## Zoning CITY OF AUSTIN RECOMMENDATION FOR COUNCIL ACTION

**AGENDA ITEM NO.: Z-3** 

**AGENDA DATE: Thu 12/16/2004** 

PAGE: 1 of 1

SUBJECT: C14-04-0176 - Comfort Suites Austin Airport - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7501 East Ben White Boulevard (Carson Creek Watershed) from limited industrial services-neighborhood plan (LI-NP) combining district zoning to commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning. Applicant: Spirit Development IV, Ltd. (Gary R. Stillwell). Agent: CTG Enterprises (Carole Terry-Gonynor). City Staff: Wendy Walsh, 974-7719.

REQUESTING

Neighborhood Planning

DIRECTOR'S

**DEPARTMENT:** 

and Zoning

AUTHORIZATION: Greg Guernsey

RCA Serial#: 7260 Date: 12/16/04 Original: Yes

Published:

Disposition:

Adjusted version published:

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

<u>CASE</u>: C14-04-0176 <u>P.C. DATE</u>: November 23, 2004

ADDRESS: 7501 East Ben White Boulevard

**APPLICANT:** Spirit Development IV, Ltd. **AGENT:** CTG Enterprises

(Gary R. Stillwell) (Carole Terry-Gonynor)

**ZONING FROM:** LI-NP **TO:** CS-1-NP **AREA:** 0.300 acres (13,060 square feet)

#### SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant commercial – liquor sales – neighborhood plan (CS-1-NP) combining district zoning.

#### PLANNING COMMISSION RECOMMENDATION:

November 23, 2004: APPROVED CS-1-NP DISTRICT ZONING AS STAFF RECOMMENDED; BY CONSENT

 $[D.S-I^{ST}; M.H-2^{ND}]$  (6-0) J.M.C; C.G - NOT YET ARRIVED

#### **ISSUES:**

The applicant has provided letters of support from several of the surrounding businesses, as well as the Montopolis Area Neighborhood Alliance, The Crossing Gardenhomes HOA and Onion Creek Homeowners Association. The letters are attached at the back of the staff packet.

#### **DEPARTMENT COMMENTS:**

The subject rezoning area consists of a portion of a platted lot that is accompanied by an approved site plan. Lot 2A takes direct access to East Ben White Boulevard and driveway access through the adjacent lot to Metro Center Drive. The east side of Ben White Boulevard in the vicinity of East Riverside Drive consists of an office park, hotels and general restaurants which are located in close proximity to the Austin-Bergstrom International Airport (zoned LI-NP, including the rezoning area). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View), A-2 (Rezoning Area within the Context of the Southeast Neighborhood Plan Area). B (Recorded Plat) and C (Approved Site Plan).

The applicant proposes to zone the hotel to the commercial – liquor sales (CS-1) to accommodate the conversion of a portion of lobby space to a cocktail lounge use. City staff has not interpreted that serving alcohol by the glass is an accessory use to a hotel (unlike a fitness center, beauty salon or automotive rentals, which are more typically provided guest services), and thus a zoning change to CS-1 is required.

Commercial – liquor sales zoning is appropriately located along a freeway and in proximity to an arterial roadway; is located at a distance from residential areas, and is compatible with the land uses that have been established on this segment of East Ben White Boulevard.

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

	ZONING	LAND USES	
Site	SF-3; LO	Three single family residences; Two unoccupied outbuildings; Office	
North	SF-3	Duplexes; Undeveloped	
South	MF-3; P	Apartments; Park	
East	SF-3	Linder Elementary School; Triplex; Undeveloped	
West	MF-2; PUD; SF-3	Four-plexes; Duplexes; Townhomes; Single family residences	

NEIGHBORHOOD PLANNING AREA: East

TIA: Is not required

Riverside / Oltorf Combined NPA (Parker Lane)

**WATERSHED:** Country Club Creek

**DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes

#### **NEIGHBORHOOD ORGANIZATIONS:**

74 – South River City Citizens Association

189 - Southeast Austin Neighborhood Alliance

299 - Crossing Gardenhome Owners Association

300 - Terrell Lane Interceptor Association

319 - Metcalfe Neighborhood Association

428 - Barton Springs / Edwards Aquifer Conservation District

498 - South Central Coalition

694 – Burleson Parker Neighborhood Association

511 - Austin Neighborhoods Council

972 - PODER People Organized in Defense of Earth & Her Resources

#### **SCHOOLS:**

Linder Elementary School

Fulmore Middle School

Travis High School

#### **CASE HISTORIES:**

There are no recent case histories in the surrounding area.

#### **RELATED CASES:**

The tract was annexed on September 6, 1973. The south and west 6.35 acres of the site was rezoned to the "O" Office, First Height and Area district on January 5, 1984 (converted to LO by way of the 1984 Conversion Ordinance). The site plan attached to the Zoning Ordinance shows a two-story, 54,720 square foot building and surrounding parking areas with two driveway access points onto Wickshire Lane. There are no related subdivision or site plan cases on the subject property.

#### **ABUTTING STREETS:**

Name	ROW	Pavement	Classification
Wickshire Lane	60 feet	40 feet	Collector
Carlson Drive (stub-out)	50 feet	30 feet	Local
Metcalfe Road	50-70 feet	Varies	Collector

The approved Site Plan showing the hotel and restaurant development is provided as Exhibit C (SP-99-0045C).

#### **ABUTTING STREETS:**

STREET	RIGHT- OF-WAY	PAVEMENT WIDTH	CLASSIFICATION
East Ben White Boulevard	380 feet	3 lanes @ 40 feet	Freeway

- There are no sidewalks along Ben White Boulevard.
- Ben White Boulevard is classified in the Bicycle Plan as a Priority Barrier to Traffic bike route.
- Capital Metro bus service is not available within ¼ mile of this property.

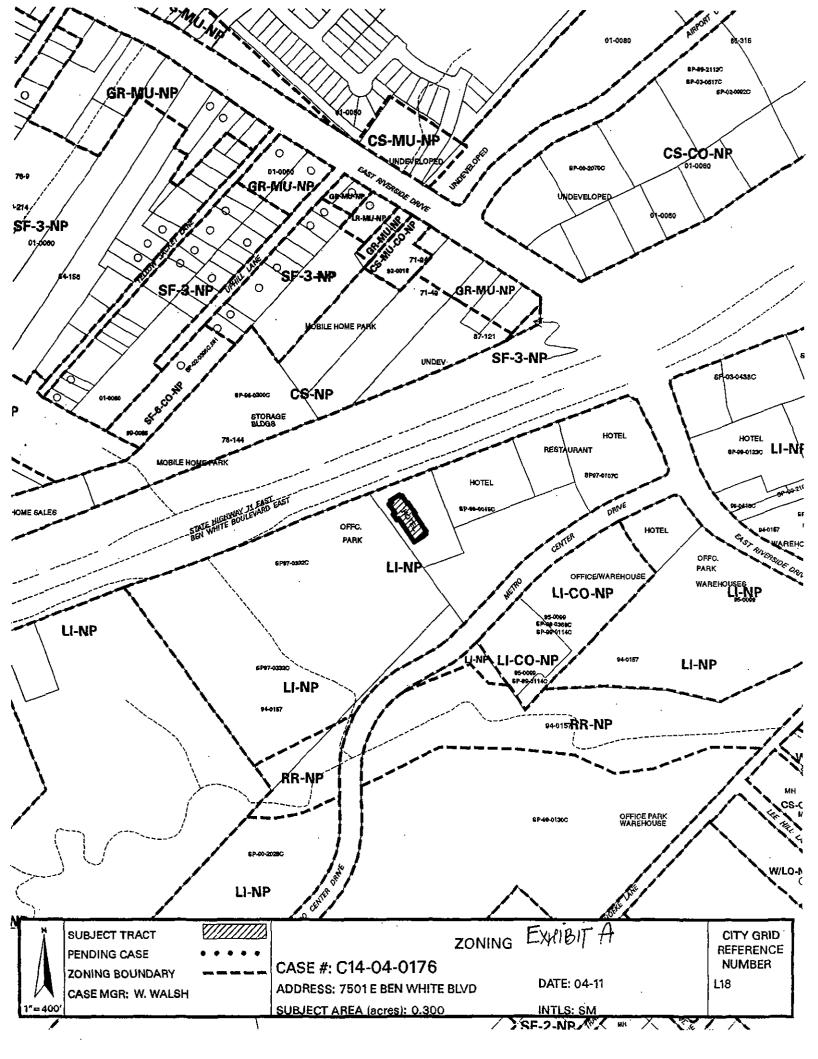
CITY COUNCIL DATE: December 16, 2004 ACTION:

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

**ORDINANCE NUMBER:** 

CASE MANAGER: Wendy Walsh PHONE: 974-7719

e-mail: wendy.walsh@ci.austin.tx.us





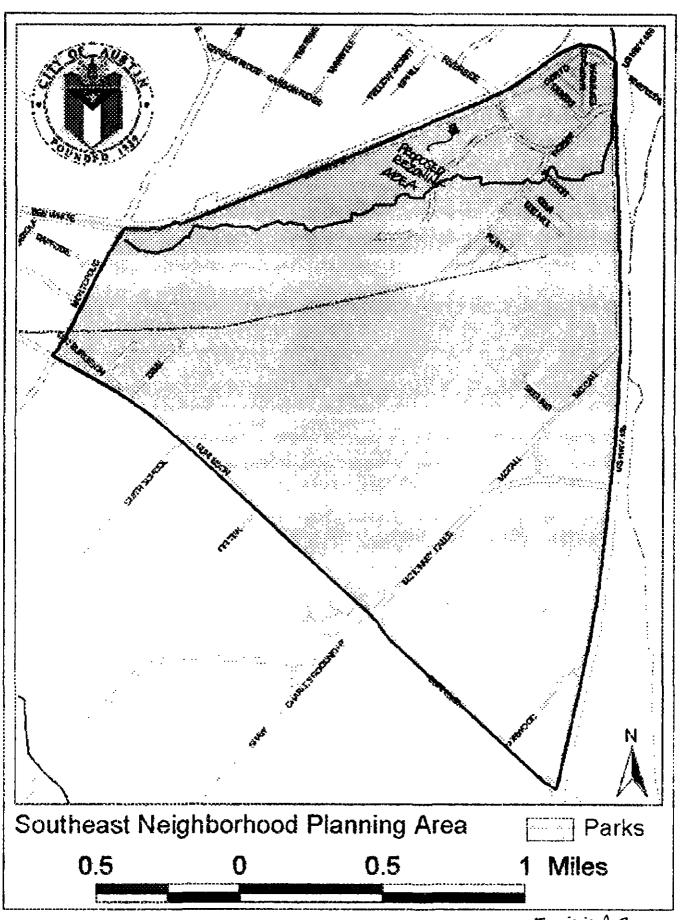
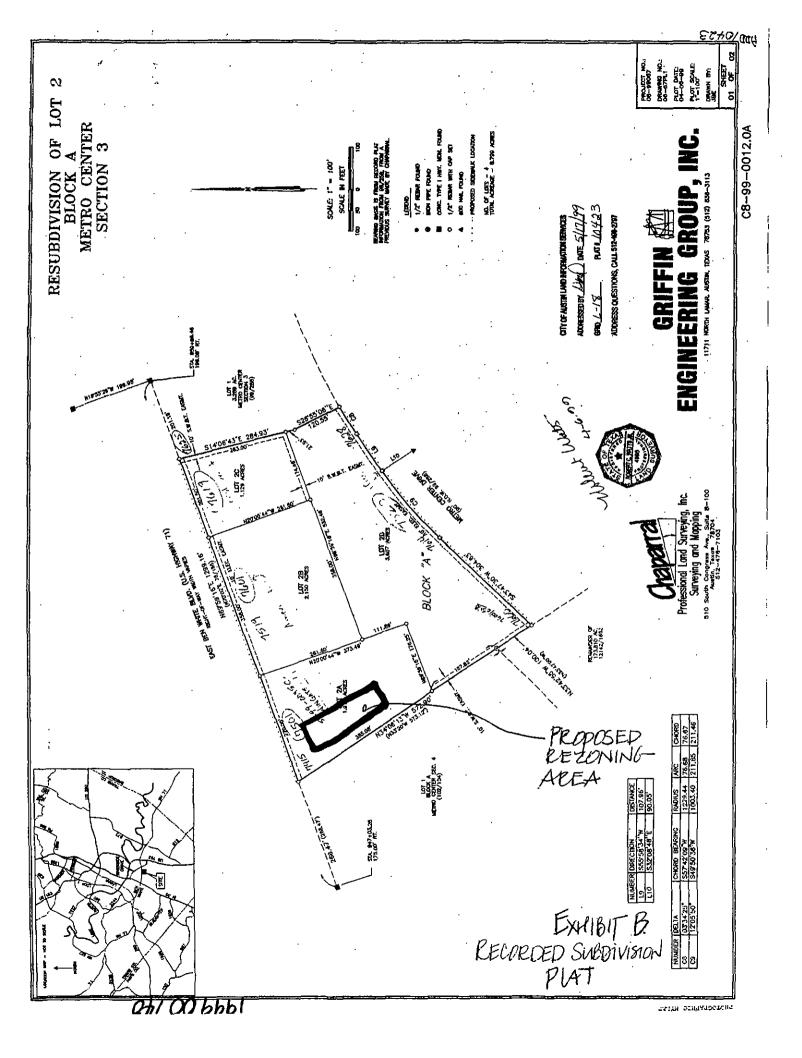
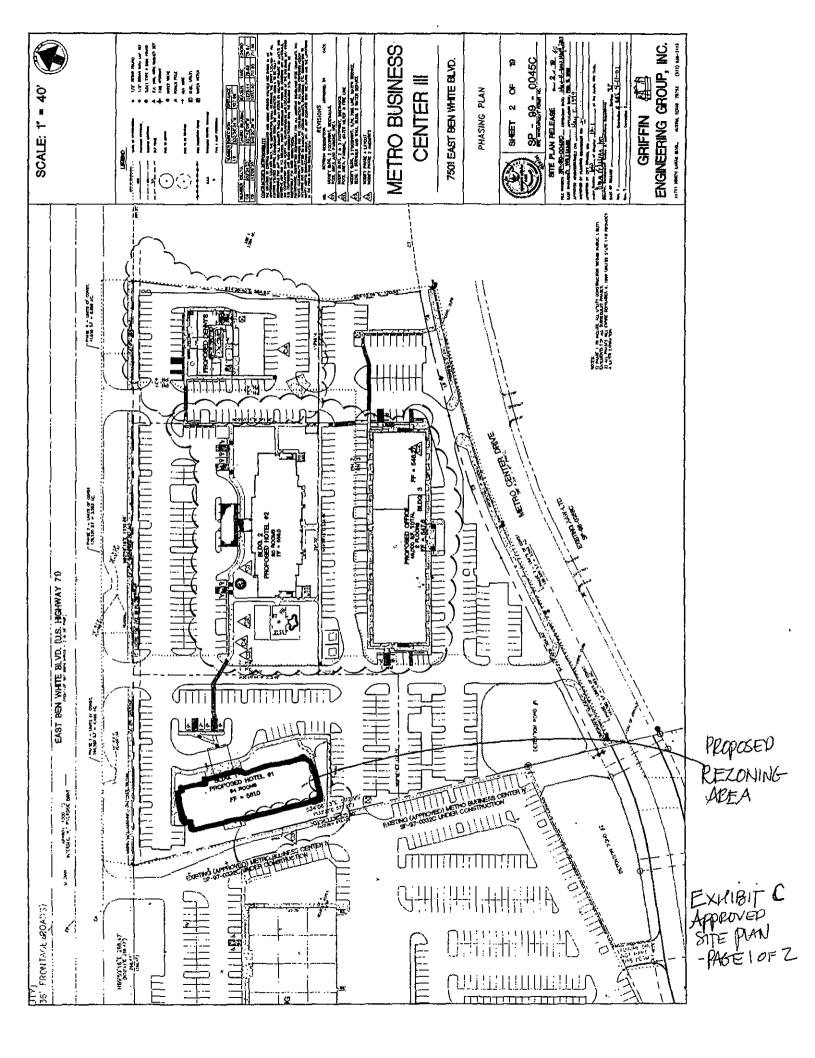
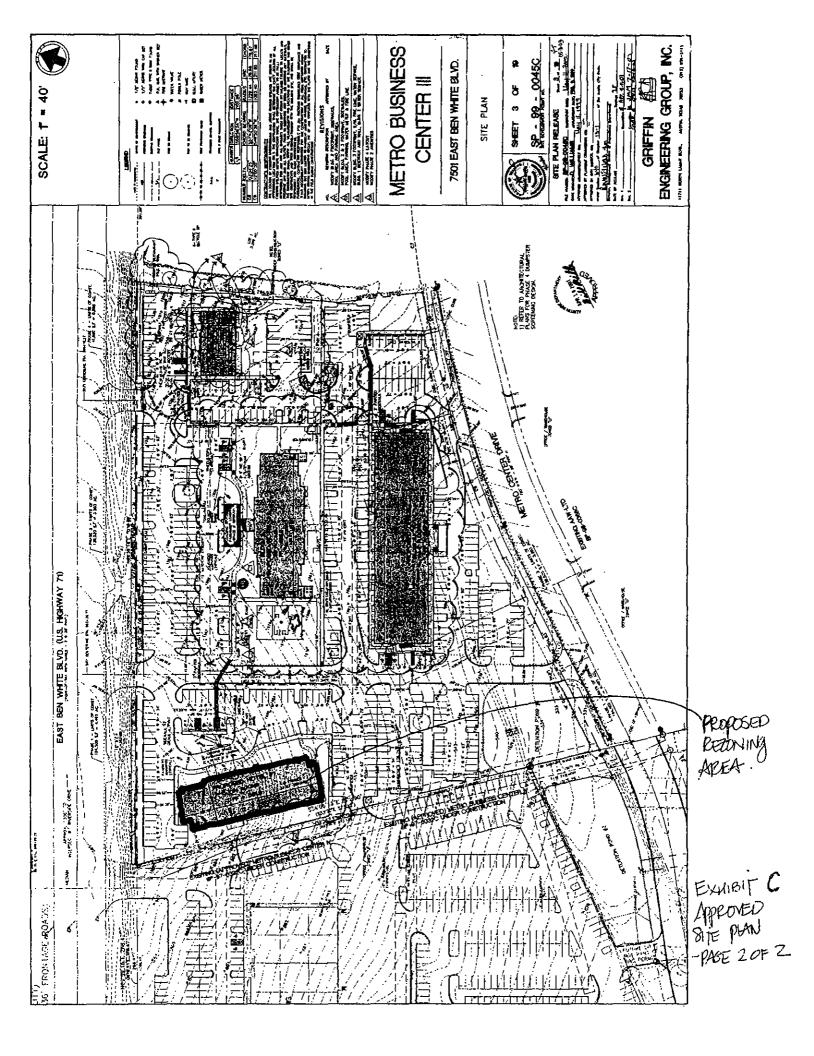


EXHIBIT A-Z LOCATION OF REZONING WITHIN SOUTHEAST NEIGHBURHOOD PLANTABEA







C14-04-0176 Page 4

#### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant commercial – liquor sales – neighborhood plan (CS-1-NP) combining district zoning.

#### BACKGROUND

The subject rezoning area consists of a portion of a platted lot that is accompanied by an approved site plan. Lot 2A takes direct access to East Ben White Boulevard and driveway access through the adjacent lot to Metro Center Drive. The east side of Ben White Boulevard in the vicinity of East Riverside Drive consists of an office park, hotels and general restaurants which are located in close proximity to the Austin-Bergstrom International Airport (zoned LI-NP, including the rezoning area).

The applicant proposes to zone the hotel to the commercial – liquor sales (CS-1) to accommodate the conversion of a portion of lobby space to a cocktail lounge use. City staff has not interpreted that serving alcohol by the glass is an accessory use to a hotel (unlike a fitness center, beauty salon or automotive rentals, which are more typically provided guest services), and thus a zoning change to CS-1 is required.

Commercial – liquor sales zoning is appropriately located along a freeway and in proximity to an arterial roadway; is located at a distance from residential areas, and is compatible with the land uses that have been established on this segment of East Ben White Boulevard.

#### BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The commercial – liquor sales (CS-1) zoning district is intended for commercial and industrial activities of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use.

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

Commercial – liquor sales zoning is appropriately located along a freeway and in proximity to an arterial roadway; is located at a distance from residential areas, and is compatible with the land uses that have been established on this segment of East Ben White Boulevard.

#### **EXISTING CONDITIONS**

#### Site Characteristics

The rezoning area is developed with a hotel and there appear to be no significant topographical constraints on the site.

#### Impervious Cover

The maximum impervious cover shown on the approved Site Plan is 79.9998%, which is a consistent figure between the watershed and zoning regulations. The amount of impervious cover for the hotel site and its parking and driveway areas is 22.30%.

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#### **Environmental**

The site is not located over the Edward's 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. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net 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%

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

According to flood plain maps, there is no flood plain in, or within close proximity of, 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.

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.

#### TPSD 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 rezoning 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.

#### Transportation

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

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

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#### Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be in accordance with the City design criteria and specifications. The utility construction must be inspected by the City. The landowner must pay all associated City water and wastewater utility tap permits fees, impact fee, utility plan review fee, and construction inspection fee.

#### **Compatibility Standards**

There is an existing site plan on this property (SP-99-0045C), which provides for 16% building coverage of hotel, restaurant and office uses, along with associated parking and drainage facilities.

This property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. 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 Sections 25-13-23, are prohibited. For more information, contact Airport Planning at 530-6563.

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

COMFORT SUITES AUSTIN - AIRPORT

Zydeco Development 611 West 15<sup>th</sup> Street Austin, TX 78701



Re: Consent for Comfort Suites, Austin Airport To obtain a Zoning Change

Dear Neighbor,

The Comfort Suites Hotel at 7501 East Ben White Boulevard, is making an application with the City of Austin to change the hotel's zoning to CS-1.

Many of our guests and neighboring businesses have requested retail alcohol service. Therefore, we at the Comfort Suites have decided to build a small bar within the lobby area, which will require a Planning Commission hearing for a zoning change. The Comfort Suites also has a newly built patio which can be used by our patrons. You are welcome to come by and see our new patio and our building plans for the bar addition.

We would sincerely appreciate your assistance by signing this letter to show your consent for a zoning change. Thank you for your support!

Very Thuly Yours

Gary R. Stillwell

Owner

Name of Business

Met Center Partiers

Rebecca Nixon 512-479-7850

Contact Name and Telephone #

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Composy Suives Aussin - Aintout



Mantapolis Ama Neighborheod Allinon 6507 E. Riverside Dr. Amilia, TX 78741

Re: Consent for Consfort Suites, Austin Aisport
To obtain a Zoning Change

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We would almost appreciate your analytimes by signing this letter to show your consent for a realing change. Thank you for your support!

Very Truly Yours.

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MANTEPOUS AREA NEIGHBORHOUS FLUANCE

BRAD CONNER (1512) 385-8469 Control Name and Telephone #

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Austin, Texas 7804)
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COMPORT SUITES AUSTIN - AIRPORT



The Crossing Guidenhouse Owners Asan. 1615 Whitney Way Austin, TX 78741-3219

Re: Consent for Comfort Suites, Anglie Airport To obtain a Zoning Change

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Very Truly Yours,

Gary R. Stillwell

Owner

Prossing Coordenhomas t

Name of Business

10 "6-04 Dorbora A Fox

512,389,1615

7501 E. BEN WHITE BUID. AUSEN, TEXAS 78747 PHONE 512.386,6000 FAX 512.386,6001

for counselors portunide. 900.4CoCoCCC

## ONION CREEK

HOMEOWNERS ASSOCIATION 10816 Crown Colony, Suke 205 Austin, Texas 78747 Tel: 512 280.8110 Fax: 512.280.8162

October 7, 2004

Gary R. Stillwell Comfort Suites 7501 E. Ben White Blvd. Austin, TX. 78741

Dear Mr. Stillweil:

We understand you have requested retail alcohol service within the lobby area of your hotel, which will require a Planning Commission hearing for a zoning change. The Onion Creek Homeowners Association has no objection to your rezoning request to CS-1 change. We are sure that any changes you make will be tastefully and creatively accomplished.

Let me know if you need anything further.

Sincerely,

John MC Walk

President, Onion Creek Homeowners Association

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AN ORDINANCE REZONING AND CHANGING THE ZONING MAN FOR THE PROPERTY LOCATED AT 7501 EAST BEN WHITE BOULEVALUE IN THE SOUTHEAST NEIGHBORHOOD PLAN AREA FROM LIMITED INDUSTRIAL SERVICES-NEIGHBORHOOD PLAN (LI-NP) COMBINING DISTRICT TO COMMERCIAL LIQUOR SALES-NEIGHBORHOOD PLAN (CS-1-NP) 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 limited industrial services neighborhood plan (LI-NP) combining district to commercial liquor sales neighborhood plan (CS-1-NP) combining district on the property described in Zoning Case No. C14-04-0176, on file at the Neighborhood Planning and Zoning Department, as follows:

A 0.300 acre tract of land, more of less, out of a lot in the Metro Center Section 3 Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 7501 East Beit White Boulevard, in the Southeast neighborhood plan area, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B"

PART 2. Except as otherwise provided in this ordinance, the Property is subject to Ordinance No. 021010-12c that established the Southeast neighborhood plan combining district.

Draft: 12/7/2004

14, 



# Professional Land Surveying, Inc. Surveying and Mapping

Office: 512-443-1724 Fax: 512-441-6987

2807 Manchaca Road Building One Austin, Texas 78704

# 0.300 ACRES ZONING DESCRIPTION COMFORT SUITES, METRO CENTER

A DESCRIPTION OF 0.300 ACRES (13060 S.F.), BEING A PORTION OF LOT TWO-A (2A), BLOCK "A", RESUBDIVISION OF LOT 2, BLOCK A, METRO CENTER SECTION 3, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN DOCUMENT NO. 199900140, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.300 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½" rebar found in the south right-of-way line of East Ben White Boulevard (right-of-way width varies) for the northwest corner of said Lot 2A, Block A, and the northeast corner of Lot 1, Block A, Metro Center, Section 4, according to the map or plat of record in Volume 102, Page 104 of the Plat Records of Travis County, Texas, from which a ½" rebar with cap set for the southwest corner of Lot 2A bears South 34°06'13" East, a distance of 385.08 feet;

THENCE South 60°41'00" East, over and across said Lot 2A, Block A, a distance of 91.23 feet to a calculated point and the **POINT OF BEGINNING**;

**THENCE**, continuing over and across said Lot 2A, Block A, the following eighteen (18) courses:

- 1. North 55°54'47" East, a distance of 44.00 feet to a calculated point;
- 2. South 34°05'13" East, a distance of 9.30 feet to a calculated point;
- 3. North 55°54'47" East, a distance of 7.20 feet to a calculated point;
- 4. South 34°05'13" East, a distance of 38.40 feet to a calculated point;
- 5. North 55°54'47" East, a distance of 4.00 feet to a calculated point;
- 6. South 34°05'13" East, a distance of 51.60 feet to a calculated point;
- 7. South 55°54'47" West, a distance of 4.00 feet to a calculated point;
- 8. South 34°05'13" East, a distance of 88.90 feet to a calculated point;

EXMIBIT A

- 9. South 55°54'47" West, a distance of 7.20 feet to a calculated point;
- 10. South 34°05'13" East, a distance of 9.40 feet to a calculated point;
- 11. South 55°54'47" West, a distance of 57.70 feet to a calculated point, from which a ½" rebar with cap set for the southwest corner of said Lot 2A, Block A, Metro Center, Section 3, bears South 19°46'06" East, a distance of 109.30 feet;
- 12. North 34°07'03" West, a distance of 116.92 feet to a calculated point;
- 13, South 55°44'58" West, a distance of 10.58 feet to a calculated point;
- 14. North 33°32'20" West, a distance of 26.98 feet to a calculated point;
- 15. North 55°52'57" East, a distance of 10.31 feet to a calculated point;
- 16. North 34°07'03" West, a distance of 44.42 feet to a calculated point;
- 17. North 55°54'47" East, a distance of 13.80 feet to a calculated point;
- 18. North 34°05'13" West, a distance of 9.30 feet to the **POINT OF BEGINNING**, containing 0.300 acres of land, more or less.

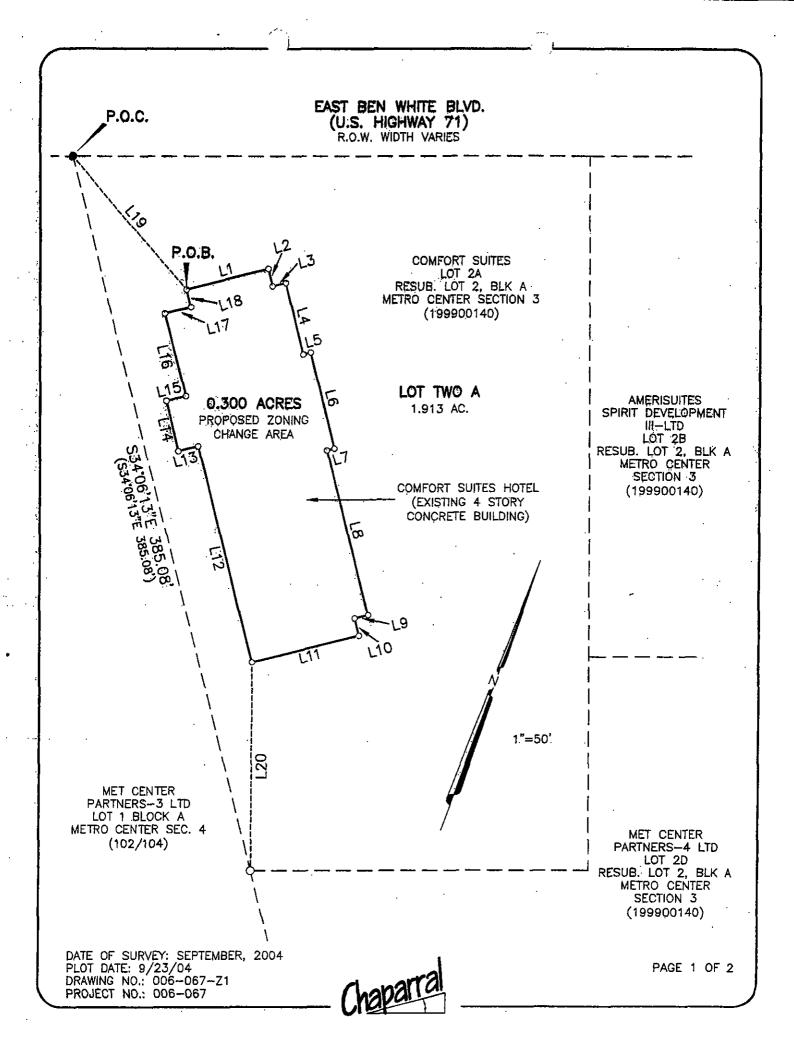
Based on a survey made in June, 2002. Bearing Basis: Record plat data for the west line of Lot 2A. Attachments: Survey Drawing 006-067-Z1.

Robert C. Watts, Jr.

Registered Professional Land Surveyor

State of Texas No. 4995

9.27.04



SKETCH TO ACCOMPANY A DESCRIPTION OF 0.300 AGRES, BEING A PORTION OF LOT TWO-A (2A), BLOCK "A", RESUBDIVISION OF LOT 2, BLOCK A, METRO CENTER SECTION 3, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN DOCUMENT NO. 199900140, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

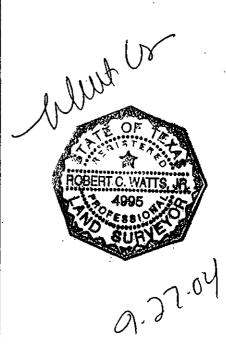
BEARING BASIS: RECORD PLAT DATA FOR THE WEST LINE OF LOT

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 008-067-Z1

#### LEGEND

- 1/2" REBAR FOUND
- O 1/2" REBAR WITH CAP SET
- CALCULATED POINT

	LINE TABLE	* * * * * * *
No.	BEARING	LENGTH
L1	N55!54'47"E	44.00'
L2	S34'05'13"E	9.30'
L3	N55'54'47"E	7.20'
L4	S34:05'13"E	38,40
L5	N55'54'47"E	4.00'
L6	S34°05'13"E	51.60'
L7	S55'54'47"W	4.00'
L8	S34*05'13"E	88.90'
L9	S55*54'47"W	7.20'
L10	S34'05'13"E	9.40'
L11	S55'54'47"W	57.70'
L12	N34'07'03"W	116.92
L13	S55'44'58"W	10.58
L14	N33'32'20"W	26.98'
L15	N55'52'57"E	10.31
L16	N34'07'03"W	44.42'
L17	N55 <b>*</b> 54 <b>'</b> 47"E	13.80'
L18	N34'05'13"W	9.30'
L19	S60'41'00"E	91.23'
L20	S19'46'06"E	109.30



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