



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-1
AGENDA DATE: Thu 12/16/2004
PAGE: 1 of 1

SUBJECT: C14-04-0167 - Euers Office/Retail Building - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 135 West Slaughter Lane (Onion Creek Watershed) from rural residence (RR) district zoning and single family residence standard lot (SF-2) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Lester Euers. Agent: The Brown Group (Martin Brown). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0167

Z.P.C. DATE: November 2, 2004

ADDRESS: 135 West Slaughter Lane

OWNER AND APPLICANT: Lester Euers

AGENT: The Brown Group
(Martin Brown)

ZONING FROM: RR; SF-2

TO: GR

AREA: 1.510 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay limits development of the property to less than 2,000 vehicle trips per day.

ZONING & PLATTING COMMISSION RECOMMENDATION:

November 2, 2004: *APPROVED STAFF'S RECOMMENDATION OF GR-CO ZONING; BY CONSENT.*

[J.M; J.G 2ND] (9-0)

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a portion of a platted lot out of the Tom F. Dunnahoo subdivision, is situated at the southeast corner of Slaughter Lane and Cullen Road, and is zoned rural residence and single family residence (RR; SF-2) district. The remainder of the land along Slaughter Lane between Cullen Road and the IH-35 frontage road is under construction for a discount superstore, and will also include retail shopping space, fast food restaurants, a drive-in bank, general restaurant and service station (zoned GR-CO). The property to the west of the Cullen / Slaughter intersection consists of a fast food restaurant, and undeveloped property that is proposed for a shopping center with a drive-in bank and fast food restaurants (zoned SF-2; GR-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The applicant proposes to rezone the lot to the community commercial (GR) district for a proposed retail and office development. 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 and 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.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	RR; SF-2	Dental office; Pet services
<i>North</i>	I-RR; GR-CO; CS-1-CO	Undeveloped; Retail; Carpet sales; Auto-tinting; Service stations with convenience stores
<i>South</i>	GR-CO	Discount superstore – under construction
<i>East</i>	N/A	IH-35 frontage roads and main lanes
<i>West</i>	SF-2; GR-CO; RR	Fast food restaurant; Undeveloped (proposed for shopping center, drive-in bank and fast food restaurants); Agricultural

AREA STUDY: N / A**TIA:** Is not required**WATERSHED:** Onion Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association
 262 – Beaconridge Neighborhood Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 511 – Austin Neighborhoods Council
 627 – Onion Creek Homeowner's Association
 948 – South by Southeast Neighborhood Association
 242 – Slaughter Lane Neighborhood Assn.
 300 – Terrell Lane Interceptor Association

SCHOOLS:

Williams Elementary School

Paredes Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0075 (Southpark Meadows)	LO-CO; CS-1-CO to GR-CO	To Grant GR-CO with conditions of the TIA	Approved GR-CO district zoning with a Restrictive Covenant for the TIA, as recommended by the ZAP, on all 3 Readings (7-0).
C14-99-0129 (RCT) (Southpark Meadows)	To Terminate the Restrictive Covenant which addresses the discontinuance of a cocktail lounge use.	To Grant a Termination of the Restrictive Covenant	Approved a Termination of the Restrictive Covenant (10-21-04).
C14-04-0059 (Harrell / Gatton)	I-RR to CS	To Grant an Indefinite Postponement; Pending submittal of the TIA	N/A

C14-04-0037 (Slaughter @ Cullen Commercial)	RR to GR	To Grant GR-CO with a list of prohibited uses and conditions of the TIA (7-20-04)	Approved GR-CO with CO for a list of prohibited and conditional uses; the Restrictive Covenant is for the TIA (8-26-04).
C14-04-0036 (166 West Slaughter)	I-RR to GR	Expired – consideration by Commission did not occur within 6-month time frame	N/A
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:

In May 1995 the rezoning area was approved for two 1-story office buildings, totaling 10,300 square feet (SP-94-0493D). The Development Permit ("D") site plan (one which does not include a land use element, in this case because at the time it was located in the Extra-Territorial Jurisdiction) for the office uses is provided as Exhibit B.

The rezoning area represents the north 62 feet of Lot 9 of Tom F. Dunnahoo subdivision. Please refer to Exhibit C.

The property was annexed into the Full-Purpose Jurisdiction on December 31, 1997.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION
West Slaughter Lane	140 feet	Divided with 3 lanes	Major Arterial
Cullen Lane	60 feet	28 feet	Commercial Collector

- There are existing sidewalks along Slaughter Lane but not on Cullen Lane.
- Slaughter Lane is classified in the Bicycle Plan as a Priority Low Usability bike route while Cullen Lane is classified as a High Usability route.
- Capital Metro bus service is not available within 1/4 mile of this property.

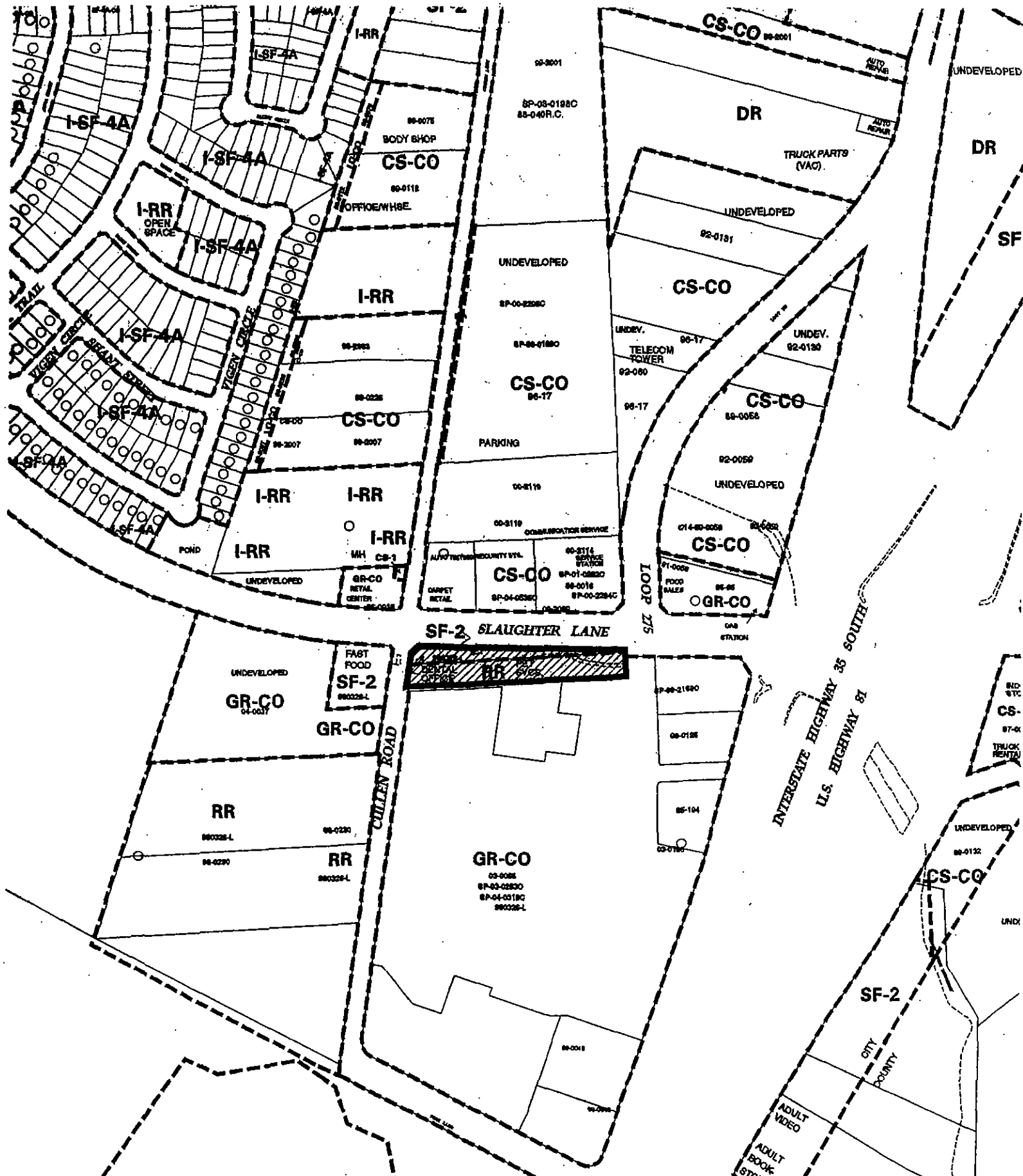
CITY COUNCIL DATE: December 16, 2004 **ACTION:**





ORDINANCE READINGS: 1st 2nd 3rd

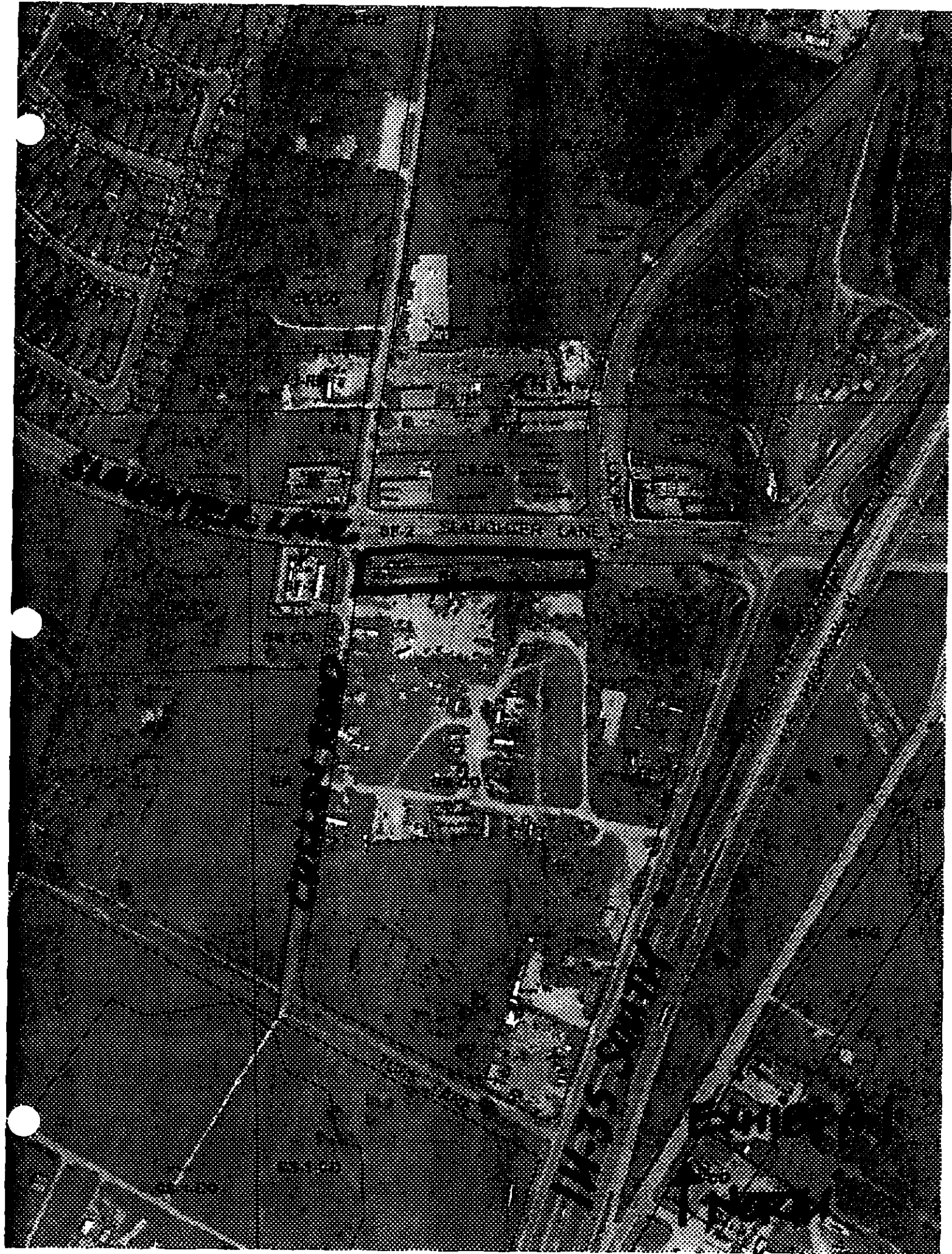
ORDINANCE NUMBER:

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

PHONE: 974-7719



 1" = 400'	SUBJECT TRACT	  	ZONING Exhibit A		CITY GRID REFERENCE NUMBER G13
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-04-0167 ADDRESS: 135 W.SLAUGHTER LA. SUBJECT AREA (acres): 1.510	DATE: 04-10 INTLS: TRC	
	CASE MGR: W.WALSH				



SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay limits development of the property to less than 2,000 vehicle trips per day.

BACKGROUND

The subject rezoning area consists of a portion of a platted lot out of the Tom F. Dunnahoo subdivision, is situated at the southeast corner of Slaughter Lane and Cullen Road, and is zoned rural residence and single family residence (RR; SF-2) district. The remainder of the land along Slaughter Lane between Cullen Road and the IH-35 frontage road is under construction for a discount superstore, and will also include retail shopping space, fast food restaurants, a drive-in bank, general restaurant and service station (zoned GR-CO). The property to the west of the Cullen / Slaughter intersection consists of a fast food restaurant, and undeveloped property that is proposed for a shopping center with a drive-in bank and fast food restaurants (zoned SF-2; GR-CO).

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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 an orderly and compatible relationship among land 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 Cullen Road, a collector street, both of which are suitable for commercial uses and have good transportation access and 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.

EXISTING CONDITIONS**Site Characteristics**

The rezoning area is developed with a dental office and pet services use. 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 zoning regulations. The existing amount of impervious cover shown on the approved "D" Site Plan is 29.98%.

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.

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.

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 was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

If the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of Cullen Lane in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. *This requirement is being deferred to the Site Plan stage of development.* LDC, 25-6-55; TCM, Tables 1-7, 1-12.

The trip generation under the requested zoning is estimated to be 5,206 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).

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility relocation, and adjustment to serve the site and land use. 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 design criteria and specifications. The utility construction must be inspected by the City. The landowner must pay all required, City plan review fees, inspection fees, water and wastewater tap permit fees, and impact fees.

Compatibility Standards

This tract is already developed with one of two buildings phased in SP-94-0495D (approximately 25,829 sq. ft. at 29.98% impervious coverage). Any new construction on this site would be subject to compatibility development regulations due to the existing RR zoned property to the west, and would be subject to the following requirements:

- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- 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.

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 135 WEST SLAUGHTER LANE FROM RURAL RESIDENCE (RR) DISTRICT AND 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 rural residence (RR) district and 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. C14-04-0167, on file at the Neighborhood Planning and Zoning Department, as follows:

The north 62 feet of Lot 9, Tom F. Dunahoo Subdivision, a subdivision in the City of Austin, Travis County, Texas, as recorded in Volume 683, Pages 1-2, of the Deed Records of Travis County, Texas, (the "Property")

locally known as 135 West Slaughter Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

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

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 2,000 trips per day.

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

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

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4 **PASSED AND APPROVED**

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8 _____, 2004

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W. H. Wynn
Mayor

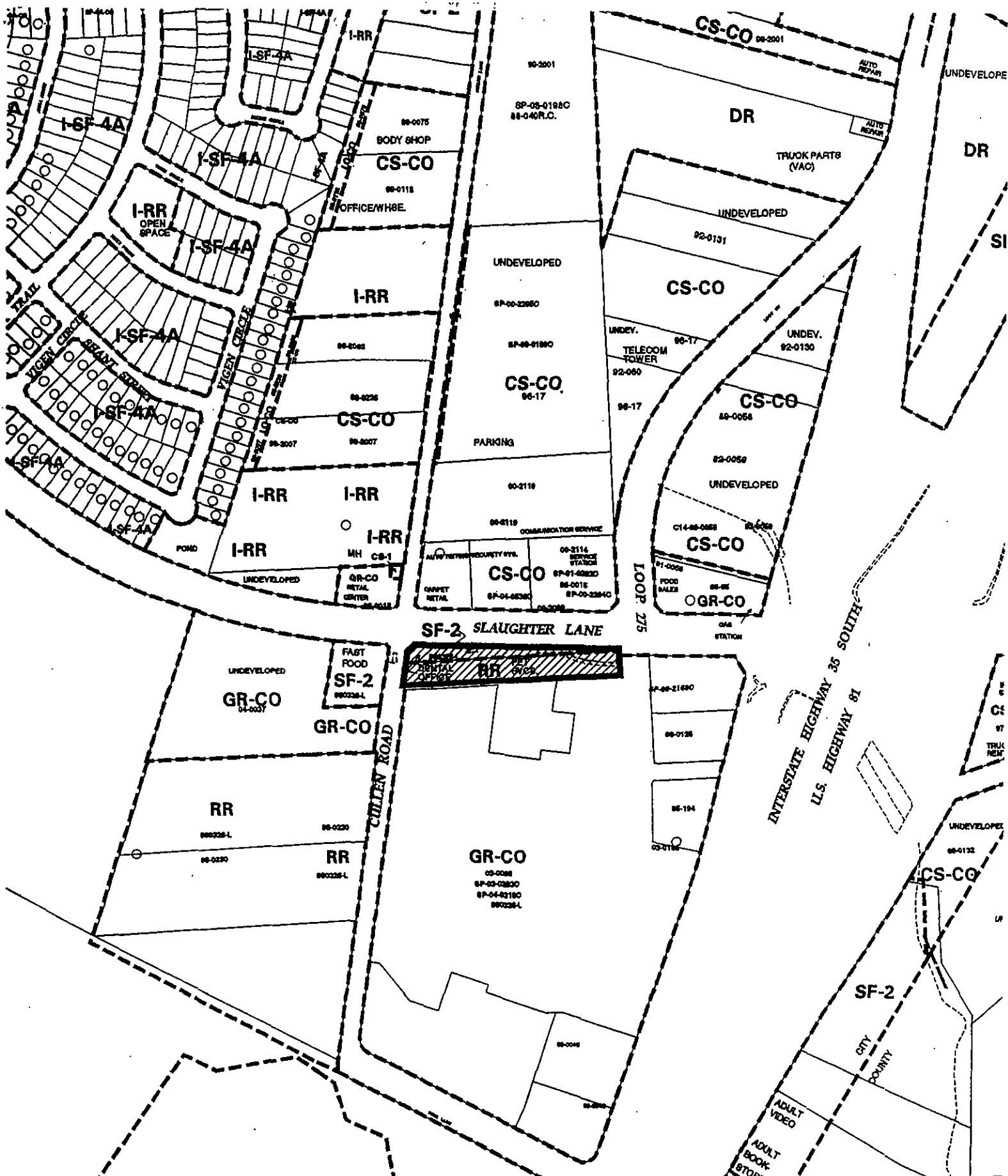
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10
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13 **APPROVED:**




ATTEST:

14 David Allan Smith
15 City Attorney

Shirley A. Brown
City Clerk

DRAFT



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