

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0197 – Callahan’s General Store **Z.A.P. DATE:** January 20, 2015
of Austin, Inc.

ADDRESS: 3329 East State Highway 71 Westbound

DISTRICT AREA: 2

OWNER: Callahan’s General Store of Austin, Inc. **AGENT:** Metcalfe Stuart Wolff &
(Verlin Callahan) Williams, LLP (Michele R. Lynch)

ZONING FROM: I-SF-2 **TO:** LR **AREA:** 0.162 acres (7,033 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood commercial (LR) district zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

January 20, 2015: *APPROVED LR DISTRICT ZONING AS STAFF RECOMMENDED, BY
CONSENT*

[R. MCDANIEL; C. BANKS – 2ND] (5-0) B. BAKER; S. COMPTON – ABSENT

DEPARTMENT COMMENTS:

The subject property is undeveloped and is situated at the west corner of East State Highway 71 and Fallwell Lane, a signalized intersection, and also has access to Bessie Street, a local street. There are single family residences and manufactured homes to the north and west (I-SF-2) and undeveloped property across Fallwell Lane to the east within a planned development area known as Austin Interport (LI-PDA). The south side of East SH 71 in proximity to its intersection with FM 973 is developed with commercial uses. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to zone the property to the neighborhood commercial (LR) district as the first step in developing the property with a retail sales (convenience) use. Driveway access is proposed to be taken from East State Highway 71.

Staff recommends the Applicant’s request for LR zoning based its location at a signalized arterial and a collector street intersection, and a retail sales use or other neighborhood serving commercial uses would be available to serve residents of the adjacent subdivisions, as well as capture “pass by” traffic on SH 71.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-SF-2	Undeveloped; Utility box
<i>North</i>	I-SF-2	Single family residence; Manufactured homes
<i>South</i>	GR-CO; I-RR; SF-2; DR (across SH 71)	Service station/food sales; Church; Undeveloped
<i>East</i>	LI-PDA	Undeveloped
<i>West</i>	I-SF-2	Single family residences; Manufactured homes; Undeveloped lots

AREA STUDY: N/A**TIA:** Is not required**WATERSHED:** Colorado River**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** Yes, SH 71**SCHOOLS:***Located within the Del Valle Independent School District*

Hornsby-Dunlap Elementary School

Dailey Middle School

Del Valle High School

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association

774 – Del Valle Independent School District

1005 – Elroy Neighborhood Association

1075 – Bike Austin

1138 – Far Southeast Improvement Association

1195 – Imperial Valley Neighborhood Association

1228 – Sierra Club, Austin Regional Group

1236 – The Real Estate Council of Austin, Inc. 1258 – Del Valle Community Coalition

1340 – Austin Heritage Tree Foundation

1363 – SEL Texas

1447 – Friends of the Emma Barrientos MACC

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0075 – Shave Ice Stand – 3201 E SH 71 WB at FM 973	I-RR to GR- CO	To Grant GR-CO w/CO for 2,000 trips/day	Approved GR-CO as ZAP rec (07-19-2001).
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 &	Approved LI-PDA with attached site development standards, RCs for 175' reservation of r-o-w on SH 71 (9-28-2000).

		conds too	
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RELATED CASES:

The property is a portion of Lot 1, Block 7 of the Davidson City Addition subdivision, recorded in 1942 (C8-1942-1677). Right-of-way was acquired along the SH 71 frontage in March 2014. There are no site plan applications approved or in process on the subject property. Please refer to Exhibit B (Recorded Plat).

The property was annexed into the Full-purpose City limits on August 30, 2001 (C7a-01-002).

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
State Highway 71	190 – 300 feet	90 feet	Freeway	Yes	Yes	Yes
Bessie Avenue	50 feet	20 feet	Local	No	No	Yes
Fallwell Lane	130 feet	30 feet	Collector	No	No	Yes

CITY COUNCIL DATE: February 26, 2015

ACTION:

ORDINANCE READINGS: 1st

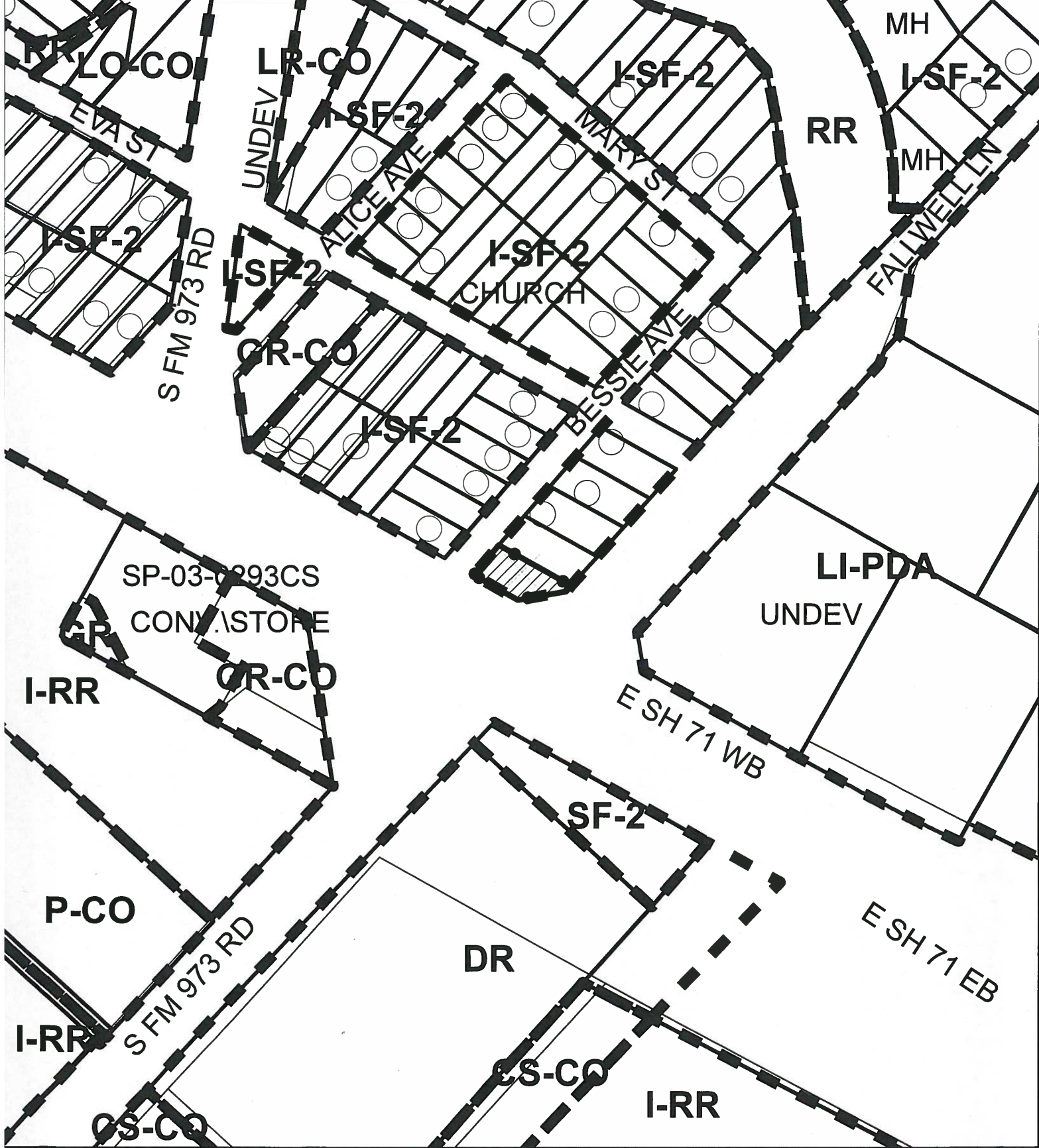
2nd

3rd

ORDINANCE NUMBER:

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

PHONE: 512-974-7719



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1" = 200'

ZONING CASE
C14-2014-0197

Exhibit A

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

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





I-SF-2

MH
I-SF-2

ALICE AVE

GR-CO

01-0075

I-SF-2

CHURCH

EVA ST

MARY ST

I-SF-2

I-SF-2

BESSIE AVE

FALLWELL LN

SP-03-0293CS

CONV. STORE

GR-CO

03-0047B

I-RR

E SH 71
EB TO
FALLWELL

LI-PDA UNDEV

E SH 71
WB TO S
FM 973

E SH 71 WB

E SH 71 EB

S FM 973 RD

RESIDENTIAL
TREATMENT/TRANSITIONAL
HOUSING

DR

CHURCH

SF-2

Exhibit A
North

P-CO

176

DAVIDSON CITY ADDITION

THE STATE OF TEXAS
COUNTY OF TRAVIS

THE STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:
That I, EL ROBERTS, owner of the herein subdivided tract of land, and being the South portion of a 49.24 ac tract of land, as conveyed to me by A.L. Royster in Vol 582, page 616 of Travis County Deed Records, and said 49.24 ac tract of land being a part of a 64.24 ac tract as conveyed by C.A. Blochman to A.L. Royster, as recorded in Vol 660 Page 448 of Travis County Deed Records, and said subdivision being out of the Santiago Del Valle Grant League in Travis County, Texas, I do hereby adopt this plat or map as my subdivision, to be known as Davidson City Addition, and I do hereby dedicate and set apart for public use 2- Streets, the streets shown hereon, as far as my interest may appear.
Witness My Hand this the 11th day of July A.D. 1942

Before Me, the undersigned, a Notary Public in and for said County and State, on this day personally appeared E.L. Roberts, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.
Given under my Hand and Seal of Office this the 11th day of July A.D. 1942

David C. Gracy
Notary Public in and for Travis County, Texas

Seal

FILED FOR RECORD
This 11th day of July A.D. 1942
at 11 o'clock P.M.
MISS EMILIE LINBERG
County Clerk
BY J. Quinlan
Deputy

Seal

RECORDED
On the 18th day of July A.D. 1942
at 3 o'clock P.M. in Book 4
Page 176 of Travis County Deed Records
MISS EMILIE LINBERG
County Clerk
BY J. Quinlan
Deputy

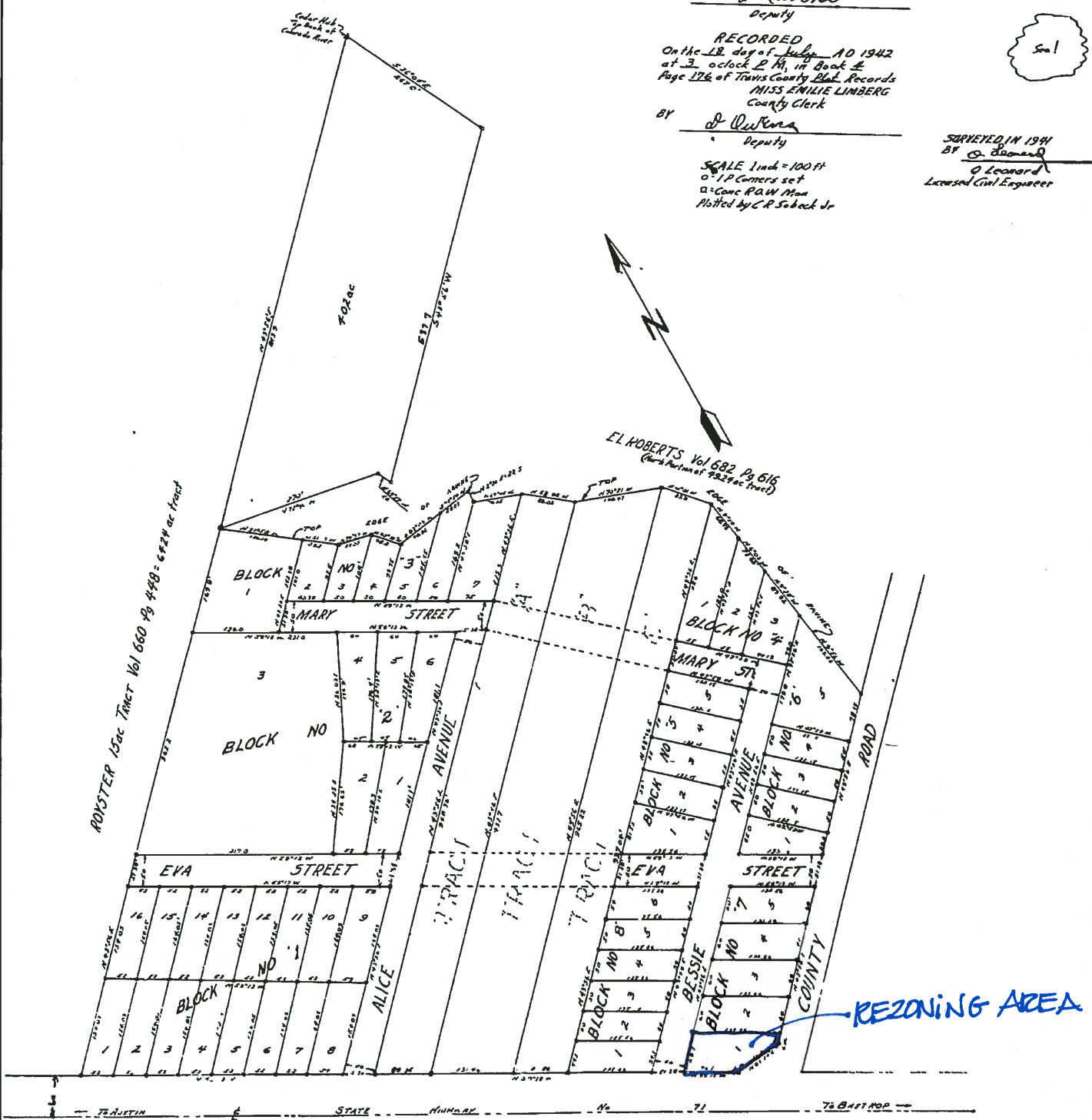
Seal

SURVEYED IN 1944
BY O. Leonard
Licensed Civil Engineer

SCALE 1 inch = 100 ft
0-1 P Corners set
D.C. Com. R.A.W. Map
Plotted by C.P. Soback Jr.

See Rest Book 4
page 176 for
com. corner appraiser's.

Ed Roberts
E.L. Roberts (owner)



REZONING AREA

EXHIBIT B
RECORDED PLAT

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood commercial (LR) district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The neighborhood commercial (LR) 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 property has frontage on Fallwell Lane.

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.

3. Zoning should allow for reasonable use of the property.

Staff recommends the Applicant's request for LR zoning based its location at a signalized arterial and a collector street intersection, and a retail sales use or other neighborhood serving commercial uses would be available to serve residents of the adjacent subdivisions, as well as capture "pass by" traffic on SH 71.

EXISTING CONDITIONS**Site Characteristics**

The subject lot is undeveloped and is fairly flat. There appear to be no significant topographical constraints on the site.

Impervious Cover

Within the Colorado River watershed, the maximum impervious cover allowed by the LR zoning district would be 80%, which is a consistent figure between the watershed and zoning regulations.

Comprehensive Planning

This zoning case is located on the north side of Bastrop Highway/SH 71, between Bessie Avenue and Falwell Lane. The property is approximately 0.162 acres in size, is undeveloped,

and is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses include single family housing to the north and west, vacant land to the east, and a convenience store/gas station to the south (which is across SH 71). The proposed use is general/convenience store.

Imagine Austin

As this case is small in scope, it is not at a level of review that can be considered by Imagine Austin which is broad in scope. Thus, when looking through the lens of Imagine Austin, this case is neutral.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development 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. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<u>Development Classification</u>	<u>% of Net Site Area</u>	<u>% with Transfers</u>
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 boundary.

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

Site Plan

The site is subject to compatibility standards along all shared property lines, as this tract is surrounded by I-SF-2 zoned lots. Along all property lines adjacent to single family, the following standards will apply with any future development:

- 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 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.

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

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

This site is in the Scenic Roadway Sign District. All signs must comply with Scenic Roadway sign district regulations, 25-10-124 of the Land Development Code.

This property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23, are prohibited. For more information, contact Joe Medici, Noise Abatement Officer at (512) 530-6652.

Transportation

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

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for SH 71. TxDOT may request the reservation of additional right-of-way in accordance with the Transportation Plan when the site is redeveloped [LDC, Sec. 25-6-51 and 25-6-55].

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

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

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:
<http://www.austintexas.gov/development>.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2014-0197

Contact: Wendy Rhoades, 512-974-7719

**Public Hearing: January 20, 2015, Zoning and Platting Commission
February 26, 2015, City Council**

Olivia Faye Woods

Your Name (please print)

Davidson City Addn

☒ I am in favor
☐ I object

Lot 4 BIKI Tract Bldg-EVAs

Your address(es) affected by this application

EVA St TRAVIS County

Olivia Faye Woods

Signature

Date

Jan 15, 2015

Daytime Telephone:

1-469-644-8422 cell
972-920-5655 Home

Comments:

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2014-0197

Contact: Wendy Rhoades, 512-974-7719

**Public Hearing: January 20, 2015, Zoning and Platting Commission
 February 26, 2015, City Council**

Brenda J. Williams
 Your Name (please print)

3218 Bessie Ave. Del Valle, TX 78617
 Your address(es) affected by this application

Brenda Williams
 Signature

Jan. 15, 2015
 Date

Daytime Telephone: (512) 917-0063

Comments: To close to my house

☐ I am in favor
☒ I object

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

City of Austin
 Planning & Development Review Department
 Wendy Rhoades
 P. O. Box 1088
 Austin, TX 78767-8810