

ZONING CHANGE REVIEW SHEET

CASE: C14-2017-0040 – Creastle .43

Z.A.P. DATE: May 16, 2017

ADDRESS: 9618 Manchaca Road

DISTRICT: 5

OWNER / APPLICANT: Creastle Enterprise, Inc. **AGENT:** Bennett Consulting
(Sayeed Sadruddin; Rahin Sadruddin) (Rodney Bennett)

ZONING FROM: SF-2 **TO:** GR-CO **AREA:** 0.43 acres
(approximately 18,831 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant neighborhood commercial – conditional overlay (LR-CO) combining district zoning with conditions. The Conditional Overlay limits development to 2,000 vehicle trips per day.

If the requested zoning is granted for this site, then 70 feet of right-of-way from the existing centerline should be dedicated for Manchaca Road according to the Transportation Plan [LDC, Sec. 25-6-51 and 25-6-55].

ZONING & PLATTING COMMISSION RECOMMENDATION:

May 16, 2017: *APPROVED LR-CO DISTRICT ZONING WITH RIGHT-OF-WAY DEDICATION AS STAFF RECOMMENDED, WITH ADDITIONAL CONDITIONS TO PROHIBIT ALTERNATIVE FINANCIAL SERVICES, CUSTOM MANUFACTURING AND OFF-SITE ACCESSORY PARKING AND A PUBLIC RESTRICTIVE COVENANT TO PROHIBIT THE USE OF OUTDOOR SOUND AMPLIFICATION EQUIPMENT, BY CONSENT*

[A. DENKLER; J. DUNCAN – 2ND] (11-0)

ISSUES:

The Applicant is in agreement with the Zoning and Platting Commission's recommendation.

DEPARTMENT COMMENTS:

The subject platted lot is developed with a service station/food sales use, as well as mobile food vending. Access is provided by way of a driveway to Manchaca Road, a major arterial and Monarch Drive, a collector street. The lot has had zoned single family residence-standard lot (SF-2) district since its annexation into the City limits in November 1984, therefore the existing service station and food sales uses are considered legal non-conforming. There is a general retail sales (convenience) use to the north (LR-CO); an auto

parts store, retail sales, restaurant and pharmacy across Manchaca Road to the east (GR-CO), convenience storage and restaurants to the south (W/LO, GR-CO; I-SF-2) and a realtor's office to the west (LO-CO). The Manchaca / Slaughter intersection is approximately 700 feet to the south and has GR base district zoning. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes community commercial (GR) district zoning to bring the existing uses into compliance with the Code, and to provide additional food sales space within the existing structure. Given the presence of an LR-CO zoned lot at the northwest corner of Manchaca and Monarch, and GR zoned property situated further south on properties with vehicular access to Manchaca and/or Slaughter Lane, Staff is of the opinion that LR zoning is most compatible and consistent with the zoning and land uses at this intersection to a residential neighborhood.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-SF-2	Service station and food sales; Mobile food vending
<i>North</i>	LR-CO	General retail sales (convenience)
<i>South</i>	W/LO	Convenience storage; Restaurants (limited)
<i>East</i>	GR-CO	General retail services (general and limited); Undeveloped; Restaurant (general)
<i>West</i>	LO-CO; SF-1	Office; Duplex; Single family residences

AREA STUDY: N / A

TIA: Is not required

WATERSHED: Slaughter Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

217 – Tanglewood Forest Neighborhood Association
 242 – Slaughter Lane Neighborhood Association
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District 943 – Save Our Springs Alliance
 1228 – Sierra Club, Austin Regional Group 1340 – Austin Heritage Tree Foundation
 1363 – SELTexas 1424 – Preservation Austin
 1528 – Bike Austin 1530 – Friends of Austin Neighborhoods
 1550 – Homeless Neighborhood Association 1559 – Palomino Park HOA
 1578 – South Park Neighbors 1596 – TNR BCP – Travis County Natural Resources

SCHOOLS:

Cowan Elementary School

Bailey Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0194 – Sonic Drive-In #43 – 9708 Manchaca Rd	I-SF-2 to GR	To Grant GR-CO w/CO for 2,000 trips/day	Apvd GR-CO as ZAP rec (1-10-2008).
C14-2014-0119 – Manchaca Storage – 9507 Manchaca Rd	CS-CO to CS- CO, to change a condition of zoning	To Grant CS-CO, to change the max. height of a building or structure to 3 stories or 40' and 2,000 trips/day limit	Apvd CS-CO as ZAP rec (9-25-2014)
C14-98-0213 – Monarch Office Condos – 2015 Monarch Dr	I-SF-2 to LO	To Grant LO-CO w/CO for 2,000 trips/day	Apvd LO-CO as PC rec (2-25-1999)
C14-98-0141 – 9700 Manchaca	I-RR to CS	To Grant W/LO	Apvd W/LO (2-25- 1999).
C14-98-0139 – Jan Felder Currier – 9600-9610 Blk of Manchaca Rd	SF-2 to GR	To Grant LR-CO	Apvd LR-CO w/CO for 1,400 trips/day and prohibiting service station (2-25-1999).
C14-98-0087 - Charles I. Toubin – 9718 Manchaca Rd	I-SF-2 to GR	To Grant GR	Apvd GR-CO w/CO for 2,000 trips/day (10- 22-1998).
C14-97-0066 - Castlewood-Oak Valley Neighborhood Association – West of Manchaca Rd, bounded by Davis Ln, Queenswood Dr, Collingwood Dr and Monarch Dr	SF-2 to SF-1	To Grant	Apvd (8-21-1997).
C14-85-022 – Franklin Federal Bancorp	I-RR to SF, MF, Office and Commercial districts	To Grant LR (Tracts 1 and 3); MF-2 (Tracts 2 and 6); SF-3 (Tract 4); LO (Tract 5)	Apvd LR-CO (Tract 1); MF-2-CO (Tracts 2 and 5); SF-3-CO (Tract 3); LO-CO (Tract 4); GR-CO (Tract 6) and CS-CO (Tract 7) (11-18-93).

RELATED CASES:

The property was annexed into the City limits on November 15, 1984.

The rezoning area is platted as Lot 13A, Resubdivision of Lot 13, Block E of Castlewood Forest Section 5, recorded in January 1975 (C8s-74-242). Please refer to Exhibit B.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Manchaca Road	110 feet	95 feet	Major Arterial Divided 4 Lanes	Yes	Yes	Yes
Monarch Drive	60 feet	38 feet	Collector 2 Lanes	No	No	Yes

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a wide shoulder bike lane is recommended for Manchaca Road.

CITY COUNCIL DATE: June 8, 2017

ACTION:

ORDINANCE READINGS: 1st

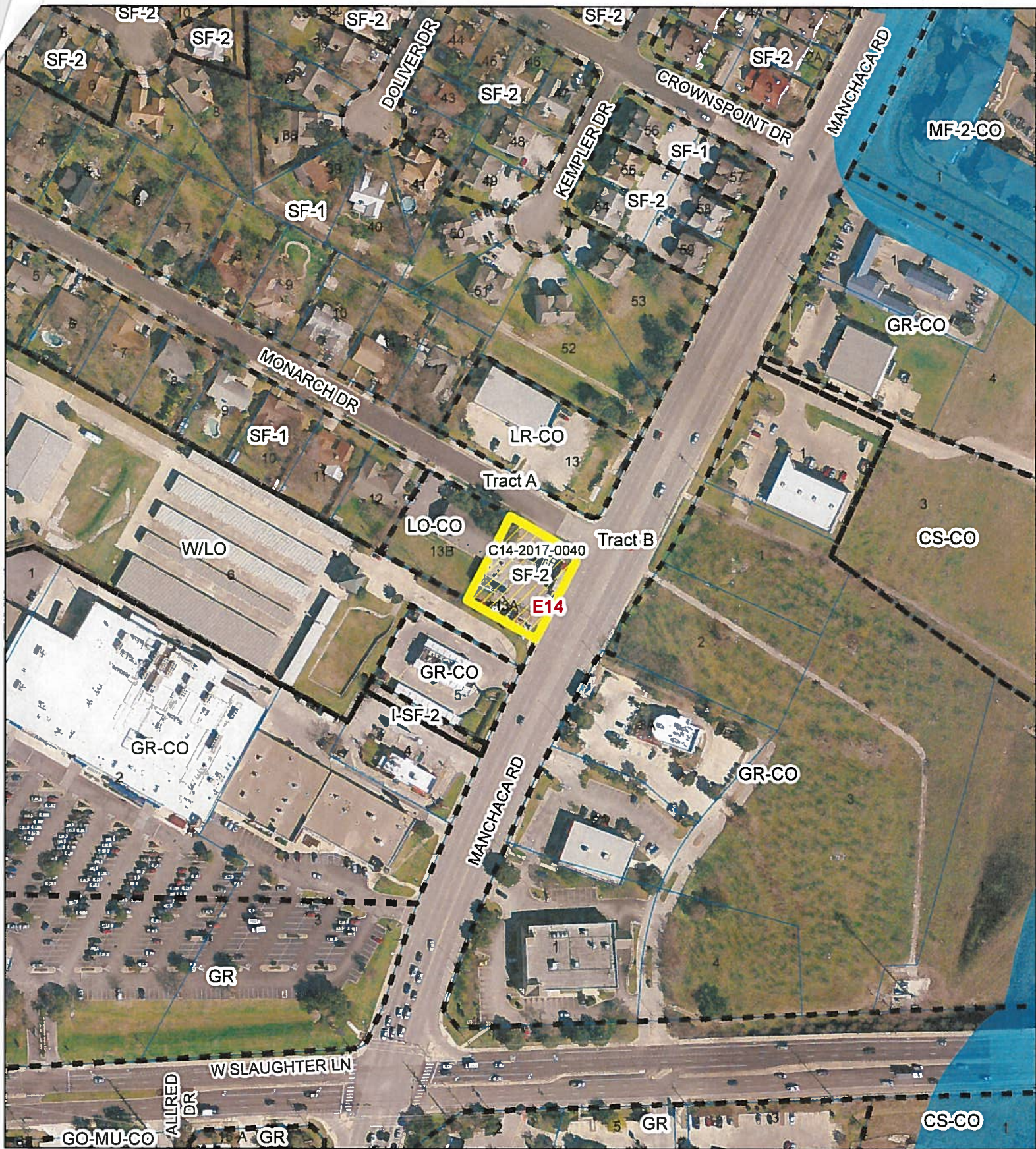
2nd

3rd

ORDINANCE NUMBER:

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

PHONE: 512-974-7719



N



1" = 200'

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CREEK BUFFER

CREASTLE .43 - ZONING

ZONING CASE#: C14-2017-0040

LOCATION: 9618 MANCHACA ROAD

SUBJECT AREA: .43 ACRES

GRID: E14

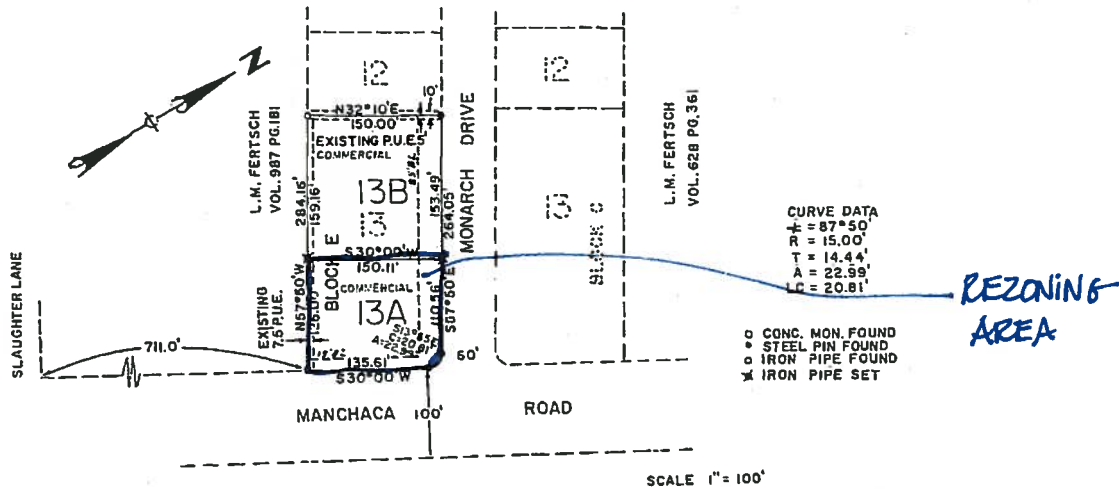
MANAGER: WENDY RHOADES

Exhibit A-1



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.

RESUBDIVISION OF LOT 13, BLOCK E
OF CASTLEWOOD FOREST, SECTION 5



KNOW ALL MEN BY THESE PRESENTS: That WEST - LEACH, INC., a corporation organized and existing under the Laws of the State of Texas, and having its home office in the City of Austin, Travis County, Texas, acting herein by and through its officer Donald L. West, President, and L. A. Falder, Inc., a corporation organized and existing under the Laws of the State of Texas, and having its home office in the City of Austin, Travis County, Texas, acting herein by and through its officer L. A. Falder, President, do hereby subdivide Lot 13, Block E, of Castlewood Forest, Section 5, a subdivision out of the Theo. Bissell League Survey No. 18 in Travis County, Texas, of record in Plat Book 55 at Page 68 of the plat records of Travis County, Texas, said Castlewood Forest, Section 5 being a subdivision of that certain 12.93 acres of land conveyed to WEST - LEACH, INC. and L. A. FALDER, INC. by deed recorded in Volume 4033 at Page 1089 of the deed records of Travis County, Texas, as shown hereon to be known as 'RESUBDIVISION OF LOT 13, BLOCK E OF CASTLEWOOD FOREST, SECTION 5', and do hereby dedicate to the public all streets, easements, and rights-of-way as is shown hereon.

WITNESS OUR HANDS, this the 26 day of November, A. D., 1974

Donald L. West
Donald L. West

L. A. Falder
L. A. Falder

THE STATE OF TEXAS }
COUNTY OF TRAVIS }

BEFORE ME, the undersigned authority, a Notary Public in and for Travis County, Texas, on this day personally appeared Donald L. West and L. A. Falder, known to me to be the persons whose names are subscribed on the foregoing instrument and they acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacities therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 26 day of November, A. D. 1974

Lynette Davis
Notary Public, in and for Travis County, Texas

APPROVED FOR ACCEPTANCE

12-31-74
Date

Richard R. Lillis
Richard R. Lillis, Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION, City of Austin, Texas, this the 31st day of December, A. D. 1974

Jean Allen Mather
Secretary

Carl H. Henthorn
Chairman

FILED FOR RECORD at 10:20 o'clock A. M., this the 6th day of January, A. D. 1975

Mike Kellogg
Deputy

Doris Shropshire
Doris Shropshire, Clerk, County Court, Travis County, Texas

THE STATE OF TEXAS }
COUNTY OF TRAVIS }

I, Doris Shropshire, Clerk of the County Court within and for the State and County aforesaid, do hereby certify that the foregoing instrument of writing with its Certificate of Authentication was filed for record in my office on the 6 day of Jan., A. D., 1975 at 10:20 o'clock A. M., and duly recorded on the 6 day of Jan., A. D., 1975 at 10:25 o'clock A. M., in the Plat Records of said County in Plat Book 71 at Page 44.

Mike Kellogg
Deputy

Doris Shropshire
Doris Shropshire, Clerk, County Court, Travis County, Texas

In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all Streets, Roads, and other Public Thoroughfares shown on this plat, or any bridges or culverts necessary to be placed in such Streets, Roads or other Public Thoroughfares or in connection therewith shall be the responsibility of the owners and/or developers of the tract of land covered by this plat in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas, and the Commissioners Court of Travis County, Texas, assumes no responsibility to build any of the Streets, Roads, or other Public Thoroughfares shown on this plat or any bridges or culverts in connection therewith.

Be it resolved by the Commissioners Court of Travis County, Texas: That the acceptance for maintaining by Travis County, Texas of the roads or streets in Real Estate Subdivisions does not obligate the County to install street marking signs, as this is considered to be a part of the developers construction; but that erecting signs for traffic control, such as for speed limits and STOP and YIELD signs, shall remain the responsibility of the County.

THE STATE OF TEXAS }
COUNTY OF TRAVIS }

I, Doris Shropshire, County Clerk of Travis County, Texas do hereby certify that on Jan 6, 1975, the Commissioners Court of Travis County, Texas, passed an order authorizing the filing for record of this plat. Said order is entered in Volume 3, Page 403 of the Commissioners Court Minutes of Travis County, Texas.

WITNESS MY HAND AND SEAL OF OFFICE, this the 6 day of January, A. D., 1975

Mike Kellogg
DEPUTY

Doris Shropshire
Doris Shropshire, Clerk, County Court, Travis County, Texas

SEPTIC TANK NOTE

No house constructed in this subdivision shall be occupied until connected to a septic tank with a capacity of not less than 750 gallons and with a drain field of not less than 500 Sq Ft which shall be installed in accordance with the regulations of the City-County Health Officer and shall be inspected and approved by such Officer. This restriction is enforceable by the City of Austin - Travis County Health Unit and/or the Subdivider.

This plat has been approved by the Travis County Health Department for two lots to be served by septic tanks.

This is to certify that Austin City Code, Chapter 23.27 of 1954 has been complied with.

Surveyed by: Herrndon C. Bailey Jr.
Herrndon C. Bailey Jr., P.E.

November 16, 1974
Date

H.E. Hanger Jr.
City-County Health Dept.



CBs-74-242

EXHIBIT B
RECORDED
PLAT

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant neighborhood commercial – conditional overlay (LR-CO) combining district zoning with conditions. The Conditional Overlay limits development to 2,000 vehicle trips per day.

If the requested zoning is granted for this site, then 70 feet of right-of-way from the existing centerline should be dedicated for Manchaca Road according to the Transportation Plan [LDC, Sec. 25-6-51 and 25-6-55].

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."

2. Zoning changes should promote an orderly and compatible relationship among land uses.

Given the presence of an LR-CO zoned lot at the northwest corner of Manchaca and Monarch, and GR zoned property situated further south on properties with access to Manchaca and/or Slaughter Lane, Staff is of the opinion that LR zoning is most compatible and consistent with the zoning and land uses at this intersection to a residential neighborhood.

EXISTING CONDITIONS**Site Characteristics**

The subject property contains a service station, food sales and mobile vending uses. There appear to be no significant topographical constraints on the site.

Impervious Cover

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

Comprehensive Planning

This zoning case is located on the southwest corner of Manchaca Road, and Monarch Drive, on a 0.43 acre parcel, which contains a gas station/convenience store. The subject property is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes a retail use to the north; a fast food restaurant to the south; undeveloped land to the east; and a one-story office building to the west. The proposal is to obtain commercial zoning for the existing commercial use on the site, a gas station/convenience store.

Connectivity: There are public sidewalks located along both sides of this portion of Manchaca Road, along with a Cap Metro Stop, which is about a 10 minute walk from this property. In order to reach the Cap Metro stop located across the street, a pedestrian must walk down to intersection of Manchaca and Slaughter Lane, cross the street and walk back up the street to the CapMetro transit stop. The Walkscore for this property 62/100, meaning some errands may be accomplished on foot.

Imagine Austin

The property is located by the boundaries of ‘**Neighborhood Center**’ as identified on the Imagine Austin’s Growth Concept Map. A Neighborhood Center is the smallest and least intense of the three types of activity centers outlined in the Growth Concept Map, with a focus on creating local businesses and services—including doctors and dentists, shops, branch libraries, dry cleaners, hair salons, coffee shops, restaurants, and other small and local businesses that generally serve the center and surrounding neighborhoods. The following IACP policies are also relevant to this case:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a **compact and connected city** in line with the growth concept map.
- **LUT P3.** Promote development in **compact centers, communities, or along corridors** that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

Conclusion

While this property is bounded by a Neighborhood Center, based on the comparative scale of this site relative to retail and office uses abutting this site, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed rezoning.

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.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Slaughter Creek 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.

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 512-974-1876. 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 requires water quality control with increased capture volume and control of the 2 year storm on site.

Transportation

The Austin Metropolitan Area Transportation Plan calls for 140 feet of right-of-way for Manchaca Road. If the requested zoning is granted for this site, then 70 feet of right-of-way from the existing centerline should be dedicated for Manchaca Road according to the Transportation Plan [LDC, Sec. 25-6-51 and 25-6-55].

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

FYI, a traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day [LDC, 25-6-117].

Water and Wastewater

FYI: 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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. 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 fees once the landowner makes an application for Austin Water utility tap permits.

Site Plan and Compatibility Standards

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

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: www.austintexas.gov/planning.

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: C14-2017-0040

Contact: Wendy Rhoades, 512-974-7719

**Public Hearings: May 16, 2017, Zoning and Platting Commission
June 8, 2017, City Council**

Dr. Joe McGowan
Your Name (please print)

2110 Slaughter Lane #129

Your address(es) affected by this application

[Signature]
Signature

5/11/2017
Date

Daytime Telephone: *512-280-0520*

Comments:

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

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

<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
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