

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2007-0194 – Sonic Drive-In #43

**Z.A.P. DATE:** November 4, 2007  
November 20, 2007

**ADDRESS:** 9708 Manchaca Road

**OWNER / AGENT:** Sonic Development of Central Texas (John Patton)

**ZONING FROM:** I-SF-2

**TO:** GR

**AREA:** 0.6308 acres  
(approximately 27,478 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

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

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

November 4, 2007: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO NOVEMBER 20, 2007.*

*[J. MARTINEZ, T. RABAGO – 2<sup>ND</sup>] (7-0, S. HALE – ABSENT)*

November 20, 2007: *APPROVED STAFF'S RECOMMENDATION FOR GR-CO DISTRICT ZONING; BY CONSENT.*

*[J. MARTINEZ, K. JACKSON – 2<sup>ND</sup>] (7-0) S. HALE – ABSENT*

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The subject platted lot is developed with a restaurant general use of 1,500 square feet, plus 27 stalls and a 20 by 20 foot wide outside patio area, and has been in operation since December 1, 1992. Access is provided by way of a driveway to Manchaca Road, a major arterial. The lot is zoned interim – single family residence standard lot (I-SF-2) district since its annexation into the City limits on December 31, 1997, therefore the existing restaurant is considered a legal non-conforming use. There is a food sales use to the north (SF-2), convenience storage to the west (W/LO), a retail shopping center to the south (GR-CO) and a pharmacy, and retail sales and restaurant uses to the east across Manchaca Road (GR-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes community commercial (GR) district zoning to be consistent with its existing use. GR zoning is compatible and consistent with the zoning and land uses on Manchaca Road in proximity to its intersection with Slaughter Lane.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-SF-2	Restaurant (general)
<i>North</i>	W/LO; SF-2; LO-CO	Convenience storage; Food sales; Office
<i>South</i>	GR-CO	Restaurant (general)
<i>East</i>	GR-CO	Pharmacy; Movie rentals; Fast food restaurants; Auto parts store
<i>West</i>	W/LO; GR-CO	Convenience storage; Retail shopping center

**AREA STUDY:** N / A

**TIA:** Is not required

**WATERSHED:** Slaughter Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association  
 97 – Castlewood – Oak Valley Neighborhood Association  
 217 – Tanglewood Forest Neighborhood Association  
 242 – Slaughter Lane Neighborhood Association  
 428 – Barton Springs / Edwards Aquifer Conservation District  
 465 – Cherry Creek on Brodie Neighborhood Association  
 487 – Jackson Estates Neighborhood Association    511 – Austin Neighborhoods Council  
 627 – Onion Creek Homeowners Association  
 658 – Texas Oaks North Neighborhood Association  
 742 – Austin Independent School District  
 786 – Home Builders Association of Greater Austin  
 943 – Save Our Springs Alliance    948 – South by Southeast Neighborhood Organization  
 997 – Tanglewood Oaks Owners Association  
 1037 – Homeless Neighborhood Organization

**SCHOOLS:**

Kocurek Elementary School

Bailey Middle School

Akins High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-06-0198 – Laurelwood Commercial	GR-CO; CS-CO to CS	To Grant CS-CO with the CO for a 2 story height limit and 2,000	Approved CS-CO as ZAP recommended (12-7-06).

		trips.	
C14-01-0115 – Slaughter Lane Commercial Development	GR to LI	To Grant CS-CO with CO for uses allowed in the W/LO and LR districts and 2,000. trips.	Withdrawn by the Applicant.
C14-00-2192 – Fain Rezoning	GR-CO to GR-CO to allow a wording change from “structure” to “building” for 0.0548 acres to allow a telecommunication tower up to 120 feet tall.	To Grant GR-CO with a requirement for cobra arm – style mounting.	Approved GR-CO with CO for 35 feet in height (2-8-01).
C14-00-2111 – Solera	DR to MF-2	To Grant MF-2-CO	Approved MF-2-CO with CO for 12.18 u.p.a. and conditions of the TIA (10-26-00).
C14-94-0129 – Slaughter Lane Development	DR; SF-2 to LI	To Grant CS-CO	Approved CS-CO with CO prohibiting vehicle storage on Tract 2; and the following uses on Tracts 1 and 2: adult oriented uses; all restaurant uses; financial services; food sales; general retail sales (convenience) and medical offices; 2,000 trips per day (12-15-94).
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)	Approved 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 December 31, 1997.

The rezoning area is platted as Lot 5, Tanglewood Forest Section Six-A, recorded in July 1992 (C8s-85-093). Please refer to Exhibit B.

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bus Route</b>
Manchaca Road	Varies	90 feet	Major Arterial Undivided – 4 lanes, two-way left turn lane – no raised median	Yes	Yes, Burnet / Manchaca #3

**CITY COUNCIL DATE:** January 10, 2008

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@ci.austin.tx.us

**PHONE:** 974-7719

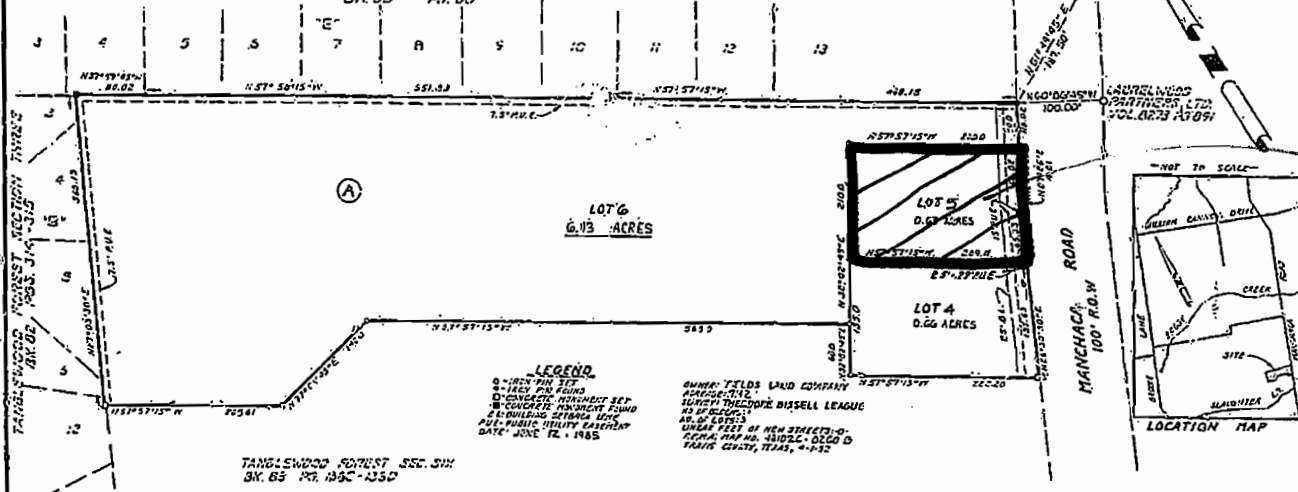




# TANGLEWOOD FOREST SECTION SIX-A

CASTLEWOOD FOREST SECTION FIVE  
BK. 55 PG. 56

SCALE: 1" = 100'



REZONING  
AREA

STATE OF TEXAS:  
COUNTY OF TRAVIS:

KNOW ALL MEN BY THESE PRESENTS: THAT FIELDS LAND COMPANY, ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, HAVING ITS HOME OFFICE IN AUSTIN, TEXAS, ACTING HEREIN BY AND THROUGH JOHNNIE C. FIELDS, SR., PRESIDENT, AND BEING OWNERS OF THAT CERTAIN TRACT OF LAND OUT OF AND A PART OF THE THEODORE-BISSELL LEAGUE, SITUATED IN TRAVIS COUNTY, TEXAS, CONVEYED BY DEED RECORDED IN VOLUME 445, PAGE 470 OF THE TRAVIS COUNTY, TEXAS DEED RECORDS, SAID TRACT OF LAND BEING A PORTION OF TANGLEWOOD FOREST SECTION SIX, A SUBDIVISION OF RECORD IN VOLUME 83, PAGES 136C AND 136D OF THE TRAVIS COUNTY, TEXAS, PLAT RECORDS, SAID PLAT 'VACATED' BY INSTRUMENT OF RECORD IN VOLUME 283, PAGES 22 OF THE TRAVIS COUNTY DEED RECORDS, DO HEREBY SUBDIVIDE 7.42 ACRES OF LAND, IN ACCORDANCE WITH THE ATTACHED MAP OR PLAT, TO BE KNOWN AS 'TANGLEWOOD FOREST SECTION SIX-A', AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON, SUBJECT TO RESTRICTIONS, EASEMENTS OR COVENANTS HERETOFORE RECORDED.

WITNESS MY HAND, THIS THE 10th DAY OF JUNE, 1985, A.D.

JOHNNIE C. FIELDS, SR., PRESIDENT  
FIELDS LAND COMPANY  
1112 W. BEN WHITE BLVD., SUITE 400, AUSTIN, TEXAS 78704

STATE OF TEXAS:  
COUNTY OF TRAVIS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JOHNNIE C. FIELDS, SR., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT OF WRITING, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND, THIS THE 10th DAY OF JUNE, 1985, A.D.

LAURETTA DODD  
PRINT NAME: LAURETTA DODD  
NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS  
MY COMMISSION EXPIRES: 3-14-89

APPROVED FOR ACCEPTANCE:

DATE: JULY 2ND 1985

ACCEPTED AND AUTHORIZED FOR RECORD BY THE CITY PLANNING COMMISSION, CITY OF AUSTIN, TEXAS, THIS THE 2ND DAY OF JULY, 1985, A.D.

SECRETARY  
ANTHONY E. FOWLER

FRANCES SCHENCKMAN  
CHAIRMAN

STATE OF TEXAS:  
COUNTY OF TRAVIS:

I, DORIS SHROPSHIRE, CLERK OF THE COUNTY COURT, WITHIN AND FOR THE COUNTY AND STATE-AFORESAID, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THIS THE 31st DAY OF July, 1985, A.D., AT 3:30 O'CLOCK P.M., AND DULY RECORDED ON THE 31st DAY OF July, 1985, A.D., AT 3:35 O'CLOCK P.M., PLAT RECORDS OF SAID COUNTY AND STATE IN PLAT BOOK 85, PAGE(S) 135B.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY COURT OF SAID COUNTY, THIS THE 31st DAY OF July, 1985, A.D.

DEPUTY  
K. TERRELL

DORIS SHROPSHIRE, CLERK, COUNTY COURT, TRAVIS COUNTY, TEXAS

FILED FOR RECORD AT 3:30 O'CLOCK P.M., THIS THE 31st DAY OF July, 1985, A.D.

DEPUTY  
K. TERRELL

DORIS SHROPSHIRE, CLERK, COUNTY COURT, TRAVIS COUNTY, TEXAS

STATE OF TEXAS:  
COUNTY OF TRAVIS:

I, DORIS SHROPSHIRE, COUNTY CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT ON THE 31st DAY OF July, 1985, A.D., THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS, PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT AND THAT SAID ORDER WAS DULY ENTERED IN THE MINUTES OF SAID COURT, BOOK 3, PAGE(S) 470.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY COURT OF SAID COUNTY, THE 31st DAY OF July, 1985, A.D.

DEPUTY  
E. WALL

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 OR OTHER PUBLIC THOROUGHFARES OR ANY BRIDGES OR CULVERTS NECESSARY TO BE PLACED ON SUCH ROADS, STREETS, OR OTHER PUBLIC THOROUGHFARES SHALL BE THE RESPONSIBILITY OF THE OWNERS AND/OR DEVELOPERS OF THE TRACT OF LAND CONVEYED BY THIS PLAT AND IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS, AND SAID COURT ASSUMES NO OBLIGATION TO BUILD ANY OF THE STREETS, ROADS OR OTHER THOROUGHFARES OR ANY BRIDGES OR CULVERTS IN CONNECTION THEREWITH.

BE IT RESOLVED BY THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS, THAT THE ACCEPTANCE FOR MAINTENANCE 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 DEVELOPER'S 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.

ADDITIONAL NOTE: VEHICULAR ACCESS FOR OFF-STREET LOADING AND UNLOADING SHALL BE PROVIDED FOR ALL COMMERCIAL AND INDUSTRIAL SITES.

SIDEWALK NOTE: SIDEWALKS SHALL BE INSTALLED ON THE SUBDIVISION SIDE OF MANCHACA ROAD.

ATTENTION NOTE: PRIOR TO CONSTRUCTION, DRAINAGE PLANS WILL BE SUBMITTED TO THE OFFICE OF THE LAND DEVELOPMENT DEPARTMENT FOR APPROVAL. RUROPE WILL BE HELD TO THE AMOUNT AT AN UNDEVELOPED STATUS BY PENDING OR OTHER APPROVED METHODS.

FLOOD PLAIN NOTE: NO LOT IN THIS SUBDIVISION IS AFFECTED BY THE 100 YEAR FLOOD PLAIN.

NO SIGN BUILDINGS, FENCES, LANDSCAPING OR OTHER OBSTRUCTIONS SHALL BE PERMITTED WITHIN DRAINAGE EASEMENTS EXCEPT AS APPROVED BY THE TRAVIS COUNTY ENGINEER.

STATE OF TEXAS:  
COUNTY OF TRAVIS:

I, THOMAS J. DODD, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS, TO PRACTICE THE PROFESSION OF SURVEYING, AND HEREBY CERTIFY THAT THIS PLAT COMPLETES WITH CHAPTER 13-3 OF THE AUSTIN CITY CODE OF 1981, AS AMENDED, IS TRUE AND CORRECT TO THE BEST OF MY ABILITY, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

SURVEYED BY: THOMAS J. DODD, DATED 6-6-85  
CARLSON & DIPPEL SURVEYING COMPANY  
2499 CAPITAL OF TEXAS HIGHWAY, SUITE 105  
AUSTIN, TEXAS 78746

ENGINEERED BY: CARLSON & DIPPEL, INC.  
2499 CAPITAL OF TEXAS HIGHWAY, SUITE 104  
AUSTIN, TEXAS 78746

Vol. 85 Page 182B  
PLAT RECORD, TRAVIS COUNTY, TEXAS  
85 15070

EXHIBIT  
B  
RECORDED  
PLAT

C85-85-093

### **SUMMARY STAFF RECOMMENDATION:**

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

### **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

The proposed GR, Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The property has access to Manchaca Road, an improved, 6-lane major arterial roadway.

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

GR zoning is compatible and consistent with the zoning and land uses on Manchaca Road in proximity to its intersection with Slaughter Lane.

### **EXISTING CONDITIONS**

#### **Site Characteristics**

The subject property contains a restaurant general use. There appear to be no significant topographical constraints on the site.

#### **Impervious Cover**

The maximum impervious cover allowed by the GR zoning district is 80%, based on the more restrictive watershed regulations.

#### **Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development 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. 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 Net Site Area</i>	<i>% 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 flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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, the site is entirely developed: therefore there are no significant environmental features.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

### **Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 2,933 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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]

The total restaurant area of 2,400 square feet would generate 1,718 trips.

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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 fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

**Site Plan and Compatibility Standards**

The site is subject to compatibility standards. Compatibility Standards are applicable to all property adjoining or across the street from a lot zoned or used as a SF-5 or more restrictive or within 540 feet from the lot zoned SF-5 or more restrictive. This lot has a lot zoned SF-2 located 50 feet north of the subject tract.

Upon redevelopment of the site, along the northern property line, the following standards would apply:

- 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.
- Additional design regulations will be enforced at the time a site plan is submitted.

FYI - At time of site plan for redevelopment, this site would be subject to Subchapter E: Design Standards.

## 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.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)**

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:** C14-2007-0194

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

**Public Hearing:**

November 6, 2007 Zoning and Platting

Commission

☒ I am in favor  
☐ I object

Charles Tobin

Your Name (please print)

9708 MARACA RD,

Your address(es) affected by this application

6 Tobin 10/28/07

Signature

Date

Comments:

I FAVOR Commercial  
Development on Maraca  
Rd ~~located~~ North of Slaughter  
lane. Helps existing properties

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810