

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2007-0253

**Z.A.P. DATE:** February 5, 2008

**ADDRESS:** 9900 South IH-35 Service Road Southbound, Unit G

**OWNER:** SP Meadows Central, Ltd.  
(Chris Ellis)

**AGENT:** Endeavor Real Estate Group  
(Andy Pastor)

**ZONING FROM:** CS-CO **TO:** CS-1 **AREA:** 0.581 acres (25,436 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant commercial – liquor sales – conditional overlay (CS-1-CO) combining district zoning. The Conditional Overlay prohibits the following uses: adult-oriented uses; bail bond services; campground; commercial blood plasma center; drop-off recycling collection facility; equipment sales; exterminating services; kennels; monument retail sales; pawn shop services; residential treatment; and transitional housing.

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

February 5, 2008: *APPROVED CS-1-CO DISTRICT ZONING, AS STAFF RECOMMENDED; BY CONSENT.*

*[J. MARTINEZ; T. RABAGO – 2ND] (8-0)*

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The subject rezoning area is under construction and within the Southpark Meadows shopping center and zoned general commercial services – conditional overlay (CS-CO) by way of a 2004 zoning case. The Conditional Overlay attached to the 2004 prohibited many intensive land uses permitted within the CS district including: adult-oriented uses; bail bond services; campground; commercial blood plasma center; drop-off recycling collection facility; equipment sales; exterminating services; kennels; monument retail sales; pawn shop services; residential treatment; and transitional housing.

The proposed location is accessed by a central driveway from the southbound IH-35 service road that extends through the shopping center, and is surrounded by other retail, restaurant and commercial uses (CS-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant has requested commercial – liquor sales (CS-1) district zoning for a building footprint and surrounding area in order to build tenant space to be occupied with a liquor sales use. Staff recommends CS-1-CO zoning along with the Conditional Overlay approved

with the 2004 case, based on the following considerations: 1) the proposed use is compatible with the surrounding uses within the shopping center and its corresponding CS-CO zoning; 2) it is separated from residential development; and, 3) access will be taken to a major arterial roadway.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-CO	Lease space within the Southpark Meadows shopping center, under construction
<i>North</i>	CS-CO	Retail space and restaurants within the Southpark Meadows shopping center
<i>South</i>	CS-CO	Retail space within the Southpark Meadows shopping center
<i>East</i>	CS-CO	Furniture sales; Retail space and restaurants within the Southpark Meadows shopping center; Financial services
<i>West</i>	CS-CO; GR-MU-CO	Retail space and restaurants within the Southpark Meadows 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  
 300 – Terrell Lane Interceptor Association  
 428 – Barton Springs / Edwards Aquifer Conservation District  
 499 – Park Ridge Owners Association      627 – Onion Creek Homeowners Association  
 742 – Austin Independent School District  
 786 – Home Builders Association of Greater Austin  
 948 – South by Southeast Neighborhood Organization  
 1037 – Homeless Neighborhood Association

**SCHOOLS:**

Williams Elementary School    Bedichek Middle School      Crockett High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-04-0094 – Janssen Tract	CS-CO to CS-CO, to modify the Conditional Overlay as it	To Grant CS-CO prohibiting several uses and with the conditions of the TIAs	Approved CS-CO with a Restrictive Covenant for the TIA as ZAP recommended (10-21-

	pertains to 2,000 trips, prohibited uses and GR development standards		04).
C14-04-0075 – Southpark Meadows	LO-CO; CS-1-CO to GR-CO	To Grant GR-CO with conditions of the TIA	Approved GR-CO with a Restrictive Covenant for the TIA, as recommended by ZAP (10-21-04).
C14-99-0129 (RCT)	To Terminate the Restrictive Covenant which addresses the discontinuance of a cocktail lounge use.	To Grant a Termination of the Restrictive Covenant	Approved a Termination of the Restrictive Covenant (10-21-04).
C14-04-0059 – Harrell / Gatton	I-RR to CS	To Grant CS-CO with CO for a list of prohibited uses, with the conditions of the TIA	Approved CS-CO as recommended by ZAP, with a Restrictive Covenant for the TIA (3-10-05).

#### **RELATED CASES:**

The rezoning tract is within Tract One-B of the Harrell Tract #1 zoning case approved by Council on December 13, 2004 (C14-04-0124). The approved Conditional Overlay prohibits many of the more intensive land use classifications within the CS zoning district. Please refer to Exhibit B.

The property is a portion of Lot 15, Block A, of the Amended Plat of Lots 15 and 22-26, Block A and Lot 1, Block B of the Southpark Meadows Subdivision, recorded in 2007 (C8-06-0261.0A).

#### **ABUTTING STREETS:**

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
IH-35 frontage road	Varies	Varies	Freeway, 6 lanes	115,000 (2000)
Old San Antonio Road	60 feet	Varies	Two-lane undivided Collector	1,194 (2000)

- There are no sidewalks along Old San Antonio Road or the IH-35 frontage road.
- IH-35 is classified in the Bicycle Plan as Priority 2 bike routes. Old San Antonio Road is not classified in the Austin Bicycle Plan.

- Capital Metro bus service is not available in this area.

**CITY COUNCIL DATE:** March 6, 2008

**ACTION:**

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

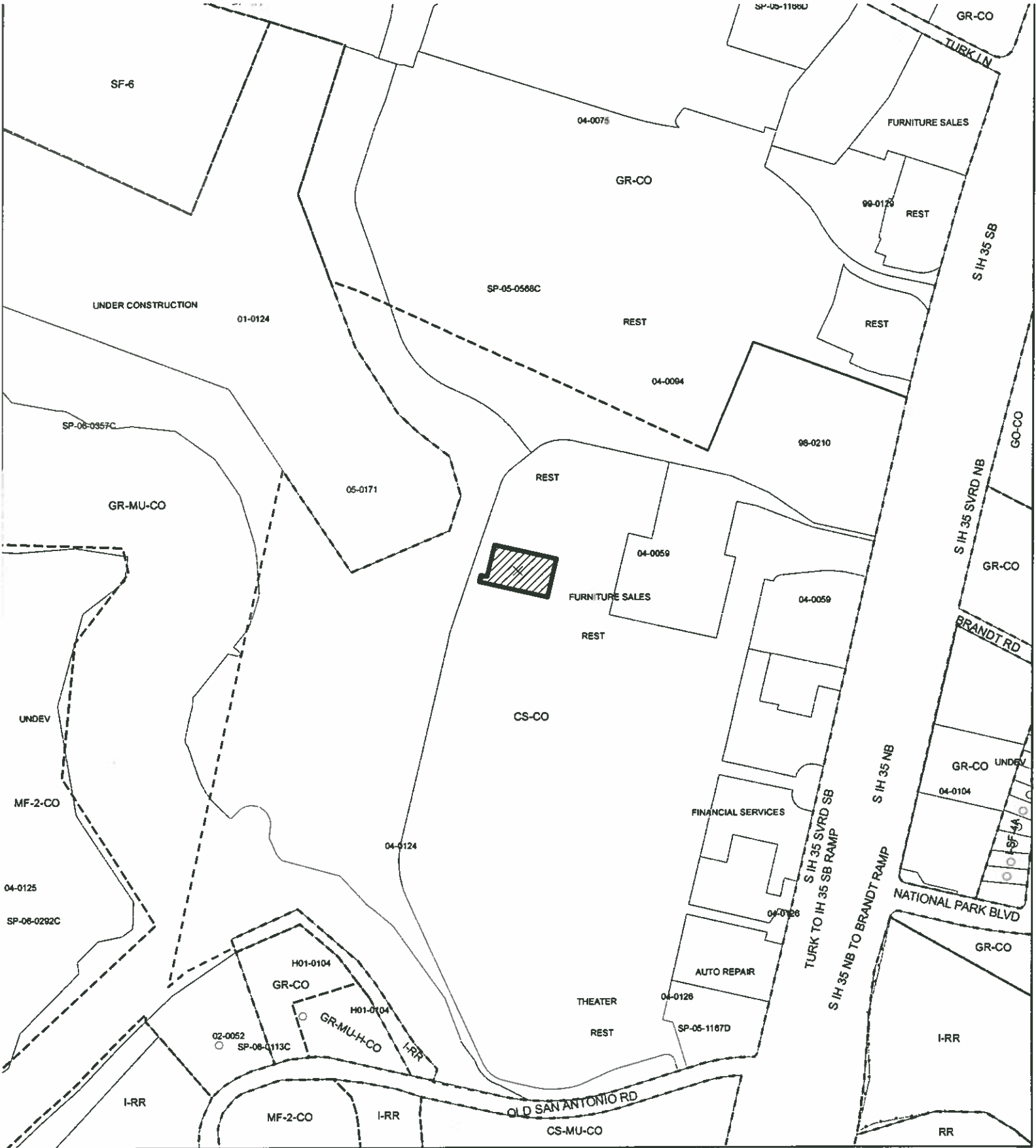
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: [wendy.rhoades@ci.austin.tx.us](mailto:wendy.rhoades@ci.austin.tx.us)

**PHONE:** 974-7719



# ZONING

EXHIBIT A

ZONING CASE#: C14-2007-0253  
 ADDRESS: 9900 S IH 35 SVC RD SB UNIT G  
 SUBJECT AREA: 0.581 ACRES  
 GRID: F13  
 MANAGER: W. RHOADES

OPERATOR: S. MEEKS

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.



- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE



1" = 400'







**ORDINANCE NO. 041202-Z-18**

**AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING, REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 10116 SOUTH IH-35 SERVICE ROAD SOUTHBOUND AND 9800-10000 SOUTH FIRST STREET FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT FOR TRACT ONE-A AND GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT FOR TRACT ONE-B.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district on the property described in Zoning Case No. C14-04-0124, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One-A: From interim rural residence (I-RR) district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district.

A 50.805 acre tract of land, more or less, out of the S.F. Slaughter League Survey No. 1, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract One-B: From interim rural residence (I-RR) district to general commercial services-conditional overlay (CS-CO) combining district.

A 58.440 acre tract of land, more or less, out of the S.F. Slaughter League Survey No. 1, and the Santiago del Valle Grant, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, (the "Property")

locally known as 10116 South IH-35 Service Road southbound and 9800-10000 South First Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. The following uses of the Tract One-A are prohibited:

Automotive repair services	Automotive sales
Bail bond services	Pawn shop services
Exterminating services	Residential treatment
Drop-off recycling collection facility	

2. The following uses are prohibited uses of Tract One-B:

Adult oriented businesses	Agricultural sales and services
Bail bond services	Campground
Commercial blood plasma center	Drop-off recycling collection facility
Equipment sales	Exterminating services
Kennels	Laundry Services
Monument retail sales	Pawn shop services
Residential treatment	Transitional housing
Transportation terminal	

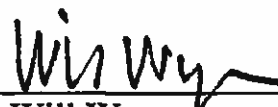
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on December 13, 2004.

**PASSED AND APPROVED**

December 2, 2004

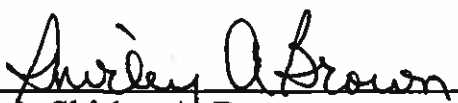
§  
§  
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Will Wynn  
Mayor

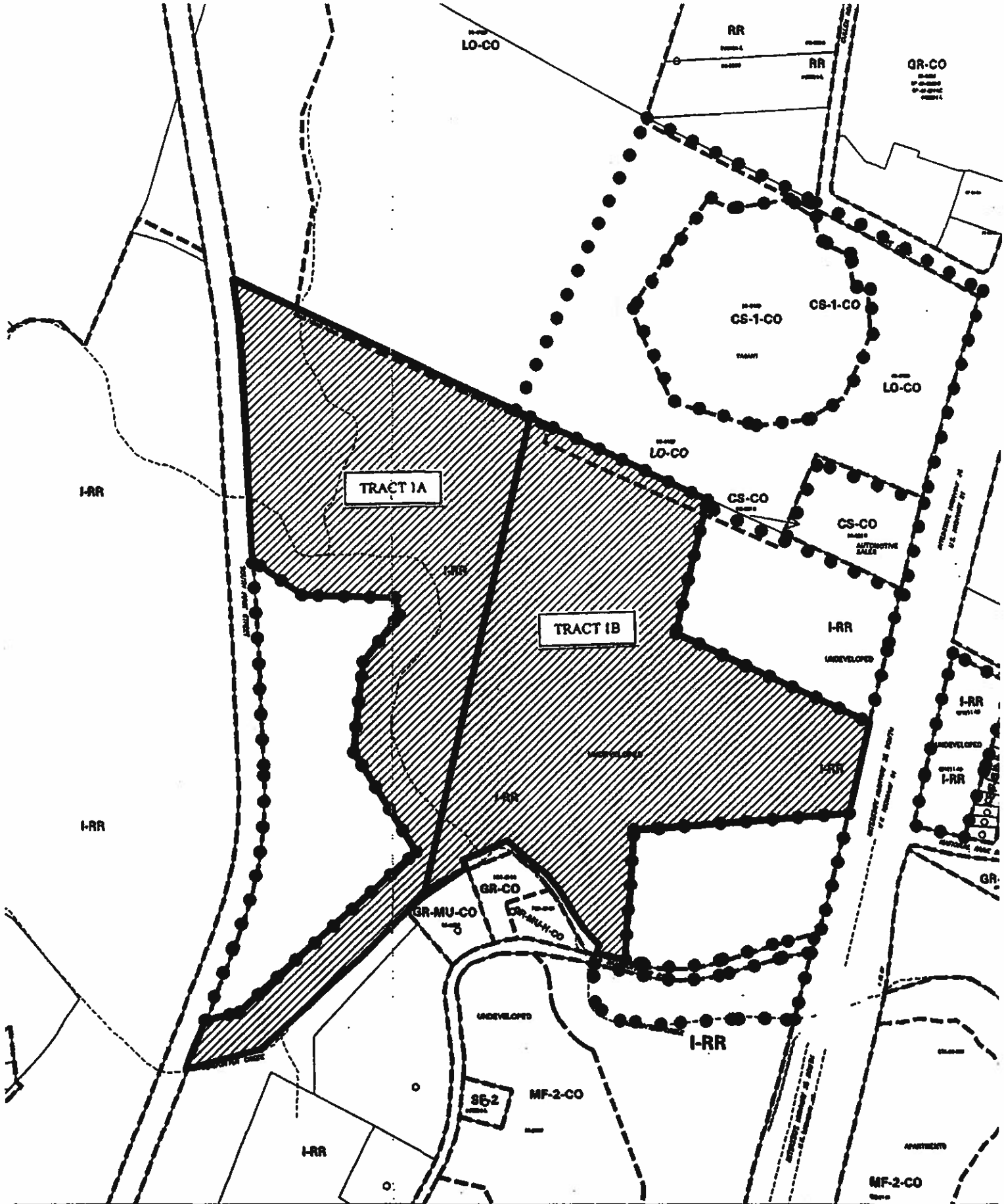
APPROVED:

  
David Allan Smith  
City Attorney

ATTEST:

  
Shirley A. Brown  
City Clerk





# ZONING EXHIBIT C

SUBJECT TRACT  
PENDING CASE  
ZONING BOUNDARY  
CASE MGR: W. WALSH

CASE #: C14-04-0124

ADDRESS: 10116 S IH 35 SVC RD SB  
& 9800-10000 S FIRST ST  
SUBJECT AREA (acres): 109.245

DATE: 04-10

INTLS: SM

CITY GR  
REFEREN  
NUMBER  
F12-13

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant commercial – liquor sales – conditional overlay (CS-1-CO) combining district zoning. . The Conditional Overlay prohibits the following uses: adult-oriented uses; bail bond services; campground; commercial blood plasma center; drop-off recycling collection facility; equipment sales; exterminating services; kennels; monument retail sales; pawn shop services; residential treatment; and transitional housing.

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

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

The commercial – liquor sales (CS-1) zoning district is intended for commercial and industrial activities of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use.

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

Staff recommends CS-1-CO zoning along with the Conditional Overlay approved with the 2004 case, based on the following considerations: 1) the proposed use is compatible with the surrounding uses within the shopping center and its corresponding CS-CO zoning; 2) it is separated from residential development; and, 3) access will be taken to a major arterial roadway.

**EXISTING CONDITIONS****Site Characteristics**

The site is under construction for a shopping center and there appear to be no significant topographical constraints on the site.

**Impervious Cover**

The maximum impervious cover allowed by the CS-1 zoning district would be 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 is required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, this property is developed, or currently being developed. Trees and any other significant environmental features were identified with the site plan.

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**

The traffic impact analysis for this site was waived because a TIA was done for zoning case C14-04-0124, C14-04-0125, C14-04-0126 and there is a net decrease in the total number of trips with this rezoning.

### **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**

Existing conditional overlay associated with C14-04-0124 (Ordinance No. 041202-Z-18) should be an associated condition of the proposed rezoning.

At time of site plan, refer to certified field notes and define boundaries of CS-1 zoning footprint for the proposed liquor store.