

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0114 – 2439 SH 71 East  
Rezoning

**Z.A.P. DATE:** October 15, 2013  
November 5, 2013

**ADDRESS:** 2439 East State Highway 71 Westbound

**OWNER:** William E. Kunz

**AGENT:** Thrower Design (Ron Thrower)

**ZONING FROM:** I-SF-2    **TO:** CS    **AREA:** 0.152 acres (6,621.12 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general commercial services (CS-CO) combining district zoning. The Conditional Overlay limits development to 2,000 vehicle trips per day.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

October 15, 2013: *CONTINUED TO NOVEMBER 5, 2013 BY THE ZONING AND PLATTING COMMISSION*

*[G. ROJAS; S. COMPTON – 2ND] (7-0)*

November 5, 2013: *TO GRANT CS-CO DISTRICT ZONING AS STAFF RECOMMENDED, WITH AN ADDITIONAL CO PROHIBITING ADULT-ORIENTED BUSINESSES.*

*[C. BANKS; P. SEEGER – 2<sup>ND</sup>] (7-0)*

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The subject property contains an office use and consists of a portion of one platted lot that has frontage on the westbound State Highway 71 service road. It was annexed into the City in 2001 and zoned interim – single family residence – standard lot (I-SF-2) 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 telecommunications tower and surface parking area to the north (GR-CO); a restaurant, automotive repair and service station to the east (GR-CO, CS-CO, I-SF-2); and a hotel-motel, surface parking area and cocktail lounge to the west (GR-MU-CO, GR-CO, CS-1-CO). 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.

Staff recommends CS-CO district zoning with the CO limiting development to 2,000 vehicle trips per day. 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:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-SF-2	Office
<i>North</i>	GR-CO; Paula Street r-o-w	Telecommunications tower; Surface parking area; Paula Street is not on the ground
<i>South</i>	East SH 71	Westbound service road and main lanes
<i>East</i>	CS-CO; GR-CO;	Restaurant (general); Automotive repair; Service station
<i>West</i>	GR-MU-CO; GR-CO; CS-1-CO	Hotel-motel; Surface parking area; Cocktail lounge

**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  
 1037 – Homeless Neighborhood Organization      1075 – Bike Austin  
 1195 – Imperial Valley Neighborhood Association  
 1200 – Super Duper Neighborhood Objectors and Appealers Organization  
 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

**SCHOOLS:**

Hillcrest Elementary School    Dailey Middle School      Del Valle High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
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	Scheduled for December 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 Tract 2, w/CO for 2,000 trips per day	Apvd. as Commission recommended (09-26-2002).
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 consists of Lot 2-A, Resubdivision of the Reed Addition, save and except a 0.055 acre tract of land acquired by the State for right-of-way purposes. The plat was recorded in September 1964 (C8s-64-064). Please refer to Exhibit B.

### **ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
State Highway 71	285 feet	134 feet	Freeway 6-Lanes (FWY 6)	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.

Eric Dusza in the Neighborhood Connectivity Division may have additional comments regarding multi-modal mobility enhancements and facilities.

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

**CITY COUNCIL DATE:** November 7, 2013

**ACTION:** Meeting Cancelled. Case Re-notified for December 12, 2013.

December 12, 2013

**ORDINANCE READINGS:** 1<sup>st</sup>

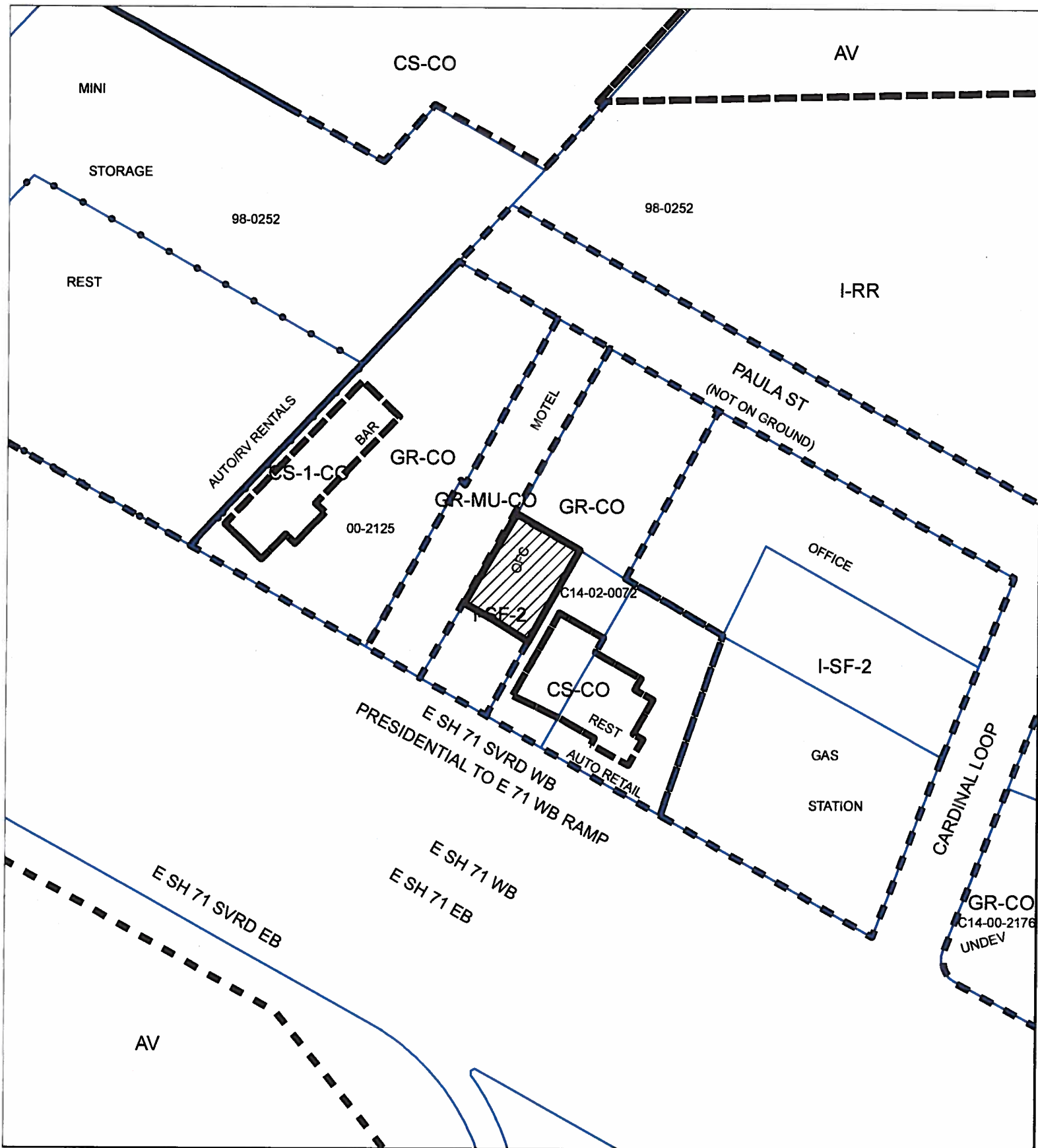
2<sup>nd</sup>




3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@austintexas.gov

**PHONE:** 974-7719



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**  
**ZONING CASE#: C14-2013-0114**

**EXHIBIT A**

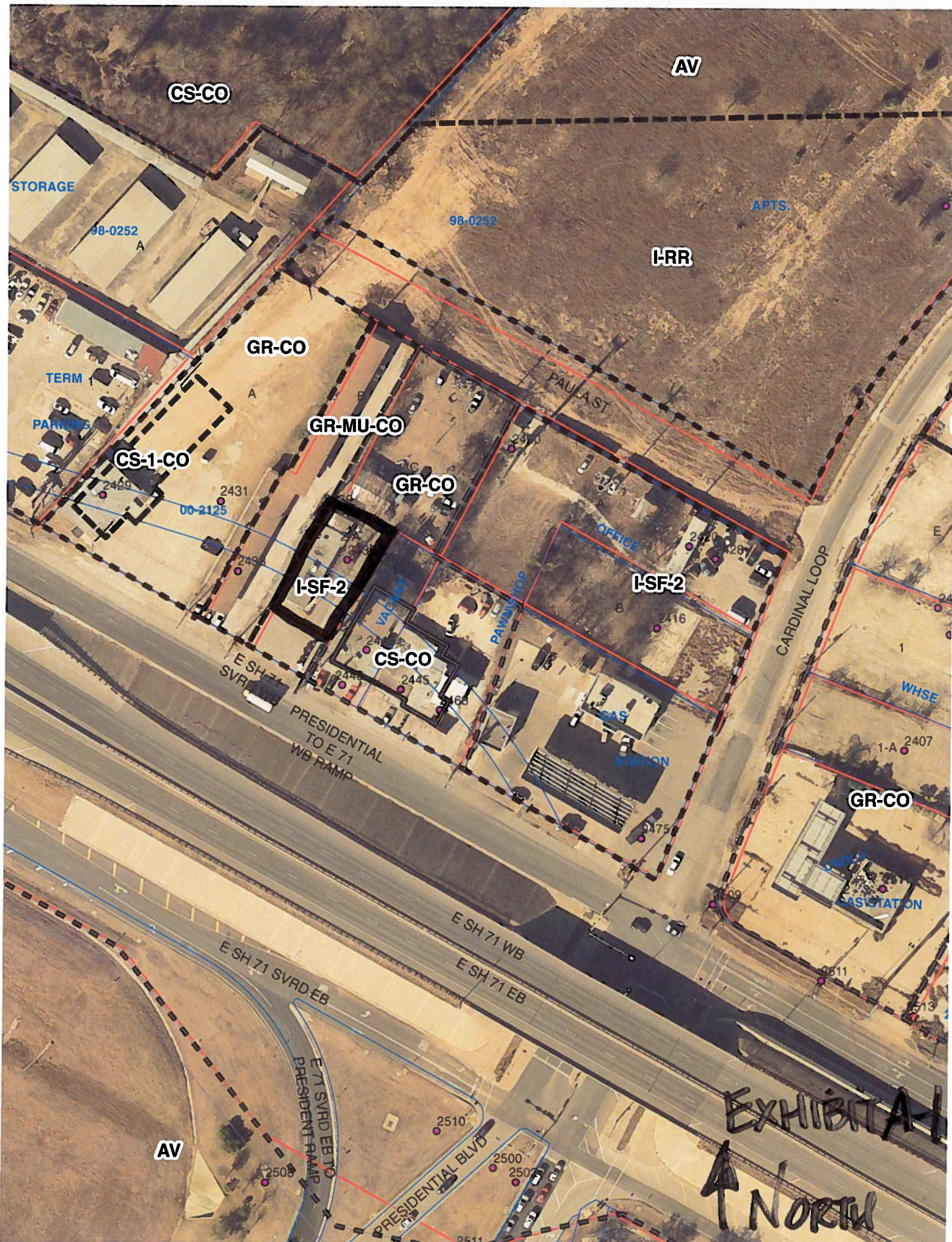
1" = 100'

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.

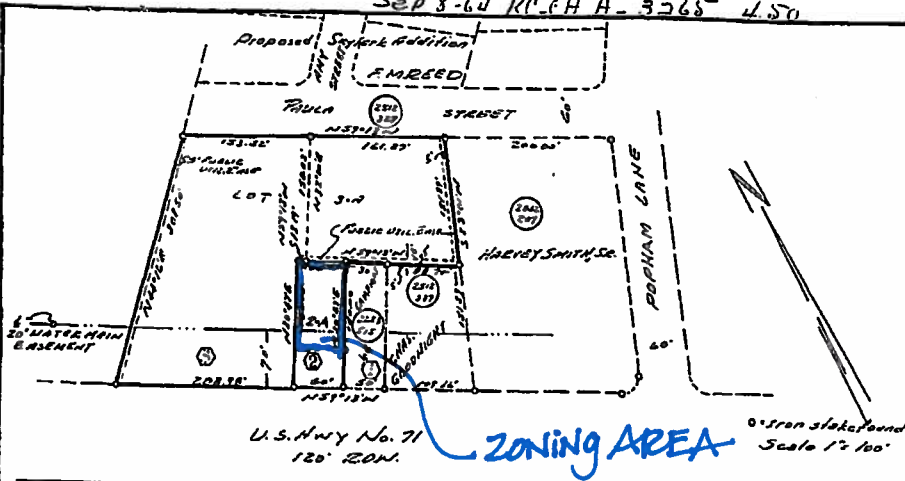








SEP 8-64 RCH A-3265-450



# RESUBDIVISION OF THE REED ADDITION

STATE OF TEXAS:  
COUNTY OF TRAVIS:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, F. M. REED, OWNER OF LOT 2 OF THE REED ADDITION IN TRAVIS COUNTY, TEXAS, AS RECORDED IN PLAT BOOK 19, PAGE 98, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, BEING A PORTION OF TWO TRACTS OF LAND AS CONVEYED TO ME BY DEEDS RECORDED IN VOLUME 2512, PAGE 327, AND VOLUME 2513, PAGE 331, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, DO HEREBY RESUBDIVIDE SAID LOT 2 AS SHOWN HEREON TO BE KNOWN AS A RESUBDIVISION OF THE REED ADDITION AND DO HEREBY DEDICATE TO THE PUBLIC THE EASEMENTS SHOWN HEREON.

WITNESS MY HAND THIS 15 DAY OF MAY, A.D., 1964.

F. M. Reed  
F. M. REED

STATE OF TEXAS:  
COUNTY OF TRAVIS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MR. F. M. REED, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL THIS 15 DAY OF MAY, A.D., 1964.

W. H. [Signature]  
NOTARY PUBLIC IN AND FOR TRAVIS COUNTY,



APPROVED FOR ACCEPTANCE:

Robert M. Osborne  
ROBERT M. OSBORNE, DIRECTOR OF PLANNING

DATE August 25, 1964

ACCEPTED AND APPROVED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN, TEXAS, THIS 25th DAY OF Aug, A.D., 1964.

W. S. [Signature]  
SECRETARY

Frank B. [Signature]  
CHAIRMAN

FILED FOR RECORD AT 10:30 O'CLOCK A.M. THIS 2 DAY OF Sept, A.D., 1964.

Emilie Limberg  
MISS EMILIE LIMBERG, COUNTY CLERK, TRAVIS COUNTY, TEXAS

Travis [Signature]  
DEPUTY

STATE OF TEXAS:  
COUNTY OF TRAVIS:

I, MISS EMILIE LIMBERG, CLERK OF THE COUNTY COURT WITHIN AND FOR THE COUNTY AND STATE AFORESAID DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE OF THE 2 DAY OF Sept, A.D., 1964, AT 10:30 O'CLOCK A.M. AND DULY RECORDED IN THE 2 DAY OF Sept, A.D., 1964, AT 10:30 O'CLOCK A.M., IN THE PLAT RECORDS OF SAID COUNTY PLAT BOOK NO. 21, PAGE 36.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTY THE DATE LAST WRITTEN ABOVE.

Emilie Limberg  
MISS EMILIE LIMBERG, CLERK, COUNTY COURT, TRAVIS COUNTY, TEXAS



Travis [Signature]  
DEPUTY

STATE OF TEXAS:  
COUNTY OF TRAVIS:

I, MISS EMILIE LIMBERG, COUNTY CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT ON THE 9th DAY OF Sept, A.D., 1964, 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 357.

WITNESS MY HAND AND SEAL OF OFFICE THIS 9th DAY OF Sept, A.D., 1964.

Miss Emilie Limberg  
MISS EMILIE LIMBERG, COUNTY CLERK, TRAVIS COUNTY, TEXAS

P. [Signature]  
DEPUTY

EACH HOUSE CONSTRUCTED ON THIS SUBDIVISION SHALL BE CONNECTED TO A SEPTIC TANK OF A CAPACITY OF NOT LESS THAN 500 GALLONS AND WITH A DRAIN FIELD OF NOT LESS THAN 150 FEET AND SHALL BE INSTALLED IN ACCORDANCE WITH THE REGULATIONS OF THE CITY-COUNTY HEALTH OFFICER AND SHALL BE INSPECTED AND APPROVED BY SUCH OFFICER. THIS RESTRICTION IS ENFORCEABLE BY THE AUSTIN TRAVIS COUNTY HEALTH UNIT AND/OR THE SUBDIVIDER.

IN APPROVING THIS PLAT THE COUNTY COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS, IT IS UNDERSTOOD THAT THE BUILDING OF ALL STREETS, ROADS OR OTHER PUBLIC THROUGHFARES SHOWN ON THIS PLAT, ANY BRIDGES OR CULVERTS NECESSARY TO BE PLACED IN SAID STREETS, ROADS OR OTHER PUBLIC THROUGHFARES, OR IN CONNECTION WITH, SHALL BE THE RESPONSIBILITY OF THE OWNER AND/OR THE DEVELOPER OF THE TRACT OF LAND COVERED BY THIS PLAT, IN ACCORDANCE WITH THE PLAN AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS AND THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS, ASSUMES NO OBLIGATION TO CONSTRUCT ANY OF THE ROADS, STREETS, OR OTHER PUBLIC THROUGHFARES SHOWN ON THIS PLAT, OR ANY BRIDGES OR CULVERTS IN CONNECTION THEREWITH.

THIS IS TO CERTIFY THAT AUSTIN CITY CODE CHAPTER 23.27 OF 1964 HAS BEEN COMPLIED WITH.

SURVEYED BY:

W. Harvey Smith  
W. Harvey Smith  
Registered Public Surveyor No. 720  
Austin, Texas  
May 14th, 1964



EXHIBIT B  
RECORDED  
PLAT

CE-64-64

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general commercial services (CS-CO) combining district zoning. The Conditional Overlay limits development to 2,000 vehicle trips per day.

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

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

CS, General Commercial Services, zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments.

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

Staff recommends CS-CO district zoning with the CO limiting development to 2,000 vehicle trips per day. 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 SH 71 right-of-way.

**EXISTING CONDITIONS****Site Characteristics**

The subject property is developed with an office use. 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 0.15 acres in size and contains a small office building, which is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses includes a small motel to the north and west, a Mexican restaurant and pawn shop to the east, and Bastrop Hwy/SH 71 to the south, and is located close to the Austin Bergstrom International Airport. The proposed use is general commercial.

As this case is small in scope, it is not at a level of review that can be considered by Imagine Austin which is broad in scope. Thus, when looking through the lens of Imagine Austin, this case is neutral.



### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development 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. 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%

According to floodplain 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.

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 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.

### **Transportation**

For information: the Texas Department of Transportation has indicated a long-term need for up to 400 feet of right-of-way for State Highway 71 [AMATP].

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day [LDC, 25-6-117].

### **Water and Wastewater**

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, 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. 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 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.