



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-3
AGENDA DATE: Thu 03/04/2004
PAGE: 1 of 1

SUBJECT: C14-03-0186 - Tobin Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9212 South IH-35 Service Road Southbound (Onion Creek Watershed) from single family residence standard lot (SF-2) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Applicant: Slaughterway Retail, Ltd. (Andy Pastor). Agent: Doucet & Associates, Inc. (Ted McConaghy). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0186

Z.P.C. DATE: February 3, 2004

ADDRESS: 9212 South IH-35 Service Road – Southbound

OWNER AND APPLICANT: Slaughterway Retail, Ltd. (Andy Pastor) **AGENT:** Doucet & Associates, Inc. (Ted McConaghy)

ZONING FROM: SF-2 **TO:** GR-CO **AREA:** 0.462 acres (20,124.72 square feet)

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay:

- 1) Prohibits the following uses: automotive rentals; automotive sales; bail bond services; building maintenance services; commercial off-street parking; communications services; drop-off recycling collection facility; exterminating services; funeral services; hotel-motel; indoor entertainment; indoor sports and recreation; off-site accessory parking; outdoor entertainment; outdoor sports and recreation; pawn shop services; research services; and theater;
- 2) Prohibits automotive repair services as a principal use and an automotive repair services use that exceeds 12,000 square feet of gross floor area is prohibited as an accessory use; and,
- 3) Requires that exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property.

As outlined in Attachment A, fiscal surety for the pro-rata share of transportation improvements must be posted prior to 3rd Reading of the Zoning Ordinance at City Council.

ZONING & PLATTING COMMISSION RECOMMENDATION:

February 3, 2004: *APPROVED STAFF'S RECOMMENDATION OF GR-CO DISTRICT ZONING WITH THE CONDITION TO REMOVE HOTEL-MOTEL FROM THE LIST OF PROHIBITED USES (THUS, WILL BE PERMITTED); PROHIBIT ALL AUTOMOTIVE-RELATED USES; BY CONSENT.*
[J.M.; J.G 2ND] (9-0)

ISSUES:

The President of the Park Ridge Homeowners Association has submitted a conditional letter of support.

DEPARTMENT COMMENTS:

The subject property is developed with an automobile sales use and is zoned single family residence standard lot (SF-2) district. Access is taken to the southbound frontage road of IH-35, a freeway. Please refer to Exhibits A and A-1.

The rezoning area is intended to be developed in conjunction with the surrounding property that is in the initial construction phases of a retail development that carries community commercial – conditional overlay (GR-CO) district zoning and is anchored by a discount superstore, with additional retail shopping space, fast food restaurants, a drive-in bank, general restaurant and service station with 12 vehicle fueling positions. Additional access to the property is available through driveways to Slaughter Lane, Cullen Road and Turk Lane. Please refer to the recorded subdivision plat (Exhibit B) and approved consolidated site plan (Exhibit C) on the surrounding property.

The applicant has requested GR-CO district zoning so that the subject property may be subdivided and part of the surrounding retail development and constructed to include a fast food restaurant, parking areas and water quality facility, or portions thereof. The applicant's proposed Conditional Overlay is consistent with that applied to the surrounding rezoning case – C14-03-0066 – Slaughter and IH-35 (Wal-Mart), except for access, landscaping and fencing on Cullen Lane.

In the context of the surrounding land uses and roadways, the applicant's request for GR-CO zoning is appropriate given its access to two arterial roadways and two collector streets, and the use is compatible with the surrounding commercial zoning and approved plat and site plan for a shopping center.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Automobile sales
<i>North</i>	GR-CO	Under construction – approved for discount superstore, other retail, fast food restaurants, drive-in bank, general restaurant and service station
<i>South</i>	GR-CO	Under construction – approved for discount superstore, other retail, fast food restaurants, drive-in bank, general restaurant and service station
<i>East</i>	N/A; CS-CO; SF-2	IH-35 frontage road; Undeveloped
<i>West</i>	GR-CO	Under construction – approved for discount superstore, other retail, fast food restaurants, drive-in bank, general restaurant and service station

AREA STUDY: N/A

TIA: Is not required – Please refer to Attachment A for applicant's share of improvements associated with the surrounding retail development

WATERSHED: Onion Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

Recorded Subdivision Plat and Approved Site Plan

The surrounding property is platted as Slaughter / IH35 Commercial, recorded in November 2003 (C8-03-0103.0A). The corresponding site plan, known as Slaughter Lane & S. IH-35, was also approved in November 2003 (SP-03-0283C).

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
IH-35 South	650 feet	Varies	Major Arterial	N/A

- Capital Metro bus service is not available within 1/4 mile of this property.

CITY COUNCIL DATE: March 4, 2004

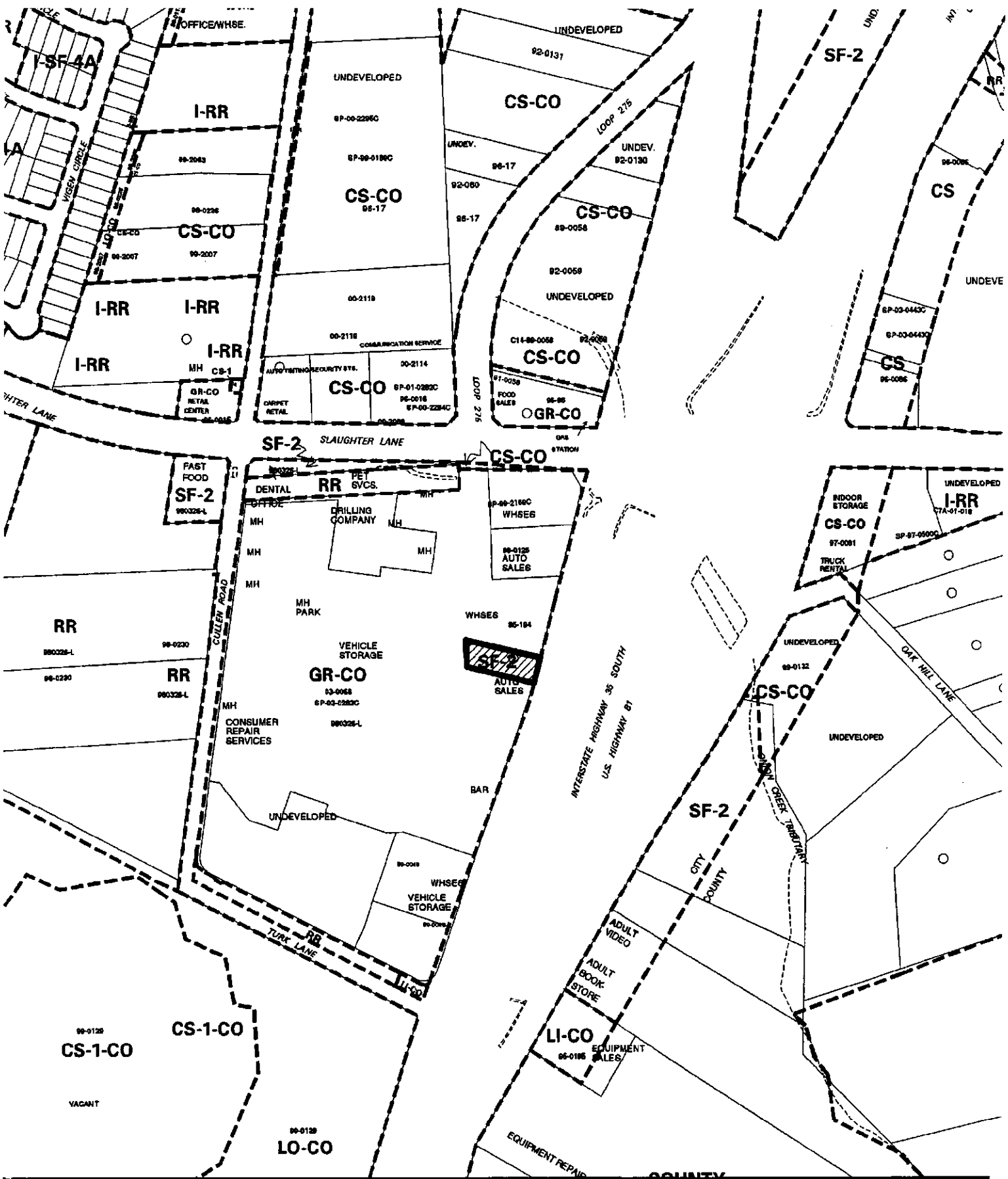
ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

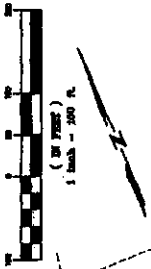
PHONE: 974-7719



	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: W. WALSH</p>	<p>ZONING Exhibit A</p> <p>CASE #: C14-03-0186</p> <p>ADDRESS: 9212 S I 35 SVC RD SB</p> <p>SUBJECT AREA (acres): 0.462</p> <p>DATE: 03-12</p> <p>INTLS: SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>G13</p>
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GRAPHIC SCALE



LOT SUMMARY TABLE		
LOT	AREA	USE
1	21,228	COMMERCIAL
2	1,831	COMMERCIAL
3	1,214	COMMERCIAL
4	0,838	COMMERCIAL
5	1,027	COMMERCIAL
6	1,143	COMMERCIAL
7	4,366	COMMERCIAL

32.590 ACRES TOTAL

REZONING
AREA

LEGEND

[illegible]

THE STATE OF TEXAS
CONDEMNATION NO. 147
VOL. 1, PG. 205, R.C.C.T.C.T.

RIGHT-OF-WAY DEED
JOHN E. BURTON, AND WIFE
TO
THE STATE OF TEXAS
VOL. 1452, PG. 275, D.B. T.C.

HA Doucet & Associates, Inc.
7401-B Highway 71 West, Suite 160, Austin, TX 78735
Phone : (512) 583-2600 Fax : 583-2601
Austin, TX Easthampton, MA Sacramento, CA
www.doucetandassociates.com

3103 Bee Cave Road, Suite 202 Austin, Texas 78746-6819	Tel.: (512) 337-2946 Fax: (512) 337-2973
DATE: 5/28/03	PROJECT NO.: 333.0302
DRAWN BY: BW	SHEET 2 OF 3

CS8-03-0103.0A
SUBMITTAL DATE: - 7/01/2003

EXHIBIT B
RECORDED PLAT

PHOTOGRAPHIC MYLAR

[illegible]

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay:

- 1) Prohibits the following uses: automotive rentals; automotive sales; bail bond services; building maintenance services; commercial off-street parking; communications services; drop-off recycling collection facility; exterminating services; funeral services; hotel-motel; indoor entertainment; indoor sports and recreation; off-site accessory parking; outdoor entertainment; outdoor sports and recreation; pawn shop services; research services; and theater;
- 2) Prohibits automotive repair services as a principal use and an automotive repair services use that exceeds 12,000 square feet of gross floor area is prohibited as an accessory use; and,
- 3) Requires that exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property.

As outlined in Attachment A, fiscal surety for the pro-rata share of transportation improvements must be posted prior to 3rd Reading of the Zoning Ordinance at City Council.

BACKGROUND

The subject property is developed with an automobile sales use and is zoned single family residence standard lot (SF-2) district. Access is taken to the southbound frontage road of IH-35, a freeway.

The rezoning area is intended to be developed in conjunction with the surrounding property that is in the initial construction phases of a retail development that carries community commercial – conditional overlay (GR-CO) district zoning and is anchored by a discount superstore, with additional retail shopping space, fast food restaurants, a drive-in bank, general restaurant and service station with 12 vehicle fueling positions. Additional access to the property is available through driveways to Slaughter Lane, Cullen Road and Turk Lane. Please refer to the recorded subdivision plat and approved consolidated site plan on the surrounding property.

The applicant has requested GR-CO district zoning so that the subject property may be subdivided and part of the surrounding retail development and constructed to include a fast food restaurant, parking areas and water quality facility, or portions thereof. The applicant's proposed Conditional Overlay is consistent with that applied to the surrounding rezoning case – C14-03-0066 – Slaughter and IH-35 (Wal-Mart), except for access, landscaping and fencing on Cullen Lane.

In the context of the surrounding land uses and roadways, the applicant's request for GR-CO zoning is appropriate given its access to two arterial roadways and two collector streets, and the use is compatible with the surrounding commercial zoning and approved plat and site plan for a shopping center.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The proposed GR, Community Commercial 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 is located on the southbound IH-35 frontage road, a freeway and has access through adjacent properties to West Slaughter Lane, an improved, 6-lane major arterial roadway.

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

In the context of the surrounding land uses and roadways, the applicant's request for GR-CO zoning is appropriate given its access to two arterial roadways and two collector streets, and the use is compatible with the surrounding commercial zoning and approved plat and site plan for a shopping center.

EXISTING CONDITIONS

Site Characteristics

The site is developed with an automobile sales use. There appear to be no topographical constraints on this tract.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 80%, which is based on the more restrictive watershed regulations described below.

Environmental

The site is not located over the Edward's 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. 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%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

According to flood plain maps, there is no flood plain in, or within close proximity of, 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.

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.

The trip generation under the requested zoning is estimated to be 2,438 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics). The applicant proposes to build a 3,100 square foot fast food restaurant which will generate approximately 2,034 trips per day.

The traffic impact analysis for this site was waived because the applicant agreed to pay their pro rata share for improvements to the surrounding intersections as assumed with the TIA for IH-35 and Slaughter Retail (C14-03-0066).

TPSD Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed rezoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. Water and wastewater utility improvements, offsite main extension and system upgrades are required. The landowner will be responsible for all costs and providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

Compatibility Standards

The subject rezoning does not trigger the application of compatibility standards.



City of Austin

Founded by Congress, Republic of Texas, 1839
Watershed Protection and Development Review Department
P.O. Box 1088, Austin, Texas 78767

Date: January 28, 2004
To: Lynn Ann Carley, WHM Transportation
CC: Wendy Walsh, Case Manager
Carol Kaml, Fiscal Officer, City of Austin
Reference: Tobin Tract, C14-03-0186

Fiscal is required to be posted prior to 3rd Reading at City Council for the following improvements:

INTERSECTION	IMPROVEMENT	COST	PRO RATA SHARE %	PRO RATA SHARE \$
IH 35 and Slaughter Lane	Add NB right turn lane	\$48,374	.8%	\$387
	Restripe NB approach to provide dual left turn lane and one through lane	\$10,552	.8%	\$84
	Restripe SB approach to provide one left turn lane, one shared left and through lane and one through lane	\$4,287	1.1%	\$47
Slaughter Lane and Congress Ave/Driveway A	Add SB left turn lane	\$21,343	3.9%	\$832
TOTAL		\$84,556		\$1,350

If you have any questions please feel free to contact me at 974-2788

Emily M. Barron
Transportation Review Staff – Watershed Protection and Development Review Dept.

ATTACHMENT A

Park Ridge Homeowners Association

C/O Liddiard Management Co.
12335 Hymeadow Dr., Suite 300
Austin, Texas 78750

February 2, 2004

Wendy Walsh, Neighborhood Planning and Zoning Department
Ms. Betty Baker, Chair
Mr. Joseph Martinez, Vice Chair
Mr. Keith Jackson, Parliamentarian
Ms. Melissa Whaley
Ms. Janis Pinnelli
Mr. Clarke Hammond
Mr. Jay A. Gohil
Mr. John Philip Donisi
Mr. John-Michael Vincent Cortez

Re: Zoning change proposal for property at the Southwest corner of I-35 and Slaughter Lane
(Previously known as C14-03-0066 - SLAUGHTER & SOUTH IH-35, now C14-03-0186 TOBIN TRACT)

Members of the Zoning and Platting Commission,

I would like to register Park Ridge's conditional support for the zoning amendment requested by Endeavor Real-estate Group.

During the negotiations for the first zoning case, many people in our neighborhood mentioned that they would like to see Endeavor add more sit-down style restaurants, as it is widely believed that South Austin suffers from a dearth of these kinds of restaurants. Our only concern now is the impact that this change will have on traffic. The TIA for the original request caused much apprehension over the intersections of I-35 and Slaughter, as well as Slaughter and South Congress. Our concerns were addressed when Endeavor offered to actively seek the involvement of the City Manager's office in making sure the TIA traffic mitigation recommendations were implemented. Although we like the idea of more restaurants, the additional traffic only adds to the burden these intersections must bear. The Park Ridge Homeowners Association therefore gives our support for the zoning amendment, conditioned on an updated TIA and the assurance that whatever traffic mitigation measures are called for are eventually carried out.

Thank you,

Aron Wisneski
President, Park Ridge Homeowners Association
Day – (512) 685-5997
Evening – (512) 280-8997

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 9212 SOUTH IH-35 SERVICE ROAD SOUTHBOUND FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.

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 from single family residence standard lot (SF-2) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No.C14-03-0186, on file at the Neighborhood Planning and Zoning Department, as follows:

A 0.462 acre tract of land, more or less, out of the F.M. Hodges Survey No. 22 in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 9212 South IH-35 service road southbound, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

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 are prohibited uses of the Property:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Building maintenance services
Commercial off-street parking	Communications services
Drop-off recycling collection facility	Exterminating services
Funeral services	Indoor entertainment
Indoor sports and recreation	Off-site accessory parking
Outdoor entertainment	Outdoor sports and recreation
Pawn shop services	Research services
Theater	

1 2. Exterior lighting must be hooded or shielded so that the light source is not directly
2 visible from adjacent property.

3
4 Except as specifically restricted under this ordinance, the Property may be developed and
5 used in accordance with the regulations established for the community commercial (GR)
6 base district and other applicable requirements of the City Code.

7
8 **PART 3.** This ordinance takes effect on _____, 2004.

9
10
11 **PASSED AND APPROVED**

12
13 §
14 §
15 _____, 2004 § _____
16 Will Wynn
17 Mayor
18

19
20 **APPROVED:** _____ **ATTEST:** _____
21 David Allan Smith Shirley A. Brown
22 City Attorney City Clerk

DESCRIPTION

DESCRIPTION OF 0.462 OF ONE ACRE OF LAND SITUATED IN THE F. M. HODGES SURVEY NO. 22 IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO TIMOTHY M. TOBIN AND PATRICK C. TOBIN, OF RECORD IN DOCUMENT NO. 2002169684 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.462 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a P.K. nail with aluminum washer set in the west right-of-way line of Interstate Highway No. 35 (R.O.W. width varies) for the northeast corner of said Tobin tract, same being the southeast corner of that certain tract of land described as Tract 1, in deed to McCullough Mechanical, Inc., of record in Volume 11819, Page 849 of the Real Property Records of Travis County, Texas, and for the northwest corner and POINT OF BEGINNING of the herein described tract, from which a 1/2 inch iron pipe found for the northeast corner of Tract 2 of said McCullough Mechanical, Inc., tract (Volume 11819, Page 849), bears N16°28'33"E at a distance of 86.25 feet passing the northeast corner of said McCullough Mechanical, Inc., Tract 1 and the southeast corner of said McCullough Mechanical, Inc., Tract 2, in all a total distance of 173.25 feet;

THENCE with the west right-of-way line of said Interstate Highway No. 35 the east line of said Tobin tract and the east line of the herein described tract, S16°28'33"W a distance of 86.25 feet to a 1/2 inch iron rod found for the southeast corner of said Tobin tract, the most easterly northeast corner of that certain tract of land described in deed to Melvin L. Euers of record in Volume 8338, Page 298 of the Deed Records of Travis County, Texas, same being the most northerly corner of that certain tract of land described in Condemnation No. 147 to the State of Texas of record in Volume 1, Page 205, of the Records of the County Court of Travis County, Texas, and for the southeast corner hereof, from which a 1/2 inch iron rod with plastic cap set for the southeast corner of said Melvin L. Euers tract, and the northeast corner of that certain tract of land described in deed to Monroe H. Euers of record in Volume 8338, Page 300 of the Deed Records of Travis County, Texas, bears S21°30'25"W a distance of 132.94 feet;

THENCE with the south line of said Tobin Tract, N73°28'46"W a distance of 225.52 feet to a 1/2 inch iron pipe found at an old wooden fence post in the east line of Lot 13, Tom F. Dunnahoo Subdivision of record in Volume 683, Page 1 of the Deed Records of Travis County, Texas, for the southwest corner of said Tobin tract, the southwest corner of that certain tract of land described in deed from Alvina Swausch, et vir, to Wiley Hilburn, of record in Volume 550, Page 237, Deed Records of Travis County, Texas, the northwest corner of that certain tract of land described in deed from Alvina Swausch, et vir, to Norman Euers, et ux, of record in Volume 554, Page 59, Deed Records of Travis County, Texas, an interior ell corner of said Melvin Euers tract, and for the southwest corner hereof;

THENCE with the east line of Lot 13 and Lot 11 of said Tom F. Dunnahoo Subdivision the west line of said Tobin tract and the west line of the herein described tract, N00°10'10"E a distance of 86.61 feet to a 1/2 inch iron rod with plastic cap set for the southwest corner of said McCullough Mechanical, Inc., tract, the northwest corner of said Tobin tract and the Northwest corner of the herein described tract, from which a 3/4 inch iron pipe found bears N74°11'54"W a distance of 1.06 feet;

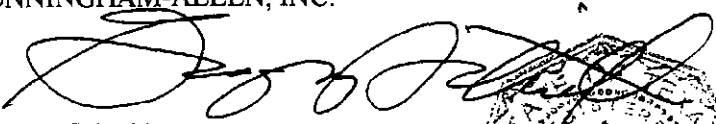
THENCE with the south line of said McCullough Mechanical, Inc., tract, the north line of said Tobin tract and the north line of the herein described tract, S74°11'54"E a distance of 249.86 feet to the POINT OF BEGINNING, and containing 0.462 of one acre of land within these metes and bounds.

Reference is herein made to the survey of this 0.462 of one acre of land accompanying this field note description.

Bearing Reference: The south line of that certain Cullen and Parmer Lane Ltd. tract recorded in Volume 12713, Page 990, (Tract II) Real Property Records of Travis county, Texas. (N 60°10'07" W)

I hereby certify that this description was prepared from the results of a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.


Gregory Schmidt
Registered Professional Land Surveyor
Texas Registration No. 4437
Date:

