

ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0038 – Rezoning 1.56 acres at 11410 Manchaca Road
Z.A.P. DATE: September 21, 2010
October 5, 2010
October 19, 2010

ADDRESS: 11410 Manchaca Road

OWNER: THG Holdings LC
(Guy Oliver)

AGENT: Brown McCarroll LLP
(Nikelle S. Meade)

ZONING FROM: I-RR **TO:** CS **AREA:** 1.56 acres
AMENDED TO: GR-CO

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay allows for indoor entertainment, theater and all neighborhood commercial (LR) uses, prohibits drive-in services as an accessory use to a commercial use, requires a service station use to be located a minimum of 50 feet from the west property line, and limits the number of vehicle trips to no more than 2,000 per day.

ZONING & PLATTING COMMISSION RECOMMENDATION:

September 21, 2010: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO OCTOBER 5, 2010.*

[G. BOURGEOIS; P. SEEGER – 2ND] (7-0)

October 5, 2010: *CONTINUED TO OCTOBER 19, 2010; PUBLIC HEARING REMAINS OPEN.*

[P. SEEGER; T. RABAGO – 2ND] (7-0)

October 19, 2010: *APPROVED GR-CO DISTRICT ZONING WITH THE CO ALLOWING FOR ALL LR USES AND INDOOR ENTERTAINMENT, REQUIRES THAT A SERVICE STATION USE BE LOCATED A MINIMUM OF 50 FEET FROM THE WEST PROPERTY LINE, ESTABLISHES THAT A LAND USE WHICH INCLUDES A DRIVE-IN SERVICES USE REQUIRES A CONDITIONAL USE PERMIT SITE PLAN, AND LIMITS THE NUMBER OF DAILY VEHICLE TRIPS TO 2,000.*

[P. SEEGER; T. RABAGO - 2ND] (7-0)

NOTE: *PRIVATE RESTRICTIVE COVENANT ITEMS WERE READ INTO THE RECORD.*

ISSUES:

The Applicant's agent met with members of Olympic Heights subdivision on Wednesday, October 13, 2010. The Applicant will enter into a private Restrictive Covenant which

includes the following items: 1) a service station use must include outdoor café seating in front of and adjacent to the attached store or gas station office; 2) in the event a service station use on the property becomes a security concern or a loitering concern for Olympic Heights Neighborhood Association, the property owner will, upon the request of the neighborhood association, hire security personnel to occupy the property during business hours to resolve the security or loitering concern; 3) hours are limited to no later than midnight; 4) no more than two pumps shall be provided, if the property is developed with a service station; and 5) the Applicant agrees to involve the neighborhood in the site plan process.

DEPARTMENT COMMENTS:

The subject tract is undeveloped, zoned interim – rural residence (I-RR, upon its annexation into the City limits), is situated near the corner of Manchaca Road and Marcus Abrams Boulevard. The tract is adjacent to a 20-foot wide landscaping area that forms the entrance to the Olympic Heights subdivision to the west. In this configuration, the tract does not have driveway access to Marcus Abrams Boulevard. There is a similarly situated, undeveloped tract across Marcus Abrams Boulevard to the north (GR-CO zoning) and the Olympic Heights single family residential subdivision and a pond is adjacent to the west (I-SF-4A). The City limit line abuts the property along a portion of its south side, and commercial and retail uses front Manchaca Road. To the east, there are two townhome developments at the Manchaca Road / Melibee Trail intersection (SF-6-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes community commercial – conditional overlay (GR-CO) combining district zoning in order to allow for a range of commercial uses. The Applicant's Conditional Overlay allows for GR zoning in order to permit indoor entertainment and theater plus all neighborhood commercial (LR) uses. In addition, the Applicant is also proposing to prohibit a service station use from locating within 50 feet of the west property line.

Community commercial – conditional overlay (GR-CO) zoning was approved on a similarly situated property across Marcus Abrams Boulevard to the north in 2005. The Conditional Overlay limits the property to business support services, personal improvement services, restaurant (general), and retail sales (general) uses, and all neighborhood commercial (LR) uses. The Conditional Overlay also prohibits drive-in services as accessory to a commercial use.

Staff recommends the Applicant's request based on the following considerations of the property: 1) location on an arterial roadway, and ability to provide commercial, retail and office services in close proximity to the surrounding residential subdivisions, including Hillcrest (north), Canterbury Trails (east) and Olympic Heights (west); and 2) consistency with the similarly sized tract on the north side of Marcus Abrams Boulevard, including the conditional overlay to prohibit drive-in service as an accessory use to commercial uses.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Undeveloped
<i>North</i>	I-SF-4A; GR-CO	20-foot wide landscaped area on both sides of Marcus Abrams Boulevard (subdivision entrance to Olympic Heights); Undeveloped
<i>South</i>	County	Automobile sales; Personal improvement services; Child care facility; Shopping center
<i>East</i>	SF-6-CO; I-SF-2	Two townhome developments; Single family residences in the Canterbury Trails subdivision
<i>West</i>	I-RR; I-SF-4A	Water quality/detention pond and Single family residences within the Olympic Heights subdivision

AREA STUDY: N/A**TIA:** Is not required**WATERSHED:** Slaughter Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

217 – Tanglewood Forest Neighborhood Association
 627 – Onion Creek Homeowners Association 742 – Austin Independent School District
 786 – Home Builders Association of Greater Austin
 943 – Save Our Springs Alliance 1037 – Homeless Neighborhood Association
 1075 – League of Bicycling Voters
 1109 – Travis County Chappell Hill Homeowners Association
 1113 – Austin Parks Foundation
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1214 – Bauerle Ranch Homeowners Association 1224 – Austin Monorail Project
 1228 – Sierra Club, Austin Regional Group

SCHOOLS:

Baranoff Elementary School

Bailey Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0101 – Ravenscroft - 11401-11499 Block of Manchaca Road	I-RR to SF-6	To Grant SF-6-CO with CO limited to 26 units and 300 trips per day, with a RC for the Neighborhood Traffic Analysis	Approved 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 (9-28-06).
C14-06-0102 – Ravenscroft – 11301-11351 Block of Manchaca Road	I-RR to SF-6	To Grant SF-6-CO with CO limited to 70 units and 698 trips per day, with a RC for the Neighborhood Traffic Analysis	Approved 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 (9-28-06).
C14-05-0009 – Brazos Zoning – 11410 Manchaca Road	I-RR to GR	To Grant GR-CO with the 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.	Approved 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 (7-28-05).
C14-02-0066 – 14.44 Joint Venture – Manchaca Road at Ravenscroft Drive	RR to GR	To Grant LR-CO for Tract 1; LO-CO for Tract 2	Approved LR-CO for Tract 1; LO-CO for Tract 2. CO is for the conditions of the TIA and prohibits drive-in services as accessory to commercial on Tract 1 (4-10-03).
C14-02-0065 – 14.44 Joint Venture – Manchaca Road at Ravenscroft Drive	RR to GR	To Grant GR-CO with conditions and restricted to LR development regulations	Approved LR-CO for Tract 1; LO-CO for Tract 2. CO is for the conditions of the TIA and prohibits drive-in services as accessory

			to commercial on Tract 1 (4-10-03).
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RELATED CASES:

The property was annexed into the City limits on December 26, 2001 and assigned I-RR district zoning. A one lot subdivision is in the review process on the property (C8-2010-0024.0A – OFLP3 Subdivision). There are no site plan applications on the property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Plan	Bus Routes
Manchaca Road	131 feet	38 feet	Arterial 19,216 vpd (Feb. 2009)	No	Wide Curb exists/ Wide shoulder recommended	None

CITY COUNCIL DATE: October 28, 2010

ACTION: Approved a
Postponement request by the
Applicant to November 4, 2010
(7-0).

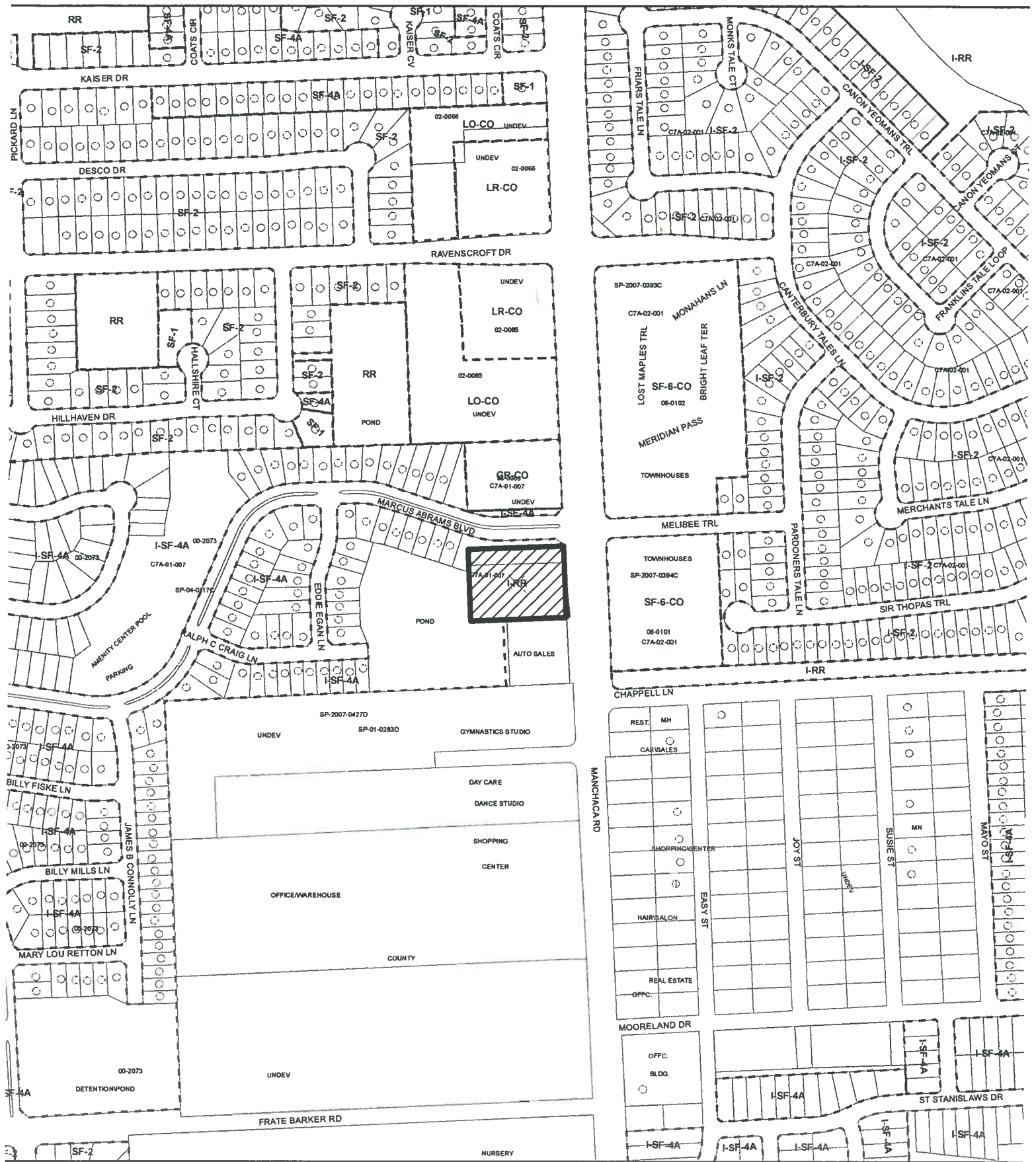
November 4, 2010

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#: C14-2010-0038
ADDRESS: 11410 MANCHACA RD
SUBJECT AREA: 1.56 ACRES
GRID: D12 & E12
MANAGER: WENDY RHOADES

EXHIBIT A



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.



SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay allows for indoor entertainment, theater and all neighborhood commercial (LR) uses, prohibits drive-in services as an accessory use to a commercial use, requires a service station use to be located a minimum of 50 feet from the west property line, and limits the number of vehicle trips to no more than 2,000 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 purpose statement per the City of Austin Land Development Code states: “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 frontage on Manchaca Road.

- 2. Zoning changes should promote compatibility with adjacent and nearby uses.*

Staff recommends the Applicant's request based on the following considerations of the property: 1) location on an arterial roadway, and ability to provide commercial, retail and office services in close proximity to the surrounding residential subdivisions, including Hillcrest (north), Canterbury Trails (east) and Olympic Heights (west); and 2) consistency with the similarly sized tract on the north side of Marcus Abrams Boulevard, including the conditional overlay to prohibit drive-in service as an accessory use to commercial uses.

EXISTING CONDITIONS**Site Characteristics**

The site is undeveloped and there appear to be no significant topographical constraints on the site.

Impervious Cover

Within the Slaughter Creek watershed, the maximum impervious cover allowed by the GR zoning district would be 80%, which is a consistent figure between the watershed and zoning regulations.

Environmental

The site is not located over the Edwards 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.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment 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 [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 his own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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

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

Development is subject to Subchapter E, Commercial Design Standards.

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.

- a. The site is subject to compatibility standards. There is a strip of single family zoning along the side street. Compatibility is required against this strip of land (25 foot setback). Additionally, this triggers a 25' front compatibility setback. Along **all property lines**, the following standards apply:
- b. No structure may be built within 25 feet of the property line.
- c. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- e. No parking or driveways are allowed within 25 feet of the property line.
- f. 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.
- g. 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.
- h. 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.
- i. Additional 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: C14-2010-0038

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Sept. 21, 2010, Zoning & Platting Commission

Oct. 28, 2010, City Council

Chris Walby

Your Name (please print)

1613 Melrose Trail

Your address(es) affected by this application

Michael

Signature

Date

Daytime Telephone: 512-448-4816

9-12-10

Comments: no commercial right in front of our house.

☐ I am in favor
☒ I object

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2010-0038

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: ~~Sept. 21~~, 2010, Zoning & Platting Commission
Oct. 5, 2010, City Council

Tom Moody, D.R. Horton
Your Name (please print)

☐ I am in favor
☒ I object

Your address(es) affected by this application

Tom Moody 9-24-10
Signature Date

Daytime Telephone: 512-748-0785

Comments: We are against any commercial zoning that would not be compatible with our neighborhood development.

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

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

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Case Number: C14-2010-0038

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Sept. 21, 2010, Zoning & Platting Commission

Oct. 28, 2010, City Council

Xavier Zivate

Your Name (please print)

11412 EDDIE EGAN LN. 78748

Your address(es) affected by this application

9/29/2010

Signature

Daytime Telephone: (512) 276-0550

Comments: I am writing to object to the re-zoning of the property identified by case # C14-2010-0038. I ask that it be rejected for the following reasons: Adverse traffic impact due to additional development on a yet unfinished Manchester expansion. Adverse impact to values (Homestead), currently 433 home for sale (approx. 21100) and proximity to development may make homes near development less competitive or attractive in difficult to sell environment. City Council please Reject.

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

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Case Number: C14-2010-0038

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Sept. 21, 2010, Zoning & Platting Commission
Oct. 28, 2010, City Council

Jueveren Ahauus

Your Name (please print)

1901 Marcus Abrams Blvd, Austin, Tx 78748

Your address(es) affected by this application

[Signature]

Signature

10/4/2010

Date

Daytime Telephone: 408-2196418

Comments:

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2010-0038

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Sept. 21, 2010, Zoning & Platting Commission
Oct. 28, 2010, City Council

Rebecca Brady
Your Name (please print)

1801 Marcus Abrams Blvd 78748

Your address(es) affected by this application

Rebecca Brady

Signature

Daytime Telephone: 512-280-1899

Date

10/14/10



Comments:

I oppose this re-zoning on the grounds that it will significantly and ~~adversely~~ adversely affect the property values in my neighborhood.

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

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