

Alternative Compliance	5821 S IH 35
AC-23-10	7-Eleven



Summary

Request:	Alternative compliance to vary from build-to standards		
Applicant:	Las Onces Colinas LLC 301 Comal Suite 301 Austin, TX 78702	Property Owner:	Las Onces Colinas LLC 301 Comal Suite 301 Austin, TX 78702
Interior Floor Area:	5,457 sq ft	Outdoor Floor Area:	N/A
Parking Required:	25 spaces	Parking Provided:	Yes
Days & Hours of Operation:	N/A		

Notification

Posted:	09/15/23	Personal:	09/15/23
Response:	None as of the date of this report		

Property Description

Legal Description:	Samuel Craft Sr Survey, Tract Pt of 1		
Location:	Along IH 35 frontage road, approximately 1,835 feet South of Van Horn Trace		
Acreage:	2.927 acres	PDD/DA/Other:	N/A
Existing Zoning:	CM	Proposed Zoning:	Same
Existing Use:	Vacant	Proposed Use:	Convenient Store with Gas Station
Preferred Scenario:	Employment Area Intensity Zone	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	N/A
Utility Capacity:	By Developer if not available	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey:	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	HI	Heavy Industrial (Heldenfels Enterprises)	Low Intensity Zone
South of Property:	GC	Single-Family	Medium Intensity Zone
East of Property:	MF-24	Multi-Family (Emerson at Trace)	Medium Intensity Zone
West of Property:	ETJ	RV Park (Canyon Trail RV Park)	Low Intensity Zone

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Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	Denial
<p>1. The build to zone (shown as 'B' in the below image) shall not be less than 40%;</p>		
<p>2. This alternative compliance shall not expire.</p>		
Staff: Kaitlyn Buck	Title: Planner	Date: 09/20/23

History

In November of 2021 a zone change to heavy commercial was requested on this property. The heavy commercial districts allow a gas station by right. Planning & Zoning Commission voted in opposition of this zone change request and recommended a down-zoning to Commercial (CM). The CM district requires a Conditional Use Permit to allow the use of fuel sales.

In February of 2022, the Planning & Zoning Commission approved a Conditional Use Permit to allow the use of fuel sales on the property with the condition that the applicant provides a bike repair station on the property and the permit shall not expire.

Additional Analysis

The applicant is currently at the site permit stage. It appears the applicant cannot meet the build-to zone required by the CM zoning district. This alternative compliance request is for a reduced build to zone from 50% to 40%.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

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Evaluation			Criteria for Approval (Sec. 2.8.4.1)
Consistent	Inconsistent	Neutral	
<u>X</u>			The request is consistent with the policies embodied in the adopted Comprehensive Plan;
		<u>N/A</u>	The request is consistent with the general purpose, intent and character of the development regulations applicable to the property;
		<u>X</u>	There are special circumstances or conditions arising from the physical surroundings, shape, topography or other features affecting the subject property;
	<u>X</u>		The request is detrimental to the public health, safety or welfare, or injurious to other property within the area; This request will not negatively affect public health, safety or welfare, or injurious to surrounding properties.
<u>X</u>			The request either: A) Does not have an adverse impact upon adjacent property or neighborhoods, including but not limited to, parking, traffic, noise, odors, visual nuisances, and drainage; or The subject property is approximately 750 feet from the nearest development. B) Includes Improvements either on-site or within the public rights-of-way to mitigate any such adverse impacts.
<u>X</u>			The request shall not have the effect of preventing the orderly use and enjoyment of other property within the area in accordance with the provisions of this Development Code, or adversely affect the right of owners or residents of adjacent property or neighborhoods;
<u>X</u>			The request shall not result in any incompatibility of the development to which it related with, or the character and integrity of, adjacent property or neighborhoods; and
<u>X</u>			The request meets the standards for the applicable zoning district, or to the extent deviations from such standards have been requested, that such deviations are necessary to render the subject development or Improvement compatible with adjacent development or the neighborhood.

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Evaluation			Criteria for Approval (Sec. 4.3.3.3.F)
Consistent	Inconsistent	Neutral	
	<u>X</u>		The approved alternate meets the intent of the build-to regulations;
<u>X</u>			The approved alternate conforms with the Comprehensive Plan and adopted City plans;
<u>X</u>			The approved alternate does not substantially or negatively alter the build-to pattern that is harmonious with the existing build context; Historically, buildings along IH 35 frontage are setback from the road.
<u>X</u>			The change in percentage of building that occupies the build-to area or increased setback does not negatively impact pedestrian access, comfort or safety; and The applicant proposing a pedestrian sidewalk along the IH 35 frontage and a connected sidewalk that leads to the entrance of the building.
<u>X</u>			Site area that would have otherwise been occupied by buildings is not utilized for parking and is converted to an outdoor amenity area; and No parking is being proposed within the site area that would have otherwise been occupied by buildings.
		<u>N/A</u>	In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines.