

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2018-0036 – East SH 71 Rezoning

**Z.A.P. DATE:** May 15, 2018

**ADDRESS:** 3131 East SH 71 Westbound

**DISTRICT AREA:** 2

**OWNER:** Najib F. Wehbe

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

**ZONING FROM:** GR-CO

**TO:** GR-CO, to change a condition of zoning

**AREA:** 1.1 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant community commercial (GR-CO) combining district zoning. The Conditional Overlay prohibits automotive repair services, automotive washing (of any type) and pawn shop services.

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

May 15, 2018: *APPROVED GR-CO DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT*

*[B. EVANS; S. LAVANI – 2<sup>ND</sup>] (10-0) D. BREITHAUPT – ABSENT*

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The subject property consists of five platted lots that have frontage on East SH 71, Cheviot Lane and Royster Avenue, and is zoned community commercial – conditional overlay (GR-CO) district by way of 2001 and 2009 cases. There is an existing driveway to East SH 71 and an existing driveway to Cheviot Lane. The CO establishes a 2,000 vehicle trips per day limit, and on the eastern portion of the site prohibits automotive repair services, automotive washing (of any type) and pawn shop services. There are a few residences and undeveloped land to the north and east (I-SF-2); a recently approved site plan for food sales and service station, undeveloped land and a transitional housing facility across SH 71 to the south (CS-CO, I-RR, P), and undeveloped land to the west (CS-CO).

An administrative site plan is in process for a 4,224 square foot food sales use, a 1,696 square foot retail sales use, and a service station with 8 fueling positions (SP-2018-0144C – 3131 E SH 71 Convenience Store). A Traffic Impact Analysis (TIA) was approved for a maximum

of 4,341 vehicle trips per day and remains valid for a previous (now expired) site plan application. The TIA covers the more intensive development with the current site plan in process.

With this rezoning case, the Applicant is proposing to rezone the property to the change the – CO and remove the 2,000 daily vehicle trip limit. 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.

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-CO	Undeveloped, and under site plan review for food sales and service station uses
<i>North</i>	I-SF-2	Residential
<i>South</i>	CS-CO; I-RR	Site plan approved for food sales and service station uses; Undeveloped; Travis County transitional housing facility
<i>East</i>	I-SF-2	A few residences; Undeveloped
<i>West</i>	GR	Restaurant (limited) – vacant; Undeveloped

**NEIGHBORHOOD PLAN AREA:** N/A

**TIA:** Completed with SP-2013-0086C

**WATERSHED:** Colorado River

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** Yes – SH 71

**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  
 1616 – Neighborhood Empowerment Foundation

**SCHOOLS:**

This property is within the Del Valle Independent School District.

**SURROUNDING CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2017-0111 - 3059 Hwy 71 E	SF-2 to CS	To Grant CS-CO to require a 15' vegetative buffer on Meldrum Rd; prohibit access to Meldrum Rd and prohibit certain uses	Apvd CS-CO as Commission recommended (11-9- 2017).
C14-2015-0034 – Sonic Drive In #21 - Del Valle – 3115 E SH 71 WB	I-SF-2 to GR	To Grant	Apvd (6-11-2015).
<b>C14-2008-0244 – Najib 0.7 – 3133 E SH 71 WB</b>	<b>I-SF-2 to CS</b>	<b>To Grant GR-CO w/CO prohibiting auto repair, auto washing and pawn shops</b>	<b>Apvd GR-CO as Commission recommended (2-12- 2009).</b>
C14-05-0017 – Highway 71 – 3103 E SH 71 WB	I-SF-2 to GR- CO	To Grant GR-CO	Apvd GR-CO w/CO for 2,000 trips (4-7- 2005).
C14-01-0186 – State Highway 71 East 3039 – 3039- 3101 E SH 71 WB	I-SF-2; RR to LI	To Grant CS-CO with added conditions	Apvd CS-CO w/CO for 15' vegetative buffer along Meldrum Rd., prohibit adult businesses, B & B residential (Groups 1&2); campground, cocktail lounge, commercial blood plasma center, custom mfg, funeral services, hotel-motel, indoor/outdoor entertainment, indoor / outdoor sports and recreation, marina, pawn shops, scrap & salvage, special use historic, stables, theater, vehicle storage (5-16-2002).
<b>C14-01-0027 – High Performance Automotive – Highway 71 East</b>	<b>I-SF-2 to GR</b>	<b>To Grant GR-CO</b>	<b>Approved GR-CO w/ CO for 2,000 trips (4- 19-2001).</b>

at Cheviot Lane			
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**RELATED CASES:**

The property was annexed into the Full-purpose City limits on September 6, 2001 (C7a-01-002).

The property is platted as Lot 1, Glenbrook Addition, Section One Subdivision, a subdivision recorded on May 1948 (C8-1948-1877) and Lots 1-4, Block B, A.L. Royster Addition. TxDOT acquired the southern 0.184 acres of the property for right-of-way improvements in September 2014.

**EXISTING STREET CHARACTERISTICS:**

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
State Hwy 71	350 feet	2 @ 36 feet	Highway	Yes	Shared path	Routes 271 and 350
Cheviot Ln	50 feet	24 feet	Local	No	No	
Royster Ave	54 feet	26 feet	Local	No	No	

**COUNCIL DATE:** June 14, 2018

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>                      2<sup>nd</sup>                      3<sup>rd</sup>

**ORDINANCE NUMBER:**

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

**PHONE:** 512-974-7719

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e-mail: wendy.rhoades@austintexas.gov**PHONE:** 512-974-7719

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant community commercial (GR-CO) combining district zoning. The Conditional Overlay prohibits automotive repair services, automotive washing (of any type) and pawn shop services.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

The proposed community commercial (GR) 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 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 GR 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 72%.

**Comprehensive Planning**

This rezoning case is located on the northeast corner of the Bastrop Highway/SH 71 and Cheviot Lane, on a property that is approximately 1.10 acres in size, which is undeveloped. The property is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses include a single family house to the north, SH 71 to the south, a vacant fast food restaurant to the west, and an undeveloped lot to the east. The proposal is to remove the Conditional Overlay which limits vehicle trips to 2,000 trips per day, and construct a service station with a convenience store and one retail bay.



### **Connectivity**

There are no public sidewalks or a CapMetro transit stop located along this portion of SH71, which is a state highway. The Walkscore for this site is 18/100, Car Dependent, meaning almost all errands require a car.

### **Imagine Austin**

Based on the comparative scale of the site relative to other commercial uses located along SH 71, as well as the site not being located along an Activity Corridor or within an Activity Center, 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 River Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

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

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

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

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

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 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 are 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.

The site is subject to compatibility standards. Along the north, east, and west property lines, following standards apply:

- 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 at least 25 feet wide 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.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

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

### ***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.

#### *Scenic Roadway*

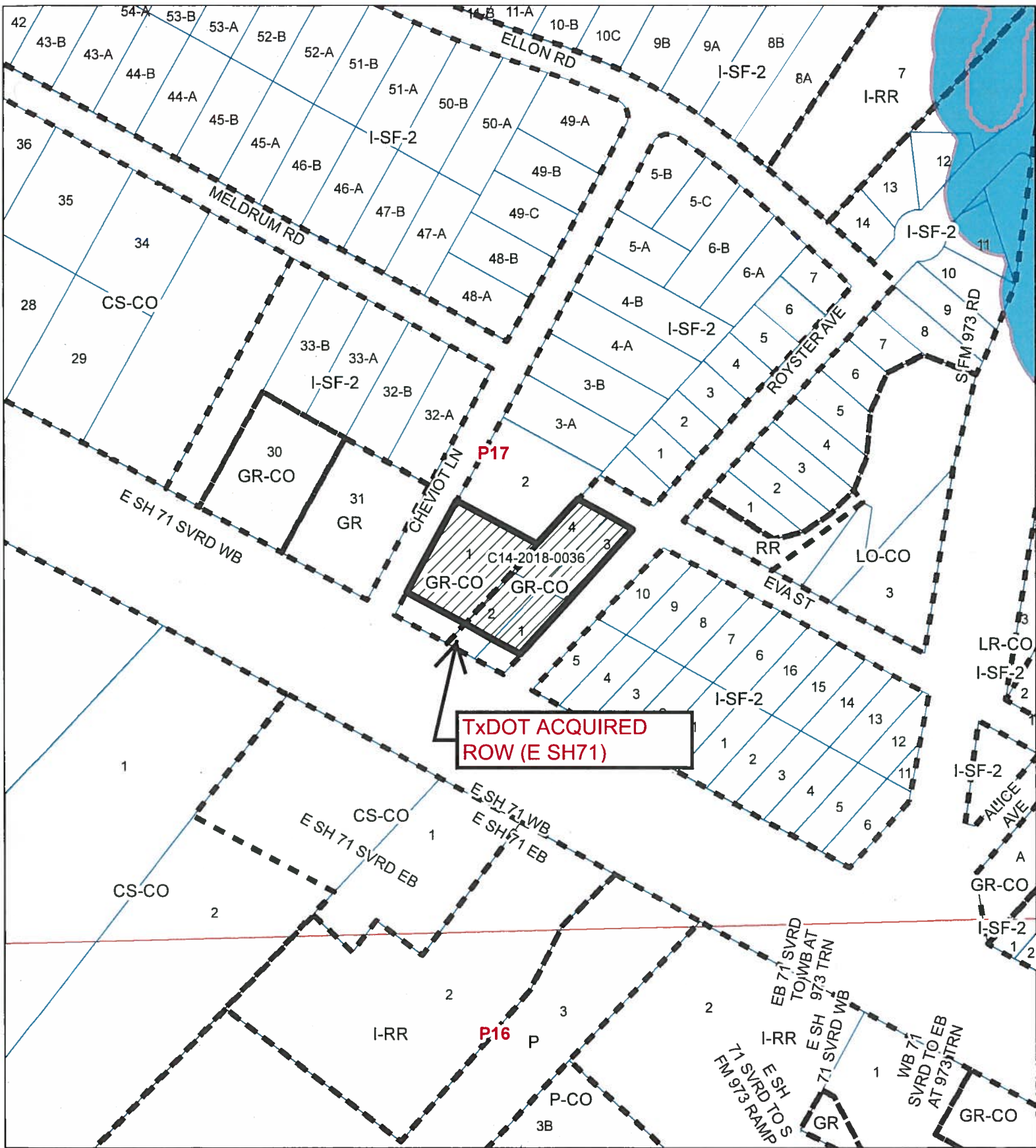
This site is within the Scenic Roadway Sign District. All signs must comply with Scenic Roadway Sign District regulations.

#### **Transportation**

A TIA has been 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. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fees once the landowner makes an application for Austin Water utility tap permits.



### EAST SH71 REZONING

ZONING CASE#: C14-2018-0036  
 LOCATION: 3171 E SH71 WB  
 SUBJECT AREA: 1.1 ACRES  
 GRID: P17  
 MANAGER: WENDY RHOADES

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

1" = 200'

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.







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 SUBJECT AREA: 1.1 ACRES  
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- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY
- CREEK BUFFER





**ALICE GLASCO CONSULTING**

 \* Tel. 512-231-8110 \*Cell 512-626-4461

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April 10, 2018

Mr. Greg Guernsey, Director  
Neighborhood Planning and Zoning Department  
505 Barton Spring Road, Suite 500  
Austin, Texas 78704

RE: Rezoning for 3131 East SH 71

Dear Greg:

I represent Najib Wehbe, the owner of 3131 East SH 71. The subject property is zoned GR-CO, under ordinance numbers: 010419-87 (case# C14-01-0027) and 20090212-057 (case # C14-2008-0244). The conditional overlay under each ordinance, limits the site to 2,000 vehicle trips per day for a total of 4,000 combined trips.

The purpose of the rezoning request is to remove the 2,000 vehicle trip limit called out in each ordinance because a traffic impact analysis has been reviewed and approved by City Transportation Staff, namely Scott James, in association with a site plan.

We look forward to a positive staff recommendation. Please let me know if you have any questions or need additional information.

Sincerely,



Alice Glasco, President  
Alice Glasco Consulting

Cc: Najib Wehbe, Land Owner  
Wendy Rhoades, Zoning Planner