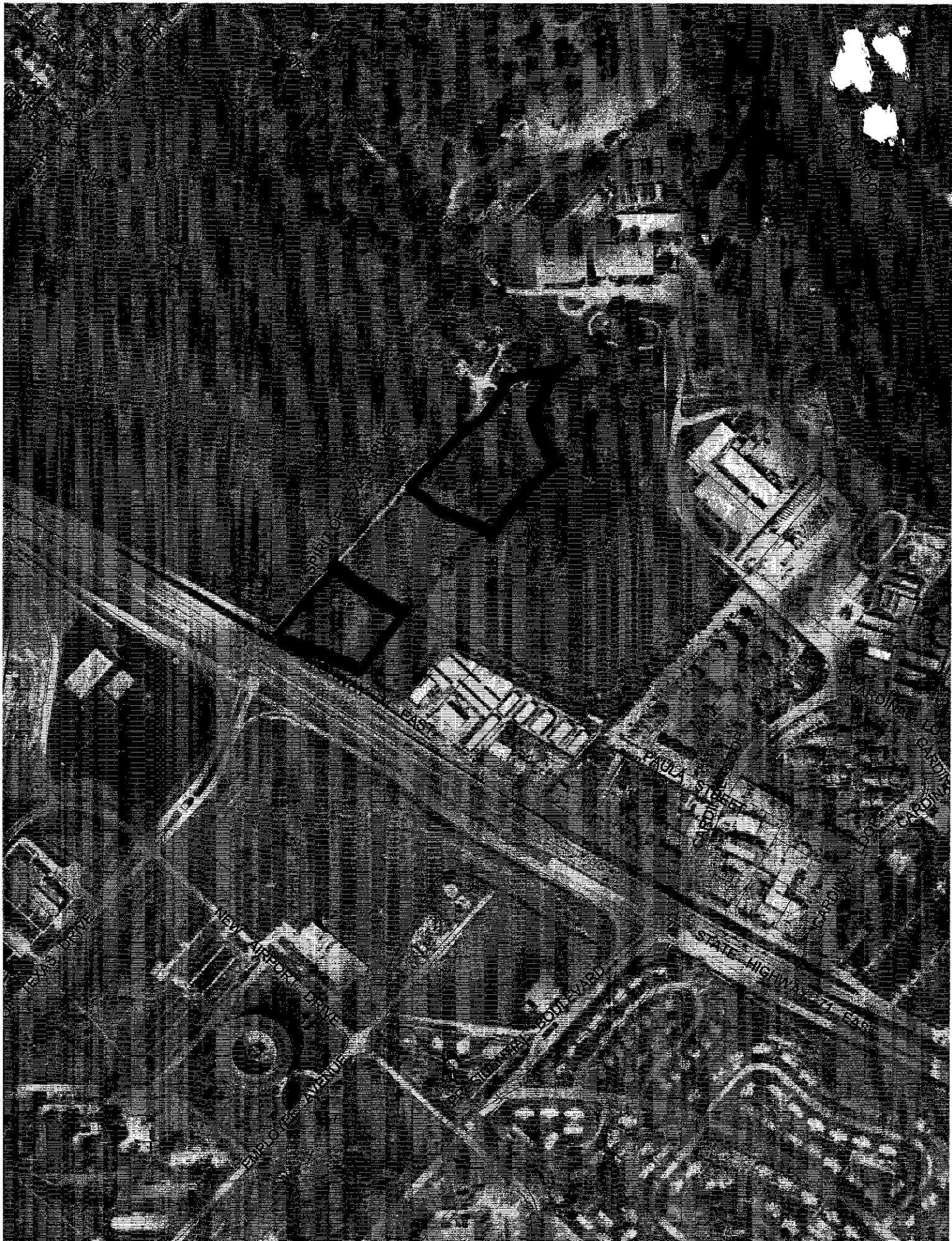
Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

This site is within the Airport Overlay Zone AO-3. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Section 25-13-23, are prohibited. Noise level reduction measures may be required for certain new structures. For more information, contact Shane M. Harbinson, Noise Abatement Officer at (512) 530-6652.

Highway 71 is a scenic roadway.





Date: October 25, 2002
To: Glenn Rhoades, Case Manager
CC: Members of the Zoning and Platting Commission
Reference: Austin Bergstrom Airport Center, C14-01-0182 & C14-01-0183

The Transportation Review Section has reviewed the Traffic Impact Analysis for Austin Bergstrom Airport Center, an approximately 110 acre development located in Southeast Austin near the intersection of Thornberry Road and SH 71 East. This development is just north of the Austin Bergstrom International Airport. John Hickman and Associates conducted the analysis in December 2001.

Trip Generation

The proposed mixed-use development consists of the following land uses:

- 1,000 room Hotel
- 20,000 square feet of Fast Food Restaurant with Drive-Through
- 18,000 square feet of High Turnover Sit Down Restaurant
- 12,500 square feet of Convenience Market with Gasoline Pumps
- 8,500 square feet of Fast Food Restaurant without Drive Through
- 201,922 square feet of Administrative Office
- 217,088 square feet of Warehouse
- 2,540 space Parking Facility

The property's proposed zoning is Community Commercial (GR), Community Commercial/Limited Industrial Services/Planned Development Area (GR/LI-PDA) and Commercial Services (CS). The site is currently vacant with the exception of the parking facility. Total build-out for the project is estimated by 2015.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 42,480 unadjusted average daily trips (ADT). Of these, 3,391 trips will occur in the morning peak-hour and 3,781 will occur in the evening peak-hour.

Table 1 shows the adjusted trip generation by land use for the proposed development.

TABLE 1. TRIP GENERATION (Adjusted)						
Land Use	Size	Daily	AM Peak Hour		PM Peak Hour	
			Enter	Exit	Enter	Exit
Hotel	1000 rooms	6,000	270	172	254	226
High Turn Over Sit Down Restaurant	18,000 s.f.	1,288	49	45	63	42
Fast Food Restaurant with Drive-Through	20,000 s.f.	4,821	252	243	167	153
Convenience Market with Gasoline Pumps	12,500 s.f.	3,425	114	110	130	129
Fast Food without Drive Through	8,500 s.f.	1,972	60	380	22	20
Administrative Office	201,922 s.f.	3,932	464	64	199	977
Warehouse	217,088 s.f.	2,900	195	44	49	155
Parking Facility	2,540 spaces	726	55	18	18	55
Total		25,064	1,459	734	902	1,757

Assumptions

- Traffic growth rate for all streets is 7 %.
- Background traffic volumes for 2001 included estimated traffic volumes for the following projects:
 - Metro Business Center I SP-97-0413C
 - Metro Business Center II SP-97-0309C
 - Metro Business Center III SP-99-0045C
 - Metro Business Center IV SP-97-0332CF
 - Lockheed C14-99-0119
 - Hilton Hotel – ABIA SP-98-0362D
 - Sky Chef's Catering SP-98-0247C
 - Austin Airport Hotel SP-97-0426D
 - Detox and Treatment Facility SP-97-0019D
 - Leigh Acres C14-98-0151
 - Eagle USA SP-98-0413C
 - AAW, Ltd. SP-98-0368C
 - Expo Center C14-95-0128/129
 - Airport America C14-99-0120
 - Buratti C14-99-0049
 - Airport Commerce Park C14-96-316 & C14-99-0046
- Reductions were taken for internal capture and pass-by capture as follows:

Table 2. Pass-by and Internal Capture Reductions by Percentage			
Land Use	Pass-by Reductions %		Internal Capture Reductions %
	AM Peak	PM Peak	
High Turnover Sit Down Restaurant	38	40	10
Convenience Market with Gasoline Pumps	62	66	10
Fast Food with Drive Through	45	47	10
Fast Food without Drive Through	62	66	10

- No reductions were taken for transit use.

Existing and Planned Roadways

SH 71 – This roadway, which forms the southern border for the proposed development, is currently classified as a four-lane divided major arterial. Traffic volumes for SH 71 in 1998 east and west of Austin Bergstrom International Airport were 40,000 and 47,000 vehicle trips per day, respectively. This highway is in the Bicycle Plan as a priority one route. The Roadway Plan calls for SH 71 to be upgraded to a six-lane freeway. Funds have been allocated for these improvements and the Texas Department of Transportation expects that the project will be let for construction in 2009.

US Hwy 183 – Located west of the site, this roadway is currently classified as a six-lane divided major arterial. 1998 traffic volumes for US 183 north of SH 71 were approximately 67,000 vehicle trips and 23,000 vehicle trips south of SH 71. US 183 between East 7th Street and SH 71 is included in the Bicycle Plan as a priority two route. The Roadway Plan calls for an 8-lane freeway by the year 2025.

SH 130 – This facility, proposed east of the site, is included in the 2025 Capital Area Metropolitan Transportation Plan as a 6-lane toll parkway. The roadway is included in the Bicycle Plan as a priority two route. Right-of-way acquisition for this facility is currently underway and construction of the section from US 290 East to SH 71 is scheduled within the next 10 years.

FM 973 – Currently classified as a 2 lane minor arterial, this roadway is located east of the proposed development. Traffic volumes for year 1998 were 10,900 vehicles per day north and south of SH 71. In 2025, FM 973 is proposed as a 6-lane divided major arterial. FM 973, south of SH 71, is proposed to shift to the west to align with the section of FM 973 north of SH 71. Funds have not yet been allocated for this improvement. FM 973 is included in the Bicycle Plan as a priority two route.

FM 969 – This roadway is currently classified as a 4-lane undivided major arterial west of FM 973 and had a traffic volume of 9,200 vehicles per day in 1998. East of FM 973, the roadway is classified as a 2-lane undivided major arterial, carrying approximately 8,400 vehicles per day in 1998. This roadway is in the Bicycle Plan as a priority two route. The 2025 Roadway Plan calls for a 6-lane divided major arterial west of FM 973 and a 4-lane divided major arterial east of FM 973.

Terminal/Spirit of Texas Drive – Spirit of Texas Drive is the extension of Terminal Drive north of SH 71. This roadway is classified as a 4 lane divided collector with 104 feet of right-of-way and 24 feet of pavement on each side of the median. This roadway will provide primary access to SH 71 from the proposed development. It is currently constructed as a cul-de-sac, providing access only to the off-site airport parking facility. This roadway is in the Bicycle Plan as a priority one route.

Presidential Boulevard – This roadway is classified as a collector and provides primary access to Austin Bergstrom International Airport from SH 71. This roadway is not included in the Bicycle Plan.

Burleson Road – From SH 71 to FM 973, this roadway is classified as a 4-lane major arterial. 1997 traffic volumes for this section of Burleson were approximately 11,390 vehicles per day. Burleson Road is noted as a Priority One bicycle route in the Bicycle Plan.

Riverside Drive – This roadway, located west of the proposed site, is currently classified as a 6-lane divided major arterial. Traffic volumes for year 1997 were approximately 13,280 vehicles per day. Riverside Drive is a Priority One route in the Bicycle Plan. The 2025 Roadway Plan calls for Riverside to be upgraded to an 8-lane divided major arterial.

Falwell Lane – Located east of the proposed development, this roadway is classified as a collector with 120 feet of right-of-way and 26 feet of pavement near its intersection with SH 71. 1997 traffic volumes for this roadway were approximately 970 vehicles per day. Falwell Lane is not in the Bicycle Plan.

Traffic Analysis

The impact of site development traffic on the existing area roadways was analyzed. Two time periods and travel conditions were evaluated:

- 2001 – Existing Conditions
- 2015 – Forecasted Conditions with Site Generated Traffic

Intersection Level of Service (LOS)

The TIA analyzed thirty intersections, of which eleven are signalized. All of the intersections operate at an acceptable LOS with the improvements recommended, with the exception of SH 71 at Driveway 7. This driveway does not function at an acceptable level of service due to the fact that this driveway is the main thoroughfare for traffic within the development. The delay in service is managed fully onsite and will not impact the main lanes of the SH 71 westbound frontage road.

Table 3. Level of Service				
Intersection	2001 (Existing Conditions)		2015 (Forecasted + Site)	
	AM	PM	AM	PM
SH 71 @ FM 973*	C	F	B	D
SH 71 @ Falwell Lane*	F	F	B	D
FM 973 @ FM 969*	C	C	B	D
SH 71 @ Presidential Boulevard*	E	E	D	D
SH 71 @ Terminal Drive/Spirit of Texas Drive*	C	D	D	D
FM 973 @ Burleson Road	B	C	B	D
SH 71 @ Burleson Road*	F	F	D	D
SH 71 @ Riverside Drive*	D	F	C	C
SH 130 WB Frontage @ SH 71 NB Frontage*			B	D
SH 130 WB Frontage @ SH 71 SB Frontage*			C	C
SH 130 EB Frontage @ SH 71 NB Frontage*			C	C
SH 130 EB Frontage SH 71 SB Frontage*			C	D
SH 71 @ Driveway 1			B	B
SH 71 @ Driveway 2			B	B
SH 71 @ Driveway 3			B	B
SH 71 @ Driveway 4			C	C
SH 71 @ Driveway 5			C	C
SH 71 @ Driveway 6			C	C
SH 71 @ Driveway 7			E	E
SH 71 @ Driveway 8			A	A
SH 71 @ Driveway 9			A	A
Spirit of Texas @ Driveway 1			B	A
Spirit of Texas @ Driveway 2East			B	B
Spirit of Texas @ Driveway 2West			B	C
Spirit of Texas @ Driveway 3			A	A
Spirit of Texas @ Driveway 4			B	B
Spirit of Texas @ Driveway 5			A	A
Spirit of Texas @ Driveway 6			A	A
Spirit of Texas @ Driveway 7			A	B
Spirit of Texas @ Driveway 8			B	B

* SIGNALIZED

Recommendations

1. Prior to approval of the zoning case, fiscal is required to be posted for the following improvements:

Roadway	Improvements	Total Cost	Pro Rata Share (%)	Pro Rata Share (\$)
Riverside @ SH 71	Convert interior eastbound to dual left turns and a single through	\$588	3.2%	\$19
Spirit of Texas @ SH 71	Restripe interior northbound approach	\$588	28.3%	\$166
Presidential Blvd @ SH 71	Add northbound interior left turn	\$675	22%	\$149
FM 973 @ SH 71	Add eastbound left turn	\$17,551	19%	\$3,335
FM 973 @ Burleson Rd	Add southbound right turn lane	\$13,372	31%	\$4,145
	Add southbound left turn	\$35,132	16.7%	\$5,867
	Add northbound left turn lane	\$35,132	13.9%	\$4,883
FM 973 @ FM 969	Convert southbound right lane into a shared through and right	\$12,536	2.9%	\$364
	Add northbound right turn lane	\$13,372	3.8%	\$508
Total				\$19,436

2. The proposed median openings on Spirit of Texas Drive at the site driveways must be constructed in accordance with Figure 1-15 of the Transportation Criteria Manual. Additional fiscal surety will be required prior to release of any site plans which access Spirit of Texas Drive, unless a reevaluation of the traffic impact analysis demonstrates that these intersections will function at an acceptable level of service without improvements. The cost of these improvements, if needed, will be determined at the time of site plan.
3. Approval from the Department of Public Works will be required prior to 3rd reading at City Council.
4. The Texas Department of Transportation (TxDOT) has not signed off on this project. Approval from TxDOT will be required prior to scheduling this case for City Council.
5. Three copies of the final version of the TIA, incorporating all changes and updates, are required to be provided prior to 3rd reading at City Council.
6. Development of this property should be limited to uses and intensities, which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact Amy Link at 974-2044.

George Zapalac
Principal Planner – Watershed Protection and Development Review Department