

## SECOND / THIRD READINGS SUMMARY SHEET

CASE: C14-2021-0187 – Manchaca Road – Calvo

DISTRICT: 5

ADDRESS: 11530 Manchaca Road

PROPERTY OWNER / APPLICANT: Manchaca Holdings, LLC (Antonio Calvo)

AGENT: Land Answers, Inc. (Jim Wittliff)

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

REQUEST:  
**Approve Second and Third Readings**  
**From interim – rural residence (I-RR)**  
**To commercial – liquor sales (CS-1) for Tract 1 and general**  
**commercial services for Tract 2**

CITY COUNCIL ACTION:

**July 28, 2022:**

June 16, 2022: *APPROVED A POSTPONEMENT TO JULY 28, 2022. VOTE: 11-0.*

May 5, 2022: *APPROVED CS-1-CO DISTRICT ZONING FOR TRACT 1 AND CS-CO DISTRICT ZONING FOR TRACT 2, AS STAFF RECOMMENDED, ON FIRST READING. VOTE: 8-0, COUNCIL MEMBERS KELLEY, POOL, AND TOVO – OFF THE DAIS*

ORDINANCE NUMBER:

ISSUES:

The zoning ordinance reflects Council action taken on First Reading.

Correspondence received from the Applicant and the adjacent commercial property owner to the north is attached at the back of the Staff report.

## **ZONING CHANGE REVIEW SHEET**

CASE: C14-2021-0187 – Manchaca Road - Calvo

DISTRICT: 5

ADDRESS: 11530 Manchaca Road

ZONING FROM: I-RR

ZONING TO: CS-1 for Tract 1 (0.25 acres - 10,890 square feet); CS for Tract 2 (4.651 acres)

TOTAL SITE AREA: 4.901 acres

PROPERTY OWNER: Manchaca Holdings, LLC (Antonio Calvo)

AGENT: Land Answers, Inc. (Jim Wittliff)

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

### STAFF RECOMMENDATION:

**The Staff recommendation is to grant commercial-liquor sales – conditional overlay (CS-1-CO) combining district zoning on Tract 1, and general commercial services – conditional overlay (CS-CO) combining district zoning on Tract 2. On Tracts 1 and 2, the Conditional Overlay prohibits the following uses: adult-oriented businesses, automotive repair services, bail bond services, campground, drop-off recycling collection center, kennels, outdoor entertainment, outdoor sports and recreation, and service station. For a summary of the basis of Staff's recommendation, see pages 2-3.**

### ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**April 5, 2022: MOTION BY COMMISSIONER SMITH, SECONDED BY COMMISSIONER BOONE TO GRANT STAFF'S RECOMMENDATION OF CS-1-CO COMBINING DISTRICT ZONING FOR TRACT 1; CS-CO COMBINING DISTRICT ZONING FOR TRACT 2 FAILED ON A VOTE OF 5-4. THOSE VOTING NAY WERE VICE-CHAIR KIOLBASSA AND COMMISSIONERS GREENBERG, DENKLER AND KING. C. ACOSTA – OFF THE DAIS; R. WOODY – ABSENT**

**ITEM FORWARDED TO COUNCIL WITHOUT A RECOMMENDATION DUE TO LACK OF AN AFFIRMATIVE VOTE.**

### CITY COUNCIL ACTION:

**July 28, 2022:**

June 16, 2022: *APPROVED A POSTPONEMENT TO JULY 28, 2022. VOTE: 11-0.*

May 5, 2022: *APPROVED CS-1-CO DISTRICT ZONING FOR TRACT 1 AND CS-CO DISTRICT ZONING FOR TRACT 2, AS STAFF RECOMMENDED, ON FIRST READING. VOTE: 8-0, COUNCIL MEMBERS KELLY, POOL, AND TOVO – OFF THE DAIS*

ORDINANCE NUMBER:

ISSUES:

Correspondence received from the Applicant and the adjacent commercial property owner to the north is attached at the back of the Staff report.

The Applicant is in agreement with the Staff recommendation. On Monday, March 28<sup>th</sup>, the Applicant had an in-person meeting to discuss the case with the Canterbury Trails HOA.

CASE MANAGER COMMENTS:

The subject platted lot is located at the south corner of Menchaca Road and Casas Garcias Road, a 50-foot wide by 455-foot long privately maintained, public road dedication which continues as a 50-foot access easement that functions as a private driveway. The property is accessed via three driveways to Menchaca Road. For zoning purposes, the lot is divided into two tracts: there is an existing 4,060 square foot, two-story office building (2,030 sf on each floor) on Tract 1, and there are two sizeable warehouses and several portable buildings on Tract 2 which was formerly used as a private (primary) educational facility. The property and adjacent commercial properties on Menchaca Road to the north and to the south extending to Frate Barker Road were annexed into the City limits in December 2016 and assigned interim – rural residence (I-RR) zoning at that time. In March 2008 with a revision in August 2013, prior to annexation, a “D” (non-land use) site plan was approved for an 11,520 square foot warehouse building (SP-2007-0427D; SP-2013-0023D – Jackie’s Gymnastics).

There is a restaurant, commercial kitchen, and moving company to the north (GR-CO; CS-CO; W/LO-CO); a vacant equipment rental building, automotive sales and a commercial building containing a tattoo business, barber shop, and retail sales uses across Menchaca Road to the east (GR-CO; I-SF-2); commercial uses to the south (County); and a moving company and single family residences to the west (W/LO-CO; I-SF-4A). ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).***

The Applicant proposes to create two zoning tracts along with Conditional Overlays applicable to both tracts that prohibit more intensive commercial uses. Tract 1 covers the existing office building and is proposed for commercial – liquor sales (CS-1) district zoning. The intent is to convert the building and an outside seating area to the service of onsite alcoholic beverages, which is a cocktail lounge use. As information, a conditional use permit (CUP) for the cocktail lounge will also be required prior to establishing the use. The CUP is a type of site plan application that requires review by the Zoning and Platting Commission.

Tract 2 covers several warehouse and portable buildings on the property and is proposed for general commercial services (CS) district zoning.

The land use character of this segment of Manchaca Road is predominantly commercial and Staff believes the zoning request is appropriate in terms of its location on an arterial roadway. As information, the closest residences are located approximately 240 feet in the Mooreland Addition across Menchaca Road (County) and more than 320 feet to the northeast, in the condominiums adjacent to Canterbury Trails subdivision (I-SF-2). There are several cocktail lounges on Menchaca Road between Slaughter Lane and FM 1626, and all are located outside of the City limits. The closest cocktail lounge to the subject property is approximately 0.59 miles to the south.

The Applicant's rezoning would permit the commercial uses that existed prior to annexation and prohibit more intensive uses allowed in the CS and CS-1 zoning districts.

**BASIS OF RECOMMENDATION:**

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Tract 1: The commercial – liquor sales (CS-1) zoning district is intended for commercial and industrial activities of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use.

Tract 2: The proposed general commercial services (CS) district zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments.

The Conditional Overlay (-CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.  
*The property has access to Menchaca Road, an arterial.*

2. *The proposed zoning should allow for a reasonable use of the property.*
3. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

Staff recommends CS-CO and CS-1-CO zonings given its location on an arterial road and adjacency to commercial properties in all directions. The land use character of this segment of Manchaca Road is predominantly commercial and Staff believes the zoning request is appropriate in terms of its location on an arterial roadway. CS-CO and CS-1-CO zonings would permit a broad set of commercial uses, including the intended cocktail lounge and warehouse structures, but also prohibits more intensive uses due to the proximity to residential uses to the east and west.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Office; Warehouse; Indoor sports and recreation
<i>North</i>	GR-CO; CS-CO; W/LO-CO	Restaurant (general); Food preparation; Moving company; Auto sales; Water quality / detention pond
<i>South</i>	County	Restaurant; Food sales; Liquor sales; Indoor sports and recreation; Personal improvement services; Auto repair
<i>East</i>	GR-CO; County	Equipment rental (vacant); Automotive sales; Personal improvement services, General retail sales; Personal services, Food sales
<i>West</i>	W/LO-CO; I-SF-4A	Moving company; Single family residences and amenity center within the Olympic Heights subdivision

NEIGHBORHOOD PLANNING AREA: Not ApplicableTRAFFIC IMPACT ANALYSIS: Is not requiredWATERSHED: Slaughter Creek – SuburbanCAPITOL VIEW CORRIDOR: NoSCENIC ROADWAY: NoSCHOOLS:

Baranoff Elementary School

Bailey Middle School

Akins High School

COMMUNITY REGISTRY LIST:

627 – Onion Creek Homeowners Association      742 – Austin Independent School District  
 943 – Save Our Springs Alliance      1214 – Bauerle Ranch Owners Association, Inc.  
 1228 – Sierra Club, Austin Regional Group      1343 – Oak Hill Trails Association  
 1363 – SEL Texas      1530 – Friends of Austin Neighborhoods  
 1531 – South Austin Neighborhood Alliance (SANA)      1559 – Palomino Park HOA  
 1596 – TNR BCP – Travis County Natural Resources  
 1616 – Neighborhood Empowerment Foundation      1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2021-0151 – AR – JR .85 – 11501 Menchaca Rd	I-SF-2 to CS	To Grant GR-CO w/CO prohibiting alternative financial svcs, auto washing, bail bond svcs, commercial off-street parking, drop-off recycling collection facility, exterminating svcs,	Apvd as Commission recommended (1-27-2022).

		funeral svcs, hotel-motel, outdoor entertainment, outdoor sports & recreation, pawn shop svcs, pedicab storage & dispatch, and service station	
C14-2017-0143 – 11500 Manchaca Rd	I-RR to CS-CO; GR-CO; W/LO-CO	To Grant CS-CO; GR-CO and W/LO-CO w/CO for list of prohibited uses and add'l restrictions regarding access, buffers and lighting	Apvd as Commission recommended (2-1-2018).
C14-2017-0063 – 11630 Manchaca Rd	I-RR to GR	To Grant	Apvd (8-3-2017).
C14-2017-0009 – 11444 Manchaca Rd	I-SF-2 to GR	To Grant GR-CO w/CO for prohibited uses: alternative financial services, bail bonds, custom manufacturing, drop-off recycling collection, exterminating services, and a Restrictive Covenant to prohibit the use of outdoor sound amplification equipment on the property	Apvd GR-CO as ZAP rec (6-8-2017).
C14-2016-0130 – 11410 Manchaca Rd	GR-CO to CS-1	To Grant CS-1-CO w/CO maintaining the provisions for restaurant (general) use, and the list of prohibited and conditional uses from the 2010 zoning ordinance	Apvd CS-1-CO as ZAP rec (5-4-2017).
C14-2010-0038 – Rezoning 1.56 acres at 11410 Manchaca Rd	I-RR to GR-CO, as amended	To Grant GR-CO w/CO allowing for all LR uses and indoor entertainment, requires	Apvd GR-CO as ZAP rec (11-4-2010).

		a service station to be located at least 50' from the west property line, establishes that a drive-in services use requires a CUP site plan, and limits trips to 2,000/day.	
C14-06-0101 – Ravenscroft – 11401-11499 Blk of Manchaca Rd	I-RR to SF-6	To Grant SF-6-CO w/ CO limited to 26 units and 300 trips per day, with a RC for the Neighborhood Traffic Analysis	Apvd SF-6-CO with CO limited to 18 units, 5.388 u.p.a. and 300 trips per day, with a RC for the Neighborhood Traffic Analysis (9-28-2006).
C14-06-0102 – Ravenscroft – 11301-11351 Blk of Manchaca Rd	I-RR to SF-6	To Grant SF-6-CO w/ CO limited to 70 units and 698 trips per day, with a RC for the Neighborhood Traffic Analysis	Apvd SF-6-CO with CO limited to 78 units, 9.72 u.p.a. and 698 trips per day, with a RC for the Neighborhood Traffic Analysis (9-28-2006).
C14-05-0009 – Brazos Zoning – 11410 Manchaca Rd	I-RR to GR	To Grant GR-CO w/CO allowing business support services, general retail sales (general), personal improvement services and restaurant (general) and all LR uses, prohibit drive-in services as an accessory use to a commercial use, and 2,000 trips per day.	Apvd GR-CO with the CO for: 1) limits the development to the following GR uses: restaurant (general); business support services; retail sales (general); and personal improvement services, and all LR uses; 2) prohibits drive-in service as an accessory use to a commercial use; 3) 2,000 trips per day; 4) requires the application of compatibility standards. The Restrictive Covenant limits the personal improvement services use to health and fitness clubs (7-28-2005).

RELATED CASES:

The property was annexed into the Full purpose City limits on December 15, 2016 and assigned I-RR district zoning (C7a-2016-0007). The zoning area is platted as Lot 1, Jackie's Gymnastics Subdivision, recorded in May 1993 (C8-92-0234.0A). In April 1992, TXDOT acquired 10 feet of right-of-way for the expansion of Manchaca Road along the property's frontage.

On March 5, 2008 with a revision on August 28, 2013, administrative "D" site plans were approved for a 11,520 square foot building, and the construction of parking, drives, and associated improvements (SP-2007-0427D; SP-2013-0023D – Jackie's Gymnastics).

As information, a Development Permit "D" site plan does not include a land use element, in this case because at the time the property was within the Extra-Territorial Jurisdiction. Also, a complete site plan application was filed with the City before the date the annexation proceedings were instituted, and the Applicant has continuation of land use rights, as outlined in Section 43.002 of the Texas Local Government Code. The City allows for the development of properties to be completed in accordance with the site plan on file, without requiring zoning consistent with the existing uses.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Casa Garcias Road	50 feet	30 feet	Level 1	No	None	No
Menchaca Road	125 feet	80 feet	Level 3	Yes	Wide Curb Lane	No

FYI – Menchaca Road is owned and operated by Texas Department of Transportation.

ADDITIONAL STAFF COMMENTS:Inclusive Planning

This zoning case is located on the southwest corner of Menchaca Road and Casa Gracias Road. The property is approximately 4.901 acres in size, and has an office/warehouse on it that is used by several small businesses. This area is not located within the boundaries of neighborhood planning area but is located along a major arterial (which is not designated as an Activity Corridor). Surrounding land uses includes retail and a restaurant to the north; the south and east are commercial, and retail uses; and to the west are office/warehouse businesses. The proposal is to retain the office/warehouse but add cocktail lounge as a permitted use.



### **Connectivity**

This section of Menchaca Road has no curb and gutters, public sidewalks, public transit stops, or bike lanes. The area mainly consists of a variety of auto-centric commercial and light industrial uses. Mobility options in the area are below average while connectivity options are fair due to the variety of commercial and residential uses along and just off Menchaca Road.

### **Imagine Austin**

The property is not located by an existing Activity Center or Activity Corridor. The following policies apply to this request:

- **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.

Based on the comparative scale of the site relative to other commercial and retail uses located along this major arterial corridor but mobility weaknesses in this area, the 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.

### 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.

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.

#### Impervious Cover

Within the Slaughter Creek watershed, the maximum impervious cover allowed by the CS and CS-1 zoning districts is 80% (90% with transfers), which is based on the more restrictive watershed regulations. The amount of impervious cover shown on the 2.93 acre approved site plan for this property is approximately 12.93 percent.

#### PARD – Planning & Design Review

There are currently no parkland requirements for uses other than residential and hotel. Given that the application is for CS and CS-1, warehousing and cocktail lounge respectively, there would not be parkland dedication requirements or parkland impacts at the time of site plan or subdivision.

#### Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

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

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.

- The site is subject to compatibility standards. Along the north, east, and west property lines, the following standards apply:
- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.
- Additional design regulations will be enforced at the time a site plan is submitted.

### **NIGHTCLUBS / COCKTAIL LOUNGES**

Cocktail Lounges are conditionally permitted in the CS-1 zoning district.

Define area of cocktail lounge by shaded area on site plan. Refer to certified field notes and define boundaries of CS-1 zoning footprint. Neither a cocktail lounge nor restaurant with alcohol sales is allowed within 300 feet of a church, public school, or public hospital except as provided by the Texas Alcoholic Beverage Code [25-2-808; 4-9-4].

FYI: A person may not sell or engage in the business of selling an alcoholic beverage at a place of business located within 300 feet of a church, public school, or public hospital except as provided by the Texas Alcoholic Beverage Code [4-9-4].

Please show all uses within 200 feet and within 300 feet of the property lines to support the conditional use determination by land use commission.

FYI: Please be aware of regulations pertaining to cocktail lounges within LDC 25-2-808 and 25-5-146. A cocktail lounge must be separated from a property used or zoned townhouse and condominium residence (SF-6) district or more restrictive by not less than 200 feet unless:

- The lounge is within an enclosed shopping center; or,
- The Land Use Commission grants a variance from this requirement when the Land Use Commission approves the site plan.

**WAREHOUSE USES**

Zoning application notes “warehousing” as the proposed use for the CS Zoning portion of the property. Applicant should provide clarification and select a use listed in the code. The proposed CS zoning only permits Limited Warehousing and Distribution use. General Warehouse and Distribution use is not permitted. Below are the Code definitions for each use:

- **GENERAL WAREHOUSING AND DISTRIBUTION** use is open-air storage, distribution, or handling of materials or equipment. This use includes monument or stone yards, grain elevators, and open storage yards [Section 25-2-5(3)].
- **LIMITED WAREHOUSING AND DISTRIBUTION** use is the use of a site for provision of wholesaling, storage, or warehousing services within an enclosed structure. This use includes wholesale distributors, storage warehouses, and moving or storage firms [Section 25-2-5(5)].

**Austin Transportation Department***Transportation Assessment*

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

The parking space ratio for a cocktail lounge use is as follows:

- 1 space for every 100 square feet if the cocktail lounge is less than 2,500 sf;
- 1 space for every 50 square feet if the cocktail lounge is between 2,500 and 10,000 sf (as info, the existing two-story building is 4,060 sf (2,030 sf on each floor)
- 1 space for every 25 square feet if the cocktail lounge is over 10,000 square feet

**Austin Water Utility**

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.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at [ser@austintexas.gov](mailto:ser@austintexas.gov).

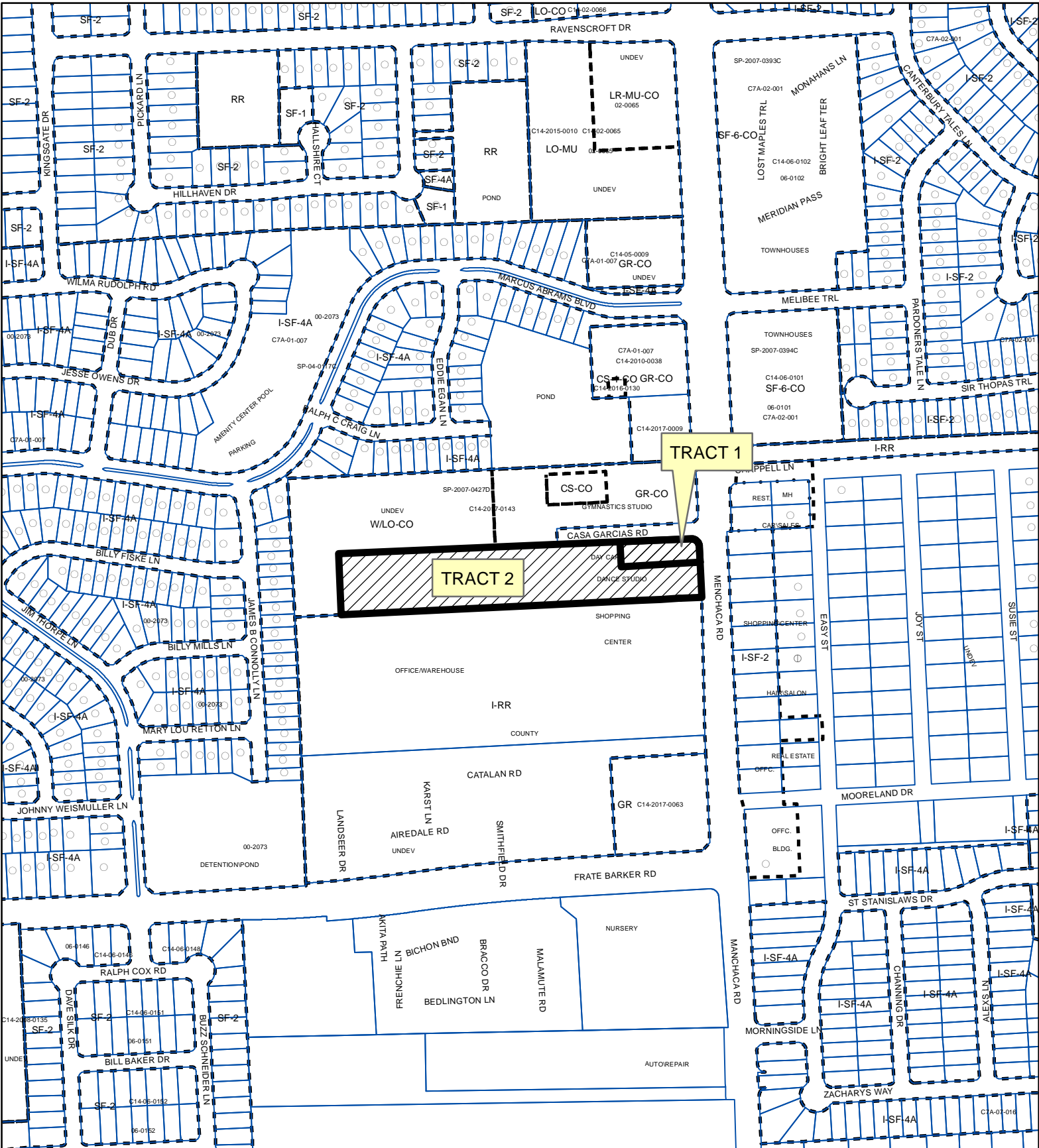
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.




INDEX OF EXHIBITS AND CORRESPONDENCE TO FOLLOW:

Exhibit A: Zoning Map

Exhibit A-1: Aerial Map

Correspondence Received



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**

**Exhibit A**

**ZONING CASE#: C14-2021-0187**

1" = 400'

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.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



**Created: 12/13/2021**





N



- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

1" = 300'

## Menchaca Road - Calvo

Exhibit A - 1

ZONING CASE#: C14-2021-0187  
 LOCATION: 11530 Menchaca Road  
 SUBJECT AREA: 4.901 ACRES  
 GRID: N25  
 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.



**From:**  
**To:** [Rhoades, Wendy](#)  
**Subject:** C14-2021-0187, 11530 Menchaca Rd  
**Date:** Monday, January 3, 2022 5:06:25 PM

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\*\*\* External Email - Exercise Caution \*\*\*

We received a notice in the mail about the application for the rezoning 11530 Menchaca Rd to allow a cocktail lounge (aka bar) and warehouse. Tract 1 (closest to Menchaca) is proposed for the cocktail lounge.

We are writing you today requesting that City staff not recommend the rezoning of 11530 Menchaca Rd for the reasons listed below.

- The proposed use is not compatible with the single-family and multi-family residences nearby.
- There are plenty of bars on Menchaca (Indian Roller, Brick's Pub & Grill, Armadillo Den, Moontower Saloon, Lustre Pearl South, South Austin Beer Garden, Giddy Ups).
- The bars on Menchaca do not have enough parking. A bar at this location would have no overflow parking because street parking along Casa Garcias Rd is already used by customers of Valentina's Tex Mex BBQ.
- The potential increase in noise for nearby residences. We already hear music from establishments on both FM 1626 and Menchaca Rd.
- The 0.5 mile stretch of Menchaca Rd between the traffic signal at Ravenscroft and the traffic signal at Frate Barker has too many unprotected exits onto Menchaca Rd.
  - Commercial and Residential Exits from the West side of Menchaca: 13
  - Commercial and Residential Exits from the East side of Menchaca: 9
- There are already too many accidents and near misses for vehicles using an unprotected exit (no traffic signal) from any of the businesses and neighborhoods on Menchaca at any time of the day. Slaughter Ln is already a high crash roadway. Let's not make Menchaca Rd one, too.

Thank you for considering not recommending this rezoning.

J Esquivel, 1609 Sir Thopas Trl, Austin, TX 78748

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**From:**  
**To:** [Rhoades, Wendy](#)  
**Subject:** case: C14-2021-0187  
**Date:** Friday, January 14, 2022 12:58:36 PM

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\*\*\* External Email - Exercise Caution \*\*\*

I am an owner of a townhouse across Manchaca Rd from this tract.

Please. NO liquor stores/sales on this property.

Thank you.

Christine Badke

(11208 Bright Leaf Terrace ATX 85375)

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## 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 participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:  
<https://bit.ly/ATXZoningComment>



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](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

**Case Number: C14-2021-0187**

**Contact: Wendy Rhoades, 512-974-7719**

**Public Hearing: April 5, 2022, Zoning and Platting Commission**

THOMAS E. DEVER

Your Name (please print)

☐ I am in favor  
☒ I object

2201 MARTIN LON RETO

Your address(es) affected by this application (optional)

[Signature]

Signature

3/25/22

Date

Daytime Telephone (Optional): \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you use this form to comment, it may be returned to:  
City of Austin, Housing & Planning Department

**Wendy Rhoades**

P. O. Box 1088, Austin, TX 78767

Or email to:

[wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)

## PUBLIC HEARING INFORMATION

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**Case Number: C14-2021-0187**

**Contact: Wendy Rhoades, 512-974-7719**

**Public Hearing: April 5, 2022, Zoning and Platting Commission**

SHARON CARTER

Your Name (please print)

☐ I am in favor  
☒ I object

Your address(es) affected by this application (optional)

Scatter

Signature

3.26.22

Date

Daytime Telephone (Optional): \_\_\_\_\_

Comments: THERE IS ALREADY AN OVERFLOW OF  
LIQUOR STORES, BARS AND HONESTLY GAS  
STATIONS IN THIS AREA. I VOTE "NO".

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Contact: Wendy Rhoades, 512-974-7719

Public Hearing: April 5, 2022, Zoning and Platting Commission

Bonnie Hall - Gerson

Your Name (please print)

☐ I am in favor  
☒ I object

11008 Canon Yeomans Ct 78748

Your address(es) affected by this application (optional)

Bonnie Hall - Gerson 03/26/22

Signature

Date

Daytime Telephone (Optional):

Comments: I am against the proposed development as the business will be used to serve liquor.  
I am not against the development of a store that sales liquor.  
There are already at least two businesses on Manchaca that serve liquor adding to the traffic and accidents along Manchaca.

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Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

[wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)

**From:** [Rhoades, Wendy](#)  
**To:**  
**Subject:** RE: Rezone Case # C14-2021-0187  
**Date:** Monday, March 28, 2022 5:45:00 PM

---

Hi Mary,

The Applicant requested CS-1 for Tract 1 and CS for Tract 2 and the public hearing notice reflects the Applicant's request. The Staff recommendation is for CS-1-CO and CS-CO. Conditional Overlays make the zoning request more restrictive and can be added by the Staff (or the Applicant, or suggested by the Neighborhood), and also by the Zoning and Platting Commission, or City Council when the case is ready for public hearings.

Tract 1 is still intended for a cocktail lounge use. Also, please note that if CS-1 zoning (or CS-1-CO) is approved by Council, then the Applicant is also required to submit a Conditional Use Permit application (CUP, a type of site plan) for the cocktail lounge use and the CUP must be reviewed and approved by the Zoning and Platting Commission prior to establishing the use. Note that other cocktail lounges / bars on Menchaca Road are located outside of the City limits (or were already operating at the time of annexation into the City limits) and are not subject to the CUP requirement.

The parking space ratio for a cocktail lounge use is as follows:

- 1 space for every 100 square feet if the cocktail lounge is less than 2,500 sf;
- 1 space for every 50 square feet if the cocktail lounge is between 2,500 and 10,000 sf (as info, the existing two-story building is 4,060 sf (2,030 sf on each floor, so the parking required would likely fall into this category); and
- 1 space for every 25 square feet if the cocktail lounge is over 10,000 square feet

Tract 2 covers several warehouse and portable buildings on the property and is proposed CS district zoning. I do not believe any substantive changes to the Tract 2 uses are contemplated with the zoning application.

Sincerely,  
Wendy Rhoades

---

**From:** Mary Barton  
**Sent:** Monday, March 28, 2022 12:27 PM  
**To:** Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>  
**Subject:** Re: Rezone Case # C14-2021-0187

\*\*\* External Email - Exercise Caution \*\*\*

Hi Wendy,

Thank you for your quick response!

The letter provided does not indicate CS-1-CO for Tract 1. The letter indicates the intended zoning change is to CS-1. The conditional overlay is not mentioned in the 3/25 letter. In any case, is the intended use of tract 1 still for a bar/lounge? And what is the intended use for tract 2?

Additional question, how much parking is required for tract 1 if it is intended to be a bar/lounge? As I look at other new bars/lounges along Menchaca, it's clear to me that parking for these new businesses does not meet their needs. Vehicles utilizing these new businesses are parking in nearby neighborhoods and on sidewalks. The result is people darting across 4 lanes of traffic in areas where crosswalks don't exist and the speed limit is 45-55. My concern is the same issues will occur around 11530 Menchaca Road.

Thank you,  
Mary

On Mon, Mar 28, 2022 at 11:36 AM Rhoades, Wendy <[Wendy.Rhoades@austintexas.gov](mailto:Wendy.Rhoades@austintexas.gov)> wrote:

Hi Mary,

Thank you for your email. The Staff is recommending the Applicant's amended request for CS-1-CO for Tract 1 (reduced in size to 0.25 acres – 10,890 square feet) and CS-CO zoning for Tract 2 (4.651 acres). The CO, Conditional Overlay prohibits the more intensive uses allowed in the CS-1 and CS zoning districts including adult-oriented businesses, automotive repair services, bail bond services, campground, drop-off recycling collection center, kennels, outdoor entertainment, outdoor sports and recreation, and service station.

Any correspondence received by 10 am Thursday morning will be included in my staff backup that is forwarded to the Zoning and Platting Commission and City Council, and posted online. For privacy reasons, all email addresses will be redacted or removed, but all other personal information provided in your email will remain unchanged.

Attendance at the Zoning and Platting Commission meeting can occur either in-person or by phone. I have added your name and email address to the interest list I'm keeping for this case and on Friday, April 1<sup>st</sup>, I will send out the finalized ZAP agenda, Staff backup material, and speaker registration instructions.

Sincerely,  
Wendy Rhoades

---

**From:** Mary Barton

**Sent:** Monday, March 28, 2022 9:43 AM

**To:** Rhoades, Wendy <[Wendy.Rhoades@austintexas.gov](mailto:Wendy.Rhoades@austintexas.gov)>

**Subject:** Re: Rezone Case # C14-2021-0187

\*\*\* External Email - Exercise Caution \*\*\*

Hi Wendy,

I received a second notice about this rezone. Do you know if city staff will be recommending to council and P&Z that the rezone be granted?

If I want my opposition to the rezone recorded or heard by council and staff, do I need to attend in person or can I provide my comment (and have council hear it) ahead of time?

Thank you,

Mary

On Mon, Jan 3, 2022 at 3:30 PM Rhoades, Wendy <[Wendy.Rhoades@austintexas.gov](mailto:Wendy.Rhoades@austintexas.gov)> wrote:

Ms. Barton,

Thank you for your email. The property was annexed into the City limits on December 15, 2016 and assigned I-RR, interim – rural residence zoning. The Applicant is proposing to zone Tract 1 (a freestanding building and parking area at the Menchaca Rd / Casa Garcias driveway) to the CS-1, commercial – liquor sales district for a cocktail lounge (bar) use. The remainder of the property, Tract 2, is proposed for CS, general commercial services zoning and covers the existing warehouse / office buildings (formerly occupied by Jackie's Gymnastics).

Please let me know if you have additional questions about this zoning case.

Sincerely,

Wendy Rhoades

---

**From:** Mary Barton

**Sent:** Sunday, January 2, 2022 6:07 PM

**To:** Rhoades, Wendy <[Wendy.Rhoades@austintexas.gov](mailto:Wendy.Rhoades@austintexas.gov)>

**Subject:** Rezone Case # C14-2021-0187

\*\*\* External Email - Exercise Caution \*\*\*

Hi Wendy,

I'm emailing regarding the rezone case mentioned in the subject line. The new zoning description says it is generally incompatible with residential environments and includes liquor sales.

Are you able to tell me exactly what the intended use of the property will be if this rezone is

granted?

Thanks very much,  
Mary Barton

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From:  
To: [Rhoades, Wendy](#)  
Subject: C14-2021-1087  
Date: Monday, April 4, 2022 1:16:55 PM

\*\*\* External Email - Exercise Caution \*\*\*

Wendy,

I have attached my objection to this proposal in lieu of my attendance at the hearing.

Thank you,  
Gina Cottone

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Case Number: C14-2021-0187  
Contact: Wendy Rhoades, 512-974-7719  
Public Hearing: April 5, 2022, Zoning and Platting Commission

Gina Cottone  
Your Name (please print)

11601 Koolie Lane  
Your address(es) affected by this application (optional)

[Signature]  
Signature

4/4/22  
Date

Daytime Telephone (Optional): \_\_\_\_\_

Comments: \_\_\_\_\_

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**Wendy Rhoades**  
P. O. Box 1088, Austin, TX 78767  
Or email to: [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)

Gina Cottone

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**Contact: Wendy Rhoades, 512-974-7719**

**Public Hearing: April 5, 2022, Zoning and Platting Commission**

*Tracy Reed*

Your Name (please print)

☐ I am in favor  
☒ I object

Your address(es) affected by this application (optional)

*[Signature]*

Signature

04-04-22

Date

Daytime Telephone (Optional):

Comments:

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**Wendy Rhoades**

P. O. Box 1088, Austin, TX 78767

Or email to:

[wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)



**From:**  
**To:** [Rhoades, Wendy](#)  
**Cc:** -  
**Subject:** Case C14-2021-0187  
**Date:** Tuesday, April 5, 2022 10:31:13 AM  
**Attachments:** [SC369022040510090.pdf](#)

---

\*\*\* External Email - Exercise Caution \*\*\*

Ms. Rhoades, we are writing this email in regard to Case C14-2021-0187 for 11530 Menchaca Rd. My employer, Espirion Garcia, is STRONGLY OPPOSED to the plans that are being proposed.

Mr. Garcia's reasons for this are several:

1. The road referenced as Casa Garcia's Rd, **contrary** to your staff's reports on the case summary, is a PRIVATE ROAD. It is owned entirely and maintained by Garcia Road LLC, Travis County Property ID 556619, and Mr. Garcia is the 100% owner of that LLC. I am attaching a document showing the tax listing for this parcel, which he obtained in 2012. We have maintained this road and paid the taxes on it since then. There has never been any maintenance on this road by the City of Austin or any other public entity.
2. While there is an access easement for this stretch of road, it is intended for a smaller amount of traffic. The wear and tear of this proposed use would cause us to incur additional expenses in maintenance. Our current tenants, the BBQ place and the moving company, participate in these maintenance expenses as part of their lease with us. We feel granting this proposed use would adversely affect us.
3. There is already a business that causes us concern on that property, immediately behind the proposed parcel 1. There is a gaming/amusement center that is open all hours of the night. I am attaching a photo of it, called Lucky Fortunes Sweepstakes. We feel the combination of the alcohol and the late hours of this gaming center would lead to issues that would not work for the homes and businesses in this area.

Thank you,

Lenny Arellano  
CFO, Casa Garcia's

Jose L. "Lenny" Arellano, Jr.  
Chief Financial Officer  
Mustang Journey, LLC, Managing  
Casa Garcia's Mexican Restaurants

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## GENERAL INFO

### ACCOUNT

Property ID: 556619  
Geographic ID: 0438230703  
Type: R  
Zoning:  
Agent: BROWN DAVID JOEL  
Legal Description: ABS 27 SUR 2 WILSON W ACR .520

Property Use:

### OWNER

Name: GARCIA ROAD LLC  
Secondary Name:  
Mailing Address: 404 LA STRADA CIR LAKEWAY TX 78734-2645  
Owner ID: 1562615  
% Ownership: 100.00  
Exemptions:

### LOCATION

Address: MENCHACA RD TX 78748

Market Area:  
Market Area CD: 1SO3  
Map ID: 043927

### PROTEST

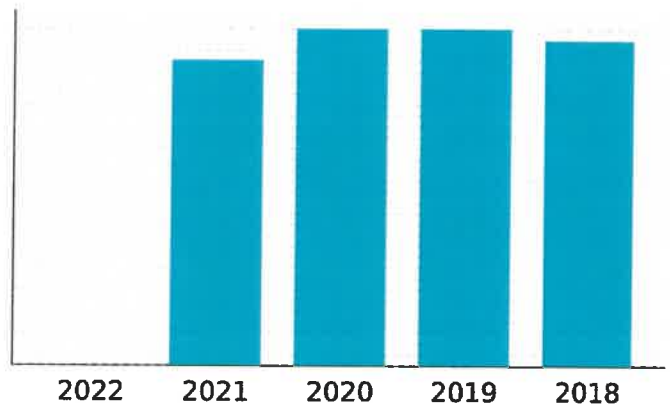
Protest Status:  
Informal Date:  
Formal Date:

## VALUES

### CURRENT VALUES

Land Homesite: \$0  
Land Non-Homesite: \$1,000  
Special Use Land Market: \$0  
Total Land: \$1,000  
  
Improvement Homesite: \$0  
Improvement Non-Homesite: \$13,092  
Total Improvement: \$13,092  
  
Market: \$14,092  
Special Use Exclusion (-): \$0  
Appraised: \$14,092  
Value Limitation Adjustment (-): \$0  
  
Net Appraised: \$14,092

### VALUE HISTORY



Values for the current year are preliminary and are subject to change.

### VALUE HISTORY

Year	Land Market	Improvement	Special Use Exclusion	Appraised	Value Limitation Adj (-)	Net Appraised
2022	N/A	N/A	N/A	N/A	N/A	N/A
2021	\$1,000	\$13,092	\$0	\$14,092	\$0	\$14,092
2020	\$1,000	\$14,531	\$0	\$15,531	\$0	\$15,531
2019	\$1,000	\$14,531	\$0	\$15,531	\$0	\$15,531
2018	\$1,000	\$14,000	\$0	\$15,000	\$0	\$15,000

## TAXING UNITS

Unit	Description	Tax Rate	Net Appraised	Taxable Value	Estimated Tax
01	AUSTIN ISD	1.061700	\$14,092	\$14,092	\$149.61
02	CITY OF AUSTIN	0.541000	\$14,092	\$14,092	\$76.24
03	TRAVIS COUNTY	0.357365	\$14,092	\$14,092	\$50.36
0A	TRAVIS CENTRAL APP DIST	0.000000	\$14,092	\$14,092	\$0.00
2J	TRAVIS COUNTY HEALTHCARE DISTRICT	0.111814	\$14,092	\$14,092	\$15.76
68	AUSTIN COMM COLL DIST	0.104800	\$14,092	\$14,092	\$14.77

TOTAL TAX RATE: 2.17667

ESTIMATED TAXES WITH CURRENT EXEMPTIONS:

\$306.74

ESTIMATED TAXES WITHOUT EXEMPTIONS:

\$306.74

DO NOT PAY FROM THIS ESTIMATE. This is only an estimate provided for informational purposes and may not include any special assessments that may also be collected. Please contact the tax office for actual amounts.

## IMPROVEMENT

Improvement #1: Detail Only

Improvement Value: \$13,092

Main Area: 1

State Code: F3

Gross Building Area: 13,201

Type	Description	Class CD	Exterior Wall	Number of Units	EFF Year Built	Year	SQFT
551	PAVED AREA	AI		0	1994	1994	13,200
1ST	1st Floor	D35		1	1994	1994	1

### Improvement Features

## LAND

Land	Description	Acres	SQFT	Cost per SQFT	Market Value	Special Use Value
LAND	Land	0.5200	22,651.2	\$0.04	\$1,000	\$0

## DEED HISTORY

Deed Date	Type	Description	Grantor/Seller	Grantee/Buyer	Book ID	Volume	Page	Instrument
2/20/13	WD	WARRANTY DEED	MUSTIN SHEILA ETAL	GARCIA ROAD LLC				2013032168 TR
7/12/85	MS	MISCELLANEOUS	HARRIS SHIRLEY R & BARTLEY D	MUSTIN SHEILA ETAL				2013032166-67TR
7/12/85	CD	CORRECTION DEED	MUSTIN SHEILA ETAL	MUSTIN SHEILA ETAL		09259	00918	
7/12/85	WD	WARRANTY DEED		MUSTIN SHEILA ETAL		09064	00214	





LUCKY FORTUNE  
*Sweepstakes*

4



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Tracy Reed

*Your Name (please print)*

☐ I am in favor  
☒ I object

~~Our address(es) affected by this application (optional)~~



Signature \_\_\_\_\_

18 April 2022  
Date

Daytime Telephone (Optional): \_\_\_\_\_

Comments:

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

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**Case Number:** C14-2021-0187  
**Contact:** Wendy Rhoades, 512-974-7719  
**Public Hearing:** May 5, 2022, City Council

KENNETH LYNN LIGHTSEY  
Your Name (please print)

☐ I am in favor  
☒ I object

11241 LOST MABLE STRAIL 78748  
Your address(es) affected by this application (optional)

*Kenneth Lynn Lightsey*  
Signature

4-20-2022  
Date

Daytime Telephone (Optional): \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you use this form to comment, it may be returned to:  
City of Austin, Housing & Planning Department  
**Wendy Rhoades**  
P. O. Box 1088, Austin, TX 78767  
Or email to:  
[wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)



April 25, 2002

Ms. Joan Esquivel  
1609 Sir Thopas Trail  
Austin, TX 78748

RE: 11530 Menchaca, C14-2021-0187

Dear Ms. Esquivel,

I received a copy of the email you submitted regarding our rezoning request from the City's public records. I also recall your telephone testimony at the Planning Commission, and how upset you were. Therefore, I am writing this letter to try to address some of your concerns listed in your email. As you know, I met with the Canterbury Trails Homeowners Association prior to the Planning Commission public hearing. To the best of my knowledge, nearly all of the property owners in attendance at that meeting were either in support of our rezoning or were neutral. I was only aware of one person who attended the meeting virtually from their computer who had concerns, which I tried my best to address. I understand how quickly your portion of Menchaca Road is changing these days, as the City continues to densify and expand its boundaries, but I want to assure you that prior to submitting this rezoning request, we looked at all of the issues that you mentioned.

You state that the proposed use is not compatible with single family and multi-family residences nearby. I would like to address that concern by stating that this eight acre warehouse site was built long before the area was annexed into the City limits in 2016. As such, upon annexation, these warehouses are considered to be legal non-conforming uses, meaning they were legally constructed, but may not meet all current regulations after being annexed into the City. We are seeking CS zoning for the warehouses, to bring them into compliance. We are also seeking CS-1 zoning for 0.25 acre in the northeast corner of the site, for a proposed cocktail lounge. As you may know, these warehouses were constructed in 1983, long before the Canterbury Trails residential subdivision was built.

Regarding your comment that there are already plenty of bars along Menchaca Road, I would like to point out that there are no other bars within 0.6 miles from this site, and many of the businesses which you have classified as bars are actually restaurants that also serve alcohol. Our intent is for a small scale neighborhood-friendly cocktail lounge, which will be very different from the outdoor bars that you listed. Our entire CS-1 request is for 0.25 acre, while many of these other establishments cover multiple acres with primarily outdoor seating.

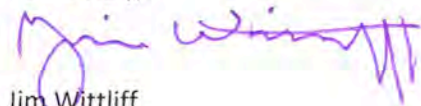
Regarding your comment that bars on Menchaca do not have enough parking, and that any potential overflow parking along Casa Garcia Road is already being used by Valentina's Tex-Mex BBQ, I want to assure you that our property will have 91 on-site parking spaces. Therefore, we will not need to rely on over-flow parking, because we will provide 100% of our required parking on our property. Additionally, I wanted to let you know that Valentina's Tex-Mex BBQ will be vacating its space in June, as they are building a new restaurant in Buda.

You state a concern for a potential increase in noise for nearby residences, particularly from loud music. Please note that we have specifically prohibited outdoor music and outdoor entertainment in our rezoning request. That means that if this establishment were to have music, it would only occur within the building, and there would be very little likelihood of it being heard in your subdivision across Menchaca Road.

You also mention the number of unprotected exists onto Menchaca Road in this area. Four of the exits that you mention are actually public streets that intersect Menchaca Road. Of the other driveways along Menchaca, please note that we are not proposing to create any new driveways; in fact, we may be required to close one of our existing driveways when a site plan is done, should the CS-1 zoning be approved.

In summary, we feel that our proposed cocktail lounge will be quite different from other drinking establishments along Menchaca, because of its small size and the fact that it will not allow any outdoor music or entertainment. This is intended to be a neighborhood-oriented place that is respectful of area residents, as those will be the primary people they will want to attract as customers. There is nothing about this proposed bar that should attract people from a greater distance than perhaps a one to two mile radius. I encourage you to call me if you have any other questions or concerns. I can assure you that from the beginning, we took the interests and concerns of your neighborhood to heart in our plans for this property.

Yours truly,



Jim Wittliff  
President

Cc: Austin City Council  
Wendy Rhoades, Case Manager  
Antonio Calvo, Owner



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Case Number: C14-2021-0187  
Contact: Wendy Rhoades, 512-974-7719  
Public Hearing: May 5, 2022, City Council

TRAN, PHU

Your Name (please print)

☐ I am in favor  
☒ I object

11000 CANON YEOMANS CT, AUSTIN TX 78748  
Your address(es) affected by this application (optional)

Phu Tran  
Signature

5/5/22  
Date

Daytime Telephone (Optional):

Comments:

If you use this form to comment, it may be returned to:  
City of Austin, Housing & Planning Department  
Wendy Rhoades  
P. O. Box 1088, Austin, TX 78767  
Or email to:  
[wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)

Respondent



35

Anonymous



01:44

Time to complete



### 1. What is the Zoning/Rezoning Case Number? \*

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([http://austintexas.gov/cityclerk/boards\\_commissions/meetings/54\\_1.htm](http://austintexas.gov/cityclerk/boards_commissions/meetings/54_1.htm))

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C14-2021-0187 – Manchaca Road - Calvo



### 2. Your name (providing this information will be part of the public record and will be available online)

Eric Mercado

### 3. Your address (providing this information will be part of the public record and will be available online)

1904 Ralph C Craig lane

### 4. Your zip code (providing this information will be part of the public record and will be available online)

78748

5. Position on Zoning/Rezoning \*

I object



6. Daytime telephone number (providing this information will be part of the public record and will be available online)

7. Comments



Respondent



36

Anonymous



11:45

Time to complete



### 1. What is the Zoning/Rezoning Case Number? \*

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C14-2021-0187 – Manchaca Road - Calvo



### 2. Your name (providing this information will be part of the public record and will be available online)

Enrique Macias

### 3. Your address (providing this information will be part of the public record and will be available online)

11729 Alexs Ln

### 4. Your zip code (providing this information will be part of the public record and will be available online)

78748

5. Position on Zoning/Rezoning \*

I object



6. Daytime telephone number (providing this information will be part of the public record and will be available online)

9153284595

7. Comments

CS-Tract 1: We don't need south Menchaca road to become a replica of what can already be found up the road with Armadillo Den, Moon Tower, Lustre Peal, etc. CS Tract 2: Just read the description out loud and ask yourself if those words are saying anything remotely specific. People don't even know what they're voting for. What does, "general commercial services district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments" even mean?!



Respondent



37

Anonymous



03:56

Time to complete



### 1. What is the Zoning/Rezoning Case Number? \*

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C14-2021-0187 – Manchaca Road - Calvo



### 2. Your name (providing this information will be part of the public record and will be available online)

Brian Hack

### 3. Your address (providing this information will be part of the public record and will be available online)

1509 Merchants Tale Ln.

### 4. Your zip code (providing this information will be part of the public record and will be available online)



78748

5. Position on Zoning/Rezoning \*

I object



6. Daytime telephone number (providing this information will be part of the public record and will be available online)

7. Comments



Respondent



39

Anonymous



33:31

Time to complete



### 1. What is the Zoning/Rezoning Case Number? \*

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C14-2021-0187 – Manchaca Road - Calvo



### 2. Your name (providing this information will be part of the public record and will be available online)

Lucas

### 3. Your address (providing this information will be part of the public record and will be available online)

Olympic Heights

### 4. Your zip code (providing this information will be part of the public record and will be available online)

78748

5. Position on Zoning/Rezoning \*

I object



6. Daytime telephone number (providing this information will be part of the public record and will be available online)

7. Comments

Highly opposed to the rezoning! As the father of 2 small children I would not welcome the increase of noise & light that would surely accompany this rezoning. Since the property backs up to a robust neighborhood, filled with families, I doubt I'm the only one who would be inconvenienced by the development and new proposed use of the land. As the property is currently used, my family has to deal with the headlights of cars shining through our eastern facing windows when motorists are traveling west on Casa Garcia Rd. If the rezoning were to pass we would not welcome the increase in lights and sound from tract 2 to CS and especially worry about the late night lights & sound from tract 1 to CS-1. NO TO REZONING!



Respondent



41

Anonymous



11:13

Time to complete



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C14-2021-0187 – Manchaca Road - Calvo



### 2. Your name (providing this information will be part of the public record and will be available online)

Billye Christine Schunek

### 3. Your address (providing this information will be part of the public record and will be available online)

1901 Ralph C Craig, Austin, ATX 78748

### 4. Your zip code (providing this information will be part of the public record and will be available online)

78748

5. Position on Zoning/Rezoning \*

I object

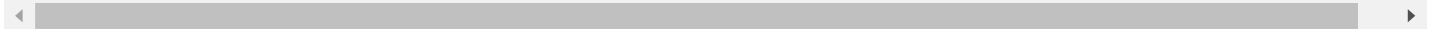


6. Daytime telephone number (providing this information will be part of the public record and will be available online)

5125763402

7. Comments

The noise is disruptive.





Respondent



61

Anonymous



01:58

Time to complete



### 1. What is the Zoning/Rezoning Case Number? \*

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C14-2021-0187 – Manchaca Road - Calvo



### 2. Your name (providing this information will be part of the public record and will be available online)

Alvaro Alvarez

### 3. Your address (providing this information will be part of the public record and will be available online)

1437 Sir Thopas TRL

### 4. Your zip code (providing this information will be part of the public record and will be available online)

78748

5. Position on Zoning/Rezoning \*

I object



6. Daytime telephone number (providing this information will be part of the public record and will be available online)

512-909-4868

7. Comments

I object since there is already 5 liquor establishments in a 2 mile stretch. Menchaca road is also dangerous and there is constant accidents in the area



Respondent



83

Anonymous



21:18

Time to complete



### 1. What is the Zoning/Rezoning Case Number? \*

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C14-2021-0187 – Manchaca Road - Calvo



### 2. Your name (providing this information will be part of the public record and will be available online)

Erin

### 3. Your address (providing this information will be part of the public record and will be available online)

### 4. Your zip code (providing this information will be part of the public record and will be available online)

78748

5. Position on Zoning/Rezoning \*

I object



6. Daytime telephone number (providing this information will be part of the public record and will be available online)

7. Comments

Our home backs up to the property in question. Olympic Heights is a very robust neighborhood with many, many families. We have two small children, as do many of the homes in the neighborhood. The noise, pollution, and traffic from development and eventual use of the property will greatly effect the safety and preservation of our community. We ask before you vote on this rezoning proposition, that you take great consideration of the children and the families that will be negatively effected by how this property will be developed and used. Making hundreds of people feel like their safety is in question while in their own home is not a good look for city council.



Respondent



86

Anonymous



02:41

Time to complete



### 1. What is the Zoning/Rezoning Case Number? \*

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C14-2021-0187 – Manchaca Road - Calvo



### 2. Your name (providing this information will be part of the public record and will be available online)

Kendal stone

### 3. Your address (providing this information will be part of the public record and will be available online)

1518 Catalan rd

### 4. Your zip code (providing this information will be part of the public record and will be available online)



78748

5. Position on Zoning/Rezoning \*

I object



6. Daytime telephone number (providing this information will be part of the public record and will be available online)

2149980687

7. Comments



Ms. Rhoades, we are again writing this email in regard to case C14-2021-0187 re: 11530 Menchaca Rd, and again wish to STRONGLY OPPOSE the plans that are being proposed for Tract 1, regarding the CS-1, commercial –liquor sales district for a cocktail lounge (bar) use.

In addition to the reasons stated before on our letter from April 5th, there are other reasons that we feel that council should turn down the requested zoning. I am attaching further documentation that we have gathered, which shows that this zoning would adversely affect our rights and property immediately adjacent to the north of this proposed zoning.

I am attaching a survey which we have commissioned, showing that both of our tracts, Garcia Road LLC aka Casa Garcia's Road, and the 7.241 acre tract property immediately north actually have our property lines that extend into their driveways. The way their parking lots are laid out create a lot more traffic and wear and tear on our private road. On attachment 2 – "Aerial with property line drawn as per survey pins", the pink line denotes our property line. Their proposed tract one is on the bottom right of the pink line. I am also attaching 5 Survey pin pictures confirming this placement.

Mr. Witliff, the agent for this zoning case, stated during the May 5<sup>th</sup> council meeting that parking was the concern for some of the objecting parties (of which we are one), and stated that there are 91 parking spaces on site. If you look at the aerial photo for this property, you will see that this is misleading. The tract 1 area which they are proposing for the cocktail lounge has a lot that will fit approximately 20 vehicles. There is already usage of the lot by the Austin Educational Theatre and by the dance studio, Dance by Carly, and by the Lucky Fortune Sweepstakes and the other small tenants immediately surrounding Tract 1.

We are sending a video that shows how they already have a difficult time even getting cars into their driveway, and consequently, already stop on Casa Garcia's road to wait to turn in. This happens multiple times a week. If the other parking spots to the west are allowed to be counted, it would also create a safety issue, as there is no where for there to cross into Tract 1 without either crossing on the drive, or walking on Casa Garcia's Road. The lots to the west are not intended as parking for the building on tract 1 where the cocktail lounge would go. Where would all of the other tenants park?

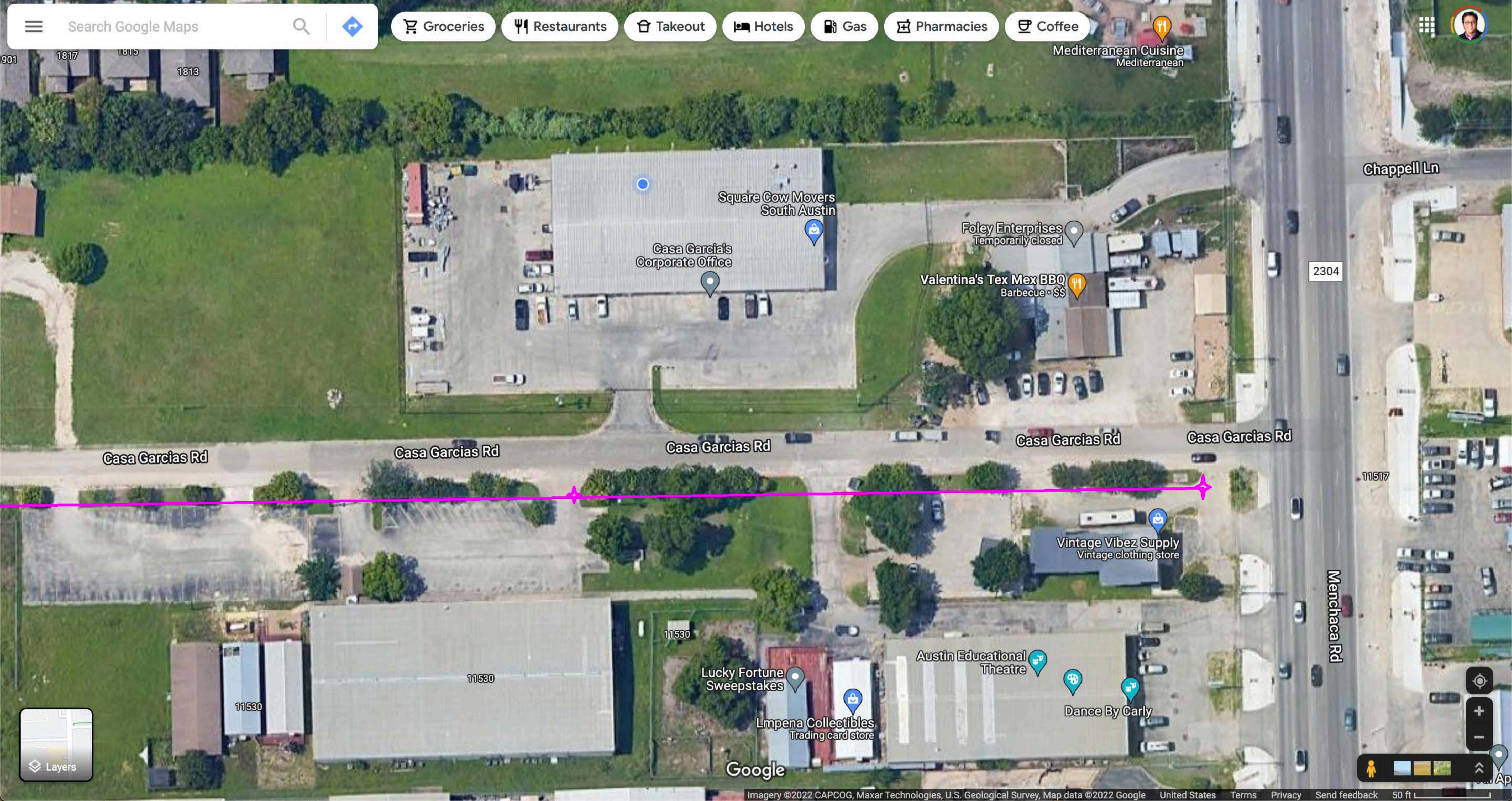
As per the proposed use, this cocktail lounge would be 4060 sqft, and the Austin Transportation Department requires one parking spot for every 50 sq ft. This means that the cocktail lounge alone would require 81.2 spaces of the 91 they claim are on the property. As liquor would be served on this property, we are extremely concerned that their plan requires that the cars exit their lots to the west of tract 1 and get on our private road. Granting this use would create a massive liability for us, that we are reserving the right to litigate in the future. We believe that the city should not create this liability for us.

For the reasons stated above, amongst others, please reject this proposed use. Thank you,

Lenny Arellano

CFO, Casa Garcia's for Espirion Garcia, owner of 11500 Menchaca Rd.

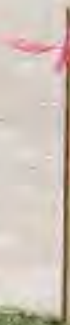


























OLYMPIC HEIGHTS SECTION 2 - BLOCK B - DOC. NO. 200200216  
LOT 40 LOT 39 LOT 38 LOT 37 LOT 36 LOT 35 LOT 34 LOT 33

LOT 31

(N 00°28'06" W 435.04')  
N 00°29'58" W 435.14'

(S 88°44'49" W 135.74')  
S 88°44'28" W 135.74'

S 00°01'50" W 191.94'  
(S 00°03'34" W 191.81')

LOT 30, BLOCK B  
OLYMPIC HEIGHTS SECTION 2  
DOC. NO. 200200216

LOT 29

LOT 27

LOT 26

LOT 25

LOT 24

LOT 23

LOT 22

LOT 21

LOT 20

LOT 19

LOT 18

DEBORAH TEAGUE  
12.659 AC.  
DOC. NO. 1999036451

LOT 1  
JACKIE'S GYMNASTICS SUBDIVISION  
91/327

(N 89°54'44" W 468.18')  
N 89°54'50" W 688.28'

(50' ACCESS EASEMENT PER 8063/117 & 11793/1380)

TRACT  
LOT 1  
7.241 AC.  
(7.232 AC.)

POND & DRAINAGE EASEMENT PER DOC. NO. 200200099

(N 89°53'04" E 886.28' (886.01')  
(BEARING BLISS)

LOT 17, BLOCK B  
3.734 AC.  
POND & DRAINAGE EASEMENT  
OLYMPIC HEIGHTS SECTION 1  
DOC. NO. 200200099

(S 00°10'53" E 50.00')  
S 00°07'50" E 50.00'

(25' B.L.)

(N 89°54'44" W 59.00')  
N 89°51'41" W 58.99'

(N 89°55'13" W 420.98')  
N 89°54'50" W 420.98'

GARCIA ROAD, LLC, 0.483  
AC. PORTION OF 0.52 AC.  
DOC. NO. 2013032168

(S 89°55'13" E 361.27')  
(N 89°55'13" W 361.27')

(S 89°55'13" E 361.27')  
N 89°55'13" E 361.27'

S 00°52'40" E 50.00'

(25' B.L.)

S 00°12'31" E 171.66'  
(S 00°09'31" E 171.66')

(N 89°50'35" E 335.67')  
(N 89°49'35" E 335.14')

720 LAMAR PLACE, L.C.  
REMAINDER OF 1.00 AC.  
DOC. NO. 2005200008

STREET ADDRESS: 11500 MENCHACA ROAD CITY: AUSTIN COUNTY: TRAVIS STATE OF TEXAS  
DESCRIPTION: LOT 1 OF THE FOLEY SUBDIVISION, A SUBDIVISION RECORDED IN DOC. 200200060, O.P.R.T.C.T., AND 0.483  
OF AN ACRE, BEING A PORTION OUT OF THAT 0.52 OF AN ACRE OUT OF THE WALKER WILSON LEAGUE  
SURVEY NO. 2 CONVEYED TO GARCIA TRACT, LLC, IN DOC. 2013032168, O.P.R.T.C.T.  
REFERENCE NAME: ESPERION GARCIA

Notes:  
1) Boundary Survey Only, Improvements exist on this tract that are not depicted hereon.  
2.) Per plat note, this subdivision is subject to blanket type Electric Easement to Pedernales Electric Cooperative, Inc..

IMPORTANT NOTICE

This Survey was prepared without the benefit of a title commitment. There may be additional setback lines, easements and interests which are relevant to this property and unknown to B & G SURVEYING, LLC.



TO THE LANDHOLDER AND TO THE ADJACENT OWNERS OF THE PREMISES SURVEYED

B & G SURVEYING, INC.  
FIRM REGISTRATION NO. 100363-00

WWW.BANDGSURVEYING.COM  
1404 West North Loop Blvd.  
Austin, Texas 78756  
Office 512-456-6969

JOB #: B0510522\_TA  
DATE: 05/25/22  
SCALE: 1"= 60'

FIELD WORK BY: JAWO 08/18/17  
CALC'D BY: JOSE 08/20/17  
DRAWN BY: JOSE 08/20/17  
CHECKED BY: V.G. 08/21/17

MENCHACA ROAD PLATTED AS MENCHACA ROAD (R.O.W. VARIES)



June 23, 2022

Mayor Steve Adler  
Austin City Council Members

Subject: **C14-2021-0187**  
**11530 Menchaca Road**

Dear Mayor and City Council Members:

At the June 16<sup>th</sup> City Council meeting, Item #71 was postponed to the July 28<sup>th</sup> meeting. Donna Tieman, the aide to Council Member Kitchen, said the objective was to be able to resolve the objections listed in the back-up, in order to be able to approve this item on the consent agenda on July 28<sup>th</sup>. I went back to reread all of the objections in the back-up, and I wish to comment on this case in general and those specific objections as follows:

- **Early Discussions**

Prior to filing this case, I met with Case Manager Wendy Rhoades to discuss our intent. I was not able to meet with nearby neighborhood representatives, because none of them were listed on the City's Community Registry. Instead, as I do on every zoning case I have ever represented, I consider my client's rezoning request from the perspective of nearby residences, and ask myself how I would feel if this rezoning request was near my residence. Therefore, when I first presented this case to Wendy, I first assured that adequate on-site parking could be provided, and I offered a list of CS uses up front that I would agree to prohibit. That list is all of the CO prohibited uses listed in the ordinance. I convinced my client that Outdoor Entertainment would be a deal-breaker, and any music he would provide would therefore need to be indoors, where the sound could be controlled. The only additional recommendation that Wendy made was to further reduce the size of the CS-1 footprint to the immediate area surrounding the existing building footprint, so that the size of the bar could not be significantly expanded in the future. I readily agreed to her suggestion, and prepared new field notes for the current 0.25 acre CS-1 for the current footprint.

- **Staff Recommendation**

Wendy and the City Staff recommended rezoning approval as requested, stating: "*Staff believes the zoning request is appropriate in terms of its location on an arterial roadway. CS-CO and CS-1-CO zoning would permit a broad set of commercial uses, including the*



*intended cocktail lounge and warehouse structures, but also prohibits more intensive uses due to the proximity to residential uses to the east and west."*

- **Neighborhood Meetings**

After the early notifications went out, I tracked the comments received by the City, and set up a meeting with the nearby Canterbury Trails neighborhood, where nearly all of the early comments originated from. That meeting was conducted in person on March 28<sup>th</sup> in the Canterbury Trails neighborhood park. All of the concerns listed by those who submitted written comments in objection were discussed, including lights, noise, adequate parking, prohibited land uses, driveway access, and intended clientele at the proposed bar (it is intended to be a family-friendly neighborhood bar). Nearly all of the property owners in attendance at the meeting were either in support of our rezoning or were neutral. One person who attended the meeting virtually had concerns regarding whether our promises would be kept.

- **Planning Commission**

On April 5, 2022, the Planning Commissioners voted 5-4 to recommend the rezoning to Council. However, because six votes are required to make a recommendation of support, this item was forwarded to Council without a recommendation.

- **Ms. Joan Esquivel's Concerns**

Ms. Esquivel testified by telephone to the Commission her concerns, which she also summarized in a January 3<sup>rd</sup> email to Wendy Rhoades. During her telephone testimony, she became very emotional. In response, I mailed a two page letter to her dated April 25, 2022, with the hope of addressing her concerns. That letter is part of your back-up material. I never received a response from Ms. Esquivel, but I hoped that my letter addressed her concerns, because she did not choose to testify at the City Council public hearing.

- **Casa Garcia's Objections**

In an email to Wendy Rhoades dated April 5<sup>th</sup>, which is a part of your back-up material, Mr. Lenny Arellano, the CFO of Casa Garcia's, stated he was "strongly opposed" to the rezoning, citing a concern for excessive wear and tear to a joint-use access easement concrete driveway. This concern surprised me, because Casa Garcia's has two tenants, a moving company and a BBQ food trailer restaurant named Valentina's Tex Mex. The food truck is very popular, with long lines of people waiting to order (see attached photos from Valentina's website). Since there is no provision for parking for the food truck customers, they use the joint-access driveway to park their vehicles, often using both sides of the access easement, even though the south side of the driveway is painted red and clearly marked as being a fire lane no parking area. Oftentimes, Valentina's customers also park in my client's parking lots. I called Mr. Arellano to discuss his concerns, and to assure him that 100% of our parking requirement would be met with on-site parking spaces, and therefore our customers would not be competing with Valentina's customers for parking along the access easement. I also provided Mr. Arellano with a copy of the recorded access easement, which gives users of both properties the right to use the access easement for ingress and egress. Our conversation was pleasant, and I told Mr. Arellano

that my client was interested in discussing how to equitably share maintenance costs for the easement, noting that my client's current tenant, Jackie's Dance Studio, does in fact already pay maintenance fees to Casa Garcia's for the driveway as part of their lease.

- **City Council Public Hearing**

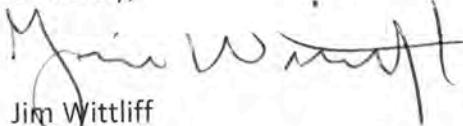
On May 5<sup>th</sup>, the City Council held a public hearing for this case. Because there was still some neighborhood opposition, the vote was only for first reading. I was shocked when Mr. Arellano testified and falsely stated that I had threatened him. I have never threatened anyone in 40 years and hundreds of zoning cases I have represented. My goal is always to behave fairly and honestly, and to keep my emotions out of the work I do to assist my clients. When I approached Mr. Arellano in the Council Chambers to calmly ask what I could have said that might have made him feel threatened, he ran from the chambers as if I was carrying a big stick. The Council vote on first reading was 8-0.

- **Recent Written Objections**

It appears that nine comments in objection to this rezoning were received on or after May 5<sup>th</sup>. It appears that the majority of these comments are from residents of the Olympic Heights neighborhood to the west. Objections primarily list noise, lights, traffic and danger to children as concerns. Several residents stated their homes back up to this property; however, this tract is approximately 175 feet away from the residential lots in Olympic Heights. Actually, the property they back up to is the Casa Garcia's property, which is not being rezoned. Since Outdoor Entertainment has been being prohibited, I would argue that an increase in noise should not be a legitimate concern. I called every person who left their phone number. For those who left their last name, I was able to obtain phone numbers via Zaba Search. I called every person and left a polite message, asking them to call me back to discuss their concerns. Only one of these four people called me back, Billye Christine Schunek. We had a pleasant discussion, and she removed her objection to our rezoning request.

I want to remind the Council that these warehouses and structures were built in 1983, and the surrounding residences were built 20+ years later. We are not seeking CS and CS-1 zoning for properties to be developed, but for existing structures that were annexed into the City in 2016. We have worked hard with City staff, surrounding residents, the adjacent commercial tract's CFO, and Council Member Kitchen's office to address issues proactively and to respond to all legitimate concerns. We are requesting your support for second and third readings on July 28<sup>th</sup>.

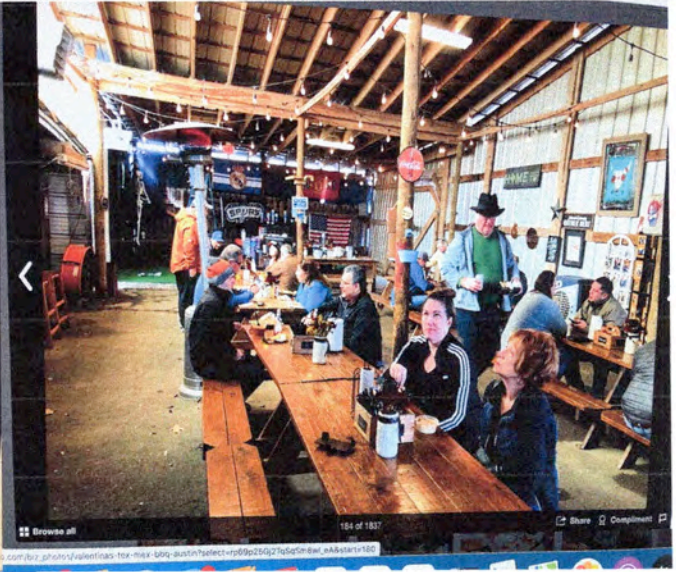
Sincerely,



Jim Wittliff  
Agent

cc: Antonio Calvo, Owner





VALENTINA'S FOOD  
TRUCK CUSTOMERS  
(NO OFF-STREET PARKING  
PROVIDED)

SOURCE: VALENTINA'S  
WEBSITE



3-16 3217

part of that certain parcel or tract of land out of the WALKER WILSON LEAGUE SURVEY NUMBER TWO (2), in Travis County, Texas, and being a portion of that certain tract of land designated as "TRACT A" in a deed to Opal Kavanaugh Pickard recorded in Volume 6748, Page 458 of the Deed Records of Travis County, Texas, and being a portion of that certain Twenty (20) acre fifth tract as described in Volume 207, Page 397 of the Deed Records of Travis County, Texas, and being a portion of that certain 12.75 acre tract of land as conveyed to Brad Woods by deed recorded in Volume 7988, Page 758 of the Deed Records of Travis County, Texas, said tract of land being more particularly described by metes and bounds in attached Exhibit "A",

and an easement for the right of ingress and egress along a passageway or road located along the entire southern boundary line of the property herein described as Exhibit "B", and being 25 feet in width, and to use such passageway or road at all times in common with Grantor herein, his heirs, and assigns.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said grantee, his heirs and assigns forever; and I do hereby bind myself, my heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

But it is expressly agreed that the VENDOR'S LIEN, as well as the Superior Title in and to the above described premises, is retained against the above described property, premises and improvements until the above described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

There is hereby excepted and reserved unto Grantor, his heirs and assigns, the free and uninterrupted use and easement of passing in and along a certain passageway or road across the said premises, and located along the entire northern boundary line of said property, and being 25 feet in width, and to use such passageway or road at all times in common with Grantee, his heirs and assigns.

This conveyance is made and accepted subject to taxes for the current year, and any and all conditions, easements, and restrictions, if any, relating to the hereinabove described property, to the extent, and only to the extent, that the same may still be in force and effect, shown of record in the office of the County Clerk of Travis County, Texas.

TEXAS COMMERCE BANK at the instance and request of the grantee herein, having advanced and paid in cash to the grantor herein that portion of the purchase price of the herein described property as is evidenced by the hereinbefore described \$34,000.00 note, the Vendor's Lien, together with the Superior Title to said property, is retained herein for the benefit of said TEXAS COMMERCE BANK and the same are hereby TRANSFERRED and ASSIGNED to TEXAS COMMERCE BANK.

Grantor expressly hereby imposes upon the herein conveyed property a restrictive covenant which prohibits the installation, erection or placement of more than one mobile home, modular home, or manufactured house on said property and imposes the same covenant running with the land.

EXECUTED this 8th day of

April

A. D. 1983.

BRAD WOODS

8053

118



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**SPECIAL WARRANTY DEED WITH VENDOR'S LIEN**

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

§

THAT, **11530 Manchaca, LLC**, a Texas limited liability company (hereinafter "**Grantor**") for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other good and valuable consideration paid to Grantor by **Manchaca Holdings, LLC**, a Texas limited liability company (hereinafter referred to as "**Grantee**", whether one or more), the receipt and sufficiency of which is hereby fully acknowledged and confessed by Grantor, and the further consideration of the execution and delivery by Grantee of that one certain Promissory Note (the "**Note**") of even date herewith in the original principal sum of Four Million Two Hundred Thousand and No/100 Dollars (\$4,200,000.00) payable to the order of American Bank of Commerce in accordance with the terms thereof, the payment of which Note is secured by the vendor's lien retained herein and is additionally secured by a deed of trust of even date herewith from Grantee to Troy S. Melcher, Trustee, hereby GRANTS, SELLS, CONVEYS, ASSIGNS and DELIVERS to Grantee the real property and all improvements located thereon and situated in Travis County, Texas more particularly described as follows (the "**Property**"):

**TRACT 1:** Units 1, 2 and 3, 11530 MANCHACA CONDOMINIUMS, a condominium project in Travis County, Texas, according to the Declaration of 11530 Manchaca Condominiums recorded under Document No. 2016056230, amended under Document No. 2016111967, both of the Official Public Records of Travis County, Texas, and according to the Condo Plat recorded under Document No. 2016053317 of the Official Public Records of Travis County, Texas, together with each unit's undivided interest in and to the Common Elements appurtenant thereto.

**TRACT 2:** A non-exclusive easement estate for ingress and egress as set forth on the plat of THE FOLEY ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded under Document No. 200200060 of the Official Public Records of Travis County, Texas, and as created/ratified by Warranty Deed recorded under Document No. 2012140256 of the Official Public Records of Travis County, Texas.

subject and subordinate to the encumbrances and exceptions (the "**Permitted Exceptions**") described in Exhibit "A" attached hereto and incorporated herein by reference for all purposes.