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ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0042 – Toro Negro Lounge

Z.A.P. DATE: June 7, 2011

ADDRESS: 615 West Slaughter Lane

OWNER: Rishel Group Ltd. (Bruce Rishel)

AGENT: Moncada Consulting
(Phil Moncada)

ZONING FROM: GR-CO

TO: CS-1

AREA: 0.0494 acres (2,151 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: commercial off-street parking, exterminating services, guidance services and residential treatment.

ZONING & PLATTING COMMISSION RECOMMENDATION:

June 7, 2011:

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject rezoning area is a vacant lease space located within a commercial shopping center. The commercial shopping center as well as property across South First Street to the east is zoned community commercial (GR-CO) district by way of a 1989 case. The Conditional Overlay approved with the 1989 case restricts the floor-to-area ratio to 0.25 to 1, prohibits commercial off-street parking, exterminating services, guidance services and residential treatment; restricts the property to one auto-washing use and one pawn shop use; limits development to the conditions established by the traffic impact analysis; and outlines fiscal posting requirements. Access to the shopping center is taken from West Slaughter Lane and South First Street. Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (1989 Zoning Ordinance).

The Applicant proposes commercial – liquor sales (CS-1) as a step toward occupying the lease space with a proposed cocktail lounge. Approval of a conditional use site plan (CUP) is the next step in the development process. Staff recommends the Applicant's request given its location within a shopping center, access to two arterial roadways, and adjacent and compatible zoning and uses. The Conditional Overlay continues to prohibit the four land uses within the 1989 ordinance.

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EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-CO	Vacant lease space within a commercial shopping center
<i>North</i>	GR-CO	Retail sales (general); Restaurant
<i>South</i>	GR-CO	Pond
<i>East</i>	GR-CO	Service station; Undeveloped; Auto washing
<i>West</i>	GR-CO	Commercial 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
 242 – Slaughter Lane Neighborhood Association
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District
 786 – Home Builders Association of Greater Austin
 1037 – Homeless Neighborhood Association 1075 – League of Bicycling Voters
 1113 – Austin Parks Foundation
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1224 – Austin Monorail Project 1228 – Sierra Club, Austin Regional Group
 1236 – The Real Estate Council of Austin, Inc.

SCHOOLS:

Williams Elementary School

Paredes Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-5-0181 – Verde Stone Creek – 700 Block of West Slaughter Lane	DR to MF-2	To Grant MF-2-CO with CO for 2,000 trips per day	Approved as Commission recommended (12-15- 05).
C14-99-0129 – Southpark Meadows – 9600 South IH 35 Service Road Southbound	I-RR to LO; CS- 1	To Grant LO-CO for Tracts 1 and 3, CS-1 CO for Tract 2 with conditions: rollback to LO if CS-1 use ceases, For Tract 2: limit FAR	Approved as Commission recommended with additional CO for Tract 3 limiting signage to one berm

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		to 0.0095 to 1, TIA required if use other than a cocktail lounge generates more than 2,000 v.p.d., list of prohibited uses	sign on Slaughter Lane (11-18-99).
C14-97-0027 – Red Barn Garden Center – 620 West Slaughter Lane	GR-CO to CS-CO	To Grant CS-CO with conditions	Approved CS-CO with CO for max. F.A.R. of 0.25 to 1; 60% max. impervious cover, list of prohibited uses (6-5-97).

RELATED CASES:

The subject property was rezoned to GR-CO on September 7, 1989 and included property on both sides of what is now the south side of the South First Street / Slaughter Lane intersection (C14-89-0016). The Conditional Overlay limits the F.A.R. to 0.25 to 1, prohibits commercial off-street parking, exterminating services, guidance services, and residential treatment, limits the number of auto washing and pawn shop uses to one each, and prohibits structures from being located within Seawright Park. Please refer to Exhibit B.

The rezoning area is a portion of Lot 3, Block C, Slaughter / South First Section Six, a subdivision recorded on February 19, 2002 (C8-95-0027.6A). A site plan for Rishel Shopping Center was administratively approved on January 12, 2006 (SP-02-0228C). Please refer to Exhibits C and D.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route
West Slaughter Lane	140 feet	MAD – 6	Major Arterial (40,234 vpd)	Yes	No. 10 and No. 201
South First Street	120 feet	MNR – 4	Minor Arterial (7,379 vpd)	Yes	No. 10 and No. 201

Slaughter Lane is classified in the Bicycle Plan as Bike Route No. 86.

CITY COUNCIL DATE: June 23, 2011

ACTION:

ORDINANCE READINGS: 1st

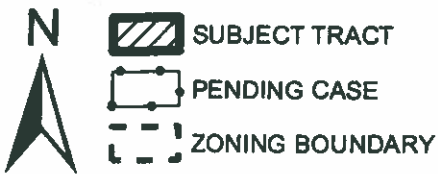
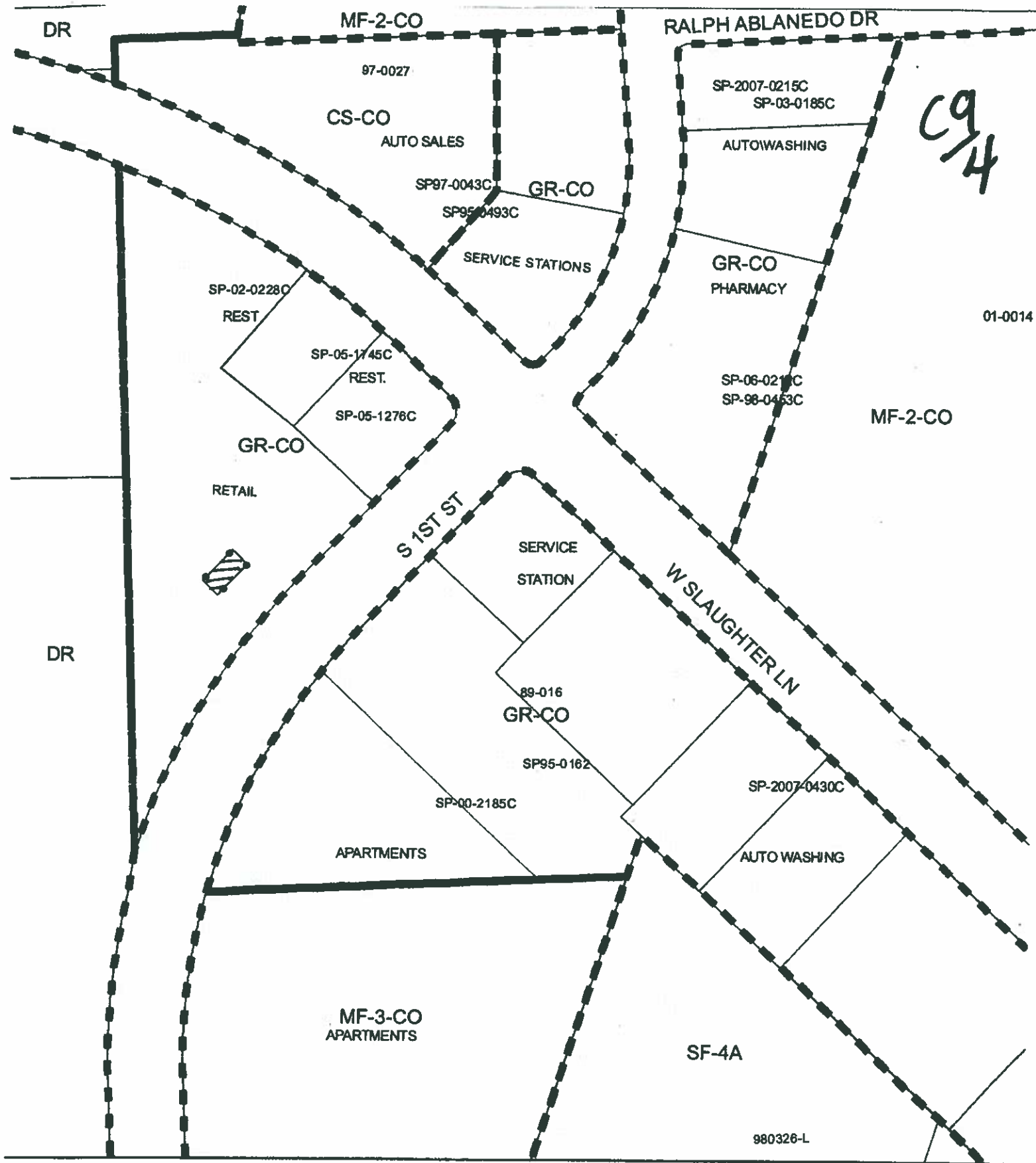
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3rd

ORDINANCE NUMBER:

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

PHONE: 974-7719



1"=400'

ZONING

Exhibit A

ZONING CASE#: C14-2011-0042
 LOCATION: 615 W SLAUGHTER LN
 SUBJECT AREA: 0.04 ACRES
 GRID: F19
 MANAGER: WENDY RHOADES



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



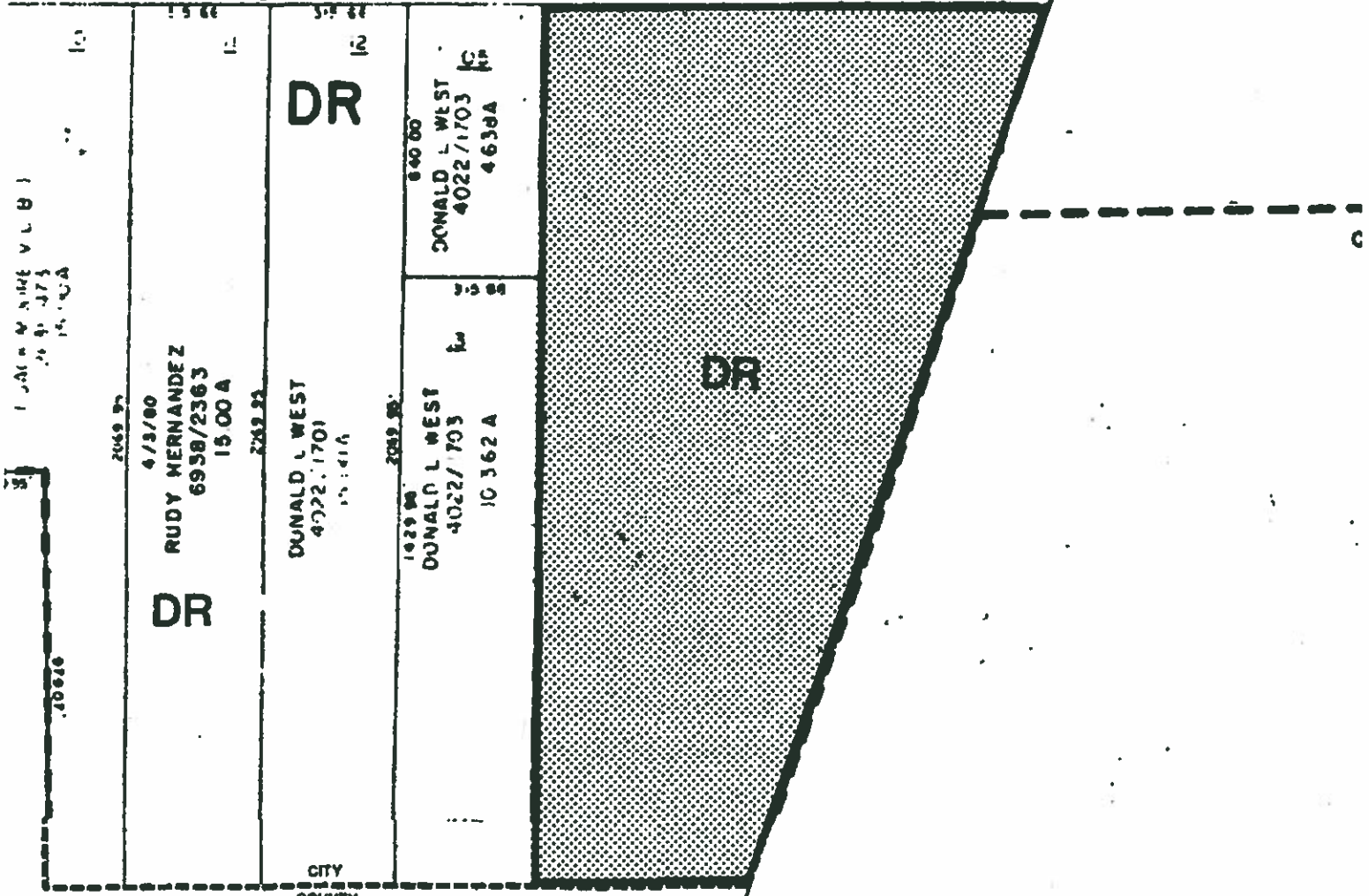
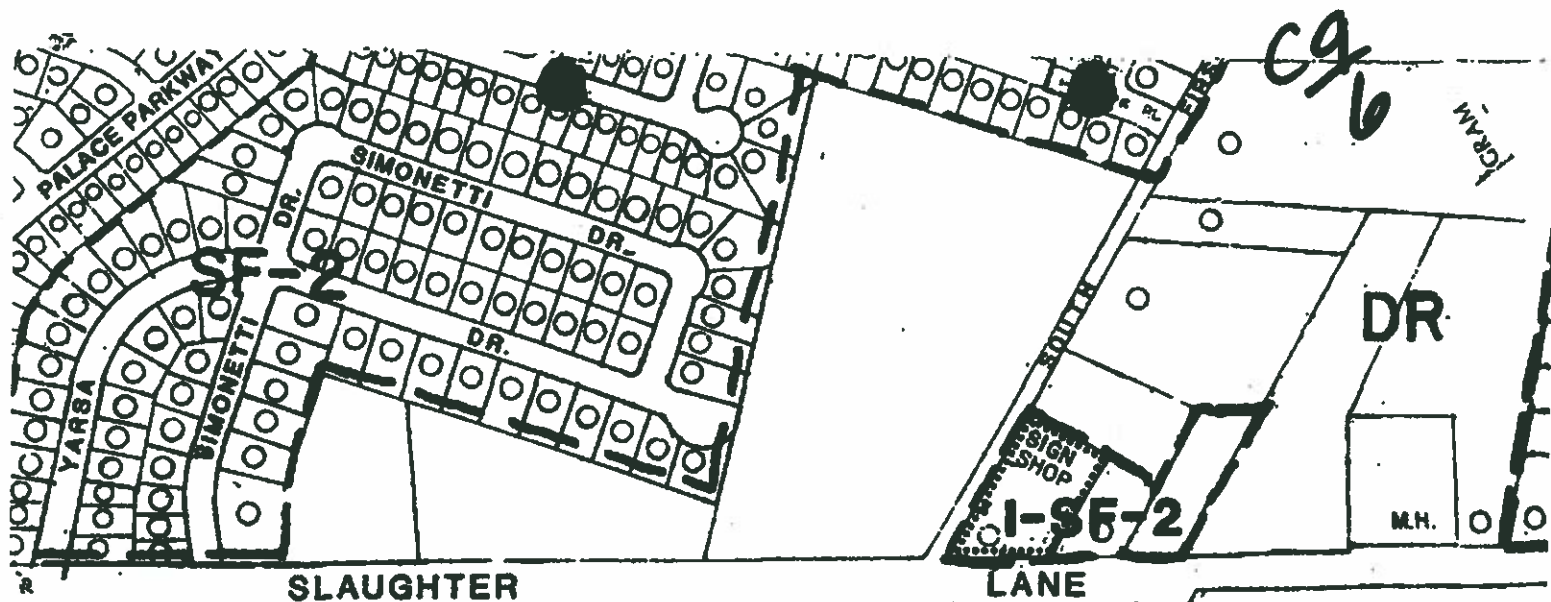


Exhibit B
1989 Zoning Ordinance

	NORTH	PENDING CASE	SUBJECT TRACT		GRII
		ZONING LINE - - - - -	SUBJECT ACREAGE 39.80		

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ORDINANCE NO. 890907-D

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

TRACT 1: 29.55 ACRE TRACT OF LAND OUT OF THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1, FROM "DR" DEVELOPMENT RESERVE DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 2: 10.75 ACRE TRACT OF LAND OUT OF THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1, FROM "DR" DEVELOPMENT RESERVE DISTRICT TO "MF-3-CO" MULTIFAMILY RESIDENCE (MEDIUM DENSITY) DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS THE PROPERTY SITUATED SOUTH OF THE INTERSECTION OF OLD SLAUGHTER LANE AND SOUTH 1ST STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. Chapter 13-2 of the Austin City Code of 1981 is amended to change the respective base zoning districts and to establish a Conditional Overlay combining district on all of the property described in File C14-89-0016-CO, as follows:

TRACT 1: FROM "DR" DEVELOPMENT RESERVE DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT.

29.55 acre tract of land out of the S. F. Slaughter League Survey No. 1, said 29.55 acre tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes.

TRACT 2: FROM "DR" DEVELOPMENT RESERVE DISTRICT TO "MF-3-CO" MULTIFAMILY RESIDENCE (MEDIUM DENSITY) DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT.

10.75 acre tract of land out of the S. F. Slaughter League Survey No. 1, said 10.75 acre tract of land being more particularly described by metes and bounds in "Exhibit B" attached and incorporated herein for all purposes.

locally known as the property situated south of the intersection of Old Slaughter Lane and South 1st Street, in the City of Austin, Travis County, Texas.

PART 2. Notwithstanding any use or site development regulations of the respective base zoning districts to the contrary, all of the property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. Development of Tract 1 shall be restricted to maximum floor to area ratio of .25 to 1.
2. Residential development of Tract 2 shall be restricted to maximum density of 230 units.
3. The following uses shall be prohibited: (i) Commercial Off-Street Parking; (ii) Exterminating Services, (iii) Guidance Services, and (iv) Residential Treatment.
4. Development shall be restricted to one Car Wash (automatic/mechanical) and one Pawn shop on the entire property.
5. No structure or portion thereof shall be constructed or maintained within 100 feet of J. J. Seawright Park.

- Except as specifically restricted by this ordinance, the property may be developed and used in accordance with regulations established for the respective base districts and other applicable requirements of the Land Development Code.

PART 4. The requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

PASSED AND APPROVED

Conclusion

APPROVED:

ATTEST

James E. Aldridge
City Clerk

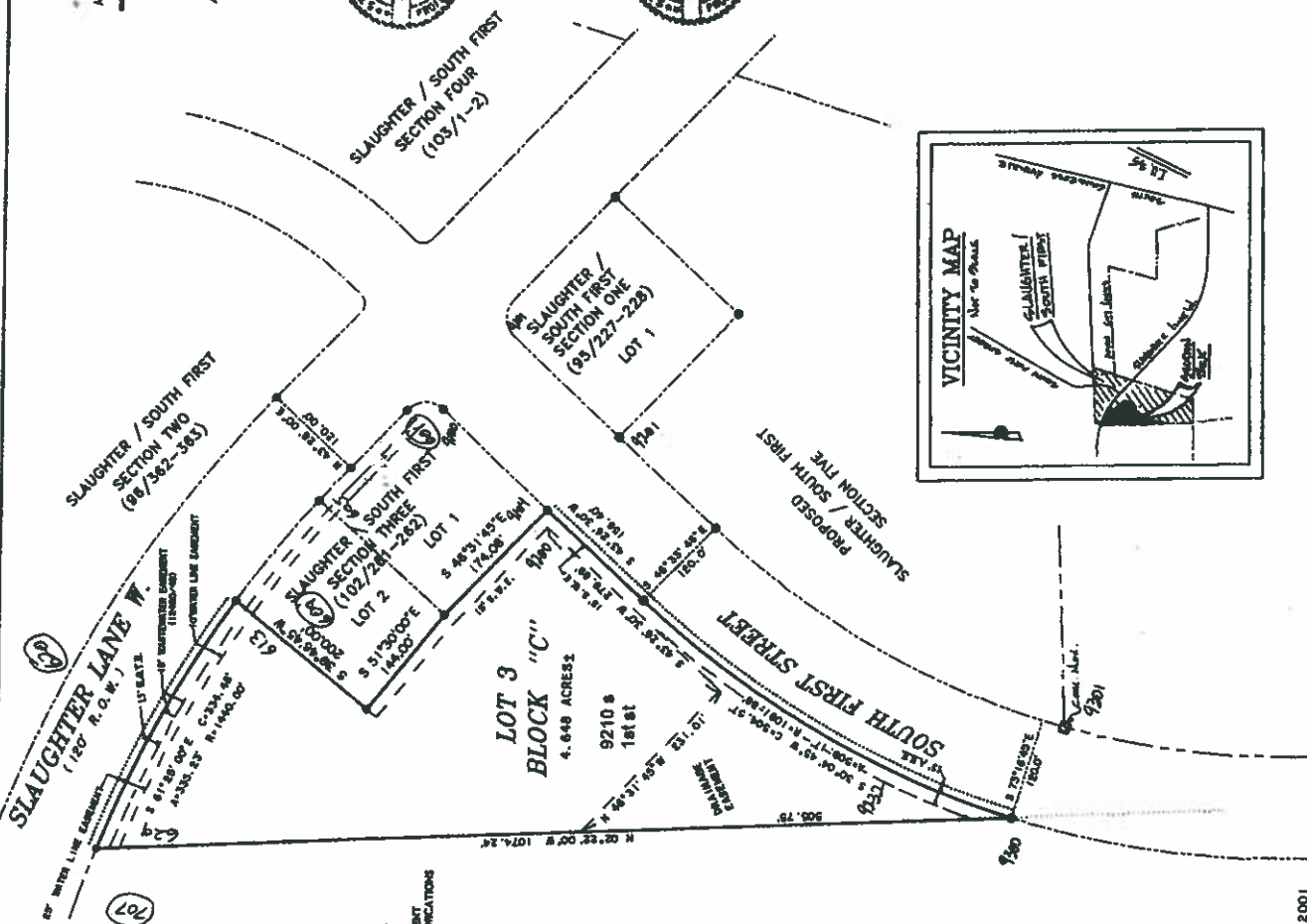
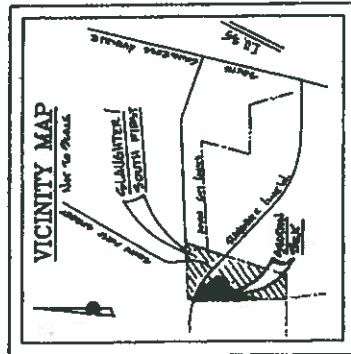
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Exhibit C
RECORDED THAT

PHOTOGRAPHIC REPLY

REVISED: AUGUST 10, 2001
DATE: JUNE 25, 2001
FILE: 031301.0

PAGE 1 OF 2



- LEGEND
- IRON PIPE FOUND
 - IRON ROD FOUND
 - IRON ROD SET
 - D. L. DRAINAGE EASEMENT
 - D. L. ELECTRIC EASEMENT
 - D. L. S.W. L. EASEMENT
 - STREET REQUIRED 4' DEWATER
 - ALL AERIAL ELECTRIC BASEMENT
 - 15' EASEL ELECTRIC & TELECOMMUNICATIONS BASEMENT

DONALD L. NEST
(15 ACRES)
(4022-1703)



PLAT OF SLAUGHTER/SOUTH FIRST SECTION SIX

A SUBDIVISION IN THE S.F. SLAUGHTER LEAGUE, SURVEY NO. 1,
IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

No portion of this tract is within the boundaries of the 100 year flood plain of any waterway that is within the limits of the study of the Federal Flood Insurance Administration FEMA year F 400024-0215E, dated June 16, 1993, for the City of Austin, Travis County, Texas.

8/15/01
DATE

Kenneth H. Hays
JNS Consulting Engineers, Inc.
611 S. Congress Ave.
Austin, TX 78704
(512) 416-9990 Fax (512) 360-5911

I, Kenneth Hays, am authorized under the laws of the State of Texas to provide the professional seal of engineering and hereby certify that this plat complies with Title 25 of the Austin City Code, as amended, in form and content and was prepared from an actual survey of the property made by me or under my supervision on the ground.

8/15/01
DATE

Kenneth Hays
JNS Consulting Engineers, Inc.
611 S. Congress Ave.
Austin, TX 78704
(512) 416-9990 Fax (512) 360-5911

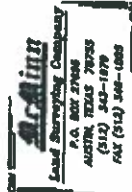
I, C. Michael McMillan, Jr., am authorized under the laws of the State of Texas to provide the professional seal of surveying and hereby certify that this plat complies with Title 25 of the Austin City Code, as amended, in form and content and was prepared from an actual survey of the property made by me or under my supervision on the ground.

8/15/01
DATE

C. Michael McMillan, Jr.
C. Michael McMillan, Jr., P.E., S.T.
C. Michael McMillan, Jr., P.E., S.T.
P.O. Box 27990
Austin, Texas 78705
(512) 340-1570 Fax (512) 346-1805



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#C8-95-0027.6A

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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: commercial off-street parking, exterminating services, guidance services and residential treatment.

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 the Applicant's request given its location within a shopping center, access to two arterial roadways, and adjacent and compatible zoning and uses. The Conditional Overlay continues to prohibit the four land uses within the 1989 ordinance.

EXISTING CONDITIONS**Site Characteristics**

The rezoning area is a vacant lease space within a commercial shopping center. The site is relatively flat 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% which is a consistent figure between the watershed and zoning regulations. The maximum impervious cover shown on the approved site plan for the area that contains this building is 61.6 percent.

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:

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<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.

No trees are located on this property. 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 is not required for this case because the traffic generated by the proposed land use will not exceed the threshold of 2,000 vehicle trips per day. LDC, 25-6-113.

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 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. 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

A cocktail lounge will require a Conditional Use site plan permit prior to a building permit for change of use.

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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.