

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0034 – Sonic Drive In #21 - Del Valle **Z.A.P. DATE:** May 5, 2015

ADDRESS: 3115 East State Highway 71 Westbound

DISTRICT AREA: 2

OWNER/APPLICANT: Sonic Properties of Austin LLP (John F. Patton)

ZONING FROM: I-SF-2 **TO:** GR **AREA:** 0.577 acres (25,134 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial (GR) district zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

May 5, 2015: *APPROVED GR DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT*

[C. BANKS; S. COMPTON – 2ND] (6-0) G. ROJAS – ABSENT

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject zoning area contains a restaurant use and located on the westbound lane of East SH 71 at its intersection with Cheviot Lane. Driveway access is taken from both roadways. The restaurant was in operation at the time the property was annexed into the City in September 2001 (hence it is a legal use), and has interim-single family residence standard lot (I-SF-2) district zoning. The property is located just outside of the Airport Overlay Zone-3 district, also known as the ½ mile buffer. There are residences to the north (I-SF-2); residences, a vacant building and undeveloped land to the east (I-SF-2; GR-CO); and generally auto and truck-related uses to the west (I-SF-2; GR-CO; CS-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

TXDOT is in the process of acquiring 0.138 acres along the SH 71 frontage for highway improvements and concurrently, the Applicant proposes to add a parking canopy outside of the acquisition area. The parking area will encroach into the required 25 foot setback under SF-2 zoning, and the Applicant has been advised to seek permanent zoning in order to reduce the setback that will now be measured from the revised right-of-way line. To that end, the Applicant has requested the community commercial (GR) district zoning on the property in order to allow for the proposed canopy and will be able to meet the 10 foot front setback prescribed by GR zoning. The Staff recommends the GR district based on its location on SH

71, an arterial roadway and it is consistent and compatible with adjacent commercial zoned property to the east and west.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-SF-2	Restaurant (limited)
<i>North</i>	I-SF-2	Residential
<i>South</i>	East SH 71	Westbound frontage road and main lanes
<i>East</i>	GR-CO; I-SF-2	Vacant building; Undeveloped; Single family residences
<i>West</i>	GR-CO; I-SF-2; CS-CO	Auto sales; Vacant residence; Undeveloped; Equipment repair; Two auto repair shops; Personal services

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Colorado River

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 774 – Del Valle Independent School District 1005 – Elroy Neighborhood Association
 1195 – Imperial Valley Neighborhood Association
 1228 – Sierra Club, Austin Regional Group
 1236 – The Real Estate Council of Austin, Inc. 1258 – Del Valle Community Coalition
 1340 – Austin Heritage Tree Foundation 1363 – SEL Texas
 1447 – Friends of Emma Barrientos MACC

SCHOOLS:

Hillcrest Elementary School Dailey Middle School Del Valle High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0244 – Najib 0.7 – 3133 E SH 71 WB	I-SF-2 to CS	To Grant GR-CO w/CO prohibiting auto repair, auto washing and pawn shops	Apvd GR-CO as Commission recommended (2-12- 2009).
C14-05-0017 – Highway 71 – 3103 E SH 71 East WB	I-SF-2 to GR- CO	To Grant GR-CO	Apvd GR-CO w/CO for 2,000 trips (4-7- 2005).
C14-01-0186 – State Highway 71 East 3039 – 3039-	I-SF-2; RR to LI	To Grant CS-CO with added conditions	Apvd CS-CO w/CO for 15' vegetative buffer along Meldrum

3101 E SH 71 WB			Rd., prohibit adult businesses, B & B residential (Groups 1&2); campground, cocktail lounge, commercial blood plasma center, custom mfg, funeral services, hotel-motel, indoor/outdoor entertainment, indoor / outdoor sports and recreation, marina, pawn shops, scrap & salvage, special use historic, stables, theater, vehicle storage (5-16-2002).
C14-01-0027 – High Performance Automotive – Highway 71 East at Cheviot Lane	I-SF-2 to GR	To Grant GR-CO	Approved GR-CO w/ CO for 2,000 trips (4-19-2001).

RELATED CASES:

The property was annexed into the full-purpose City limits on September 6, 2001 (C7a-01-002 – Ordinance No. 010830-64).

The zoning area is a portion of Lot 31 of the Glenbrook Addition subdivision, recorded in May 1948 (C8-1948-1877). Please refer to Exhibit B.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
SH 71	200 feet	133 feet	Highway	Yes, 4 foot wide	Wide shoulder # 418	Yes
Cheviot Lane	50 feet	20 feet	Local	No	None	Yes

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as

follows: State Highway 71 serves route no. 361 with an existing Shared Lane and recommended Wide Curb. The Plan also recommends an off-road multi-use path that will run near the State Highway 71 alignment and extend from Riverside Drive to Ross Road.

Capital Metro bus service (route nos. 271 and 350) is available along State Highway 71.

CITY COUNCIL DATE: June 11, 2015

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

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

PHONE: 512-974-7719

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial (GR) district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The proposed community commercial (GR) 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 direct access to the westbound frontage road of East State Highway 71.

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

The Staff recommends the GR district based on its location on SH 71, an arterial roadway and it is consistent and compatible with adjacent commercial zoned property to the east and west.

EXISTING CONDITIONS**Site Characteristics**

The subject property contains a single 1,208 square foot building that is developed with a restaurant use. The property also contains several canopies that extend out from the main structure. The site is flat and 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.

Comprehensive Planning

This zoning case is located on the northwest corner of the frontage road of Bastrop Highway/SH 71 and Cheviot Lane, on a property that is approximately 0.577 acres in size, which contains a Sonic fast food restaurant. The property is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses include a single family house to the north, SH 71 to the south, a used car lot to the west, and a vacant lot with a small building to the east. The proposed use is to obtain commercial zoning for the existing fast food restaurant.

Imagine Austin

Based on the comparative scale of the site relative to other commercial uses located along SH 71, as well as the site not being located along an Activity Corridor or within an Activity Center as identified on the Imagine Austin Growth Concept Map, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Colorado River Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

Transportation

Additional right-of-way maybe required at the time of subdivision and/or site plan.

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for SH 71. TxDOT may request the reservation of additional right-of-way in accordance with the Transportation Plan when the site is redeveloped [LDC, Sec. 25-6-51 and 25-6-55].

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Water and Wastewater

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

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

The site is located within the Austin-Bergstrom Overlay (Controlled Compatible Land Use Area). No use will be allowed that create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. For more information, contact Joe Medici, Airport Planner (512-530-6563). Approval from ABIA is required prior to site plan approval.

This site is within the Scenic Roadway Sign District. All signs must comply with Scenic Roadway Sign District regulations. Contact Viktor Auzenne at 512-974-2941 for more information.

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:

<http://www.austintexas.gov/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: C14-2015-0034

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: May 5, 2015, Zoning and Platting Commission

June 11, 2015, City Council

Your Name (please print) Ofelia L. Lopez

<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
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Your address(es) affected by this application 3010 MELDRUM ST. DEL VALLE TX 78647

Signature Ofelia L. Lopez Date 5-01-2015

Daytime Telephone: 512-8011893

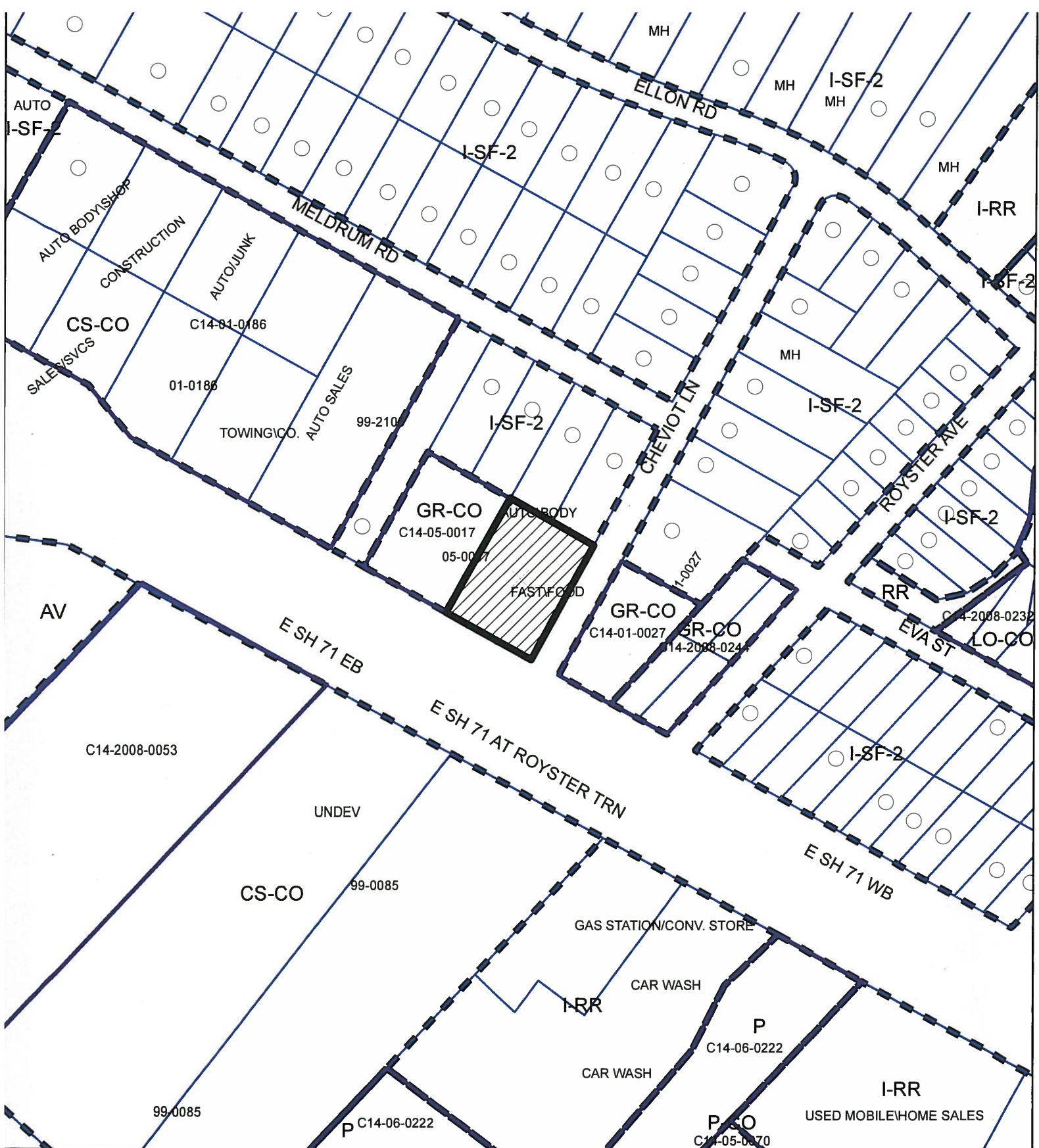
Comments:




I am in favor,

Sanio is the only decent place, we have to purchase that food around this neighborhood. Ofelia Lopez

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

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



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

ZONING

Zoning Case: C14-2015-0034

EXHIBIT A

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.

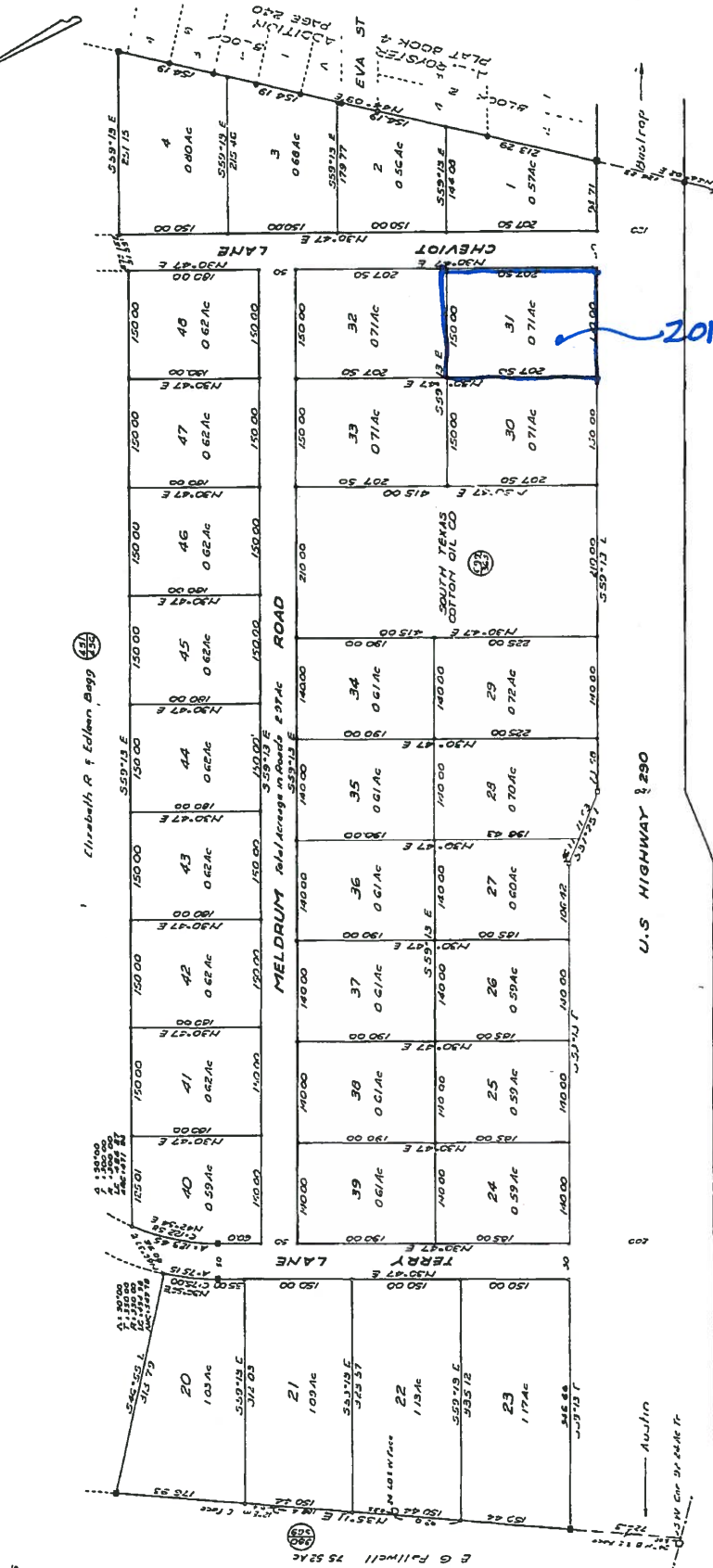
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





GLENBROOK ADDITION SECTION ONE

Sub. Plat 1572, Page 338,
Travis County, Texas, 1948.



FILED FOR RECORD
AT 10 o'clock A.M.
19 day of May, 1948

**EXHIBIT B
RECORDED PLAT**

STATE OF TEXAS
COUNTY OF TRAVIS
MISS EMILIE LIMBLER, Clerk of the County
certify that the within and foregoing instrument of writing
with its Certificate of Authentication, was filed for record
in my office on the 19 day of May, 1948, at 10 o'clock
A.M., and that the same is a true and correct copy of the
original as the same appears in the plat records of said
County in Book 5, Page 30.

Witness my hand and seal, at the Court of said
County, this 19th day of May, 1948.

(Seal) MISS EMILIE LIMBLER
Clerk County Court, Travis County, Texas
or her Deputy

ENGINEERS' NOTE
Total Area of Lots 20.97 AC
Total Area in dedicated Roads 2.97 AC

LEGEND
• Iron stake found
• Iron stake set
• Concrete monument found
• Concrete monument found

Scale 1" = 100 Feet

APPROVED FOR ACCEPTANCE
Date 5/12/48
J. E. McMichael
Inspector of Public Works

APPROVED BY CITY PLAT COMMISSION
Date: 5-13-48
Walter G. Heston
Chairman
Date: 5-13-48
H. D. Baur
Secretary

Note: for Abrogation Restrictions see Vol. 1212, Page 302
Records Division
Emilie Limbler Co. Clerk

Subdivided March, 1948
McCall Engineering Company
McCall & McCall
Professional Engineer
Austin, Texas