

## **ZONING CHANGE REVIEW SHEET**

CASE: C14-2020-0152 – Pearce Gardens Retail

DISTRICT: 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.  
(Sufian Emmar)

AGENT: MADDC, LLC  
(Carl McClendon)

CASE MANAGER: Wendy Rhoades (512-974-7719, [wendy.rhoades@austintexas.gov](mailto: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:**

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

### CITY COUNCIL ACTION:

**March 25, 2021:**

### ORDINANCE NUMBER:

### ISSUES:

None at this time.

### 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.

### EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-CO	Service station; Food sales, Retail sales
<i>North</i>	GR-MU-CO; LR-MU-CO; I-SF-2	Apartments under construction (total of 300 units, 3 story buildings); Single family residences within Berdoll Farms

		subdivision
<i>South</i>	I-SF-4A	Single family residences in the Los Cielos subdivision
<i>East</i>	I-SF-2	Single family residences in the Meadows at Berdoll subdivision
<i>West</i>	MH-CO; I-RR; SF-4A	Oak Ranch Manufactured Home Community; Del Valle 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  
 1083 – Berdoll Farms HOA  
 1228 – Sierra Club, Austin Regional Group  
 1363 – SEL Texas  
 1530 – Friends of Austin Neighborhoods  
 1616 – Neighborhood Empowerment Foundation  
 1005 – Elroy Neighborhood Association  
 1138 – Far Southeast Improvement Association  
 1258 – Del Valle Community Coalition  
 1528 – Bike Austin  
 1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2012-0108 – Ross Road Center – 5501-½ Ross Rd	I-SF-2 to GR-MU-CO for Tract 1 and LR-MU-CO for Tract 2	To Grant GR-MU-CO (Tract 1) & LR-MU-CO (Tract 2), w/the CO for 2,000 trips, prohibit drive-thru facilities as an accessory to a restaurant (general or) limited) use, auto 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	Apvd GR-MU-CO (Tract 1) & LR-MU-CO (Tract 2), w/Street Deed for r-o-w dedication as Commission recommended (12-13-2012).

C14-2007-0271 – Deerwood Manufactured Home Park – 12400 Pearce Ln	I-RR to MH	To Grant MH-CO w/ conds of r-o-w dedication on Pearce Ln and Ross Rd	Apvd MH-CO w/ Street Deed for r-o-w dedication as Commission recommended (4-24-2008).
C14-03-0135.SH (Lexington Parke – SMART Housing) – North of Pearce Ln. and west of Ross Rd	DR; I-SF-4A to SF-4A	To Grant SF-4A w/ conds of the Traffic Impact Analysis	Apvd SF-4A w/ Restrictive Covenant for the TIA as Commission recommended (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 ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Pearce Lane	88 feet	116 feet	27 feet	3 (Minor arterial)	Yes	Yes	Yes
Ross Road	99 feet	120 feet	28 feet	3 (Minor arterial)	Yes	Yes	Yes

#### 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.

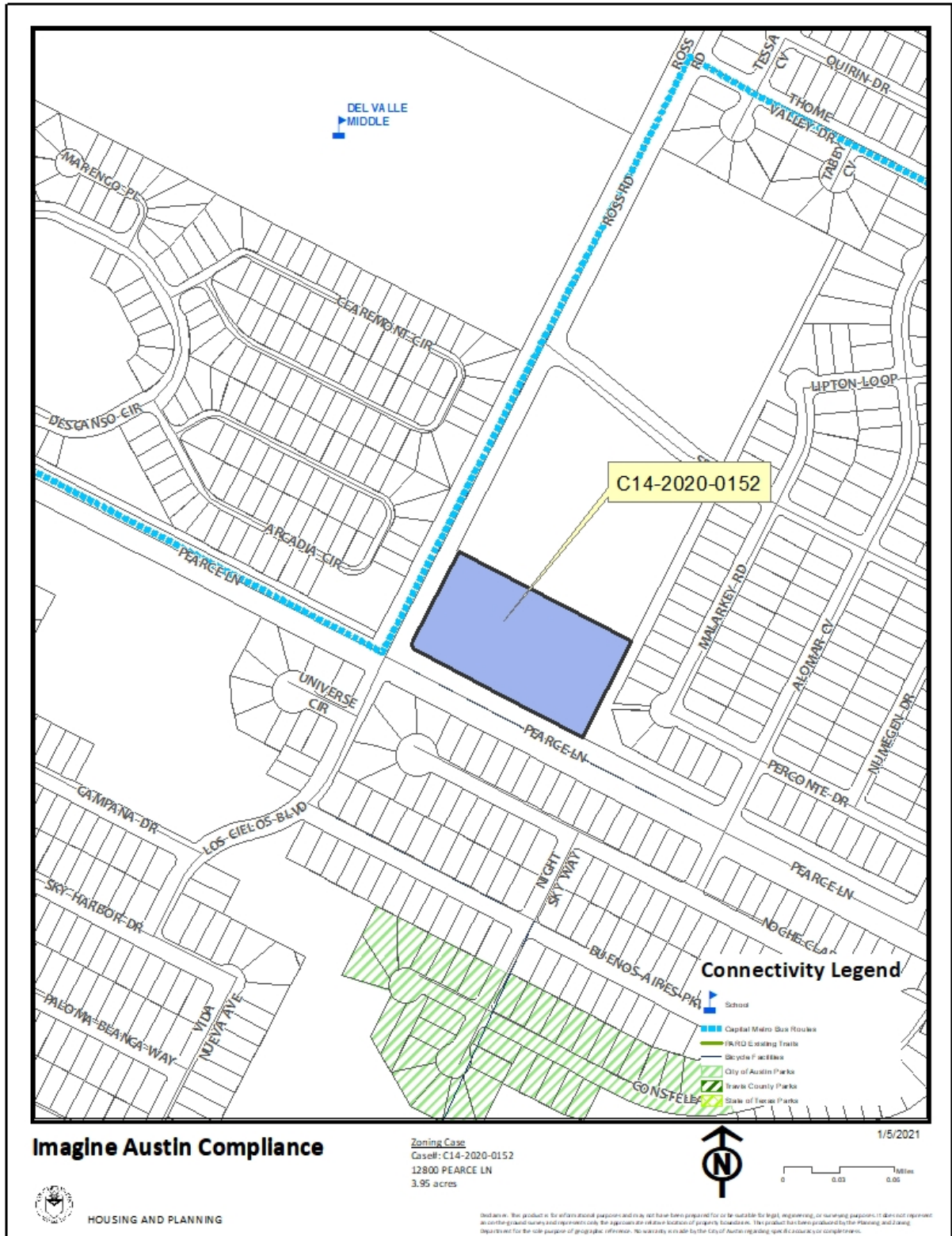
**Imagine Austin**

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:

<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.

### PARD – Planning & Design Review

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

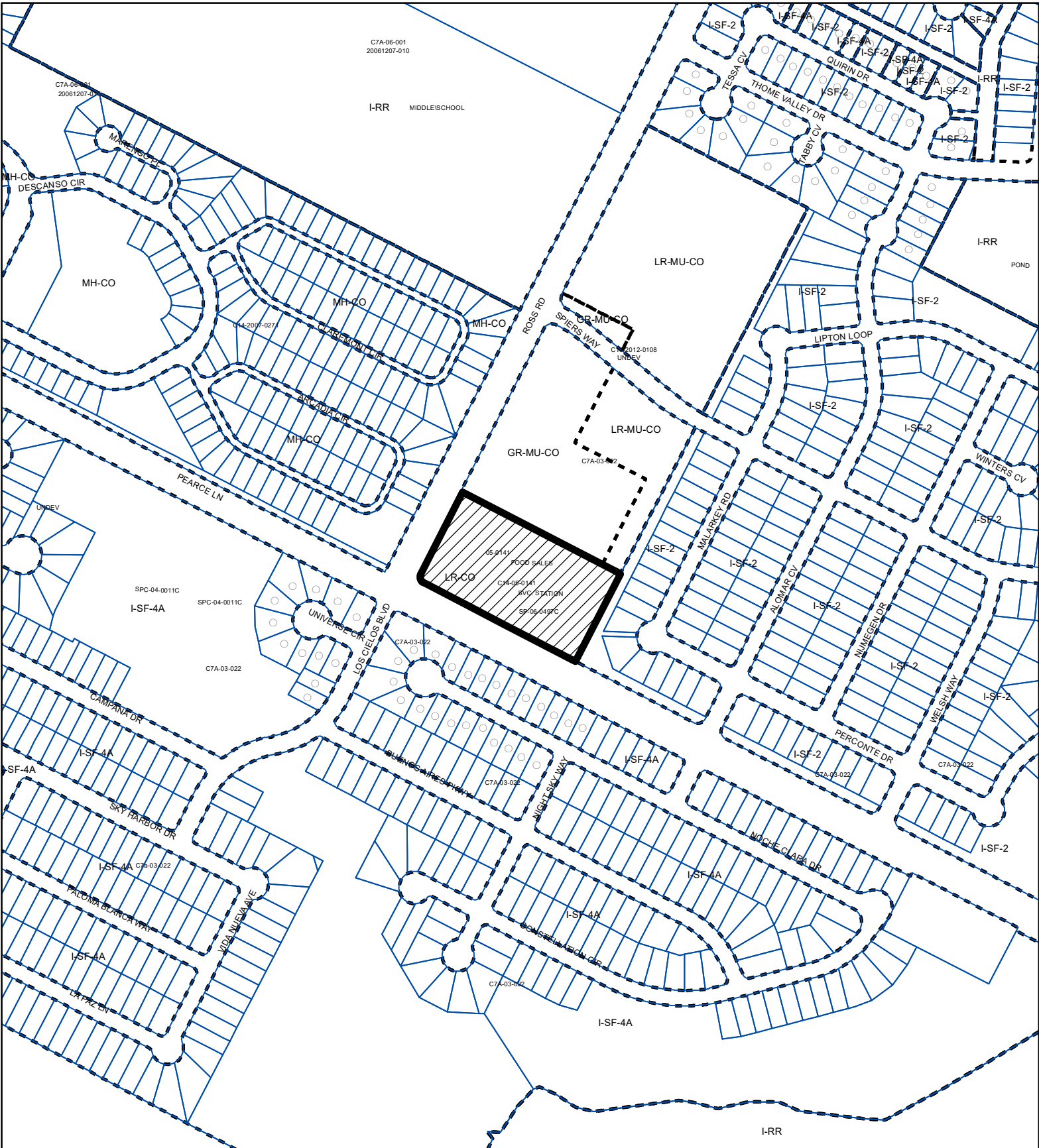
A: Zoning Map




A-1: Aerial Map

B: 2005 Rezoning Ordinance

C: Recorded Plat

D: Applicant's correspondence and TIA Waiver



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

## ZONING

### ZONING CASE#: C14-2020-0152

Exhibit A

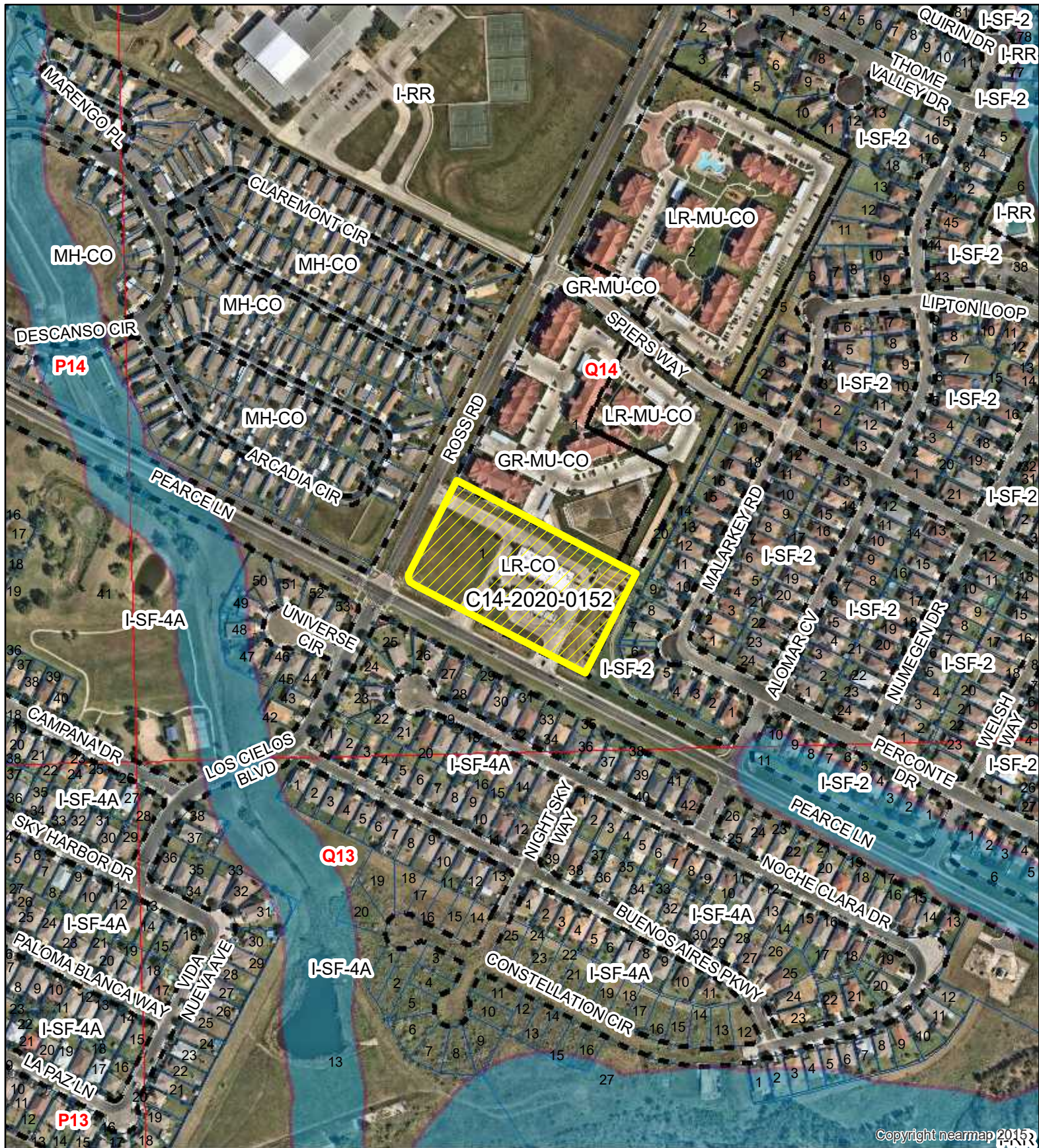


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

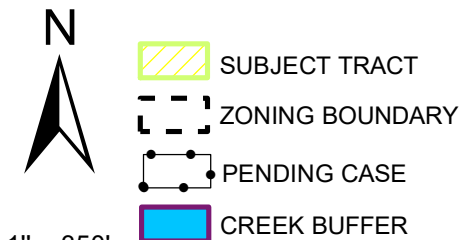
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**Created: 12/31/2020**





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### 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



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.



**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.

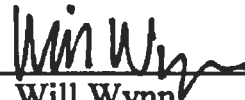
**EXHIBIT B**

**PART 3.** This ordinance takes effect on December 12, 2005.

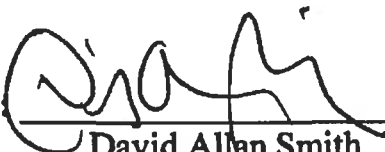
**PASSED AND APPROVED**

December 1, 2005


§  
§  
§

  
\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:**

  
\_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:**

  
\_\_\_\_\_  
Shirley A. Brown  
City Clerk



200600243

PHOTOGRAPHIC MYLAR

LOT 1, BLOCK A  
DEERWOOD  
100/120-123, T.C.P.R.

DEL VALLE I.S.D.  
28.455 ACRES  
9117/846, T.C.D.R.

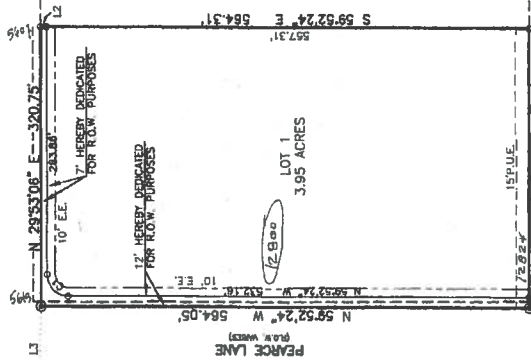
DEL VALLE I.S.D.  
23.730 ACRES  
NOC #2001062687,  
O.P.R.T.C.

ROSS ROAD  
(12" x 30")

N 29°53'06" E 1613.23'

1282.45'

JOSE ANTONIO NARANJO SURVEY, A-18  
REMAINDER PORTION OF A CALLED  
20.94 ACRES RECORDED IN THE NAME  
OF GAB PARTNERS IN DOCUMENT NO.  
2005225713, O.P.R.T.C.



1282.17'

S 29°55'56" W 1613.23'

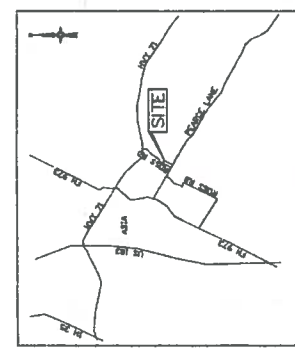
20. OPEN SPACE, D.E. & P.U.E.

MALARKEY ROAD

LINE	DISTANCE	BEARING
L1	12.00'	S 29°55'56" W
L2	7.00'	S 59°52'24" E
L3	102.51'	S 51°51'11" W
L4	99.61'	N 60°11'18" W

CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	25.00	89°45'30"	36.16'	N 14°59'39" W	35.28'

EXHIBIT C



LOCATION MAP  
N.T.S.

- LEGEND
- 3/8" IRON ROD SET W/ CAP SURVEYED "VIA SURVEY"
  - FOUND IRON ROD
  - P.U.E. PUBLIC UTILITY EASEMENT
  - D.E. DRAINAGE EASEMENT
  - E.E. EJECTRIC EASEMENT
  - O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
  - PROPOSED SIDEWALK
  - LOCATION

PEARCE GARDENS  
TRAVIS COUNTY, TEXAS

SHEET 1 OF 2  
CASE #CB-05-0244.0A

**McClendon & Associates**  
**Development Consulting, LLC**

December 23, 2020

Chair Jolene Kiolbassa and Members of the Commission  
Zoning and Platting Commission  
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. (C14-05-0141)

Dear Chair Kiolbassa and Members of the Commission:

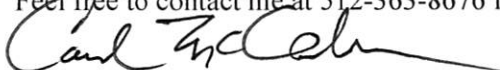
The subject property is currently zoned Limited Retail-Conditional Overlay (LR-CO) and the area needs support retail uses. The conditional overlay limits or restricts development of the property to a use and scope of development that generates less than 3,200 trips per day. This requested zoning change 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 approved a TIA Waiver (attached) for this project because of the previous ROW dedication, fiscal posted, and traffic mitigation requirements that will be provided by the applicant per LDC 25-6-101 in conjunction with a recently submitted (pending) site plan application on the property.

**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, additional traffic mitigation will be provided, and the 3,200 trip zoning conditional overlay restriction unnecessarily inhibits final development of the property that was previously approved.

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



Carl McClendon, AICP

McClendon & Associates Development Consulting, LLC  
4808 Canyonwood Dr.  
Austin, Tx. 78735

Phone: 512 363 8676

e-mail: carlmcclendon@austin.rr.com

**Exhibit D**



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

Applicant must complete this worksheet.

Project Name: Pearce Retail Center

Location: 12800 Pearce Lane, Austin, Tx 78714

Applicant: Professional StruCivil Engineers Telephone No: (512) 238-6422

Application Status: ☐ Development Assessment ☐ Zoning ☒ Site Plan

### EXISTING:

### FOR OFFICE USE ONLY

Tract Number	Tract Acres	Bldg. Sq. Ft.	Zoning	Land Use	I.T.E. Code	Trip Rate	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

### PROPOSED:

### FOR OFFICE USE ONLY

Tract Number	Tract Acres	Bldg. Sq. Ft.	Zoning	Land Use	I.T.E. Code	Trip Rate	Trips Per Day
#2	2.18	10,000.00	LR-CO	General Retail	820	FCE	1256
						Total	4541

### ABUTTING ROADWAYS:

### FOR OFFICE USE ONLY

Street Name	Proposed Access?	Pavement Width	Classification
Ross Road	Existing		
Pearce Lane	Existing		

### FOR OFFICE USE ONLY

- ☐ A traffic impact analysis is required. The consultant preparing the study must meet with a Transportation planner to discuss the scope and requirements of the study before beginning the study.
- ☐ A traffic impact analysis is NOT required. The traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code.
- ☒ The traffic impact analysis has been waived for the following reason:  
This site plan cannot be approved until the conditional overlay for 3200 vpd 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.
- ☐ A neighborhood traffic analysis will be performed by the City for this project. The applicant may have to collect existing traffic counts. See a Transportation planner for information.

Reviewed By:  Date: 10-07-2020

Distribution: ☐ File ☐ Cap. Metro ☐ TxDOT ☐ DSD ☐ Travis Co. ☐ ATD Total Copies:           

NOTE: A TIA Determination must be made prior to submittal of any Zoning or Site Plan application, therefore, this completed and reviewed worksheet MUST ACCOMPANY any subsequent application for the IDENTICAL project. CHANGES to the proposed project will REQUIRE a new TIA Determination.