

ZONING CHANGE REVIEW SHEET**CASE:** C14-2017-0151 – Del Valle Gas Station**Z.A.P. DATE:** January 16, 2018
January 30, 2018**ADDRESS:** 3132 East SH 71 Eastbound**DISTRICT AREA:** 2**OWNERS:** DiamondSprings Investments, Inc.
(Shaukat Prasla)**AGENT:** MADC, LLC
(Carl McClendon)**ZONING FROM:** CS-CO **TO:** CS-CO, **AREA:** 3.45 acres
to change a condition of zoning**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay prohibits adult-oriented businesses, automotive rentals, automotive repair services, equipment repair services, equipment sales, pawn shop services, and vehicle storage.

ZONING AND PLATTING COMMISSION RECOMMENDATION:January 16, 2018: *MEETING CANCELLED DUE TO INCLEMENT WEATHER*January 30, 2018: *APPROVE CS-CO DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT*

*[J. DUNCAN; B. EVANS – 2ND] (7-0) A. DENKLER, Y. FLORES – NOT PRESENT
FOR PASSAGE OF THE CONSENT AGENDA; D. BREITHAUP, S. LAVANI –
ABSENT*

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject property is a portion of a platted lot that is situated approximately 750 feet from the southwest corner of East SH 71 and FM 973 Road, and zoned general commercial services – conditional overlay (CS-CO) district by way of a 1999 case. The CO establishes a 2,000 vehicle trips per day limit, and prohibits adult-oriented businesses, automotive rentals, automotive repair services, equipment repair services, equipment sales, pawn shop services, and vehicle storage. There is undeveloped land and the Travis County transitional housing facility to the east (I-RR, P), the Travis County correctional facility to the south (County),

and undeveloped land to the west (CS-CO). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View), B (Recorded Plat) and C (2000 Zoning Ordinance).

An administrative site plan is in process for a 7,040 square foot food sales use and a service station with 8 fueling positions, and that application required a Traffic Impact Analysis (TIA) to cover the more intensive development. The TIA has been approved by the City and includes driveway approval from TxDOT. With this rezoning case, the Applicant is proposing to rezone the property to change the –CO and remove the 2,000 daily vehicle trip limit. As part of the TIA review, the Landowner is making a financial contribution to fully cover construction of a 245-foot long, 12-foot wide deceleration lane along the eastbound frontage road at the property's driveway entrance to address potential delays to area traffic. In 2016-17, TxDOT added toll lanes east of Presidential Boulevard (approximately 1 mile west of this site) to Onion Creek, and also reconstructed the East SH 71 frontage roads including five miles of shared use for improved pedestrian and bicycle access. The Applicant does not propose to change the prohibited use list.

Staff recommends the Applicant's request because the transportation improvements identified in the Traffic Impact Analysis serve to mitigate the calculated impact to traffic resulting from the proposed development.

	ZONING	LAND USES
<i>Site</i>	CS-CO	Undeveloped, and under site plan review for food sales and service station uses
<i>North</i>	GR; GR-CO; CS-CO	Restaurant (limited); Automotive repair; Undeveloped
<i>South</i>	County	Travis County softball facility; Travis County Correctional facility
<i>East</i>	P	Travis County transitional housing facility; Undeveloped
<i>West</i>	CS-CO	Undeveloped

NEIGHBORHOOD PLAN AREA: N/A

TIA: Completed with SP-2016-0538C

WATERSHED: Colorado River

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council	627 – Onion Creek Homeowners Association
774 – Del Valle Independent School District	1005 – Elroy Neighborhood Association
1195 – Imperial Valley Neighborhood Association	
1228 – Sierra Club, Austin Regional Group	1258 – Del Valle Community Coalition
1363 – SEL Texas	1528 – Bike Austin
1530 – Friends of Austin Neighborhoods	1550 – Homeless Neighborhood Association

SCHOOLS:

This property is within the Del Valle Independent School District.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2017-0057 – Lot 973 Retail – 3424 S FM 973 Rd	I-RR to CS-CO	To Grant CS-CO w/CO for list of prohibited uses	Apvd CS-CO as Commission recommended (8-03- 2017).
C14-03-0047A – Speedy Stop 202 – 3208B SH 71 at FM 973 Rd	I-RR to GR	To Grant GR	Apvd GR (6-05-2003).
C14-03-0047B – Speedy Stop 202 – 3208 SH 71 at FM 973 Rd	I-RR to GR	To Grant GR-CO w/CO for 2,000 trips/day	Apvd GR-CO as Commission recommended (6-05- 2003).
C14-05-0070 – T. Warren Investments – 3320-3404 S FM 973 Rd	I-RR to P	To Grant P-CO w/CO for 2,000 trips and subject to Staff rec for r-o-w reservation and dedication on FM 973	Apvd P-CO (9-01- 2005).
C14-2009-0061 – Smart Facility – 3404 S FM 973 Rd	I-RR to P	To Grant P w/r-o-w dedication on S FM 973	Apvd P (8-06-2009).

RELATED CASES:

This property was annexed into the Full-Purpose Jurisdiction on September 6, 2001 (C7a-01-002).

The property is platted as Lot 2, Block A of Bergstrom East Commercial Subdivision, a subdivision recorded on November 14, 1996 (C8-95-0225.0A). TxDOT acquired the northern 1.44 acres of the property for right-of-way improvements.

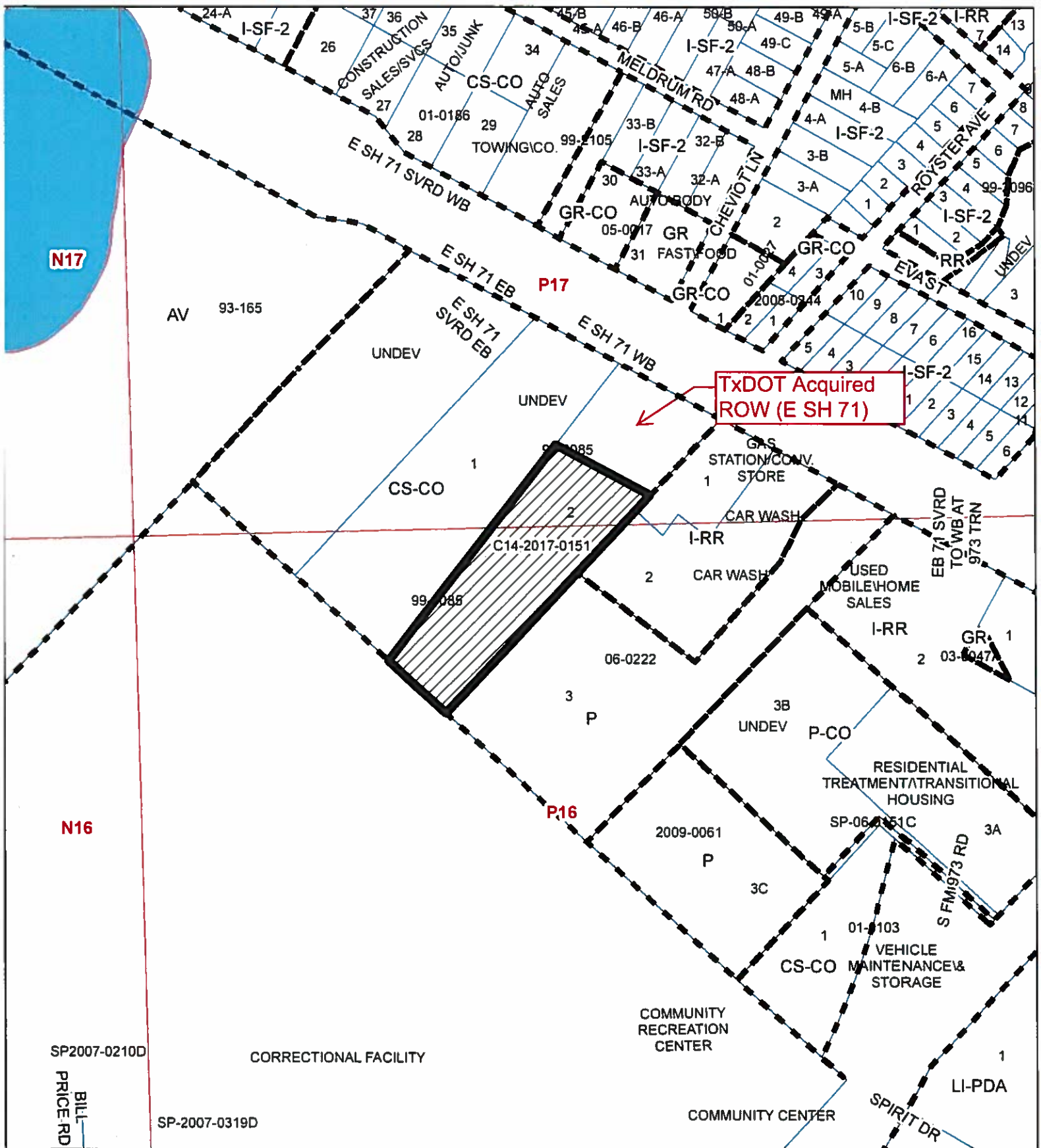
On January 27, 2000, Council approved CS-CO zoning was approved for the Bergstrom East Commercial Subdivision (C14-99-0085 – WCBP-71).

An administrative site plan is in process for 7,040 square foot food sales use and 8 fueling positions (16 pumps), with associated parking, utilities, drainage and water quality infrastructure, and other associated improvements (SP-2016-0538C – Del Valle Gas Station). Please refer to Exhibit D.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
East SH 71	~430 feet	~130 feet	Freeway – 6 lanes	Yes	Yes	Yes

COUNCIL DATE: February 1, 2018**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov**PHONE:** 512-974-7719



DEL VALLE GAS STATION

ZONING CASE#: C14-2017-0151
 LOCATION: 3132 E SH 71 EB
 SUBJECT AREA: 3.45 ACRES
 GRID: P17 & P18
 MANAGER: WENDY RHOADES

EXHIBIT A

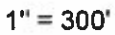
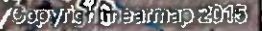


This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY
- CREEK BUFFER

1" = 300'



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EXHIBIT A-1

ZONING CASE#: C14-2017-0151
LOCATION: 3132 E SH 71 EB
SUBJECT AREA: 3.45 ACRES
GRID: P17 & P18
MANAGER: WENDY RHOADE



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856.00 B3350 11/14/96

HISC FILM CODE
00009638253

BERGSTROM EAST COMMERCIAL ADDITION



SCALE: 1" = 100'

LEGEND

- 1/2-INCH IRON ROD TOUJAO
- 1/2-INCH IRON ROD SET
- SIDEWALK
- BUILDING LINE

STATE HIGHWAY No. 71 EAST

ROYSTER AVE

Lot 1
5.159 AC

Lot 2
4.801 AC

BLOCK "A"

MORGAN SUBDIVISION
B4/191B-191C

BENCHMARK

Stations 1844 in concrete slumped
"788 B.D.S. 1954" - "788T 1987" in south
line of Hwy. 71, 325' west of FM 973.
Elevation = 460.006'

McANGUS SURVEYING CO., INC.

1101 HIGHWAY 360 SOUTH
BUILDING E, SUITE 230
AUSTIN, TEXAS 78746
(512)328-8302

JOB No. 95-202 SHEET 1 of 2
CB-95-0225.0A

EXHIBIT B
RECORDED
PLAT

ORDINANCE NO. 000127-45

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

LOTS 1 AND 2, BLOCK A, BERGSTROM EAST COMMERCIAL ADDITION SUBDIVISION, FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT, LOCALLY KNOWN AS 3102 AND 3114 EAST STATE HIGHWAY 71, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

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

PART 1. The zoning map established by Chapter 25-2-191 of the City Code is amended to change the base zoning district from Interim Rural Residence (I-RR) district to General Commercial Services-Conditional Overlay (CS-CO) combining district on the property described in **File C14-99-0085**, as follows:

Lots 1 and 2, Block A, Bergstrom East Commercial Addition Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 97, Pages 388-389, of the Plat Records of Travis County, Texas, (the "Property")

locally known as 3102 and 3114 East State Highway 71, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "A".

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

1. The following uses of the Property are prohibited:

Vehicle Storage	Adult Oriented Businesses
Pawn Shop Services	Automotive Rentals
Automotive Repair Services	Equipment Sales
Equipment Repair Services	

2. Notwithstanding any other provision of the City Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property, or any portion of the Property, may be approved or released, and no building permit for construction of a building on the Property, may be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation of 2,000 trips per day.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the General Commercial Services (CS) base district and other applicable requirements of the City Code.

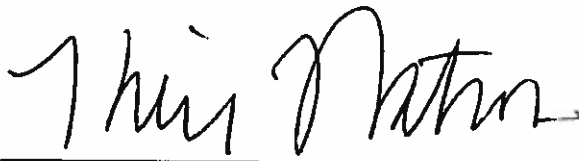
PART 3. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on February 7, 2000.

PASSED AND APPROVED

January 27, 2000

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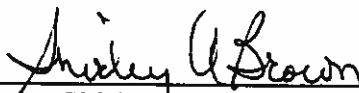
Kirk Watson
Mayor

APPROVED:

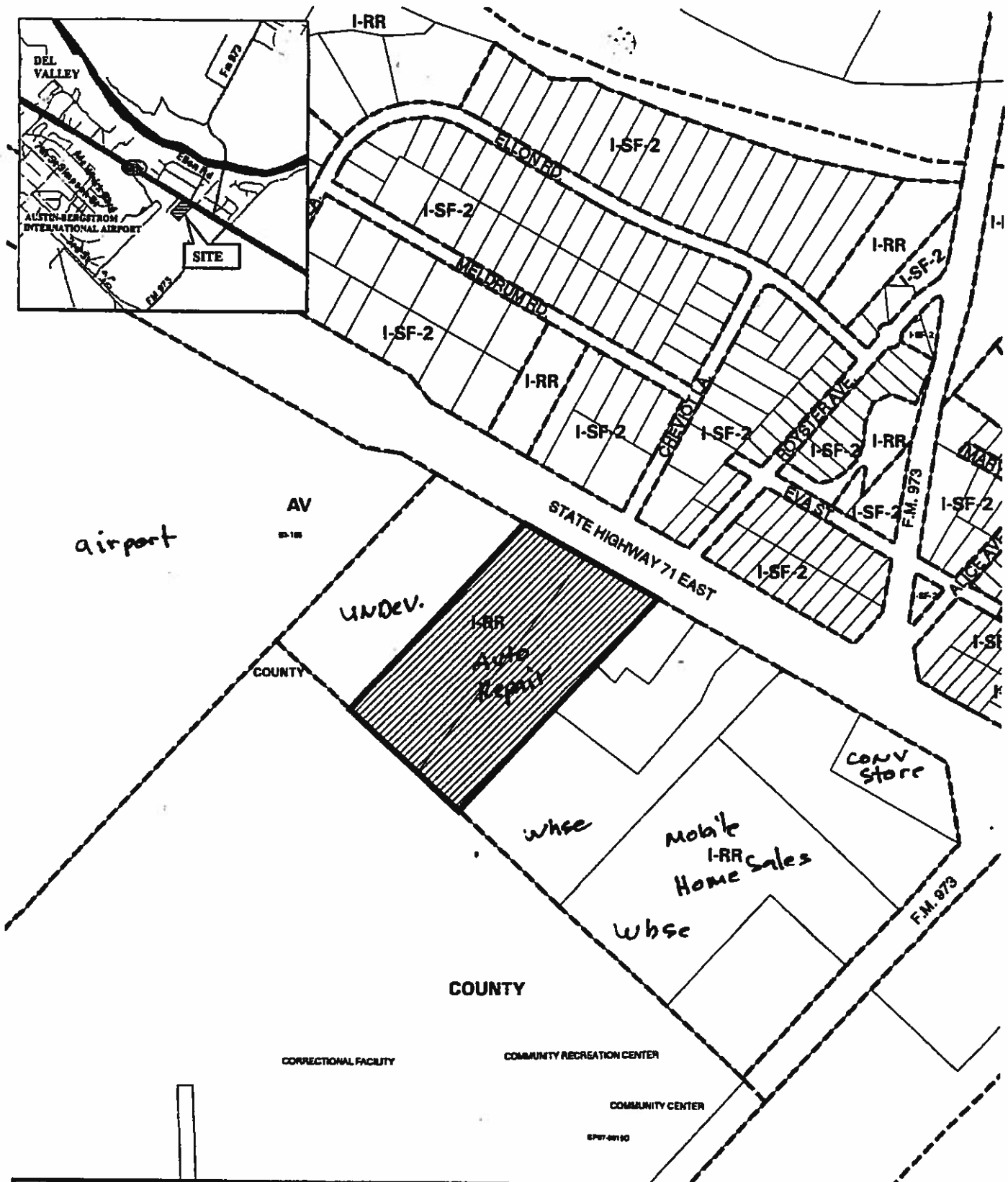
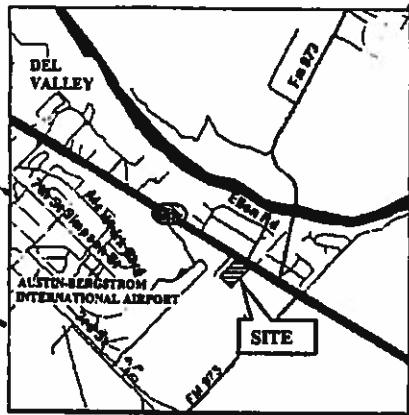


Andrew Martin
City Attorney

ATTEST:



Shirley A. Brown
City Clerk



 1" = 400'	SUBJECT TRACT		ZONING EXHIBIT A CASE #: C14-99-0085 ADDRESS: 3102-3114 E STATE HWY SUBJECT AREA (acres): 8.130	DATE: 99-05 INTLS: TRC	CITY GRID REFERENCE NUMBER N17
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: JARRIAGA	000127-45			

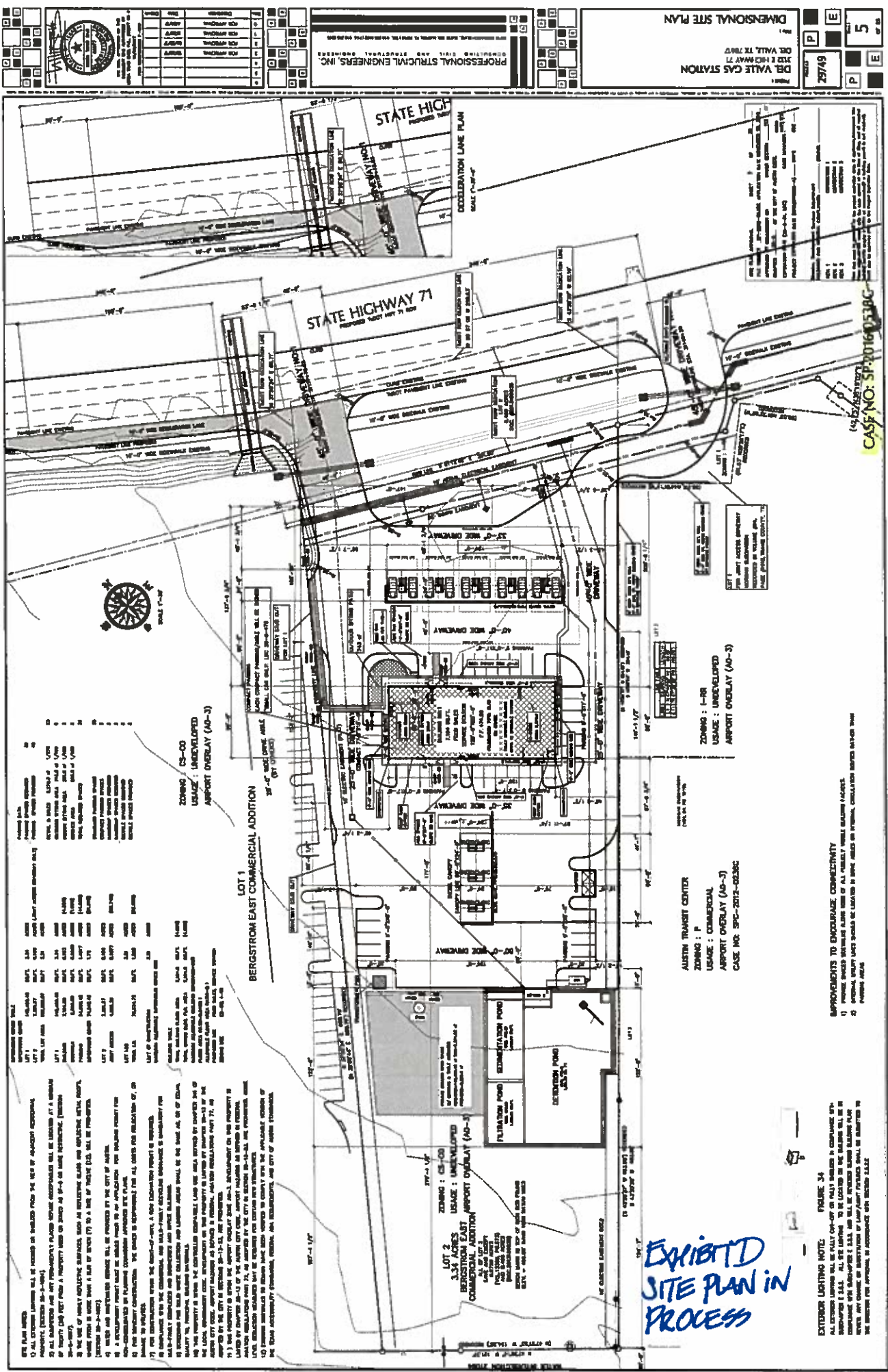


EXHIBIT D
SITE PLAN IN
PROCESS

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay prohibits adult-oriented businesses, automotive rentals, automotive repair services, equipment repair services, equipment sales, pawn shop services, and vehicle storage.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities.

The property has direct access to the eastbound frontage road of East State Highway 71.

2. Public facilities and services should be adequate to serve the set of uses allowed by a rezoning.

Staff recommends the Applicant's request because the transportation improvements identified in the Traffic Impact Analysis serve to mitigate the calculated impact to traffic resulting from the proposed development.

EXISTING CONDITIONS**Site Characteristics**

The rezoning area is undeveloped and relatively flat.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district is 80%, based on the more restrictive *watershed* regulations. The amount of impervious cover shown on the site plan in process is approximately 52%.

Comprehensive Planning

This rezoning case is located on the south side of Bastrop Highway/SH 71 (just north of the airport) on an undeveloped property that is approximately **3.45 acres** in size. The property is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses includes SH 71 to the north; the Travis County Softball facility, and the Travis County Correctional and Transitional facilities to the south; a manufactured home retailer to the east; and undeveloped land to the west. The proposal is to remove the existing CO on the

property, which limits the number of trips per day to 2,000 or less to construct a 7,000 square foot retail convenience store and 16 pump gas station. The following information was submitted in the rezoning application:

- a TIA has been submitted, reviewed and approved by Austin Transportation, Development Services, and TxDOT, in conjunction with a site development permit application (SP-2016-0538C) for the property;
- the landowner is contributing \$40,000 to construct a deceleration lane along the eastbound frontage road adjacent to the property to eliminate any potential delays to area traffic as a result of the additional site generated vehicles entering the site;
- TxDOT (in 2016), completed reconstruction of SH 71 as an urban freeway from Austin to a point east of the intersection of SH 130 and Bastrop; improvements include access restricted frontage roads, grade separated interchanges at intersections, an eastbound/westbound toll lane, and lighted 10' wide paved pedestrian way along the frontage roads;

Connectivity

There are public sidewalks located partially along this section of the SH 71 frontage road. A CapMetro transit stop is also located less adjacent to this property. The Walkscore for this site is 18/100, *Car Dependent*, meaning almost errands require a car.

Imagine Austin

Based on the comparative scale of the site relative to the variety of other commercial, light industrial, and institutional land uses located along this portion of SH 71, as well as the site not being located along an Activity Corridor or within an Activity Center as identified on the Imagine Austin Growth Concept Map, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

Drainage

The developer is required to submit a pre and post development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

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

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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

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

Very few 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.

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

Site Plan and Compatibility Standards

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

Any new development is subject to Subchapter E. Design Standards and Mixed Use (Commercial Design Standards). SH 71 East at this location is classified as a Suburban Roadway. For sites five acres or larger, an internal circulation route is required and is classified as the principal street.

Any development will need to comply commercial design standards for sidewalk and building placement requirements for suburban roadways or internal circulation routes if applicable, this includes multi-family development.

FYI: This site is located in the Desired Development Zone (DDZ). Expiration for any site plan will be three years from the date of approval however; under Project Duration [25-1-535(C)(3)] the site plan can only be extended to a maximum of five years from initial submittal date. No other extensions will be allowed under Project Duration for projects in the DDZ. For questions concerning Project Duration please contact Susan Scallon at 974-2659.

TXDOT has provided written approval for driveway access onto East S.H. 71.

Airport Overlay Zone

The site is located within the Controlled Compatible Land Use Area. No use will be allowed that create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. For more information, contact Kane Carpenter, Airport Planner at 512-530-6621. Approval from ABIA is required prior to site plan approval.

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

Scenic Roadway

This site is within the Scenic Roadway Sign District. All signs must comply with Scenic Roadway Sign District regulations.

Transportation

A TIA has been received and approved for this site.

Water and Wastewater

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Service extension requests will most likely be required for this site. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fees once the landowner makes an application for Austin Water utility tap permits.

McClendon & Associates
Development Consulting, LLC

December 1, 2017

Mr. Greg Guernsey, AICP, Director
Planning and Zoning Department
City of Austin
P.O. Box 1088
Austin, Tx. 78701

Re: Rezoning to Eliminate Conditional Overlay Restriction Prohibiting Development Exceeding 2,000 Trips Per Day (C14-99-0085-- Ord. #: 000127-45)

Dear Mr. Guernsey:


The subject property is currently zoned CS-CO with a conditional overlay (CO) restricting certain uses and limiting development of the property to less than 2,000 trips per day. No changes to the existing zoning or restricted uses are proposed, however, removal of the trip generation restriction is requested based upon the following:

- a TIA has been submitted, reviewed and approved by Austin Transportation, Development Services, and TxDOT, in conjunction with a site development permit application (SP-2016-0538C) for the property;
- the landowner is contributing \$40,000 to construct a deceleration lane along the eastbound frontage road adjacent to the property to eliminate any potential delays to area traffic as a result of the additional site generated vehicles entering the site;
- TxDOT (in 2016), completed reconstruction of SH 71 as an urban freeway from Austin to a point east of the intersection of SH 130 and Bastrop; improvements include access restricted frontage roads, grade separated interchanges at intersections, an eastbound/westbound toll lane, and lighted 10' wide paved pedestrian way along the frontage roads;

Background

In 1999, when the City permanently zoned the property, the landowner did not have a defined development proposal and did not want to generate a traffic impact analysis (TIA) based upon hypothetical or speculative development conditions. The restriction did not allow for deferral of the TIA to the site development process. The landowner has submitted a site development permit plan for a retail convenience store and fuel dispensers and included a traffic impact analysis which has been reviewed and approved. This, in conjunction with TxDOT's completion of significant roadway reconstruction of SH 71 to a freeway and other improvements, make the conditional overlay restriction unnecessary.

A copy of the TIA, approvals from the City of Austin and TxDOT, and supporting documents are attached for consideration.



Carl McClendon, AICP

McClendon & Associates Development Consulting, LLC
4808 Canyonwood Dr.
Austin, Tx. 78735

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