

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2015-0045 – RE 2002 .38

**Z.A.P. DATE:** May 19, 2015  
June 2, 2015

**ADDRESS:** 2355 East State Highway 71 Westbound

**DISTRICT AREA:** 2

**OWNER:** RE 2002, LP (Mitchell D. Savrick)

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

**ZONING FROM:** I-RR    **TO:** CS    **AREA:** 0.38 acres (16,552 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

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

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

May 19, 2015: *MEETING CANCELLED; CASE RE-NOTIFIED FOR JUNE 2, 2015*

June 2, 2015: *APPROVED CS DISTRICT AS STAFF RECOMMENDED, BY CONSENT  
[G. ROJAS; S. COMPTON – 2ND] (6-0) 1 VACANCY ON THE COMMISSION*

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The subject portion of a platted lot has frontage on the westbound State Highway 71 frontage road, and contains a vacant warehouse. It was annexed into the City limits in 2001 and zoned interim – rural residence (I-RR) district at that time. There is a convenience storage use and undeveloped property to the north (I-RR); a vacant building (proposed for a kennel use), convenience storage, restaurant, automotive rentals and cocktail lounge to the east (CS; I-RR; CS-CO; CS-1-CO), and undeveloped land to the west (GR-CO; CS-CO). The property is directly adjacent to 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. 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, including warehouses.

Staff recommends the Applicant's request for CS district zoning. The property is no longer suited for residential uses and commercial zoning is consistent with uses and zoning pattern for 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-RR	Vacant warehouse
<i>North</i>	I-RR; CS-CO	Convenience storage; Undeveloped
<i>South</i>	East SH 71	Westbound frontage road and main lanes
<i>East</i>	CS-1-CO; GR-CO; GR-MU-CO; I-SF-2	Vacant (proposed for kennel); Convenience storage; Restaurant; Automotive rentals; Cocktail lounge
<i>West</i>	CS-CO; GR-CO	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  
 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:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2015-0013 – 2363 E SH 71 Westbound	I-RR to CS	To Grant	Apvd CS (4-16-2015).
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 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 a portion of Lot 1 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:** June 11, 2015

**ACTION:**

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

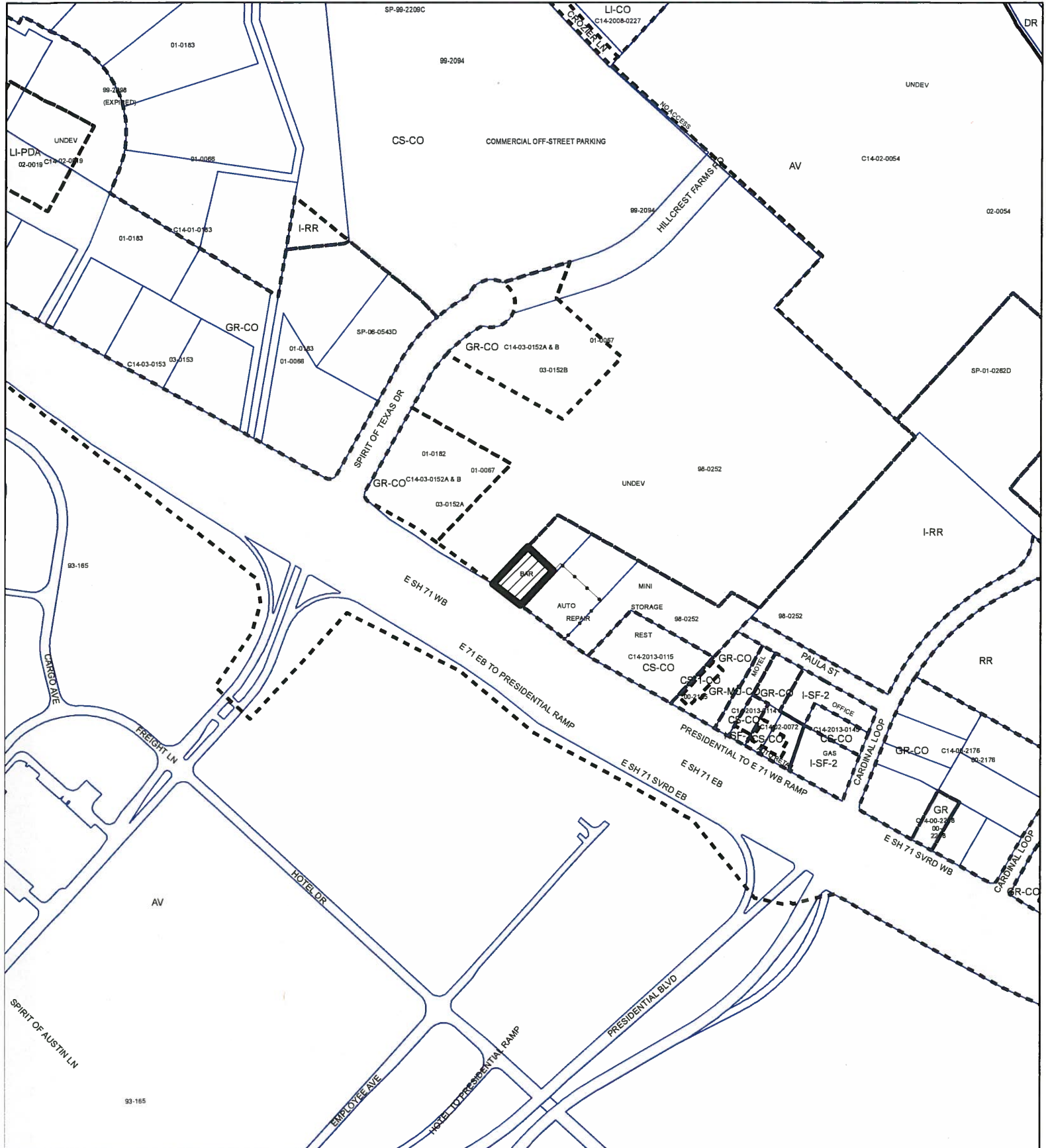
2<sup>nd</sup>




3<sup>rd</sup>

**ORDINANCE NUMBER:**

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

**PHONE:** 512-974-7719


$$1'' = 400'$$

 SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY

## ZONING

**ZONING CASE#:** C14-2015-0045

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.





I-RR

99-2094

AV

SP-06-0543D

01-0183  
01-0066

GR-CO

GR-CO  
03-0152B

01-0067

CS-CO

01-0182  
GR-CO 01-0057

98-0252

UNDEV

03-0152A

E SH EB AT  
71 EB SPIRIT OF  
TEXAS TRN

E 71 EB  
TO SPIRIT  
OF TEXA RAMP

SPIRIT  
OF TEXAS TO  
71 EB RAMP

PRESIDENTIAL  
TO E 71  
WB RAMP  
E 71 EB TO  
PRESIDENTIAL  
RAMP

E SH 71 WB  
E SH 71 SVRD WB  
E SH 71 SVRD EB  
E SH 71 EB

BAR

I-RR

CS AUTO  
REPAIR

MINI  
STORAGE

REST

CS-CO

I-SF-2

GR-CO

AV

CS-CO

CA  
STAT

AV

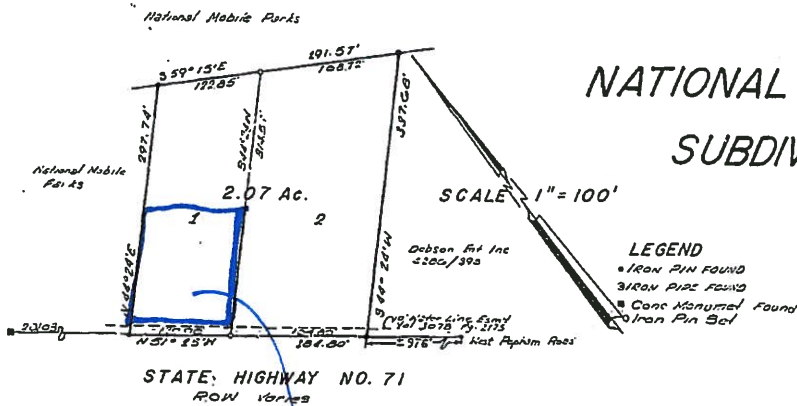
HOTEL DR

Exhibit A

North

PRESIDENTIAL  
BLVD





# NATIONAL MOBILE PARKS SUBDIVISION SEC. 1

SCALE 1" = 100'

## LEGEND

- IRON PIN FOUND
- IRON PIPE FOUND
- CONC MONUMENT FOUND
- IRON PIN SET

STATE HIGHWAY NO. 71  
ROW Varies

ZONING AREA

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 TRAVIS 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 1<sup>st</sup> DAY OF Feb, 1973, A.D.

LLOYD STEGER

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 PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

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

NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS

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

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

SECRETARY

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

DORIS SHROPSHIRE, CLERK COUNTY COURT, TRAVIS COUNTY, TEXAS

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<sup>35</sup> O'CLOCK a.M. AND DULY RECORDED ON THE 19 DAY OF March, 1973 AT 11<sup>10</sup> 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 OF SAID COUNTY, THE DATE LAST WRITTEN ABOVE.

DORIS SHROPSHIRE, CLERK COUNTY COURT, TRAVIS COUNTY TEXAS

DEPUTY

STATE OF TEXAS  
COUNTY OF TRAVIS

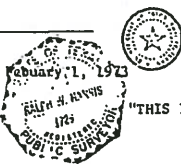
I, DORIS SHROPSHIRE, COUNTY CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT ON THE 19<sup>th</sup> DAY OF March, 1973, A.D. THE COMMISSIONERS COURT, OF TRAVIS COUNTY, TEXAS, PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT AND THAT SAID ORDER HAS BEEN DULY ENTERED IN THE MINUTES OF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

AS SURVEYED BY:

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"

C85-73-28

5-19-73 RCH B 8948-4750

**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.*

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

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

The subject property is developed with a vacant warehouse. 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 on a property that is approximately 0.38 acres in size, the site with an existing small office/warehouse. The property is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses includes vacant land to the north and west, an auto repair shop to the east, and Bastrop Highway/SH 71 to the south. The proposal is to obtain commercial zoning for the existing office/warehouse.

**Imagine Austin**

Based on the comparative scale of the site relative to other commercial uses located along SH 71, 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, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this 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:

<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%

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.

### **Site Plan and Compatibility Standards**

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

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.

The site is located within Austin-Bergstrom Overlay (AO-3). No use will be allowed 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 Joe Medici, Airport Planner, 512-530-6563. Approval from ABIA is required prior to site plan approval.

This site is within the Scenic Roadway Sign District. All signs must comply with Scenic Roadway Sign District regulations. Contact Viktor Auzenne at 512-974-2941 for more information.

### **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].

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

### **Water and Wastewater**

FYI: The site currently served 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.