

## **ZONING CHANGE REVIEW SHEET**

CASE: C14-2019-0029 (1501 Airport Commerce Dr)

DISTRICT: 3

ZONING FROM: CS-CO-NP

TO: CS-MU-CO-NP

ADDRESS: 1501 Airport Commerce Drive

SITE AREA: 10.95 acres (478,288.8 sq. ft.)

PROPERTY OWNER: W2 Hill ACP II, LP

AGENT: Drenner Group, PC (Amanda Swor)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov))

### STAFF RECOMMENDATION:

**Staff recommends denial of the applicant's request to add a MU, Mixed Use Overlay Combining District, to the Property.**

### PLANNING COMMISSION ACTION / RECOMMENDATION:

**April 23, 2019: Postponed to May 14, 2019 at the staff's request (11-0, J. Shieh and P. Seeger-absent); J. Schissler-1<sup>st</sup>, C. Kenny-2<sup>nd</sup>.**

**May 14, 2019: Postponed to June 11, 2019 at the applicant's request (13-0); J. Shieh-1<sup>st</sup>, C. Kenny-2<sup>nd</sup>.**

**June 11, 2019: Postponed to June 25, 2019 at the applicant's request by consent (13-0); C. Kenny-1<sup>st</sup>, A. Azhar-2<sup>nd</sup>.**

**June 25, 2019: Postponed to July 9, 2019 at the applicant's request by consent (11-0, P. Seeger and J. Shieh-absent); P. Howard-1<sup>st</sup>, C. Kenny-2<sup>nd</sup>.**

**July 9, 2019: Postponed to August 13, 2019 at the applicant's request by consent (11-0, P. Howard and C. Llanes-Pulido-absent); P. Seeger-1<sup>st</sup>, R. Schneider-2<sup>nd</sup>.**

**August 13, 2019: Postponed to September 24, 2019 at the staff's request (9-0, A. Azhar, P. Howard, R. Schneider, P. Seeger-absent); C. Kenny-1<sup>st</sup>, G. Anderson-2<sup>nd</sup>.**

**September 24, 2019: Approved staff's recommendation to deny the rezoning request (8-3, C. Hempel, Y. Flores, F. Kazi-No; C. Llanes-Pulido and P. Seeger-abstain); T. Shaw-1<sup>st</sup>, J. Shieh-2<sup>nd</sup>.**

CITY COUNCIL ACTION:

**May 23, 2019: Postponed to June 20, 2019 at the staff's request by consent (11-0); J. Flannigan-1<sup>st</sup>, G. Casar-2<sup>nd</sup>.**

**June 20, 2019: Postponed to August 8, 2019 at the staff's request by consent (11-0); L. Pool-1<sup>st</sup>, N. Harper-Madison-2<sup>nd</sup>.**

**August 8, 2019: Postponed to August 22, 2019 at the staff's request by consent (11-0), L. Pool-1<sup>st</sup>, P. Renteria-2<sup>nd</sup>.**

**August 22, 2019: Postponed to October 3, 2019 at the staff's request on consent (9-0, A. Alter and G. Casar-off dais); D. Garza-1<sup>st</sup>, J. Flannigan-2<sup>nd</sup>.**

**October 3, 2019: Postponed to October 17, 2019 at the applicant's request on consent (10-0, N. Harper-Madison off the dais); A. Alter-1<sup>st</sup>, L. Pool-2<sup>nd</sup>.**

**October 17, 2019: Granted indefinite postponement at the applicant's request on consent (10-0, K. Tovo-off dais); P. Renteria-1<sup>st</sup>, P. Ellis-2<sup>nd</sup>.**

**March 12, 2020:**

ORDINANCE NUMBER:

ISSUES:

The Director of the Planning and Zoning Department, Greg Guernsey, discussed this case with Shane Harbinson, the Assistant Director of the Department of Aviation, and agreed that the staff will protect the Airport Overlay Zones. Therefore, the staff will not be supporting the rezoning request to add a MU, Mixed Use Overlay Combining District, to create new residential dwelling units on a tract within the A0-3 zone that is currently not zoned for residential uses.

CASE MANAGER COMMENTS:

The property is located on the Ben White Boulevard access road just west of the intersection of Bastrop Highway/US Highway 183 South and US HWY 71 East within the Montopolis Neighborhood Planning Area. The request is to add a MU, Mixed Use Combining District, to the existing CS-CO-NP zoning to allow for residential uses on the property (Please see applicant's request letter – Exhibit C).

This property is part of a platted lot which was originally zoned commercial services-conditional overlay (CS-CO) in 1992. The property can take access to Airport Commerce Drive in addition to E. Ben White Boulevard. It is also located within Airport Overlay Zone 3 which permits commercial and industrial uses and prohibits new residential development to occur.

The development on Airport Commerce Drive consists of hotels and a business park. The East Riverside Corridor area stops at John Glenn Way. Across Highway 71 to the south are hotels, restaurants, a service station and a mobile home park (LI-NP, CS-NP), hotels are to the west (CS-CO-NP & ERC) and to the north, across Airport Commerce (business park/warehouse) are CS-CO-NP.

BASIS OF RECOMMENDATION:

The staff recommends denial of the applicant's request to rezone the property to CS-MU-CO-NP to add a MU, Mixed Use Combining District, at this location. The property in question is surrounded by industrial and commercial uses to the north, south, east and west. There is CS-CO-NP and CS-NP zoning the north, south, east and west and LI-CO-NP zoning to the northeast, across E. Ben White Boulevard. The Montopolis neighborhood plan calls for this tract to remain commercial. This lot is located in the Airport Overlay AO3 zone which does not permit residential uses. In addition, property has a subdivision plat that was approved in 2017 through case C8-2017-0306.0A that includes a plat note to prohibit residential uses.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-CO-NP	Undeveloped
<i>North</i>	CS-CO-NP	Business Park/Warehouse
<i>East</i>	ROW	US 71 & US 183
<i>South</i>	CS-NP, LI-NP	Restaurants, Service Station, Mobile Home Park
<i>West</i>	CS-CO-NP	Hotel and Undeveloped

NEIGHBORHOOD PLANNING AREA: Montopolis Neighborhood Planning Area

TIA: Deferred to the time of Site Plan

WATERSHED: Carson Creek

SCHOOLS: Del Valle I.S.D.

Smith Elementary School  
Ojeda Middle School  
Del Valle High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District  
Austin Neighborhoods Council  
Bike Austin  
Carson Ridge Neighborhood Association  
Del Valle Community Coalition  
Del Valle Independent School District  
Dove Springs Neighborhood Association  
Dove Springs Proud  
East Austin Conservancy  
East Riverside Corridor Staff Liaison  
El Concilio Mexican-American Neighborhoods  
Friends of Austin Neighborhoods  
GO! AUSTIN/VAMOS! AUSTIN – Dove Springs  
Homeless Neighborhood Association  
Montopolis Community Alliance  
Montopolis Neighborhood Plan Contact Team  
Montopolis Tributary Trail Association  
Neighborhood Empowerment Foundation  
Onion Creek Homeowners Association  
Pleasant Valley  
Preservation Austin  
SELTEXAS  
Sierra Club Austin Regional Group

Southeast Combined Neighborhood Plan Contact Team  
Southeast Corner Alliance of Neighbors  
South Park Neighbors  
The Crossing Garden Home Owners Association  
Tejana Bilingual Community

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2017-0050 - Airport Commerce II Rezoning	CS-CO-NP to CS-CO-NP, to remove the maximum floor-to are (FAR) requirement for the Property	1/09/17: Approved CS- CO-NP on consent to change a condition of zoning to remove the FAR restriction (11-0, F. Kazai and T. Nuckols- absent); P. Seeger- 1 <sup>ST</sup> , A. De Hoyos Hart-2 <sup>nd</sup>	2/01/18: Approved PC rec on all 3 readings
C14-2015-0162	CS-CO-NP to CS-CO-NP to remove the FAR restriction.	Recommended CS-CO- NP	5/12/16: Approved CS-CO-NP
C14-2014-0093 - 1507 Airport Commerce	CS-CO-NP to CS-CO-NP change a condition	To Grant – CS-CO-NP	8/24/14: Approved
C14-2012-0112 - 1611 Airport Commerce	CS-CO-NP to ERC	To Grant – ERC	5/09/13: Approved
C14-2007-0126 - 1611 Airport Commerce	CS-CO-NP to CS-CO-NP, to remove the FAR limit within the conditional overlay	To Grant	10/11/07: Approved
C14-2007-0122 - Airport Commerce 13 – 7600-7812 E. Ben White; 1707, 1801, 1901 Airport Commerce Dr.	CS-CO-NP to CS-CO-NP, to remove the FAR limit within the conditional overlay	To Grant	10/11/07: Approved

CASE HISTORIES FOR THIS PROPERTY:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2017-0050 - Airport Commerce II Rezoning	CS-CO-NP to CS-CO-NP, to change a condition of zoning	1/09/17: Approved CS-CO-NP to change a condition of zoning on consent (11-0, F. Kazai and T. Nuckols-absent); P. Seeger- 1 <sup>ST</sup> , A. De Hoyos Hart-2 <sup>nd</sup>	5/01/18:
C14-01-0060 - 1501 Airport Commerce Dr.	Montopolis Neighborhood Plan CS-CO to CS-CO-NP	To Grant CS-CO-NP	9/27/01: Approved
C14-86-316 - 1501 Airport Commerce Dr.	SF-2 to CS-CO	To Grant CS-CO	2/13/92: Approved

RELATED CASES:

NPA-2018-0005.01 - Neighborhood Plan Amendment Case

C14-2017-0050 - Previous Rezoning Case

C8-2017-0306.0A - Subdivision Case

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Airport Commerce Drive	90 ft.	24 ft. divided	Collector	Yes, one side	No	No
US 290/SH 71	450 ft.	20 ft. (frontage road)	Arterial	Yes	Yes, wide shoulder	No

OTHER STAFF COMMENTS:Environmental

Thursday February 14, 2019

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Carson Creek 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.

At this time, site specific information is unavailable regarding 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.

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.

#### Site Plan

January 26, 2019

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

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

FYI: Additional design regulations will be enforced at the time a site plan is submitted.

FYI: The subject property is included in an approved site plan (SP-2015-0577C) and subdivision case (C8-2017-0306.OA).

Future site plans for this development will need to track vehicle trips as stipulated in restrictive covenant C14-86-316.

**RESIDENTIAL DENTIAL DESIGN STANDARDS OVERLAY**

The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

**SCENIC ROADWAYS**

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.

**AIRPORT OVERLAY**

The site is located within Austin-Bergstrom Overlay AO-3. 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. Airport Hazard Zoning Committee review may be required prior to Planning Commission Hearing.

Transportation

Plat note 20 of the current subdivision plat (Case C8-2017-0306.0A) prohibits residential uses on the proposed rezoning property.

In lieu of a Traffic Impact Analysis, fiscal mitigation will be required at the time of site plan review for signal and corridor improvements as described in the memorandum by Chris Yanez on January 22, 2019. The following are the conditions of the memo

- . At time of site plan:
  - i. [Staff will] waive the TIA requirement as authorized under Section 25-6-117(A), on the grounds that sufficient analysis of projected impacts is currently available for purposes of determining required mitigation at time of site plan review. This includes information from the 1990 TIA memo, a signal warrant analysis performed by Big Red Dog Engineering dated August 28, 2017 related to case C14-2017-0050, and a TIA waiver request performed by HDR Engineering dated September 20, 2018.
  - ii. [Staff will] require contributions towards off-site transportation infrastructure, as authorized under Section 25-6-102. Provided that the site plan application is submitted within one year from the date of this memo, the final amount required would not exceed an amount associated with either the maximum density permitted, or the density proposed with the site plan, when applied to the estimate of costs for improvements provided by the Corridor Planning Office dated January 23, 2019 for the Riverside Drive Corridor. If an application is submitted after the one year period, including withdrawal and resubmittal, additional analysis and costs may apply.



FYI: The Austin Metropolitan Area Transportation Plan calls for 400 feet of right-of-way for US 183. The Texas Department of Transportation will determine the need for additional right of way at the time of subdivision or site plan. [LDC 25-6-51 and 25-6-55].

Janae Spence, Urban Trails, Public Works Department, Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

FYI: The existing sidewalks along US 183 will be reviewed by the Texas Department of Transportation and city staff at time of site plan. The sidewalks may be required to be reconstructed.

FYI: Sidewalks will be required at the time of site plan for Airport Commerce Drive for the full length of the frontage of the property.

As per plat note 27, access from SH 71 will be prohibited in all areas where control of access has been obtained. If control of access has not been identified, access location must meet or exceed the state's access spacing requirement of 425-ft and line of sight within the limits of the right of way must meet the sight distance requirement in accordance with AASHTO. FYI. It is recommended, to stub out internal drives to adjacent properties for future connectivity.

FYI – vehicular access to US 183 shall be reviewed and approved by the Texas Department of Transportation and Development Services Department. FYI – TxDOT may only approve one driveway based on their spacing criteria.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Airport Commerce	90'	64'	Commercial Collector	Partial – both sides	No	Yes
US 183	541'	375'	Freeway	North side	Yes	No

Austin Water Utility

Monday January 28, 2019

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 Austin

Water 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 fees once the landowner makes an application for Austin Water utility tap permits.

#### INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's request letter
- D. Plat
- E. Letter from ABIA
- F. Correspondence from Interested Parties





This is an aerial photograph of a commercial and industrial area in St. Louis, Missouri. A yellow outline highlights a specific site located near the intersection of BASTROP HWY and E BEN WHITE WB. The map includes various street names and labels, such as BASTROP HWY, E BEN WHITE WB, BEN WHITE BLVD, and OFFICE WAREHOUSE. A north arrow is visible in the upper right corner. The highlighted site is situated near a large commercial building and is bordered by BASTROP HWY to the north and E BEN WHITE WB to the east.



January 25, 2019

Mr. Greg Guernsey  
Planning and Zoning Department  
City of Austin  
505 Barton Springs Road  
Austin, TX 78704

Via Hand Delivery

Re: 1501 Airport Commerce – Rezoning application for the 10.945 acre piece of property located at 1501 Airport Commerce Drive in Austin, Travis County, Texas (the “Property”)

Dear Mr. Guernsey:

As representatives of the owner of the Property, we respectfully submit the enclosed rezoning application package. The project is titled 1501 Airport Commerce, consists of 10.945 acres, and is located at 1501 Airport Commerce Drive, in the full purpose jurisdiction of the City of Austin. The Property is currently undeveloped.

The Property is zoned CS-CO-NP, General Commercial Services – Conditional Overlay – Neighborhood Plan. The requested rezoning is from CS-CO-NP to CS-MU-CO-NP, General Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan, zoning district. The purpose of this rezoning is to allow for residential uses on the Property. This application is not proposing any change to the existing conditional overlay.

The Property is located within the Airport Overlay zone AO-3. Per §25-13-45 Residential and School Uses in Airport Overlay Zone Three, residential uses are permitted within the AO-3 zone on property that is located within a neighborhood plan combining district, if the neighborhood plan was adopted prior to December 31, 2001. The Property is located within the Montopolis Neighborhood Planning Area which was adopted on September 27, 2001; therefore, a residential use is allowed on the Property.

Per the Montopolis Neighborhood Planning Area, the Future Land Use Map shows the Property as Commercial, therefore a Neighborhood Plan Amendment (NPA-2018-0005.01) was submitted in cycle on July 25, 2018 to change the designation of the Property from Commercial to Mixed-Use. This rezoning request is consistent with the land uses surrounding the Property, which include residential, hotel, office and general commercial uses.

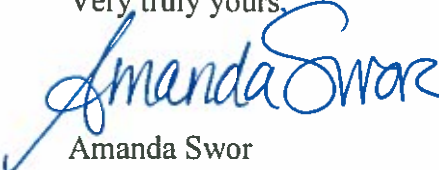
January 25, 2019

Page 2

In conjunction with the rezoning request the Traffic Impact Analysis ("TIA") has been waived as Staff from Development Services and Austin Transportation Department have determined contributions will be made towards off-site transportation infrastructure at the time of site plan review. See attached memo and TIA waiver executed by Chris Yanez dated January 22, 2019.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,



Amanda Swor

cc: Joi Harden, Planning and Zoning Review Department (*via electronic delivery*)



## MEMORANDUM

**FROM:** Chris Yanez, CNU-A  
DSD/Land Use Review *CY*

**DATE:** January 22, 2019

**SUBJECT:** Traffic Impact Analysis Waiver for 1501 Airport Commerce

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Staff from the Development Services and Austin Transportation Departments have reviewed the Riverside Center TIA Memo (dated June 29, 1990) written by George Zapalac, Transportation Review Manager, associated with case C14R-86-316. The TIA explicitly assumes that build-out was to occur in or around 1992. That did not happen, so the assumptions in the TIA are no longer valid and requirements for mitigating impacts to the transportation system may be revisited.

For these reasons, the City's engineering staff have reviewed this matter and intend to take the following steps at the time of site plan review:

- Waive the TIA requirement, as authorized under Section 25-6-117(A), on the grounds that sufficient analysis of projected impacts is currently available for purposes of determining required mitigation at time of site plan review. This includes information from the 1990 TIA memo, a signal warrant analysis performed by Big Red Dog Engineering dated August 28, 2017 related to case C14-2017-0050 and, a TIA Waiver request performed by HDR Engineering dated September 20, 2018.
- Require contributions towards off-site transportation infrastructure, as authorized under Section 25-6-102. Provided that the site plan application is submitted within one year from the date of this memo, the final amount required would not exceed an amount associated with either the maximum density permitted, or the density proposed with the site plan, when applied to the estimate of costs for improvements provided by the Corridor Planning Office (dated \_\_\_\_\_, 2019) for the Riverside Drive Corridor. If an application is submitted after the one year period, including withdrawal and resubmittal, additional analysis and costs may apply.

We hope this information is useful to Council and to the applicants in understanding the transportation requirements that would apply in the event a proposed rezoning is approved.

Chris Yanez, CNU-A, Program Manager  
Development Services Department  
Land Use Review Division/ Transportation



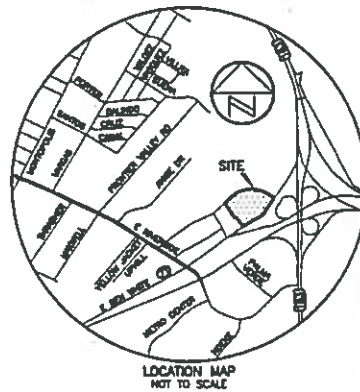
# RESUBDIVISION OF LOT 1A, BLOCK A, OF THE RESUBDIVISION OF LOT 1, BLOCK A, OF THE RESUBDIVISION OF LOT 1, BLOCK A, AIRPORT COMMERCE, SECTION TWO

20150011X

5-11-18

375.00

THIS IS A SURFACE DRAWING.  
 BEARING BASE: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS) FOR CHAPARRAL CONTROL POINT "P48A".  
 COTTON SPINDLE WITH WASHER SET  
 SURFACE COORDINATES:  
 N 1035486.12  
 E 3128373.39  
 TEXAS STATE PLANE COORDINATES:  
 N 10354433.94  
 E 3128214.81  
 ELEVATION = 508.57'  
 VERTICAL DATUM: NAVD 83 (GEOID 09)  
 COMBINED SCALE FACTOR = 0.99994928 (FOR SURFACE TO GRID CONVERSION)  
 INVERSE SCALE FACTOR = 1.000050742 (FOR GRID TO SURFACE CONVERSION)  
 SCALED ABOUT D.D.  
 THETA ANGLE: T21°29'



SCALE: 1" = 100'  
 GRAPHIC SCALE  
 100 50 0 50 100

- LEGEND
- 1/2" REBAR FOUND (OR AS NOTED)
  - ⊙ 1/2" REBAR WITH "ALL POINTS" CAP FOUND
  - ⊙ 1/2" REBAR WITH "CHAPARRAL" CAP FOUND
  - 1/2" REBAR WITH "CHAPARRAL" CAP SET
  - ▲ MAG NAIL FOUND
  - ⊕ PUNCH HOLE IN CONCRETE FOUND
  - ⊙ CONTROL POINT/BENCHMARK LOCATION
  - ( ) RECORD INFORMATION
  - R.O.W. RIGHT-OF-WAY
  - S.E. SIDEWALK EASEMENT
  - E.E. ELECTRIC EASEMENT
  - E.U.E. ELECTRIC UTILITY EASEMENT
  - W.W.E. WASTEWATER EASEMENT
  - W.L.E. WATERLINE EASEMENT
  - ..... SIDEWALK

BENCHMARK INFORMATION:  
 TBM #4: SQUARE CUT IN THE BACK-OF-CURB OF THE SOUTH CURBLINE OF THE MEDIAN OF AIRPORT COMMERCE DRIVE +/- 228' WEST OF THE INTERSECTION OF THE WEST BOUND ACCESS ROAD OF BEN WHITE BLVD. (SH 71) AND AIRPORT COMMERCE DRIVE.  
 ELEVATION = 479.20'  
 VERTICAL DATUM: NAVD 83 (GEOID 09)

LINE	BEARING	DISTANCE
L1	S55°51'45"W	39.57
L2	S57°50'03"E	181.87
L3	S53°07'18"W	58.82
L4	N88°11'22"W	43.51
L5	N00°42'11"E	63.01
L6	N42°50'56"W	89.75
L7	N32°45'48"E	89.51
L8	S55°56'17"W	3.32
L9	S48°30'47"W	34.07

CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	660.00'	73°33'51"	834.58'	N85°25'02"E	778.41'
C2	30.00'	90°12'19"	47.23'	S13°01'26"E	42.50'
C3	2889.79'	4°43'24"	238.23'	S80°01'56"W	238.16'
C4	650.00'	40°44'44"	482.24'	N89°00'29"E	452.56'
C5	650.00'	32°49'07"	372.32'	S74°12'36"E	367.25'
C6	421.74'	28°42'49"	211.35'	N72°08'54"W	209.15'



4.10.18

LOT SUMMARY:  
 LOT 1: 10.945 AC. (473,771 S.F.)  
 LOT 2: 2.477 AC. (107,909 S.F.)  
 TOTAL: 13.422 AC. (584,680 S.F.)

SUBMITTAL DATE: 12/21/2017  
 CS-2017-0308.DA

**Chaparral**  
 Professional Land Surveying, Inc.  
 Surveying and Mapping  
 3500 McCall Lane  
 Austin, Texas 78744  
 512-443-1724  
 Firm No. 10124500

PROJECT NO.: 702-002  
 DRAWING NO.: 702-002-PL3  
 PLOT DATE: 04/10/2018  
 PLOT SCALE: 1" = 100'  
 DRAWN BY: JDB  
 SHEET 01 OF 02

RESUBDIVISION OF LOT 1A, BLOCK A, OF THE RESUBDIVISION OF  
LOT 1, BLOCK A, OF THE RESUBDIVISION OF LOT 1, BLOCK A,  
AIRPORT COMMERCE, SECTION TWO

STATE OF TEXAS  
COUNTY OF TRAVIS

KNOW ALL MEN BY THE PRESENTS:

THAT W2 HILL ACP II, LP, A TEXAS LIMITED PARTNERSHIP, BEING OWNER OF 13.422 ACRES IN THE SANTIAGO DEL VALLE SURVEY, ABSTRACT NO. 24, IN TRAVIS COUNTY, TEXAS, BEING ALL OF LOT 1A, BLOCK A, RESUBDIVISION OF LOT 1, BLOCK A, AIRPORT COMMERCE, SECTION TWO, A SUBDIVISION RECORDED IN DOCUMENT NO. 201600303 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED BY SPECIAL WARRANTY DEED OF RECORD IN DOCUMENT NO. 2014108001 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

SAD SUBDIVISION HAVING BEEN APPROVED FOR RESUBDIVISION PURSUANT TO THE PUBLIC NOTIFICATION AND HEARING PROVISIONS OF CHAPTER 212.014, OF THE LOCAL GOVERNMENT CODE, DO HEREBY RESUBDIVIDE 13.422 ACRES OF LAND PURSUANT TO CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE AND TITLE 25 OF THE CODE OF THE CITY OF AUSTIN IN ACCORDANCE WITH THE MAP OR PLAT ATTACHED HERETO, TO BE KNOWN AS

RESUBDIVISION OF LOT 1A, BLOCK A, OF THE RESUBDIVISION OF LOT 1, BLOCK A, OF THE RESUBDIVISION OF LOT 1, BLOCK A, AIRPORT COMMERCE, SECTION TWO

AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF ALL STREETS AND EASEMENTS SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND THIS 11th DAY OF April, 2018 A.D.

W2 HILL ACP II, LP, A TEXAS LIMITED PARTNERSHIP  
BY: W2 TR, INC., A TEXAS CORPORATION, ITS GENERAL PARTNER

BY: Steven M. Freche  
STEVEN M. FRECHE, VICE PRESIDENT  
1221 S. MOPAC EXPRESSWAY, SUITE 355  
AUSTIN, TX 78746

STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Steven M. Freche 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 AND IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND AND SEALED IN MY OFFICE, THIS 11th DAY OF April, 2018 A.D.

Susan Elaine Cummings  
NOTARY PUBLIC, STATE OF TEXAS  
Susan Elaine Cummings August 26, 2018  
PRINTED NAME MY COMMISSION EXPIRES  
#12993299-4

SURVEYOR'S CERTIFICATION

I, ROBERT C. WATTS, JR., AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIED WITH THE SURVEYING RELATED PORTIONS OF TITLE 25 OF THE AUSTIN CITY CODE OF 1989 AS AMENDED, IS TRUE AND CORRECT, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR MADE UNDER MY SUPERVISION, MADE ON THE ORIGIN DATE OF 4, 2018.

Rob C Watts Jr 4-10-18  
ROBERT C. WATTS, JR., R.P.L.S. 4995  
SURVEYING BY:  
CHAPARRAL PROFESSIONAL LAND SURVEYING, INC.  
3500 MCALL LANE  
AUSTIN, TEXAS 78744  
(512) 443-1724



ENGINEER'S CERTIFICATION:

I, CHRIS MCCOMB, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STANDPOINT AND COMPLIES WITH THE ENGINEERING RELATED PORTIONS OF TITLE 25 OF THE AUSTIN CITY CODE OF 1989, AS AMENDED, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

THE 100 YEAR FLOOD PLAIN IS CONTAINED WITHIN THE DRAINAGE EASEMENTS SHOWN HEREON. NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100 YEAR FLOOD OF A WATERWAY THAT IS WITHIN THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM, AS SHOWN ON MAP NO. 48452C000R AND 48452C000R, BOTH DATED JANUARY 8, 2018 FOR TRAVIS COUNTY, TEXAS AND INCORPORATED AREAS.

Chris McComb 4-11-18

CHRIS MCCOMB, P.E. 80442  
ENGINEERING BY:  
AHC DESIGN GROUP INC.  
P.O. BOX 341588  
AUSTIN, TEXAS 78734  
(512) 385-2911  
T.E.P. REG. NO. F-1708



NOTES:

1. THE WATER AND WASTEWATER UTILITY SYSTEMS SERVING THIS SUBDIVISION MUST BE IN ACCORDANCE WITH CITY OF AUSTIN WATER AND WASTEWATER SYSTEM DESIGN CRITERIA AND SPECIFICATIONS. THE WATER AND WASTEWATER PLANS MUST BE PRESENTED TO THE CITY OF AUSTIN WATER AND WASTEWATER UTILITY FOR REVIEW AND APPROVAL. THE LANDOWNER MUST PAY THE CITY INSPECTION FEE.
2. NO OBJECTS, INCLUDING BUT NOT LIMITED TO, BUILDINGS, FENCES, LANDSCAPING OR OTHER STRUCTURES MAY BE PLACED IN DRAINAGE EASEMENTS EXCEPT AS APPROVED BY TRAVIS COUNTY AND THE CITY OF AUSTIN.
3. ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER AND HIS OR HER SUCCESSORS AND ASSIGNS.
4. THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF AUSTIN AND TRAVIS COUNTY. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VACATION OR REPLACING MAY BE REQUIRED, AT THE OWNER'S SOLE EXPENSE, IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
5. PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO THE DRAINAGE EASEMENT AS MAY BE NECESSARY AND SHALL NOT PROVIDE ACCESS BY GOVERNMENTAL AUTHORITIES FOR INSPECTION OR MAINTENANCE OF SAID EASEMENT.
6. PRIOR TO CONSTRUCTION, EXCEPT DETACHED SINGLE FAMILY ON ANY LOT IN THIS SUBDIVISION, A SITE DEVELOPMENT PERMIT OR SITE PLAN EXEMPTION MUST BE OBTAINED FROM THE CITY OF AUSTIN.
7. EROSION/SEDIMENTATION CONTROLS ARE REQUIRED FOR ALL CONSTRUCTION ON EACH LOT, INCLUDING SINGLE FAMILY AND DUPLEX CONSTRUCTION, PURSUANT TO THE LAND DEVELOPMENT CODE AND THE ENVIRONMENTAL CRITERIA MANUAL.
8. BUILDING SETBACK LINES SHALL BE IN CONFORMANCE WITH CITY OF AUSTIN ZONING ORDINANCE REQUIREMENTS.
9. AUSTIN ENERGY HAS THE RIGHT TO PRUNE AND/OR REMOVE TREES, SHRUBBERY AND OTHER OBSTRUCTIONS AS NECESSARY TO KEEP THE EASEMENTS CLEAR. AUSTIN ENERGY WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH CHAPTER 25-8, SUBCHAPTER B OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
10. THE OWNER/DEVELOPER OF THIS SUBDIVISION/LOT SHALL PROVIDE AUSTIN ENERGY WITH ANY EASEMENT AND/OR ACCESS REQUIRED, IN ADDITION TO THOSE INDICATED, FOR THE INSTALLATION AND ONGOING MAINTENANCE OF OVER-HEAD AND UNDERGROUND ELECTRIC FACILITIES. THESE EASEMENTS AND/OR ACCESS ARE REQUIRED TO PROVIDE ELECTRIC SERVICE TO THE BUILDING AND WILL NOT BE LOCATED SO AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH CHAPTER 25-8 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
11. THE OWNER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION CONTROL, VEGETATION AND TREE PROTECTION. IN ADDITION, THE OWNER SHALL BE RESPONSIBLE FOR ANY INITIAL TREE PRUNING AND TREE REMOVAL THAT IS WITHIN TEN (10) FEET OF THE CENTER LINE OF THE PROPOSED OVERHEAD ELECTRICAL FACILITIES DESIGNED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT. THE OWNER SHALL INCLUDE AUSTIN ENERGY'S WORK WITHIN THE LIMITS OF CONSTRUCTION FOR THIS PROJECT.
12. FOR A MINIMUM TRAVEL DISTANCE OF 25 FT. FROM THE ROADWAY EDGE, DRIVEWAY GRADES MAY EXCEED 14% ONLY WITH SPECIFIC APPROVAL OF SURFACE AND GEOMETRIC DESIGN PROPOSALS BY THE CITY OF AUSTIN.
13. WATER AND SEWER SERVICE FOR THIS SUBDIVISION WILL BE PROVIDED BY THE CITY OF AUSTIN.

14. PUBLIC SIDEWALKS, BUILT TO CITY OF AUSTIN STANDARDS, ARE REQUIRED ALONG THE FOLLOWING STREETS AND AS SHOWN BY A DOTTED LINE ON THE FACE OF THE PLAT: E. BEN WHITE BOULEVARD, AIRPORT COMMERCE DRIVE. THE SIDEWALKS ALONG E. BEN WHITE BOULEVARD - US HIGHWAY 71 ARE SUBJECT TO THE APPROVAL OF THE TEXAS DEPARTMENT OF TRANSPORTATION AT THE SITE PLAN PHASE. THESE SIDEWALKS SHALL BE IN PLACE PRIOR TO THE LOT BEING OCCUPIED. FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS MAY RESULT IN THE WITHDRAWAL OF CERTIFICATES OF OCCUPANCY, BUILDING PERMITS, OR UTILITY CONNECTIONS BY THE GOVERNING BODY OR UTILITY COMPANY.

15. NO LOT WILL BE OCCUPIED UNTIL THE STRUCTURE IS CONNECTED TO THE CITY OF AUSTIN WATER AND WASTEWATER SYSTEM.

16. PRIOR TO CONSTRUCTION ON LOTS IN THIS SUBDIVISION, DRAINAGE PLANS WILL BE SUBMITTED TO THE CITY OF AUSTIN FOR REVIEW. RAINFALL RUN-OFF SHALL BE HELD TO THE AMOUNT EXISTING AT UNDEVELOPED STATUS BY PONDING OR OTHER APPROVED METHODS. ALL PROPOSED CONSTRUCTION OR SITE ALTERATION REQUIRES APPROVAL OF A SEPARATE DEVELOPMENT PERMIT.

17. BY APPROVING THIS PLAT, THE CITY OF AUSTIN ASSUMES NO OBLIGATION TO CONSTRUCT ANY INFRASTRUCTURE IN CONNECTION WITH THIS SUBDIVISION. ANY SUBDIVISION INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE LOTS IN THIS SUBDIVISION IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR THE OWNERS OF THE LOTS. FAILURE TO CONSTRUCT ANY REQUIRED INFRASTRUCTURE TO CITY OF AUSTIN STANDARDS MAY BE JUST CAUSE FOR THE CITY TO DENY APPLICATIONS FOR CERTAIN DEVELOPMENT PERMITS INCLUDING BUILDING PERMITS, SITE PLAN APPROVALS, AND/OR CERTIFICATES OF OCCUPANCY.

18. LANDOWNER IS RESPONSIBLE FOR PROVIDING THE SUBDIVISION INFRASTRUCTURE, INCLUDING THE WATER AND WASTEWATER UTILITY IMPROVEMENTS TO SERVE EACH LOT.

19. ANY ELECTRIC UTILITY ACTIVITY INSIDE THE SUBDIVISION SHALL BE INCLUDED UNDER THE DEVELOPMENT PERMITS.

20. DEVELOPMENT OF THESE LOTS IS HEREBY RESTRICTED TO USES OTHER THAN RESIDENTIAL.

21. THERE ARE NO CRITICAL ENVIRONMENTAL FEATURES LOCATED ON OR WITHIN 150 FEET OF THIS SITE.

22. THE WATER QUALITY EASEMENTS SHOWN ARE FOR THE PURPOSE OF ACHIEVING COMPLIANCE PURSUANT TO CHAPTER 25-8 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.

23. MAINTENANCE OF THE WATER QUALITY CONTROLS REQUIRED ABOVE SHALL BE TO THE STANDARDS AND SPECIFICATIONS CONTAINED IN CHAPTER 25-8 AND THE ENVIRONMENTAL CRITERIA MANUAL.

24. ALL RESTRICTIONS AND NOTES FROM THE PREVIOUS EXISTING SUBDIVISION "RESUBDIVISION OF LOT 1, BLOCK A, OF THE RESUBDIVISION OF LOT 1, BLOCK A, AIRPORT COMMERCE, SECTION TWO", IN EFFECT SHALL APPLY TO THIS RESUBDIVISION.

25. DIRECT DRIVEWAY ACCESS FROM LOT 2 TO SH 71 IS PROHIBITED.

26. THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR MAINTAINING CLEARANCES REQUIRED BY THE NATIONAL ELECTRIC SAFETY CODE, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REGULATIONS, CITY OF AUSTIN RULES AND REGULATIONS AND TEXAS STATE LAWS PERTAINING TO CLEARANCES WHEN WORKING IN CLOSE PROXIMITY TO OVERHEAD POWER LINES AND EQUIPMENT. AUSTIN ENERGY WILL NOT RENDER ELECTRIC SERVICE UNLESS REQUIRED CLEARANCES ARE MAINTAINED. ALL COSTS INCURRED BECAUSE OF FAILURE TO COMPLY WITH THE REQUIRED CLEARANCES WILL BE CHARGED TO THE OWNER.

27. ACCESS FROM SH 71 WILL BE PROHIBITED IN ALL AREAS WHERE CONTROL OF ACCESS HAS BEEN OBTAINED. IF CONTROL OF ACCESS HAS NOT BEEN IDENTIFIED, ACCESS LOCATION MUST MEET OR EXCEED THE STATE'S ACCESS SPACING REQUIREMENT OF 425-FT AND LINE OF SIGHT WITHIN THE LIMITS OF THE RIGHT OF WAY MUST MEET THE SIGHT DISTANCE REQUIREMENT IN ACCORDANCE WITH AASHTO.

28. STREETS WILL BE CONSTRUCTED TO CITY OF AUSTIN STANDARDS.

29. DEVELOPMENT OF THESE LOTS SHALL COMPLY WITH REQUIREMENTS OF THE AIRPORT HAZARD AND COMPATIBLE LAND USE REGULATIONS, (CHAPTER 25-13) AS AMENDED.

30. THE WATER AND/OR WASTEWATER EASEMENTS INDICATED ON THIS PLAT ARE FOR THE PURPOSE OF CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, UPGRADE, DECOMMISSIONING AND REMOVAL OF WATER AND/OR WASTEWATER FACILITIES AND APPURTENANCES. NO OBJECTS, INCLUDING BUT NOT LIMITED TO, BUILDINGS, RETAINING WALLS, TREES OR OTHER STRUCTURES ARE PERMITTED IN WATER AND/OR WASTEWATER EASEMENTS EXCEPT AS APPROVED BY AUSTIN WATER.

THIS SUBDIVISION PLAT IS LOCATED WITHIN THE FULL PURPOSE LIMITS OF THE CITY OF AUSTIN ON

THIS THE 9 DAY OF May, 2018.

ACCEPTED AND AUTHORIZED FOR RECORD BY THE DIRECTOR, PLANNING & DEVELOPMENT REVIEW DEPARTMENT,

CITY OF AUSTIN, COUNTY OF TRAVIS, THIS THE 9 DAY OF May, 2018 A.D.

Craig Zwick for  
J. RODNEY GONZALES, DIRECTOR  
DEVELOPMENT SERVICES DEPARTMENT

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN, TEXAS.

THIS THE 9 DAY OF May, 2018 A.D.

Stephan Oliver  
STEPHAN OLIVER, CHAIRPERSON

THE STATE OF TEXAS  
COUNTY OF TRAVIS

I, DANA DEBEAUNOR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE

ON THE 11th DAY OF May, A.D. 2018 AT 9:30 O'CLOCK P M., AND DULY

RECORDED ON THE 11th DAY OF May, A.D. 2018 AT 9:30 O'CLOCK P M., IN SAID COUNTY

AND STATE, IN DOCUMENT NUMBER 20180018 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE 11th DAY OF May, 2018 A.D.

DANA DEBEAUNOR, COUNTY CLERK, TRAVIS COUNTY, TEXAS

BY: Angela L. Lee  
DEPUTY CLERK



**Chaparral**  
Professional Land Surveying, Inc.  
Surveying and Mapping  
3500 McCall Lane  
Austin, Texas 78744  
512-443-1724  
Firm No. 10124500

PROJECT NO.:  
702-002  
DRAWING NO.:  
702-002-PL3  
PLOT DATE:  
04/10/2018  
PLOT SCALE:  
1" = 100'  
DRAWN BY:  
JDB  
SHEET  
02 OF 02

C8-2017-0306.0A



# City of Austin

## Aviation Department

### Austin-Bergstrom International Airport

3600 Presidential Blvd., Ste. 411, Austin, Texas 78719

512/530-5543 Fax: 512/530-6630

Exhibit E

FROM: Jennifer Williams, Airport Planning and Development Supervisor  
City of Austin - Aviation Department

DATE: April 30, 2019

SUBJECT: Case No. C14-2019-0029  
1501 Airport Commerce Dr.  
Austin, TX 78741

The Department of Aviation staff has completed a preliminary review for the rezoning of 1501 Airport Commerce Dr., case number C14-2019-0029. This purpose of this review is to determine the restrictions that may occur due to airport hazard and compatible land use regulations.

The project site does exist within the boundaries of the Controlled Compatible Land Use Area (CCLUA) and **within the AO-3** and must adhere to the City of Austin's Land Development Code, Chapter 25-13 Airport Hazard and Compatible Land Use Regulations. Residential development within the AO-3 must meet the criteria outlined in section 25-13-45. The address 1501 Airport Commerce Dr. does not have a recorded plat before Aug 20<sup>th</sup>, 2001, it is not part of a MUD, and is not located in an approved neighborhood plan that identifies it as residential prior to Dec. 31<sup>st</sup>, 2001. Due to this, **residential use for this property is prohibited**. This site was identified in the Montopolis Neighborhood Plan as commercial use, which is a compatible use within the AO-3.

The proposed project site is at an elevation of approximately 491 feet Mean Sea Level (MSL) at its highest point and is located under the Federal Aviation Administration's (FAA) Part 77 imaginary Horizontal Surface for runway 17R-35L. As such, the maximum height of a structure (including any structures on top of a roof such as radio frequency antennas, HVAC systems) that could be built within this area is approximately 200 feet above ground level (691' MSL). Any construction or alteration exceeding 200 ft. above ground level would require the submittal of FAA 7460 form for FAA review.

Hazards to airport operations include any land use, structure, or object of natural growth located within the CCLUA that exceeds height limitations, creates electronic interference with aircraft navigation or radio communications, inhibits a pilot's ability to distinguish airport lighting from other lighting, results in glare in the eyes of a pilot, impairs visibility in the vicinity of the airport, creates a wildlife hazard (i.e., bird attractants), or otherwise endangers or interferes with the landing, taking off, or maneuvering of aircraft is prohibited.

Should you have any questions or require additional information, feel free to contact me.

Sincerely,

Joseph Mercer  
Engineering Technician  
Austin-Bergstrom International Airport  
2716 Spirit of Texas Dr.  
Austin, Texas 78719-2353  
Office: 512-530-6622

## Montopolis Neighborhood Plan Contact Team

To: Jesse Guitierrez, Senior Planner, Planning & Zoning Department  
From: Montopolis Neighborhood Plan Contact Team, Susana Almanza-President  
Date: April 17, 2019  
Subject: NPA #2018-0005.01 – 1501 Airport Commerce

The Montopolis Neighborhood Plan Contact Team (MNPCT) met with representative Amanda Swor, agent for the property located at 1501 Airport Commerce on February 25<sup>th</sup>. The MNPCT reviewed the zoning request for 1501 Airport Commerce from CS-CO-NP to CS-MU-CO. After over a month of discussion the MNPCT endorses the zoning request for the project with the agreement that approximately 18 units at the 60% affordability level will be made available through this project development.

Thank you,

Susana Almanza, President MNPCT

Email: [poder.austin@gmail.com](mailto:poder.austin@gmail.com)



# DRENNER GROUP

July 24, 2019

Jennifer Williams  
Airport Planning and Development  
Supervisor City of Austin – Aviation  
Department

Dear Ms. Williams:

Thank you for our meeting. As discussed, please see our questions below:

1. What are the specific restrictions on residential development in the A03 areas in the FAA grant documents (copies please)?

#### Grant Assurance 21 Compatible Land Use-

Under this Assurance, the City airport sponsor must, to the extent reasonable, restrict land uses near the airport to those that are compatible with airport operations.

The FAA's Compliance Manual addresses this issue in relevant part:

In reviewing the reasonableness of airport access restrictions, the FAA must consider whether the sponsor has fulfilled its responsibilities regarding compatible land use under Grant Assurance 21, *Compatible Land Use*. ***Airport sponsors are obligated to take appropriate action, including the adoption of zoning laws, to the extent reasonable to restrict the use of land next to or near the airport to uses that are compatible with normal airport operations.*** Local land use planning, as a method of determining appropriate (and inappropriate) use of properties around airports, should be an integral part of the land use policy and regulatory tools used by state and local land use planning agencies. Very often, such land use planning coordination is hampered by the fact that an airport can be surrounded by multiple individual local governmental jurisdictions, each with its own planning process. Some airport authorities have the authority to control land use, but many do not. If the airport sponsor does not have authority to control local land use, FAA will not hold the actions of independent land use authorities against the airport sponsor. ***However, FAA expects the airport sponsor to take reasonable actions to encourage independent land use authorities to make land use decisions that are compatible with aircraft operations. The airport sponsor should be proactive in opposing planning and proposals by independent authorities to permit development of new noncompatible land uses around the airport.*** (Emphasis Added).

Therefore, on August 9, 2001, the Austin City Council adopted Ordinance No. 010809-78, amending Title 25 of the Austin City Code to add new Chapter 25-13 (Airport Hazard and Land Use Regulations), to establish buffer zones, known as airport overlay zones, within the controlled compatible land use area near Austin-Bergstrom International Airport (AUS). As part of this new chapter Airport Overlay Zone AO-3 was created to:

- Prevent the introduction of new non-compatible residential and school uses in and around high noise areas near the Airport, and recommendation of the FAA ABIA Noise Mitigation Part 150 Study of 2000 account for future noise impacted areas.
- Protect the necessary future growth of the Airport with the potential expansion of the AO-2 due to the growth of airport operations and larger aircraft in the future.

On or about August 14, 2007, the Airport submitted its noise compatibility planning study to the FAA for approval under the provisions of 49 U.S.C. (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act") and 14 CFR Part 150. This study expressly included the restrictions on residential development in the A03.

On or about December 7, 2007, the FAA approved the Airport's noise compatibility planning study including the subject overlays.

2. If development of residential uses in the A03 areas is prohibited in the FAA grant documents, why were exceptions allowed for residential development in the A03 areas in the current Land Development Code?

When drafting the ordinance in 2001, the Aviation Department worked with the surrounding property owners impacted by the Airport Hazard and Land Use Regulation Ordinance and created the AO3 buffer zone to address most of the concerns of the surrounding owners and neighborhoods, while still preventing new non-compatible noise sensitive land uses near the airport. Section 25-13-45 provide the exceptions.

Most recently, on July 23<sup>rd</sup> the Planning Zoning Commission directed staff to update the Ordinance and initiate an amendment to Title 25 of the City Code regarding prohibiting future residential uses in the Montopolis NP covered by the AO3 Zone.

3. Given that the Aviation Department does not object to hotel use in the A03 areas, why does the Aviation Department conclude that MF development with noise reduction safeguards is not an appropriate use in those A03 areas? (Note: hotels are used for extended stays).

Hotels are a commercial activity. MF development is a residential dwelling use where prolonged exposure to aircraft noise and other commercial activity is incompatible with a residential environment.

4. Given that (a) FAA regulations indicate that residential uses in areas with less than 65 decibel levels are compatible with airport uses and (b) the site of this proposed development currently experiences noise levels of below 65 decibels, why does the Aviation Department oppose this residential development?

Note the following:

"Compatible Land Use. Per 14 CFR § 150.7, the use of land that is normally compatible with the outdoor noise environment (or an adequately attenuated noise level reduction for any indoor activities involved) at the location because the yearly day-night average sound level is at or below that identified for that or similar use under appendix A (Table I) of 14 CFR part 150."

The referenced Code of Federal Regulations Table I lists Multifamily as permitted use for zones below 65 YDNL (pg. 631 (pg. 11 of the PDF)).

Please see the response to Question No. 1 which is incorporated in response to this question. By the year 2037, AUS forecasts an annual aircraft operation increase of 296,428 aircrafts, in comparison to the annual aircraft operations count of 210,080 in the year 2018. Furthermore, AUS forecasts that our annual passenger count will grow between 27 to 30 million passengers in year 2037, compared to the annual passenger count of 15.8 million in 2018.

In 2014, the City of Austin's Department of Aviation and the Office of Real Estate Services, in concert with the Federal Aviation Administration (FAA), collectively completed the Airport Noise Mitigation Program, a 13 year long program

That relocated 429 families, 1,088 people, 14 businesses, and 4 schools to locations outside of the high noise-impacted areas surrounding AUS. FAA grants awarded to the Airport provided 75% of the funding for the Program. The total cost of the program was over \$99 million which includes the school relocations.

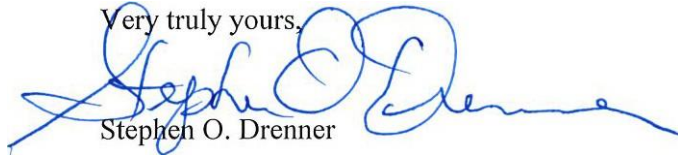
AUS is the airport of choice for Central Texas, and a responsible steward to our citizens, AUS strives to carefully balance and sustain developmental conditions that foster a safe environment for residents, and to meet the rapidly growing demand of air travel services to the greater Austin area.

The AO-3 allows and protects the airport to grow, and gives some predictably to the residents of the future noise impacted areas that surround AUS.

5. Given that residential development on the City's property in the A03 areas is allowed (i.e., ERC zoning) and not opposed by the Aviation Department, why does the Aviation Department oppose this residential development?

The Aviation Department opposes airport noise sensitive land uses and any additional residential units within the AO-3 as is consistent with the Airport Noise Compatibility Program. Please see the response to Question No. 1 which is incorporated in response to this question.

Very truly yours,



Stephen O. Drenner

cc: Derick  
Craig Jeff  
Howard  
Jerry  
Rusthoven

September 19, 2019

Mr. John Cutrer  
Chief Investment Officer  
CityStreet Residential Partners  
1300 Post Oak Blvd, Suite 1650  
Houston, Texas 77056

**Re: Acoustical Consulting Services  
Multifamily Development Near Austin-Bergstrom International Airport  
Austin, Texas**

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## **Letter Report – September 19, 2019**

CityStreet Residential Partners (CSRP) has asked SLR International Corporation (SLR) to provide acoustical analysis concerning environmental noise impacts at a multifamily development site near Austin-Bergstrom International Airport (ABIA).

In June/July 2019, SLR conducted an Environmental Noise Survey at the site on behalf W2 Real Estate Partners (W2). Sound levels were monitored for a three-day period at three positions at or immediately adjacent to the site. CSRP has requested this updated analysis of the data from that survey, with the goal of characterizing the aircraft noise and the overall environmental noise conditions, as relevant to multifamily residential use of the site.

The day-night equivalent (DNL or  $L_{dn}$ ) sound levels monitored at three locations from June 29 through July 1 ranged from 64.0 to 71.6 dBA  $L_{dn}$ . The higher levels occurred at the monitor closest to highways US Route 183 and Texas State Highway 71. Observations at the site indicated that the aircraft noise was secondary to the traffic noise contribution. The data and audio recordings were examined in detail, and the results support that observation. **Attachment A** gives more details about the sound isolation attempts.

Microphones and sound level meters capture the combined contributions from all of the sound sources that reach them. SLR attempted to isolate or quantify the airport noise from the July data. However, in this case, and at this location, the contributions from aircraft operations were simply not loud enough to allow them to be clearly separated or quantified from the competing environmental sources.

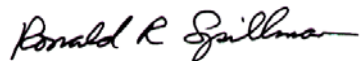
The current ABIA noise contour shows this site to be over 1,000 feet outside of the 65 dBA  $L_{dn}$  contour line. Using a rough but conservative extrapolation, we would expect aircraft contributions to be on the order of 60 dBA  $L_{dn}$  at the development site. This fits with the observed sound level range from 64.0 to 71.6 dBA, and it supports the evaluation that airport operations are secondary noise sources at the site.



The sound levels monitored at the site are not unusual for an urban area, and are certainly compatible with multifamily residential development using common construction materials and methods. The architectural plans should be reviewed by an acoustical consultant to make sure that noise-sensitive elements such as glazing and exterior doors are satisfactory to meet the conditions, but no unusual or extreme treatments will be needed.

This concludes our currently authorized study.

**SLR International Corporation**



Ronald R. Spillman, P.E.  
Principal



Sam Jamison  
Staff Consultant

Attachment A – Sound level isolation attempt

## Attachment A: Sound level isolation attempt

CSRP asked SLR to attempt to separate and quantify noise contributions from aircraft operations received at the development site, based on data collected during a previous monitoring survey.

Measurement microphones gather sounds from all sources that impinge on them, but in many cases it is possible to successfully separate and quantify various contributors based on qualities such as frequency differences, variations with time, and even audible cues. The greater the difference in spectral content or temporal variation, the better the quality of separation.

In this case, it was not possible to clearly isolate or quantify aircraft contributions from the collected data. The airplane sound spectra were not sufficiently different from the traffic spectra, there was not a clear change in sound levels with time that could be attributed to aircraft, and planes were not clearly audible (on the audio recordings) over the fairly constant highway traffic.

As noted in our letter report, SLR's June/July 2019 sound survey for W2 Real Estate Partners was conducted over a three day period, with monitors at three locations on or next to the development site. See **Figure 1** for an aerial view of the site and the measurement locations used for the environmental survey.

For the attempt to separate sources, we focused on Measurement Location 3 (ML3) from the W2 study. This position was used because it was physically the farthest from SH 71, and should therefore receive a bit less traffic influence. **Table 1** shows the sound levels for the third monitoring day, with ML3 highlighted. The daytime ( $L_d$ ) and nighttime ( $L_n$ ) averages are shown, as well as the day-night equivalent levels ( $L_{dn}$ ). The  $L_{dn}$  is a 24-hour logarithmic average with a 10 dBA penalty added to nighttime levels (10pm-7am).

**Table 1 – Measured Ambient Sound Levels on Day 3 – Monday, July 1**  
(midnight to midnight)

Measurement Location	Daytime Level ( $L_d$ , dBA)	Nighttime Level ( $L_n$ , dBA)	Day-Night Equivalent Level ( $L_{dn}$ , dBA)
1	62.0	58.8	65.8
2	67.3	64.7	71.6
3	60.0	57.5	64.4

**Figure 2** shows the 1-minute  $L_{eq}$  sound levels (in blue) versus time for the entire three-day survey at ML3. The data from the daytime on the third day of monitoring (July 1) had somewhat less wind or rain influence, so it was analyzed more closely to see if aircraft sounds could be isolated. **Figure 3** shows the zoomed-in portion of the data for ML3 on July 1. Notice that there is only a 10-dBA span on the y-axis. There was relatively little variation from minute-to-minute, which is typical for busy highway traffic conditions. Presumably, aircraft noise would coincide with peaks on the graph as planes take off or land, but there were only small peaks. Audio recordings were played for the loudest peaks (arbitrarily those over 63 dBA  $L_{eq}$ ) to see if there were audible cues to the responsible noise source(s). The audible sources are annotated at the top of **Figure 3**, but there was only one instance where a jet (or jets) appeared to have flown quickly over the monitoring site. The other small noise excursions were clearly audibly attributable to trucks or motorcycles.

Figure 1: Aerial View of Property and Environmental Survey Measurement Locations

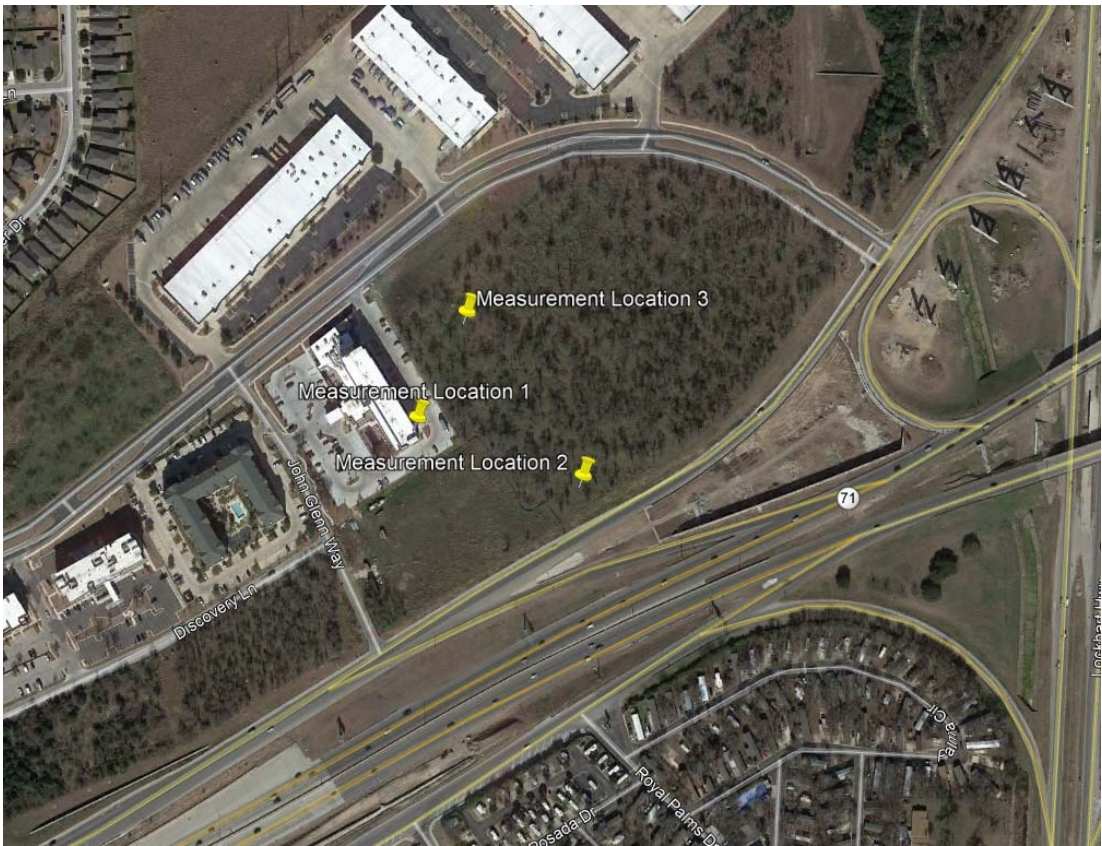


Image courtesy Google Earth

Figure 2: One Minute Average Sound Levels ( $L_{eq}$ ) at Measurement Location 3

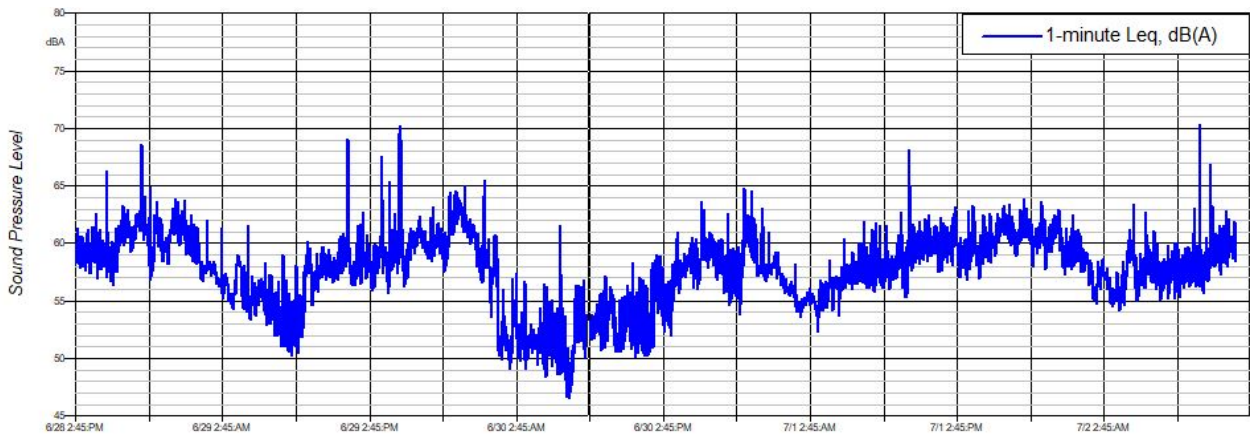


Figure 3: Sound Levels at Measurement Location 3 during Daytime of July 1

