

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0147 – Lopez Hardware and
Lumber Company

Z.A.P. DATE: August 19, 2008

ADDRESS: 10037 Manchaca Road

OWNER: Lopez Hardware and Lumber
Company, Inc.
(David L. Lopez, Jr.)

AGENT: Turner Law Office, P.L.L.C.
(Sam Turner)

ZONING FROM: I-RR

TO: CS

AREA: 1.675 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay: 1) limits the number of daily vehicle trips to 2,000; and 2) prohibits the following uses: agricultural sales and services, automotive repair services, automotive rentals, automotive sales, automotive washing (of any type), building maintenance services, campground, commercial blood plasma center, electronic prototype assembly, electronic testing, equipment repair services, equipment sales, laundry services, limited warehousing and distribution, kennels, maintenance and service facilities, monument retail sales, transitional housing, transportation terminal, vehicle storage, and veterinary services.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

August 19, 2008: *APPROVED CS-CO DISTRICT ZONING AS STAFF RECOMMENDED.*
[K. JACKSON; R. EVANS – 2ND] (7-0)

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject platted lot is situated along Manchaca Road and is presently developed with two warehouse structures associated with the former hardware store that occupied the property and had been in operation since 1960. The property is zoned interim – rural residence (I-RR) district since its annexation into the City limits in July 2007. There is undeveloped property and a convenience storage business to the north and east (I-RR), undeveloped land and the Sweetwater Glen condominiums to the south (I-RR), and a few residences and commercial uses in the County to the west. Please refer to Exhibit A (Zoning Map) and A-2 (Aerial).

The Applicant has requested general commercial services (CS) district zoning in order to rebuild the hardware store and existing associated warehouses, considered a construction sales

and services use into compliance with the Zoning Code. The Applicant is also seeking the convenience storage use, as this use is found in close proximity to the north on Manchaca Road, and is willing to prohibit the more intensive CS uses. Staff recommends CS-CO district zoning with the construction sales and services and convenience storage as the only two CS uses, and all permitted GR uses with the exception of auto-related uses, based on the following: 1) historical use of the property and that of a property in close proximity to the north, 2) location along an arterial roadway; and 3) limitation on the number of daily vehicle trips to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	
<i>North</i>	I-RR; GR; CS-1	Undeveloped; Convenience storage; Retail center
<i>South</i>	I-RR	Undeveloped
<i>East</i>	I-RR	Undeveloped; Convenience storage
<i>West</i>	N/A – County	Residences; Church; Commercial uses

AREA STUDY: N/A

TIA: Is not required

WATERSHEDS: Slaughter Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

26 – Far South Austin Community Association
 217 – Tanglewood Forest Neighborhood Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 627 – Onion Creek Homeowners Association 742 – Austin Independent School District
 786 – Home Builders Association of Greater Austin
 948 – South by Southeast Neighborhood Organization 943 – Save Our Springs Alliance
 959 – Villages Neighborhood Association 1037 – Homeless Neighborhood Association
 1113 – Austin Parks Foundation

SCHOOLS:

Kocurek Elementary School Paredes Middle School Atkins High School

CASE HISTORIES:

There are case histories in the vicinity of the subject property.

RELATED CASES:

The subject property was annexed into the City limits on July 2, 2007 (C7a-07-005).

The subject property is platted as Lot 3, Block A of AAA Facilities Subdivision, recorded on February 7, 2000 (C8-99-0063.0A). Please refer to Exhibit B.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Manchaca Road	122 feet	65 feet	Arterial	No	Yes	No

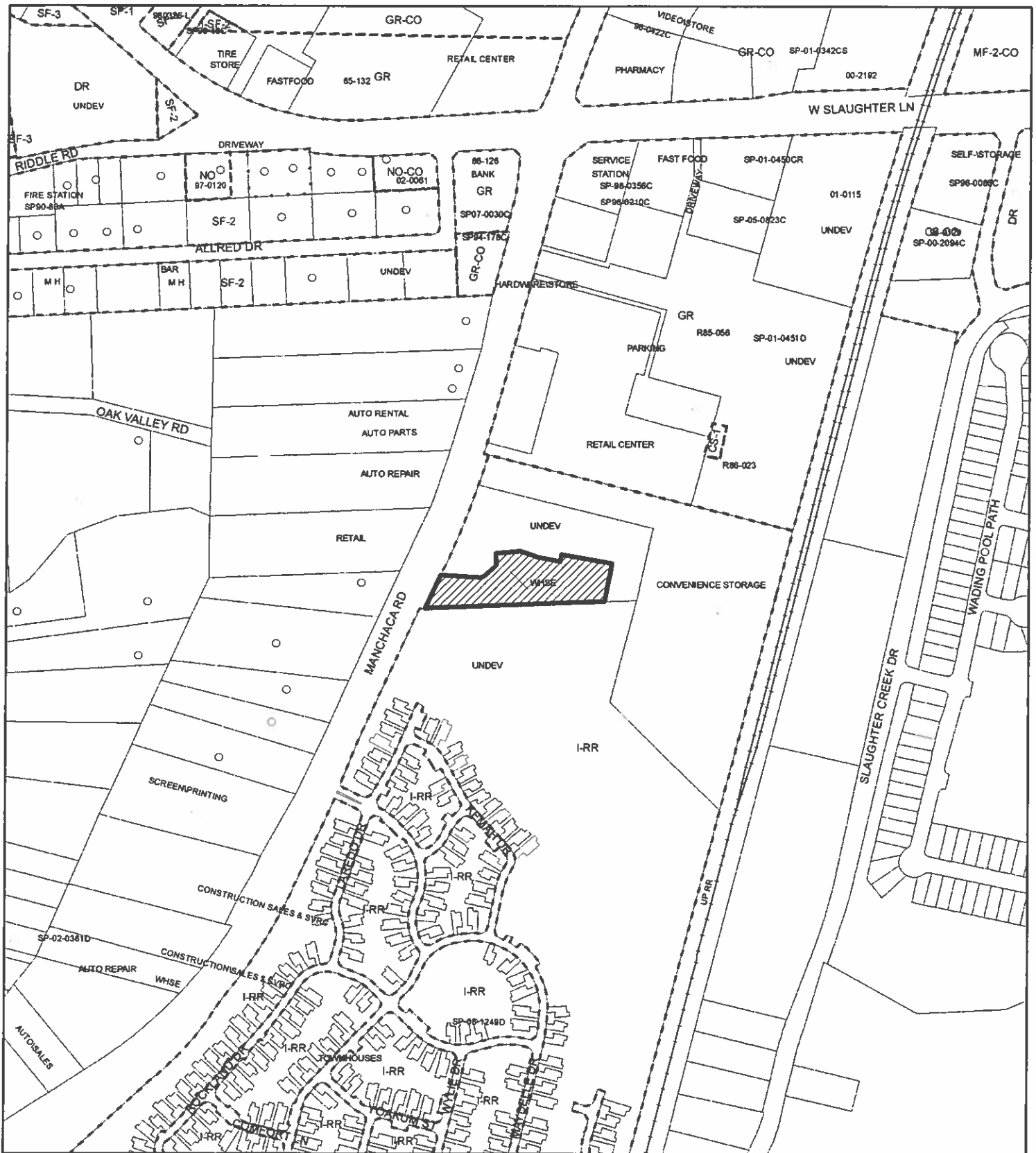
CITY COUNCIL DATE: September 25, 2008 **ACTION:**




ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

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

PHONE: 974-7719



-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

ZONING

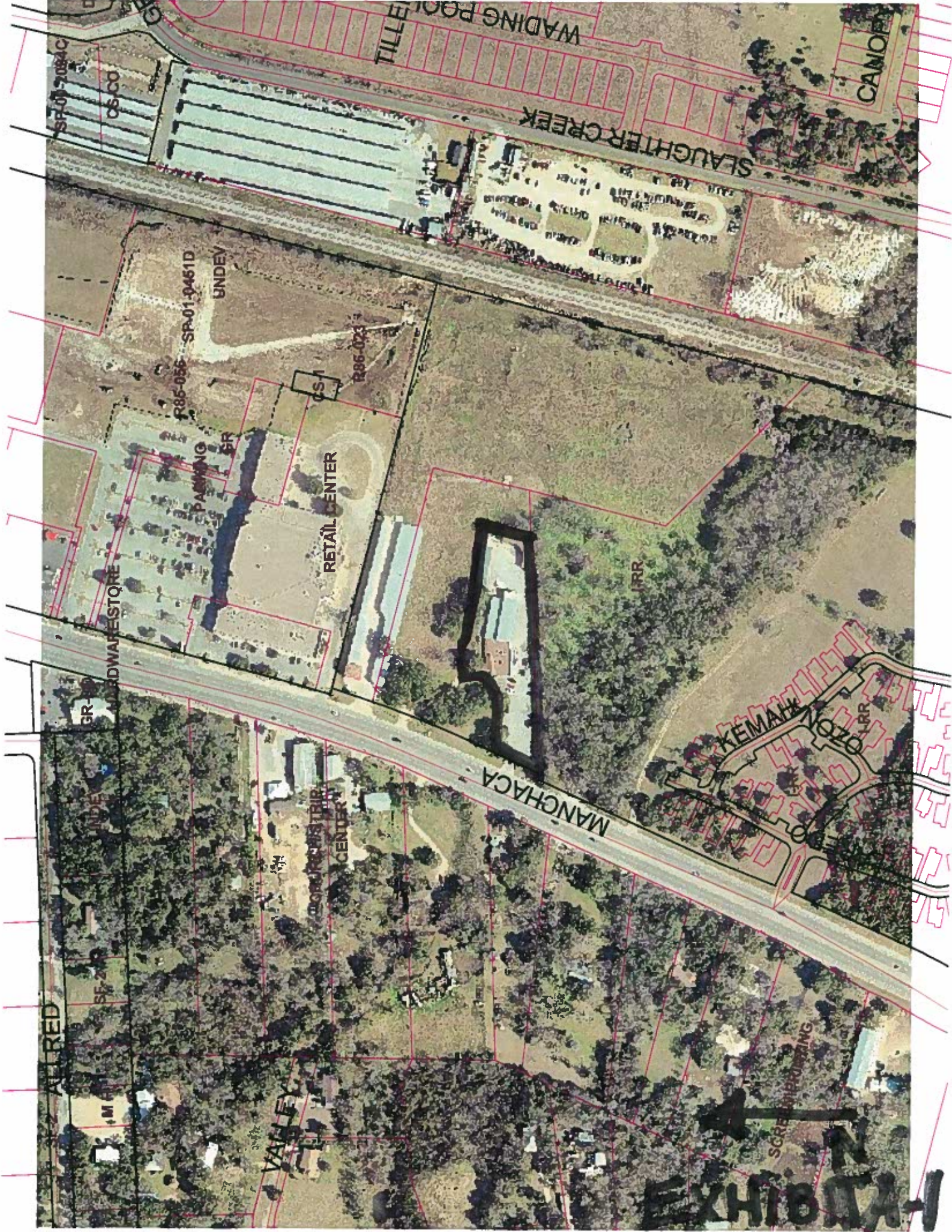
ZONING CASE#: C14-2007-0147
 ADDRESS: 10037 MANCHACA RD
 SUBJECT AREA: 1.675 ACRES
 GRID: E14
 MANAGER: W. RHOADES

OPERATOR: S. MEEKS



1" = 400'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference.
 No warranty is made by the City of Austin regarding specific accuracy or completeness.



02-07-2000

Doc # 200000049

BENCHMARK: SOUTHEAST CORNER OF MANCHACA ROAD @ SLAUGHTER LANE, 1/2" ON SOUTHWEST CORNER OF CONCRETE FOOTING OF ELECTRIC TRANSMISSION POLE. ELEV. = 706.00 (CITY OF AUSTIN F.B. 4008, PG. 7)

F.B.M. RAILROAD SPIKE IN WEST SIDE OF POWER POLE, EAST SIDE OF MANCHACA ROAD @ NORTHEAST CORNER OF LOT 1. ELEV. = 802.41

AAA FACILITIES SUBDIVISION

A SUBDIVISION OF 8.686 ACRES
OF THE S.F. SLAUGHTER SURVEY NO. 1

CURVE TABLE

CURVE	RADIUS	DELTA	TANGENT	LENGTH	CHORD	BEARING
C-1	2924.80'	0709°36'	182.99'	385.90'	385.27'	N20°41'23"E
C-2	2939.80'	0158°07'	50.51'	101.00'	101.00'	N18°04'34"E
C-3	2939.80'	0512°33'	133.75'	267.30'	267.22'	N21°39'54"E
C-4	2924.80'	0229°40'	61.97'	123.93'	123.92'	N15°53'44"E

TANGENT TABLE

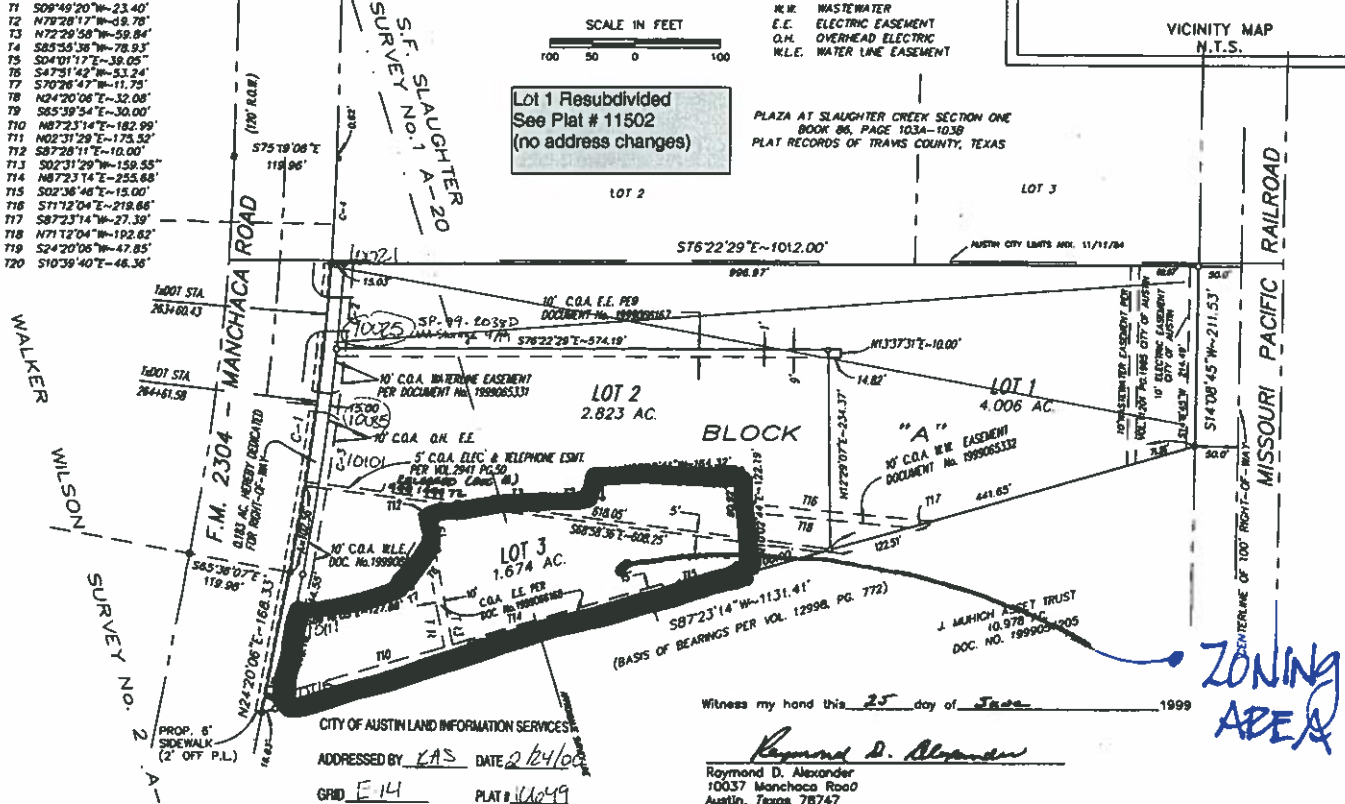
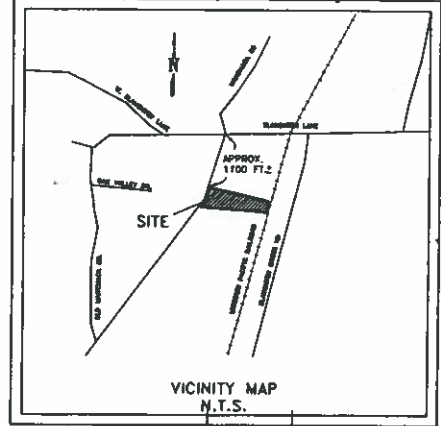
T1	S09°49'20"W-23.40'
T2	N78°28'17"W-49.78'
T3	N72°29'58"W-59.84'
T4	S85°55'38"W-78.93'
T5	S04°01'17"E-39.05'
T6	S47°51'49"W-52.24'
T7	S70°26'47"W-11.73'
T8	N24°20'08"E-32.08'
T9	S85°39'54"E-30.00'
T10	N87°23'14"E-182.99'
T11	N02°31'29"E-175.32'
T12	S87°28'11"E-10.00'
T13	S02°31'29"W-159.55'
T14	N87°23'14"E-255.68'
T15	S02°36'46"E-15.00'
T16	S71°12'04"E-219.66'
T17	S87°23'14"W-27.39'
T18	N71°12'04"W-192.82'
T19	S24°20'08"W-47.85'
T20	S10°39'40"E-46.36'

LEGEND

- CONCRETE MONUMENT FOUND
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- PIPE FOUND
- NAIL FOUND
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- B.L. BUILDING LINE
- (BRG.-DIST.) RECORD CALL
- C.O.A. CITY OF AUSTIN
- W.W. WASTEWATER
- E.E. ELECTRIC EASEMENT
- O.M. OVERHEAD ELECTRIC
- N.L.E. WATER LINE EASEMENT

Lot 1 Resubdivided
See Plat # 11502
(no address changes)

PLAZA AT SLAUGHTER CREEK SECTION ONE
BOOK 86, PAGE 103A-103B
PLAT RECORDS OF TRAVIS COUNTY, TEXAS



Witness my hand this 25 day of June 1999

Raymond D. Alexander
Raymond D. Alexander
10037 Manchaca Road
Austin, Texas 78747

STATE OF TEXAS | KNOW ALL MEN BY THESE PRESENTS
COUNTY OF TRAVIS |

Before me, the undersigned authority, on this day personally appeared Raymond D. Alexander, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose therein expressed and in the capacity as therein stated.

GIVEN UNDER MY HAND THIS 25 DAY OF June 1999.

Notary Public in and for the State of Texas

My Commission Expires: 8/21/99



I, Timothy A. Lenz, am authorized under the laws of the State of Texas to practice the profession of surveying, and hereby certify that this plat complies with the surveying related portions of Title 13 of the Austin City Code of 1981, as amended, is true and correct to the best of my knowledge and was prepared from an actual survey of the property made by me or under my supervision on the ground.

Timothy A. Lenz, R.P.L.S. No. 4393
Lenz & Associates, Inc.
1114 Fortview Rd. Suite 104
Austin, Texas 78704



STATE OF TEXAS | KNOW ALL MEN BY THESE PRESENTS
COUNTY OF TRAVIS |

THAT John Muhich, as trustee of The J. Muhich Asset Trust (the "Asset Trust"), owner of that certain tract out of the Walker Wilson Survey No. 2, Abstract No. 27 and the S.F. Slaughter Survey No. 1, Abstract No. 20, Travis County, Texas, containing 5.429 acres, being out of that certain 8.972 acre tract conveyed to the Asset Trust by deed recorded in Volume 13250, Page 2398 of the Real Property Records of Travis County, Texas (parted to contain 6.978 acres per deed), and as trustee of the Manchaca Business Trust (the "Business Trust"), owner of that certain tract out of the Walker Wilson Survey No. 2, Abstract No. 27 and the S.F. Slaughter Survey No. 1, Abstract No. 20, Travis County, Texas, containing 1.543 acres, being out of that certain 8.972 acre tract conveyed to the Asset Trust by deed described above and being conveyed by the Asset Trust to the Business Trust by deed recorded as Document No. 1999138306 in the Official Public Records of Travis County, Texas; and Raymond D. Alexander, owner of that certain tract out of the Walker Wilson Survey No. 2, Abstract No. 27 and the S.F. Slaughter Survey No. 1, Abstract No. 20, Travis County, Texas, containing 1.714 acres, conveyed to Raymond D. Alexander by deed recorded in Volume 12998, Page 772 of the Real Property Records of Travis County, Texas (colled to contain 1.719 acres per deed), do hereby subdivide 8.686 acres to be known as AAA FACILITIES SUBDIVISION in accordance with the plat shown hereon, and do hereby dedicate to the public the use of all streets and easements shown hereon, subject to any and all easements and restrictions heretofore granted and not released.

Witness my hand this 1st day of February 2000

John Muhich, Trustee
The J. Muhich Asset Trust
4203 Spinnaker Cove
Austin, Texas 78731

John Muhich, Trustee
The Manchaca Business Trust
4203 Spinnaker Cove
Austin, Texas 78731

STATE OF TEXAS | KNOW ALL MEN BY THESE PRESENTS
COUNTY OF TRAVIS |

Before me, the undersigned authority, on this day personally appeared John Muhich, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose therein expressed and in his capacity as trustee of The J. Muhich Asset Trust and The Manchaca Business Trust.

GIVEN UNDER MY HAND THIS 1st DAY OF February 2000.

Notary Public in and for the State of Texas

My Commission Expires: 11-10-2003



CORRIDOR ENGINEERING COMPANY

307 SUNSET DRIVE
(512) 244-4279

ROUND ROCK, TEXAS 78664
FAX: (512) 244-0504

LENZ & ASSOCIATES, INC.

COMPLETE PROFESSIONAL LAND SURVEYING SERVICES

(512) 443-1174
1714 FORT VIEW RD., SUITE 104
P.O. BOX 92438
AUSTIN, TEXAS 78709-2438
SURVEY # 99-0710 F.B. 421-33

C8-99-0063.0A

EXHIBIT B-RECORDED

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay: 1) limits the number of daily vehicle trips to 2,000; and 2) prohibits the following uses: agricultural sales and services, automotive repair services, automotive rentals, automotive sales, automotive washing (of any type), building maintenance services, campground, commercial blood plasma center, electronic prototype assembly, electronic testing, equipment repair services, equipment sales, laundry services, limited warehousing and distribution, kennels, maintenance and service facilities, monument retail sales, transitional housing, transportation terminal, vehicle storage, and veterinary services.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The general commercial services (CS) 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. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities.

The property has frontage on the westbound lanes of Manchaca Road, a major arterial.

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

Staff recommends CS-CO district zoning with the construction sales and services and convenience storage as the only two CS uses, and all permitted GR uses with the exception of auto-related uses, based on the following: 1) historical use of the property and that of a property in close proximity to the north, 2) location along an arterial roadway; and 3) limitation on the number of daily vehicle trips to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING CONDITIONS**Site Characteristics**

The subject lot is developed with two warehouse-type buildings and slopes towards the south, towards Slaughter Creek.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district would be 80% which is based on the more restrictive zoning 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 a floodplain within, or adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

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 existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment 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.

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 over the existing development trip level. [LDC, 25-6-117]

Water and Wastewater

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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. 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.

Compatibility Standards

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

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 single family uses to the south of the property. There are also single family uses across the street on Manchaca, however these properties are not located within the City's full-purpose jurisdiction at this time. Design regulations will be enforced at the time a site plan is submitted.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.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: C14-2008-0147

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

August 19, 2008 Zoning and Platting Commission
September 25, 2008 City Council

☒ I am in favor
☐ I object

David L. Lopez Jr
Your Name (please print)

Your address(es) affected by this application

David Lopez Jr 8/18/08
Signature Date

Comments:

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

Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes o durante la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial.

Numero de caso: C14-2008-0147

Persona designada: Wendy Rhoades, (512) 974-7719

Audiencia Publica:

August 19, 2008 Zoning and Platting Commission

September 25, 2008 City Council

☐ I am in favor
☐ I object

Su nombre (en letra de molde)

Su domicilio(s) afectado(s) por esta solicitud

Firma

Fecha

Comments:

Si usted usa esta forma para proveer comentarios, puede retomarlos

a: City of Austin

Neighborhood Planning & Zoning Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

INFORMACIÓN DE AUDIENCIA PÚBLICA

Esta petición de zonificación / re zonificación será repasada y acción será tomada de acuerdo a dos audiencias públicas: ante la Comisión de Usos Urbanos y el cabildo municipal. Aunque solicitantes y/o su(s) agente(s) se les requiere atender la audiencia pública, usted no esta bajo requisito de atender. De todos modos, si usted atiende la audiencia pública, tendrá la oportunidad de hablar a FAVOR o EN CONTRA al propuesto desarrollo urbano o cambio de zonificación. Usted también puede contactar a una organización de protección al medio ambiente u organización de vecinos que haya expresado interés en la aplicación teniendo implicaciones a su propiedad.

Durante la audiencia pública, la comisión podría postergar o continuar audiencia del caso en una fecha futura, o puede evaluar la recomendación de los oficiales municipales y las del público al mismo tiempo mandando su recomendación al cabildo municipal. Si la comisión anuncia una fecha y hora específica para postergar o continuar discusión, y no se extiende más de 60 días, no tendrá obligación de otra notificación pública.

El cabildo municipal, durante su audiencia pública, puede otorgar o negar una petición de zonificación, rézonificar el terreno a una clasificación de zonificación menos intensiva que lo que es pedida. En ningún caso se otorgara una clasificación de zonificación más intensiva de la petición.

Para otorgar un desarrollo de usos urbanos mixtos, el cabildo municipal puede agregar la designación USO MIXTO (MU) DISTRITO COMBINADO, *Mixed-use (MU) Combining District*, a ciertos usos urbanos de comercio. La designación MU- Distrito Combinado simplemente permite usos urbanos residenciales en adición a los usos ya permitidos el los siete distritos con zonificación para comercio. Como resultado, la designación MU- Distrito Combinado, otorga la combinación de oficinas, comercio, y usos urbanos residenciales en el mismo sitio.

Para más información acerca del proceso de desarrollo urbano de la ciudad de Austin, por favor visite nuestra página de la Internet:

www.ci.austin.tx.us/development/