December 4, 2009

Zoning Commission
City of Sunset Valley
3205 Jones Rd.
Sunset Valley, Texas 78745

Re: 4800 Highway 290 West ("Property"); Application for Zoning Change; Applicant’s Statement of Findings

Dear Commissioners:

The owner of the Property, 2901 Manchaca Road, Ltd. ("Applicant") is requesting a change in zoning classification from SF (single-family residential) to HC (highway commercial). The purpose of the zoning change is to enable the development of a commercial building on the Property.

The City of Sunset Valley’s (the "City") existing future land use map, which was last updated in 1995, shows the Property as Neighborhood Commercial. Therefore, this zoning change will also include a change to the existing Comprehensive Plan (currently under revision) to designate the Property as Highway Commercial on the future land use map. A copy of the 1995 future land use map is included as Attachment A.

Currently, the Property consists of a 2.10-acre tract of unimproved land located on the northwest corner of the intersection of Highway 290 and Stearns Lane. Attachment B includes an aerial photo of the Property and the vicinity; Attachment C shows the properties and structures in the area. Existing land uses surrounding the property include:

- to the north, single family residences along Stearns Lane, including the Applicant’s residence which is adjacent to the site;
- to the east, the Sands Motel, an auto-body repair shop, equipment-rental yard and other intense commercial retail uses;
- to the south, the westbound Highway 290 frontage road; and
- to the west, a single family residence, a stormwater detention cell, and a Holiday Inn Express.

In accordance with Section 2.305(b)(6) of the Sunset Valley Land Development Code, please accept this statement of findings from the Applicant in connection with your consideration of the zoning application.
1. The proposed change in zoning classification is consistent with the goals, standards and policies of the City’s Comprehensive Plan.

The Comprehensive Plan directs that “[a]ll land use considerations should serve to provide adequate transition and buffering to single-family residents and to serve the immediate needs of the neighborhoods.” Changing the Property’s zoning to HC will allow development of the Property to provide a transitional buffer between Highway 290 and single-family residences along Stearns Lane. Furthermore, this zoning request is consistent with the City’s planning policies as set forth in the Land Development Code which places the most intense commercial uses along the highway.

Maintaining the Property’s current SF zoning is not consistent with sound planning principles. The development of new uses that are incompatible with the major highway and frontage road should be discouraged; zoning classifications should reflect the City’s desired development for an area. Given the changes that have occurred in recent years, single family residential uses are clearly inappropriate along Highway 290. Allowing development of this Property under SF zoning (even if it was feasible, which it is not) would be a disaster from a planning standpoint because it would contradict the City’s goal of directing commercial uses toward the highway to provide a buffer for residential areas.

Instead the Property’s zoning should be changed to reflect the City’s desired development for the Highway 290 corridor. The future land use map has not been updated for nearly 15 years, yet it designates the Property for commercial use. The revision of the Comprehensive Plan currently underway is expected to reflect the shift in development patterns along Highway 290 toward more intense commercial uses, such as HC. Therefore, this zoning request is consistent with the City’s planning goals for this area.

2. Significant unanticipated changes have occurred that make development with the current land use maps unlikely and inappropriate.

The Property abuts Highway 290, which has become a heavily-trafficked elevated concrete freeway accompanied by frontage roads and entrance/exit ramps. The current zoning map classifies the Property for single-family residential use, which derives from the Property’s use years ago when Highway 290 was a lightly-traveled rural highway. However, today it is a major commercial thoroughfare, making development for single-family residential purposes both unlikely and inappropriate.

3. The current zoning classification deprives the applicant of the reasonable use of its land.

The current SF zoning deprives the Applicant of the reasonable use of the Property because it is not feasible to develop this tract for the use permitted under its current zoning classification. Given the Property’s location along a heavily trafficked elevated freeway, single-family residences would not be marketable at this location.
4. The zoning classification change requested is not greater than the minimum required to allow for reasonable use of the land.

*Highway Commercial zoning is specifically intended for tracts such as the Property, which have frontage on Highway 290. Given the Property’s exposure along this busy thoroughfare, Commercial Highway zoning is the minimum zoning required to allow for a reasonable use of land at this location.*

5. There is no reasonable alternative to the proposed zoning classification change.

*We believe that a child day-care facility would be an ideal tenant for the proposed project. However, day-care facilities are only permitted in the HC zoning classification. Therefore, there is no reasonable alternative to HC zoning because the intended use for the Property is not permitted in any other zoning classification.*

6. The proposed change in zoning classification is in the community’s best interest in terms of the public health, safety and welfare.

*Rezoning the Property to Highway Commercial would allow the Property to provide services to the community at a scale of development in conformity with the community’s character. These services cannot be provided under the current zoning. Furthermore, new development at this location will encourage revitalization of the commercial properties to the east along Highway 290. Finally, this zoning change will promote public health, safety and welfare by discouraging residential development along a major highway.*

7. Development likely to occur as a result of the proposed change in zoning classification can be served adequately by utilities, water supply systems, waste water systems, and drainage facilities.

*City staff has advised Applicant that waste water service can be accessed along the western property line, and water service can be extended from 4810 1/2 Highway 290. Electric service is available along Highway 290 from Austin Energy.*

8. Development likely to occur as a result of the proposed change in zoning classification can be served adequately by the following services: police protection, fire protection, and emergency medical care.

*The proposed project for this site will be designed and built in compliance with all fire and safety regulations so as to provide for adequate fire, EMS and police access. Furthermore, we estimate that the proposed project will only attract less than 50 users per day, which is well within the existing service capacity of emergency service providers in the area.*
9. Development likely to occur as a result of the proposed change in zoning classification will not result in traffic conditions or vehicular circulation that jeopardizes the City’s public health, safety, welfare, environment, or the vehicular traffic goals, standards and policies of the Comprehensive Land Use Plan.

The proposed project for this site is expected to generate fewer than 2,000 vehicle trips per day. Visitors may access the Property via an existing curb cut along the Highway 290 frontage road or through a proposed curb cut near the entrance to Stearns Lane. Thus, there will be sufficient ingress, egress and circulation through the site. Furthermore, because of the Property’s location at the entrance to Stearns Lane, traffic entering and exiting the site will not need to pass by any Stearns Lane residences. Therefore, no negative impact on traffic conditions or vehicle circulation is expected.

10. Development likely to occur as a result of the proposed change in zoning classification will not disrupt the existing uses of land in the vicinity.

The Property will be developed to eliminate any disruption of nearby land uses. Additional land uses in the vicinity of the Property include two hotels, an equipment rental yard, a restaurant and an auto-body repair shop. These commercial uses will not be disrupted by development of the Property, and in fact may benefit from revitalization of the site. There is one residential use adjacent to the site and the owner of that property does not oppose this rezoning request.

11. The proposed change in zoning classification and development likely to occur as a result of the proposed change in zoning classification will not negatively affect the value of the property and improvements in the vicinity.

Changing the Property’s zoning classification will not negatively affect the value of properties and improvements in the vicinity. In fact, the redevelopment of this site is likely to enhance the value of other properties in the area and encourage revitalization of older developments nearby.

Please let me know if any additional information is needed. Thank you for your consideration of these findings.

Sincerely,

Nikelle S. McAdoo
Agent for 2901 Manchaca Road, Ltd.
APPOINTMENT OF AGENT

My signature below appoints and authorizes Nikelle Meade with the law firm of Brown McCarroll, L.L.P., as the property owner's agent for all purposes in connection with the filing and processing of the Application for Zoning (the "Application") to request commercial zoning for the property located at 4800 US 290 West in Sunset Valley, Texas (the "Property"). This appointment is effective until a final decision is made by the City of Sunset Valley on the Application. 2901 Manchaca, Ltd. is the owner of the Property and is authorized to make this appointment.

2901 MANCHACA, LTD.
a Texas limited partnership

By:  Chimeras Group LLC
     a Texas limited liability company
     its general partner

By:  Robb Buchanam, Manager
     Date:  12/2/09
CITY OF SUNSET VALLEY
APPLICATION FOR ZONING CHANGE

DATE: ________________________

TO THE CITY COUNCIL:
2901 Manchaca Road, Ltd. and N/A

hereby make application to the City Council of the City of Sunset Valley
for change in zoning designation of the property described below:

ADDRESS: 4800 W. U.S. Hwy. 290
LEGAL DESCRIPTION: See Attached

PRESENT ZONING: SF

PRESENT USE OF PARCEL AND ALL CONTIGUOUS PARCELS:
Parcel is currently vacant unimproved land

REQUESTED ZONING CHANGE: HC
PROPOSED USE OF PARCEL AND ALL CONTIGUOUS PARCELS:
Commercial Building

PLANS SUBMITTED FOR REVIEW: Site plan

TYPE OF OWNERSHIP: Sole Ownership Trust

Volume and page of deed which conveyed the property to the present owner:

Document No. 200716529, Official Records of Travis County, Texas

OWNER'S SIGNATURE ________________________

ADDRESS 4804 Stearns Lane, Sunset Valley, TX 78735

TELEPHONE (512) 472-8990 x 720

If ownership is other than sole or community property, name the partners, principals, beneficiaries, etc. respectively:

1) Name __________ Position __________ Address __________

2) Name __________ Position __________ Address __________

3) Name __________ Position __________ Address __________

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Application Fee $_______ Date Received ________ BY ________
Comments: __________________________________________
FIELD NOTES DESCRIBING 2.10 ACRES OF LAND OUT OF AND A PORTION OF THE
TIMES TRAMMELL 1/3 LEAGUE, SURVEY NUMBER 4, ABSTRACT NUMBER 769, IN
TRAVIS COUNTY, TEXAS, BEING THE SAME TRACT OF LAND AS DESCRIBED IN
VOLUME 6040, PAGE 2080, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS,
SAID 2.10 ACRES OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES
AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pipe found at a point in the west right-of-way line of Stemans Lane at a
southwest corner of that certain Fannie B. Bryant 3.02 acres of land, recorded in Volume 4237,
Page 1610, of the Deed Records of said county, for the northeast corner of said 2.10 acres of land
and for the POINT OF BEGINNING hereof;

THENCE, with a portion of said right-of-way line, South 30 degrees 00 minutes 00 seconds
West a distance of 514.50 feet to an iron rod set at a point in said line at the intersection of the
north right-of-way line of U.S. Highway 290 West, also known as State Highway No. 71 and
Lamar Boulevard South, for the southwest corner hereof;

THENCE, with a portion of said south right-of-way line of said U.S. Highway 290 West, South
85 degrees 00 minutes 00 seconds West a distance of 159.00 feet to an iron rod set at a point in
said line at the southeast corner of that certain Patsy A. Angell 2.13 acres of land, recorded in
Volume 5163, Page 588, of the Deed Records of said county, for the northeast corner hereof;

THENCE, with the east line of said 2.13 acres of land, North 16 degrees 56 minutes 11 seconds
East a distance of 468.21 feet to an iron rod set at a point in the south line of said Bryant 3.02
acres of land, for the northwest corner hereof;

THENCE, with a portion of said south line of said 3.02 acres of land, North 87 degrees 43
minutes 27 seconds East a distance of 270.50 feet to the POINT OF BEGINNING and containing
2.10 acres of land, more or less.

THIS LEGAL DESCRIPTION IS TO BE USED IN CONJUNCTION WITH THE ATTACHED
SURVEY PLAT (BY SEPARATE INSTRUMENT) ONLY.

[Signature]
Leo S. Bond
Texas R.P.L.S. No. 5793
Job No. A0628007

July 2, 2007
Date

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

[Signature]
DANA DEBEAUVIR COUNTY CLERK
TRAVIS COUNTY TEXAS