#### ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0152 – Pearce Gardens Retail <u>DISTRICT:</u> 2

ZONING FROM / TO: LR-CO, to remove the 3,200 daily vehicle trip limit

ADDRESS: 12800 Pearce Lane

SITE AREA: 3.95 acres

PROPERTY OWNER: GAB Partners, Inc.

AGENT: MADC, LLC

(Sufian Emmar) (Carl McClendon)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

#### STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood commercial – conditional overlay (LR-CO) combining district zoning and remove the Conditional Overlay that limits the number of daily vehicle trips to 3,200. The Conditional Overlay continues to prohibit residential treatment. *For a summary of the basis of Staff's recommendation, see page 2.* 

#### ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

March 16, 2021: APPROVED LR-CO DISTRICT ZONING, AS STAFF RECOMMENDED.

[H. SMITH; C. ACOSTA – 2<sup>ND</sup>] (7-2) D. KING; R. WOODY – NAY; CHAIR KIOLBASSA – ABSENT; ONE VACANCY ON THE COMMISSSION

February 16, 2021: MEETING CANCELLED DUE TO INCLEMENT WEATHER; RENOTIFICATION REQUIRED

#### CITY COUNCIL ACTION:

**April 22, 2021:** 

March 25, 2021: APPROVED A POSTPONEMENT REQUEST BY COUNCIL MEMBER FUENTES TO APRIL 22, 2021. VOTE: 11-0.

#### ORDINANCE NUMBER:

#### **ISSUES:**

The Applicant has updated correspondence that outlines recently constructed, planned and scheduled / funded roadway and mobility capital improvements within a 3-mile radius of the property. The Applicant's correspondence is attached at the back of the Staff report.

#### CASE MANAGER COMMENTS:

The rezoning area is a platted lot located at the northeast corner of Pearce Lane and Ross Road, both of which are classified as minor arterial roadways. It has had neighborhood commercial – conditional overlay (LR-CO) district zoning since December 2005 and contains a service station, food sales and retail sales uses on the east side of the property, and an undeveloped area on the west side. The property is surrounded by a manufactured home park to the west (MH-CO), property under construction for apartments to the north (GR-MU-CO; LR-MU-CO), and single family residences to the east and across Pearce Lane to the south (I-SF-2; I-SF-4A). *Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View)*.

The Applicant requests removal of the Conditional Overlay (-CO) for a 3,200 daily vehicle trip limit established with the 2005 rezoning ordinance as a necessary step prior to constructing site plan improvements that include an additional 10,000 square feet of retail sales use. Austin Transportation Department staff approved a Traffic Impact Analysis (TIA) with a 2006 site plan application and more recently approved a waiver to the requirement for a new TIA provided the 3,200 daily vehicle trip limit is removed, and the property is subject to the traffic mitigation requirements adopted into Code in 2017. *Please refer to the Applicant's correspondence and TIA waiver attached as Exhibit D.* 

#### **BASIS FOR RECOMMENDATION**

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

The neighborhood commercial – conditional overlay (LR-CO) district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial 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 CO combining district may be applied in combination with most base districts. The district is intended to provide flexible and adaptive use or site development regulations by requiring standards tailored to individual properties. *The property has access to two minor arterial roadways*.

2. Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways.

Staff recommends LR-CO zoning for the property based on the following considerations: 1) access is taken to two minor arterial roadways; and 2) a TIA was approved in conjunction with a site plan that covers the existing commercial development, and new development will be subject to transportation mitigation requirements as prescribed by the Austin Transportation Department.

C14-2020-0152

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

	ZONING	LAND USES
Site	LR-CO	Service station; Food sales, Retail sales
North	GR-MU-CO; LR-	Apartments under construction (total of 300 units, 3 story
	MU-CO; I-SF-2	buildings); Single family residences within Berdoll Farms subdivision
South	I-SF-4A	Single family residences in the Los Cielos subdivision
East	I-SF-2	Single family residences in the Meadows at Berdoll subdivision
West	MH-CO; I-RR; SF-	Oak Ranch Manufactured Home Community; Del Valle
	4A	ISD Middle and Elementary Schools; Single family
		residences in the Lexington Parke subdivision

AREA STUDY: Not Applicable TIA: Is not required

WATERSHED: Dry Creek East – Suburban

CAPITOL VIEW CORRIDOR: No SCENIC ROADWAY: No

#### **SCHOOLS**:

Del Valle ISD – Elementary School; Middle School; and High School

#### **COMMUNITY REGISTRY LIST:**

627 – Onion Creek Homeowners Association

774 – Del Valle Independent School District 1005 – Elroy Neighborhood Association

1083 – Berdoll Farms HOA 1138 – Far Southeast Improvement Association

1228 – Sierra Club, Austin Regional Group 1258 – Del Valle Community Coalition

1363 – SEL Texas 1528 – Bike Austin

1530 - Friends of Austin Neighborhoods

1616 – Neighborhood Empowerment Foundation 1774 – Austin Lost and Found Pets

#### **AREA CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2012-0108 -	I-SF-2 to GR-	To Grant GR-MU-CO	Apvd GR-MU-CO
Ross Road Center –	MU-CO for	(Tract 1) & LR-MU-	(Tract 1) & LR-MU-
5501-1/2 Ross Rd	Tract 1 and LR-	CO (Tract 2), w/the CO	CO (Tract 2), w/Street
	MU-CO for	for 2,000 trips, prohibit	Deed for r-o-w
	Tract 2	drive-thru facilities as	dedication as
		an accessory to a	Commission
		restaurant (general or)	recommended
		limited) use, auto	(12-13-2012).
		repair, auto sales, bail	
		bond services,	

		commercial off-street parking, pawn shops, residential treatment, and service station, and add'l conds of r-o-w dedication on Ross Rd	
C14-2007-0271 –	I-RR to MH	To Grant MH-CO w/	Apvd MH-CO w/
Deerwood		conds of r-o-w	Street Deed for r-o-w
Manufactured		dedication on Pearce	dedication as
Home Park – 12400		Ln and Ross Rd	Commission
Pearce Ln			recommended
			(4-24-2008).
C14-03-0135.SH	DR; I-SF-4A to	To Grant SF-4A w/	Apvd SF-4A w/
(Lexington Parke –	SF-4A	conds of the Traffic	Restrictive Covenant
SMART Housing)		Impact Analysis	for the TIA as
– North of Pearce			Commission
Ln. and west of			recommended
Ross Rd			(12-11-2003).

#### RELATED CASES:

The property was annexed into the City limits on December 31, 2003.

On December 1, 2005, Council approved LR-CO zoning for the property (C14-05-0141 – Ordinance No. 20051201-Z001). *Please refer to Exhibit B.* 

The property is platted as Lot 1, Pearce Gardens subdivision, recorded in August 2006 (C8-05-0244.0A). *Please refer to Exhibit C*.

In December 2013, a site plan was approved for a one-story building containing 10,000 square feet of retail sales uses (SP-2013-0256C – Pearce Retail Center). A site plan is currently in process for 10,000 square feet of retail sales uses and associated parking (SP-2020-0413C – Pearce Retail Center).

#### **EXISTING STREET CHARACTERISTICS:**

Name	Existing	ASMP	Pavement	ASMP	Sidewalks	Bicycle	Capital
	ROW	Required		Classification		Route	Metro
		ROW					(within
							½ mile)
Pearce	88 feet	116 feet	27 feet	3 (Minor	Yes	Yes	Yes
Lane				arterial)			
Ross	99 feet	120 feet	28 feet	3 (Minor	Yes	Yes	Yes
Road				arterial)			

#### OTHER STAFF COMMENTS:

#### Comprehensive Planning

The subject property is located on the northeast corner of Ross Road and Pearce Lane, on a 3.95 acre tract of land that is not located within the boundaries of a small area plan. Existing uses on the subject property include a gas station, convenience store, retail uses and undeveloped land. Surrounding land uses include a multifamily use to the north, and single family uses to south, east and west. The Del Valle Middle School is located 700 feet northwest of the subject property. The request is to amend the TIA and remove the vehicle trips per day limitation, per approval of a TIA waiver from the Austin Transportation Department and the landowners' dedication of public right-of-way improvements to further expand the commercial uses on the property.

#### Connectivity

There are no public sidewalks along this portion of Pearce Lane. Ross Road has a public sidewalk on the opposite side of the street from the subject property. There are also no bike lanes in the area. The closest public transit stop is 0.30 miles away on Pearce Road. Mobility options are below average while the existing retail uses on the subject property does add some goods and services in the area, which are lacking.

#### **Imagine Austin**

The following IACP policies are applicable to this project:

- LUT P5. Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- LUT P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- HN P10. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to healthy food, schools, retail, employment, community services, and parks and recreation options.

#### **Conclusion:**

While Imagine Austin does not reference traffic counts, the Plan does encourage a mix of uses in all areas of Austin, along with a variety of transportation options to make walkable complete community. Based on the project providing additional commercial options in the area but the poor mobility options next to and adjacent to the subject property, this proposal only partially supports the policies of the Imagine Austin Comprehensive Plan.



#### **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.

#### Impervious Cover

The maximum impervious cover allowed by the *LR-CO zoning district* is 80%, a consistent figure between the *zoning and watershed* regulations.

#### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Dry Creek East 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:

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

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

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

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

C14-2020-0152

#### <u>PARD – Planning & Design Review</u>

There are currently no parkland requirements for uses other than residential and hotel. Given that the application is for LR-CO and general retail uses, there would not be parkland dedication requirements or parkland impacts at the time of site plan or subdivision.

#### Site Plan

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

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

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

#### **Transportation**

There is a proposed Urban Trail adjacent to this site, along western property boundary. The traffic impact analysis was waived and the site plan in process cannot be approved until the conditional overlay for 3,200 vehicle trips per day required by zoning case C14-05-0141 is removed. Mitigation per LDC 25-6-101 will be required for this site plan when it is submitted.

#### Water / 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 Austin Water for compliance with City criteria and suitability for operation and maintenance.

The site is within a known capacity concern area for wastewater service. Based on current public infrastructure configurations, it appears that a service extension requests (SER) will be required to provide adequate service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7<sup>th</sup> floor. Ph: 512-972-0211.

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.

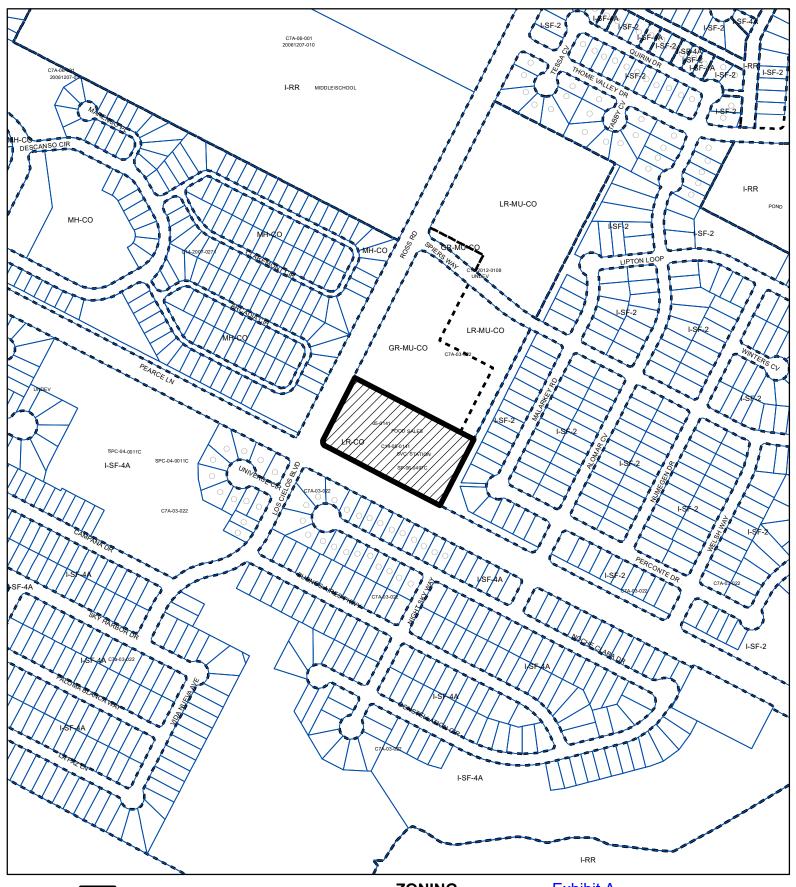
#### INDEX OF EXHIBITS TO FOLLOW

A: Zoning Map A-1: Aerial Map

B: 2005 Rezoning Ordinance

C: Recorded Plat

D: Applicant's correspondence and TIA Waiver







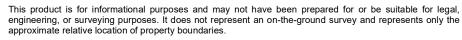
PENDING CASE

ZONING BOUNDARY



Exhibit A

ZONING CASE#: C14-2020-0152

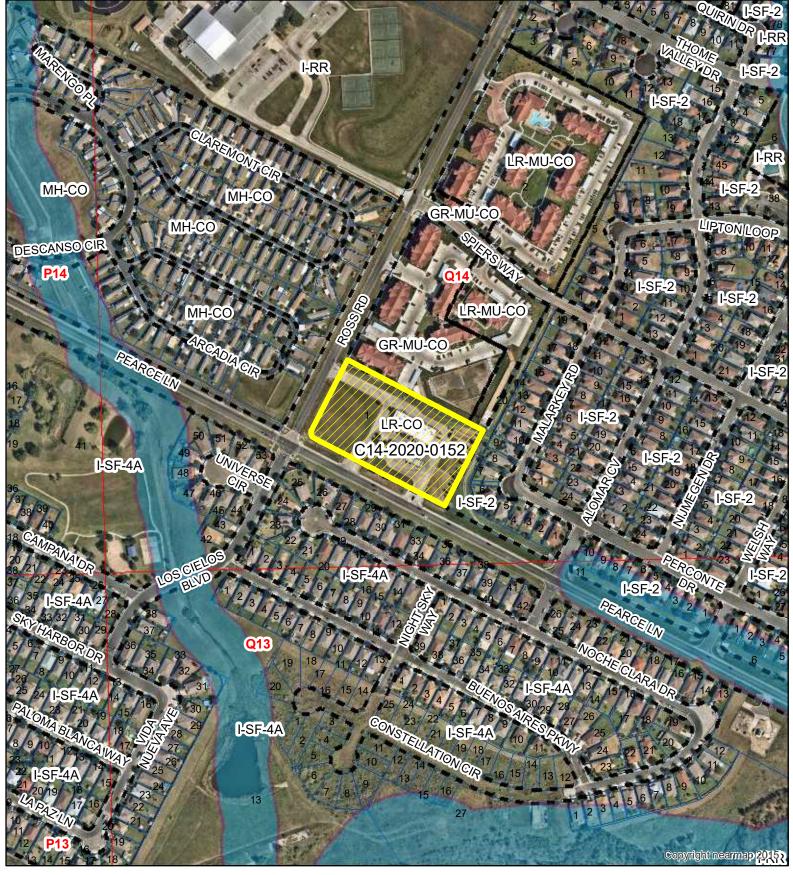


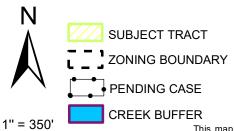


This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 12/31/2020





#### **PEARCE GARDENS RETAIL**

Exhibit A - 1

ZONING CASE#: C14-2020-0152 LOCATION: 12800 Pearce Ln SUBJECT AREA: 3.95 Total Acres

GRID: G14

MANAGER: Wendy Rhoades



#### ORDINANCE NO. 20051201-Z001

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF ROSS ROAD AND PEARCE LANE AND CHANGING THE ZONING MAP FROM INTERIM SINGLE FAMILY RESIDENCE STANDARD LOT (I-SF-2) DISTRICT TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-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-single family residence standard lot (I-SF-2) district to neighborhood commercial-conditional overlay (LR-CO) combining district on the property described in Zoning Case No. C14-05-0141, on file at the Neighborhood Planning and Zoning Department, as follows:

A 4.00 acre tract of land, more or less, out of the Jose Antonio Navarro Survey, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as the property located at Ross Road at Pearce Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

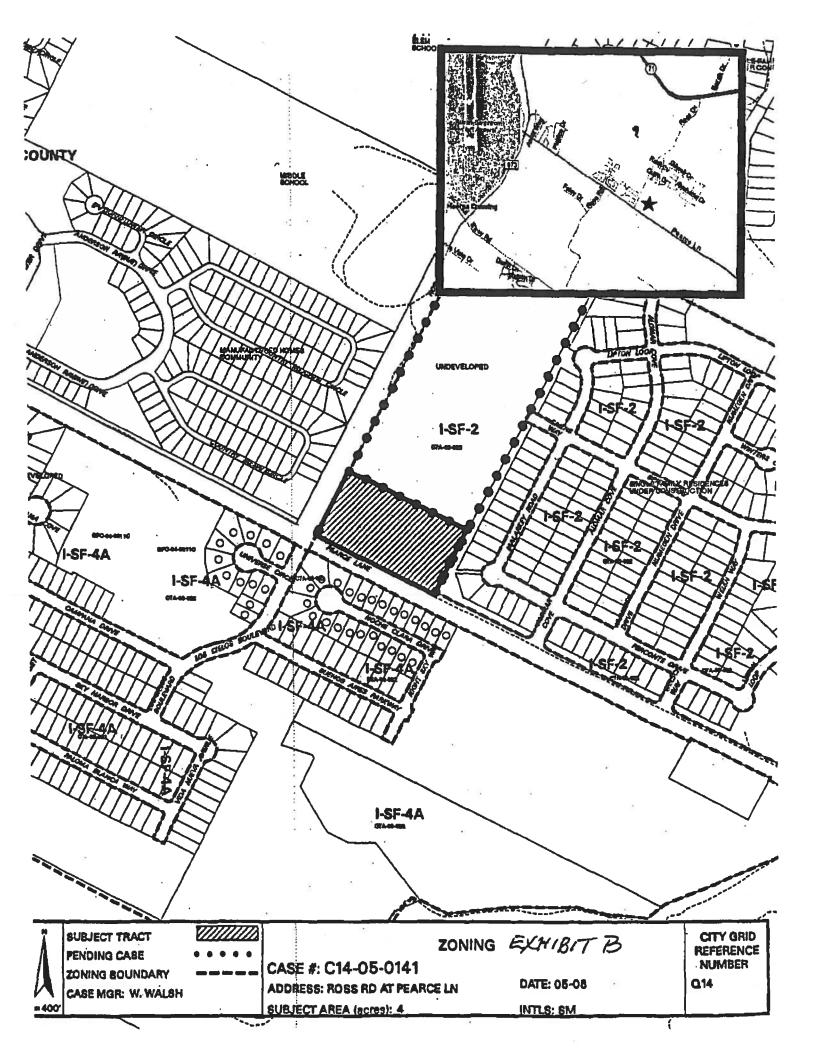
PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- 1. A residential treatment use is a prohibited use of the Property.
- 2. 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 3,200 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 neighborhood commercial (LR) base district and other applicable requirements of the City Code.

EMIBIT B

PART 3. This ordinance takes effect on December 12, 2005.							
PASSED AND APPROVED							
<u>December 1</u> , 2005	§ Will Wynn Mayor						
APPROVED  David Allan Smith  City Attorney	ATTEST: Aurle Down Shirley A. Brown City Clerk						



ENCOODOC

12894

PHOTOGRAPHIC MYLAR

## McClendon & Associates Development Consulting, LLC

April 7, 2021

Mayor Adler and City Council Members City of Austin 505 Barton Springs Road, Ste. 505 Austin, Tx. 78704

Re: Rezoning to Eliminate Conditional Overlay Restriction Prohibiting Development Exceeding 3,200 Vehicle Trips Per Day for 12800 Pearce Ln. (C14-2020-0152)

Honorable Mayor and City Council Members:

The subject property is currently zoned Limited Retail-Conditional Overlay (LR-CO) and the area needs support retail uses. The conditional overlay limits or restricts development of the property to a use and scope of development that generates less than 3,200 trips per day. This requested zoning change is to eliminate the conditional overlay regarding trip generation threshold based upon the following:

- a TIA has been submitted, reviewed and approved by the Austin Transportation Department in conjunction with a previously approved site development permit application (SP-2013-0256C – formerly SP-06-0256C), for the property;
- the landowner dedicated public right-of-way for the expansion of Pearce Lane and Ross Rd, both ASMP Level 3 Roadways scheduled to be Upgraded to 4 Lanes Divided, (Street Deed Document#: 2005227644) and posted \$13,684 in fiscal for traffic improvements with the originally approved site development plan;
- the Austin Transportation Department <u>approved a TIA Waiver</u> (attached) for this project because
  of the previous ROW dedication, fiscal posted, and traffic mitigation requirements that will be
  provided by the applicant in accordance with LDC 25-6-101 for mobility mitigation
  improvements in conjunction with a recently submitted (pending) site plan application for the
  property;
- within a 3-mile radius of this site, there are recently constructed, planned and scheduled/funded roadway and mobility capital improvements totaling \$160M; Projects include:
  - **Kellam Rd** -- recently constructed (2020) and extending from SH 71 to Pearce Ln including sidewalks, drainage, and other capital improvements; \$50M;
  - E. SH 71 Interchanges at Ross Rd and Kellam Rd -- construction of interchanges at E. SH 71/Ross Rd and Kellam Rd by TxDOT beginning in 2022, \$64M;
  - Ross Rd upgrading to 4-lanes with separate 10' wide pedestrian/bikeways along both sides of the roadway as part of the Urban Trails Master Plan from SH 71 to Heine Farm Rd by the City of Austin 2020 Proposition B Mobility Improvements, \$35M; the current Travis County CIP Bond Program is expecting to contribute an additional \$5M for ROW and roadway improvements for the segment from Pearce Ln to Heine Farm Rd; improvements will include roadway/intersection improvements, drainage, and roadway lighting- construction in 2023;
  - Pearce Ln -- widening and upgrading ultimately to 4 lanes from Kellam Rd to the Bastrop County Line by Travis County CIP construction expected to commence in Spring 2022; \$6M;

Phone: 512 363 8676

e-mail: carlmcclendon@austin.rr.com

Mayor Adler and City Council Members, City of Austin Zoning Case: C14-2020-0152 April 2, 2021

Page 2

#### Background

In 2017, a portion of the previously approved site development plan that had not been constructed (10,000 sq. ft. of retail) expired. The landowner is now proposing to construct the previously approved retail space and has submitted a new site development plan reflecting the same. Austin Transportation waived the requirement to provide a new Traffic Impact Analysis (TIA) subject to eliminating the zoning conditional overlay restriction of 3,200 trips and complying with traffic mitigation requirements adopted in the Land Development Code in 2017 (TIA Waiver attached). The area needs support retail uses. A new traffic impact analysis is unnecessary and would not identify needed improvements that are not already funded, scheduled and/or in the process of pending construction. Additional traffic mitigation will be provided by the applicant, and the 3,200 trip zoning conditional overlay restriction unnecessarily inhibits final development of the property that was previously approved.

Phone: 512 363 8676

e-mail: carlmcclendon@austin.rr.com

Feel free to contact me at 512-363-8676 if there are questions.

Carl McClendon, AICP

## Section 12: Traffic Impact Analysis (TIA) Determination Worksheet

Applicant mu	st complete	this workshee	t.					
Project Name	e: Pearce R	etail Center						
Location: 12	2800 Pearce	Lane, Austin,	Tx 78714					
Applicant: P	rofessional S	truCivil Engine	eers	Tele	ephone No:	(512) 2	38-6	422
Application S	status: O De	evelopment As	ssessment	<ul><li>Zoning</li></ul>	Site Pla	an		
EXISTING:				FOR OFFICE USE			USE	ONLY
Tract Number	Tract Acres	Bldg. Sq. Ft.	Zoning	Land Use	I.T.E. Code	Trip R	ate	Trips Per Day
#2	3.95	4,485.00	LR-CO	C-Store				
#2	3.95		LR-CO	16 MPDs	945	FCE		3134
#2	3.95	4,000.00	LR-CO	General Retail	820	37.75		151
<b>PROPOSED</b>	:				FOR O	FFICE	USE	ONLY
Tract Number	Tract Acres	Bldg. Sq. Ft.	Zoning	Land Use	I.T.E. Code	Trip R	ate	Trips Per Day
#2	2.18	10,000.00	LR-CO	General Retail	820	FCE		1256
L						Total	ne nyo	4541
ABUTTING I	ROADWAYS	:			FOR O	FFICE	USE	ONLY
	Street Name	е	Propos	sed Access?	Pavement !	Width	CI	assification
	Ross Road		E	Existing				
	Pearce Lane	;	E	Existing				
FOR OFFICE	USE ONLY			_				
		quired. The consul	tant preparing t	he study must mee	et with a Transp	ortation pla	anner	to discuss the
		ne study before beg						
	oact analysis is N Austin Land Deve	OT required. The to	raffic generated	by the proposal d	oes not exceed	the thresh	nolds e	established in
X The traffic in	mpact analysis ha	as been waived for	the following re	eason:				
		approved until th						
C14-05-0	141 is removed	. Mitigation per l	_DC 25-6-101	will be required	for this site pla	an when i	it is si	ibmitted.
		sis will be performe		r this project. The	applicant may h	ave to coll	ect ex	isting traffic
					Data: 10	07 2020		
Reviewed By:		Mitchel				-07-2020 	0	
Distribution:	And the second second	o. Metro TxD		A		Total (		
NOTE: A TIA D	Determination mus	st he made prior to	submittal of an	v Zoning or Site Pl	lan application, t	therefore.	this co	mpleted and

# **Approved Capital Improvement Projects (CIP) Transportation and Mobility Improvements**

### (Area CIP Projects Within 3-Mile Radius of 12800 Pearce Ln)

Agency	Project Description	Status	Funding
Longview 71 Public	Kellam Rd - recent	Project Completed	\$ 50M
Improvement District	newly constructed		
	3+-mile 2-lane		
	roadway with		
	sidewalks along one		
	side, drainage		
	facilities and		
	amenities from E. SH		
	71 to Pearce Ln.		
	(Plans to be upgraded		
	later to 4 lanes);		
TxDOT	SH71 Interchanges -	Approved Funding –	\$ 64M
	<b>c</b> onstruction of	Design Complete-	
	Interchanges at E. SH	Estimated	
	71/Ross Rd and	Construction in 2022	
-	Kellam Rd.;		
City of Austin (2020	Ross Rd Upgrade	Approved Funding –	\$ 35M
Proposition B)	Ross Rd. to 4 lanes	Design Complete;	
	divided, with 10'	Estimated	
	wide sidewalks/bike	Construction in 2023	
	lanes on each side of		
	the roadway from E.		
	SH 71 to Pearce Ln.;		
Travis County	Pearce Ln – Upgrade	Under Design and	\$ 6M
	3 miles of roadway	in ROW Acquisition;	
	from Kellam Rd to	Estimated	
	Bastrop County Line;	Construction Letting	
		Spring 2022	
Travis County	Ross Rd. South -	Under Design and in	\$ 5M
	upgrade approx. 1	ROW Acquisition;	
	mile of roadway from	Estimated	
	Pearce Ln to Heine	Construction Letting	
	Farm Rd with	2023	
	sidewalks on one		
	side;		0.4.603.5
			\$ 160M