

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2014-0071 – Congress Avenue  
Commercial Tract

**Z.A.P. DATE:** June 17, 2014

**ADDRESS:** 8832-1/2 South IH-35 Service Road

**OWNER:** HEB Grocery Company, LP  
(Todd Piland)

**AGENT:** Bury, Inc. (Melissa Neslund)

**ZONING FROM:** Unzoned; DR; SF-2

**TO:** CS

**AREA:** 10.948 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay prohibits vehicle storage and commercial blood plasma center.

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

June 17, 2014: *APPROVED CS-CO DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT*

*[P. SEEGER; G. ROJAS – 2ND] (6-0) C. BANKS – ABSENT*

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The subject property consists of unplatted land and includes an unzoned portion along the west boundary, development reserve (DR) district also along the western portion and single family residence-standard lot (SF-2) district along the IH 35 frontage road to a depth of 200 feet. There is a scrap and salvage use and the Capital Area Food Bank to the north (LI-CO), the southbound IH-35 service road and main lanes bordering the east property line, and undeveloped land to the south (CS-CO). There are commercial uses to the west, including a cocktail lounge, auto repair; office/warehouses; and an equipment (truck) rental business (CS-1-CO; CS-CO; DR). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant requests general commercial services (CS) district zoning as the first step in developing the land with commercial uses including a supermarket, discount superstore, service station, a drive-in bank, specialty retail and restaurant with drive-through services. Staff recommends CS-CO zoning for the property based on the following considerations: 1) access is taken to two major arterial roadways; 2) compatibility with the zoning pattern and general land use character established between Ralph Ablanado and Slaughter Lane, and separation from residential uses; and 3) the Conditional Overlay prohibits commercial blood plasma center and

vehicle storage in the context of its proximity to the major intersection of IH-35 and Slaughter Lane.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	Unzoned; DR; SF-2	Undeveloped
<i>North</i>	LI-CO	Auto salvage; Food bank
<i>South</i>	CS-CO	Undeveloped, with a few areas used for storage
<i>East</i>	N/A	Southbound lanes of IH-35 Service Road and main lanes
<i>West</i>	CS-1-CO; CS-CO; DR	Cocktail lounge; Auto repair; Office/warehouses; Equipment (truck) rental

**AREA STUDY:** N / A

**TIA:** Completed with C14-2012-0092 –  
Please refer to Attachment A for fiscal  
requirements

**WATERSHED:** Onion Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association  
 96 – Southeast Corner Alliance of Neighborhoods  
 242 – Slaughter Lane Neighborhood Association 511 – Austin Neighborhoods Council  
 627 – Onion Creek Homeowners Association  
 742 – Austin Independent School District 1037 – Homeless Neighborhood Association  
 1075 – Bike Austin 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. 1258 – Del Valle Community Coalition  
 1306 – Parkridge Gardens HOA 1340 – Austin Heritage Tree Foundation  
 1363 – SEL Texas 1372 – Peaceful Hill Preservation League  
 1374 – Friends of Williams Elementary 1408 – Go! Austin/Vamos! Austin – Dove Springs  
 1424 – Preservation Austin 1429 – Go!Austin/Vamos!Austin (GAVA)-78745  
 1431 – Indian Hills Neighborhood Watch 1438 – Dove Springs Neighborhood Association  
 1441 – Dove Springs Proud 1447 – Friends of Emma Barrientos MACC

**SCHOOLS:**

Williams Elementary School Bedichek Middle School Crockett High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2012-0092 – Slaughter Crossing – 8801-½ S Congress Ave	DR; SF-2; CS-CO to CS	To Grant CS-CO w/CO prohibiting vehicle storage, pawn shops and adult-oriented uses, and a Restrictive Covenant for the Traffic Impact Analysis	Apvd. CS-CO with RC as Commission recommended (01-17-2013).
C14-04-0105 – Pennington Ltd. Partnership – 8706 & 8708 S. Congress Avenue	DR to CS	To Grant CS-CO w/CO for 2,000 trips	Apvd CS-CO as Commission recommended (09-30-2004).
C14-06-0119 – Beverly's – 8504 South Congress Avenue	DR to CS-1	To Grant CS-1-CO for Tract 1 and CS-CO for Tract 2, w/CO for 2,000 trips	Apvd CS-1-CO and CS-CO as Commission recommended (09-28-2006).
C14-99-2001 – 8603 Cullen Ave; 201 Ralph Ablanedo & 8503 S Congress Ave	CS-CO to CS-CO, to delete a Conditional Overlay	To Grant CS-CO	Apvd CS-CO, with CO for 2,000 trips; prohibit pawn shops and adult-oriented uses; F.A.R. of 1:1 (12-09-1999).

**RELATED CASES:**

The property was annexed into the City in June 1982 and November 1984, respectively (C7a-80-023 and C7a-83-017 A, respectively).

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
South Congress Avenue	120 feet	63 feet	Arterial	No	No	No
IH 35	304 feet	275 feet	Interstate	No	No	No

**CITY COUNCIL DATE:** June 26, 2014

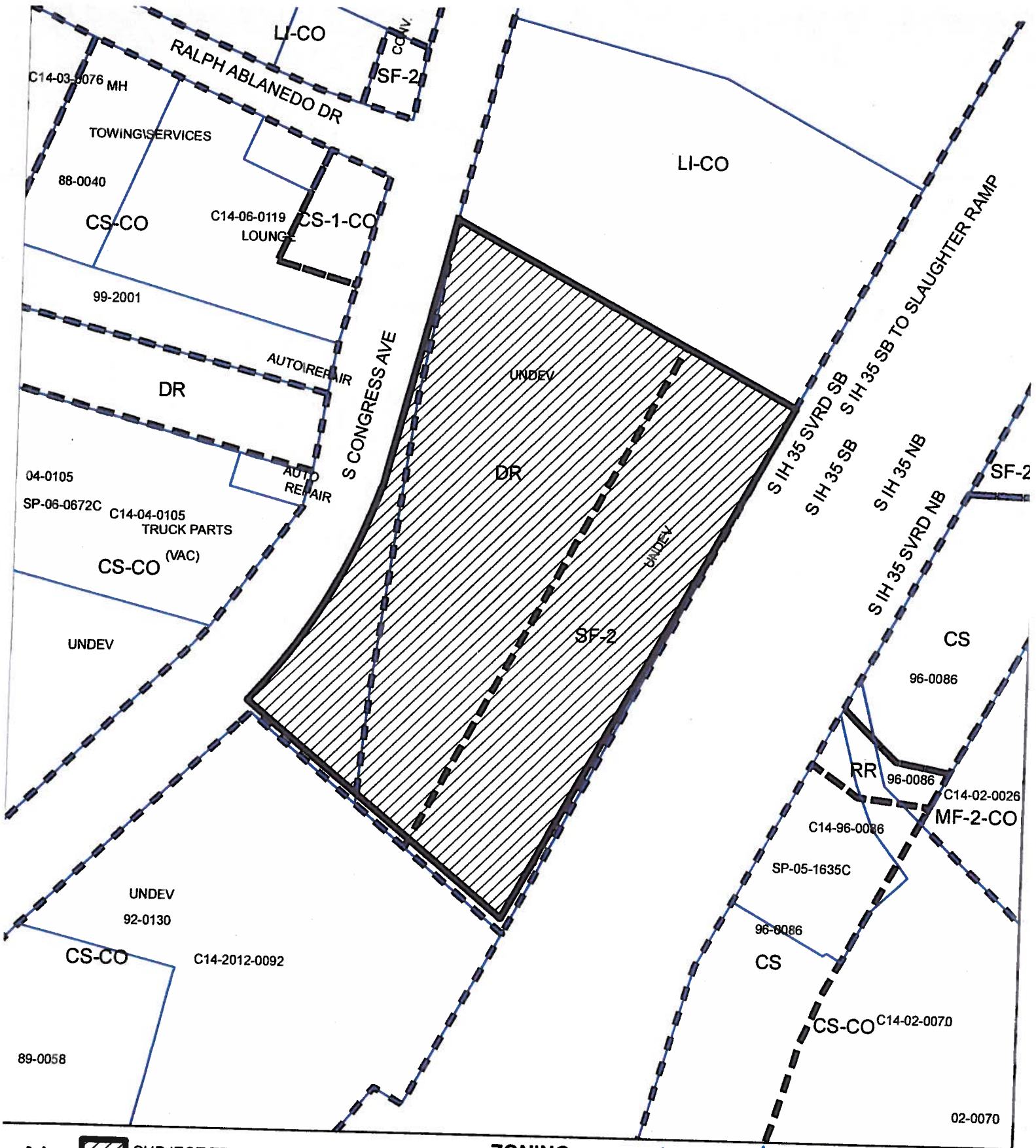
**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)

**PHONE:** 512-974-7719



- LEGEND**
- SUBJECT TRACT
  - PENDING CASE
  - ZONING BOUNDARY

1" = 200'

**ZONING**  
**ZONING CASE#: C14-2014-0071**

*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.











## MEMORANDUM

**To:** Wendy Stucker, Fiscal Officer  
Planning & Development Review Dept.

**From:** Amanda M. Couch, Senior Planner  
Planning & Development Review Dept.

**Date:** June 09, 2014

**Subject:** Zoning Case C14-2014-0071  
Fiscal Surety Required

As a condition of zoning approval for the above referenced project, the applicant must post fiscal for the various traffic improvements recommended with the Traffic Impact Analysis in the amount of \$90,328. The required fiscal amount is identified in the Traffic Impact Analysis done for Zoning Case C14-2012-0092 and has been approved by the Austin Transportation Department. Many thanks for your assistance and please contact me at 974-2881 if you should have any questions or need additional information.

Best regards,

Amanda Couch, Senior Planner  
Planning & Development Review Department  
Land Use Review Division / Transportation Review Section

Cc: Sangeeta Jain, PDR, Development Services Process Coordinator  
Wendy Rhoades, PDR, Case Manager

ATTACHMENT A



## MEMORANDUM

To: Ms. Mary L. Rohrer, P.E.  
Attn: Ms. Mary L. Rohrer, P.E.  
From: Mr. Bobak Tehrany, P.E.  
Date: May 9, 2014  
Re: HEB Slaughter Traffic Impact Analysis

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Ms. Rohrer,

The Slaughter Crossing Traffic Impact Analysis (TIA) completed for the HEB Slaughter property was completed by HDR Engineering, Inc. in January 2013. This TIA was completed for the City of Austin Zoning Case C8-2012-0092. At the time the TIA was completed, the property was divided into two (2) tracts: Tract 1 and Tract 2. Tract 1 is located on the northern half of the property, while Tract 2 is located on the southern half of the property.

The following trips were assumed for each tract:

Tract	24-Hour Two- Way Volume	AM Peak Hour		PM Peak Hour	
		Enter	Exit	Enter	Exit
Tract 1	6,859	204	164	307	311
Tract 2	8,271	310	260	394	337
Total	15,130	514	424	701	648

The TIA evaluated the development as a two (2) phase development with Phase I being the development of Tract 1, and Phase II being the development of Tract 2. Based on the existing network at the time and the phased development, various improvements were recommended to the roadway network. An exhibit has been provided detailing the intersections which were required to be analyzed for this TIA. Additionally, the recommended improvements from the Slaughter Crossing TIA have been marked up on aerial images and provided with this memorandum for your reference. Pro-rata share for the improvements was also provided for each tract. Tract 1 accounted for 45.3 percent of the site traffic, while Tract 2 accounted for 54.7 percent. The associated fiscal requirements are as follows:

- Tract 1 - \$74,914 (6,859 trips)
- Tract 2 - \$90,328 (8,271 trips)

As part of zoning case C8-2012-0092, the pro-rata fiscal requirement for Tract 1 was paid to the City of Austin. The pro-rata fiscal requirement for Tract 2 has not been paid to date.



For the proposed development of HEB Slaughter the Slaughter Crossing TIA will remain valid and applicable as long as the development stays within the bounds of the approved trips; however, since the TIA and trips were split between two tracts, the evaluation of the new trip generation per tract will also need to be evaluated. The table below provides a summary of the proposed land-uses and associated trip generation per tract.

Proposed Land Use	Size		24-Hour Two-Way Volume	AM Peak Hour		PM Peak Hour	
				Enter	Exit	Enter	Exit
Tract 1							
Free-Standing Discount Superstore	48,000	s.f.	2,550	45	35	108	113
Supermarket	72,000	s.f.	7,361	158	101	386	371
Gasoline Service Station	16	vfp	2,697	99	95	111	111
Sub-Total Tract 1 (HEB Store and Fuel Station)			12,608	302	231	605	595
Tract 2							
Drive-In Bank	4,000	s.f.	593	28	22	52	52
Specialty Retail Center	8,000	s.f.	355	0	0	10	12
Fast-Food Restaurant w/Drive Thru	3,000	s.f.	1,488	76	73	53	49
Sub-Total Tract 2 (Commercial Development)			2,436	104	95	115	113
Total Development			15,044	406	326	720	708

As can be seen from the table above, the anticipated trips for Tract 1 with the development of the HEB Store and Fuel Station exceeds that of what has been approved through the Slaughter Crossing TIA; however, the assumed commercial development on Tract 2 is far below what was approved. The overall trips of the proposed HEB Development are slightly lower than what has been approved; therefore, the TIA will still remain valid for the new proposed uses and development.

Since the HEB Development will utilize most nearly all the trips approved by the Slaughter Creek Crossing TIA, the City of Austin will require that the pro-rata fiscal associated with Tract 2 (\$90,328) be paid with the most current zoning case which has been submitted for HEB. Any increase of trips over the approved amount of 15,130 will also require an amendment to Slaughter Creek Crossing TIA; however that is not currently required since the proposed HEB Development stays within the approved limit.

Upon review of this memorandum and associated backup information, please feel free to contact me should you have any questions.

Sincerely,



Bobak J. Tehrany, P.E.  
PROJECT MANAGER

**SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay prohibits vehicle storage and commercial blood plasma center.

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

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

The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities.

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

Staff recommends CS-CO zoning for the property based on the following considerations: 1) access is taken to two major arterial roadways; 2) compatibility with the zoning pattern and general land use character established between Ralph Ablanado and Slaughter Lane, and separation from residential uses; and 3) the Conditional Overlay prohibits commercial blood plasma center and vehicle storage in the context of its proximity to the major intersection of IH-35 and Slaughter Lane.

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

The subject property is undeveloped and slopes to the south.

**Impervious Cover**

The maximum impervious cover allowed by the CS zoning district would be 80% which is a consistent figure between the watershed and zoning regulations.

**Comprehensive Planning**

This zoning case is located near the northwest corner of Slaughter Lane and the frontage road of IH 35 in south Austin. This rezoning is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes vacant land to the north, Southpark Meadows Shopping Center to the south, a gas station and vacant land to the west and IH-35 to the east. The 10.9 acre parcel is vacant and the proposed use is commercial/retail.

### **Imagine Austin**

The property is located within the boundaries of a **Regional Center**, as identified on the Imagine Austin's Growth Concept Map. These centers are intended for retail, cultural, recreational, and entertainment destinations for Central Texas and are the places where the greatest density of people and jobs and the tallest buildings in the region will be located. The following Imagine Austin policies are applicable to this case.

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **HN P11.** Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

Based upon: (1) the property being located within a Regional Center, which supports a variety of land uses, including retail, to promote a dense and vibrant center; and (2) the Imagine Austin policies above that supports a variety of uses within Regional Centers, including retail, staff believes that this proposed commercial development promotes the Imagine Austin Comprehensive Plan.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Onion 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. 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.



Numerous 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**

FYI only: The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for IH 35. 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].

As a condition of zoning approval, the applicant will post a pro rata share fiscal in the amount of \$90,328. The amount is identified in the TIA done with zoning case C14-2012-0092 and can be found in table 9 of the document.

### **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 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 & Compatibility Standards**

South Congress Avenue is a Suburban Roadway (Future Core Transit Corridor) and South IH-35 frontage road is also a Suburban Roadway/Highway

Any new development is subject to Subchapter E. Design Standards and Mixed Use.

Additional comments will be made when the site plan is submitted.

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: C14-2014-0071**

**Contact: Wendy Rhoades, 512-974-7719**

**Public Hearing: June 17, 2014, Zoning and Platting Commission  
June 26, 2014, City Council**

Jeanne L Hamilton

*Your Name (please print)*

☒ I am in favor  
☐ I object

8515 South IH 35 #14106

*Your address(es) affected by this application*

Jeanne L. Hamilton  
Signature

6-8-14  
Date

Daytime Telephone: 512-292-0077

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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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: C14-2014-0071**

**Contact: Wendy Rhoades, 512-974-7719**

**Public Hearing: June 17, 2014, Zoning and Platting Commission  
June 26, 2014, City Council**

LaTrelle Spivey  
Your Name (please print)

☒ I am in favor  
☐ I object

8515 SIH35 #13116

Your address(es) affected by this application

LaTrelle Spivey  
Signature

6-13-14  
Date

Daytime Telephone: 512-280-0078

Comments: Live in a apartment  
Complex near the site & it  
would be good for me  
Love NEB.

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