

SECOND / THIRD READINGS SUMMARY SHEET

CASE: C14-2019-0059 – SH 71 and FM 973

DISTRICT: 2

ADDRESS: 3201, 3203, 3205, 3207, 3209, and 3211 East SH 71 Service Road Westbound;
3214 Bessie Avenue; 3174 and 3176 Eva Street

PROPERTY OWNER: Stripes, LLC (Billy Arnette)

AGENT: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson Lynch)

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

REQUEST: **Approve Second and Third Readings**
 From interim – single family residence (standard lot) and
 community commercial – conditional overlay (I-SF-2; GR-CO)
 To community commercial – conditional overlay (GR-CO), with
 conditions

PREVIOUS CITY COUNCIL ACTION:

August 26, 2021:

July 29, 2021: *APPROVED GR-CO DISTRICT ZONING, WITH CONDITIONS OF THE
NEIGHBORHOOD TRAFFIC ANALYSIS AS THE ZONING AND PLATTING
COMMISSION RECOMMENDED, ON FIRST READING. VOTE: 11-0.*

ORDINANCE NUMBER:

ISSUES:

The ordinance and Restrictive Covenant reflect Council action taken on First Reading.

All correspondence received is attached at the back of this packet.

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0059 – SH 71 and FM 973

DISTRICT: 2

ZONING FROM: I-SF-2; GR-CO

TO: GR-CO

ADDRESS: 3201, 3203, 3205, 3207, 3209, and 3211 East SH 71 Service Road Westbound; 3214 Bessie Avenue; 3174 and 3176 Eva Street

SITE AREA: 1.573 acres

PROPERTY OWNER: Stripes, LLC (Billy Arnette)

AGENT: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson Lynch)

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

STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay does the following:

- 1) establishes the following uses as conditional: alternative financial services, community recreation (private), community recreation (public), hospital services (limited); and medical offices (exceeding 5,000 square feet of gross floor area);**
- 2) establishes the following uses as subject to LDC 25-2-587 (*Requirements for Certain Uses in the Neighborhood Commercial (LR) District*): general retail sales (general), personal improvement services, and restaurant (general); and**
- 3) prohibits the following uses: automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), bail bond services, business or trade school, business support services, commercial off-street parking, communications services, drop-off recycling collection facility, exterminating services, food preparation, funeral services, hotel-motel, indoor entertainment, indoor sports and recreation, outdoor entertainment, outdoor sports and recreation, research services, and theater.**

For a summary of the basis of Staff's recommendation, see case manager comments on page 2.

The Restrictive Covenant includes all recommendations listed in the Neighborhood Traffic Analysis memo, dated April 14, 2021, as provided in Attachment A.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

June 1, 2021: *APPROVED GR-CO DISTRICT ZONING, WITH CONDITIONS OF A RESTRICTIVE COVENANT FOR THE NEIGHBORHOOD TRAFFIC ANALYSIS, AS STAFF RECOMMENDED, BY CONSENT*

[H. SMITH; J. KIOLBASSA – 2ND] (8-0) C. ACOSTA, T. BRAY – NOT YET ARRIVED; ONE VACANCY ON THE DAIS

CITY COUNCIL ACTION:
August 26, 2021:

July 29, 2021: *APPROVED GR-CO DISTRICT ZONING, WITH CONDITIONS OF THE NEIGHBORHOOD TRAFFIC ANALYSIS AS THE ZONING AND PLATTING COMMISSION RECOMMENDED, ON FIRST READING. VOTE: 11-0.*

ORDINANCE NUMBER:

ISSUES:

The ordinance and Restrictive Covenant reflect Council action taken on First Reading.

All correspondence received is attached at the back of this packet.

CASE MANAGER COMMENTS:

The subject zoning and rezoning area consists of lots and portions of platted lots, is located at the northeast corner of the East SH 71 westbound frontage road and FM 973 Road. The property has access to SH 71 as well as Eva Street on its north side and Bessie Street on its east side. Alice Avenue is an unbuilt right-of-way that borders the property's west side. The west side of the property is zoned community commercial – conditional overlay (GR-CO) through a 2001 case and the remainder is zoned interim – single family residence (I-SF-2) assigned upon annexation in September 2001. There are manufactured homes, a church and a few single family residences to the north (I-SF-2), and a lot with a billboard, and several single family residences and manufactured homes along Bessie Avenue to the east (LR; I-SF-2). ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).***

The Applicant has requested community commercial – conditional overlay (GR-CO) district zoning in order to build a service station with 12 vehicle fueling positions and a 4,650 square foot food sales use. A site plan for these two uses and GR development regulations is under City review. ***Please refer to Exhibit B (Site Plan in Process).*** The Applicant's proposed Conditional Overlay would prohibit alternative financial services, automotive repair services, automotive washing (of any type) and pawn shop services (please see update under Issues section). Vehicular access is proposed to be taken to the East SH 71 frontage road, Eva Street and Bessie Avenue, with one driveway to each road.

BASIS OF RECOMMENDATION:

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 Conditional Overlay (CO) combining district may be applied in

combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

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

Staff recommends GR-CO zoning for the property based on the following considerations: 1) location at a signalized intersection of two arterials, 2) a food sales and service station uses would be available to serve residents of the adjacent subdivisions, as well as capture “pass by” traffic on SH 71; 3) the Conditional Overlay restricts land uses to those permitted and conditional in the neighborhood commercial (LR) district which are appropriate near residential uses, and 4) the Neighborhood Traffic Analysis enhances connectivity options in the area and requires 4-foot wide sidewalks along Eva Street between FM 973 and Bessie Avenue, and along Bessie and between FM 973 and Eva, and a 10-foot wide shared use path along SH 71 between FM 973 and Fallwell Lane as prescribed by the Austin Transportation Department.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-SF-2; GR-CO	Undeveloped
<i>North</i>	I-SF-2	Manufactured homes; Church; A few single family residences
<i>South</i>	Not Applicable	East SH 71 frontage road and main lanes
<i>East</i>	LR; I-SF-2	Billboard; Several single family residences and manufactured homes
<i>West</i>	I-SF-2; Not Applicable	Undeveloped; FM 973 Road

NEIGHBORHOOD PLANNING AREA: Not Applicable

NEIGHBORHOOD TRAFFIC ANALYSIS: Required – Please refer to Attachment A

WATERSHED: Colorado River – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes, SH 71

SCHOOLS:

The subject property is within the Del Valle Independent School District boundaries.

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 774 – Del Valle Independent School District 1005 – Elroy Neighborhood Association
 1138 – Far Southeast Improvement Association 1195 – Imperial 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 1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0235 – Downstream 973- Mary Street – 3100 Mary St	I-SF-2 to GR	To Grant LR-CO with conditions of additional r-o-w on FM 973	Apvd LO-CO w/conds of right-of-way dedication on FM 973 as the ZAP recommended (4-23-2009).
C14-99-2052 and C14-99-2053 – Austin Interport (East and West) – Fallwell Ln. at SH 71 East	DR, I-SF-2, I- RR to LI-PDA	To Grant GR for Blk A & 1-2 of Blk H w/conds; GR for Blk C & 3-8 of Blk I w/conds; MF-3 for Blk B, 1 of Blk F, & 5 of Blk G w/conds; & numerous other apvls & conds too	Apvd LI-PDA with attached site development standards, RCs for 175’ reservation of r-o-w on SH 71 (9-28-2000).

RELATED CASES:

There is a site plan in process for a service station and food sales use (SP-2021-0163C – 7-Eleven #39776). ***Please refer to Exhibit B (Site Plan in Process).***

On July 19, 2001, Council approved GR-CO zoning for the western portion of the property (C14-01-0075 – Shave Ice Stand). The Conditional Overlay is for a limit of 2,000 vehicle trips per day.

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

The property consists of lots and portions of lots out of the Davidson City Addition.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
East SH 71	190 feet	76 feet (frontage road only)	Highway	Yes	Yes, wide shoulder	Yes

Alice Avenue	50 feet	20 feet, not fully constructed to FM 973 / SH 71	Local street	No	No	No
Eva Street	50 feet	20 feet	Local street	No	No	No
Bessie Avenue	50 feet	20 feet	Local street	No	No	No

OTHER STAFF COMMENTS:

Comprehensive Planning

This zoning and rezoning case is located on 1.72 acres at the northeast corner of the Bastrop Highway / SH 71 and Bessie Avenue. The property is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses include a church and single family housing to the north; across SH 71 to the south is undeveloped land, and the Travis County Transitional Center and Probation Center; to the east is single family housing and undeveloped land; and across FM 973 to the west is undeveloped land and a few single family residences. The proposal is to build a gas station with a convenience store.

Connectivity

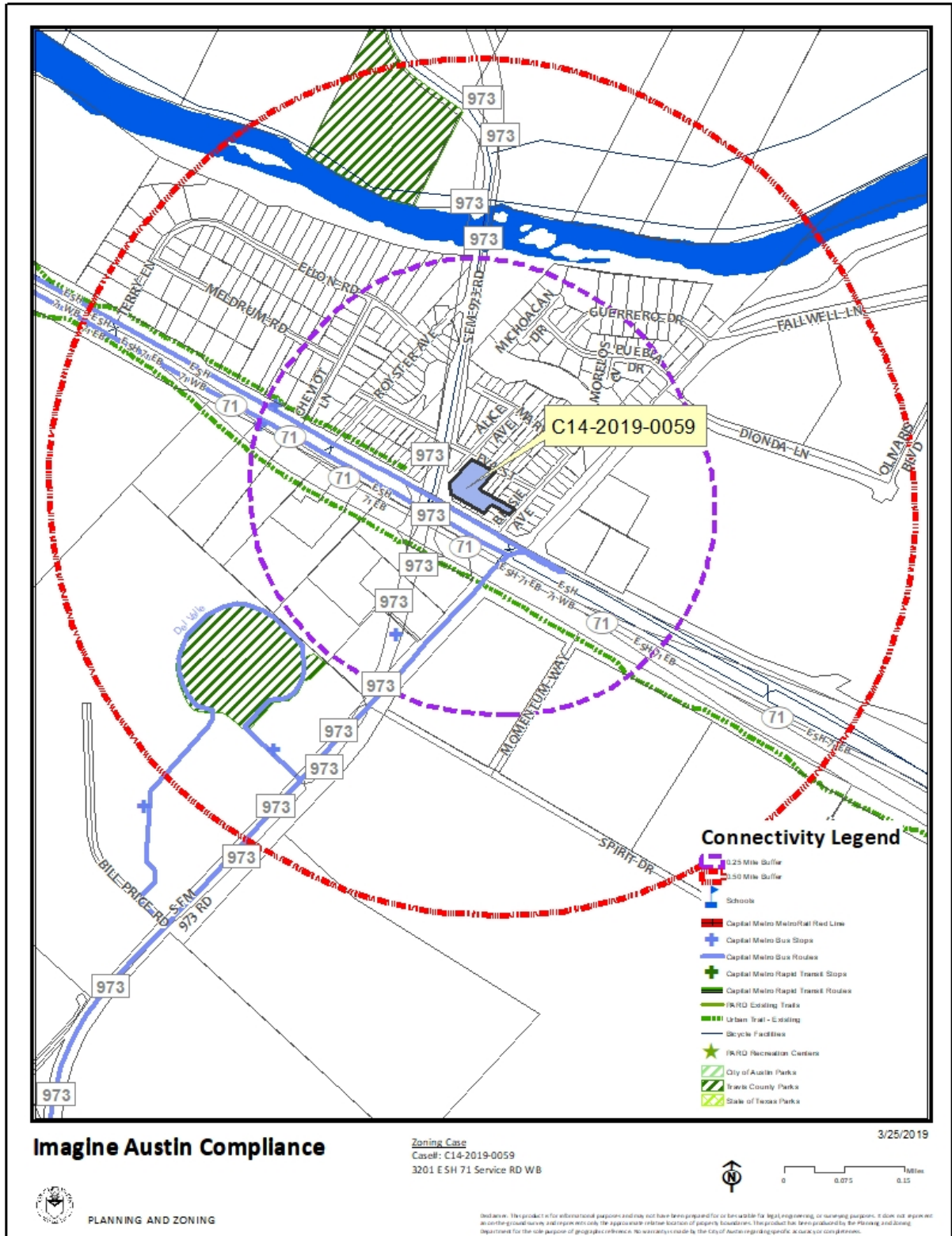
Public sidewalks have recently been installed along SH71, but there are no CapMetro transit stops located along this portion of the highway. The Walkscore for this site is **14/100, Car Dependent**, meaning almost all errands require a car. The mobility and connectivity options in this area are below average.

Imagine Austin

The property is not located along an Activity Corridor or by an Activity Center. The following Imagine Austin policies are relevant to this case:

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes 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.
- **HN P11.** Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

Based upon: (1) the comparative scale of the site relative to other commercial uses located along this portion of SH 71/Bastrop Highway, (2) the Imagine Austin policies above that support context sensitive infill, but (3) a lack of mobility (beyond a car) and connectivity options in the area, this commercial project appears to only partially support 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.

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.

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.

Impervious Cover

Within the suburban portion of the Colorado River watershed, the maximum impervious cover allowed by the *GR-MU zoning district is 80% (90% with transfers)*, which is based on the more restrictive *watershed* regulations. The proposed amount of impervious cover on the site plan in process is 76.73 percent.

PARD – Planning & Design Review

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

Site Plan and Compatibility Standards

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.

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

The entire site is subject to compatibility standards due to adjacent I-SF-2 property to the north and east. The 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.
- Landscaping or screening is required along the property line in accordance with the screening requirements (Section 25-2-1006 and ECM 2.9.1.), Parking Design Standards (Section 25-6-563) and/or Screening Standards (Section 25.2.1066) 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 zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from property in an SF-5 or more restrictive zoning district.
- 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 from LDC 25-2-1067 include the following:

- Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property:

- (1) in an urban family residence (SF-5) or more restrictive district
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located
- The noise level of mechanical equipment may not exceed 70 decibels at the property line.
- A permanently placed refuse receptacle, including a dumpster, may not be located 20 feet or less from property:
 - (1) in an SF-5 or more restrictive zoning district; or
 - (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

AIRPORT OVERLAY

FYI – This site is located within the Austin-Bergstrom Airport Controlled Compatible Land Use Area Overlay. No use will be allowed that can 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 the site plan, Airport Hazard Zoning Committee review may be required prior to Planning Commission Hearing. Additional comments may be generated during the site plan review process.

SCENIC ROADWAYS

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

Transportation

Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

A Neighborhood Traffic Analysis is required and has been performed for this project by the Transportation Review staff [LDC 25-6-114]. Results are provided Attachment A.

The Austin Metropolitan Area Transportation Plan calls for 400 feet of right-of-way for SH 71. With the approval of the Texas Department of Transportation, 200 feet of right-of-way from the existing centerline should be dedicated and/or reserved for SH 71 according to the Transportation Plan at the time of the subdivision and/or site plan application, whichever comes first [LDC 25-6-51 and 25-6-55].

Additional right-of-way may be required at the time of subdivision and/or site plan.

The Urban Trails Master Plan recommends a tier II urban trail/shared use path along SH 71. Please review the [Urban Trails Master Plan](#) for more information. Additional right-of-way dedication and trail construction may be required in accordance with LDC 25-6-55 and LDC 25-6-101 at the time of the subdivision and site plan applications.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, an urban trail is recommended for SH 71. Additional right-of-way dedication and bicycle facility construction may be required in accordance with LDC 25-6-55 and LDC 25-6-101 at the time of the subdivision and site plan applications. Please review the [Bicycle Master Plan](#) for more information.

FYI – Vehicular access to SH 71 shall be reviewed and approved by the Texas Department of Transportation.

Austin Water Utility

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.

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.

INDEX OF EXHIBITS AND ATTACHMENT TO FOLLOW

Exhibit A: Zoning Map
Exhibit A-1: Aerial Map

Exhibit B: Site Plan in Process

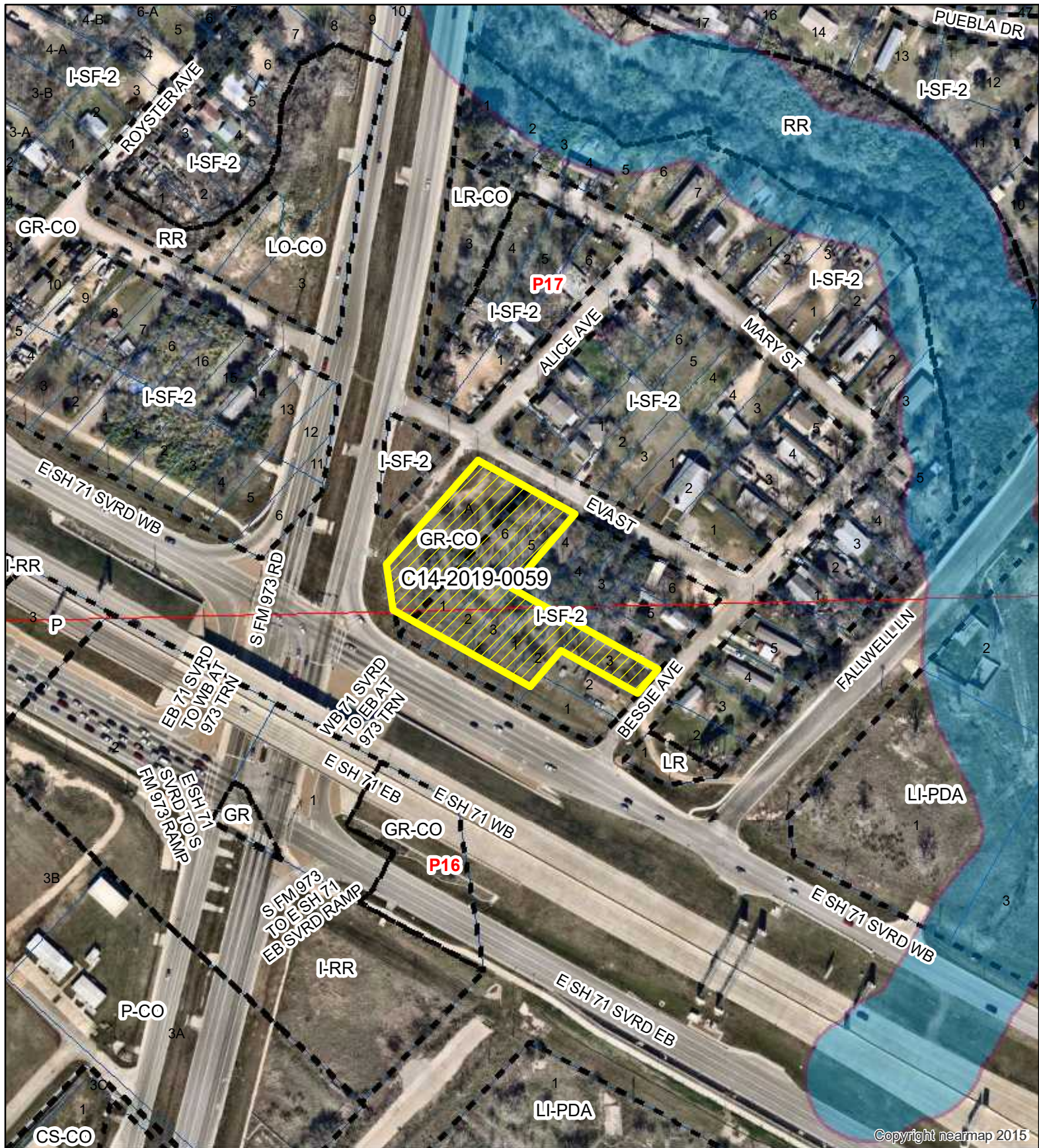
Attachment A: Neighborhood Traffic Analysis

Applicant's Summary letter

Questions and Answers







Created: 3/21/2019



SH 71 and FM 973

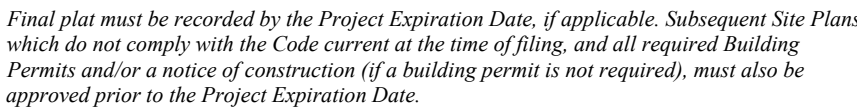
Exhibit A - 1

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

ZONING CASE#: C14-2019-0059
 LOCATION: 3201, 3203, 3205, 3207, 3209, 3211 E SH 71 WB:
 3214 Bessie Ave, and 3174 and 3176 Eva St
 SUBJECT AREA: 1.573 Acres
 GRID: P16 & P17
 MANAGER: Wendy Rhoades



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.





MEMORANDUM

To: Santiago Araque, P.E. (Kimley-Horn)
CC: Curtis Beaty, P.E. (ATD); Joan Minyard EIT (ATD)
FROM: Justin Good, P.E. (ATD)
DATE: April 14, 2021
SUBJECT: Neighborhood Traffic Analysis for SH 71 & FM 973
Zoning Case Number C14-2019-0059

The Transportation Development Services (TDS) division has performed a Neighborhood Traffic Analysis (NTA) for the above referenced case and offers the following comments.

The 1.202-acre tract is located in southeast Austin near the intersection of SH 71 and FM 973 (see Figure 1). The site is currently zoned GR-CO and I-SF2 and the zoning request is for full GR-CO.

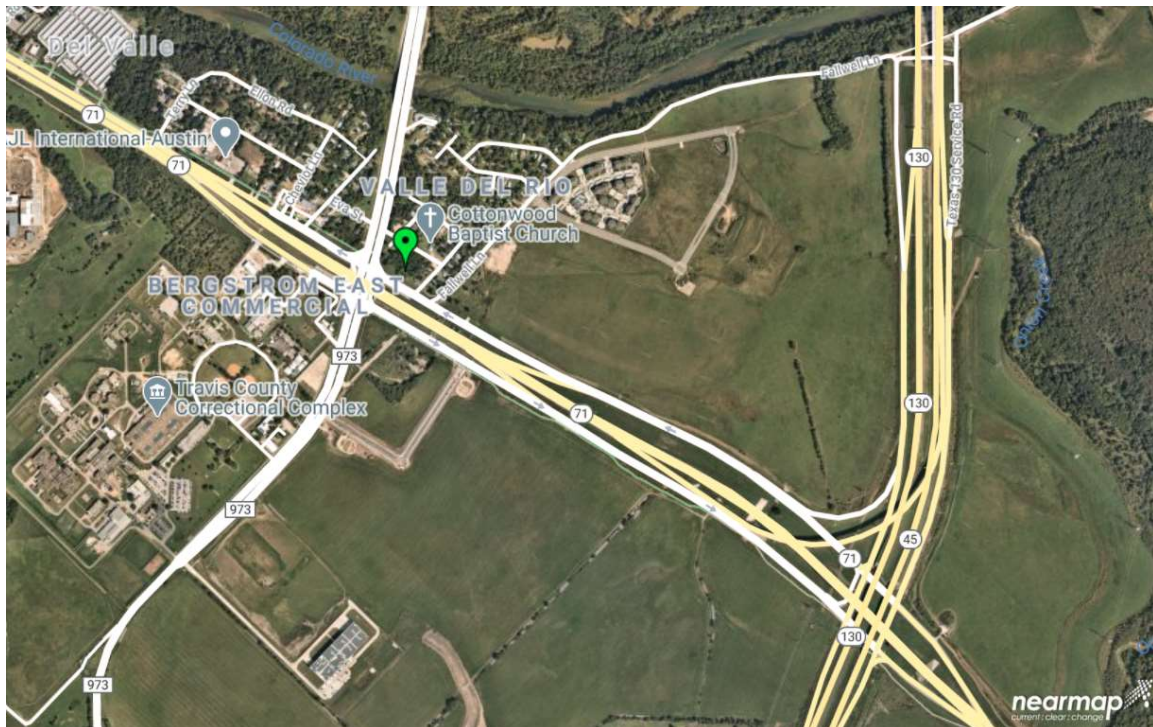


Figure 1: Local Map

Attachment A

Roadways

The development proposes right-in only access from the SH 71 westbound frontage road and full purpose access to Eva Street and Bessie Avenue. SH 71 is classified as a freeway and matters concerning right-of-way are deferred to TxDOT. The SH 71 westbound frontage road has a u-turn lane, left-turn only lane, three through lanes, right-turn only lane, curb and gutter, and a 6'-wide sidewalk. Eva Street and Bessie Avenue are classified as residential local streets and both currently have 50 feet of right-of-way, 20 feet of pavement width, and two unstriped travel lanes. There is no curb and gutter, sidewalk, or bicycle facilities on either street.

As SH 71 is a TxDOT facility, this memo focuses on the traffic impacts to City roads Eva Street and Bessie Avenue. The 24-hour traffic volumes on Eva Street and Bessie Avenue were 276 vehicles per day and 195 vehicles per day, respectively, based on traffic counts collected October 28, 2020. Previously, daily traffic count data was collected on Eva Street on April 3, 2019 and showed a 24-hour traffic volume of 286 vehicles per day. In order to account for reduced daily traffic volumes due to the ongoing COVID-19 pandemic, an adjustment factor of 1.04 was calculated based on the difference in traffic on Eva Street between 2019 and 2020. Applying the adjustment factor to the October 28, 2020 daily traffic volume on Bessie Avenue results in an adjusted daily traffic volume of 202 vehicles per day.

Trip Generation and Traffic Analysis

This zoning case assumes a gasoline station with convenience market with twelve vehicle fueling positions (ITE Code 945). Based on the Institute of Transportation Engineer's Trip Generation Manual, 10th Edition, the proposed development will generate 2,464 vehicle trips per day. See Table 1 for a detailed breakdown of the trip generation.

Table 1 – Trip Generation		
Land Use	Size	Unadjusted Trip Generation
Gasoline Station with Convenience Market	12 vehicle fueling positions	2,464
TOTAL		2,464

Table 2 provides the expected distribution of site trips. The right-in only driveway off SH 71 is anticipated to be the primary entrance point to the site with vehicles exiting via Eva Street and Bessie Avenue.

Table 2 – Trip Distribution	
Street	Traffic Distribution by Percent
SH 71	85% (in), 0% (out)
Eva Street	10% (in), 25% (out)
Bessie Avenue	5% (in), 75% (out)

Table 3 represents a breakdown of traffic on Eva Street and Bessie Avenue: existing traffic, proposed site traffic, total traffic after development, and percentage increase in traffic. The

“Proposed New Site Traffic to Roadway” was calculated assuming a 50% in/50% out split of the total daily trips.

Table 3 – Traffic Summary				
Street	Existing Traffic (vpd)	Proposed New Site Traffic to Roadway	Overall Traffic	Percentage Increase in Traffic
Eva Street	286 (2019)	123 (in) + 308 (out) = 431	717	250.7%
Bessie Avenue	202 (adjusted)	62 (in) + 924 (out) = 986	1,188	588.1%

According to Section 25-6-116 of the Land Development Code, streets which have pavement width of less than 30 feet are considered to be operating at an undesirable traffic level if the average daily traffic volume for such roadway exceeds 1,200 vehicles per day. Eva Street and Bessie Avenue are currently operating at a desirable level and will continue to do so with the addition of site traffic.

Recommendations/Conclusions

Based on the results of the NTA and an assessment of the pedestrian, bicycle, and transit infrastructure in the surrounding area, ATD has the following recommendations and conclusions.

1. At time of subdivision or site plan, construct a 4'-wide sidewalk on the south side of Eva Street between FM 973 and Bessie Avenue with associated pedestrian curb ramps.
2. At time of subdivision or site plan, construct a 4'-wide sidewalk on the west side of Bessie Avenue between the SH 71 westbound frontage road and Eva Street with associated pedestrian curb ramps.
3. At time of subdivision or site plan, remove the existing sidewalk along the north side of the SH 71 westbound frontage road between FM 973 and Fallwell Lane and construct a 10'-wide shared-use path with associated pedestrian curb ramps.
4. Coordinate with TxDOT regarding driveway access along SH 71 and any right-of-way needs along FM 973 or SH 71.
5. If the land use intensity proposed in Table 1 is exceeded, the TDS division may be required to reassess the NTA. If at time of subdivision or site plan a TIA is required per LDC 25-6-113, the recommendations identified in this NTA memo may be revised. The final decision on mitigation recommendations shall defer to the TIA.
6. The City Council may deny an application if the neighborhood traffic analysis demonstrates that the traffic generated by the project combined with existing traffic exceeds the desirable operating level established on a residential local or collector street in the neighborhood traffic analysis study area.

If you have any questions or require additional information, please contact me at 974-1449.

A handwritten signature in black ink, appearing to read 'Justin Good', with a stylized, cursive script.

Justin Good, P.E.
Transportation Development Engineer – Lead: South
Austin Transportation Department



METCALFE WOLFF
STUART & WILLIAMS, LLP

MICHELE ROGERSON LYNCH
512.404.2251
mlynch@mwswtexas.com

May 11, 2021

Mr. Jerry Rusthoven, Zoning Officer
Housing and Planning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Via Email

Re: Revised Application for Rezoning; 1.57 acres located at SH 71 and FM 973 (the
“Property”); Zoning Case # C14-2019-0059

Dear Mr. Rusthoven:

Since initial filing of the pending Application for Rezoning, the proposed project has been modified. As such, we respectfully request that the Application for Rezoning be updated to reflect the following modifications, which are also included in the Neighborhood Traffic Analysis approved by the Austin Transportation Department:

- 1) Access will be taken from Eva Street, Bessie Avenue and SH 71;
- 2) There will be 12 vehicle fueling positions – the building square footage remains the same; and
- 3) Updated TIA Determination Form

Otherwise, the proposed conditional overlay remains the same related to the suggested prohibited uses noted below:

Alternative Financial Services
Automotive repair services
Automotive washing (of any type)
Pawn shop services

If you have any questions about this Application for Rezoning or need additional information, please do not hesitate to contact me at your convenience. Thank you for your time and attention to this project.

Very truly yours,

Michele R. Lynch

Rhoades, Wendy

From: Michele Rogerson Lynch [REDACTED]
Sent: Tuesday, June 1, 2021 12:16 PM
To: King, David - BC
Cc: Rivera, Andrew; Rhoades, Wendy; Ramirez, Nadia - BC
Subject: RE: 6/1 ZAP - Item B4 - SH71 & 973

Follow Up Flag: Follow up
Flag Status: Flagged

Hi there. Thanks for reaching out. Responses are below. Let me know if you have other questions:

Michele Rogerson Lynch
Director of Land Use & Entitlements
Metcalf Wolff Stuart & Williams, LLP
221 W. 6th Street, Suite 1300
Austin, Texas 78701
(512) 404-2251 ofc
(512) 797-2129 cell
(512) 404-2245 fax
[REDACTED]

From: King, David - BC <BC-David.King@austintexas.gov>
Sent: Tuesday, June 1, 2021 11:13 AM
To: Michele Rogerson Lynch [REDACTED]
Cc: Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Ramirez, Nadia - BC <BC-Nadia.Ramirez@austintexas.gov>
Subject: Re: 6/1 ZAP - Item B4 - SH71 & 973

Hello, Michele,

Thank you for your email! Could you please help me with the following questions regarding this case?

1. Will any single family homes be demolished for this development?

No – the site is undeveloped.

2. Will any families be displaced by this development?

No -the site is undeveloped

3. Will compatibility standards apply to the existing single family home located at 3218 Bessie Ave.

Compatibility standards apply to the site.

4. Have all families on Eva St. and Bessie Ave. been notified about this development? Have any of these families provided comments or concerns regarding this development?

All owners have been notified by the City of Austin. To date, we have received no inquiries and to my knowledge neither has the City. I have also been working through Patricia King and she had some discussions with residents in the area as well. Again, no comments or concerns have been received.

Thank you,

David

David King

Zoning and Platting Commission - District 5

Scheduled Meeting Disclosure Information:

Written disclosure is required by visitors when attending a scheduled meeting with a City Official regarding a municipal question for compensation on behalf of another person. Anyone scheduling or accepting a meeting invitation with a City Official must either acknowledge that the disclosure requirement does not apply or respond to the following survey:

<https://www.surveymonkey.com/r/BCVisitorLog>

From: Michele Rogerson Lynch <mrogerson@cityofaustin.org>
Sent: Monday, May 31, 2021 1:33 PM
To: King, David - BC <BC-David.King@austintexas.gov>
Subject: 6/1 ZAP - Item B4 - SH71 & 973

*** External Email - Exercise Caution ***

Hi Commissioner King. I hope you are doing well.

I'm just touching base on my item – B4. Should be consent. Staff (Wendy) did a good job as always. I don't have much to add other than I reached out to my neighborhood contact who is a boardmember of the nearby church (Patricia King) and all is well on that front. I think they are excited to have some additional food options in this area of town. We're also doing some improvements related to the NTA and will likely be doing a TIA with the site plan (which I think is already on file).

Let me know if you have any questions or need more information.

Happy Memorial Day!

M

Michele Rogerson Lynch
Director of Land Use & Entitlements

PUBLIC HEARING INFORMATION

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Case Number: C14-2019-0059

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: July 29, 2021, City Council

Ola Faye Woods

Your Name (please print)

Ola Faye Woods

☒ I am in favor
☐ I object

Your address(es) affected by this application (optional)

3178-3180 Eva Street *July 20, 2021*

Signature

Date

Daytime Telephone (Optional): *469-644-8422*

Comments:

City of Austin

JUL 27 2021

NHCD / AHFC

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

wendy.rhoades@austintexas.gov

From: [Pinaki Ghosh](#)
To: [Rhoades, Wendy](#)
Cc: [Coronado, Jessica](#); [Woody, Roy - BC](#); David King; Joe P Bessie
Subject: protest in case # C14- 2019-0059
Date: Saturday, July 17, 2021 12:54:00 PM
Attachments: [Bessie Rezoning.PDF](#)

*** External Email - Exercise Caution ***

Hello Mrs. Rhoades,

I am out of the country and cannot attend the city council meeting regarding the above mentioned case.

I won about 10 properties in the area where this case is located and one of them is diagonally in front of the lot at Bessie avenue which Stripes is trying to convert to a driveway. I protest due to the following reason.

1. The ZAP members should have been notified of the location between 2 residential houses so that they could have taken an informed decision. They were not informed
2. There is a clear compatibility issue because commercial lots call for 25 ft setback from residential houses - how will they build a driveway with that set back from both sides.
3. So we will be bringing cars from a highway (71) into a residential neighborhood - was there any traffic study done? Was any safety assessment done? This will create enormous safety issues.
4. What about light pollution for the neighbors all around including my lot which is just on the other side (driveways need lights)
5. The subdivision was created before the city annexed it. So for usage change we need a "lot vacation" with 100% of subdivision support.(this directly affects the neighbors)
6. The gas station has enormous space on 71 (more than 200ft) to create both entry and exit - they don't need that residential lot. They are doing it because they know if they can build the driveway then eventually the neighbors will sell and then they can have the entire block. If that is the case then they should offer handsome money to the neighbors to vacate their lots.

I will request you to kindly distribute this to all council members before the meeting because the question they should answer is - would they allow it in west Austin or Hyde park?

--

regards

Pinaki

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

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Contact: Wendy Rhoades, 512-974-7719
Public Hearing: July 29, 2021, City Council

objection

PINAKI GHOSH

Your Name (please print)

☐ I am in favor
☒ I object

3113 Alice Avenue

Your address(es) affected by this application (optional)

[Signature] *July 20, 2021*
Signature Date

Daytime Telephone (Optional): _____

Comments: _____

*This driveway will be inbetween 2
residential houses with 4 other
residential properties around it.
The drive way from Bernie street
will destroy the neighborhood.
The gas station has frontage on
I71 for exit & entrance*

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department
Wendy Rhoades
P. O. Box 1088, Austin, TX 78767
Or email to:
wendy.rhoades@austintexas.gov

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Case Number: C14-2019-0059

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: July 29, 2021, City Council

objection

~~2000~~ Victoire Van der Pas

Your Name (please print)

3133 Mary St, 78617

☐ I am in favor
☒ I object

Your address(es) affected by this application (optional)

[Signature]

Signature

July 20, 2021
Date

Daytime Telephone (Optional): _____

Comments: _____

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Contact: Wendy Rhoades, 512-974-7719

Public Hearing: July 29, 2021, City Council

objection

PINAKI GHOSH

Your Name (please print)

☐ I am in favor
☒ I object

3126 Mary Street, 78617

Your address(es) affected by this application (optional)

[Signature]

Signature

July 20, 2021

Date

Daytime Telephone (Optional): _____

Comments: _____

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residential houses with 4 other
residential properties around it.
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will destroy the neighborhood.
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Case Number: C14-2019-0059

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: July 29, 2021, City Council

objection.

PINAKI GHOSH

Your Name (please print)

3203 Berne Avenue, 78617

Your address(es) affected by this application (optional)

[Signature]

Signature

July 20, 2021

Date

Daytime Telephone (Optional):

Comments:

☐ I am in favor
☒ I object

*This driveway will be inbetween 2
residential houses with 4 other
residential properties around it.
The drive way from Berne street
will destroy the neighborhood.
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Contact: Wendy Rhoades, 512-974-7719

Public Hearing: July 29, 2021, City Council

objection

PINAKI GHOSH

Your Name (please print)

3104 Bernie Avenue, 78617

Your address(es) affected by this application (optional)

[Signature]
Signature

☐ I am in favor
☒ I object

July 20, 2021
Date

Daytime Telephone (Optional):

Comments:

*This driveway will be inbetween 2
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Contact: Wendy Rhoades, 512-974-7719

Public Hearing: July 29, 2021, City Council

objection

Victoire Van der Aas

Your Name (please print)

3111 Mary St, 78617

Your address(es) affected by this application (optional)

[Signature]

Signature

☐ I am in favor
☒ I object

July 20, 2021
Date

Daytime Telephone (Optional): _____

Comments: _____

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Public Hearing: July 29, 2021, City Council

objection

Victoire Van der Pas

Your Name (please print)

3139 Mary Street, 78717

☐ I am in favor
☒ I object

Your address(es) affected by this application (optional)

[Signature]

Signature

July 20, 2021
Date

Daytime Telephone (Optional):

Comments:

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Public Hearing: July 29, 2021, City Council

objection

Victoire Van der Pas

Your Name (please print)

3135 Mary Street

Your address(es) affected by this application (optional)

[Signature]

Signature

July 20, 2021

Date

Daytime Telephone (Optional):

Comments:

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Contact: Wendy Rhoades, 512-974-7719

Public Hearing: July 29, 2021, City Council

objection

PINAKI GHOSH

Your Name (please print)

3145 Eva Street, 78617

Your address(es) affected by this application (optional)

[Signature]

Signature

☐ I am in favor
☒ I object

July 20, 2021

Date

Daytime Telephone (Optional): _____

Comments: _____

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