

**ZONING AND PLATTING COMMISSISON SITE PLAN  
CONDITIONAL USE PERMIT  
REVIEW SHEET**

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**CASE NUMBER:** SPC-2015-0023A      **ZONING AND PLATTING COMMISSION**  
**HEARING DATE:** September 15, 2015

**PROJECT NAME:** 8801 South Congress Land Use

**ADDRESS:** 8801 South Congress Ave

**APPLICANT:** HEB Grocery Co. LP (Mary Rohrer)  
(210) 938-8000  
646 South Main Avenue  
San Antonio, TX 78204

**AGENT:** Bury & Partners, Inc. (Jeffrey Scott)  
(512) 328-0011  
221 W 6<sup>th</sup> St. Suite 600  
Austin, TX 78701

**CASE MANAGER:** Christine Barton-Holmes      Phone: (512)974-2788  
[Christine.barton-holmes@austintexas.gov](mailto:Christine.barton-holmes@austintexas.gov)

**PROPOSED DEVELOPMENT:**

The applicant is requesting a conditional use permit for Large Retail Use (food sales) in CS-CO zoning in order to construct a grocery store, car wash, and gas station.

A Large Retail Use means a use listed in Land Development Code section 25-2-815-A, including food sales, with 100,000 square feet or more of gross floor area. Large Retail Use is a conditional use. The proposed food sales building is proposed with 139,000 sq. ft. of gross floor area. The car wash and gas station are permitted uses.

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the Conditional Use Permit for Large Retail Use (food sales) with the condition that all remaining informal administrative comments are cleared prior to site plan approval. This item was postponed from the August 18<sup>th</sup>, 2015 hearing at the neighborhoods' request.

**PROJECT INFORMATION**

<b>SITE AREA</b>	25.95 Acres
<b>EXISTING ZONING</b>	CS-CO (Conditional overlay prohibits vehicle storage and commercial blood plasma centers)
<b>WATERSHED</b>	Onion Creek (Suburban)
<b>WATERSHED ORDINANCE</b>	Comprehensive Watershed Ordinance
<b>TRAFFIC IMPACT ANALYSIS</b>	Not required – previously filed
<b>CAPITOL VIEW CORRIDOR</b>	None
<b>PROPOSED ACCESS</b>	South Congress Avenue, IH 35 southbound frontage road

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PROJECT INFORMATION (Cont'd)	Allowed	Existing	Proposed
FLOOR-AREA RATIO	2:1	0	0.15:1
BUILDING COVERAGE	95%	0	15.71%
IMPERVIOUS COVERAGE	95%	0	67.3%
PARKING	597 required	0	654

**SUMMARY COMMENTS ON SITE PLAN:**

**LAND USE:** A conditional use permit is required because the proposed food sales building (139,000 sq. ft.) meets the definition of a "large retail use" under the Large Retail Use ordinance (25-2-815—food sales is one of the principal uses with 100,000 square feet or more of gross floor area).

The proposed site plan includes three total buildings, with food sales, car wash, and gas station. All other uses are permitted uses on the site; the Large Retail Food Sales use is the only conditional use. Also proposed with this site plan includes water quality and detention ponds, shaded sidewalks, open space, and protection of numerous Heritage Trees.

**TRANSPORTATION:** Access will be provided on South Congress Avenue and the southbound frontage road of IH 35. Loading access will be from South Congress. A traffic impact analysis was not required because the site was included within an approved 2012 TIA. All transportation comments have been cleared.

**ENVIRONMENTAL:** The site is located in the Onion Creek watershed, which is classified as Suburban. The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. There are no Critical Environmental Features on this site. All environmental comments have been cleared.

**EXISTING ZONING AND LAND USES**

	ZONING	LAND USES
Site	CS-CO	Vacant
North	LI-CO	Industrial/commercial
South	GR-CO	Commercial retail, then Slaughter Lane
East	CS, CS-CO	IH-35, then commercial retail
West	CS-CO	Congress Ave, then industrial and commercial

**ABUTTING STREETS**

Street	Right-of-Way Width	Pavement Width	Classification
South Congress Ave	125 ft	90 ft	Major Arterial
S IH 35 Frontage Rd	92 ft	36 ft	Local City Street

**NEIGHBORHOOD ORGNIZATIONS:**

- Sierra Club, Austin Regional Group
- Austin Heritage Tree Foundation
- Del Valle Community Coalition
- South Boggy Creek Neighborhood Association
- Slaughter Lane Neighborhood Association

Go Austin!/Vamos! Austin – Dove Springs  
Go Austin!/Vamos! Austin – Mendez Family Resource Center  
Far South Austin Community Association  
Austin Neighborhoods Council  
Indian Hills Neighborhood Watch  
Southeast Corner Alliance of Neighborhoods (SCAN)  
The Real Estate Council of Austin, Inc  
Peaceful Hill Preservation League  
Parkridge Gardens HOA  
Onion Creek Homeowners Association  
Preservation Austin  
Dove Springs Neighborhood Association  
Friends of the Emma Barrientos MACC  
Friends of Williams Elementary  
SELTexas  
Austin Independent School District  
Dove Springs Proud

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**CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA**

The following evaluation is included to provide staff's position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code (**EVALUATION OF CONDITIONAL USE SITE PLAN**) states:

A. The Land Use Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

**B. A conditional use site plan must:**

**1. Comply with the requirements of this title;**

Staff Response: This site plan complies with all regulations and requirements of the Land Development Code.

**2. Comply with the objectives and purposes of the zoning district;**

Staff Response: The food sales use is a permitted use within the CS zoning district. The proposed development complies with all site development regulations for the zoning district. A conditional use permit is required because the proposed Building A meets the definition of a "large retail use" under the Large Retail Use ordinance (25-2-815)

**3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;**

Staff Response: The site plan will comply with all requirements of the Land Development Code and zoning district. In addition, the building complies with setback and height requirements. The site is providing connectivity, shaded sidewalks, and open space as required by Subchapter E (Commercial Design Standards).

**4. Provide adequate and convenient off-street parking and loading facilities; and**

Staff Response: Off-street parking is provided in accordance with Land Development Code requirements. The loading facilities will be screened from view.

**5. Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects.**

Staff Response: The site plan will comply with all requirements of the Land Development Code and

reasonably protects the health, safety, and welfare of persons and property.

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**C. In addition, a conditional use site plan may not:**

**1. More adversely affect an adjoining site than would a permitted use;**

The site plan will conform to all regulations and standards established by the Land Development Code. This proposed site plan does not more adversely affect an adjoining site than would a permitted use.

**2. Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; or**

Staff Response: The site plan does not adversely affect the safety and convenience of vehicular and pedestrian circulation.

**3. Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign.** Staff Response: All signs and lighting will comply with the Land Development Code.

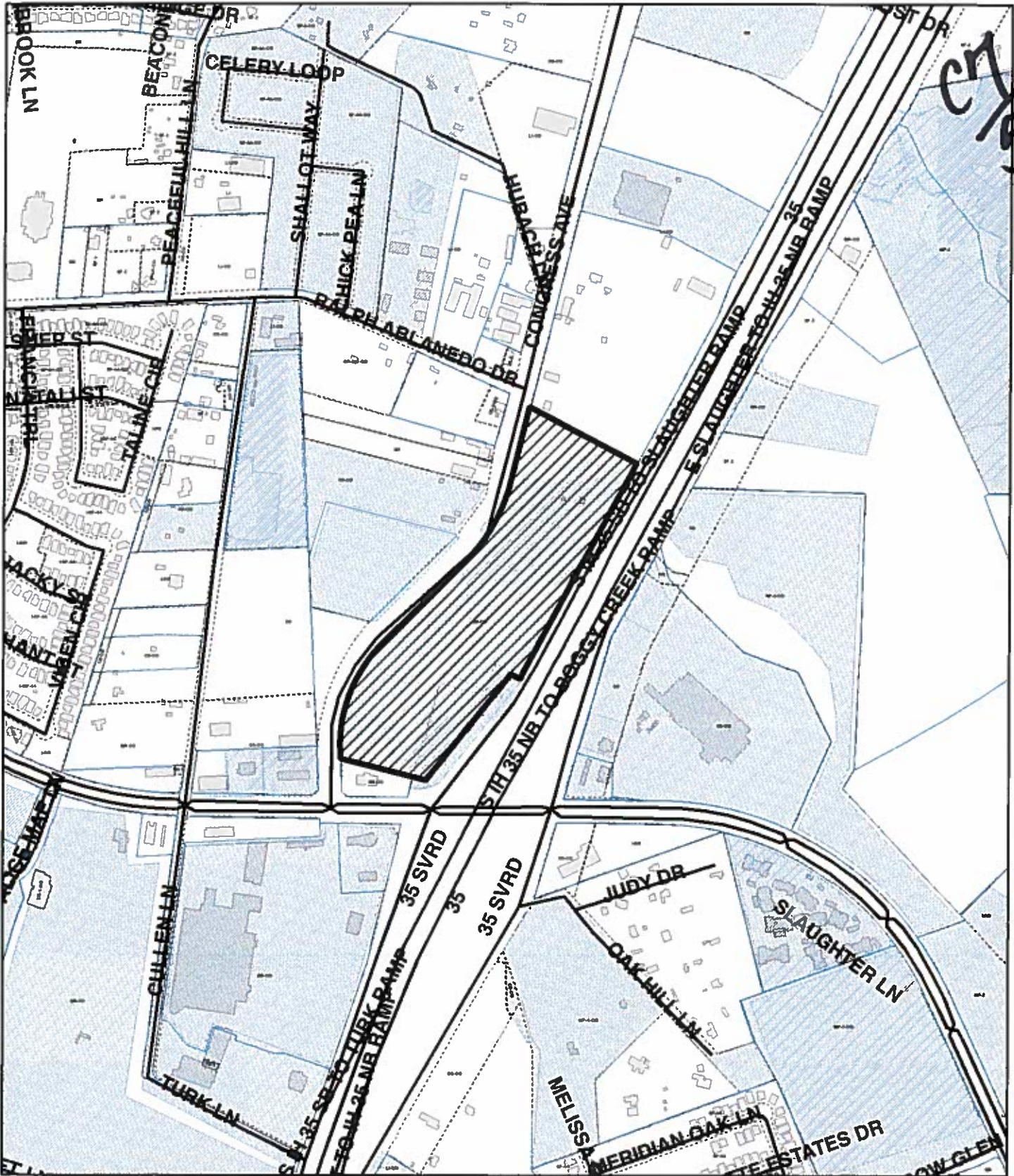
**4. For a large retail use described in Section 25-2-815 (Large Retail Uses) adversely affect the future redevelopment of the site:** This site is proposed in compliance with Subchapter E (Commercial Design Standards) Internal Circulation Routes and building placement.

**D. A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.**

In addition, Sec. 25-5-146 (CONDITIONS OF APPROVAL) states:

(A) To make a determination required for approval under Section 25-5-145 (Evaluation Of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:

- (1) a special yard, open space, buffer, fence, wall, or screen;
- (2) landscaping or erosion;
- (3) a street improvement or dedication, vehicular ingress & egress, or traffic circulation;
- (4) signs;
- (5) characteristics of operation, including hours;
- (6) a development schedule; or
- (7) other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.



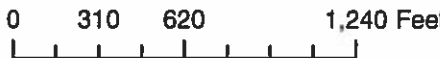
**SITE PLAN**



**SUBJECT TRACT**



**ZONING BOUNDARY**



**CASE#:** SPC-2015-0023A  
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**MANAGER:** Christine Barton-Holmes

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**OPERATOR:** Christine Barton-Holmes

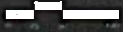
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SLAUGHTER I-35 STORE EXHIBIT

Illustrative Site Plan

**BURY**



Scale: 1" = 30'  
July 29, 2013



