

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0145 – Cardinal 1.03

**Z.A.P. DATE:** December 17, 2013  
January 7, 2014

**ADDRESS:** 2416 Cardinal Loop

**OWNER:** KAF II Development Company  
(Ford Smith)

**AGENT:** Jim Bennett Consulting  
(Jim Bennett)

**ZONING FROM:** I-SF-2 **TO:** CS

**AREA:** 0.35 acres  
(15,246 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:**

December 17, 2013: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO JANUARY 7, 2014.*

*[G. ROJAS; C. BANKS – 2<sup>ND</sup>] (4-0) B. BAKER, S. COMPTON, R. MCDANIEL – ABSENT*

January 7, 2014: *TO GRANT CS-CO DISTRICT ZONING, WITH AN ADDITIONAL CO TO PROHIBIT ADULT-ORIENTED BUSINESSES, BY CONSENT*

*[P. SEEGER; S. COMPTON – 2ND] (6-0) C. BANKS - ABSENT*

### **ISSUES:**

On January 7, 2014, the Applicant removed the unplatted tract developed with a service station and food sales uses and addressed as 2475 East State Highway 71 Westbound.

### **DEPARTMENT COMMENTS:**

The subject zoning area is an undeveloped lot that has frontage on Cardinal Loop. It was annexed into the City in 2001 and zoned interim – single family residence – standard lot (I-SF-2) district at that time. The majority of 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 an office to the north (I-SF-2); recently cleared tracts formerly developed with commercial uses to the east (GR-CO, GR); and a restaurant, automotive repair, office, hotel-motel, surface parking area and cocktail lounge to the west (GR-CO, CS-CO, I-SF-2, GR-MU-CO, GR-CO, CS-1-CO) to the west. 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                       | Undeveloped                                     |
| <i>North</i> | GR-CO; Paula Street<br>r-o-w | Office; Paula Street is not on the ground       |
| <i>South</i> | East SH 71                   | Westbound service road and main lanes           |
| <i>East</i>  | GR-CO; GR                    | Undeveloped                                     |
| <i>West</i>  | CS-CO; GR-CO                 | Restaurant (general); Automotive repair; Office |

**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<br>SH 71 East Rezoning | I-RR to CS     | To Grant CS-CO<br>w/the CO for 2,000<br>trips and prohibiting<br>adult-oriented | Apvd. CS-CO as<br>Commission<br>recommended (12-12-<br>2013). |

|  |  |  |   |
|--|--|--|---|
|  |  | businesses   |   |
| 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 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 is an undeveloped area platted as Lot B, McNeeley Addition, recorded in October 1964 (C8s-74-139). Please refer to Exhibit B.

**ABUTTING STREETS:**

| Name          | ROW    | Pavement | Classification | ADT    |
|---------------|--------|----------|----------------|--------|
| East SH 71    | Varies | MAD-4    | Freeway        | 52,000 |
| Cardinal Loop | Varies | Varies   | Collector      | N/A    |

- East SH 71 is classified in the Bicycle Plan as Bike Route No. 918.
- Capital Metro bus service (Route No. 350) is available along E. SH 71.

- There are no existing sidewalks along East SH 71 and Cardinal Loop.

**CITY COUNCIL DATE:** January 23, 2014

**ACTION:**

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

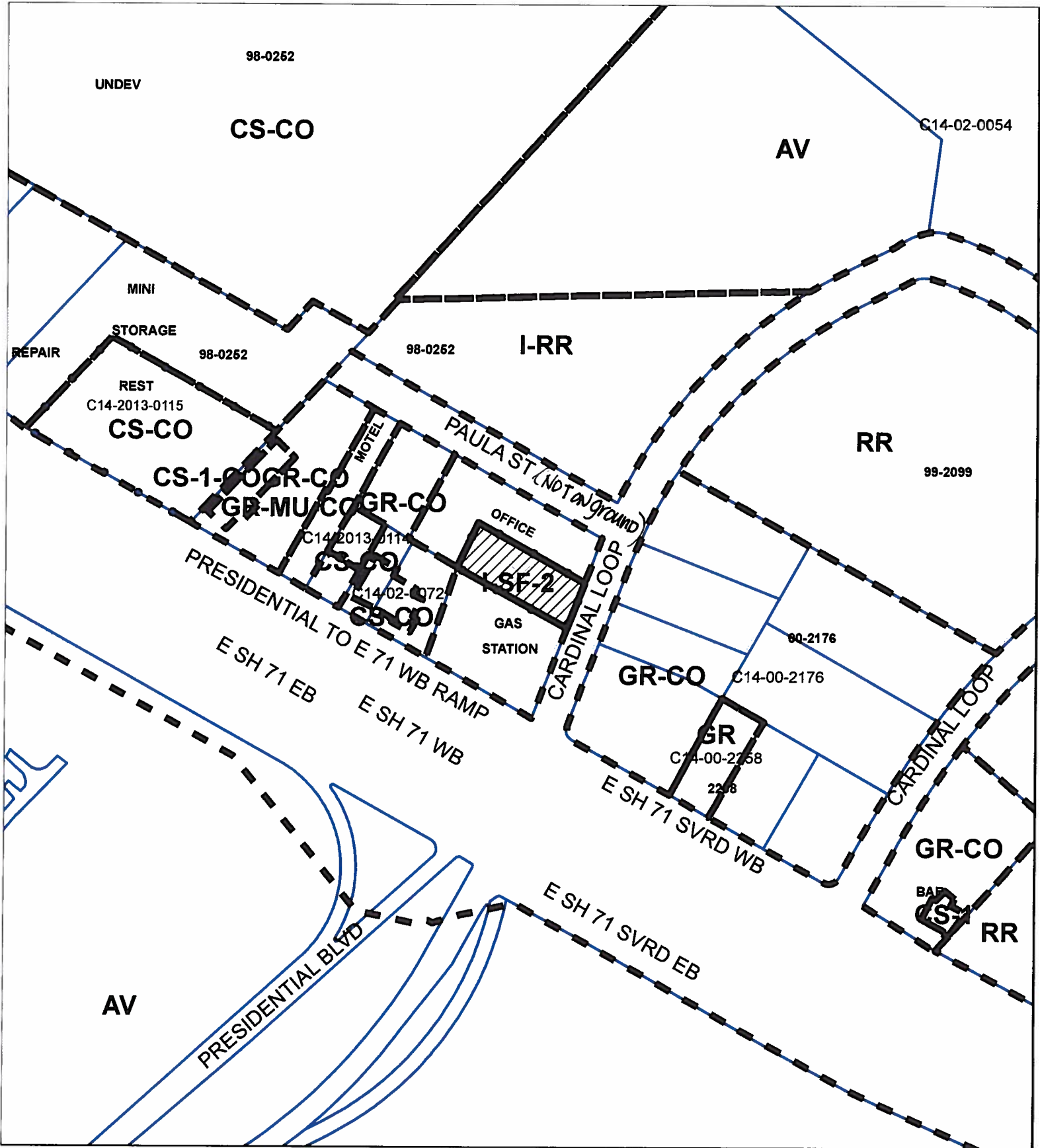
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3<sup>rd</sup>




**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)

**PHONE:** 974-7719



1" = 200'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**  
CASE#: C14-2013-0145

*EXHIBIT A*

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.





98-0252

UNDEV

CS-CO

AV

MINI

STORAGE

98-0252

98-0252

APTS.

I-RR

GR-CO

LONG

TERM

PARKING

CS-1-CO

GR-MU-CO

GR-CO

00-2125

I-SF-2

CS-CO

I-SF-2

E SH 71 SVRD WB PRESIDENTIAL  
TO E 71 WB RAMP

EAST SH 71 WEST BOUND

E SH 71 EB

E SH 71 SVRD EB

E 71 RAMP  
TO PRESIDENTIAL

AV

CARDINAL LOOP

RR

GR-CO

GR

EXHIBIT A



00-2176

2525

GR

MOTEL

A

B

C

D

E

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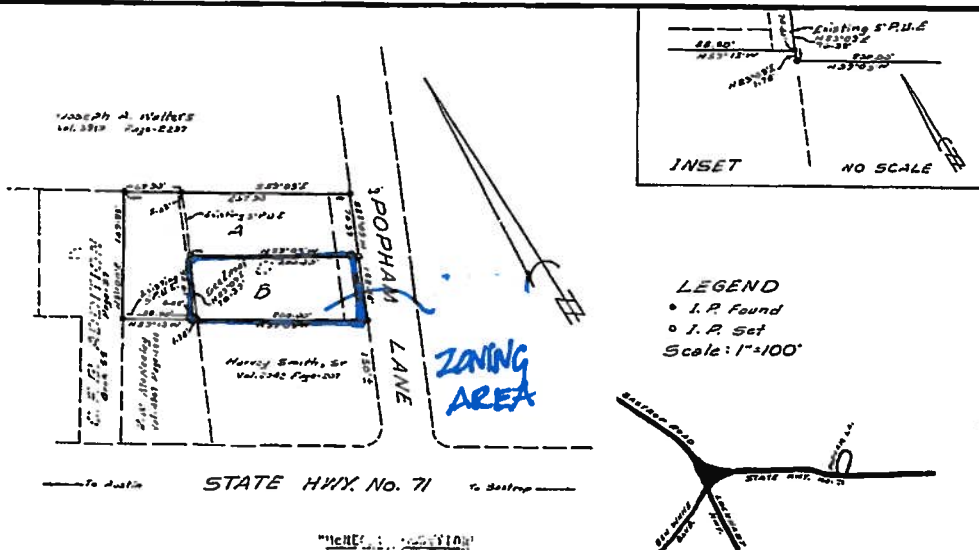
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STATE OF TEXAS  
COUNTY OF TRAVIS: KNOW ALL MEN BY THESE PRESENTS  
That I, F. M. Reed, owner of Lot B, C.F.R. Addition, a subdivision in Travis County, Texas, of record in Book 55 at Page 97 of the Plat Records of Travis County, Texas, conveyed to me, with other properties, by deed of record in Volume 3312 at Page 330 of the Deed Records of Travis County, Texas, do hereby resubdivide said lot in accordance with the attached plat, said resubdivision to be known as "McNeely Addition and do hereby dedicate to the public the streets and easements shown hereon.

Witness My Hand this the 9th day of Oct. A.D. 1974.

F. M. Reed  
F. M. Reed  
APPROVED FOR ACCEPTANCE  
Richard H. Little, Director of Planning Date 10-4-74

FILED FOR RECORD  
This the 9 day of Oct. A.D. 1974, at 8/45  
o'clock P.M.,  
Doris Shroenshire, Clerk County Court, Travis County, Texas.

BY Mike Kilgore  
Deputy

ACCEPTED AND AUTHORIZED FOR RECORD  
By the Planning Commission of the City of Austin on the 4th day of October A.D. 1974.

Chas. H. Heston Shirley D. Heston  
Chairman Secretary

"In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads, and other public thoroughfares delineated and shown on this plat, and all bridges and culverts necessary to be constructed or placed in such streets, roads, or other public thoroughfares, or in connection therewith shall be the responsibility of the owner and/or developer of the tract of land covered by this plat, in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas, and the Commissioners Court of Travis County, Texas, assumes no obligation to build the streets, roads, or other public thoroughfares shown on this plat, or of constructing any bridges or culverts in connection therewith."

SURVEYED BY B. F. Priest  
B. F. Priest, Reg. Public Surveyor

DATE 10-4-74

STATE OF TEXAS  
COUNTY OF TRAVIS  
Before me, the undersigned authority, on this day personally appeared F. M. Reed, known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and considerations therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE, this the 9th day of Oct. A.D. 1974.

F. M. Reed  
Notary Public in and for Travis County, Texas

STATE OF TEXAS  
COUNTY OF TRAVIS  
I, Doris Shroenshire, 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 on the 9 day of Oct. A.D. 1974 at 2:45 o'clock P.M. and duly recorded on the 9 day of Oct. A.D. 1974 at 8:50 o'clock P.M. in the Plat Records of said County in Book 70 at Page 61.

WITNESS MY HAND AND SEAL of the Court of said County, the date last written above.  
Doris Shroenshire, Clerk County Court, Travis County, Texas.

BY Mike Kilgore  
Deputy

STATE OF TEXAS  
COUNTY OF TRAVIS  
I, Doris Shroenshire, County Clerk of Travis County, Texas, do hereby certify that on the 7th day of October A.D. 1974, 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 at Page 402.

WITNESS MY HAND AND SEAL OF OFFICE this the 7th day of October A.D. 1974.  
Doris Shroenshire, County Clerk, Travis County, Texas.

BY Delores Heston  
Deputy

"NOTE:  
No lot in this subdivision shall be occupied until water satisfactory for human consumption is available from a source on the land, a community source, or a public utility source, in adequate supply for family use, and operation of a septic tank. Said septic tank system to have a capacity of not less than 750 gallons with a drain field of not less than 400 square 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 enforced by the City of Austin-Travis County Health Unit and/or the subdivider.

Be it resolved by the Commissioner's Court of Travis County, Texas: That the acceptance for maintaining by Travis County, Texas, of the roads or streets in Real-Estate Subdivisions does not obligate the County to install street marking signs, as this is considered to be a part of the developers' construction; but that erecting signs for traffic control, such as for speed limits and STOP and YIELD signs, shall remain the responsibility of the County.

EXHIBIT B  
RECORDED PLAT

**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 a service station and food sales use, and an undeveloped area. 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 1.03 acres in size and contains several small commercial buildings, and is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses includes a storage building with outdoor storage to the north, Bastrop Hwy/SH 71 to the south, vacant land to the east, and retail uses to the west. The property is located near 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 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:

| <i>Development Classification</i>                | <i>% of Gross Site Area</i> | <i>% of Gross Site Area with Transfers</i> |
|--|-----------------------------|--|
| Single-Family<br>(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.

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.

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**

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for SH 71. If the requested zoning is granted, then 200 feet of right-of-way should be reserved from the existing centerline of SH 71 in accordance with the Transportation Plan [LDC, Sec. 25-6-51 and 25-6-55]. NOTE: The tract with East State Highway 71 frontage was removed from the zoning case on January 7, 2014, hence, this requirement no longer applies.

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].

Eric Dusza in the Neighborhood Connectivity Division may provide additional comments regarding mobility enhancement and bicycle/pedestrian facilities.

### **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 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. 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**

The majority of the zoning area 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. 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, Noise Abatement Officer at (512) 530-6652.

The northeast corner of the zoning area 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 Joe Medici, Noise Abatement Officer at (512) 530-6652.

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.

**Rhoades, Wendy**

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**From:** Rodney K. Bennett <jb.rbconsulting@yahoo.com>  
**Sent:** Tuesday, December 17, 2013 2:25 PM  
**To:** Rhoades, Wendy  
**Subject:** Re: Staff report for Cardinal Loop 1.03

Wendy, please accept this email as a request to postpone case C14-2013-0145, Cardinal 1.03. This will allow the owner time to discuss the the comments with the transportation reviewer. Please set it for the next available hearing date.

Thank you,

Rodney K. Bennett  
Jim Bennett Consulting  
11505 Ridge Drive  
Austin, Texas 78748  
Rodney 512-627-7227  
Jim 512-784-4961  
Fax 512-282-0959

On Thursday, December 12, 2013 12:53 PM, "Rhoades, Wendy" <[Wendy.Rhoades@austintexas.gov](mailto:Wendy.Rhoades@austintexas.gov)> wrote:  
Rodney,

I am sorry to learn that Jim is in the hospital and hope to see him soon! Attached is the Staff report for the SH 71/Cardinal Loop zoning case (C14-2013-0145) that is scheduled for next week's ZAP meeting.

Wendy



January 7, 2014

City of Austin  
Wendy Rhoades  
505 Barton Springs Rd  
Austin, Texas 78704

RE: C14-2013-0145; Cardinal 1.03

Mrs. Rhoades,

As the agent, Jim Bennett Consulting would like to eliminate the tract of land known as 2475 East State Highway 71 from the proposed rezoning of case C14-2013-0145. We further more would like to modify the application to only include the tract known as 2416 Cardinal Loop.

Respectfully,



Jim Bennett

Jim Bennett Consulting  
11505 ridge drive  
Austin, TX 78748