



Planning and Zoning Commission Planning Department Staff Report

Report Date: August 12, 2022
Case No: 2022-6-SUP
Project Planner: Ryan Clark, Planner II

Item Details

Project Name: 1910 NE Inner Loop Fuel Sales Special Use Permit
Project Location: 1910 NE Inner Loop, within City Council district No. 7.
Total Acreage: 7.96
Legal Description: Lot 2, Amended Plat of Katy School Subdivision
Applicant: Land Answers, Inc, c/o Jim Witliff
Property Owner: UCI Property LLC, c/o Karim Ali
Request: Special Use Permit (SUP) for **Fuel Sales** within the Local Commercial (C-1) zoning district.
Case History: This is the first public hearing of this request.



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Overview of Applicant's Request

The applicant is requesting the Fuel Sales use with an accessory one-bay automatic car wash in the Local Commercial (C-1) zoning district. The applicant's Letter of Intent states that they intend to use the property for 35,200 square feet of retail across four buildings in addition to the fuel sales and on-bay car wash. It is currently undetermined when these retail uses will be developed in relation to the fuel sales. They state that this property is an attractive location for this use due to its location at the intersection of two arterial roadways. The 2030 Comprehensive Plan has the property in the Mixed-Density Neighborhood Future Land Use Area as well as in the Scenic Corridor along FM 971.

Site Information

Location:

The subject property is located at the southeastern corner of NE Inner Loop and FM 971. The property is currently undeveloped.

Physical and Natural Features:

The subject property does not have any notable man-made or natural features. It is flat overall and does not have any trees onsite.

Future Land Use and Zoning Designations:

The subject property has a Mixed-Density Neighborhood Future Land Use designation and is currently zoned Residential Single-Family (RS). It is also within the Gateway Overlay District that is located along FM 971.

Surrounding Properties:

The immediate properties to the north are undeveloped and zoned Local Commercial (C-1). The properties to the east are part of the Troop Tract PUD, which has a non-residential C-3 zoned portion on the northern side that occupies the entire eastern boundary of the subject property with a residential portion to the south now known as the Villas at Berry Springs Condo Subdivision. The property to the south across NE Inner Loop houses Cooper Elementary School and Forbes Middle School.

The current zoning, Future Land Use designation, and existing uses of the adjacent properties to the north, south, east and west are outlined in the table below:

DIRECTION	ZONING DISTRICT	FUTURE LAND USE	EXISTING USE
North	C-1	Mixed-Density Neighborhood	Undeveloped, Agriculture
East	C-3 (PUD)	Community Center	Undeveloped
South	RS	Institutional	School
West	AG	Mixed-Density Neighborhood	Undeveloped



Property History:

The subject property was annexed into the City under the single-family zoning district. In 2021 the subject property was rezoned to the C-1 zoning district. It was originally platted with the Katy School Subdivision in 2000 and was amended with the Amendment of Katy School Subdivision in 2003.

Comprehensive Plan Guidance

Future Land Use Map:

(Mixed-Density Neighborhood (MDN))

This category includes a blend of single-family and medium-density housing types. Medium density housing options are consistent with and complementary to the traditional single-family neighborhood with emphasis on connectivity and access to neighborhood amenities including schools and parks. Development standards for medium density housing and any nonresidential uses are in place to ensure compatibility through increased setbacks for taller buildings, architectural designs that are consistent with the neighborhood, location of more intense uses and development nearer to the edge of developments, and enhanced landscaping. Additionally, any non-residential uses are located primarily at arterials and other major roadway intersections and include appropriate buffering and pedestrian orientation to support the surrounding residents.

DUA: 5.1-14.0

Target Ratio: 80% residential, 20% nonresidential

Primary Use: Variety of single-family home types (detached, duplex, townhome)

Secondary Uses: Limited neighborhood-serving retail, office, institutional, and civic uses

Community Centers (CC)

These areas are typically configured as “nodes” of smaller scale at the intersection of arterial roads and other major thoroughfares. These developments provide local retail, professional office, and service-oriented businesses that serve the residents of Georgetown. While typically auto-oriented, pedestrian connections to the surrounding neighborhoods are provided. Well integrated residential developments, which encourage the interaction of residents and businesses, are appropriate and vertical mixed use encouraged. To promote the interaction of integrated and adjacent residential development, these areas emphasize quality building and site design, such as enhanced architectural features, landscaping, and prominent pedestrian facilities.

DUA: 14 or more

Target Ratio: 80% nonresidential, 20% residential

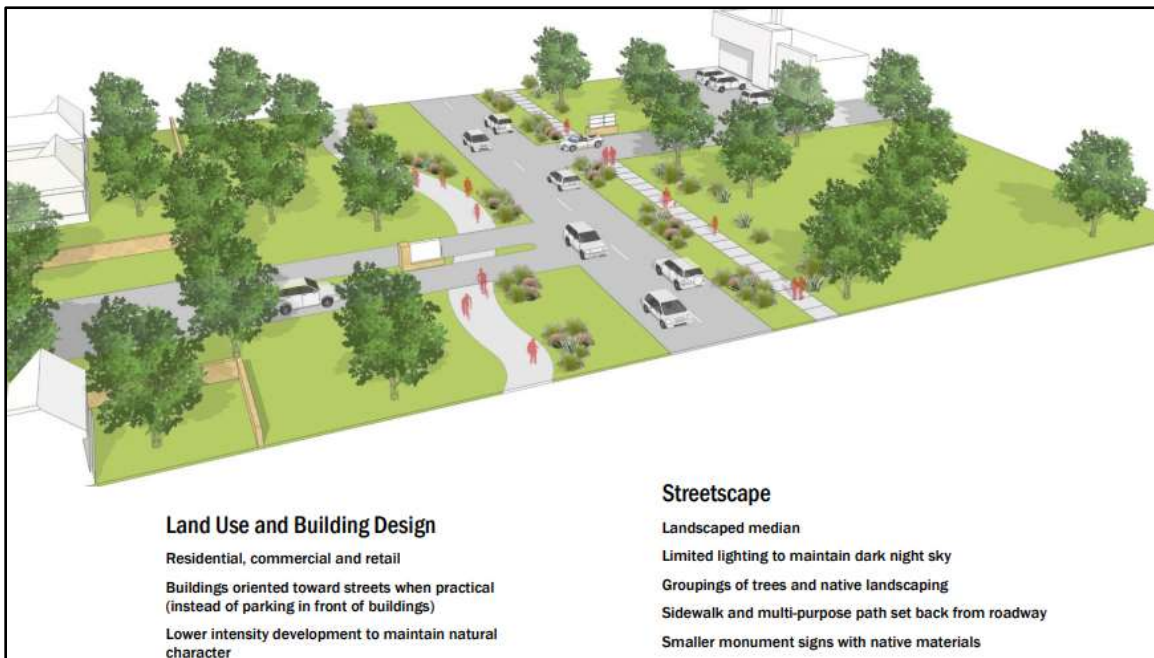
Primary Use: Small to mid-size retailers

Secondary Uses: Medium and high density residential, local restaurants, specialty retailers, professional office, and civic uses

Other Master Plans:

Scenic Corridors

Scenic corridors preserve the rural, low-intensity, natural environment that surrounds Georgetown. Appropriate uses along scenic corridors include residential, commercial, retail. These corridors feature significant native landscaping and large setbacks between the roadway and buildings to support the natural appearance. Lighting is limited along scenic corridors to maintain dark night skies. Signage is minimized to limit visual clutter along the corridors and includes native materials and landscaping. Sidewalks or shared multi-purpose paths are provided along these roadways to allow for safe pedestrian travel.



Trails Master Plan:

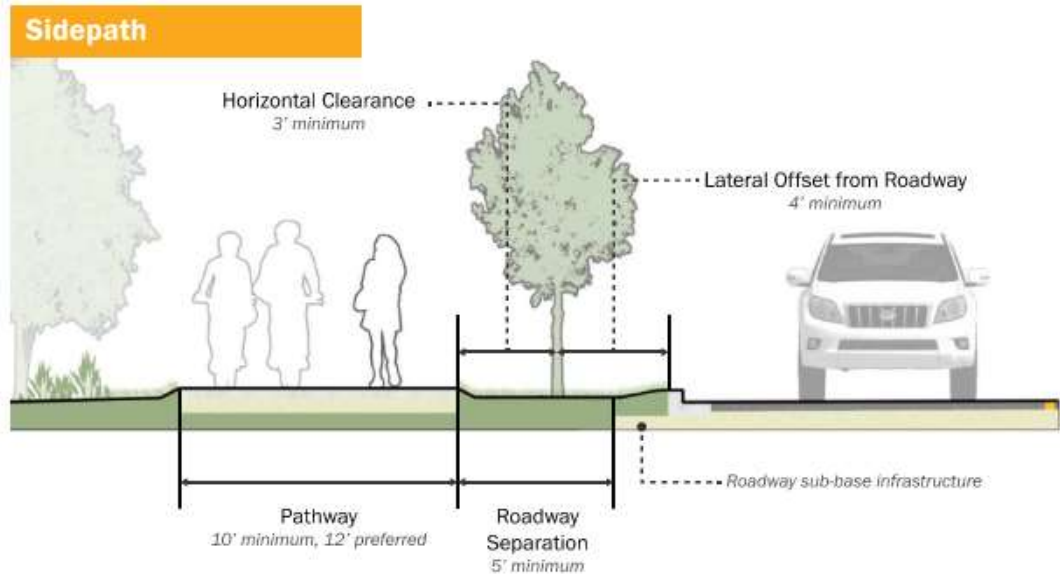
The Georgetown Trails Master Plan designates this portion of NE Inner Loop as a “Sidepath”, shown in orange on the map below. Sidepaths are enhanced pedestrian and shared use paths designated along

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arterial or collector roads that function both as an pedestrian and cycling infrastructure for local travel and as connectors between residential areas and Regional Trails. For this area, NE Inner Loop will connect the existing and new residences north of the subject property to the planned Pecan Branch Trail, shown in blue below. Appendix F of the Trails Master Plan provides exhibits for the design of Sidepaths.



Trails Master Plan, Appendix F: Sidepaths



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Utilities

The subject property is located within the City's service area for water, wastewater, and electric. Additionally, it is located within the Pedernales Electric Cooperative (PEC) service area for electric. A Utility Evaluation will be required at time of Site Development Plan to determine capacity and any necessary utility improvements.

Transportation

NE Inner Loop and FM 971 are both classified as Major Arterial Roadways. Arterial streets provide traffic movement through and between different areas within the city and access to adjacent land uses. Greater control over roadway access is exerted through enhanced driveway spacing requirements and, if safety dictates, overall access can be limited to specific turning movements. Major Arterials connect major traffic generators and land use concentrations and serve much larger traffic volumes over greater distances.

A Traffic Impact Analysis (TIA) will be required at time of Site Development Plan for any development that generates more than two thousand (2,000) average daily trips based upon the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

Zoning district

The Local Commercial (C-1) zoning district is intended to provide areas for commercial and retail activities that primarily serve residential areas. Uses should have pedestrian access to adjacent and nearby residential areas, but are not appropriate along residential streets or residential collectors. The district is more appropriate along major and minor thoroughfares and corridors.

Permitted uses in this district include, but are not limited to, assisted living, financial centers, food catering services, general retail and office, and library and museums. Other uses such as bar/tavern/pub, church, and self-storage are permitted subject to specific design limitations. Certain land uses, including event facilities, event market, car wash, fuel sales, and restricted personal services, require a Special Use Permit (SUP). Exhibit 4 contains a comprehensive list of C-1 district permitted uses and development standards.

Special Use Permits allow for City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this Code. Special Use Permits may be issued only for uses that are generally compatible with other uses permitted in a zoning district, but that require individual review of their location, design, intensity, etc.

Fuel Sales is defined as on-site retail sales of motor vehicle fuel, including gasoline, diesel fuel, and alternative fuels. [UDC Section 5.04.020.T](#) places limitations on the fuel sales such as canopy height and arrangement of pumps, limitations on the number of pumps permitted, and additional restrictions and buffering requirements when adjacent to residentially-zoned districts.

Intergovernmental and Interdepartmental Review

The proposed Special Use Permit request was reviewed by all applicable City Departments to determine the appropriateness of the requested specific use on the subject property. No comments were

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issued regarding the zoning request.

Approval Criteria

Staff has reviewed the request and determined that the proposed request complies with 3 and partially complies with 1 of the 4 criteria established in UDC Section 3.07.030.C for a Special Use Permit, as outlined below:

SPECIAL USE PERMIT (SUP) APPROVAL CRITERIA	
1. The proposed special use is not detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants.	Complies
<p>The proposed special use is not detrimental to the health, welfare, and safety of the surrounding neighborhoods. The nearest neighborhood is the Villas at Berry Springs Condo Subdivision, part of the adjacent Troop Tract PUD. This neighborhood will not have any residential units adjacent to the use, as there is a non-residential C-3 zoning district that occupies the northern portion of the PUD that runs along the entirety of the subject property. Staff estimates that the nearest residential unit will be at least 400 feet to the south of the proposed Special Use.</p> <p>The subject property is in close proximity to State Highway 130 (Toll) and will utilize FM 971 as its primary means of transportation circulation. FM 971 is a Major Arterial that can adequately support the auto-oriented nature of Fuel Sales and convey traffic to and from 130 or from elsewhere in town. The existing transportation infrastructure in place will ensure the Fuel Sales use will not be detrimental to the health or safety of the surrounding neighborhood.</p> <p>The proposed conceptual plan provides for retail spaces as well as the fuel sales use. The Fuel Sales use will be located on the northeast corner of the subject property and will be beneficial to the regional travelers either exiting SH 130 for gas or using FM 971 to get into and out of Georgetown. The retail spaces that will be utilized for Local Commercial uses will buffer the fuel sales use from the nearby schools to the southwest and the Sidepath Trail that will run along NE Inner Loop. The adjacent Troop Tract PUD designates the area along FM 971 to the east of the proposed Fuel Sales location as C-3 base zoning that will buffer the Fuel Sales from the Villas at Berry Springs Condo Subdivision. The scope of retail proposed on site, the location of the proposed Fuel Sales, and proximity to numerous major roadways ensure the proposed special use will not be detrimental to the welfare of the surrounding neighborhoods.</p>	
2. The proposed conceptual site layout, circulation plan, and design are harmonious with the character of the surrounding area.	Partially Complies
<p>The proposed conceptual site layout, circulation plan, and design are partially harmonious with the character of the area. The design of the site orients the Fuel Sales use to be at the northwestern corner of the subject property. This will encourage circulation from the fuel sales use to utilize FM 971 and will be the closest corner to SH 130. Per the discussion in the previous approval criteria, the design of the site leverages the non-residential district of the Troop Tract PUD and retail spaces to the south and west of the Fuel Sales Location to buffer the use from the Sidepath Master Trail, Villas at Berry Springs Condo Subdivision, and the schools to the southwest.</p>	

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SPECIAL USE PERMIT (SUP) APPROVAL CRITERIA

The design and orientation of the Fuel Sales will be partially harmonious with the existing rural character and agricultural uses along FM 971 that is desired to be preserved with the Scenic Gateway along FM 971. While the development will provide the minimum number of plantings required with the Overlay Zoning District associated with the Scenic Corridor, the design of the site is deficient from a design recommendation for Scenic Corridors that specifies that buildings are oriented towards the street. Staff recommends including a condition for approval if approved to reorient the convenience store to either be between the fuel sales canopy and the ROW of FM 971 or at least place the building perpendicular so that the parking and canopy are alongside the building rather than between it and the ROW.

3. The proposed use does not negatively impact existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities, and water and sewer systems and on public services such as police and fire protection and solid waste collection and the ability of existing infrastructure and services to adequately provide services.

Complies

The proposed special use will not have a negative impact to existing uses through impacts on public services such as police, fire, and solid waste collection or on public infrastructure such as utility services or parking facilities. If approved, the development will be required to construct the Sidepath and pay any necessary traffic impact fees to mitigate impacts on transportation infrastructure.

4. The proposed use does not negatively impact existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard or other injurious or noxious impact.

Complies

The proposed Special Use is not directly adjacent to any residential uses. The UDC and City's noise regulations will limit the light and noise produced by the Special Use and the adopted Fire Code will mitigate fire hazard. While Fuel Sales typically generates a greater degree of light and noise than uses allowed by right in C-1 zoning due to its frequent trip generation, the fuel sales and associated canopy will not be adjacent to any neighborhoods and FM 971's function as a Major Arterial will not be noxiously impacted by the additional light and noise.

The City's adopted 2015 International Fire and Building Codes will mitigate fire hazard and other noxious or injurious impacts.

Additionally, staff has reviewed the proposed rezoning request and has found that it complies with 2 and partially complies with 3 of the 5 criteria established in UDC Section 3.06.030 for a Zoning Map Amendment, as outlined below:

ZONING MAP AMENDMENT (REZONING) APPROVAL CRITERIA

1. The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action.

Complies

ZONING MAP AMENDMENT (REZONING) APPROVAL CRITERIA																	
An application must provide the necessary information to review and make a knowledgeable decision in order for staff to schedule an application for consideration by the Planning and Zoning Commission and City Council. This application was reviewed by staff and deemed to be complete.																	
2. The zoning change is consistent with the Comprehensive Plan.	Partially Complies																
The proposed Special Use is partially consistent with the Comprehensive Plan. The subject property is in a Mixed-Density Neighborhood Future Land Use are and is near a Community Center. The Mixed-Density Neighborhood Future Land Use area has four considerations- (1) ratio of land uses, (2) recommended uses, (3) character, and (4) transitions. Additionally, the subject property is along the NE Inner Loop Sidepath on the Trails Master Plan and the Scenic Gateway along FM 971.																	
The subject property will be consistent with the target ratio. While the ratio will not change with this Special Use Permit, the area is below the target ratio of 20% non-residential with only 6.32%.																	
<table><tr><th>Scenario</th><th>Nonresidential</th><th>AG/Unentitled</th><th>Residential</th></tr><tr><td>2030 Recommendation</td><td>20.00%</td><td>0.00%</td><td>80.00%</td></tr><tr><td>Existing Conditions</td><td>6.32%</td><td>44.17%</td><td>49.51%</td></tr><tr><td>Proposed Request</td><td>6.32%</td><td>44.17%</td><td>49.51%</td></tr></table>		Scenario	Nonresidential	AG/Unentitled	Residential	2030 Recommendation	20.00%	0.00%	80.00%	Existing Conditions	6.32%	44.17%	49.51%	Proposed Request	6.32%	44.17%	49.51%
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Within the non-residential areas recommended to occupy 20% of this Future Land Use area, there are a number of recommended uses: Limited neighborhood-serving retail, office, institutional, and civic uses. This proposed Special Use is partially consistent with the recommended uses. While it is beyond the scope of limited neighborhood-serving retail, this site is in close proximity to a Community Center, which are areas intended to accommodate the more auto-oriented uses such as Fuel Sales, especially within the context of the intersection of FM 971 and State Highway 130. There is not an existing fuel sales use at this major node, and so the provision of a limited number of fuel sales around this intersection can be amenable with the recommended uses for this area. However, with this site being somewhat removed from this node and within a Mixed-Density Neighborhood, this request is only partially compliant with the recommended uses for the Future Land Use areas around the subject property.																	

ZONING MAP AMENDMENT (REZONING) APPROVAL CRITERIA

The subject property will not be fully consistent with the recommend character for this area, specifically with what is recommended for a Scenic Corridor. While the subject property will not conflict with the character of the Mixed-Density Neighborhood due to its location near major intersections and not directly adjacent to residential uses, the Scenic Corridor along FM 971 has a recommended character that is low in intensity and maintains the natural character of the area. While there are design features that can be incorporated with the proposed special use such as with greater setbacks and plantings, the Fuel Sales use is a higher-intensity commercial use that serves automobiles at a rate that is consistent in character to a Regional Center or Highway Corridors. While SH 130 is one of the City's Highway Corridors, a fuel sales use would be better positioned at one of the corners of FM 971 and SH 130 or along the frontage of SH 130 rather than along the Scenic Corridor of FM 971.

The proposed special use will provide an adequate transition of uses. The adjacent property to the east is current zoned C-3 as part of the Troop Tract PUD, and the actual location of the fuel sales will border C-1 uses to the south and west within the same subject property. The zoning across FM 971 is C-1 or AG zoning as well, and so a transition from C-3 and the SUP to the lower intensity areas to the North, South, and West are present.

3. The zoning change promotes the health, safety or general welfare of the City and the safe orderly, and healthful development of the City.

**Partially
Complies**

This request will not adversely affect the health, safety, or general welfare of the city per the discussion in SUP approval criteria 1; however, it will not promote these aspects nor will it promote the orderly and healthful development of the City.

There is not a fuel sales use existing at the intersection of NE Inner Loop and FM 971. While developing a fuel sales use within this context can promote the general welfare of the city by providing a regularly needed automotive service at a major intersection, the close proximity to the intersection of SH 130 and FM 971 ultimately mitigates the need for a fuel sales use at this intersection, as less than half a mile to the east presents a better opportunity for fuel sales that can still serve the travelers in the area and be further removed from the Mixed-Density Neighborhood.

4. The zoning change is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.

**Partially
Complies**

The subject property is zoned C-1 and places the actual location of the fuel sales canopy and pumps at the northwestern corner of the site. This will result in the rest of the property developing with C-1 uses that will be compatible with the Fuel Sales and buffer it from the areas to the south and west. The adjacent zoning to the north is C-1 and to the east is C-3 (Troop Tract PUD). The proposed Special Use will be compatible with these zoning districts. These districts are not currently developed with any uses.

The proposed Special use is not fully compatible with the character of the Scenic Corridor. While FM 971 and SH 130 to the east are major arterial roadways that will be consistent in character with the proposed Special Use, it will not be consistent with the rural character of FM 971 that is sought

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ZONING MAP AMENDMENT (REZONING) APPROVAL CRITERIA

to be preserved by the Gateways and Image Corridors section of the 2030 Comprehensive Plan. This present character is specifically present on the Agricultural Zoning on the north side of FM 971 near the subject property.

5. The property to be rezoned is suitable for uses permitted by the District that would be applied by the proposed amendment.

Complies

The subject property is almost 8 acres in size. It has existing infrastructure for utilities, and borders two Major Arterial Roadways that can support the traffic generated by Fuel Sales. The property is also wide enough to accommodate full-service driveways along NE Inner Loop and FM 971.

The proposed Special Use will generally be consistent with the existing transportation network and commercial zoning in the area. It will be buffered by surrounding commercial uses and zoning but will not fully consistent with the Scenic Corridor or the specific recommended uses for Mixed-Density Neighborhood. If approved, staff recommends adding a condition that the retail be included on the same Site Development Plan as the Fuel Sales to ensure timely development as well including a condition to reorient the convenience store to either be between the fuel sales canopy and the ROW of FM 971 or at least place the building perpendicular so that the parking and canopy are alongside the building rather than between it and the ROW.

Public Notification

As required by the Unified Development Code, all property owners and registered neighborhood associations within a 300-foot radius of the subject property were notified of the Special Use Permit request (10 notices), a legal notice advertising the public hearing was placed in the Sun Newspaper (Sunday, July 31, 2022) and signs were posted on-site. To date, staff has received 1 written comment in favor, 1 neither in favor or opposition, and 0 in opposition to the request (Exhibit 7).

Meetings Schedule

08.16.2022 – Planning and Zoning Commission
08.23.2022 – City Council First Reading of the Ordinance
09.07.2022 – City Council Second Reading of the Ordinance

Attachments

Exhibit 1 – Location Map
Exhibit 2 – Future Land Use Map
Exhibit 3 – Zoning Map
Exhibit 4 – Letter of Intent
Exhibit 5 – Conceptual Plan
Exhibit 6 – Elevations
Exhibit 7 – Public Comments