ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0013 – 2363 Seventy One **Z.A.P. DATE:** March 3, 2015

ADDRESS: 2363 East State Highway 71 Westbound

DISTRICT AREA: 2

OWNERS: Mohammad Mokri & Javad Oskouipour **AGENT:** Paul E. Kennedy

ZONING FROM: I-RR **TO:** CS **AREA:** 0.694 acres (30,230.64 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services (CS) district zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

March 3, 2015: *APPROVED CS DISTRICT ZONING AS STAFF RECOMMENDED. BY CONSENT*
[P. SEEGER; S. COMPTON – 2ND] (6-0) G. ROJAS – ABSENT

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject portion of two platted lots has frontage on the westbound State Highway 71 service road, and contains an automotive repair use. It was annexed into the City limits in 2001 and zoned interim – rural residence (I-RR) district at that time. The property is within the Airport Overlay Zone – 2 which consists of the portions of the controlled compatible land use area that have a yearly day-night average sound level of at least 65 DNL decibels and not more than 70 DNL decibels. There is a convenience storage use and undeveloped property to the north (I-RR); convenience storage, restaurant, automotive rentals and cocktail lounge to the east (I-RR; CS-CO; CS-1-CO), and a cocktail lounge and convenience storage to the west (I-RR). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The Applicant proposes to zone the property to the general commercial services (CS) district so that it may be redeveloped with commercial uses, specifically a pet hotel which is classified as a kennel use and first allowed in the CS district.

Staff recommends the Applicant's request for CS district zoning. The property is no longer suited for residential uses, is located within the AO-2 zone, and commercial zoning is consistent with uses and zoning on properties that are adjacent to the State Highway 71 right-of-way.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	I-RR	Automotive repair
North	I-RR; CS-CO	Convenience storage; Undeveloped
South	East SH 71	Westbound frontage road and main lanes
East	CS-1-CO; GR-CO; GR-MU-CO; I-SF-2	Convenience storage; Restaurant; Automotive rentals; Cocktail lounge
West	I-RR	Cocktail lounge; Convenience storage; Undeveloped

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Colorado River

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council
627 – Onion Creek Homeowners Association
774 – Del Valle Independent School District
1005 – Elroy Neighborhood Association
1195 – Imperial Valley Neighborhood Association
1228 – Sierra Club, Austin Regional Group
1224 – Austin Monorail Project
1236 – The Real Estate Council of Austin, Inc.
1258 – Del Valle Community Coalition
1340 – Austin Heritage Tree Foundation
1363 – SEL Texas
1447 – Friends of Emma Barrientos MACC

SCHOOLS:

Hillcrest Elementary School Dailey Middle School Del Valle High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2013-0115 – 2415 SH 71 East Rezoning	I-RR to CS	To Grant CS-CO w/the CO for 2,000 trips and prohibiting adult-oriented businesses	Apvd. CS-CO as Commission recommended (12-12-2013).
C14-2013-0114 – 2439 SH 71 East Rezoning	I-SF-2 to CS	To Grant CS-CO w/the CO for 2,000 trips and prohibiting adult-oriented businesses	Apvd. CS-CO as Commission recommended (12-12-2013).
C14-02-0072 – 2463 SH 71 E	I-SF-2 to GR, CS-1	To Grant CS-CO for Tract 1, GR-CO for	Apvd. as Commission recommended (09-26-

		Tract 2, w/CO for 2,000 trips per day	2002).
C14-00-2176 – Silverstone Inn Project – 2525 E SH 71	I-SF-2 to GR, as amended	To Grant CS-CO for Tract 1, GR-CO w/CO prohibiting pawn shops and adult-oriented uses, and 2,000 trips per day	Apvd. GR-CO w/CO as Commission recommended (01-18-2001).
C14-00-2125 – "Club 71" Zoning – 2429-2433 E SH 71	I-SF-2 to CS for Tract 1 and CS-MU for Tract 2	To Grant CS-1-CO for footprint only and GR-CO for Tract 1 and GR-MU-CO for Tract 2, w/CO for 2,000 trips per day	Apvd. CS-1-CO and GR-CO for Tract 1 and GR-MU-CO as Commission recommended (10-26-2000).
C14-98-0252 – Bergstrom Center – 2031 E SH 71	I-RR to CS	To Grant CS-CO	Apvd. CS-CO w/CO prohibiting adult-oriented uses, construction sales and services, and pawn shops, and limit to 2,000 trips (03-11-1999).

RELATED CASES:

The property was annexed into the full-purpose City limits on September 6, 2001 (C7a-01-002 – Ordinance No. 010830-64).

The zoning area is a portion of Lots 1 and 2 of the National Mobile Parks Subdivision, recorded in March 1973 (C8s-73-028). Please refer to Exhibit B.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
East State Highway 71	262 feet	242 feet	Freeway 6-Lanes (FWY 6) (81,000 vehicle trips per day – 2011)	81,000 (2011)

There are no sidewalks along State Highway 71.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: State Highway 71 serves route no. 361 with an existing Shared Lane and recommended Wide Curb. The Plan also recommends an off-road multi-use path that will run near the State Highway 71 alignment and extend from Riverside Drive to Ross Road.

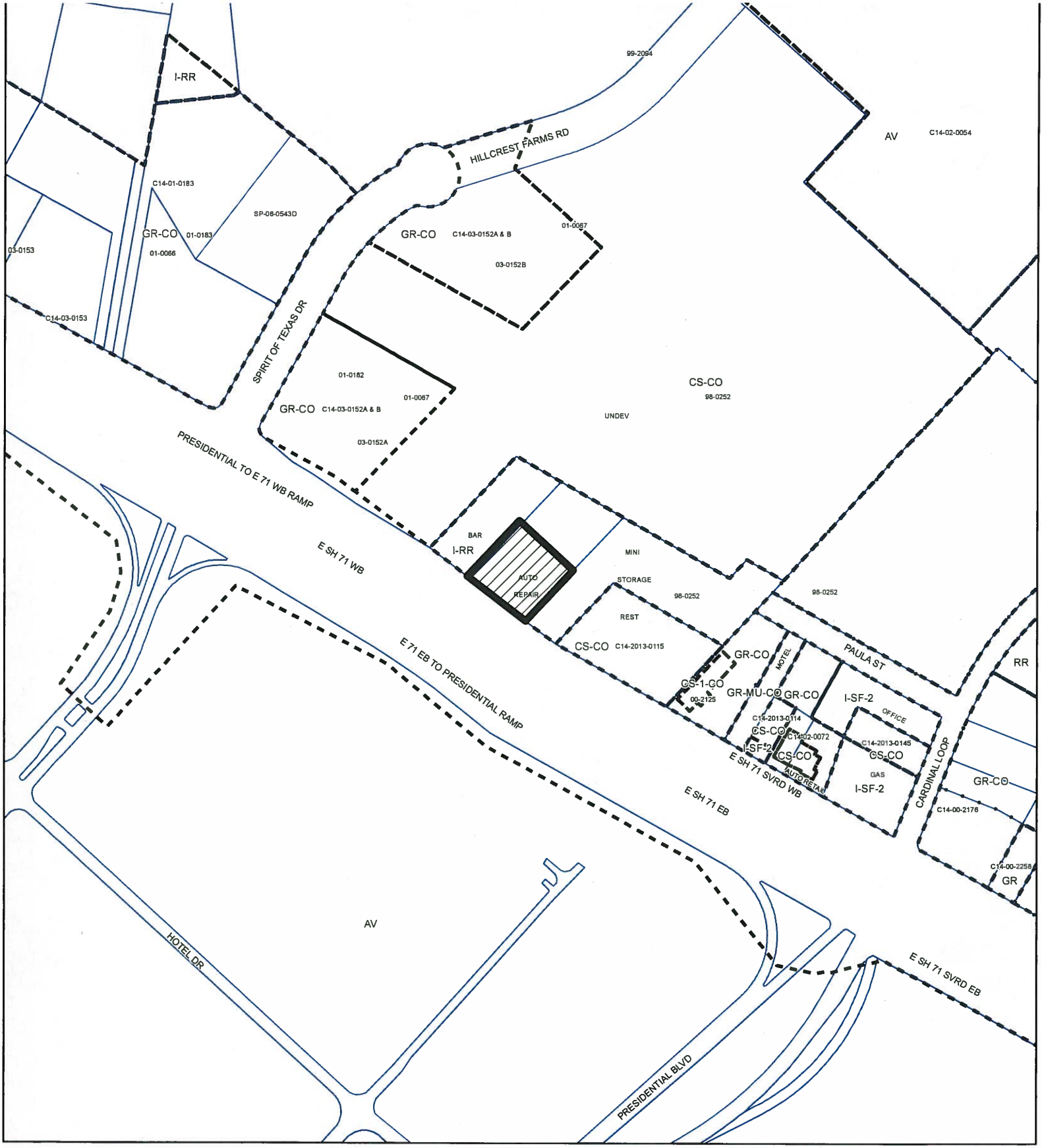
Capital Metro bus service (route nos. 271 and 350) is available along State Highway 71.

CITY COUNCIL DATE: April 2, 2015 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades **PHONE:** 512-974-7719
e-mail: wendy.rhoades@austintexas.gov



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 300 '

ZONING

Exhibit A

ZONING CASE#: C14-2015-0013

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

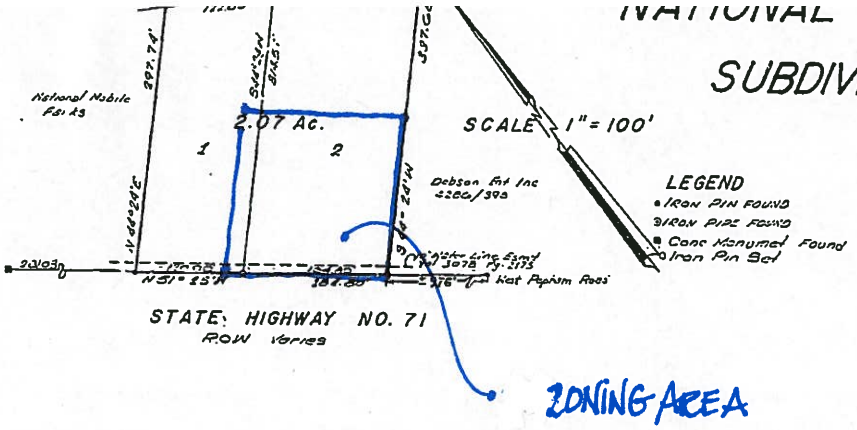
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

CITY OF AUSTIN FOUNDED 1839

I-RR
99-2094
HILLCREST FARMS RD
AV
SP-06-0543D
01-0183
01-0066
GR-CO
01-0067
GR-CO
03-0152B
CS-CO
SPIRIT OF TEXAS DR
01-0182
01-0067
GR-CO
03-0152A
UNDEV
98-0252
E 71 EB AT SPIRIT OF TEXAS TRN
PRESIDENTIAL TO E 71 WB RAMP
BAR
I-RR
AUTO REPAIR
MINI STORAGE
98-0252
REST
98-0252
SPIRIT OF TEXAS TO 71 EB RAMP
E 71 EB TO PRESIDENTIAL RAMP
E SH 71 SVRD WB
CS-CO
AUTO/RV RENTALS
BAR
E SH 71 WB
E SH 71 SVRD EB
E SH 71 EB
MOTEL
GR-CO
(NOT ON GROUND)
OFFICE
CS-CO
I-SF-2
AUTO RETAIL
GAS STATION
AV
HOTEL DR
EXHIBIT A
NORTH

VOL. 64 PG. 10

NATIONAL MOBILE PARKS SUBDIVISION SEC. 1



3-19-73 RCCH B. 8148 - 750

STATE OF TEXAS
COUNTY OF TRAVIS
KNOW ALL MEN BY THESE PRESENTS:

THAT WE LLOYD STEGER AND JAMES BERRY OWNERS OF 2.07 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT AS CONVEYED TO US BY DEED RECORDED IN VOLUME 4544 PAGE 1342 OF THE DEED RECORDS OF TRAIVS COUNTY, TEXAS DO HEREBY SUBDIVIDE SAID TRACT OF LAND IN ACCORDANCE WITH THE PLAT SHOWN HEREON SUBJECT TO ANY EASEMENTS OR RESTRICTION HERETOFORE GRANTED TO BE KNOWN AS NATIONAL MOBILE PARKS SUBDIVISION SEC. 1 AND WE DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS AS SHOWN HEREON

WITNESS OUR HANDS THIS THE 1st DAY OF Feb, 1973, A.D.

LLOYD STEGER

James Berry
JAMES BERRY

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED LLOYD STEGER AND JAMES BERRY, BOTH KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSED AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 1st DAY OF Feb 1973, A.D.

Notary Seal

Joan M. Schaffer
NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS

APPROVED FOR ACCEPTANCE March 14, 1973, A.D.

Richard Lillie
DIRECTOR OF PLANNING-RICHARD R. LILLIE

ACCEPTED AND AUTHORIZED FOR RECORD BY THE CITY PLANNING COMMISSION, CITY OF AUSTIN, TEXAS, March 15 1973, A.D.

CHAIRMAN [signature] SECRETARY [signature]

FILED FOR RECORD AT 10 35 O'CLOCK a. .M. THE 19 DAY OF March, 1973, A.D.

Doris Shropshire
DORIS SHROPSHIRE, CLERK COUNTY COURT, TRAVIS COUNTY, TEXAS

Bertha Lynch
DEPUTY

STATE OF TEXAS
COUNTY OF TRAVIS

I, DORIS SHROPSHIRE, CLERK COUNTY COURT, WITHIN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 19 DAY OF March, 1973, A.D. AT 10 35 O'CLOCK a .M. AND DULY RECORDED ON THE 19 DAY OF March, 1973 AT 11 10 O'CLOCK a. .M. IN THE PLAT RECORDS OF SAID COUNTY, IN PLAT BOOK 64 PAGE 10.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY COURT OFSAID COUNTY, THE DATE LAST WIRTTEN ABOVE.

Doris Shropshire
DORIS SHROPSHIRE, CLERK COUNTY, COURT, TRAVIS COUNTY TEXAS

Bertha Lynch
DEPUTY

STATE OF TEXAS
COUNTY OF TRAVIS

I, DORIS SHROPSHIRE, COUNTY CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT ON THE 19th DAY OF March 1973, A.D. THE COMMISSIONERS COURT, OF TRAVIS COUNTY, TEXAS, PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT AND THAT SAID ORDER HAS BEEN DULY ENTERED IN THE MINUTES OF SAID COURT IN BOOK 3, PAGE 393.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTY, THIS THE 19 DAY OF March, 1973, A.D.

DEPUTY

Doris Shropshire
DORIS SHROPSHIRE, CLERK COUNTY COURT, TRAVIS COUNTY, TEXAS

AS SURVEYED BY: February 1, 1973

Ralph W. Harris
RALPH W. HARRIS
REG. PUB. SUR. #1729
2330 South Lamar
Austin, Texas

"THIS IS TO CERTIFY THAT AUSTIN CITY CODE CHAPTER 23.27 OF 1954, HAS BEEN COMPLIED WITH"

EXHIBIT B

C8s-73-28

RECORDED PLAT

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services (CS) district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

General commercial services (CS) zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments.
The property has direct access to the westbound frontage road of East State Highway 71.

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

The property is no longer suited for residential uses, is located within the AO-2 zone, and commercial zoning is consistent with uses and zoning on properties that are adjacent to the State Highway 71 right-of-way.

EXISTING CONDITIONS

Site Characteristics

The subject property is developed with an automotive repair business. The site is flat and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district is 80%, based on the more restrictive *watershed* regulations.

Comprehensive Planning

This zoning case is located on the north side of Bastrop Highway/SH 71. The property is approximately 0.70 acres in size, contains an auto repair shop, and is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses includes retail uses and storage buildings. The property is located near the Austin Bergstrom International Airport. The proposed use is a dog kennel.

Imagine Austin
The comparative scale of the site relative to other commercial uses along this busy highway, as well as the site not being located along an Activity Corridor or within an Activity Center as identified on the Imagine Austin Growth Concept Map falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

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 (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

No trees are located on this property. 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.

Transportation

FYI - The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for East SH 71. TxDOT may require ROW dedication or reservation in accordance with the Transportation Plan [LDC, Sec. 25-6-51 and 25-6-55].

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

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on East SH 71.

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

Water and Wastewater

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility 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 fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Site Plan and Compatibility Standards

This site is within the Airport Overlay Zone AO- 2. Limits of this overlay will need to be shown on the site plan. A note will also be required on a site plan.

"This property is within the Airport Overlay Zone AO-2. 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 Joe Medici, Airport Planner, 512-530-6563. Provide approval from ABIA.

The site is located on a Scenic Roadway, Highway 71, and will be required to comply with sign regulations [LDC 25-10-6].

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

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:
http://www.austintexas.gov/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2015-0013
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: March 3, 2015, Zoning and Platting Commission
April 2, 2015, City Council

JAVAD OSKOUIPOUR
Your Name (please print)

☒ **I am in favor**
☐ **I object**

12909 Tapadero Dr.
Your address(es) affected by this application

Javad Oskouipour — 2-24-015
Signature — *Date*

Daytime Telephone:_____

Comments:_____

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2015-0013
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: March 3, 2015, Zoning and Platting Commission
April 2, 2015, City Council

Mohammad Mokni
Your Name (please print)

☒ **I am in favor**
☐ **I object**

3502 Row Lane Pflugerville TX 78660
Your address(es) affected by this application

M Mokni — 2-24-2015
Signature — *Date*

Daytime Telephone:_____

Comments:_____

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810