

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 46
AGENDA DATE: Thu 01/12/2006
PAGE: 1 of 1

SUBJECT: C14-04-0167 - Euers Office/Retail Building - Approve second reading of 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-conditional overlay (GR-CO) combining district zoning with conditions. First reading approved on January 13, 2005. Vote: 7-0. Applicant: Lester Euers. Agent: The Brown Group (Marty Brown). City Staff: Wendy Walsh, 974-7719. Note: A valid petition has been filed in opposition to this rezoning request.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0167

REQUEST:

Approve second reading of 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 zoning to community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. The Conditional Overlay is for: 1) a set of prohibited uses as agreed upon between the Applicant and the Park Ridge Owners Association and 2) limits development of the property to 2,000 motor vehicle trips per day. A Street Deed will require the dedication of 35 feet from the centerline of Cullen Lane.

DEPARTMENT COMMENTS:

The Applicant is working with the adjacent property owner to dedicate his portion of right-of-way on Cullen Lane as approved by City Council on First Reading, and also the possibility of tapping into their detention pond and wastewater lines. This item has been placed on the agenda for Second Reading at the Applicant's request, so that the rezoning application does not expire.

A valid petition of 43.68% has been filed by the adjacent property owners in opposition to this rezoning request.

The Applicants requested that Staff review and evaluate alternative turning movement proposals, both at the intersection of Cullen and Slaughter Lane, and at Slaughter Lane's intersection with Francia Trail to the west. Staff's correspondence with the Applicant is attached, following the Summary Sheet.

The Conditional Overlay incorporates the conditions imposed by the City Council at First Reading. Preparation of a Street Deed has not yet occurred, and is pending the Applicant's submittal of field notes for the Cullen Lane right-of-way dedication.

The applicant has met with the Park Ridge Homeowners Association and agreed to prohibit the following uses: automotive rentals; automotive repair services; automotive sales; 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; and, theater.

OWNER/APPLICANT: Lester Euers

AGENT: The Brown Group (Marty Brown)

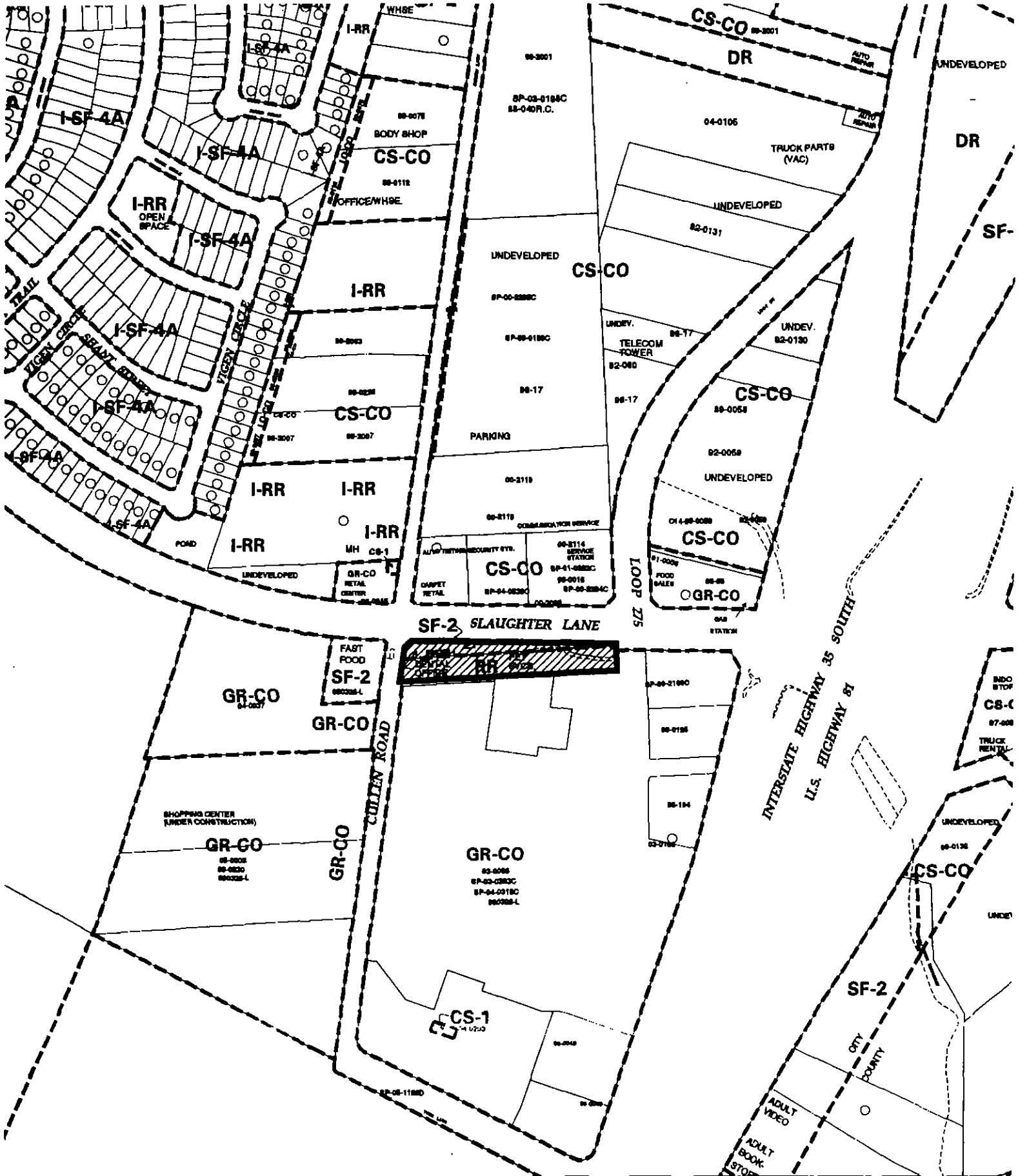
DATE OF FIRST READING: January 13, 2005, approved GR-CO district zoning as recommended by Zoning and Platting Commission, with the Conditional Overlay for trips and prohibited uses as agreed between the Applicant and Park Ridge Homeowners Association, and requiring the dedication of right-of-way on Cullen Lane, on 1st Reading (7-0).

CITY COUNCIL HEARING DATE: January 12, 2006

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us



	<p>SUBJECT TRACT</p> <p>PENDING CASE</p> <p>ZONING BOUNDARY</p> <p>CASE MGR: WWALSH</p>	<p>ZONING</p> <p>CASE #: C14-04-0167</p> <p>ADDRESS: 135 W.SLAUGHTER LA.</p> <p>SUBJECT AREA (acres): 1.510</p> <p>DATE: 05-12</p> <p>INTLS: TRC</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>G13</p>
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City of Austin

Founded by Congress, Republic of Texas, 1839
Neighborhood Planning and Zoning Department
One Texas Center, 505 Barton Springs Road
P.O. Box 1088, Austin, Texas 78767

June 21, 2005

Mr. Lester Euers
Dr. David Euers, D.D.S.
Ms. Sharon Euers
Ms. Karen Euers
135 West Slaughter Lane
Austin, TX 78748

Dear Members of the Euers Family:

Thank you for your letter of May 23, 2005 regarding the right-of-way issue associated with the Euers Office / Retail Building rezoning application (C14-04-0167). We appreciate your concerns and have researched this rezoning application and others nearby and provide the following responses.

The rezoning application was approved for community commercial – conditional overlay (GR-CO) combining district by City Council on First Reading on January 13, 2005. The Conditional Overlay limits development of the property to 2,000 trips per day (a typical overlay that serves to control the scale of development in lieu of submitting a more detailed traffic study) and prohibits several uses as agreed upon with the Park Ridge Homeowners Association. Council approval also included the requirement to dedicate 35 feet of right-of-way from the centerline of Cullen Lane. The requirement is met in the form of a Street Deed, which calls for field notes of the dedication area and must be signed by the owner before final readings of the rezoning ordinance can occur.

The right-of-way dedication requirement enables road expansion to take place with development, and can occur at the zoning stage of the development process, as well as subdivision and site plan. In this particular case, the rezoning area represents a portion of a subdivided lot and a site plan was approved in May 1995. Both the subdivision and the site plan approvals occurred prior to annexation of the property into the City limits. The completion of these applications, therefore, greatly limits the number of opportunities for the City to acquire right-of-way for the expansion of Cullen Road. The current rezoning approval, which will provide greater development entitlements on the land than is currently allowed by the residential zoning designation (RR, SF-2), includes this requirement because subdivision and site plan approvals are already in place. The Applicants for the Wal-Mart development adjacent to the south met the right-of-way dedication requirement at the subdivision stage.

Transportation staff from the City's Watershed Protection and Development Review Department has reviewed the proposals outlined in your letter and provides a summary and response below.

Proposal: Provide a dedicated northbound left turn lane and a shared right/through/left at Cullen Lane and Slaughter Lane.

Response: The Southpark Meadows Traffic Impact Analysis (TIA – a detailed traffic study prepared by a licensed engineer) proposed a northbound shared left/through and a dedicated right turn lane at this intersection. The Euers proposal would create a slight offset from the receiving lanes on Cullen on the north side of Slaughter Lane. A transition across Slaughter Lane may be possible to achieve this scenario however it is not recommended due to the higher volume of right turns assumed to be generated at this intersection. Due to the forecasted volumes it is more suitable to have a dedicated right-turn lane at this intersection as opposed to a dedicated left turn lane. Please refer to the attached exhibits.

Proposal: Use the west side of Cullen for expansion

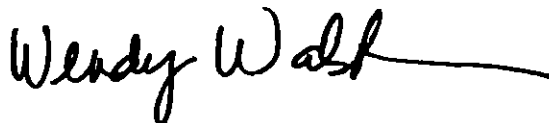
Response: Currently there is a drainage ditch here. The property owner on this side of Cullen Lane is not requesting rezoning, subdivision or site plan and therefore the City would have to purchase any additional right-of-way needed to expand the road on the west side.

Proposal: Extend Francia Trail into Southpark Meadows property

Response: Southpark Meadows property line, within the parameters of the TIAs and site plan, does not extend as far west as Francia Trail making this extension, at this time, infeasible.

It is my hope that this letter assists in addressing your concerns. If you need further information please contact me at 974-7719.

Sincerely,



Wendy Walsh, Senior Planner
Zoning Case Management Division
Neighborhood Planning and Zoning Department

cc: Darlene Berghammer, Mayor's Office
Greg Guernsey, Assistant Director, NPZD
Emily Barron, Senior Transportation Planner, WPDR
Marty Brown, The Brown Group



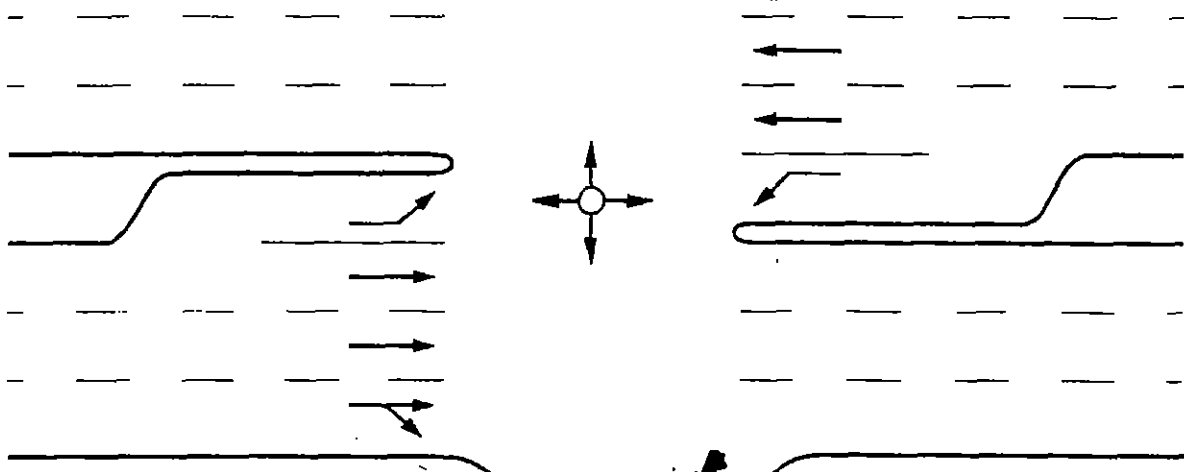
Traffic Volume, 2005 Site

	← 0	10	0 →	
	0	13	0	
0	↑	↓	2	
0			4	
50	→	←	158	
69			278	
286	↑	↓	36	
390			52	
	← 105	5	293 →	
	185	9	516	

Evers proposal

Slaughter Ln.

Cullen Ln.



All Lanes = 12 Feet Wide
Unless Otherwise Noted

	← 14	18	30 →	
	29	21	40	
280	↑	↓	65	
376			56	
1949	→	←	1705	
1504			2848	
287	↑	↓	72	
401			115	
	← 197	14	324 →	
	345	16	589	

	← .40 D	.40 D	.40 D →	
	.84 F	.84 F	.84 F	
1.16 F	↑	↓	.73 C	
1.92 F			.99 A	
.82 C	→	.84 D	← .73 C	
.90 C		1.22 D	.99 A	
.82 C	↑	↓	.58 E	
.90 C			.26 E	
	← .82 E	.82 E	.65 C →	
	2.10 F	2.10 F	.96 D	

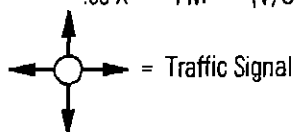
Traffic Volume: 2005 Site + Forecasted

Service Measures: 2005 Site + Forecasted

LEGEND

$\frac{000}{000}$ = AM PM Peak Hour Volume

$\frac{.00 X}{.00 X}$ = AM PM Service Measures (V/C LOS)



NORTH

Signalized Intersection
LEVEL OF SERVICE (LOS)

LOS	Control Delay Per Vehicle (sec)
A	≤ 10
B	> 10 and ≤ 20
C	> 20 and ≤ 35
D	> 35 and ≤ 55
E	> 55 and ≤ 80
F	> 80

FIGURE 13

2005
SITE + FORECASTED
GEOMETRIC AND
TRAFFIC VOLUME
CONDITIONS

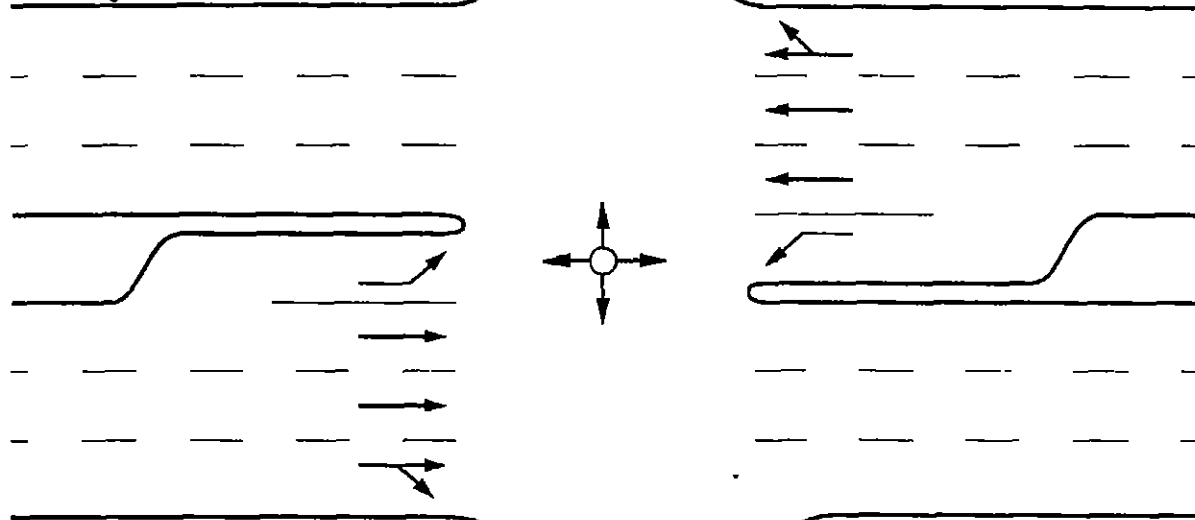
Traffic Volume 2005 Site

	0	10	0	
	0	13	0	
0	↑		2	
0		↓	4	
50	→		← 158	
69			278	
286		↑	38	
390	↓		52	
	← 105	5	293	
	185	9	516	

Southpark
Proposal

Cullen Ln.

Slaughter Ln.



	14	18	30	
	29	21	40	
280	↑		65	
376		↓	56	
1949	→		← 1705	
1504			2848	
287		↑	72	
401	↓		115	
	← 197	14	324	
	345	16	589	

Traffic Volume: 2005 Site + Forecasted

All Lanes = 12 Feet Wide
Unless Otherwise Noted

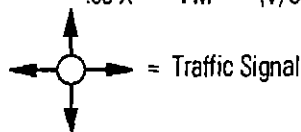
	.40 D .84 F	.40 D .84 F	.40 D .84 F	
1.16 F 1.92 F		↓		↑ .73 C .99 A
.82 C .90 C		.84 D 1.22 D		← .73 C .99 A
.82 C .90 C		↑		↓ .58 E .26 E
	← .82 E 2.10 F	.82 E 2.10 F	.65 C .96 D	

Service Measures: 2005 Site + Forecasted

LEGEND

$\frac{000}{000} = \frac{AM}{PM}$ Peak Hour Volume

$\frac{.00 X}{.00 X} = \frac{AM}{PM}$ Service Measures (V/C LOS)



= Traffic Signal

NORTH

Signalized Intersection
LEVEL OF SERVICE (LOS)

LOS	Control Delay Per Vehicle (sec)
A	≤ 10
B	> 10 and ≤ 20
C	> 20 and ≤ 35
D	> 35 and ≤ 55
E	> 55 and ≤ 80
F	> 80

FIGURE 13

2005
SITE + FORECASTED
GEOMETRIC AND
TRAFFIC VOLUME
CONDITIONS

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 135 WEST SLAUGHTER LANE FROM RURAL
3 RESIDENCE (RR) DISTRICT AND SINGLE FAMILY RESIDENCE STANDARD
4 LOT (SF-2) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL
5 OVERLAY (GR-CO) COMBINING DISTRICT.

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

8
9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from rural residence (RR) district and single family residence
11 standard lot (SF-2) district to community commercial-conditional overlay (GR-CO)
12 combining district on the property described in Zoning Case No. C14-04-0167, on file at
13 the Neighborhood Planning and Zoning Department, as follows:

14
15 The north 62 feet of Lot 9, Tom F. Dunahoo Subdivision, a subdivision in the City
16 of Austin, Travis County, Texas, as recorded in Volume 683, Pages 1-2, of the
17 Deed Records of Travis County, Texas, (the "Property")

18
19 locally known as 135 West Slaughter Lane, in the City of Austin, Travis County, Texas,
20 and generally identified in the map attached as Exhibit "A".

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

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

26	Automotive rentals	Automotive repair services
27	Automotive sales	Bail bond services
28	Building maintenance services	Commercial off-street parking
29	Communications services	Drop-off recycling collection facility
30	Exterminating services	Funeral services
31	Indoor entertainment	Indoor sports and recreation
32	Off-site accessory parking	Outdoor entertainment
33	Outdoor sports and recreation	Pawn shop services
34	Research services	Theater

1 2. A site plan or building permit for the Property may not be approved, released, or
2 issued, if the completed development or uses of the Property, considered cumulatively
3 with all existing or previously authorized developments and uses, generate traffic that
4 exceeds 2,000 trips per day.

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

9
10 **PART 3.** This ordinance takes effect on _____, 2006.

11
12
13 **PASSED AND APPROVED**

14
15 §
16 §
17 _____, 2006 §
18 Will Wynn
19 Mayor

20
21
22 **APPROVED:** _____ **ATTEST:** _____
23 David Allan Smith Shirley A. Gentry
24 City Attorney City Clerk

PETITION

Case Number:

C14-04-0167

Date:

Jan. 19, 2005

Total Area within 200' of subject tract: (sq. ft.)

446,214.35

1	<u>04-3209-0110</u>	<u>SLAUGHTER WAY RETAIL LTD</u>	<u>1,443.73</u>	<u>0.32%</u>
2	<u>04-3209-0111</u>	<u>SLAUGHTER WAY RETAIL LTD</u>	<u>131,286.66</u>	<u>29.42%</u>
3	<u>04-3211-0302</u>	<u>KING A ENTERPRISES MANAGEMENT</u>	<u>12,531.76</u>	<u>2.81%</u>
4	<u>04-3211-0506</u>	<u>SLAUGHTER WAY RETAIL LTD</u>	<u>49,641.38</u>	<u>11.13%</u>
5				<u>0.00%</u>
6				<u>0.00%</u>
7				<u>0.00%</u>
8				<u>0.00%</u>
9				<u>0.00%</u>
10				<u>0.00%</u>
11				<u>0.00%</u>
12				<u>0.00%</u>
13				<u>0.00%</u>
14				<u>0.00%</u>
15				<u>0.00%</u>
16				<u>0.00%</u>
17				<u>0.00%</u>
18				<u>0.00%</u>
19				<u>0.00%</u>
20				<u>0.00%</u>
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25				<u>0.00%</u>
26				<u>0.00%</u>
27				<u>0.00%</u>
28				<u>0.00%</u>

Validated By:

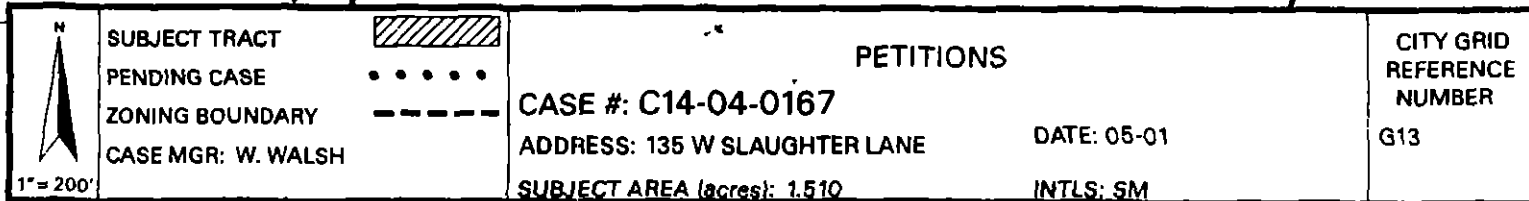
Stacy Meeks

Total Area of Petitioner:

194,903.53

Total %

43.68%



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 DISTRICT ZONING;
BY CONSENT.*

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

ISSUES:

The Applicant is working with the adjacent property owner to dedicate his portion of right-of-way on Cullen Lane as approved by City Council on First Reading, and also the possibility of tapping into their detention pond and wastewater lines. This item has been placed on the agenda for Second Reading at the Applicant's request, so that the rezoning application does not expire.

A valid petition of 43.68% has been filed by the adjacent property owners in opposition to this rezoning request.

The Applicants requested that Staff review and evaluate alternative turning movement proposals, both at the intersection of Cullen and Slaughter Lane, and at Slaughter Lane's intersection with Francia Trail to the west. Staff's correspondence with the Applicant is attached, following the Summary Sheet.

The Conditional Overlay incorporates the conditions imposed by the City Council at First Reading. Preparation of a Street Deed has not yet occurred, and is pending the Applicant's submittal of field notes for the Cullen Lane right-of-way dedication.

The applicant has met with the Park Ridge Homeowners Association and agreed to prohibit the following uses: automotive rentals; automotive repair services; automotive sales; 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; and, theater.

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 242 – Slaughter Lane Neighborhood Assn.
 262 – Beaconridge Neighborhood Association 300 – Terrell Lane Interceptor Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 511 – Austin Neighborhoods Council
 627 – Onion Creek Homeowner's Association
 948 – South by Southeast Neighborhood 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-I-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 (III-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	Approved GR-CO with

		conditions	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:** Postponed to 1-13-05 at the request of an adjacent property owner (7-0)

January 13, 2005 Approved GR-CO district zoning as recommended by Zoning and Platting Commission, with the CO for trips and prohibited uses as agreed between the Applicant and Park Ridge Homeowners Association on 1st Reading, and requiring the dedication of right-of-way on Cullen Lane at 2nd and 3rd Readings (7-0).

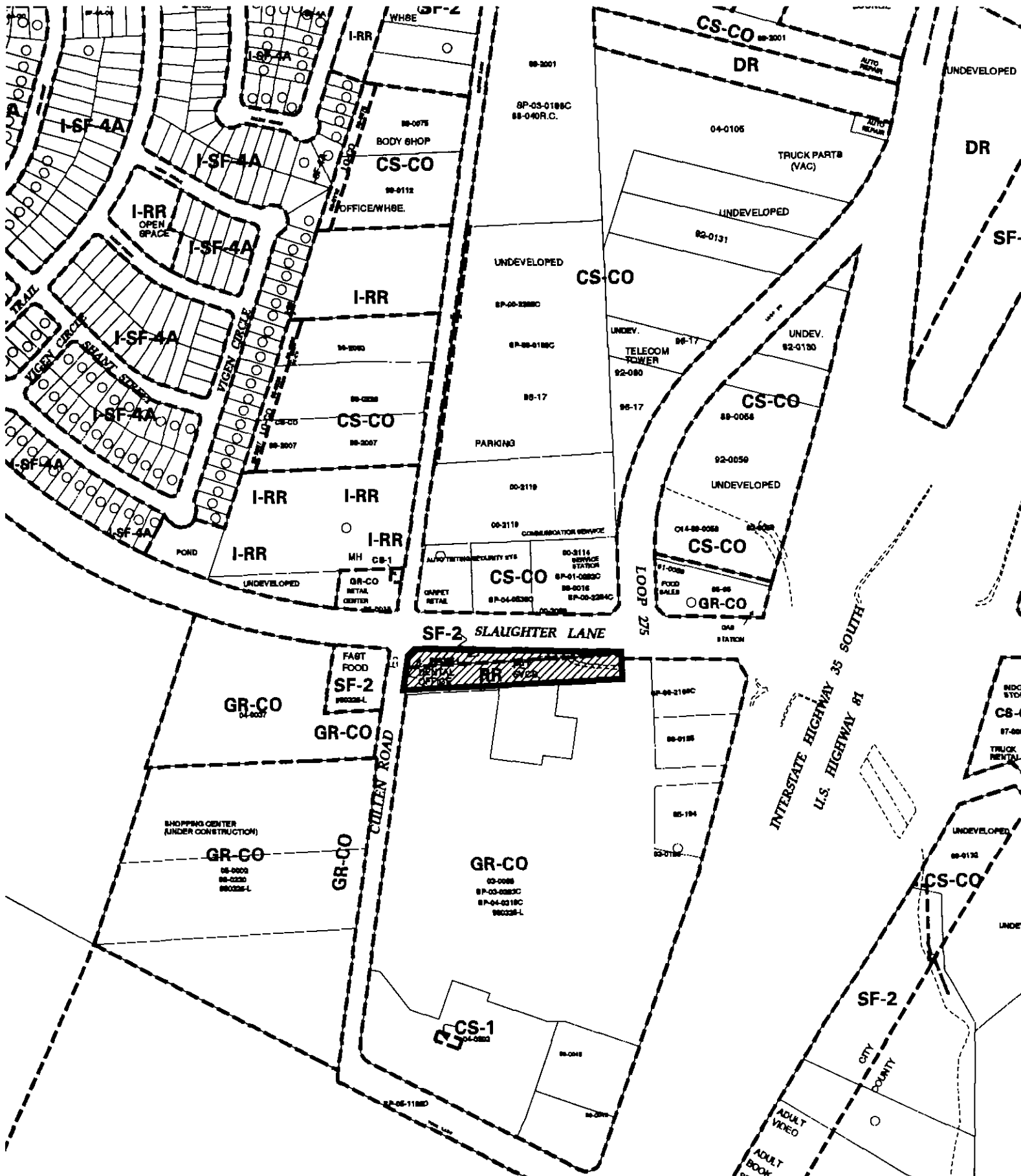
January 12, 2006

ORDINANCE READINGS: 1st January 13, 2005 2nd 3rd

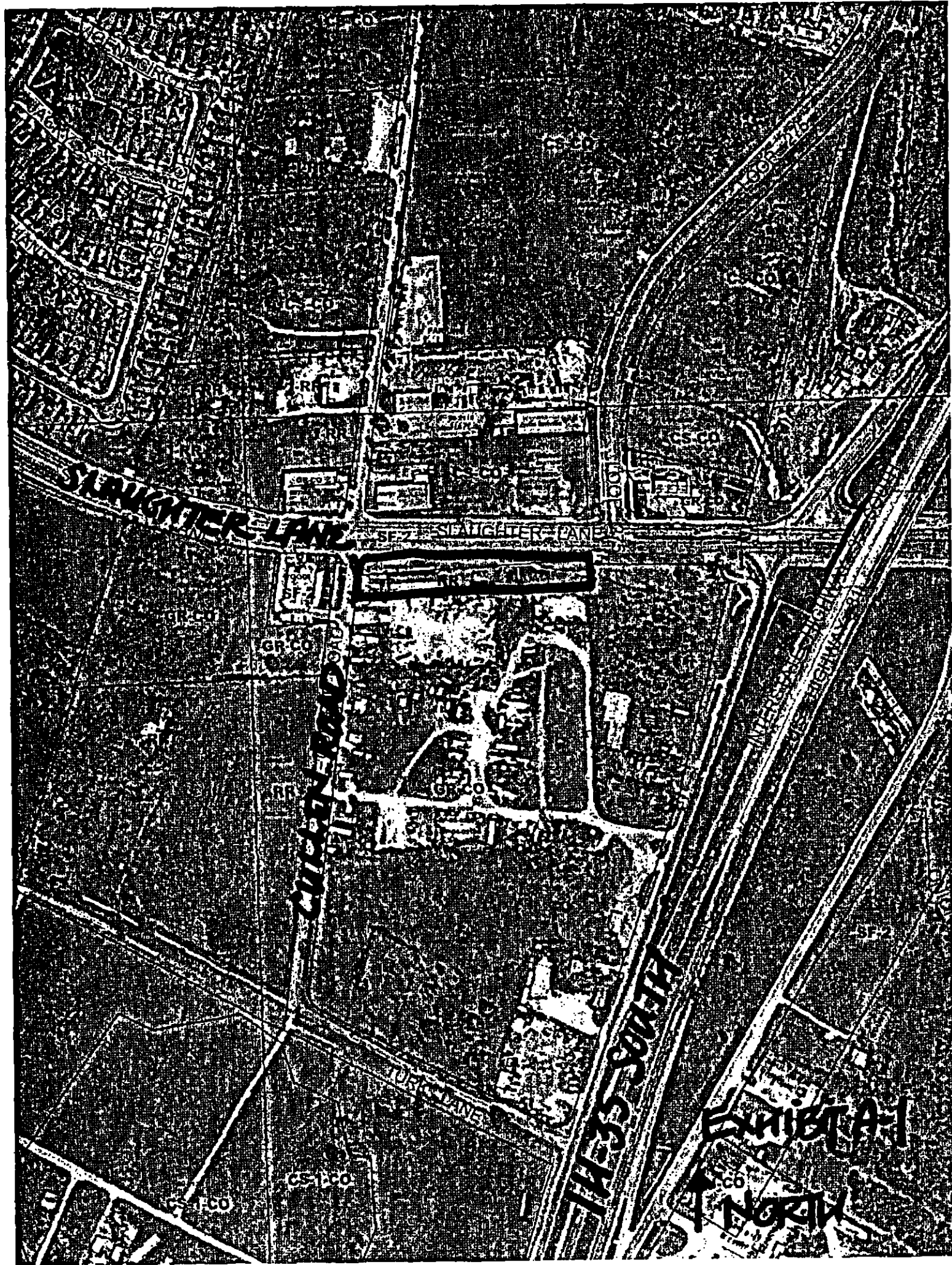
ORDINANCE NUMBER:

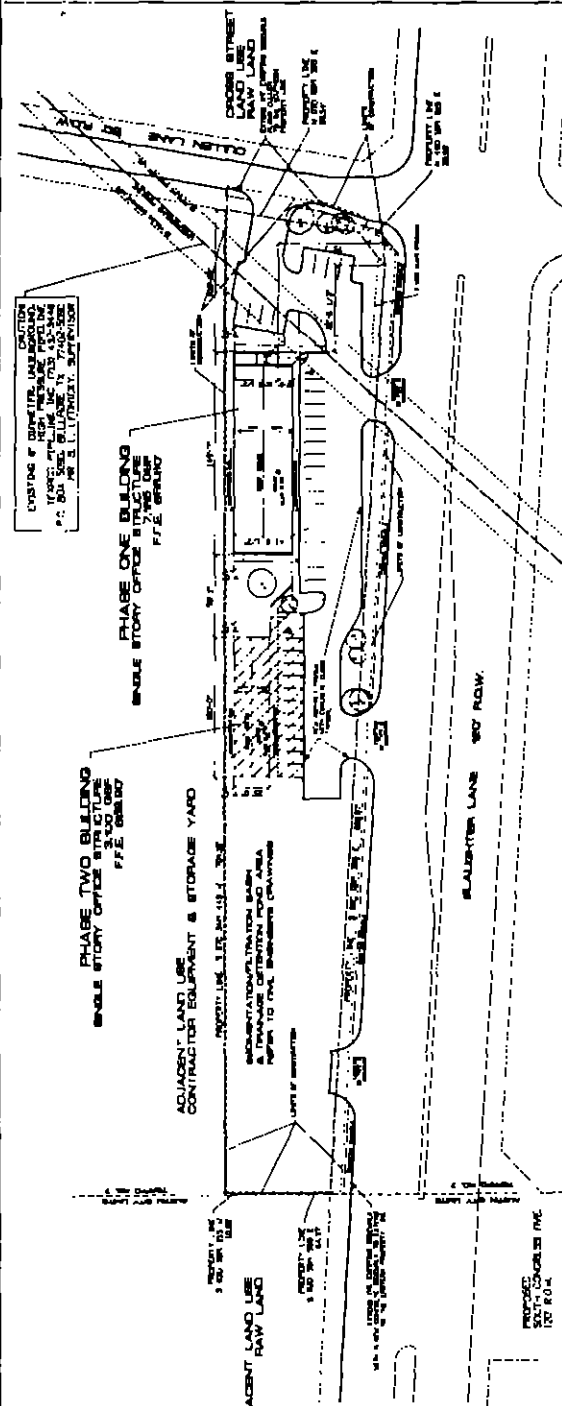
CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



 1" = 400'	SUBJECT TRACT		CASE #: C14-04-0167 ADDRESS: 135 W.SLAUGHTER LA. SUBJECT AREA (acres): 1.510	DATE: 05-12 INTLS: TRC	CITY GRID REFERENCE NUMBER G13
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: W.WALSH				
	ZONING EXHIBIT A				





ARCHITECTURAL SITE PLAN SCALE: 1" = 40' REF: TO SHEET A-3 FOR 1" = 80'-0" SCALE BUILDING PLAN

GENERAL NOTES

1. All work shall be in accordance with the City of Austin Engineering Department specifications.
2. The site plan is based on the existing conditions as shown on the aerial photograph.
3. The proposed improvements are shown in solid lines.
4. The existing conditions are shown in dashed lines.
5. The proposed improvements are shown in solid lines.

PROJECT SUMMARY

PHASE	DESCRIPTION	AREA (SQ. FT.)
PHASE ONE	CONSTRUCTION OF PHASE ONE BUILDING	10,000
PHASE TWO	CONSTRUCTION OF PHASE TWO BUILDING	15,000
TOTAL	TOTAL PROJECT AREA	25,000

PHASE ONE BUILDING

PHASE	DESCRIPTION	AREA (SQ. FT.)
PHASE ONE	CONSTRUCTION OF PHASE ONE BUILDING	10,000
PHASE TWO	CONSTRUCTION OF PHASE TWO BUILDING	15,000
TOTAL	TOTAL PROJECT AREA	25,000

PHASE TWO BUILDING

PHASE	DESCRIPTION	AREA (SQ. FT.)
PHASE ONE	CONSTRUCTION OF PHASE ONE BUILDING	10,000
PHASE TWO	CONSTRUCTION OF PHASE TWO BUILDING	15,000
TOTAL	TOTAL PROJECT AREA	25,000

TOTAL PROJECT SUMMARY

PHASE	DESCRIPTION	AREA (SQ. FT.)
PHASE ONE	CONSTRUCTION OF PHASE ONE BUILDING	10,000
PHASE TWO	CONSTRUCTION OF PHASE TWO BUILDING	15,000
TOTAL	TOTAL PROJECT AREA	25,000

ADJACENT LAND USE

PHASE	DESCRIPTION	AREA (SQ. FT.)
PHASE ONE	CONSTRUCTION OF PHASE ONE BUILDING	10,000
PHASE TWO	CONSTRUCTION OF PHASE TWO BUILDING	15,000
TOTAL	TOTAL PROJECT AREA	25,000

CONSTRUCTION OF PHASE ONE BUILDING

PHASE	DESCRIPTION	AREA (SQ. FT.)
PHASE ONE	CONSTRUCTION OF PHASE ONE BUILDING	10,000
PHASE TWO	CONSTRUCTION OF PHASE TWO BUILDING	15,000
TOTAL	TOTAL PROJECT AREA	25,000

CONSTRUCTION OF PHASE TWO BUILDING

PHASE	DESCRIPTION	AREA (SQ. FT.)
PHASE ONE	CONSTRUCTION OF PHASE ONE BUILDING	10,000
PHASE TWO	CONSTRUCTION OF PHASE TWO BUILDING	15,000
TOTAL	TOTAL PROJECT AREA	25,000

TOTAL PROJECT SUMMARY

PHASE	DESCRIPTION	AREA (SQ. FT.)
PHASE ONE	CONSTRUCTION OF PHASE ONE BUILDING	10,000
PHASE TWO	CONSTRUCTION OF PHASE TWO BUILDING	15,000
TOTAL	TOTAL PROJECT AREA	25,000

EXHIBIT B
APPROVED SITE PLAN

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).

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.

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.

Walsh, Wendy

From: Glasco, Alice
Sent: Thursday, December 16, 2004 8:15 AM
To: 'Andy Pastor'; Guernsey, Greg
Cc: Walsh, Wendy; Richard Suttle, Jr.
Subject: RE: Item Z-1 Zoning case C14-04-0167 Euers Office/Retail Building

Andy,

Thanks for your e-mail. We will read it into the record at the meeting.

-----Original Message-----

From: Andy Pastor [mailto:APastor@endeavor-re.com]
Sent: Wednesday, December 15, 2004 6:37 PM
To: Glasco, Alice; Guernsey, Greg
Cc: Walsh, Wendy; Richard Suttle, Jr.
Subject: Item Z-1 Zoning case C14-04-0167 Euers Office/Retail Building

Dear Alice and Greg, on behalf of the owners of the property adjoining the above referenced zoning case, Slaughterway Retail, LP, I hereby join the Park Ridge Neighborhood Association in requesting a postponement to the next regularly scheduled City Council Meeting. In the event the Park Ridge HOA withdraws their request for postponement, I still want my request for postponement to be considered. This is the first request for postponement from an adjacent property owner.

The reason for the postponement is to allow more time to discuss the transportation issues surrounding Cullen Lane.

Thank you for your consideration. Andy

Andrew R. Pastor
Principal
Endeavor Real Estate Group
1209 West 5th Street, Suite 200
Austin, Texas 78703
(512) 682-5528
(512) 682-5505 - Fax
apastor@endeavor-re.com
www.endeavor-re.com

12/16/2004

December 16, 2004

Alice Glasco
City of Austin
Director, Neighborhood Planning and Zoning Department
P.O. Box 1088
Austin, Texas 78767

RE: Item Z-1 Zoning case C14-04-0167 Euers Office/Retail Building

Dear Alice,

As the owner of property within 200 feet of the above referenced zoning case, I hereby submit, in writing, my opposition to the zoning of the property. Please let me know if I need to do anything further to perfect my valid petition rights.

Sincerely,

Slaughterway Retail, L.P.

By: 

Name: David L. Rolue

Title: EVP

December 16, 2004

Alice Glasco
City of Austin
Director, Neighborhood Planning and Zoning Department
P.O. Box 1088
Austin, Texas 78767

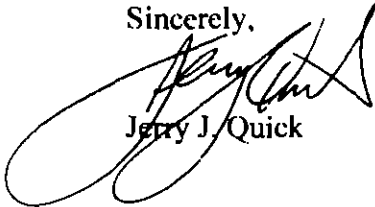
RE: Item Z-1 Zoning case C14-04-0167 Euers Office/Retail Building

Dear Alice,

As the owner of property within 200 feet of the above referenced zoning case, I hereby submit, in writing, my opposition to the zoning of the property. Please let me know if I need to do anything further to perfect my valid petition rights.

My property was purchased from Lula Ruth Fox Estate c/o TP & Arlene Wingo, Trustees on December 10, 2004.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry J. Quick", is written over the word "Sincerely,".

Jerry J. Quick

December 16, 2004

Alice Glasco
City of Austin
Director, Neighborhood Planning and Zoning Department
P.O. Box 1088
Austin, Texas 78767

RE: Item Z-1 Zoning case C14-04-0167 Euers Office/Retail Building

Dear Alice,

As the owner of property within 200 feet of the above referenced zoning case, I hereby submit, in writing, my opposition to the zoning of the property. Please let me know if I need to do anything further to perfect my valid petition rights.

ACTG - Austin I L.P. purchased the property from King A Enterprises Management in 2004.

Sincerely,

ACTG - Austin I L.P.

By: 

Name: Todd M. Greenwald

Title: Member

