

ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0128 – 4500 East 51st Street

P.C. DATE: November 8, 2011

ADDRESS: 4500 East 51st Street

OWNER: Benjamin P. Rosas

AGENT: McClendon & Associates
Development Consulting
(Carl McClendon)

ZONING FROM: GR-CO-NP

TO: GR-CO-NP, to remove service station from the list of prohibited uses

AREA: 1.491 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay – neighborhood plan (GR-CO-NP) combining district zoning and remove service station from the list of prohibited uses. The remainder of the prohibited uses that apply to this property, including drive-in service as an accessory use to a commercial use, automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), and pawn shop services would remain intact.

PLANNING COMMISSION RECOMMENDATION:

November 8, 2011: *TO DENY STAFF RECOMMENDATION TO REMOVE SERVICE STATION FROM THE LIST OF PROHIBITED USES*

*[S. KIRK; D. ANDERSON – 2ND] (7-0-1) D. TIEMANN, D. CHIMENTI – ABSENT;
J. JACK – ABSTAIN*

ISSUES:

Prior to the Planning Commission meeting, the Applicant's agent met to discuss the rezoning application with members of Pecan Springs – Springdale neighborhood association, residents along Basswood Lane, and with representatives of the East MLK Combined Neighborhood Contact Team.

The Pecan Springs – Springdale Hills Neighborhood Association and the East MLK Combined Neighborhood Contact Team are in opposition to the Applicant's request. Two letters of support from adjacent property owners have also been received. All correspondence, including a project description from the Applicant, is provided at the back of the staff report.

DEPARTMENT COMMENTS:

The subject tract is undeveloped, zoned community commercial – conditional overlay – neighborhood plan (GR-CO-NP), and situated at the intersection of East 51st Street and Springdale Road. Although the zoning map shows that the west property line fronts on Highbury Lane, this is an unbuilt right-of-way at its intersection with East 51st Street. There is an undeveloped triangular-shaped tract adjacent to the north (GR-CO-NP), a pond and undeveloped property across Springdale Road to the east (GR-MU-CO-NP), a church to the southeast (GR-CO-NP) and a retail sales (convenience) use under construction to the south (GR-MU-CO-NP). Single family residences that access Basswood Drive are located to the north and west (SF-2-NP). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to modify the conditional overlay (CO) to remove service station from the list of prohibited uses in order to allow for the property to be developed with food sales, retail and service station uses. The CO that applies to the subject property as well as 11 other tracts in the Pecan Springs – Springdale NPA prohibits auto-related uses, drive-in services, service station and pawn shop services. As shown in the site plan under review, the developable area of the tract is constrained by a 50-foot wide pipeline easement that extends northwest through the East 51st Street / Springdale Road intersection, and moderate to dense vegetation on the western portion.

Staff is able to recommend the Applicant's request to remove service station from the list of prohibited uses based on the following considerations of the property: 1) location at the intersection of two arterial roadways, 2) the pipeline easement and dense vegetation on the north and west sides limit its size and location, 3) the unbuilt Highbury Lane right-of-way restricts access to the Windsor Park Hills subdivision to the north, and 4) the adjacent GR-CO-NP zoned tract that fronts on Springdale Road prohibits service station and thus provides additional buffering from this use to the residential uses to the north.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-CO-NP	Undeveloped
<i>North</i>	GR-CO-NP; SF-2-NP	Undeveloped; Single family residences in the Windsor Park Hill subdivision
<i>South</i>	GR-MU-CO-NP	Under construction for general retail sales (convenience) use; Undeveloped
<i>East</i>	GR-CO-NP; GR-MU-CO-NP	Church; Undeveloped
<i>West</i>	SF-2-NP	Single family residences in the Windsor Park Hill subdivision

NEIGHBORHOOD PLAN AREA: East MLK Combined (Pecan Springs/Springdale)

TIA: Is not required

WATERSHED: Fort Branch**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

60 – Pecan Springs / Springdale Neighborhood Association
 511 – Austin Neighborhoods Council
 686 – East MLK Neighborhood Combined COA Liaison
 742 – Austin Independent School District
 786 – Home Builders Association of Greater Austin 972 – PODER
 981 – Anberly Airport Association 1037 – Homeless Neighborhood Association
 1075 – League of Bicycling Voters 1113 – Austin Parks Foundation
 1097 – Windsor Park – Pecan Springs Heritage Neighborhood Association
 1197 – East MLK Combined Neighborhood Contact Team
 1213 – East MLK Combined Neighborhood Association
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1215 – FRS Property Owners Association 1224 – Austin Monorail Project
 1228 – Sierra Club, Austin Regional Group 1236 – The Real Estate Council of Austin, Inc.
 1258 – Del Valle Community Coalition 1322 – Senate Hills Homeowners Association
 1340 – Austin Heritage Tree Foundation

SCHOOLS:

Pecan Springs Elementary School Pearce Middle School Reagan High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2011-0040 – St. Stephen's Baptist Church – 3103 – 3107 East 51 st Street	SF-3-NP to MF- 2-NP	To Grant	Approved MF-2-NP as Commission recommended (7-28- 11).

RELATED CASES:

The Pecan Springs – Springdale Neighborhood Plan rezonings were approved by Council on November 7, 2002 (C14-02-0142.001 – Ordinance No. 021107-Z-12a). The subject property is identified as Tract 20, and was rezoned from GR and MF-2 to GR-CO-NP. The Conditional Overlay that was applied to 12 tracts including the subject rezoning area prohibits drive-in service as an accessory use to a commercial use, and the following uses: automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), service station and pawn shop services. The property is also allowed to be developed as a neighborhood mixed use building special use as set forth in Section 25-2-1502 through

25-2-1504 of the Code. The FLUM designation on this site is Mixed Use, thus a neighborhood plan amendment is not required.

In November 2010, an Alternate Equivalence Compliance Concept Plan was granted for: 1) providing a Core Transit Corridor sidewalk along East 51st Street (7-foot wide sidewalk, 8-foot wide street tree/zone); 2) utilizing the existing 8-foot wide sidewalks on Springdale Road, and providing an 8-foot wide planting area. The land uses shown on the concept plan were food sales, additional lease space and 3 fuel dispensers (CD-2010-0008). It was not recognized at the time that a change to the Conditional Overlay would be necessary. Please refer to Exhibit B.

The rezoning area is presently under review for a final plat known as Springdale @ 51st Street, composed of one lot on 1.491 acres (C8-2011-0004.0A). There is also an administrative site plan in process known as Springdale at 51st Street, for a retail or mixed-use retail/food sales/fuel sales uses totaling 4,000 square feet with 3 fuel dispensers and associated improvements (SP-2011-0093C). Please refer to Exhibits C and D.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
Springdale Road	Varies	41 feet	Arterial	10,650 (TXDOT, 2010)
East 51 st Street	Varies	41 feet	Arterial	7,960 (TXDOT, 2010)

- There are existing sidewalks along Springdale Road. There are no existing sidewalks along East 51st Street.
- 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:

Street Name	Existing Bicycle Facilities	Recommended Bicycle Facilities
Springdale Road	Shared Lane	Bike Lane
East 51 st Street	Shared Lane	Bike Lane (Super Route)

- Capital Metro bus service (route no. 300) is available along Springdale Road.

CITY COUNCIL DATE: December 8, 2011

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

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

PHONE: 974-7719

McClendon & Associates
Development Consulting

October 25, 2010

Ms. Nikki Hoelter, Site Plan Case Manager
Department of Planning and Development
505 Barton Springs Road
Austin, Tx. 78704

Re: Update #2 to Application for Formal Decision for Alternative Equivalent Compliance for
5100 Springdale Road

Ms. Hoelter:

Thank you for meeting with me, George Zapalac, and Sangeeta Jain, on September 16th. As was requested, the application is being updated to reflect existing conditions along Springdale Rd. and E. 51st Street. The following update letter accompanies an application for formal decision for alternative equivalent compliance from Subchapter E: Design Standards and Mixed Use. A dimensioned and scaled concept plan, which includes proposed building location, parking, existing trees, topography, and utility easements, was provided with the original submittal. An updated concept plan, based upon further field verification and additional staff comments, is included with this submittal.

Site Description

The proposed site is approximately 1.438 acres located at 5100 Springdale Road, the intersection of Springdale Rd. and E. 51st Street. Both adjoining streets are designated as urban roadways. The site is currently zoned GR-CO-NP (General Retail-Conditional Overlay- Neighborhood Plan), and is undeveloped but has an existing 50' wide underground gas pipeline easement which diagonally traverses the site from the southeast corner of the site to the north property line. There are significant stands of existing trees, as reflected by the tree survey, (attached) located along the west portion of the site and along the north property line. In addition, there is a significant stand of trees within the street right-of-way, (not shown) abutting E. 51st Street. The proposed building and parking have been located to avoid the underground gas pipeline easement and the existing tree stands. Overhead electric utility lines are also reflected on the concept plan.

There are existing 8' wide sidewalks, recently constructed by the City of Austin along the west side of Springdale Rd., and shown on the concept plan with the previous submittal. There are no existing sidewalks abutting the subject property along E. 51st Street.

McClendon & Associates
4808 Canyonwood Dr.
Austin, Tx. 78735

Phone: 512 363 8676
Fax: 512 382 1017
e-mail: carlmcclendon@austin.rr.com

EXHIBIT B

October 25, 2010

Application for Formal Decision for Alternative Equivalent Compliance
5100 Springdale Road

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Alternative Equivalent Compliance

A request for formal decision for Alternative Equivalent Compliance is requested from Sec. 2.2.3.D.1, Building Placement, which requires the building to be located along the clear zone or supplemental zone of the principal roadway, Springdale Road. The proposed standard for building placement cannot be met, in this case, because of the proximity of the 50' wide underground gas pipeline easement in relation to the clear zone along Springdale Road.

Sec. 1.5.4 states that alternative equivalent compliance may be approved if the alternative achieves the intent of the subject Article to the maximum extent practicable and is necessary because of physical characteristics unique to the site. In this case, the existing underground gas pipeline easement, and the existing trees and topography, are unique characteristics of the site which make strict compliance with the subject standard impracticable or unreasonable.

Springdale Rd.

Springdale Rd is an urban roadway, however, the applicant proposes to apply core transit corridor landscaping requirements along the frontage of Springdale Rd. Strict application of the building placement standards would:

- result in an irregularly shaped and configured building if placed adjacent to the clear zone,
- create a non-complying driveway with respect to the driveway setback requirements to the intersection of Springdale Rd/E. 51st St., and
- locate parking either not in compliance with the design standards (within 150 feet of the intersection of Springdale Rd/E. 51st St), or that is remotely located from the building and not practical for the site.

In lieu of building placement requirements along Springdale Rd., the applicant is proposing to locate Class I trees at spacing intervals not exceeding an average of 30 feet along Springdale Rd. In addition, landscape screening, in accordance with LDC 25-2-1006, is proposed to buffer the building, parking, and drive areas to a greater extent than required by code. Screening is more specifically shown on the attached concept plan. The existing 8' wide sidewalks along Springdale Rd. would remain as recently constructed, and an 8' wide landscape area/clear zone will be maintained from the outside edge of the existing sidewalk as shown on the concept plan. On-site, a 6' wide pedestrian walkway will connect the building use to the public sidewalks along Springdale Rd.

E. 51st Street

E. 51st Street is classified as an urban roadway. Building placement standards, could apply to this roadway in lieu of Springdale Rd, resulting in the building being moved up to the clear zone.

McClendon & Associates
4808 Canyonwood Dr.
Austin, Tx. 78735

Phone: 512 363 8676
Fax: 512 382 1017
e-mail: carlmcclendon@austin.rr.com

October 25, 2010

Application for Formal Decision for Alternative Equivalent Compliance

5100 Springdale Road

Page 3

An alternative to strict compliance with these requirements, however, is requested in an effort to meet the intent of the subject article because:

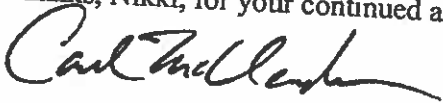
- Relocating the building to the clear zone along E. 51st St. and shifting the parking and fuel service islands to the opposite (north) side of the building would adversely impact the existing single family residential homes with light, noise, and fumes from the subject use, even though the site will fully comply with compatibility standards.

The proposed alternative will meet the intent of the subject Article by providing a 5' wide shaded connecting pedestrian walkway from the building entrance to the public sidewalks within the right-of-way along E. 51st St. In addition, the applicant proposes to construct 7' wide sidewalks and an 8' wide street tree/clear zone along E. 51st Street. The applicant is proposing to locate Class I trees at spacing intervals not exceeding an average of 30 feet along E. 51st Street, or provide utility compatible shade trees where there are conflicts with overhead utilities.

NOTE: The site is not subject to Sec. 2.3 of Subchapter E, Connectivity, because the site is only 1.43 acres in size (less than 3 acres net site area) and there is no parking between the building and the principal street (Springdale Rd).

Please contact me at 512-363-8676 if you have any questions.

Thanks, Nikki, for your continued and helpful assistance with this project.



Carl McClendon, AICP



City of Austin

Founded by Congress, Republic of Texas, 1839
Watershed Protection and Development Review Department
One Texas Center, 505 Barton Springs Road
P.O. Box 1088, Austin, Texas 78767

Alternative Equivalence Compliance Concept Plan
For: 5100 Springdale Road

CD-2010-0008

November 9, 2010

Case Reviewer: Nikki Hoelter

974-2863

The City of Austin's findings for the requested Alternative Equivalence Compliance Concept Plan is as follows:

1.) Section 2.2.3.D.1 - Building Placement

A.) Sidewalks:

(1). Physical characteristics unique to the subject site make strict compliance with this section impracticable. The proposed alternative of complying with Core Transit Corridor sidewalks along E. 51st Street, specifically constructing a 7 foot sidewalk at the back of curb and then providing an 8 foot wide street tree/zone, meets the intent of this section.

Springdale Road will meet a similar alternative plan, however utilizing the existing sidewalk, and then providing an 8 foot planting area which will extend onto private property.

Both streets are Urban Roadways and this alternative meets the intent of this section to placing the building up to the clear zone.

Trees within the street tree zone and planting zone along both streets will be at spacing intervals not exceeding an average of 30 foot on center.

B.) Building Placement: Physical characteristics unique to the site, in this case, a 50 foot underground gas pipeline easement and abundance of existing trees make strict compliance with this section impracticable. The proposed alternative of providing Core Transit Corridor sidewalks along 51st Street meets the intent.

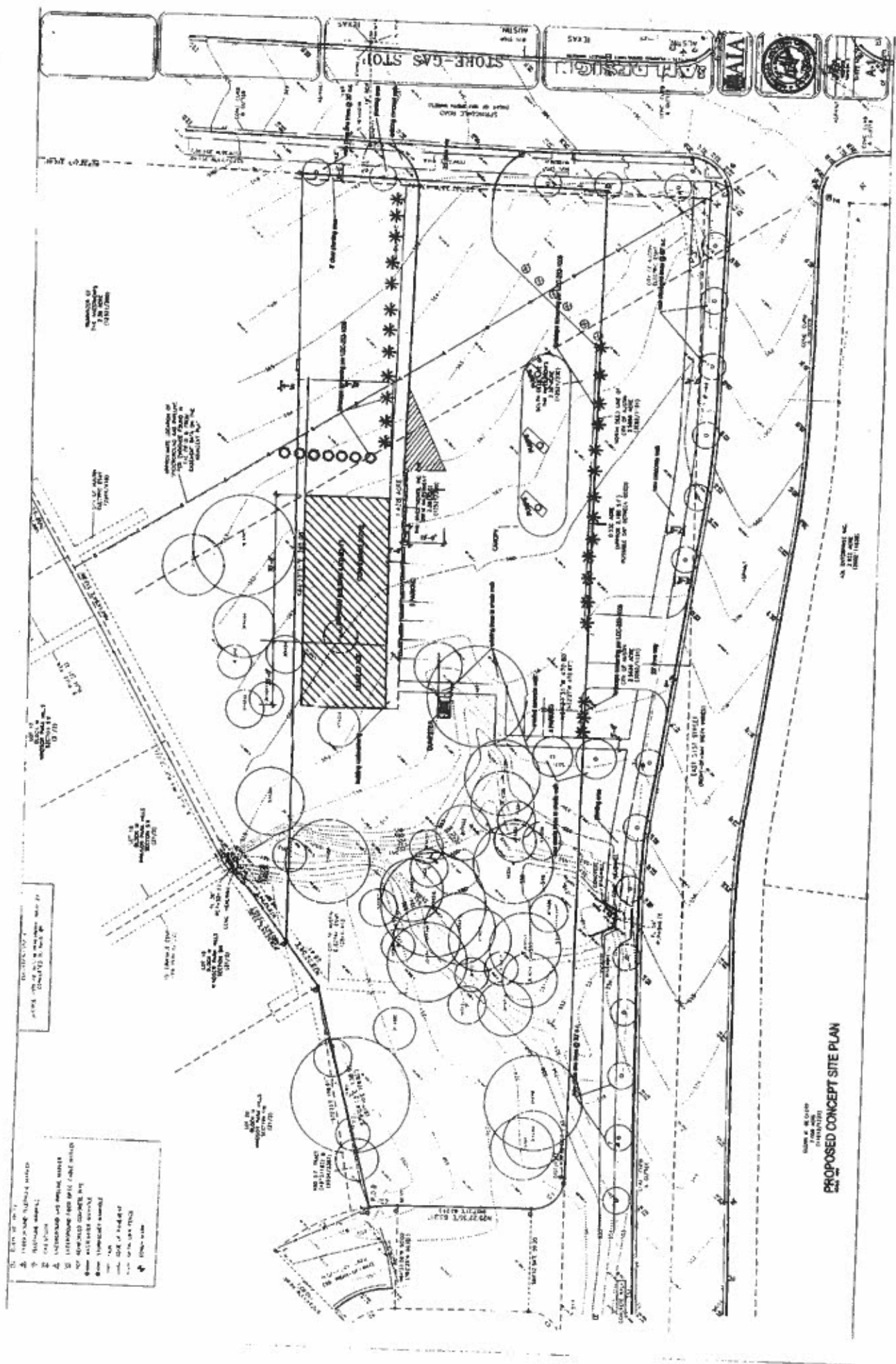
Please let me know if you have additional questions or concerns.

If you have any questions about this determination, please call Nikki Hoelter, at 974-2863.

Nikki Hoelter

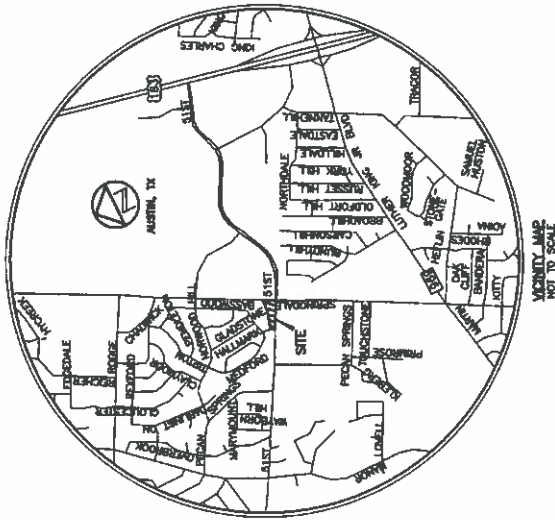
Planner Senior

Planning and Development Review Department



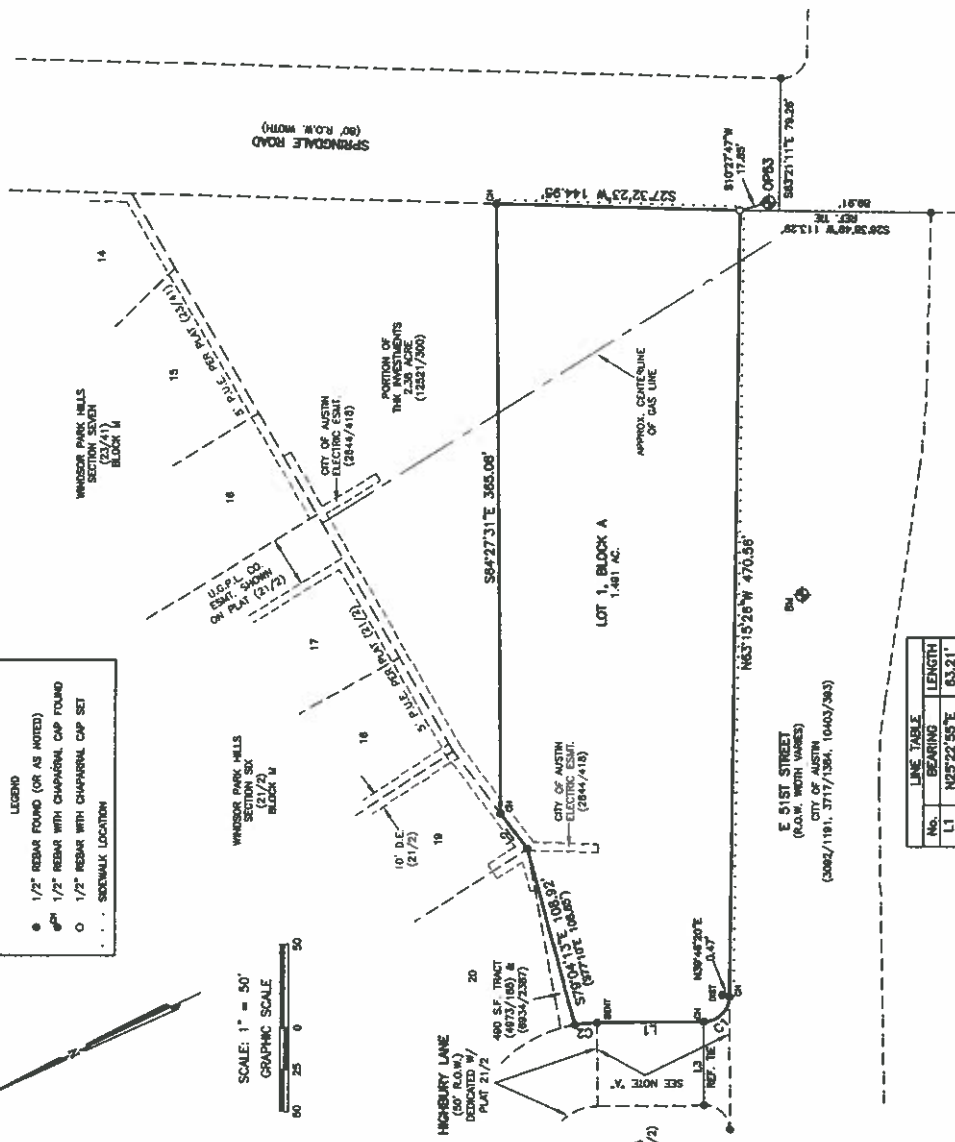
Approved UPDATE #2
 Conceptual plan associated w/CD-2010-0008

SPRINGDALE AT 51ST



- LEGEND**
- 1/2" REBAR FOUND (OR AS NOTED)
 - 1/2" REBAR WITH CHAPARRAL CAP FOUND
 - 1/2" REBAR WITH CHAPARRAL CAP SET
 - ... SIDEWALK LOCATION

SCALE: 1" = 50'
GRAPHIC SCALE



LINE TABLE

NO.	BEARING	LENGTH
L1	N29°22'55"E	63.31'
L2	N78°02'54"E	26.41'
L3	N65°12'54"W	50.00'

CURVE TABLE

NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING	RECORD
C1	90°37'58"	15.00'	15.17'	23.73'	21.33'	N16°35'08"W	(N17°39'21.33")
C2	8°32'10"	79.90'	6.86'	13.30'	13.28'	N29°41'01"E	(N22°47'13.31")

BENCHMARK
OUT SQUARE ON TOP OF CURB, LOCATED + OR - 20.00' WEST OF THE CENTERLINE OF THE INTERSECTION OF EAST 51st STREET AND HIGHWAY 181. ELEVATION - 664.14.
SOURCE: CITY OF AUSTIN BENCHMARK MWD 20 CONVERTED TO MWD 85.

OPNS DATA
THIS IS A SURFACE DRAWING AFFRORD TO CHAPARRAL CONTROL POINT "PST", 4" ALUMINUM LOOK SET IN CONCRETE.
TEXAS CENTRAL ZONE STATE PLANE COORDINATES
NAD 83
E 31.54588.31
1983/85 HARN FROM OP-U.S. SOLUTIONS. (BEARING BASED FOR THIS PROJECT).

NOTE "A":
SHOWN AS POSSIBLE EXTENSION OF HIGHWAY DRIVE CHAPARRAL CONTROL POINT "PST", 4" ALUMINUM LOOK SET IN CONCRETE.
FORMAL DEDICATION OF THIS PORTION OF HIGHWAY DRIVE TO AUSTIN DEVELOPMENT CO., LTD. IN VOLUME 2468, PAGE 532, TRAVIS CO. DEED RECORDS.

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 COMPLETS 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 UNDER MY SUPERVISION, MADE ON THE GROUND JUNE 1, 2004, UPDATED OCTOBER, 2010.

Robert C. Watts, Jr.
1-14-11



SURVEYING BY:
CHAPARRAL PROFESSIONAL LAND SURVEYING, INC.
3500 MCZALL LANE
AUSTIN, TEXAS 78744
(512) 443-1724

ENGINEER'S CERTIFICATION

I, GEORGE A. GONZALEZ, JR., 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 COMPLETS WITH THE ENGINEERING AND DESIGN 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 BASIN(S) SHOWN HEREON. NO PORTION OF THIS TRACT IS WITHIN THE 100 YEAR FLOOD PLAIN. THE FLOOD PLAIN INFORMATION IS BASED ON THE FLOOD PLAIN MAP(S) OF THE AUSTIN AREA, TEXAS, AND INCORPORATED AREAS.



ENGINEERING BY:
GONZALEZ, J. ENGINEERING COMPANY
3500 JONES ROAD, SUITE E
AUSTIN, TEXAS 78748-2844
(512) 899-2348 OFFICE
(512) 899-2303 FAX

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724

PROJECT NO.: 530-001
DRAWING NO.: 530-001-PL1
PLOT DATE: 01/14/11
PLOT SCALE: 1"=50'
DRAWN BY: RCW
SHEET 01 OF 02

CB-XX-XXXXXXX

EXHIBIT C
SUBDIVISION IN PROCESS

PROPOSED PARKING TABLE			
TYPE	AREA (SQ. FT.)	RATIO	MAX. PROPOSED SPACES
STREET PARKING	1,500	1:10	15
LOT PARKING	1,500	1:10	15
TOTAL	3,000	1:10	30

BUILDING HEIGHT		
ZONING	Allowed	Proposed
GR-CO-UP	30 FT	18 FT

FLOOR AREA RATIO (F.A.R.)		
Total Lot Area	Total Building Area	Allowed
11,438 Acres	4,000.0 Sq. Ft.	0.35

PROPOSED IMPERVIOUS COVERAGE			
Lot Area	Zoning	Proposed	Allowed
11,438 Acres	GR-CO-UP	4,000.0 Sq. Ft.	1,311
Proposed Building		1,311.0 Sq. Ft.	1,311
Concrete Driveway		19,388.0 Sq. Ft.	30,025
Concrete Driveway and Parking Lot		21,699.0 Sq. Ft.	30,025
TOTAL COVERAGE		90% (64,382.0 Sq. Ft.)	
MAX. ALLOWED		38.11%	

NO.	DATE	BY	REVISION
1	10/1/14	W.A.	1.0
2	10/1/14	W.A.	1.1
3	10/1/14	W.A.	1.2
4	10/1/14	W.A.	1.3
5	10/1/14	W.A.	1.4
6	10/1/14	W.A.	1.5
7	10/1/14	W.A.	1.6
8	10/1/14	W.A.	1.7
9	10/1/14	W.A.	1.8
10	10/1/14	W.A.	1.9
11	10/1/14	W.A.	2.0
12	10/1/14	W.A.	2.1
13	10/1/14	W.A.	2.2
14	10/1/14	W.A.	2.3
15	10/1/14	W.A.	2.4
16	10/1/14	W.A.	2.5
17	10/1/14	W.A.	2.6
18	10/1/14	W.A.	2.7
19	10/1/14	W.A.	2.8
20	10/1/14	W.A.	2.9
21	10/1/14	W.A.	3.0
22	10/1/14	W.A.	3.1
23	10/1/14	W.A.	3.2
24	10/1/14	W.A.	3.3
25	10/1/14	W.A.	3.4
26	10/1/14	W.A.	3.5
27	10/1/14	W.A.	3.6
28	10/1/14	W.A.	3.7
29	10/1/14	W.A.	3.8
30	10/1/14	W.A.	3.9
31	10/1/14	W.A.	4.0
32	10/1/14	W.A.	4.1
33	10/1/14	W.A.	4.2
34	10/1/14	W.A.	4.3
35	10/1/14	W.A.	4.4
36	10/1/14	W.A.	4.5
37	10/1/14	W.A.	4.6
38	10/1/14	W.A.	4.7
39	10/1/14	W.A.	4.8
40	10/1/14	W.A.	4.9
41	10/1/14	W.A.	5.0
42	10/1/14	W.A.	5.1
43	10/1/14	W.A.	5.2
44	10/1/14	W.A.	5.3
45	10/1/14	W.A.	5.4
46	10/1/14	W.A.	5.5
47	10/1/14	W.A.	5.6
48	10/1/14	W.A.	5.7
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57	10/1/14	W.A.	6.6
58	10/1/14	W.A.	6.7
59	10/1/14	W.A.	6.8
60	10/1/14	W.A.	6.9
61	10/1/14	W.A.	7.0
62	10/1/14	W.A.	7.1
63	10/1/14	W.A.	7.2
64	10/1/14	W.A.	7.3
65	10/1/14	W.A.	7.4
66	10/1/14	W.A.	7.5
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68	10/1/14	W.A.	7.7
69	10/1/14	W.A.	7.8
70	10/1/14	W.A.	7.9
71	10/1/14	W.A.	8.0
72	10/1/14	W.A.	8.1
73	10/1/14	W.A.	8.2
74	10/1/14	W.A.	8.3
75	10/1/14	W.A.	8.4
76	10/1/14	W.A.	8.5
77	10/1/14	W.A.	8.6
78	10/1/14	W.A.	8.7
79	10/1/14	W.A.	8.8
80	10/1/14	W.A.	8.9
81	10/1/14	W.A.	9.0
82	10/1/14	W.A.	9.1
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91	10/1/14	W.A.	10.0
92	10/1/14	W.A.	10.1
93	10/1/14	W.A.	10.2
94	10/1/14	W.A.	10.3
95	10/1/14	W.A.	10.4
96	10/1/14	W.A.	10.5
97	10/1/14	W.A.	10.6
98	10/1/14	W.A.	10.7
99	10/1/14	W.A.	10.8
100	10/1/14	W.A.	10.9
101	10/1/14	W.A.	11.0
102	10/1/14	W.A.	11.1
103	10/1/14	W.A.	11.2
104	10/1/14	W.A.	11.3
105	10/1/14	W.A.	11.4
106	10/1/14	W.A.	11.5
107	10/1/14	W.A.	11.6
108	10/1/14	W.A.	11.7
109	10/1/14	W.A.	11.8
110	10/1/14	W.A.	11.9
111	10/1/14	W.A.	12.0
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271	10/1/14	W.A.	28.0
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SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay – neighborhood plan (GR-CO-NP) combining district zoning and remove service station from the list of prohibited uses. The remainder of the prohibited uses that apply to this property, including drive-in service as an accessory use to a commercial use, automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), and pawn shop services would remain intact.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The purpose statement per the City of Austin Land Development Code states: “The proposed GR, community commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways.”

The property is located at the intersection of East 51st Street and Springdale Road, which are both arterial roadways.

- 2. Zoning changes should promote compatibility with adjacent and nearby uses.*

Staff is able to recommend the Applicant’s request to remove service station from the list of prohibited uses based on the following considerations of the property: 1) location at the intersection of two arterial roadways, 2) the pipeline easement and dense vegetation on the north and west sides limit its size and location, 3) the unbuilt Highbury Lane right-of-way restricts access to the Windsor Park Hills subdivision to the north, and 4) the adjacent GR-CO-NP zoned tract that fronts on Springdale Road prohibits service station and thus provides additional buffering from this use to the residential uses to the north.

EXISTING CONDITIONS**Site Characteristics**

The rezoning area is undeveloped, with areas of moderate to dense vegetation and gently rolling topography.

Comprehensive Planning

The zoning case is within the boundaries of the E. MLK Combined Neighborhood Plan. The requested zoning change of GR-CO-NP to GR-CO-NP is in accordance with the mixed use land use category identified on the Future Land Use Map.

The subject property is at the northwest corner of the Springdale Road and 51st Street intersection, located in the Marlo Heights area of the Pecan Springs/Springdale Neighborhood Planning Area. This property is specifically mentioned on page 60 of the E. MLK Neighborhood Plan, which states, "The vacant land at the 51st and Springdale Road intersection would be best used as community-oriented mixed use, with Fort Branch Creek serving as a natural transition between residential and commercial uses." Action 21 also recommends to "Allow mixed use/commercial at the intersection of 51st and Manor and 51st and Springdale." Ordinance No. 021107-Z-12a was established to implement the zoning of these recommendations. In this ordinance, the zoning for this tract of land was changed from GR, MF-2 to GR-CO-NP. The conditional overlay on the property prohibits drive-in service as an accessory use to commercial uses, and prohibits automotive rentals, automotive sales, service station, automotive repair services, automotive washing (any type), and pawn shop services. This tract was listed as an area that may be developed as a neighborhood mixed use building special use.

The proposed removal of service stations as a prohibitive use for the conditional overlay is not consistent with the plan's goal for community-oriented mixed use for this area.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district is 90%, based on the more restrictive *zoning* regulations. The impervious cover shown on the site plan in process is 39% percent.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Fort Branch Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

Numerous 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 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.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Transportation

No additional right-of-way is needed at this time.

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].

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. 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

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments have been made through the existing site plan application.

There is a site plan currently under review for this property (SP-2011-0093C) which requests a service station and food sales uses, along with associated parking and drainage facilities.

The site is subject to compatibility standards. Along all property lines adjacent to single family, the following standards will apply with any future development:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

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

4500 E. 51st St. (C14-2011-0128)

Proposal: GR-CO-NP to GR-CO-NP. Amending conditional overlay to remove service station from the list of prohibited uses for subject tract. (Portion of Tract 20 in Pecan Springs-Springdale Combined Neighborhood Plan).

Justification:

The subject tract is currently zoned for general retail uses and is located at the signalized intersection of two major arterial roadways, currently constructed as four-lanes, undivided.

- The approximate distance from the subject tract to the nearest existing service station uses (fuel sales):
 - north – 1.2 miles to the north at the intersection of Manor/Loyola
 - south – 0.6 mile to the intersection of MLK Bv/Springdale Rd.
 - west – 0.6 mile to the intersection of E. 51st St./Manor Rd
 - east – 1.2 miles to the east at the intersection of Ed Bluestein Bv/Loyola Ln.
- There is an existing, approved application (Alternative Equivalent Compliance – Case#CD-2010-0008) which provides for retail uses (including convenience store and lease space) and 3 fuel dispensers as accessory to the convenience store. In addition, Site Plan Case #: SP-2011-0093C was submitted which identifies the proposed development and fuel dispensers. No associated auto washing, sales, repairs, or rentals, or other similarly prohibited uses are included on the site plan or the approved alternative equivalent compliance. The alternative equivalent compliance was granted based upon the following:

Physical features limit and constrain development of the subject tract:

- ✓ 50' wide underground pipeline easement which traverses the tract from the southeast to the northeast and restricts the sizing and placement of commercial buildings on the property
- ✓ Existing drainage feature and dense established trees/vegetation along the western portion of the tract limit the location of buildings, parking, and development of the property

The approved alternative equivalent compliance conditions include upgrading the landscaping, tree plantings, pedestrian access and shading requirements, driveway access, and parking from Urban Roadway to Core Transit Corridor design standards. Approved features include:

- ✓ Upgrade the public sidewalk and pedestrian standards along E. 51st St. to provide 7' wide sidewalks and 8' wide irrigated planting zones
- ✓ Provide upgraded landscaping and Class 1 tree plantings along E. 51st St and Springdale in accordance with Core Transit Core requirements. Trees will be located at 30' centers along the entire roadway frontage of E. 51st St. and Springdale Roads
- ✓ Provide shaded pedestrian access to E. 51st St. from the building entrance to the public sidewalk
- ✓ Limit driveway access to the property to one approach on both, E. 51st St. and Springdale Rd.
- ✓ Restrict or prohibit on-site parking within 100 feet of the corner or intersection of roadways
- ✓ Limit surface parking to 125% of required parking.
- The Pecan Springs-Springdale Neighborhood Plan Combining District currently allows service station use at similarly zoned properties at the intersections of major arterial roadways including: E. 51st/Manor Rd., Manor Rd/Springdale Rd., MLK/Springdale Rd. and Ed Bluestein Bv/MLK Bv.
- Only a portion of the 1.49 acre subject tract abuts two single family lots that front on Basswood Drive. This portion of the subject tract is not proposed to be developed because of the on-site drainage feature and existing trees/vegetation. In addition, there is an irregularly shaped adjacent tract to the north which includes established protected trees, and is subject to 25' compatibility setback standards along the adjoining single family residences fronting Basswood Drive.
- Precedent of this application for service station use at other corners of the intersection – is not likely. The southeast corner was recently developed as a church. The southwest corner has pending application for general retail uses, and the northeast corner has a major drainage feature which collects and conveys stormwater runoff from a large area and channels it into a culvert underneath E. 51st St. to Tannehill Branch. (The elevation of the northeast corner parcel is approx. 6' to 8' below the elevation of the street grade. Access and development of this corner is severely constrained by this drainage feature).

THE WEICHERT LAW FIRM

GEORGE V. BASHAM, III
george@weichertlaw.com

GLENN K. WEICHERT
glenn@weichertlaw.com

DARRYL W. PRUETT
darryl@weichertlaw.com

October 26, 2011

Ms. Wendy Rhoades, Case Manager
Planning and Development Review
City of Austin

Re: Zoning Case # C14-2011-0128 (4500 E. 51st St.)

Dear Ms. Rhoades;

I am the owner of the 2.059 acre parcel (TCAD Tax ID# 02-1521-0126-000) on E. 51st St. across the street from the zoning case tract. I have owned my property for about 30 years, and during that time have conveyed about ½ acre for 51st ROW, paid an engineer to design a water line to be installed during the construction of E. 51st, and several years ago it was zoned GR-MU-CO-NP. The area remains largely undeveloped and infrequently maintained.

I support the proposed rezoning of the 4500 E. 51st St site to allow retail development with fuel sales. The agent for the zoning application contacted me and shared the plans for development of the corner. The plans include additional landscaping and tree plantings along the street which will improve the appearance of the site and area along E. 51st Street. I believe development of the tract is important to the area because it will provide much needed physical improvements and economic activity.


Glenn K. Weichert, Property Owner

-August 25, 2011

City of Austin
Planning and Development Review Dept.

Re: 4500 E. 51st St (northwest corner of Springdale Rd/ E. 51st St)

Ladies and Gentlemen:

As a property owner or resident in the Pecan Springs Neighborhood, I **SUPPORT** a proposal to allow zoning approval to allow a convenience store with fuel sales (service station) at 4500 E. 51st St in accordance with the site plan that has been filed (Case #SP-2011-0093C).

James E Williams

Alice Williams

Name

5213 Basswood

Address



November 1, 2011

McClendon & Associates Development Consulting LLC
Attn: Carl McClendon
4808 Canyonwood Drive
Austin, TX 78735

RE: C-14-2011-0128
4500 E. 51st Street Austin, TX

Dear Carl:

I just wanted to follow up with you to affirm the position of PSSNA regarding the proposed development as identified above.

Please be advised that after careful consideration of your thoughtful presentation at our neighborhood association meeting, we are unable to support your project as is currently envisioned.

There were many things that make this an unattractive development for our neighborhood, the least of which is an additional service station selling gasoline in close proximity to other such establishments. There were also concerns about the hours of operation, traffic patterns, alcohol sales near the three churches on E. 51st street and the lease options for the retail space.

It was felt there are more desirable businesses for that particular parcel of land, given its high visibility and connectivity to our neighborhood. Other such developments would include, but not limited to a family style restaurant, dry cleaners, soup & salad type diner and a fitness center.

I hope this answers your questions, and should you need additional information from me, please do not hesitate to contact me.

By way of this letter, we are putting you on notice that PSSNA will formally oppose this development request before the Planning Commission and City Council, as we do not believe this project supports the vision we have laid out for our neighborhood.



Sincerely,

DeWayne Lofton
President
Pecan Springs/Springdale Hills Neighborhood Association

CC: Wendy Rhoades, COA Case Manager
Dave Sullivan, Planning Commission
Danette Chimenti, Planning Commission
V. Saundra Kirk, Planning Commission
Mandy Dealey, Planning Commission
David Anderson, Planning Commission
Richard Hatifield, Planning Commission
Alfonso Hernandez, Planning Commission
Jean Stevens, Planning Commission
Donna Tiemann, Planning Commission
Lee Leffingwell, Mayor
Sheryl Cole, Mayor Pro-Tem
Chris Riley, Place One
Mike Martinez, Place Two
Kathie Tovo, Place Three
Laura Morrison, Place Four
Bill Spelman, Place Five
Joy Casnovsky, EMLK Combined Contact Team

To: City of Austin Planning Commission
Re: Case C-14-2011-0128
Date: November 6, 2011

On Wednesday November 2, 2011 the East MLK Combined Neighborhood Contact Team held a meeting in which Carl McClendon presented his client's proposal of building a gas station at the northwest corner of 51st and Springdale Streets (4500 E. 51st St.). Currently, the property is zoned as GR-CO-NP but there is a neighborhood Conditional Overlay that prohibits service stations to be constructed on this particular piece of property. Carl McClendon's client wishes to remove service station from the list of prohibited uses of the property.

Prior to the EMLK Combined Neighborhood Contact Team's meeting on November 2nd, Carl McClendon presented to the Pecan Springs-Springdale Neighborhood Association (PSSNA). After that meeting, the Association voted in favor of keeping the Conditional Overlay as is, so as to continue to prohibit a service station to be built at 4500 E. 51st Street.

Upon the conclusion of Mr. McClendon's presentation and feedback from the PPSNA, the East MLK Combined Neighborhood Contact Team voted to keep the Conditional Overlay from allowing service stations on the property for the following reasons:

- (1) The intent of the Conditional Overlay was to prohibit gas stations from being built at the corner of 51st St. and Springdale Rd because there are already many gas stations on neighboring corners. For example:
 - There are 4 gas stations (Shell, Valero, Conoco Phillips, and Double RR Grocery) located .5 miles from the subject property at the intersection of East Martin Luther King Blvd and Springdale Road
 - There is one gas (Conoco Phillips) station at the corner of Manor Road and Loyola Ln., which is 1.3 miles north of the subject property
 - There is one gas station (Citgo) at the corner of Manor Road and 51st Street, which is .6 miles west of the subject property
- (2) By prohibiting gas stations, other mixed use/commercial enterprises could be developed *currently* and *in the future*. The future use of the subject property is very important given that the EMLK Combined Area, including the Pecan Springs neighborhood is undergoing tremendous change. Because gas station conversion/remediation is costly and time consuming, it is very unlikely that the proposed gas station could easily be transformed from a gas station into another business in the coming years to reflect the neighborhood's character and desire. To be more direct—once a gas station, almost always a gas station.
- (3) Additionally, one of the priorities of Pecan Springs Neighborhood Plan specifically states that it "would like more pedestrian-oriented commercial development and fewer auto-related businesses." The gas station does not bring additional needed services or value to the neighborhood.

Please contact us if you have any questions or concerns.

Respectfully submitted,

Joy Casnovsky, East MLK Combined Neighborhood Contact Team Chair
512.589.1090
sovjjoyc@gmail.com