



**Zoning**  
**CITY OF AUSTIN**  
**RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: Z-1**  
**AGENDA DATE: Thu 08/26/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0037 - Slaughter @ Cullen Commercial - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9200 Cullen Lane (Onion Creek Watershed) from rural residence (RR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. Applicant: A. King Enterprise Management, Ltd. (Alma King Fancher). Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.

**REQUESTING**      Neighborhood Planning  
**DEPARTMENT:**      and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0037

**Z.P.C. DATE:** June 15, 2004  
June 29, 2004  
July 20, 2004

**ADDRESS:** 9200 Cullen Lane

**OWNER AND APPLICANTS:** A. King Enterprises  
Management, Ltd.  
(Alma King Fancher)

**AGENT:** Crocker Consultants  
(Sarah Crocker)

**ZONING FROM:** RR

**TO:** GR

**AREA:** 5.614 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant community commercial-conditional overlay (GR-CO) combining district zoning. The Conditional Overlay prohibits the following uses: service station; automotive rentals, automotive repair services; automotive sales; automotive washing (all types); pawn shop services; commercial off-street parking; off-site accessory parking; drop-off recycling collection; funeral services; indoor entertainment; indoor sports and recreation; theatre; club or lodge; communication service facilities; and residential treatment.

The Restrictive Covenant over the entire property would limit the site development to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in the final TIA memorandum provided as Attachment A (June 9, 2004).

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

June 15, 2004: *APPROVED STAFF'S RECOMMENDATION OF GR-CO ZONING; INCLUDING THE PROHIBITED USES AND T.I.A RECOMMENDATION. [M.W, J.M 2<sup>ND</sup>] (4-4) K.J – LEFT EARLY; M.W, B.B, J.D, J.P – NAY (MELISSA WHALEY CHANGED HER MIND AFTER MAKING THE MOTION). MOTION FAILED.*

*MOTION MADE TO APPROVE LR-CO ZONING; INCLUDE THE PROHIBITED USES AND THE T.I.A RECOMMENDATION.*

*[M.W, J.P 2<sup>ND</sup>] (8-0) K.J – LEFT EARLY*

June 29, 2004: *MOTION MADE TO RESCIND AND RECONSIDER ACTION ON THE JULY 20, 2004 ZAP AGENDA.*

*[M.W; J.D 2<sup>ND</sup>] (6-0) K.J – NOT YET ARRIVED; B.B, J.P – ABSENT*

July 20, 2004: *APPROVED STAFF'S RECOMMENDATION OF GR-CO ZONING; LIMITING USES PERMITTED IN LR, AND THE FOLLOWING USES:*

- GENERAL RESTAURANT;
- FAST FOOD RESTAURANT;
- PERSONAL SERVICES;
- (GENERAL) RETAIL SALES;
- MEDICAL OFFICES

- *ALL PROHIBITED USES SPECIFIED IN THE NEIGHBORHOOD LETTER;*
- *ALL STAFF CONDITIONS INCLUDING THOSE SPECIFIED IN THE TRANSPORTATION MEMO.*

*[J.M; T.R 2<sup>ND</sup>] (8-0) J.P – ABSENT*

### **ISSUES:**

The applicant has met to discuss the proposed development with representatives of the Park Ridge Owners Association and the Far South Austin Community Association and defined a list of prohibited uses, as stated below and accepted by the staff.

### **DEPARTMENT COMMENTS:**

The subject property consists of one platted lot, is undeveloped and zoned rural residence (RR) district. Access is taken from West Slaughter Lane, an arterial, and Cullen Road, a collector street, and is approximately ¼ mile west of the southbound IH-35 frontage road. Several tracts of land along the south side of Slaughter Lane and continuing further south to FM 1626 are in the process of being developed or redeveloped, including a retail development under construction that will be anchored by a discount superstore on the east side of Cullen Road (zoned GR-CO), and Southpark Meadows to the south for which a pending rezoning application has been filed for a similar type of development (GR zoning is requested also). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The applicant proposes to zone the property to the community commercial (GR) district with the intention of constructing 35,000 square feet of shopping center; a drive-in bank with five windows and 8,000 square feet of fast food restaurant with drive-through. Please refer to the conceptual site plan provided as Exhibit C. In discussions with the Park Ridge Owners Association and Far South Austin Community Association, the applicant has agreed to prohibit the following uses:

service station	automotive rentals	automotive repair services
automotive sales	automotive washing (all types)	pawn shop services
commercial off-street parking	off-site accessory parking	drop-off recycling collection
funeral services	indoor entertainment	indoor sports and recreation
theatre	club or lodge	communication service facilities
residential treatment		

Staff recommends GR-CO zoning based on the following considerations of the property: 1) location at the intersection of West Slaughter Lane, a major arterial roadway and Cullen Road, a collector street, both of which are suitable for commercial uses and have good transportation access; 2) properties on both sides of Slaughter Lane, east of Cullen Road and along the IH-35 frontage road are developed with commercial uses and carry CS or GR zoning; 3) traffic improvements outlined in the Traffic Impact Analysis for the subject property and right-of-way will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	RR	Undeveloped
<i>North</i>	I-RR; GR-CO; CS-CO; LO-CO	Undeveloped; Retail center; Liquor store; Mobile home; Single family residence; Auto repair; Communication service facilities
<i>South</i>	RR; LO-CO; CS-1-CO	Agricultural; Vacant outdoor event venue
<i>East</i>	SF-2; RR; GR-CO; CS-CO	Fast food restaurant; Dental office; General retail sales with accessory auto repair service (under construction)
<i>West</i>	LO-CO; I-SF-4A; I-RR	Vacant outdoor event venue; Stormwater drainage facility; Single family residences

**AREA STUDY:** N/A**TIA:** Is required – Please refer to Attachment A**WATERSHED:** Onion Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** Yes – Slaughter Lane**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association  
 262 – Beaconridge Neighborhood Association  
 428 – Barton Springs / Edwards Aquifer Conservation District  
 499 – Park Ridge Owners Association  
 627 – Onion Creek Homeowner's Assn.  
 948 – South by Southeast Neighborhood Organization

242 – Slaughter Lane Neighborhood Assn.  
 300 – Terrell Lane Interceptor Association  
 511 – Austin Neighborhoods Council

**SCHOOLS:**

Williams Elementary School

Paredes Middle School

Akins High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>ZONING AND PLATTING COMMISSION/ PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-04-0075 (Southpark Meadows)	LO-CO; CS-1-CO to GR	Pending completion of the TIA	Pending
C14-99-0129 (RCT) (Southpark Meadows)	Terminate the Restrictive Covenant pertaining to a rollback to LO zoning	Pending completion of the TIA associated with C14- 04-0075	Pending
C14-04-0059 (Harrell / Gatton)	I-RR to CS	Pending completion of the TIA	Pending

C14-04-0036 (166 West Slaughter)	I-RR to GR	Pending	Pending
C14-03-0186 (Tobin Tract)	SF-2 to GR-CO	To Grant GR-CO	Approved GR-CO with CO for list of prohibited uses, and exterior lighting requirements; fiscal surety (3-4-04)
C14-03-0066 (IH-35 and Slaughter Lane)	RR; SF-2; LI-CO; CS-CO and CS to GR	To Grant GR-CO with conditions of the TIA	Approved GR-CO with CO provide a 6' fence and landscaping along Cullen Lane; 2) direct all traffic south on Cullen Lane by way of limited function driveways onto Cullen Lane that allow right-in and left-out movements only; 3) the use of shielded / hooded lights throughout the site; and, 4) a list of prohibited uses and one accessory use. The Restrictive Covenant is for the TIA memorandum and an Integrated Pest Management (IPM) Plan and a landscape plan for the use of native and adapted plant materials. (10-30-03)
C14-99-0129	I-RR to LO; CS-1	To Grant staff recommendation with restrictions	Approved ZAP recommendation of LO-CO; CS-1-CO. CO is for 2,000 trips; TIA requirement if other than cocktail lounge on CS-1-CO; one berm sign; maximum F.A.R. of 0.0095 to 1; list of prohibited uses (11-18-99)
C14-98-0230	I-RR to IP	Applicant requested indefinite postponement and case subsequently expired.	N/A
C14-96-0015	I-RR to CS-1; GR	To Grant CS-1 for Tract 1; GR-CO for Tract 2	Approved CS-1; GR-CO with CO for 2,000 trip limit (4-25-96)
C14-00-2114	I-RR to CS	To Grant CS-CO	Approved CS-CO with

			prohibited uses: campground; kennels; pawn shops; vehicle storage; adult-oriented businesses; a sign may not be visible from IH- 35 (10-23-00)
C14-00-2089	I-RR to CS	To Grant CS-CO	Approved CS-CO with prohibited uses: campground; kennels; pawn shops; vehicle storage (10-12-00)
C14-96-0016	I-RR to CS	To Grant CS-CO	Approved CS-CO with prohibited uses: campground; kennels; pawn shops; vehicle storage and 2,000 trips (4-25-96)
C14-91-0058	DR; SF-2 to GR	To Grant GR with conditional overlay	Case expired -- Third reading did not occur within timeframe
C14-95-0065	DR; SF-2 to GR	To Grant GR-CO with conditions	Approved GR-CO with CO for 2,000 trips (7-27- 95)

**RELATED CASES:**

The subject property is platted as Slaughter @ Cullen Commercial, recorded in June 1997. Please refer to Exhibit B. The property was annexed into the Full-Purpose Jurisdiction on December 31, 1997.

**ABUTTING STREETS:**

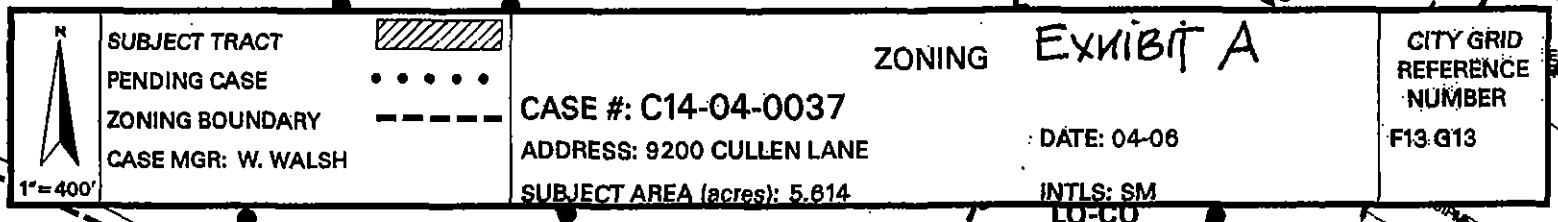
STREET	RIGHT- OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
Cullen Road	50 feet	20 feet	Collector, 2 lanes	138 (2003)
West Slaughter Lane	120 – 135 feet	2 at 46 feet	Major arterial, 6 lanes	27,560 (1997)

- The site is not served by Capital Metro bus service.
- Adjacent to the site, there are existing sidewalks along the north side of Slaughter Lane. Along the south side of Slaughter Lane, there are sidewalks west of S. Congress Avenue. Cullen Road and Turk Lane do not have existing sidewalks.
- Slaughter, Cullen, and South Congress are all Priority One Routes in the Austin Bicycle Plan.

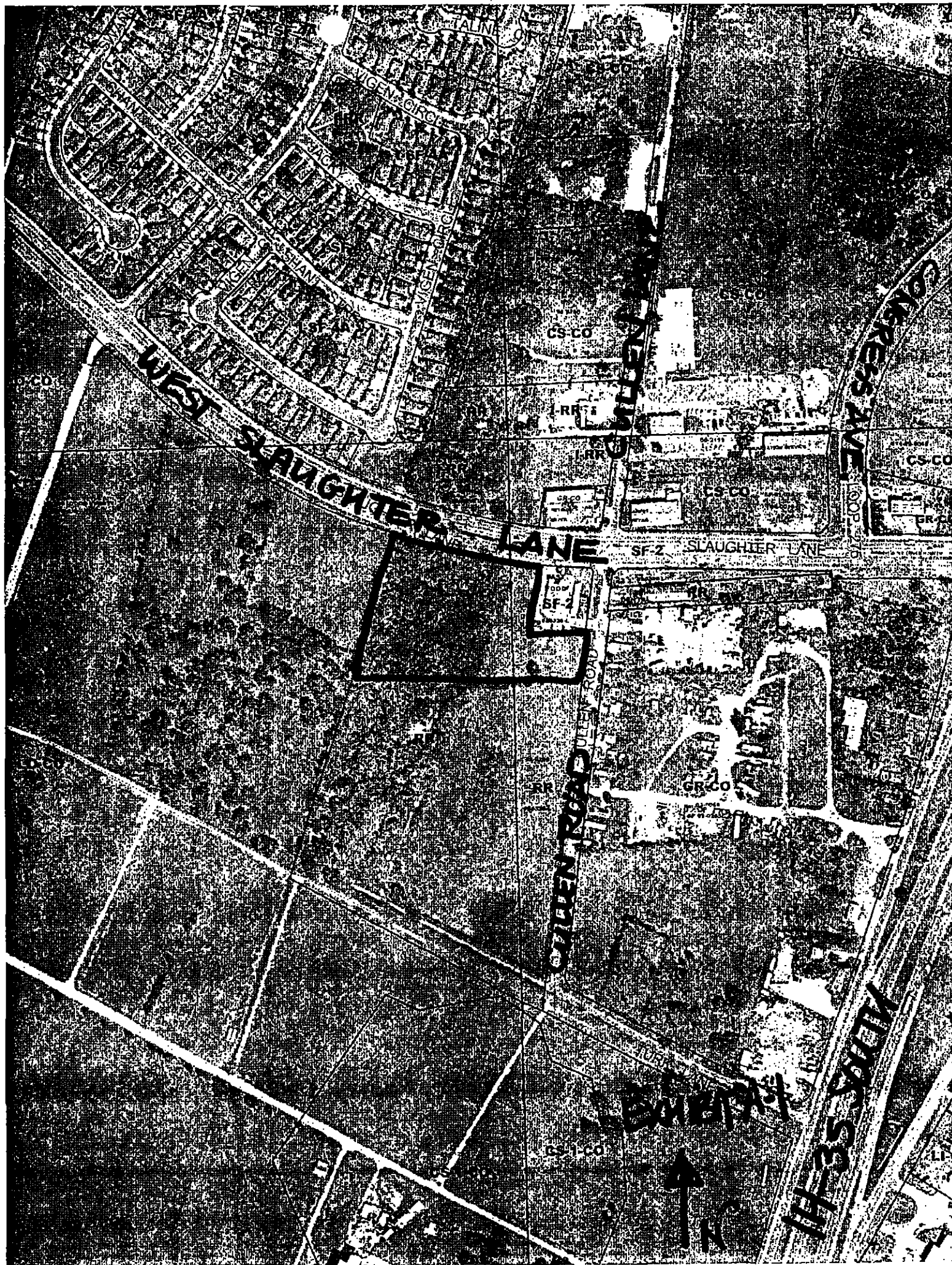
**CITY COUNCIL DATE:** August 26, 2004**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:**

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

**PHONE:** 974-7719







# SLAUGHTER @ CULLEN COMMERCIAL

56001760000  
SUNDEN PLAT

26/9/19 2900H 025\$  
PHOTOGRAPHIC MYLAR



SCALE: 1"=100'

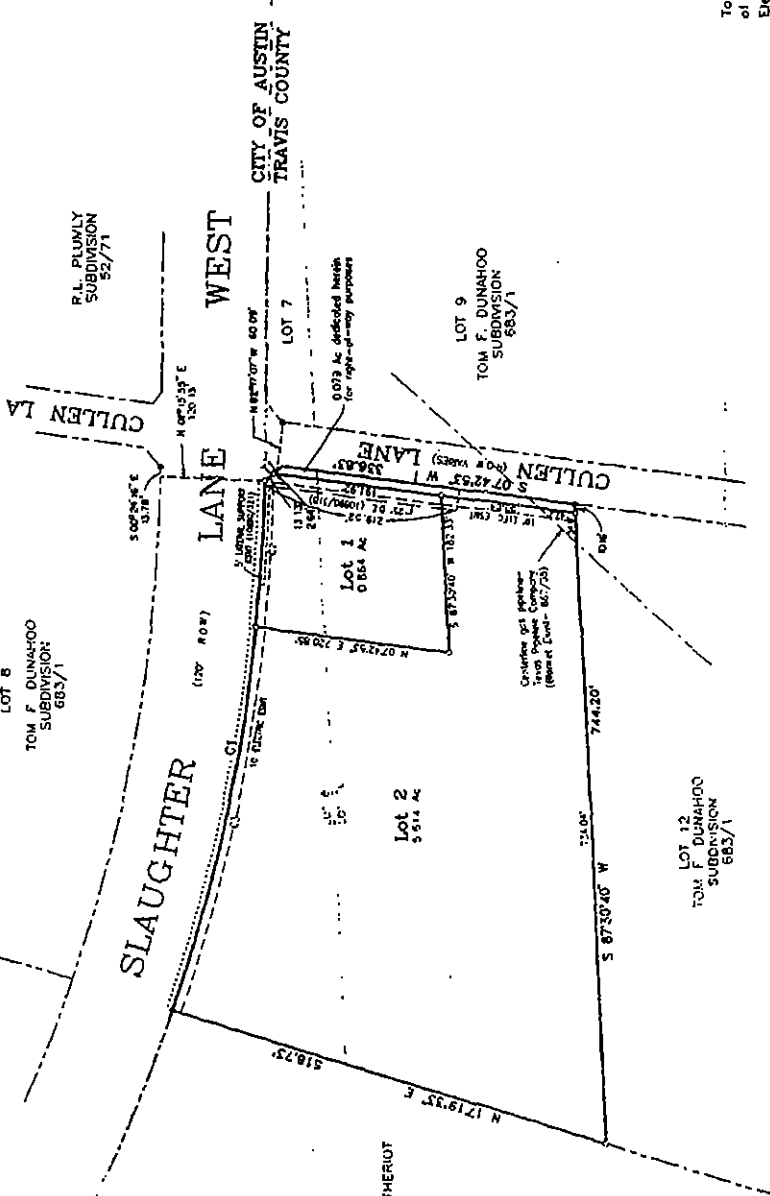
## LEGEND

- 1/2-INCH IRON ROD FOUND
- 1/2-INCH IRON ROD SET
- EXIST. SIDEWALK
- EXIST. BUILDING LINE

CURVE	DATA	CHD BEARING	POINTS	ARC	TANG	CHORD
C1	1728.34'	S 78°59'15" E	2000.00	628.97	314.85	628.33
C2	954.35'	S 85°27'10" E	2000.00	141.14	230.37	437.08
C3	1242.43'	S 77°57'10" E	2000.00	148.84	230.37	437.08

LINE DIST BEARINGS  
T1 26.24 S 40°31'38" E

VICINITY MAP  
(NOT TO SCALE)

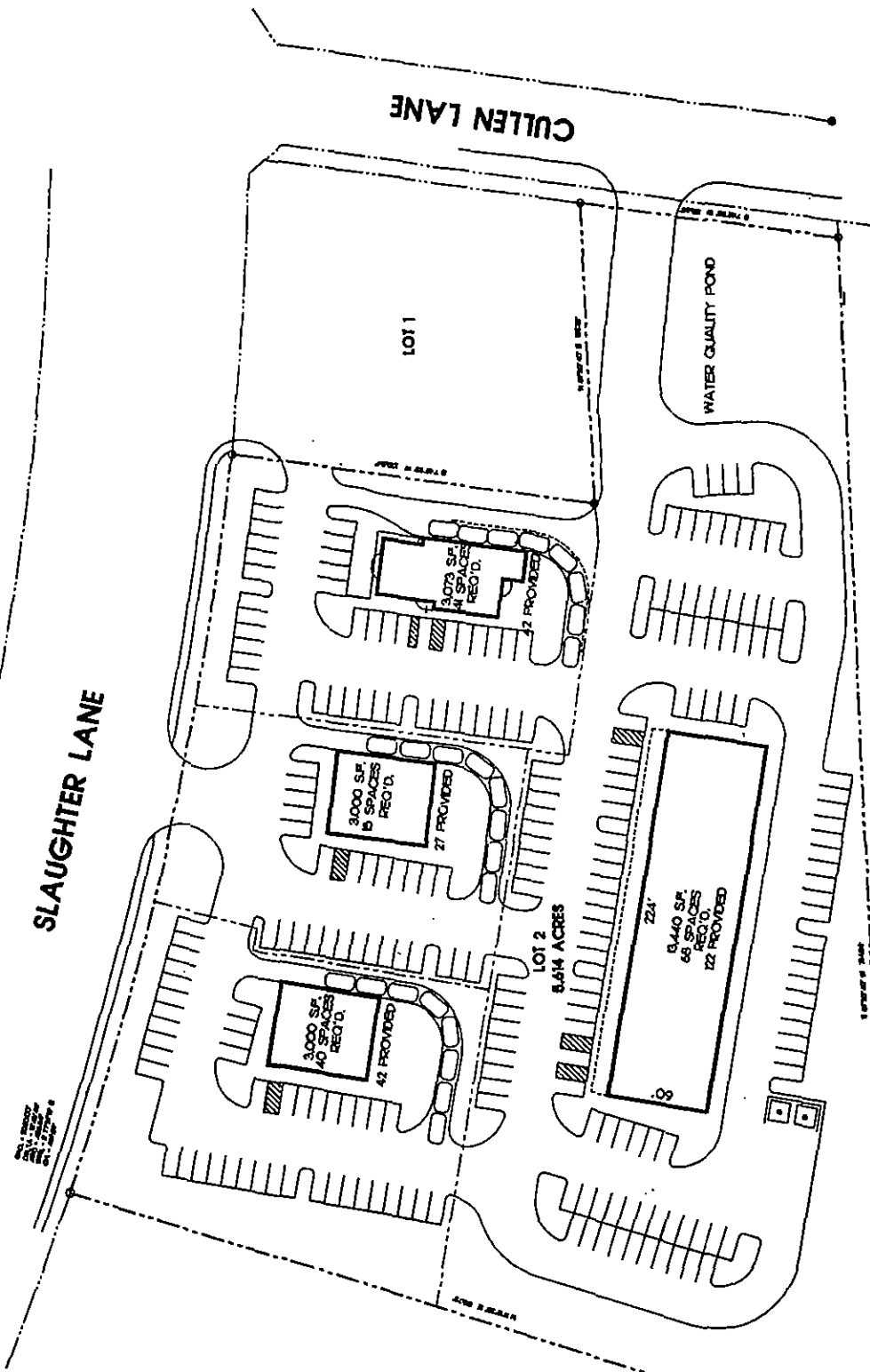


BENCHMARK  
Top of 1-inch iron pipe at southwest intersection  
of Cullen Ln and Turk Ln. (COA Datum)  
Elev. = 639.31'

McANGUS SURVEYING CO., INC.  
1101 HIGHWAY 360 SOUTH  
BUILDING E, SUITE 230  
AUSTIN, TEXAS 78746  
(512)328-9302

Exhibit B  
RECORDED PLAT





1 PRELIMINARY SITE PLAN

SCALE: 1"=100'

EXHIBIT C  
CONCEPTUAL  
SITE PLAN



**Date:** August 16, 2004  
**To:** Wendy Walsh, Case Manager  
**CC:** Lynn Ann Carley, P.E. WHM Transportation Engineering  
Carol Kaml, COA, Fiscal Officer  
Sarah Crocker  
**Reference:** Slaughter @ Cullen Commercial Tract TIA, C14-04-0037

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Slaughter at Cullen Commercial, dated August 2004, prepared by Lynn Ann Carley, P.E., WHM Transportation Engineering, and offers the following comments:

### **TRIP GENERATION**

Slaughter at Cullen Commercial is a 5.614-acre development located in south Austin at the southwest corner of Slaughter Lane and Cullen Lane.

The property is currently undeveloped and zoned Rural Residence (RR). The applicant has requested a zoning change to Community Commercial (GR). The estimated completion of the project is expected in the year 2005.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 9,495 unadjusted average daily trips (ADT).

The table below shows the adjusted trip generation by land use for the proposed development:

Table 1. Trip Generation						
			AM Peak		PM Peak	
LAND USE	Size	ADT	Enter	Exit	Enter	Exit
Shopping Center	35,000sf	2,062	31	20	90	97
Drive-In Bank	5 windows	1,090	36	27	84	84
Fast Food Restaurant w/ Drive Thru	8,000sf	2,004	104	100	70	64
Total		5,156	171	147	244	245

### **ASSUMPTIONS**

1. Traffic growth rates provided by the City of Austin were as follows:

Table 2. Growth Rates per Year	
Roadway Segment	%
All Roads	3%

2. In addition to these growth rates, background traffic volumes for 2003 included estimated traffic volumes for the following projects:

Page/Chappell/Cox Subdivision	C8-99-0121.0A
Waters at Bluff Springs	C8-00-2198.0A
Crossing at Onion Creek	C8-02-0184.SH
Parkside at Slaughter Creek	C8J-02-0198
Trails at the Park	SP-98-0416C
Tanglewood Self Storage	SP-00-2094C
South Park Apartments	SP-00-2096C
South Park Retail	SP-00-2185C
Home Depot #6563	SP-00-2577C
Racetrac	SP-01-0282C
Stone Creek Ranch Apartments Phase 2	SP-01-0527D
Stone Creek Ranch Apartments	SP-02-0158C.SH
IH 35 and Slaughter	SP-03-0283C
Rich Retail	C14-03-01477
Tobin Tract	C14-03-0186
Rhodes Congress Avenue LTD	SP-03-0198C
Rishel Shopping Center	SP-02-0228C
First Street Car Wash	SP-03-0185C

3. Reductions were taken for pass-by for the following uses:

<b>Table 3. Summary of Pass-By and Internal Capture Reductions</b>		
<b>Land Use</b>	<b>Pass-By Reductions %</b>	
	<b>AM</b>	<b>PM</b>
Shopping Center	34%	34%
Drive-In Bank	47%	47%
Fast Food Restaurant w/ Drive Through	49%	50%

4. A 10% reduction was taken for internal capture for the shopping center.
5. No reductions were taken for transit use.

#### **EXISTING AND PLANNED ROADWAYS**

**Slaughter Lane** – Slaughter Lane is located north of the property. This roadway is classified as a six-lane divided major arterial between Manchaca Road and IH 35. The 1997 traffic volumes on Slaughter Lane were approximately 27,560 and 30,210 vehicles per day (vpd), respectively, east and west of South 1<sup>st</sup> Street. Slaughter Lane is in the Bicycle Plan as a priority 1 route.

**Cullen Lane** – This roadway forms the eastern border of the site and is classified as a collector street. The existing traffic volume for Cullen Lane south of Slaughter is 434vpd. The eastern half of Cullen Lane is being upgraded with the adjacent project.

**IH 35** – This roadway is classified as a six-lane freeway. The traffic volumes for year 2000 on IH 35 near Slaughter Lane were 115,000vpd. The Austin Metropolitan Area Transportation Plan classifies IH 35 as an eight-lane freeway with HOV lanes between William Cannon Drive and Slaughter Lane and as an eight-lane freeway between Slaughter Lane and FM 1626 in 2025. This roadway is in the Bicycle Plan as a priority 2 route.

**Congress Avenue** – This roadway is classified as a four-lane divided major arterial at its intersection with Slaughter Lane. Year 2000 traffic volumes for Congress Avenue between William Cannon and Slaughter were 4,800vpd.

**South 1<sup>st</sup> Street** – South 1<sup>st</sup> is located west of the site and is classified as a four-lane undivided minor arterial in the Roadway Plan. The traffic volume on South 1<sup>st</sup> Street north of Slaughter Lane was approximately 7,110vpd in 1997. This roadway is classified as a priority 2 route in the Bicycle Plan.

**Turk Lane** – Turk Lane is classified as a two-lane collector. West of IH 35, the existing traffic count is 138 vehicles per day. The northern half of Turk Lane is being upgraded with the adjacent project.

#### **INTERSECTION LEVEL OF SERVICE (LOS)**

The TIA analyzed 10 intersections, 4 of which are signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

<b>Table 4. Level of Service</b>				
<b>Intersection</b>	<b>2004 Existing</b>		<b>2005 Site + Forecasted</b>	
	<b>AM</b>	<b>PM</b>	<b>AM</b>	<b>PM</b>
IH-35 EFR and Slaughter Lane*	F	E	E	D
IH-35 WFR and Slaughter Lane*	B	B	B	C
Congress Avenue and Slaughter Lane*	C	D	B	D
South 1 <sup>st</sup> Street and Slaughter Lane*	D	D	C	D
Cullen Road and Slaughter Lane	A	F	F	F
Francia Trail and Slaughter Lane	A	A	F	E
IH-35 WFR and Turk Lane	A	A	A	A
Driveway A and Slaughter Lane			F	F
Driveway B and Slaughter Lane			A	A
Driveway C and Turk Lane			A	A

\* = SIGNALIZED

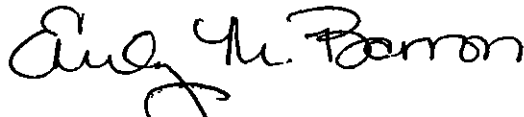
#### **RECOMMENDATIONS**

1) Prior to 3<sup>rd</sup> reading at City Council, fiscal is required to be posted for the following improvements:

<b>Intersection</b>	<b>Improvements</b>	<b>Total Cost</b>	<b>Pro Rata Share %</b>	<b>Pro Rata Share \$</b>
Slaughter Ln. and Congress Ave	Lengthen EB left turn bay	\$29,172	4.8%	\$1,400
	Restripe SB approach to provide 2 left turn lanes and 1 through/right	\$23,715	7.4%	\$1,755
Slaughter Ln. and IH-35	NB dual left turn lane	\$10,595	3.0%	\$318
	NB right turn lane	\$48,374	3.0%	\$1,451
	Restripe SB approach to provide 1 left and 1 left/through	\$4,287	2.4%	\$103
South 1 <sup>st</sup> Street and Slaughter Ln	Construct southbound left turn lane	\$38,365	4.8%	\$1,842
	Construct westbound right turn lane	\$70,861	3.3%	\$2,338
<b>Total</b>		<b>\$225,369</b>		<b>\$9,207</b>

- 
- 2) Construction of a channelized median at the intersection of Cullen Road and Slaughter Lane is required to be included in the first site plan submitted for this property. This improvement is subject to the review of TPSD/DPWT and WPDRD at the time of site plan
  - 3) A median opening at Driveway A and Slaughter Lane has been requested. TPSD has reviewed this request and has preliminarily approved the location. This median break will be required to be constructed with the 1<sup>st</sup> site development permit for the site. At that time TPSD/DPWT will review the median opening in further detail to address any safety concerns and require any additional information in order to give their final approval. If once this median break is opened and traffic operations along Slaughter become a concern, the median break will be closed.
  - 4) A re-evaluation of the intersection of Driveway A and Slaughter Lane and Cullen Lane and Slaughter Lane will be required at the time of the site development permit in order to evaluate possible signal locations and re-evaluate median openings.
  - 5) Half of Cullen Lane will be required to be upgraded along the property frontage at the time of subdivision construction or site plan.
  - 6) Transportation Planning and Sustainability Department has approved this TIA.
  - 7) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2788.



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



### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant community commercial-conditional overlay (GR-CO) combining district zoning. The Conditional Overlay prohibits the following uses: service station; automotive rentals, automotive repair services; automotive sales; automotive washing (all types); pawn shop services; commercial off-street parking; off-site accessory parking; drop-off recycling collection; funeral services; indoor entertainment; indoor sports and recreation; theatre; club or lodge; communication service facilities; and residential treatment.

The Restrictive Covenant over the entire property would limit the site development to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in the final TIA memorandum provided as Attachment A (June 9, 2004).

### **BACKGROUND**

The subject property consists of one platted lot, is undeveloped and zoned rural residence (RR) district. Access is taken from West Slaughter Lane, an arterial, and Cullen Road, a collector street, and is approximately ¼ mile west of the southbound IH-35 frontage road. Several tracts of land along the south side of Slaughter Lane and continuing further south to FM 1626 are in the process of being developed or redeveloped, including a retail development under construction that will be anchored by a discount superstore on the east side of Cullen Road (zoned GR-CO), and Southpark Meadows to the south for which a pending rezoning application has been filed for a similar type of development (GR zoning is requested also).

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residential treatment		

Staff recommends GR-CO zoning based on the following considerations of the property: 1) location at the intersection of West Slaughter Lane, a major arterial roadway and Cullen Road, a collector street, both of which are suitable for commercial uses and have good transportation access; 2) properties on both sides of Slaughter Lane, east of Cullen Road and along the IH-35 frontage road are developed with commercial uses and carry CS or GR zoning; 3) traffic improvements outlined in the Traffic Impact Analysis for the subject property and right-of-way will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

### **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 has access to West Slaughter Lane, an improved, 6-lane major arterial roadway and Cullen Lane, a collector street.

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

Staff recommends GR-CO zoning based on the following considerations of the property: 1) location at the intersection of West Slaughter Lane, a major arterial roadway and the southbound IH-35 frontage road, a freeway, both of which are suitable for commercial uses and have good transportation access; 2) properties on both sides of Slaughter Lane, east of Cullen Road and along the IH-35 frontage road are developed with commercial uses and carry CS or GR zoning; 3) traffic improvements outlined in the Traffic Impact Analysis for the subject property and right-of-way will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is undeveloped. There appear to be no significant topographical constraints on the site.

### **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 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%

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.

At this time, site specific information is unavailable regarding existing trees and 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.

At this time, no information has been provided as to whether this property has any pre-existing approvals which preempt current water quality or Code requirements.

### **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.

### **Transportation**

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments are provided in Attachment A.

### **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. 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**

Slaughter Lane is a scenic roadway. The site is subject to compatibility standards. Along the south and north property line, the following standards apply:

- No structure may be built within 25 feet of the south property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

To: City of Austin, Neighborhood Planning and Zoning Commission

Attn: Wendy Walsh

From: Weldon J. Schmidt  
Brenda Y. Schmidt

Re: File Number C14-04-0037

Please be advised that we strongly support the zoning change at 9200 Cullen Lane  
( File number C14-04-0037 ) from RR to GR-CO.


We live on the property nearest the 9200 address. We reside at 9006 Cullen Lane.

This property has always been planned for commercial growth and proper  
planning in this manner will benefit the area.

Thank you for your consideration in this matter.

Sincerely,

 6-14-04  
Weldon J. Schmidt

 6-14-04  
Brenda Y. Schmidt

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-04-0037-WW

Zoning & Platting Commission Hearing Date: June 15, 2004

Name (please print) Weldon J. & Brenda Y. Schmidt

☒ I am in favor  
(Estoy de acuerdo)

Address 9006 Cullen Lane

☐ I object  
(No estoy de acuerdo)

JD Torian  
Assistant Vice President

June 9, 2004

René Lara, President, Park Ridge Neighborhood Association  
JD Macias, Vice President, Park Ridge Neighborhood Association  
Michael A. Beranek, Secretary/ Treasurer, Park Ridge Neighborhood Association

**RE: C14-04-0037 - APPLICATION FOR REZONING - 5.614 ac. located near the intersection of SLAUGHTER @ CULLEN (9100 Cullen LANE)**

Dear All:

Based on a meeting with you at the Bakehouse Restaurant on June 7, 2004, we have taken the liberty to document the items discussed. For purposes of this letter, we are only addressing the items regarding C14-04-0037 - Application for re-zoning - 5.614 ac. located near the intersection of Slaughter @ Cullen (9100 Cullen Lane).

We agree to restrict the uses of this property, to the extent that the Austin City Council also agrees, so that the following uses are not permitted:

1. Auto related businesses including service stations, automotive rentals, automotive repair services, automotive sales and automotive washing
2. Vending carts
3. Pawn shops
4. Laundromats
5. Off-site parking
6. Drop off recycling
7. Funeral services
8. Indoor entertainment
9. Indoor sports and recreation
10. Off-site accessory parking
11. Outdoor entertainment
12. Outdoor sports and recreation
13. Indoor theater
14. Club or lounge
15. Communications services facilities
16. Local utility services
17. Residential treatment
18. Telecommunications towers

We, as owner and real estate contract holder, will proposed these restrictions to the Austin City Council and agree, to the extent that the Austin City Council agrees, to include these land use restrictions in a conditional overlay to accompany the zoning ordinance. In return, you, as representatives of your respective neighborhood associations, agree to support this application for re-zoning from RR - Rural Residential to GR - Community Retail.

---

106 East 6<sup>th</sup> Street      Suite 200      Austin, Texas 78701      512.482.0094      fax 512.482.9021

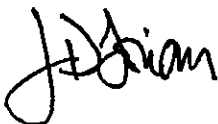
[www.WeitzmanGroup.com](http://www.WeitzmanGroup.com)

*The Weitzman Group is the brokerage division of Weitzman Management Corporation, a regional realty corporation which also does business through its management and development division, Cencor Realty Services.*

June 9, 2004  
Page 2 of 2

Thank you for your time and continued interest, and we look forward to being in the neighborhood.

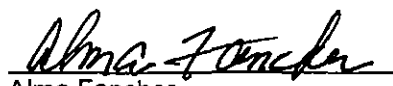
Sincerely,



JD Torian

  
JD Torian  
for Crosswell Development LLC (Real Estate Contract Holder)

June 9, 2004  
Date

  
Alma Fancher  
Owner, 5.614 ac./ Slaughter @ Cullen (9100 Cullen Lane)

06-11-04  
Date

ACKNOWLEDGED:

  
René Lara, President

June 9, 2004  
Date

  
JD Magles, Vice President

6-9-2004  
Date

  
Michael A. Beranek, Secretary/ Treasurer

6/9/04  
Date

---



**A King Enterprises Mgt., Ltd.**  
**6521 Abrams RD**  
**Dallas, TX 75231**

June 22, 2004

Wendy Walsh  
Senior Planner  
City of Austin

Via Facsimile (512) 974-8054

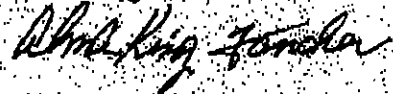
RE: C14-04-0037 - SLAUGHTER AT CULLEN COMMERCIAL, BY: A. King Enterprise  
Management, Ltd. (Alma King Fancher) FROM RR TO GR-CO, ALTERNATE  
RECOMMENDATION: GR-CO WITH CONDITIONS.

Dear Wendy:

Please be advised that JD Torian of The Weitzman Group in conjunction with Crosswell  
Greenwood Development, the current contract holder for the above-referenced property has the  
authority to make decisions on my behalf as it relates to the hiring of Sarah Crocker as a zoning  
consultant in the stead of David Hutton who has been relieved of this duty. Any and all zoning  
related issues are to be handled by Sara from this point forward.

Please do not hesitate to call should you have any questions. Otherwise I look forward to  
speaking with you soon.

Very truly yours,  
Alma King Fancher



General Partner -- A. King Enterprises Mgmt. Ltd.

**SARAH PUTNAM CROCKER**  
**CONSULTANT**  
809 SOUTH LAMAR BLVD.  
AUSTIN, TEXAS 78704

PHONE (512) 476-6598

FAX (512) 474-8050

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Betty Baker  
Chair  
Zoning and Platting Commission  
City of Austin  
Austin, Texas

RE: RESCIND ACTION AND RECONSIDER C14-04-0037 SLAUGHTER AT  
CULLEN COMMERCIAL

Dear Madame Chair,

Last Tuesday the above referenced case was heard at the Zoning and Platting Commission. A public hearing was conducted. The applicant had requested GR zoning. The staff recommendation was GR-CO. The final vote by the Commission was to recommend LR not GR zoning.

I would like to request that the Commission rescind the previous action taken on this case and post this item on the July agenda for reconsideration and action for GR zoning. While I was not at the hearing I have discussed this case with the owner and staff and I base my request on the following issues:

- A TIA was submitted, reviewed and approved by staff in conjunction with this application.
- The uses associated with the TIA are 35,000 sq.ft. of retail, a drive thru bank with 5 windows and 8,000 sq.ft. of fast food restaurants. There are a number of associated intersection and roadway improvement recommended in conjunction with the TIA for which fiscal must be posted prior to 3<sup>rd</sup> reading at City Council. The two fast food pad sites generate 41% of the trips assumed in the TIA. Verification is needed from staff but it would not seem equitable to impose fiscal and roadway improvements for a use that is conditional and may not be allowed to be constructed on a site.
- This site is located on Slaughter Lane and Cullen Lane. Slaughter Lane is a 6 lane divided major arterial. I know that Cullen Lane is of particular concern to the Commission having been a focal point in the previously discussed Walmart Case as a concern for the neighborhoods. This site is projected to have two driveways on Slaughter and one driveway on Cullen Lane. Part of the roadway

improvements that will be required for Cullen Lane will be a northbound right turn bay and pavement markings on Cullen separating directions of traffic, which are absent today. The neighborhood has written a letter of support for this case with conditions.

I would propose that the Commission consider the following as an alternate recommendation for this case:

- GR-CO with the following GR uses, limiting all other uses to those permitted in LR.
  1. General Restaurant
  2. Fast Food Restaurant
  3. Personal Services (nail salons, beauty parlors, dry cleaner pick-up)
  4. (General) Retail Sales (furniture stores, carpet sales etc)
  5. Medical offices
- All prohibited uses specified in the neighborhood letter
- All staff conditions including those specified in the transportation memo.

Approval of GR with these conditions would ensure that much needed roadway improvements are completed on Cullen Lane and will provide the owner with the type of tenant flexibility that will make this center competitive with other retail centers located on a major arterial.

Your consideration of this matter would be greatly appreciated.

Sincerely,



Sarah Crocker  
Authorized Agent



Fax: 974-6054

Attn: Wendy Walsh

City of Austin, Neighborhood Planning & Zoning Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

**NOTICE OF ZONING & PLATTING COMMISSION and CITY COUNCIL  
PUBLIC HEARING FOR A PROPOSED ZONING CHANGE**

Este aviso es para informarles de una junta pública tocante a un cambio en el uso de la propiedad indicada así abajo. Si quiere una copia de este aviso en español, hable al teléfono (512) 974-2680.

Mailing Date of this Notice: July 9, 2004

File Number: C14-04-0037

ADDRESS AND/OR LEGAL DESCRIPTION OF PROPOSED ZONING CHANGE (See Map) 9200 Callen Lane

**PROPOSED ZONING CHANGE:**

**FROM:** RR--Rural Residence district is intended as an area for very low density residential use, with a minimum lot size of one acre. This district is appropriate for selected locations where rural characteristics are desired, or where terrain or public service capacities necessitate very low densities.

**TO:** GR-CO 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 traffic ways. CO--Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

**OWNER:** A. King Enterprise Management, LTD. (Alma King Fancher)**PHONE:** (512) 263-2541**AGENT:** Crocker Consultants (Sarah Crocker)**PHONE:** (512) 476-6598**ZONING & PLATTING COMMISSION HEARING DATE:** July 20, 2004**TIME:** 6:00 PM**LOCATION:** 505 Barton Springs Road, One Texas Center 3<sup>rd</sup> Floor, Training Room #325, Austin**CITY COUNCIL DATE:** August 26, 2004**TIME:** 4:00 PM**LOCATION:** Lower Colorado River Authority's Hancock Bldg., 3700 Lake Austin Blvd., Austin

If you have any questions concerning this notice, please contact Wendy Walsh at the City of Austin, Neighborhood Planning & Zoning Department, (512) 974-7719. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call. See enclosed sheet for more information on public hearings.

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

**File #** C14-04-0037-WW**Zoning & Platting Commission Hearing Date:** July 20, 2004**Name (please print)** Weldon J. + Brenda Y. Schmidt☒ I am in favor  
(Estoy de acuerdo)**Address** 9006 Callen Ln.☐ I object  
(No estoy de acuerdo)

## **M E M O R A N D U M**

**TO:** Betty Baker, Chair and Members of the Zoning and Platting Commission

**FROM:** Dora Anguiano, Zoning and Platting Commission Coordinator  
Neighborhood Planning and Zoning Department

**DATE:** July 20, 2004

**SUBJECT:** Zoning and Platting Commission Summary

Attached is a Zoning and Platting Commission summary, which will be forwarded to the City Council.

**CASE # C14-04-0037**

9. C14-04-0037 – SLAUGHTER AT CULLEN COMMERCIAL, BY: A. King Enterprise Management, Ltd. (Alma King Fancher), Baker-Aicklen & Associates, Inc. (David Hutton), 9200 Cullen Lane. (Slaughter Creek). **FROM RR TO GR-CO. ALTERNATE RECOMMENDATION: GR-CO WITH CONDITIONS.**  
**City Staff: Wendy Walsh, 974-7719.**

### SUMMARY

Commissioner Baker – “Ms. Walsh, specifically I pulled this and my reason was; if you look at the map on B9-6, we’re sort of creeping down Slaughter Lane to the west and I have a real concern about the residential area and about the intensity of the uses as we go westward. There’s a lot of CS zoning in the area along Cullen to the north of this tract that remains undeveloped. Also to the northeast of this tract, that remains undeveloped, those are the reasons I pulled it. Frankly, I was a little surprised that staff recommended it. So commissioners, if you have no problems with my concerns, we can go ahead and hear from the applicant and just see if there’s anyone here in opposition. Those are my reasons for pulling this case. Do you want a staff presentation?”

Commission – “Yes”.

Wendy Walsh, staff – “This rezoning area is 5.6 acres, this consists of one subdivided lot, it is undeveloped and zoned rural residence. Access is available from West Slaughter Lane and Cullen Road, which is a collector street. This tract about ¼ mile west of IH-35, the frontage road. There are several tracts of land along the south side of Slaughter Lane that are in the process of being developed or redeveloped and this includes the retail development under construction to the east, across Cullen Road. That is in the process for a discount superstore, as well as South Park Meadows. Both of those tracts have access to IH-35. The applicant is proposing to zone to GR and intend to construct 35,000 square feet of shopping center; as well as a drive-in bank that has 5 windows and 8,000 square feet of fast-food restaurant. The applicant has discussed this case with the Park Ridge Owners Association and Far South Austin Community Association and have agreed to prohibit auto related uses, pawn shops, drop-off recycling, entertainment type uses, and residential treatment, as well as a few others. Staff is recommending this GR-CO based on its location on an arterial, Slaughter Lane and Cullen Road, which is a collector street. Properties in the area along Slaughter Lane and Cullen Road have GR and CS zoning, there are conditions established with the traffic impact analysis. So we are recommending GR-CO with the conditional overlay prohibiting service stations, auto rentals, auto repair, auto sales, auto washing, pawn shops, commercial off-street parking, off-site accessory parking, drop-off recycling, funeral services, indoor entertainment, indoor sports and recreation, theater, club or lodge, communication service facilities, residential treatment; and we would have a restrictive covenant that covers the traffic impact analysis”.

Commissioner Whaley – “You referenced the Park Ridge Neighborhood Association, but I don’t see anything in writing from them. I would like to be sure of their support”.

Ms. Walsh – “The applicant has met with them extensively; I did not receive any written communication from them; the applicant may have that, but I did not receive anything personally. I did receive telephone calls from Park Ridge at one time and I think that prompted some of the meetings that occurred”.

Commissioner Whaley – “So is Mr. Wisneski okay with this?”

Ms. Walsh – “Mr. Wisneski has moved to Wisconsin, I believe, but there are some others who are still active”.

David Hutton, applicant – “We have had two meetings with the neighborhood associations; we began with Aron Wisneski and the other officers of the association. We do have an agreement with them that is exactly as Wendy was describing, it is signed by the neighborhood”. “In our discussion with the neighborhood, they felt that a neighborhood center somewhere in this area was probably appropriate, since some of their needs can be met without having to go into what is going to be quite a traffic situation. They were supportive of seeing a number of neighborhood type uses in this location. We did a traffic analysis and we have an opportunity to help out this intersection by moving an existing median break”.

Commissioner Baker – “You have agreed to prohibit a number of uses; what are the uses you propose for this area? Specifically, what are the GR uses?”

Mr. Hutton – “I’ll let you ask the developer; I know they are neighborhood in nature; he has some uses that I think are interested in capturing that sort of built in demand”.

Commissioner Whaley – “What use are you proposing that require GR zoning; as opposed to LR zoning?”

Mr. Hutton – “Restaurant uses are important for this site”.

Commissioner Whaley – “It’s LR”.

Mr. Hutton – “Well, fast-food restaurants for instance”.

Commissioner Baker – “When you say ‘neighborhood’ I think of local retail; that’s why I was asking specifically what are the proposed GR uses? So many uses have already been deleted that are GR uses”.

Mr. Hutton – “There are several uses that are needed in the GR category”.

Ms. Walsh – “Restaurant general requires GR; however, LR is the limited restaurant district; there’s a maximum of 3,000 square feet; if you are adjacent to SF-5 uses or zoning, which there is a property to the south. If there’s a drive through, then there would be a conditional use permit”.

Commissioner Baker – “It wouldn’t require GR zoning. Those were my reasons for pulling it”.

Ms. Baker spoke to why she pulled the case.

### **OPPOSITION**

No speakers.

Commissioner Baker – “Since there’s no one here in opposition; I will not ask for a rebuttal. Can I have a motion to close the public hearing?”

J.D Torian – “What we are planning is not 33,000 square feet anymore. Because of all the action in the area, we’re thinking that 23,000 is more appropriate”. Mr. Torian spoke to why they needed GR.

Commissioner Martinez and Gohil moved to close the public hearing.

Commissioner Donisi – “There seems to be a lot of concern about noise coming over to the neighborhood; if there’s going to be fast-food there and amplified or paging equipment, did the neighborhood sign off on that?”

Commissioner Pinnelli – “Did the neighborhood put any conditions or overlays?”

Ms. Walsh – “No, I did speak with Mr. Hannaman, from the Endeavor case last year, they have an interest in the blue triangle property, that’s going to be coming forward at some point. The only conditions that they asked for were the prohibited uses. I did not receive requests for buffers or landscaping, lighting, noise etc”.

Commissioner Baker – “I’m going to make a comment, what we have prohibited and what has been identified to us tonight, the anticipated and proposed uses would fit under LR. It’s just a comment; is there a motion?”

Commissioner Whaley – “I make a motion for GR-CO with the prohibited uses, the TIA recommendations”.

Commissioner Martinez – “Second”.

Commissioner Baker – “So your motion is for staff recommendation?”

Commissioner Whaley – “Yes”.

Motion failed. (4-4)

Commissioner Baker – “Do you want to have a motion to continue to June 29<sup>th</sup> meeting?”



Commissioner Martinez – “I move to continue to June 29<sup>th</sup>”.

Commissioner Gohil – “Second”.

Commissioner Pinnelli, Rabago and Baker stated that they will not be present at the June 29<sup>th</sup> meeting.

Commissioner Whaley – “Can I make another motion? I’d like to make a motion for LR-CO zoning. The CO is any prohibited use that was on the list that’s LR and the conditions of the TIA”.

Commissioner Pinnelli – “Second”.

Motion carried.

**COMMISSION ACTION:  
MOTION:**

**WHALEY, PINNELLI  
APPROVED STAFF’S  
RECOMMENDATION OF GR-CO  
ZONING; INCLUDING THE  
PROHIBITED USES AND T.I.A  
RECOMMENDATION.  
[M.W, J.M 2<sup>ND</sup>] (4-4) K.J – LEFT  
EARLY; M.W, B.B, J.D, J.P – NAY  
(MELISSA WHALEY CHANGED HER  
MIND AFTER MAKING THE  
MOTION). {MOTION FAILED}**

**MOTION MADE TO APPROVE LR-CO  
ZONING; INCLUDE THE  
PROHIBITED USES AND THE T.I.A  
RECOMMENDATION.**

**AYES:**

**PINNELLI, GOHIL, MARTINEZ,  
BAKER, DONISI, HAMMOND,  
WHALEY, RABAGO.**

**LEFT EARLY:**

**JACKSON**

**MOTION CARRIED WITH VOTE: 8-0.**

## **M E M O R A N D U M**

**TO:** Betty Baker, Chair and Members of the Zoning and Platting Commission

**FROM:** Dora Anguiano, Zoning and Platting Commission Coordinator  
Neighborhood Planning and Zoning Department

**DATE:** July 26, 2004

**SUBJECT:** Zoning and Platting Commission Summary

Attached is a Zoning and Platting Commission summary, which will be forwarded to the City Council.

**CASE # C14-04-0037 (July 20, 2004 hearing)**

7. C14-04-0037 – SLAUGHTER AT CULLEN COMMERCIAL, By: A. King Enterprise Management, Ltd. (Alma King Fancher), Crocker Consultants (Sarah Crocker), 9200 Cullen Lane. (Slaughter Creek). **FROM RR TO GR-CO. ALTERNATE RECOMMENDATION: GR-CO WITH CONDITIONS.** City Staff: Wendy Walsh, 974-7719.

### SUMMARY

Wendy Walsh, staff – “This is a 5.6-acre property that is presently zoned Rural Residence and is proposed for GR-CO zoning. Access is taken from Slaughter Lane, it’s an arterial road as well as Cullen Lane, which is a collector. There’s a large retail development that’s presently under construction to the east of the corner of I-35 and Slaughter. The applicant is proposing a 35,000 square foot shopping center; as well as a drive-in bank with 5 windows and 80,000 square feet of fast food with drive-thru. A number of uses are prohibited, including auto related uses as well as pawn shops, entertainment type uses, and residential treatment. Staff is recommending the zoning change based on its location, which is suitable for commercial uses and transportation access is in place and the recommendation also includes the Restrictive Covenant for the Traffic Impact Analysis”.

Sarah Crocker, applicant – “I thank you for reconsidering this case; this case was presented to you in late June; at that time you took a vote and recommended LR-CO. I appreciate you taking this case back into consideration. There were a number of items that were not presented to you at the first hearing. There was a T.I.A submitted in conjunction with this case; this site plan currently being designed and engineered and will be turned in and submitted to the City. This is not a case where you basically have a land owner coming in and asking for some sort of speculative zoning; they do have a plan. This is the plan and it is currently being engineered and will be turned in to the City of Austin. The T.I.A was approved and the applicant met with and enclosed in the packet, there is a letter of support that was signed by the Park Ridge Neighborhood Association. There is a list of uses that the applicant has agreed to and prohibited a lot of uses. This Neighborhood Association is very vocal. With the T.I.A., half of Cullen Lane will have to be upgraded. Cullen Lane operates at a Level B during the A.M., but fails at P.M., peak times because it is used as a cut-through for people to avoid the intersection at I-35 and Slaughter. The neighborhood also supported this case because they will be able to provide with neighborhood-oriented uses as opposed to what’s going to happen with in the Wal-Mart Center. We’re looking to place more convenience retail type uses, which are not permitted in LR. This site is located on Slaughter Lane and is an arterial. I request to consider GR-CO; we also ask that the following uses be included, general restaurant, fast-food restaurant, personal services; which is not allowed in LR that would include things like nail salons, beauty parlors, dry cleaner pick-ups. Those type of uses that would be more of a convenience type use. General Retail Sales is also not permitted in LR; that permits things like a furniture store, carpet sales store and medical offices. We would request that you reconsider this particular case by looking at it and permitted these five uses that we’re offering for GR; prohibiting all other uses in GR and also allowing the uses that are permitted in LR”.

**FAVOR**

No Speakers.

**OPPOSITION**

No Speakers.

Commissioner Martinez and Donisi moved to close the public hearing.

Commissioner Martinez – “I make a motion that we grant GR-CO with the following GR uses; limiting all other uses to those permitted in LR, General restaurant, fast-food restaurant, personal services, general retail sales, medical offices, all prohibited uses specified in the neighborhood letter; all staff conditions including those specified in the transportation memo”.

Commissioner Rabago – “Second”.

Commissioner Baker – “I’m probably going to support the motion, but I have a real problem in extending GR westward along Slaughter. Also, we’re probably going to be extending it southward along Cullen; that to me is a precedent and makes me uncomfortable”. “I think Ms. Crocker has made a very good case and it is a better presentation and differs from the previous one, but when I look at the neighborhood’s support and I look at that triangle across the street and look at the I-RR across Slaughter Lane, to the north, I have a really sinking feeling that we’re going to be hearing from that neighborhood association again and I don’t see that there’s any way that we could recommend less than GR for those tracts”.

Commissioner Jackson – “I think you could offer something other than GR across the street because we fairly limited the GR on this site; it also does not abut single-family. I think you could make a case for it; although it does abut CS. This is just a tough little area to zone and it’s not going to get any easier”.

Motion carried.

**COMMISSION ACTION:  
MOTION:**

**MARTINEZ, RABAGO  
APPROVED STAFF'S  
RECOMMENDATION OF GR-CO  
ZONING; LIMITING USES  
PERMITTED IN LR:**

- GENERAL RESTAURANT;
- FAST FOOD RESTAURANT;
- PERSONAL SERVICES;
- (GENERAL) RETAIL SALES;
- MEDICAL OFFICES

- ALL PROHIBITED USES  
SPECIFIED IN THE  
NEIGHBORHOOD LETTER;

- ALL STAFF CONDITIONS  
INCLUDING THOSE SPECIFIED IN  
THE TRANSPORTATION MEMO.

**AYES:**

**GOHIL, MARTINEZ, BAKER, DONISI,  
HAMMOND, WHALEY, RABAGO,  
JACKSON.  
PINNELLI**

**ABSENT:**

**MOTION CARRIED WITH VOTE: 8-0.**

ORDINANCE NO. \_\_\_\_\_

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**  
2 **PROPERTY LOCATED AT 9200 CULLEN LANE FROM RURAL RESIDENCE**  
3 **(RR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY**  
4 **(GR-CO) COMBINING DISTRICT.**

5  
6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**  
7

8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
9 change the base district from rural residence (RR) district to community commercial-  
10 conditional overlay (GR-CO) combining district on the property described in Zoning Case  
11 No. C14-04-0037, on file at the Neighborhood Planning and Zoning Department, as  
12 follows:  
13

14 Lot 2, Slaughter @ Cullen Commercial Subdivision, a subdivision in the City of  
15 Austin, Travis County, Texas, according to the map or plat of record in Plat Book  
16 99, Page 144, of the Plat Records of Travis County, Texas, (the "Property")  
17

18 locally known as 9200 Cullen Lane, in the City of Austin, Travis County, Texas, and  
19 generally identified in the map attached as Exhibit "A".  
20

21 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
22 established by this ordinance is subject to the following conditions:  
23

24 1. The following uses are prohibited uses of the Property:  
25

- |                                     |  |
|-------------------------------------|--|
| 26 Automotive rentals               | Automotive repair services             |
| 27 Automotive sales                 | Automotive washing (of any type)       |
| 28 Bail bond services               | Business or trade school               |
| 29 Business support services        | Club or lodge                          |
| 30 Commercial off-street parking    | Communication services                 |
| 31 Communication service facilities | Drop-off recycling collection facility |
| 32 Exterminating services           | Funeral services                       |
| 33 Hospital services (general)      | Indoor entertainment                   |
| 34 Indoor sports and recreation     | Off-street accessory parking           |
| 35 Outdoor entertainment            | Outdoor sports and recreation          |
| 36 Pawn shop services               | Personal improvement services          |
| 37 Research services                | Residential treatment                  |
| 38 Service station                  | Theater                                |

1 2. The following uses are conditional uses of the Property

2  
3 Congregate living

4 Community recreation (public)

5 Hospital services (limited)

Community recreation (private)

Group home, Class II

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

10  
11 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2004.

12  
13 **PASSED AND APPROVED**

14  
15  
16 \_\_\_\_\_, 2004

17 §  
18 §  
19 §  
20 Will Wynn  
21 Mayor

22  
23 **APPROVED:**

24 David Allan Smith  
25 City Attorney

**ATTEST:**

Shirley A. Brown  
City Clerk





**RESTRICTIVE COVENANT**

OWNER: A. King Enterprises Management, Ltd., a Texas limited partnership

ADDRESS: 6521 Abrams Road, Dallas, Texas 75231

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lot 2, Slaughter @ Cullen Commercial Subdivision, a subdivision in the City of Austin, Travis County, according to the map or plat recorded in Plat Book 99, Page 144 of the Plat Records of Travis County, Texas

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by WHM Transportation Engineering Consultants, Inc., dated May 2004, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated August 16, 2004. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

**OWNER:**

**A. King Enterprises Management, Ltd.,  
a Texas limited partnership**

By: A. King Enterprises, Inc.,  
a Texas corporation,  
General Partner

By: \_\_\_\_\_  
Alma King Fancher,  
President

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

**THE STATE OF TEXAS   §**  
**COUNTY OF TRAVIS     §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2004 by Alma King Fancher, President, of A. King Enterprises, Inc., a Texas corporation, and the corporation acknowledged this instrument as General Partner on behalf of A. King Enterprises Management, Ltd., a Texas limited partnership.

\_\_\_\_\_  
Notary Public, State of Texas

**After Recording, Please Return to:**  
**City of Austin**  
**Department of Law**  
**P. O. Box 1088**  
**Austin, Texas 78767**  
**Attention: Diana Minter, Legal Assistant**