

## SECOND/THIRD READING SUMMARY SHEET

**ZONING CASE NUMBER:** C14-2016-0125 (13007 Cantarra)

**REQUEST:**

Approve second and third readings of an ordinance amending City Code Title 25 by zoning property locally known as 13007 Cantarra Drive from neighborhood commercial-mixed use-conditional overlay combining (LR-MU-CO) district zoning to neighborhood commercial-mixed use-conditional overlay combining (LR-MU-CO) district zoning, with conditions.

The ordinance and public restrictive covenant reflect the City Council's action at 1st reading.

**DISTRICT AREA:** 1

**PROPERTY OWNER:** Unity Five Investment, LLC (Nasruddin Mahesania)

**AGENT:** Alice Glasco Consulting (Alice Glasco)

**DEPARTMENT COMMENTS:**

The property in question is currently undeveloped and sparsely vegetated. The applicant is requesting to rezone the site to remove the current conditional overlay for a 2,000 vehicle trip limit. The applicant is conducting a Transportation Impact Analysis (TIA) because they would like to develop the property with a service station use.

The staff recommends LR-MU-CO zoning for the site under consideration because the property meets the intent of the purpose statement for the LR-MU combining district. The proposed LR-MU-CO zoning would allow for a fair and reasonable use of the site because it will permit the applicant to develop low intensity office and commercial uses fronting an arterial roadway, East Howard Lane. The Neighborhood Commercial District zoning is intended to provide much needed easily accessible/walkable commercial services to the surrounding residentially zoned areas. In addition, the proposed "MU" combining district would permit the applicant to develop office, retail, commercial, and residential uses that could be combined in a single development at this location.

The applicant agrees with the City Council's motion at first reading.

**DATE OF FIRST READING/VOTE:** June 15, 2017

**ACTION:** Approved LR-MU-CO zoning on 1<sup>st</sup> reading with the following additional conditions: 1)Continue to prohibit off-site accessory parking, 2) prohibit drive-in services as an accessory use, 3) require a 25 foot vegetative buffer along the north and west property lines, 4) an 8 foot fence measuring 150 linear feet parallel to the building shall be constructed, 5) limit the building size to 5,000 square feet, 6) fueling stations shall be limited to four (10-1, J. Flannigan-No); O. Houston-1<sup>st</sup>, L. Pool-2<sup>nd</sup>.

**CITY COUNCIL DATE:** August 3, 2017

**CITY COUNCIL ACTION:**

**ASSIGNED STAFF:** Sherri Sirwaitis

**PHONE:** 512-974-3057  
sherri.sirwaitis@austintexas.gov

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2016-0125 (13007 Cantarra)

**Z.A.P. DATE:** April 4, 2017

**ADDRESS:** 13007 Cantarra Drive

**DISTRICT AREA:** 1

**OWNER/APPLICANT:** Unity Five Investment, LLC (Nasruddin Mahesania)

**AGENT:** Alice Glasco Consulting (Alice Glasco)

**ZONING FROM:** LR-MU-CO      **TO:** LR-MU-CO      **AREA:** 2.386 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant LR-MU-CO, Neighborhood Commercial-Mixed Use-Conditional Overlay Combining District, zoning for this property. The conditional overlay will maintain the condition from the current zoning ordinance (Ordinance No. 20150611-0114) to prohibit an off-site accessory parking use on the Property.

In addition, the results of the transportation impact analysis for this site (TIA Memorandum-Attachment A) shall be included in a public restrictive covenant that will be recorded prior to third reading of this case at City Council.

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

4/04/17: Motion to close the public hearing (10-0); J. Duncan-1<sup>st</sup>, A. Aguirre-2<sup>nd</sup>.

Motion to deny the rezoning request made by B. Greenberg, J. Kiolbassa-2<sup>nd</sup>.

Substitute motion to approve the staff's recommendation of LR-MU-CO zoning, with TIA conditions, made by B. Evans-1<sup>st</sup>, S. Lavani-2<sup>nd</sup>.

Vote to accept the substitute motion (6-4, D. King, J. Kiolbassa, Y. Flores and B. Greenberg-No).

Vote to approve the substitute motion for the staff's recommendation of LR-MU-CO zoning, with TIA conditions (5-4-1, D. King, J. Kiolbassa, Y. Flores and B. Greenberg -No, A. Denkler-abstain). Motion failed and case sent forward to City Council without a recommendation.

### **DEPARTMENT COMMENTS:**

The property in question is currently undeveloped and sparsely vegetated. The applicant is requesting to rezone the site to remove the current conditional overlay for a 2,000 vehicle trip limit. The applicant is conducting a Transportation Impact Analysis (TIA) because they would like to develop the property with a service station use.

The staff recommends LR-MU-CO zoning for the site under consideration because the property meets the intent of the purpose statement for the LR-MU combining district. The proposed LR-MU-CO

zoning would allow for a fair and reasonable use of the site because it will permit the applicant to develop low intensity office and commercial uses fronting an arterial roadway, East Howard Lane. The Neighborhood Commercial District zoning is intended to provide much needed easily accessible/walkable commercial services to the surrounding residentially zoned areas. In addition, the proposed "MU" combining district would permit the applicant to develop office, retail, commercial, and residential uses that could be combined in a single development at this location.

The applicant agrees with the staff's recommendation.

### **ISSUES:**

On May 2, 2017, the staff received a petition from adjacent property owners who are opposed to any zoning classification other than the current LR-MU-CO zoning on the site (Please see Petition Submittal - Attachment C). This GIS staff evaluated the petition and found that it is not valid at 0.66 %. The excerpt below is from the City of Austin's Land Development Code and explains when the City Council is subject to the three-fourths vote.

#### *Sec. 25-2-284 REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL.*

- (A) *The affirmative vote of three-fourths of the members of Council is required to approve a proposed **rezoning** if:*
- (1) the Land Use Commission recommends denial of an application to **rezone** property to a planned unit development; or*
  - (2) the proposed **rezoning** is protested in writing by the owners of not less than 20 percent of the area of land:*
    - (a ) included in the proposed change; or*
    - (b) immediately adjoining the area included in the proposed **rezoning** and extending 200 feet from the area.*

### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LR-MU-CO	Undeveloped
<i>North</i>	SF-4A	Single Family Residences (Cantarra Residential Neighborhood)
<i>South</i>	PUD	Single Family Residence, Undeveloped
<i>East</i>	SF-4A	Undeveloped
<i>West</i>	SF-4A, I-SF-4A, County	Single-Family Residence, Automotive Sales (Bocho Auto Sales)

**AREA STUDY:** N/A

**TIA:** Required

**WATERSHED:** Harris Branch

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

### NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation  
Bike Austin  
Cantarra Homeowners Association, Inc.  
Friends of Austin Neighborhoods  
Harris Branch Residential Property Owners Association  
Homeless Neighborhood Association  
North Gate Neighborhood Association  
North Growth Corridor Alliance  
Pflugerville Independent School District  
SELTEXAS  
Sierra Club, Austin Regional Group

### CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0167 (Cantarra Mixed Use: 13007 Cantarra Drive)	I-RR to LR-MU	3/03/15: Approved staff's recommendation of LR-MU-CO zoning with conditions, adding a new condition to prohibit Off-Site Accessory Parking on the property (6-0, G. Rojas-absent); P. Seeger-1 <sup>st</sup> , R. McDaniel-2 <sup>nd</sup> .	4/16/15: Approved LR-MU-CO zoning, include the conditions of the Planning Commission recommendation, with the exception/removing the fencing prohibition, on first reading (11-0); G. Casar-1 <sup>st</sup> , O. Houston-2 <sup>nd</sup> .  6/11/15: Approved LR-MU-CO zoning on consent on 2 <sup>nd</sup> /3 <sup>rd</sup> readings (11-0); A. Kitchen-1 <sup>st</sup> , P. Renteria-2 <sup>nd</sup> .
C14-2008-0127 (Cantarra Commercial Zoning: 3112 ½ Gregg Lane)	I-SF-4A to GR* *On January 7, 2009, the staff received an e-mail from the applicant stating that they would like to amend their zoning request to the 'LR' district (Attachment A). Neighborhood Commercial zoning will permit the uses that they have listed on their TIA submittal for this case.	1/20/09: Approved staff recommendation of LR zoning with conditions by consent (4-0, K. Jackson, T. Rabago, R. Evans-absent)	2/26/09: The public hearing was closed neighborhood commercial (LR) district zoning with TIA conditions was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 6-0 vote. Mayor Wynn was off the dais.  2/25/10: <b>Case expired</b> per LDC Section 25-2- 246(B). The applicant did not submit Corporate Authorization information as to who could sign the public restrictive covenant document for the TIA for this case. Therefore, this zoning case was not scheduled for 2 <sup>nd</sup> /3 <sup>rd</sup> readings to approve an ordinance and public restrictive covenant at City Council.

C14-2008-0013 (Cantarra Zoning: Gregg Lane)	I-SF-4A to Tract 1: SF-4A and Tract 2: GR	5/20/08: Approved staff's recommendation for SF-4A zoning by consent (7-0, J. Martinez-absent); K. Jackson-1 <sup>st</sup> , T. Rabago-2 <sup>nd</sup> .	7/24/08 : Approved SF-4A zoning by consent (5-0, Cole and Shade-off the dais)
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**RELATED CASES:** C8J-05-0236.1A (Subdivision Case)  
C7a-07-024 (Annexation Case)

**ABUTTING STREETS:**

Cantarra Drive	64'	40'	Collector	No	No	No
E. Howard Lane	108'	70'	Arterial	Yes	Yes; dedicated bike lane	No

**CITY COUNCIL DATE:** May 4, 2017

**ACTION:** Postponed to June 15, 2017 at the request of Council on Council Member Houston's motion, Council Member Alter's second on a 10-0 vote. Council Member Garza was absent.

June 15, 2017

**ACTION:** Approved LR-MU-CO zoning on 1<sup>st</sup> reading with the following additional conditions:

1) Continue to prohibit off-site accessory parking, 2) prohibit drive-in services as an accessory use, 3) require a 25 foot vegetative buffer along the north and west property lines, 4) an 8 foot fence measuring 150 linear feet parallel to the building shall be constructed, 5) limit the building size to 5,000 square feet, 6) fueling stations shall be limited to four (10-1, J. Flannigan-No); O. Houston-1<sup>st</sup>, L. Pool-2<sup>nd</sup>.

August 3, 2017

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup> 6/15/17

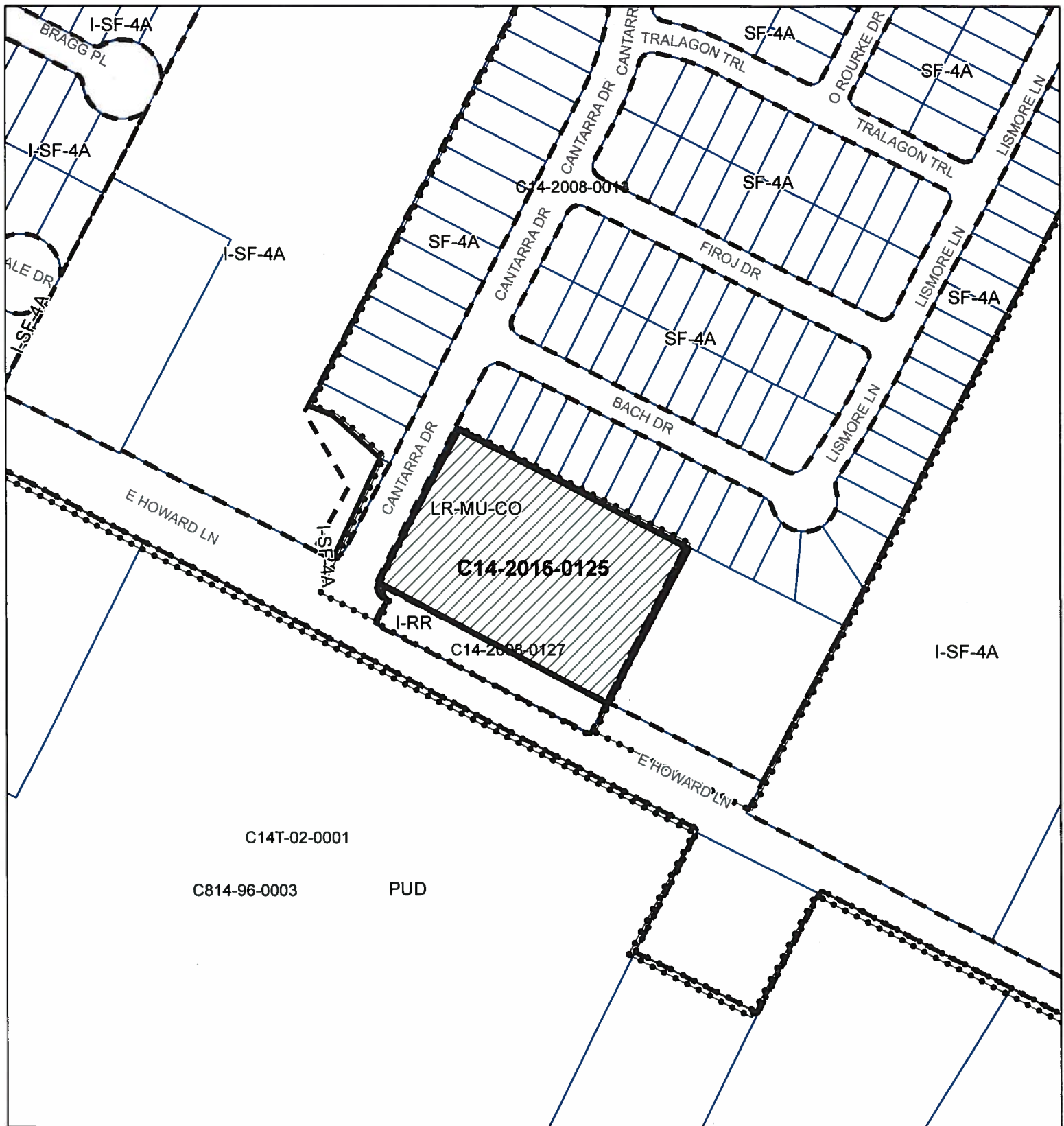
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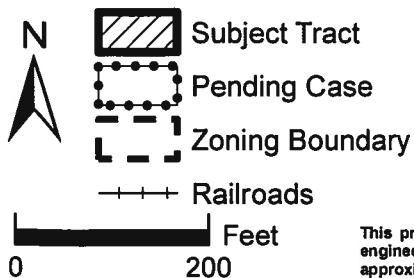
**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 512-974-3057,  
[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



## ZONING

Case#: C14-2016-0125



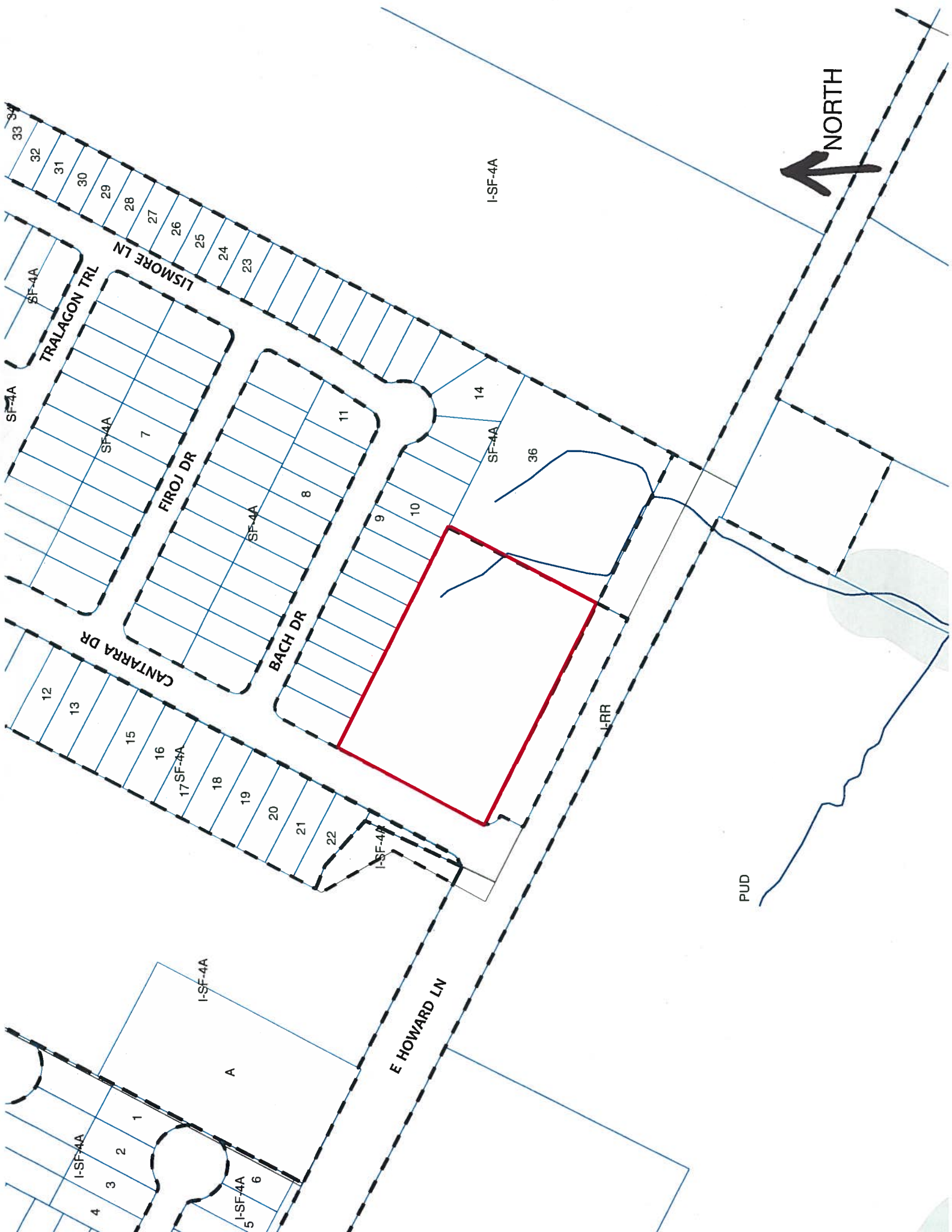
1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 3/22/2017



PUD

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LISMORE LN

CANTARRA DR

FIROJ DR

BACH DR

TRALAGON TRL

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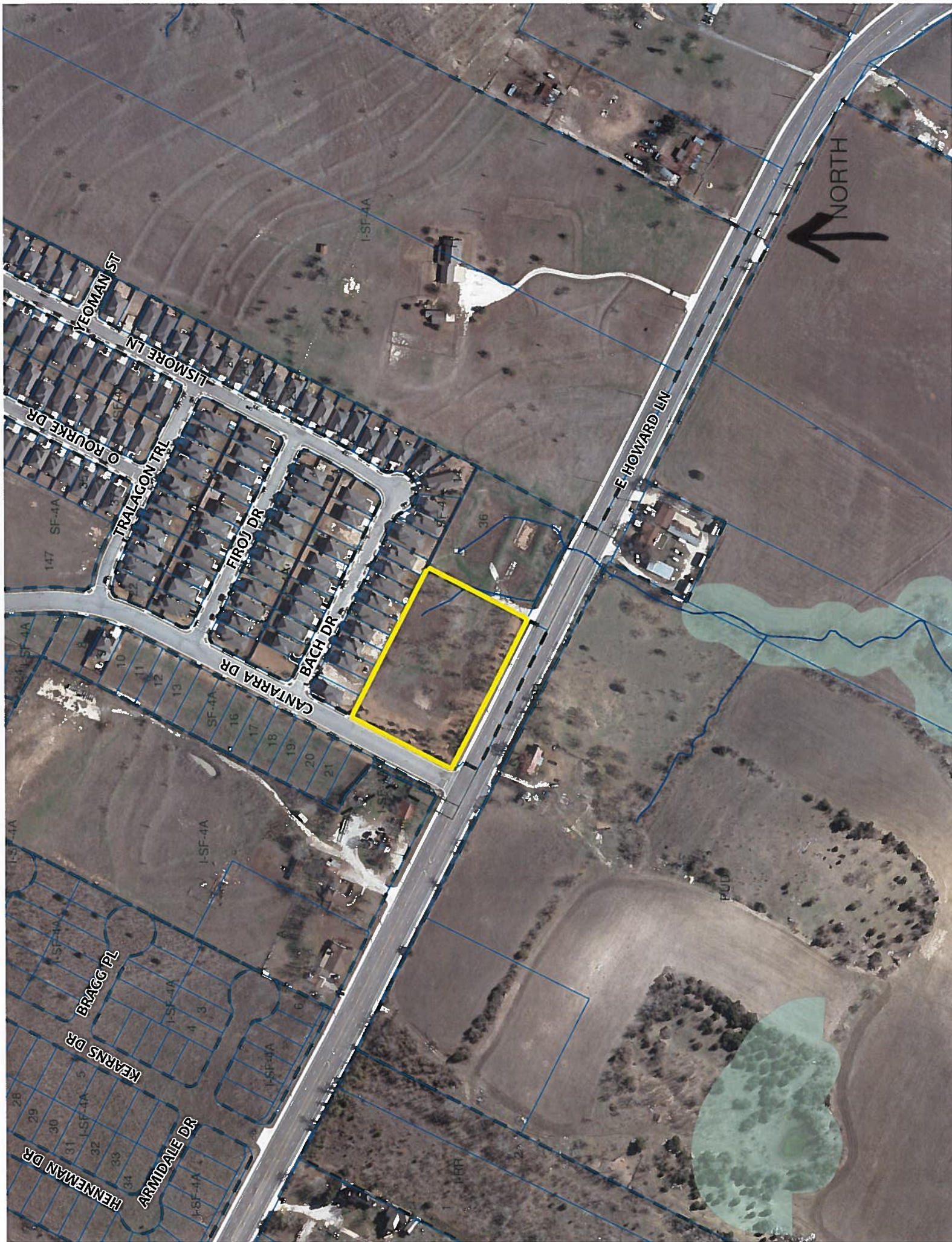
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## STAFF RECOMMENDATION

The staff's recommendation is to grant LR-MU-CO, Neighborhood Commercial-Mixed Use-Conditional Overlay Combining District, zoning for this property. The conditional overlay will maintain the condition from the current zoning ordinance (Ordinance No. 20150611-0114) to prohibit an off-site accessory parking use on the Property.

In addition, the results of the transportation impact analysis for this site (TIA Memorandum-Attachment A) shall be included in a public restrictive covenant that will be recorded prior to third reading of this case at City Council.

## BASIS FOR RECOMMENDATION

1. *The proposed zoning is consistent with the purpose statement of the district sought.*

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

2. *The proposed zoning should allow for a reasonable use of the property.*

The LR-MU-CO zoning district would allow for a fair and reasonable use of the site because it will permit the applicant to develop a mixture of low intensity office, commercial, and/or residential uses fronting an arterial roadway, East Howard Lane, which will provide services to the developing residential areas to the north, south, east and west.

3. *The proposed zoning should satisfy a real public need and not provide special privilege to the owner.*

Neighborhood Commercial District zoning is intended to provide much needed easily accessible/walkable commercial services to the surrounding residentially zoned areas.

## EXISTING CONDITIONS

### Site Characteristics

The site under consideration is a sparsely vegetated, undeveloped tract of land.

### Comprehensive Planning

This zoning case is located on the northeast corner of E. Howard Lane and Cantarra Drive, on a vacant parcel that is approximately **2.38 acres in size** (and part of the Cantarra Master Planned Community.) This property is not located within the boundaries of a Neighborhood Plan Area. Surrounding land uses includes single family housing to the north, a single family house to the south and west, and vacant land to the east. The proposed use is a gas station/convenience store and to remove the 2,000 trips per day conditional overlay.

**Connectivity:** Public sidewalks are located along both sides of Howard Lane, which is quickly filling up with large single family subdivisions. There are no CapMetro transit stops, and retail shopping areas located within walking distance to this site. The Walkscore for this property 0/100, meaning almost all errands are dependent on a car. The AARP Livability Index Score is 46/100. The Livability Index measures housing, neighborhood, transportation, environment, health, engagement, and opportunity characteristics.

### **Imagine Austin**

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies this project as being located along an **Activity Corridor** (E. Howard Lane). Page 106 of Imagine Austin states: “**Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices.**” P. 106

The following Imagine Austin policies are applicable to this case:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P3.** Promote development in compact centers, communities, **or along corridors** that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P4.** Protect neighborhood character by directing growth to areas of change that include designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

### **Analysis and Conclusion**

Howard Lane is quickly transitioning away from a rural road to one that is filling up with large single family subdivisions but contains little in the way of goods and services to serve people living next to this major corridor. The Imagine Austin Growth Concept Map supports commercial uses being located along Activity Corridors and based on this project providing much needed neighborhood services; this project appears to be supported by the plan.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Harris Branch 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.

According to floodplain maps there is no floodplain within or adjacent to the project location.

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact

the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

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.

### **Impervious Cover**

The maximum impervious cover allowed by the LR zoning district would be 80%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

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%

Note: The most restrictive impervious cover limit applies.

### **Site Plan**

No site plan comments.

### **Stormwater Detention**

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

### **Transportation**

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments will be provided in a separate memo.

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

**MEMORANDUM**

**TO:** Sherri Sirwaitis, Case Manager  
Planning and Zoning Department

**FROM:** *Sg* Scott A. James, P.E., PTOE  
Ivan Naranjo, MBA, Senior Planner  
Development Services Department

**DATE:** March 22, 2017

**SUBJECT:** Revisions to Traffic Impact Analysis for Cantarra Gas Station  
Zoning Case No. C14 – 2016 – 0125

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The Cantarra Gas Station is a proposed project development located at 3400 East Howard Lane, on approximately 2.4 acres, north of East Howard Lane and east of Cantarra Drive. The project site is currently vacant and is zoned GR. The applicant is proposing to rezone to LR-MU-CO, to permit construction of a Convenience Store with Gasoline Pumps (ITE Land Use Code 853). The convenience store will have up to 3500 SF of retail and eight (8) fueling stations. The project is expected to be completed in 2018.

**Roadways**

East Howard Lane is a five-lane street with two-way left turn center lanes in the vicinity of the site. It is classified in the 2025 Austin Metropolitan Area Transportation Plan as a major four lane divided arterial roadway, and has a posted speed limit of 50 MPH.

Cantarra Drive is a two lane local street adjacent to the site. In the vicinity of the project, Cantarra Drive has a posted speed limit of 30 MPH.

**Trip Generation and Traffic Analysis**

Based on the ITE publication Trip Generation, 9<sup>th</sup> Edition, the proposed development will include a Convenience Store with Gasoline Pumps (ITE Land Use Code 853). The number of estimated daily trips attributed to the development is 4,341 vehicle trips per day (vpd). Site traffic is expected to use Cantarra Drive and East Howard Lane to access the site. Table 1 on the following page summarizes the site trip generation rates used in the traffic analysis.

**Table 1 – Site Trip Generation**

Land Use (ITE Code)/	Size	24-Hour Two-Way Volume
Gasoline/ Service Station (863)	8 fueling stations	4341 vpd
<b>Totals</b>		<b>4341</b>

For this study, manual turning movement counts were conducted on Wednesday, September 14, 2016 when public schools were in session.

Study intersections were evaluated using the Highway Capacity Manual (HCM) method for capacity analysis. When the estimated additional trips were added to the identified intersections, the traffic analysis indicated all studied intersections would operate at acceptable levels of service (LOS). Analyses were conducted for the existing (2016), and build-out (2017) conditions for both the AM and PM peak travel periods. Table 2 provides a summary of the calculated average delay(s) for each of the study intersections:

**Table 2 – Calculation of intersection level of service (LOS)\***

Intersection Studied	2016 Existing		2017 Project	
	AM	PM	AM	PM
Howard Lane and Cantarra Drive	B	B	B	B
Howard Lane and Driveway #1	B	B	B	B
Cantarra Drive and Driveway #2	A	A	A	A

\* Traffic analysis based on 2000 Highway Capacity Manual methodology

### **Recommended Transportation Improvements**

The TIA document determined that revised pavement markings along Cantarra Drive would improve the traffic operations, specifically by installing two eleven foot (11 ft) wide southbound travel lanes and one eighteen (18 ft) northbound lane to distinguish between southbound left and right turning traffic. City review staff concurs and recommends the surface be prepared and the markings installed to serve the future signalization of East Howard Lane and Cantarra Drive.

### **Conclusions and Recommendations**

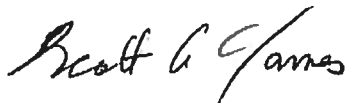
Therefore, after review of the identified improvements within the TIA and also listed in the public documents available, staff recommends approval of this site plan application subject to the following conditions:

- 1) Applicant to provide revised pavement markings concurrent with the site plan application for the location.

Table 3 – List of Improvements			
Location	Improvements	Estimated Cost	Developer Share %
Revised Pavement markings for East Howard Lane and Cantarra Drive	Revise pavement markings	TBD	100%

- 2) Development of this property should not vary from the approved uses, nor exceed the approved intensities and estimated traffic generation assumptions within the TIA document (dated October 27, 2016), including land uses, trip generation, trip distribution, traffic controls and other identified conditions.
  - 3) The approvals and conditions stated in this TIA memorandum remain valid until March 22, 2022, after which revisions to the analysis or conditions may be required.
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If you have any questions or require additional information, please contact me at (512) 974 – 2208. Thank you.



Scott A. James, P.E., PTOE  
Development Services Department  
Land Use Review Division/ Transportation





TERNUS CONSULTING SERVICES

July 3, 2017

**TO:** Scott James, P. E.  
City of Austin

**CC:** Nash Mahesania  
Alice Glasco  
Mirza Baig, P. E.

**FROM:** Joe S. Ternus, P. E.

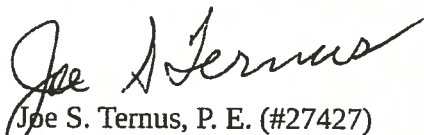
**Subject:** Cantarra Gas Station: City Council Action

On October 27, 2016, I submitted a Traffic Impact Analysis for the Cantarra Gas Station. The TIA was based on 3,500 sq. ft. Convenience Store with 10 pumps. This development would generate 4,341 trips per day.

On June 15, 2017, the Austin City Council approved removing a restriction of 2,000 trip per day on this tract and allowed the construction of a 5,000 sq. ft. building and 4 gas dispensers. This action would result in a total of 2,392 daily trips, much less than the number of trips approved in the Traffic Impact Analysis.

If you have any questions, please let me know.

Respectfully Submitted,



Joe S. Ternus, P. E. (#27427)  
Principal  
Ternus Consulting Services  
(Firm #F-8861)



**ORDINANCE NO. 20150611-014**

**AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 13007 CANTARRA DRIVE AND CHANGING THE ZONING MAP FROM INTERIM-RURAL RESIDENCE (I-RR) DISTRICT TO NEIGHBORHOOD COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (LR-MU-CO) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from interim-rural residence (I-RR) district to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district on the property described in Zoning Case No. C14-2014-0167, on file at the Planning and Zoning Department, as follows:

2.386 acre tract of land, more or less, out of the Mariguita Castro Survey No. 50, Abstract No. 160 the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 13007 Cantarra Drive in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- B. An off-site accessory parking use is a prohibited use on the Property.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the neighborhood commercial (LR) base district, the mixed use combining district and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on June 22, 2015.

**PASSED AND APPROVED**

June 11, 2015

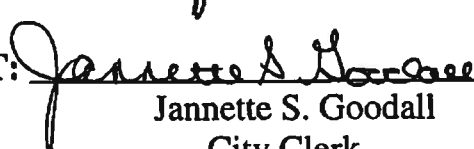
§  
§  
§

  
Steve Adler  
Mayor

**APPROVED:**

  
Anne L. Morgan  
Interim City Attorney

**ATTEST:**

  
Jannette S. Goodall  
City Clerk

2.386 ACRES  
MARIGUITA CASTRO LEAGUE NO. 50,  
ABSTRACT NO. 160  
TRAVIS COUNTY, TEXAS  
TITLE SURVEY

FIELD NOTES

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE MARIGUITA CASTRO SURVEY NUMBER 50, ABSTRACT NUMBER 160 SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF A 2.386 ACRE TRACT OF LAND CONVEYED TO DANIEL R. RENNER IN DOCUMENT NUMBER 2013203647 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.TX.), SAID 2.386 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

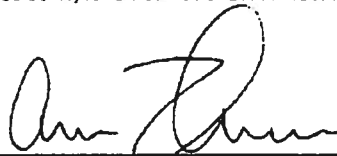
BEGINNING, at a  $\frac{1}{2}$ " iron rod found at the southeastern corner of said Renner tract, same being the southwestern corner of Lot 36, Block Q of Cantarra Section One, recorded in Document Number 200800024 (O.P.R.T.C.TX.) and being also in the northern right-of-way line of Gregg Lane (a.k.a Howard Lane), a variable width right-of-way, for the southeastern corner and POINT OF BEGINNING of the herein described tract,

THENCE with the common boundary line of said Renner tract and said Gregg Lane, N59°06'45"W, a distance of 393.19 feet to a  $\frac{1}{4}$ " capped iron rod set at the southernmost southwestern corner of said 2.386 acre tract and being in the eastern right-of-way line of Cantarra Drive (64' R.O.W.) described in said Cantarra Section One, for the southernmost southwestern corner of the herein described tract, at a point of curvature to the right

THENCE, with the common boundary line of said Renner tract and said Cantarra Section One, the following four (4) courses and distances, numbered 1 through 4,

1. with said curve to the right having a radius of 25.00 feet, an arc length of 9.05 feet and whose chord bears N21°00'18"E, for a distance of 9.00 feet to a  $\frac{1}{4}$ " iron rod found,
2. N31°22'27"E, for a distance of 254.69 feet to a  $\frac{1}{4}$ " iron rod found at the northwestern corner of said Renner tract and being the southwestern corner of Lot 1, Block Q of said Cantarra Section One, also being in the eastern right-of-way line of said Cantarra Drive, for the northwestern corner of the herein described tract,
3. S59°23'22"E, for a distance of 391.29 feet to a  $\frac{1}{4}$ " capped iron rod set at the northeastern corner of said Renner tract, being in the southern line of Lot 10, Block Q of said Cantarra Section One and the northwestern corner of said Lot 36, for the northeastern corner of the herein described tract, and
4. S30°36'38"W, for a distance of 265.44 feet to the POINT OF BEGINNING and containing 2.386 acres of land.

Surveyed by:

 22 Jan 2014

Aaron V. Thomason ~ R.P.L.S. No. 6214  
Carlson, Brigrance & Doering, Inc.  
5501 West William Cannon Drive  
Austin, TX 78749  
Phone: (512) 280-5160



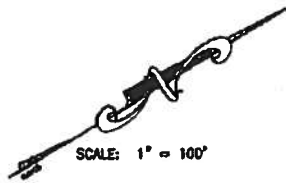
BEARING BASIS: CANTARRA VENTURES, LTD. TRACT, RECORDED IN DOC. #2008063044 (O.P.R.T.C.TX.)

PATH: - J:\AUTOCAD2004LP\4056\TITLE SURVEY-2.386 ACRES.doc

SCANNED

Exhibit A

**TITLE SURVEY OF 2.386 ACRES OF LAND RECORDED IN DOCUMENT NUMBER 2013203647 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING SITUATED IN THE MARIGUITA CASTRO LEAGUE NUMBER 50, ABSTRACT 160, IN TRAVIS COUNTY, TEXAS**



**LEGEND**

- IRON ROD SET
- ⊙ IRON ROD FOUND
- ⊕ POWER POLE
- ⊕ GUY ANCHOR
- [E] ELECTRIC METER
- [E] ELECTRIC MANHOLE
- [□] WATER METER
- 8 LOT NUMBER
- ① BLOCK
- //— WOOD FENCE
- ou— OVERHEAD UTILITY
- L.E. LANDSCAPE EASEMENT
- SCV SPRINKLER CONTROL VALVE
- BOC BACK OF CURB
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT OF WAY

TO: DANIEL R. RENNER, SELF DIRECTED IRA SERVICES, INC., CUSTODIAN FBO MICHAEL RAY JETER ROTH IRA #201001423 AND SELF DIRECTED IRA SERVICES, INC., CUSTODIAN FBO KATHERINE SUE JETER IRA #201312627 AND HERITAGE TITLE OF AUSTIN, INC.

(OF # 201400822, EFFECTIVE DATE: APRIL 3, 2014)

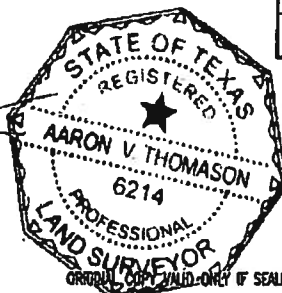
STATE OF TEXAS:  
COUNTY OF TRAVIS:

I, the undersigned, do hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility easements or roadways, except as shown hereon and that said property has access to and from a dedicated roadway except as shown hereon. The legally described property IS NOT within a special flood hazard area as designated by the Department of Housing and Urban Development Federal Insurance Administration Flood Hazard Boundary Map Number 48453C 0290H for Travis County, Texas, dated September 26, 2008.

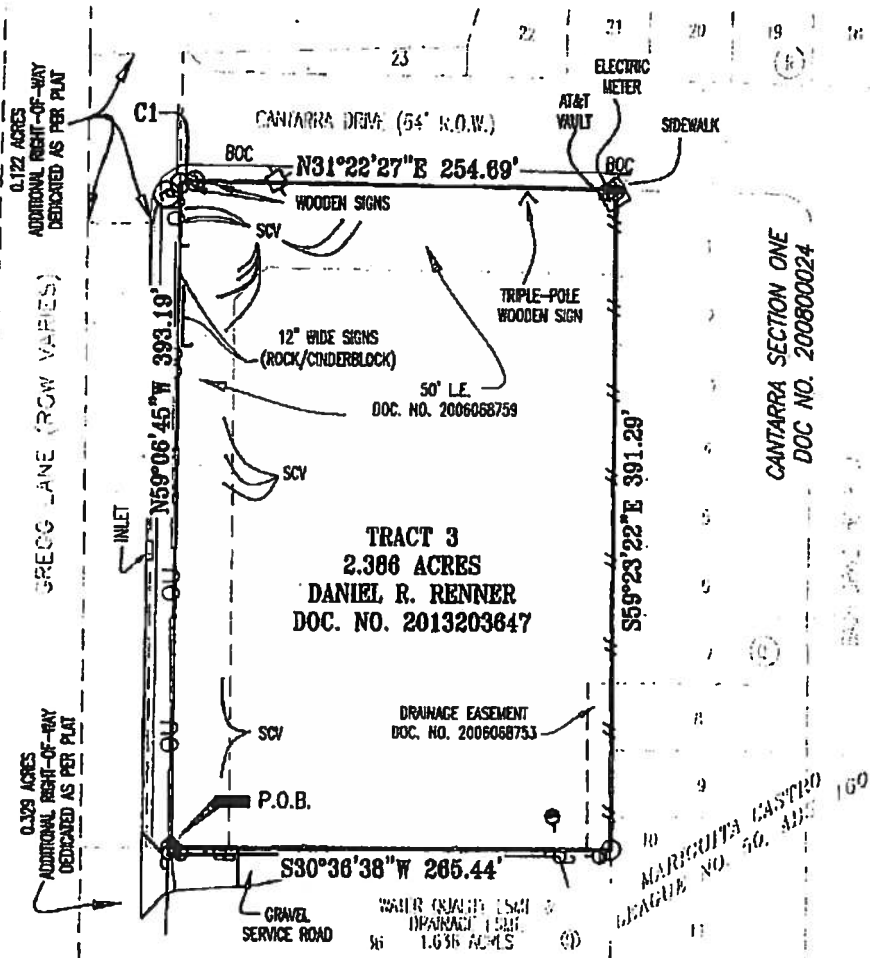
Dated, this the 22 day of January, 2014.

*[Signature]*

AARON V. THOMASON, RPLS# 6214  
Carlson, Brigrance and Doering, Inc.  
5501 West William Cannon  
Austin, Texas 78749  
(512) 280-5160 (512) 280-5165 (fax)  
aaron@cbbdeng.com



ORIGINAL COPY VALID ONLY IF SEALED IN RED INK



THIS TRACT IS SUBJECT TO:

1. RESTRICTIVE COVENANTS AS THOSE RECORDED IN VOL. 8600, PG. 14 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

10a) LANDSCAPE EASEMENT GRANTED TO CANTARRA VENTURES, LTD., BY INSTRUMENT DATED APRIL 13, 2008, RECORDED UNDER DOCUMENT NO. 2008068759 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. - as shown on drawing

10b) LANDSCAPE EASEMENT 50 FEET IN WIDTH ALONG THE FRONT AND SIDE PROPERTY LINE(S) AS SHOWN BY PLAT RECORDED UNDER DOCUMENT NO. 200800024 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. - as shown on drawing

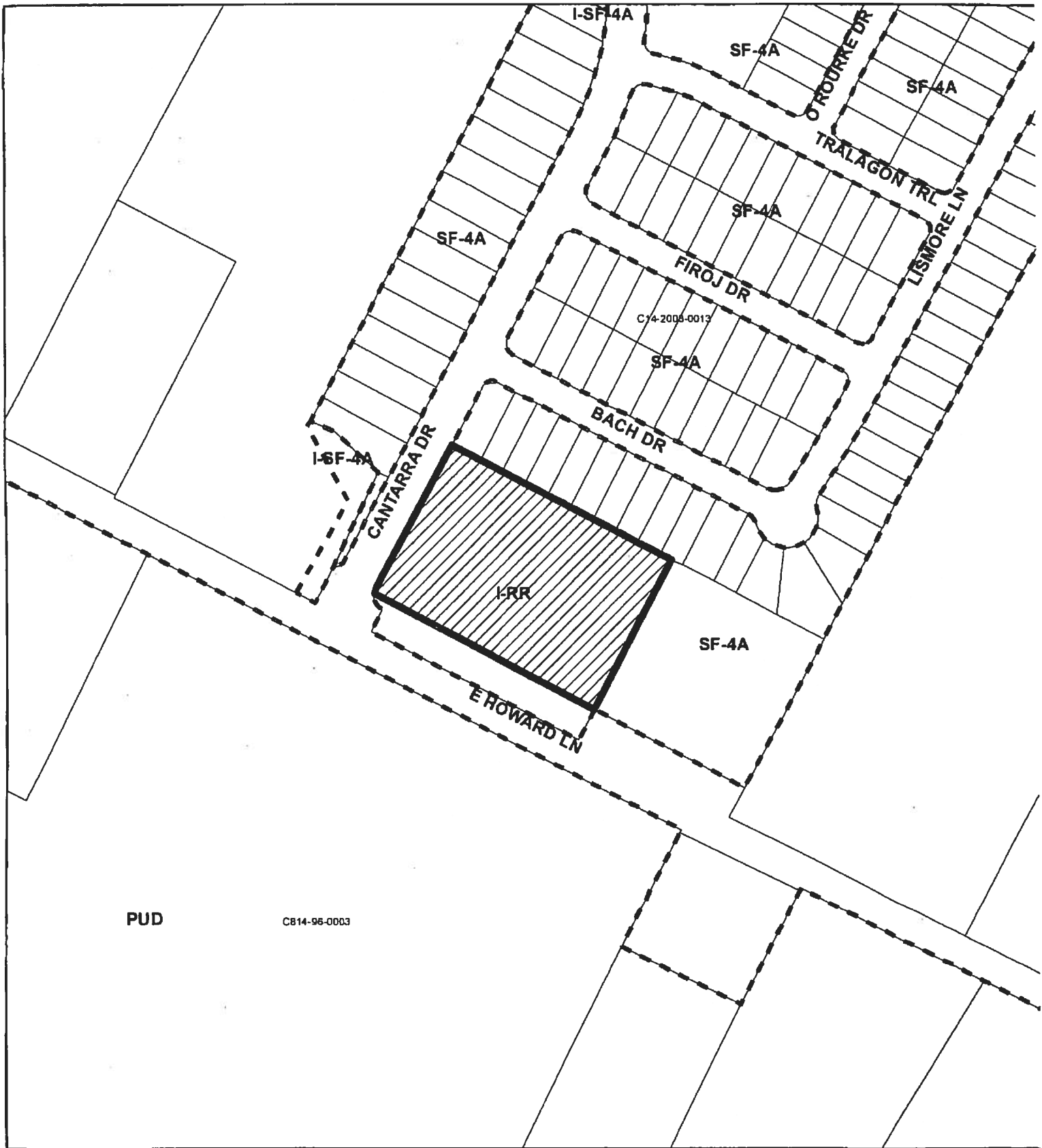
10c) DRAINAGE EASEMENT 15 FEET IN WIDTH ALONG THE REAR PROPERTY LINE(S), AS SHOWN BY THE PLAT RECORDED UNDER DOCUMENT NO. 200800024 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

Curve Table

Curve #	Length	Radius	Chord Direction	Chord Length	Tangent	DELTA
C1	9.05	25.00	N21°00'18"E	9.00	4.57	20°44'18"

**Carlson, Brigrance & Doering, Inc.**  
FIRM ID #F3791 RPLS # 10021900  
Civil Engineering Surveying  
5501 West William Cannon Austin, Texas 78749  
Phone No. (512) 280-5160 Fax No. (512) 280-5165

PATH-J:4056/DWG/TITLE SURVEY-2.386 ACRES\_2014.DWG



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

## ZONING

CASE#: C14-2014-0167

1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geog: by the City of Austin regarding specific accuracy or completeness.

Exhibit B



P E T I T I O NDate: 5/2/2017  
File Number: C14-2016-0125Address of Rezoning Request: 13007 Cantarra Drive  
Pflugerville, Tx 78660

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest any change of the Land Development Code which would zone the property to any classification other than LR-MU-CO with a trip limit of no more than 2,000 trip limits per day. We would love for this area to be zoned back to a property deemed for residential use only.

The reason for protest is as follows: Residents of Cantarra were promised a dog park at the designated property, when development began over 10 years ago. This area currently serves as an open field for residents to play catch, play tag, play with pets, a nice quiet reading area, and other convenient neighborhood activities where a clear field, which is enclosed, would serve a community. The neighborhood developer also promised a Jr. Olympic-sized pool with multiple shade structures (at least 3) and a park complete with water fountains, pet friendly water fountains, a bicycle rack and suitable parking. The previous developers have reneged on many of their promises to put in suitable amenities to accommodate the estimated 1,200 homes that are to be built in our community. Our "amenities" have been reduced to a standard-sized swimming pool (roughly 25 ft long), and a toddler-aged playground. While the failed promises fall upon the previous neighborhood developers (we are now on our 3<sup>rd</sup> or 4<sup>th</sup> developer), this community has been misled time and time again, with promises of a community that anyone would envy. Now Mr. Mahesania is proposing to put in a gas station in addition to the convenience store?! Misled again. The "off-site family amenities...within one mile of the project" has also changed. There is a small park within 1000 ft of the proposed store. There is also a creek/greenbelt area that is located immediately adjacent to the proposed store. Will this be destroyed upon development?

Secondly, there are already **five** convenience stores and gas stations within less than 10 minutes of the Cantarra subdivision. Placing another gas station is not only unneeded but increases the risk for loitering, unwanted attention to our neighborhood, crime, and most importantly increases the influence of youth sales of alcohol and tobacco. Gas stations provide a gross profit margin of only about 6.4% of sales. However, data reflects that cigarettes and other tobacco products account for nearly 36% of convenience store sales, over 19% for food service (if provided), over 15% for non-alcoholic beverages, and 7% of beer and alcohol sales<sup>1</sup>. To use the community residents as the target customer, is appalling. At a minimum, there will be 1 parent/adult to every 2 children or more. A survey of 2,125 middle-school students in central California examined adolescents' exposure to tobacco marketing in stores and its association with self-reported smoking. Two thirds of sixth-, seventh-, and eighth-grade students reported at least weekly visits to small grocery, convenience, or liquor stores. Such visits were associated with a 50% increase in the odds of ever smoking, even after control for social influences to smoke. Youth smoking rates may benefit from

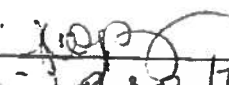
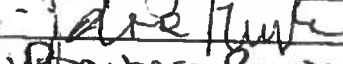
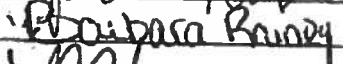

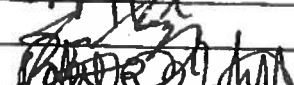

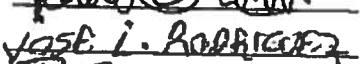
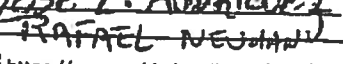
<sup>1</sup> Data provided by CSP Daily News <http://www.cspdailynews.com/print/csp-magazine/article/data-store-sales-trends-2015>

efforts to reduce adolescents' exposure to tobacco marketing in stores<sup>2</sup>. With the anticipated 1,200 homes in this community, the number of children and young teens in our neighborhood will likely be influenced by the convenient availability of tobacco and alcohol, and should be frowned upon. Our neighborhood is still developing and morphing into a bigger and better area making it relatively nice and family friendly. With the number of convenience stores (with gas stations) surrounding our neighborhood, another gas station or convenience store is just not necessary.

Furthermore, our neighborhood is all electric, and adding a gas station poses additional risk from exposure to odorless hydrocarbon fumes, benzene (a genotoxic carcinogen in humans, to which no safe level of exposure can be recommended<sup>3</sup>), and gas leaks. The hydrocarbon fumes can cause asthma and respiratory issues while the chemical, benzene, can cause cancer. The (EPA) Environmental Protection Agency stated that the fuel holding tanks can cause leaks to underground water systems which can render water polluted and undrinkable. These things are not what I want around my children, my neighbor's children or my neighbors. The exhaust from sitting cars causes additional damage to our environment and exposes the children playing at the park and swimming at the pool, the additional air pollution is not acceptable<sup>4</sup>.

Finally, our neighborhood houses many youth that play outdoors, and families that go out for walks or biking. The park and pool area are under 1000 feet away from the proposed development of the gas station, which will ultimately put our residents, and more importantly our children, at unnecessary increased risk of getting hurt by vehicles traveling on the main road (Cantarra Drive). We already experience safety issues at the intersection of Howard and Cantarra Drive, due to lighting and vehicles traveling at high rates of speed on both Cantarra Drive and Howard Lane. The amount of traffic turning into our neighborhood and into the gas station will significantly increase the difficulty of leaving the Cantarra Subdivision (mostly those turning East onto Howard Lane), and increase the risk for traffic accidents.

The developer, Mr. Mahesania, will be the only party to benefit from the convenience store and gas station, and has not shown any concern or sought any input by the affected parties. Our neighborhood will suffer undue hardships and disruption with this development. In closing, we ask that you respectfully take all our concerns into consideration before making the decision to approve the increase in vehicle trips per day and the gas station, if not the development in its entirety. Thank you for your time.

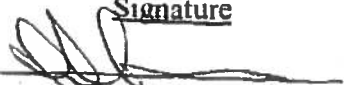
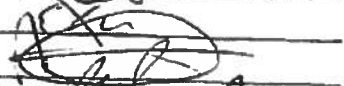
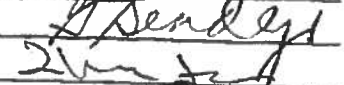
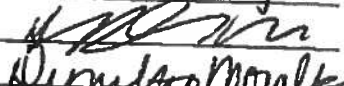
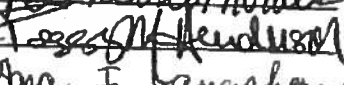
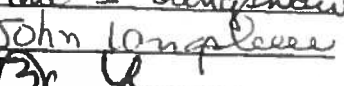




<u>Signature</u>	<u>Printed Name</u>	<u>Address</u> (all addresses in Pflugerville, Tx 78660, unless otherwise noted)
	Yvonne Lopez	13421 Cantarra Drive
	Jodie Huggins	13516 KEARNS DR
	Barbara Rainey	3509 TRACON TRAIL
	Melissa Fish	3417 Firch Dr.
	Ed Massand	3417 Firch Dr.
	Robert DeWitt	13516 Kearns Dr
	Jose L. RODRIGUEZ	3213 MILDURA CV
	Rafael Nejman	3528 PERTH PASS

<sup>2</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1448595/>

<sup>3</sup> Scientific American (<https://www.scientificamerican.com/article/is-it-safe-to-live-near-gas-station/>)

<sup>4</sup> National Center for Biotechnology Information (<https://www.ncbi.nlm.nih.gov/books/NBK138708/>)



Signature	Printed Name	Address
	GEORGE I. DAVIS	13300 O'Rourke Dr.
	Edwin Puch	13409 O'Rourke Dr.
	MIKE NAIL	13505 LISMORE LAKE
	GLORIA SENDEJ	13417 LISMORE LN.
	John Langshaw	3524 Port Arthur
	Herbert W. Demetria Morales	13509 Mura Cir
	Peggy M. Henderson	13300 O'Rourke Dr.
	Anna I. Langshaw	3329 Handsome Dr.
	John Langshaw	3516 Bach Dr.
	Juan Lopez	3516 Bach Dr. 3516
		13421 Cantaura Dr.

Date: 5/2/2017

Contact Name: Vonne Lopez  
Phone Number: 512-773-8621

Case Number:

**C14-2016-0125****PETITION**

6/1/2017

Date:

388391.8797

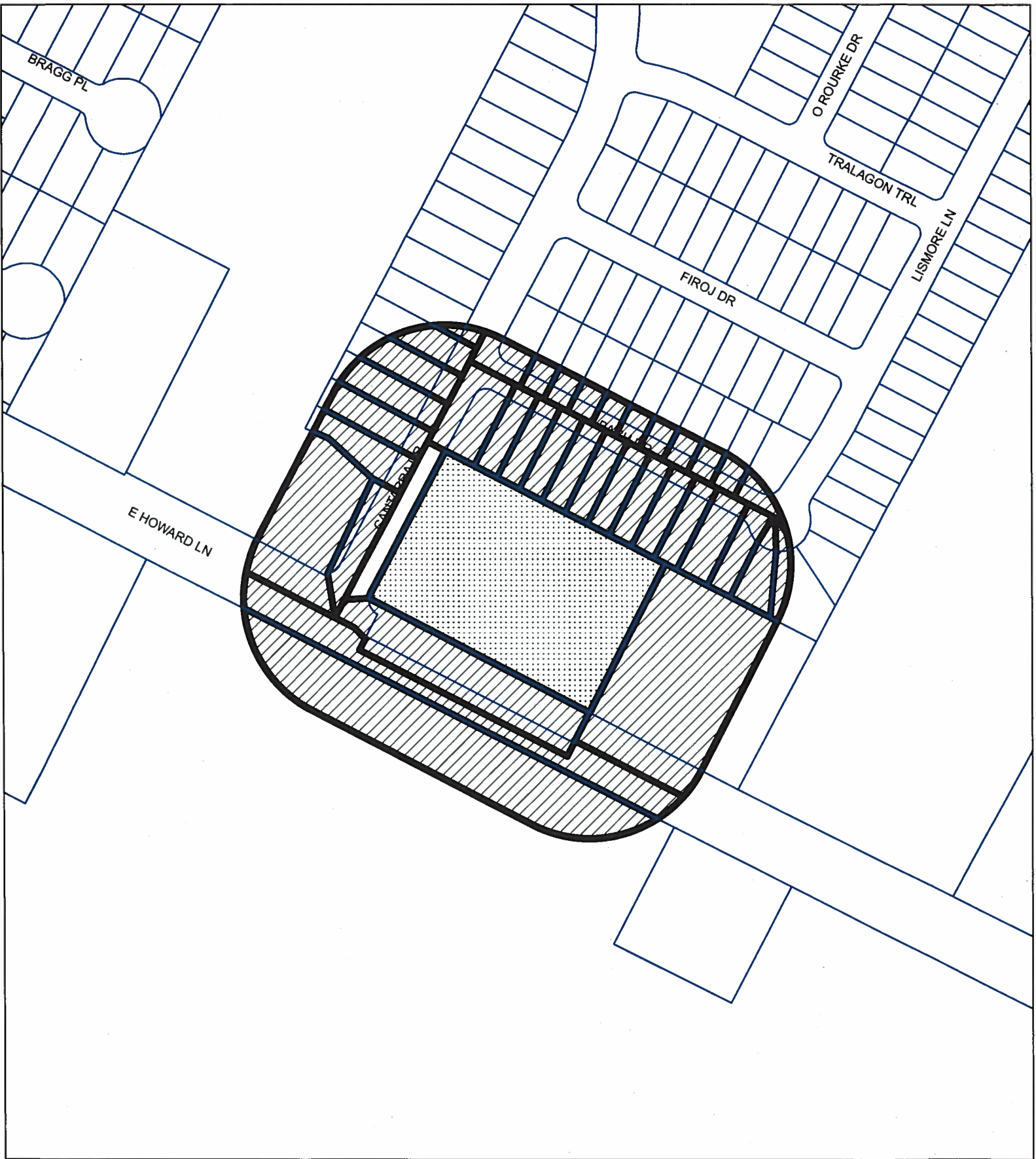
Total Square Footage of Buffer:

0.66%

Percentage of Square Footage Owned by Petitioners Within Buffer:

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0252400515	3504 BACH DR 78660	BARENJI HOUMAN & HAROON BARENJI	no	2337.54	0.00%
0252400601	3401 BACH DR 78660	CABRERA JUAN R	no	11949.92	0.00%
0252400114	CANTARRA DR 78660	CANTARRA HOMEOWNERS % GOODWIN MANAGEMENT	no	8917.29	0.00%
0252400111	13016 CANTARRA DR 78660	CANTARRA VENTURES LTD	no	8136.34	0.00%
0252400109	13100 CANTARRA DR 78660	CANTARRA VENTURES LTD	no	5296.53	0.00%
0252400628	GREGG LN 78660	CANTARRA VENTURES LTD	no	63097.92	0.00%
0252400112	13012 CANTARRA DR 78660	CANTARRA VENTURES LTD	no	8394.75	0.00%
0252400113	13008 CANTARRA DR 78660	CANTARRA VENTURES LTD	no	8526.17	0.00%
0252400108	13104 CANTARRA DR 78660	CANTARRA VENTURES LTD	no	1336.99	0.00%
0251410302	3407 GREGG LN 78653	CATHAY BANK	no	90586.26	0.00%
0251410302	3407 GREGG LN 78653	CATHAY BANK	no	61793.09	0.00%
0251410302	3407 GREGG LN 78653	CATHAY BANK	no	61793.09	0.00%
0252400610	3513 BACH DR 78660	DIAZ ADAN	no	5799.04	0.00%
0252400608	3505 BACH DR 78660	FREEMAN DAVID B & LESLIE L	no	5816.70	0.00%
0252400110	13020 CANTARRA DR 78660	GAINE PROPERTIES LLC PO BOX 270214	no	7211.44	0.00%
0252400521	3404 BACH DR 78660	GARCIA BRENDA L	no	2337.27	0.00%
0252400522	3400 BACH DR 78660	GONZALES JAYMEE & JACOB	no	4847.14	0.00%
0251410111	3304 GREGG LN 78653	GONZALEZ JORGE L	no	30330.17	0.00%
0252400518	3416 BACH DR 78660	GONZALEZ TOMAS EMILIO	no	2337.52	0.00%
0252400512	3516 BACH DR 78660	LANGSHAW ANA & JOHN CHARLES LANGSHAW	yes	2576.21	0.66%
0252400614	3609 BACH DR 78660	LATHER THOMAS DANIEL	no	3300.84	0.00%
0252400609	3509 BACH DR 78660	LAYSON ERENELIA R & EFENITO CLEVEN H LAYSON JR	no	5800.01	0.00%
0252400611	3517 BACH DR 78660	LI YAN LING	no	7975.01	0.00%
0252400516	3500 BACH DR 78660	MALUNGA AUSTIN	no	2337.48	0.00%
0252400520	3408 BACH DR 78660	MALVEAUX JASMINE	no	2337.47	0.00%
0252400603	3409 BACH DR 78660	MBACHU PAUL E & PRASCILLA A	no	5771.46	0.00%
0252400513	3512 BACH DR 78660	MOSLEY RODERICK & JUDITH FERNANDEZ	no	2234.33	0.00%
0252400514	3508 BACH DR 78660	MURIITHI MOFFAT K & CAROLINE K MOINDI	no	2337.22	0.00%
0252400612	3601 BACH DR 78660	PEREZ EDWARD L	no	5898.38	0.00%
0252400613	3605 BACH DR 78660	POWELL BRANDON	no	6006.00	0.00%
0252400604	3413 BACH DR 78660	PROSSER LARON	no	5815.99	0.00%
0252400607	3501 BACH DR 78660	ROJAS SAIRA A	no	5767.34	0.00%
0252400606	3421 BACH DR 78660	SILVA RENE & VALERIE C	no	5784.15	0.00%
0252400517	3420 BACH DR 78660	SMITH ALLEN J & KATHLENE L	no	2337.49	0.00%
0252400519	3412 BACH DR 78660	TETE-BADU YAWA	no	2337.43	0.00%
0252400602	3405 BACH DR 78660	TRAN TOM & HUYN PHAN	no	5844.58	0.00%
0252400630	GREGG LN 78660	TRAVIS COUNTY TRANSPORTATION & NATURAL RESOURCES DEPT % GREG CHICO REAL ESTATE MANAGER	no	31975.74	0.00%
0252400605	3417 BACH DR 78660	WILSON RICHARD C JR & PAMELA	no	5831.05	0.00%
<b>Total</b>				<b>503113.31</b>	<b>0.66%</b>



N



BUFFER

PROPERTY\_OWNER

SUBJECT\_TRACT

## PETITION

CASE#: C14-2016-0125

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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1" = 200'