

ZONING CHANGE REVIEW SHEET

CASE: C14-2016-0017
Driveway Austin

Z.A.P. DATE: August 2, 2016

ADDRESS: 8400 & 8401 Delwau Lane

AREA: 8.25 acres

DISTRICT AREA: 1

OWNER/APPLICANT: Interest Partners, LLC (William Dollahite)

AGENT: Coats Rose (John M. Joseph)

ZONING FROM: GO **TO:** GR, as amended

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant Community Commercial (GR) district zoning.

ZONING & PLATTING COMMISSION RECOMMENDATION:

August 2, 2016: *TO GRANT GR DISTRICT ZONING AS RECOMMENDED BY STAFF, ON CONSENT. (8-0) [B. Evans- 1st, S. Lavani- 2nd, G. Rojas, B. Greenberg, and J. Kiolbassa- Absent]*

ISSUES:

The proposed rezoning tract property is a portion of a development called "Driveway Austin," which offers a variety of services and contains a variety of land uses. Driveway Austin operates a driving school, hosts corporate events, and offers other related uses. Portions of the overall Driveway Austin property are zoned LI, GR, IP, and GO. *(Please see Exhibit A, Driveway Austin Exhibit).*

It was unclear which of the existing land uses is permitted in each of the zoning areas. To resolve this issue, the Applicant requested a formal Land Use Determination, to evaluate the range of uses on the property against the official City of Austin list of land uses. The Applicant also filed a rezoning request to rezone the GR, IP, and GO portions of the Driveway Austin site to LI so there would be a cohesive zoning that permitted a wide range of land uses.

The Land Use Determination issued by the City defined the existing uses as Personal improvement services and Outdoor sports and recreation land uses, which are both permitted in LI zoning. *(Please see Exhibit B, Land Use Determination).* Upon further review, Staff noted that these uses were also permitted in Community Commercial (GR) zoning, and LI was not necessary. After discussion with the Applicant, the Applicant agreed to amend the rezoning request. Instead of rezoning the GR, IP, and GO portions of the Driveway Austin site to LI, the request was made to rezone only the GO portion to GR zoning. *(Please see Exhibit C, Rezoning Request Amendment Letter).*

DEPARTMENT COMMENTS:

The proposed rezoning tract is located at the end of Delwau Lane, approximately one mile east of Ed Bluestein Boulevard and slightly north of the Colorado River. City of Austin Parks and Recreation Department (PARC) owned land between the property and the river, and is zoned P. Immediately north of the Driveway Austin property is Walnut Creek; further north is a land fill facility and a mix of light industrial uses zoned SF-2 and LI. Northeast and East of the property is the Travis County State Jail, which is zoned SF-3. Across Delwau Lane to the west is a railroad line, and northwest of the railroad is the Walnut Creek Wastewater Treatment Plant. To the west is undeveloped land and a residential neighborhood zoned SF-2. The undeveloped SF-2 land immediately west of the Driveway

Austin site is also owned by Interest Partners, LLC, owners of Driveway Austin. *(Please see Exhibits D and E, Zoning Map and Aerial Map).*

Staff recommends GR zoning for the subject tract because it will bring the existing land uses into compliance with zoning requirements. While the remaining tracts that comprise the Driveway Austin allow both existing land uses, GO only allows personal improvement services. The rezoning will add a zoning category that is significantly less intense than the LI and IP that comprise the majority of the Driveway Austin property, but will allow the current uses to continue.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI, GR, IP, GO	Personal improvement services, Outdoor sports and recreation land uses
<i>North</i>	SF-2, LI	Land fill, Construction sales and services, Automotive repair services
<i>South</i>	P	Vacant, Colorado River
<i>East</i>	SF-3	Correctional facility
<i>West</i>	P, SF-2	Municipal facility

CASE HISTORIES: There have been no zoning cases in the vicinity since 1984.

AREA STUDY: N/A

TIA / NTA: N/A

DESIRED DEVELOPMENT ZONE: No

WATERSHED: Walnut Creek and Elm Creek

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Delwau Lane	107'	20'	Local	No	No	No

NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation
Austin Neighborhoods Council
Bike Austin
SEL Texas
Sierra Club, Austin Regional Group
FRS Property Owners Association
Austin ISD

Del Valle Community Coalition
Friends of Austin Neighborhoods
Imperial Valley Neighborhood Association
East MLK Combined Neighborhood Contact Team
Lower Boggy Creek Neighborhood Association
Del Valle ISD

CITY COUNCIL DATE:

September 22, 2016:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 512-974-2122

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant GR zoning for the rezoning tract. While the remaining tracts that comprise the Driveway Austin allow the existing land uses, GO only allows personal improvement services. The rezoning will add a zoning category that is significantly less intense than the LI and IP that comprise the majority of the Driveway Austin property, but will allow the current uses to continue. GR zoning, as requested, comprises the remainder of the Driveway Austin site.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Community Commercial (GR) is the least intensive zoning category that allows the existing land uses operating on the Driveway Austin site.

2. *Granting of the request should result in an equal treatment of similarly situated properties.*

The remainder of the Driveway Austin site is zoned GR, LI and IP—one category that is equal to the request, and two that are much more intense. Although there is SF-2 and SF-3 property nearby, the majority of that is developed with the very intense land uses of a land fill facility and a state prison facility. The remaining SF-2 tract to the west is owned by the owners of the Driveway Austin property. The nearby P zoned property is used as a wastewater treatment facility. Intense civic and industrial land uses surround this property, as well as intense zoning in immediate proximity.

ADDITIONAL STAFF COMMENTS**Transportation**

- TR1. Additional right-of-way maybe required at the time of subdivision and/or site plan.
- TR2. A traffic impact analysis may be required at the time of site plan.
- TR3. The proposed Colorado River Trail is located near this site. Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.
- TR4. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Delwau Lane	107'	20'	Local	No	No	No

Site Plan

SP1 Site plans will be required for any new development other than single-family or duplex residential.

SP2 Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

COMPATIBILITY

SP3 The site is subject to compatibility standards. Along the **north, east, and west** property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet of height are allowed plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- Additional design regulations will be enforced at the time a site plan is submitted.

AIRPORT OVERLAY

SP4 The site is located within Austin-Bergstrom Overlay {CCLUA}. 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. For more information, contact Kane Carpenter, Airport Planner at 512-530-6621. Approval from ABIA is required prior to site plan approval.

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Walnut Creek Watershed and the Colorado River Watershed and 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.
2. 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 Gross Site Area</i>	<i>% of Gross Site Area 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%

3. According to floodplain maps there is a floodplain within the project location. According to COA GIS, portions of the property are located in the Critical Water Quality Zone. Development with the Critical Water Quality Zone is limited per LDC 25-8.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.
7. 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.

Comprehensive Planning

This zoning case is located at the eastern terminus of Delwau Lane, and is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes a landfill facility and Colorado/Walnut Creek Greenbelt to the north; the Colorado River and pond to the south; the Walnut Creek Wastewater Treatment Plant to the west; and the Colorado/Walnut Creek Greenbelt to the east. The property is located approximately one mile due east of Hwy 183. The proposed and existing use is a race track called Driveway Austin Motorsports, a facility for both regular and race cars, including go karts. Connectivity: The area within and around the subject property has no available public sidewalks, bike trails, or public transportation options within or to the site.

Imagine Austin-The Growth Concept Map identifies does not identify this area as being located within an Activity Center or Corridor. The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses recreation:

- HN P10. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to healthy food, schools, retail, employment, community services, and parks and recreation options.
- CFS P41. Ensure and increase equitable access to and opportunities for arts, recreation, and leisure activities for all ages throughout the City.
- CFS P45. Expand the amount of permanently protected natural and environmentally sensitive areas for use as open space and passive recreational areas.

Imagine Austin encourages the location of entertainment and leisure facilities outside Activity Centers and Corridors.

Water and Wastewater

FYI: The landowner intends to serve the site with City of Austin water utilities and an On-Site Sewage Facility approved by the City of Austin. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater (if required by future connection requirements) utility tap permit.

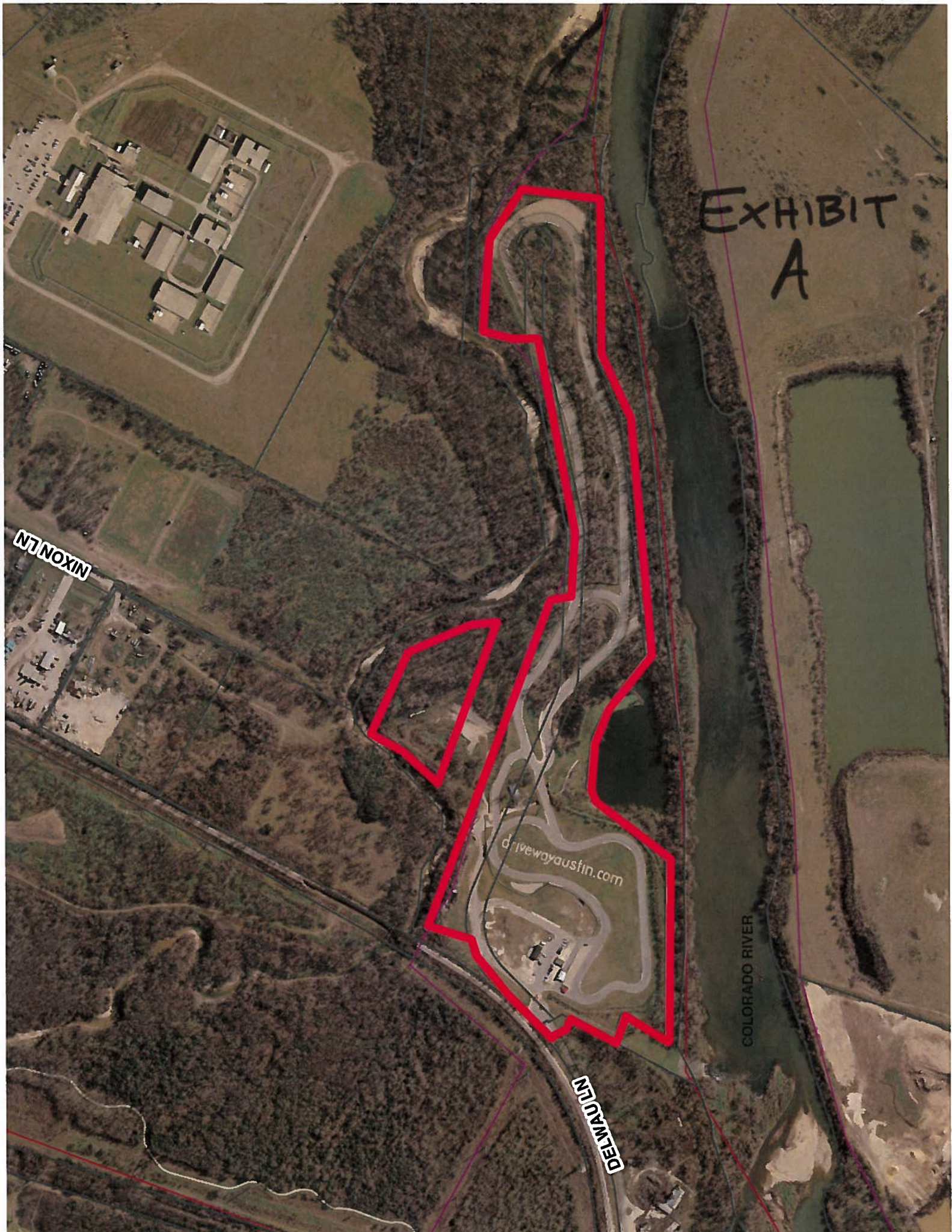
EXHIBIT
A

NIXON LN

driveawayaustin.com

COLORADO RIVER

DELANO LN





City of Austin

Founded by Congress, Republic of Texas, 1839
Planning and Zoning Department
One Texas Center, 505 Barton Springs Road 5th Floor
P.O. Box 1088, Austin, Texas 78767
(512) 974-3207

EXHIBIT B

John M. Joseph
Coats Rose Law Firm
901 S, Mo-Pac Expwy. Bldg 1 Suite 500
Austin, TX 78704

Subject: Driveway Austin Land Use Determination UD-2016-0001

Dear Mr. Joseph,

I am writing in response to your request under City Code Section 25-2-2 for a land use determination for the Driveway Austin property located at 8400 and 8401 Delwau Lane Austin, TX. My response is based upon the summary you provided in your letter dated March 31, 2016.

The driving school /training portion of the activities and corporate team building events at the site are a personal improvements services use. The non-motorized activities are an outdoor sports and recreation use.

Personal improvement services and outdoor sports and recreation are permitted uses in the LI, limited industrial, zoning category.

For additional information regarding the project, you may contact me at 512-974-3207 or jerry.rusthoven@austintexas.gov.


Jerry Rusthoven

Chaffin, Heather

Subject: FW: 7/19/16 - Driveway Austin Zoning No. C14-2016-0017

From: John M. Joseph [mailto:
Sent: Tuesday, July 19, 2016 2:55 PM
To: Chaffin, Heather
Cc: Kelly Wright; Karen Werner
Subject: 7/19/16 - Driveway Austin Zoning No. C14-2016-0017

EXHIBIT
C

My client, the applicant in the above referenced pending zoning case, has instructed me to modify the rezoning request on Driveway Austin, referenced above by changing the request from LI on the entire tract to a request of GR on the GO zoned portion only. The GR and IP portions are removed from the rezoning request.

My client would like to know if there will be a refund of the zoning application fee for the tracts for which the application is withdrawn.

Your attention to this matter is greatly appreciated.

Thanks.

COATS | ROSE
A PROFESSIONAL CORPORATION

John M. Joseph
Attorney

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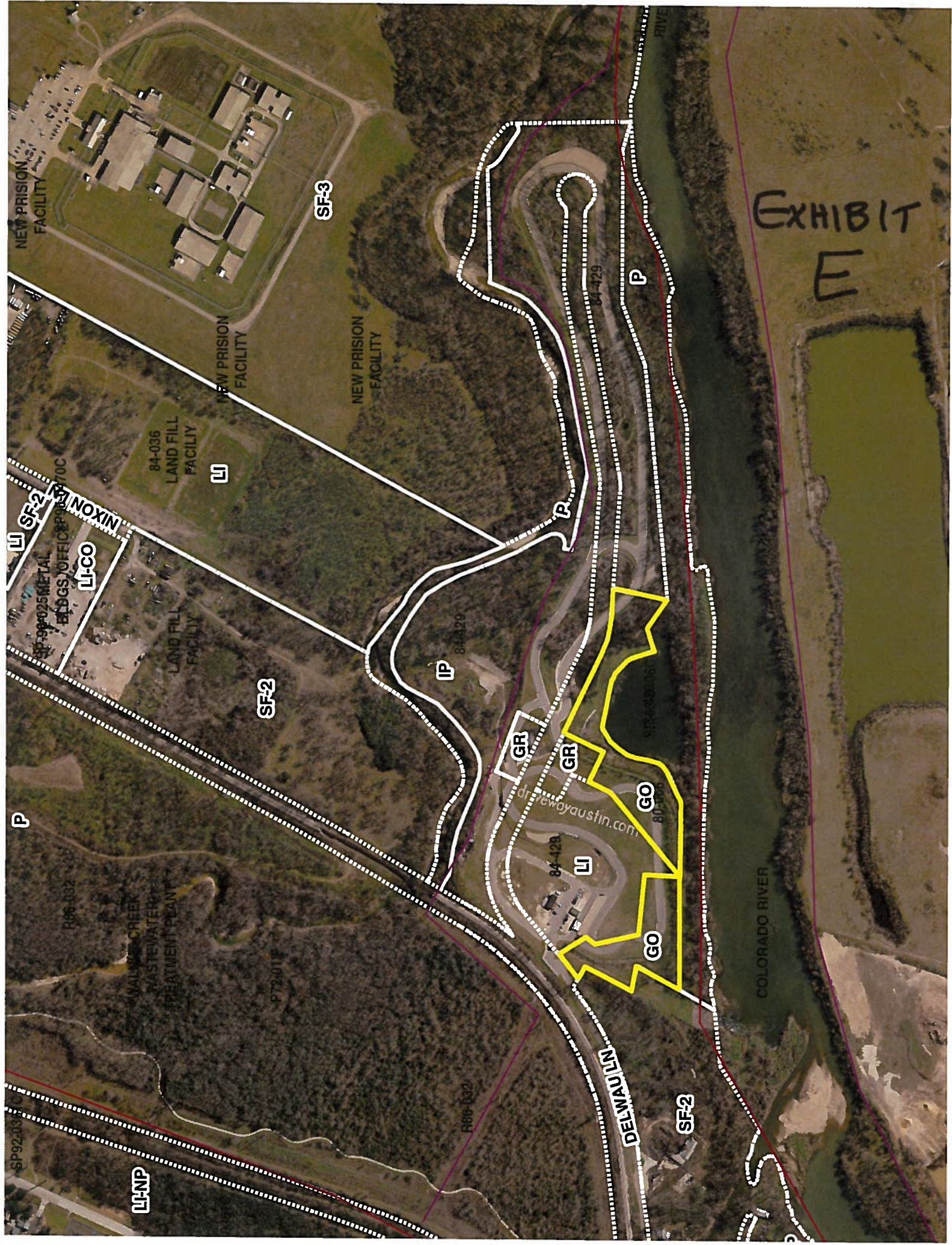


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