



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

**AGENDA ITEM NO.: Z-1**  
**AGENDA DATE: Thu 02/10/2005**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0203 - Twin Liquors at Slaughter - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9300 South IH-35 Service Road Southbound (Onion Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Applicant: Slaughterway Retail, Ltd. (Jeffrey S. Newberg). 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:** C14-04-0203

**Z.P.C. DATE:** January 18, 2005

**ADDRESS:** 9300 South IH-35 Service Road Southbound

**OWNER:** Slaughterway Retail, Ltd  
(Jeffrey S. Newberg)

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

**ZONING FROM:** GR-CO    **TO:** CS-1

**AREA:** 0.05 acres (2,548 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant commercial – liquor sales (CS-1) district zoning.

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

January 18, 2005: *APPROVED STAFF'S RECOMMENDATION FOR CS-1 ZONING.*  
*[J.P.; C.H 2<sup>ND</sup>] (6-1) T.R – NAY; J.M, M.W – ABSENT*

### **ISSUES:**

The applicant met with representatives of the Park Ridge Homeowners Association on Saturday afternoon, January 8, 2005 to discuss the proposed rezoning application. At the Zoning and Platting Commission hearing, the President of the Homeowners' Association stated that the Association was opposed to the applicant's request for CS-1 zoning.

### **DEPARTMENT COMMENTS:**

The subject property is a 2,548 square foot lease space within a retail shopping center presently under construction that accesses the southbound frontage lane of IH-35, as well as Slaughter Lane, Cullen Lane and Turk Lane, and is zoned community commercial – conditional overlay (GR-CO), combining district by a 2003 zoning case. The shopping center is anchored by a discount superstore and also includes restaurant, pet services and general retail sales uses. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The applicant proposes to rezone the lease space to the commercial – liquor sales (CS-1) district and occupy the lease space with a liquor store. Staff recommends CS-1 zoning, based on the following considerations: 1) the proposed use is compatible with the surrounding uses within the retail center and its corresponding GR-CO zoning; 2) it is located at a distance from the nearest residential neighborhood (approximately 1/3 mile); and, 3) access will be taken to two major arterial roadways and two collector streets.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-CO	Lease space within a shopping center anchored by discount superstore – under construction
<i>North</i>	GR-CO; RR; SF-2	Shopping center anchored by discount superstore – under construction; Dentist's office; Pet services
<i>South</i>	GR-CO	Remainder of shopping center anchored by discount superstore – under construction; Vacant outdoor concert venue also proposed for commercial development
<i>East</i>	GR-CO	Shopping center anchored by discount superstore – under construction; IH-35 frontage road and main lanes
<i>West</i>	GR-CO; RR	Shopping center anchored by discount superstore – under construction; Agricultural (also proposed for

**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    300 – Terrell Lane Interceptor Association  
 428 – Barton Springs / Edwards Aquifer Conservation District  
 627 – Onion Creek Homeowners Association    948 – South by Southeast Neighborhood Org.  
 • Courtesy notice sent to a representative of the Park Ridge Homeowners Association

**SCHOOLS:**

Williams Elementary School

Paredes Middle School

Akins High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-05-0002 (Quick Tract)	RR to CS	Pending completion of the Traffic Impact Analysis	Pending
C14-04-0204 (Northeast corner of I-35 and Brandt Road; City-initiated)	Unzoned to GR	To Grant GR-CO for Tract 1 (6.453 acres at the southwest corner of I-35 and Brandt Road); GO-CO for Tract 2; the remainder of the property. The CO follows the prohibited use list of C14-04-0104 except that auto-related uses are permitted.	Scheduled for CC 2-3-05

C14-04-0167	RR; SF-2 to GR	To Grant GR-CO	Approved GR-CO with the CO for a list of prohibited uses; Required the dedication of r-o-w on Cullen Lane, on 1 <sup>st</sup> Reading only (1-13-05).
C14-04-0094 (Janssen Tract)	CS-CO to CS	To Grant CS-CO with a Restrictive Covenant for the TIA	Approved CS-CO with a Restrictive Covenant for the TIA, as recommended by ZAP (10-21-04).
C14-04-0075 (Southpark Meadows)	LO-CO; CS-1-CO to GR	To Grant GR-CO with a Restrictive Covenant for the TIA	Approved CS-CO with a Restrictive Covenant for the TIA, as recommended by ZAP (10-21-04).
C14-99-0129 (RCT) (Southpark Meadows)	Terminate the Restrictive Covenant pertaining to a rollback to LO zoning	To Grant the Restrictive Covenant Termination	Approved the Restrictive Covenant Termination (10-21-04).
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).
C14-03-0066 (Wal-mart: 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)
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**RELATED CASES:**

The rezoning area is a portion of Lot 7 of the Slaughter / IH35 Commercial plat which was recorded on November 21, 2003 and is provided as Exhibit B (C8-03-0103.0A). A consolidated site plan, known as Slaughter Lane / I.H. 35 Commercial, was also approved on November 21, 2003, and is provided as Exhibit C (SP-03-0283C).

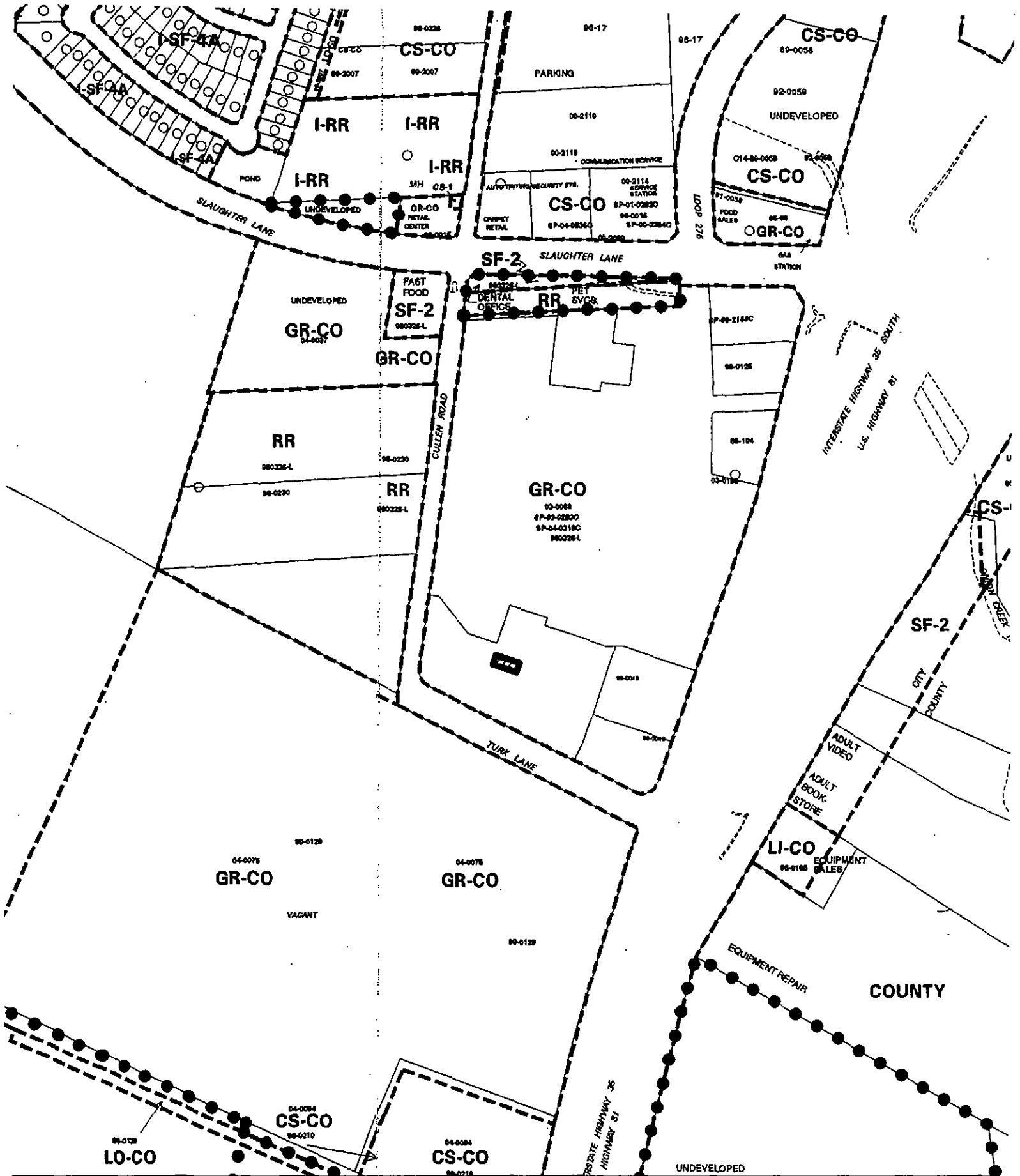
**ABUTTING STREETS:**


Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
IH 35	Varies	Varies	Freeway	No	No	No
Turk Lane	100 feet	24 feet	Collector	No	No	#45
Cullen Rd.	64 feet	30 feet	Collector	No	No	#45
Slaughter Lane	120 feet	2 at 40 feet	Major Arterial	Yes	No	#86

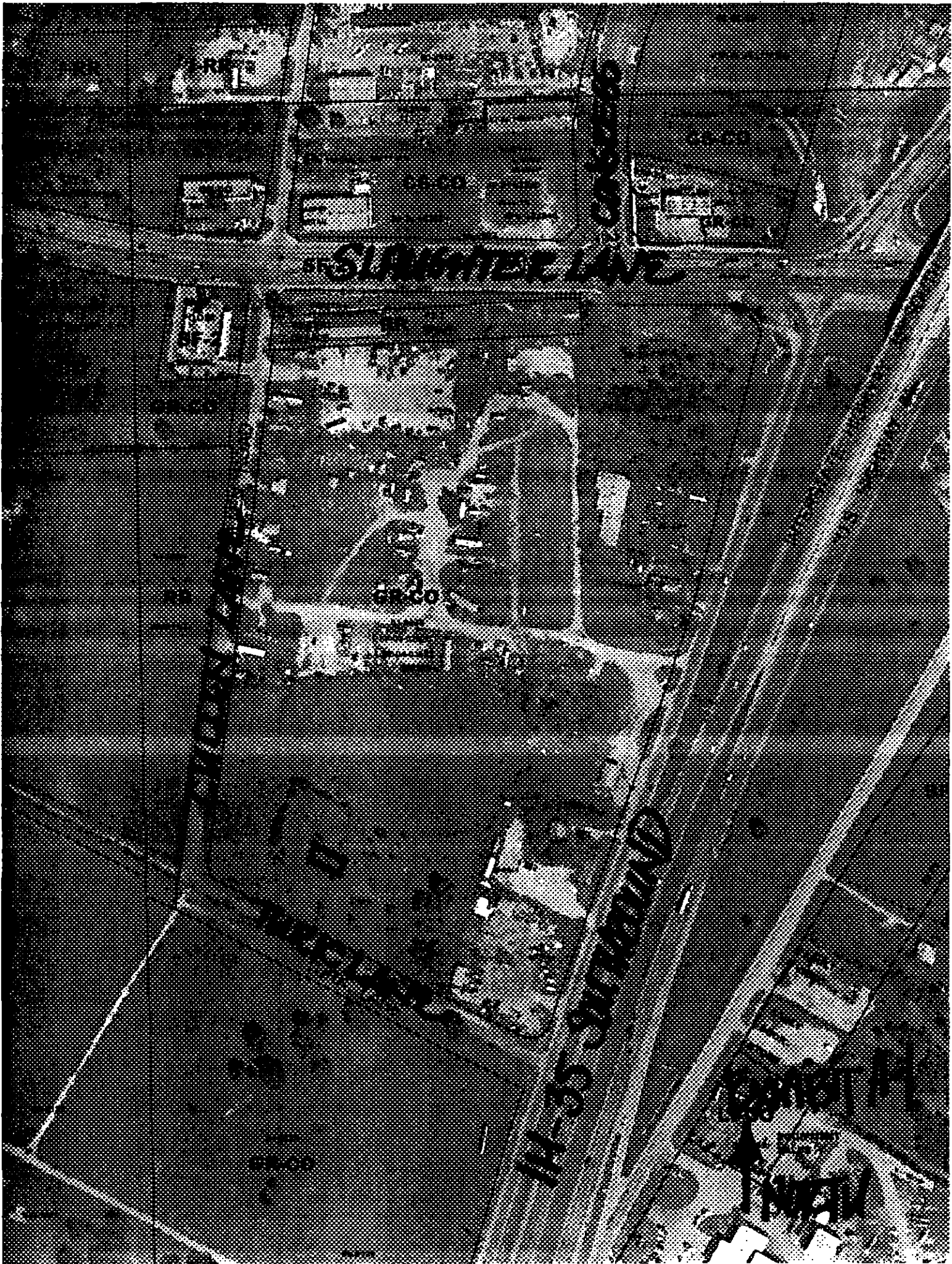
**CITY COUNCIL DATE:** February 10, 2005**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:**

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

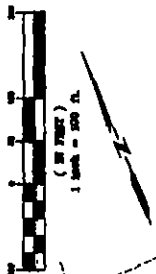
**PHONE:** 974-7719



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH	<b>ZONING Exhibit A</b> CASE #: C14-04-0203 ADDRESS: 9300 S I 35 SVC RD SB SUBJECT AREA (acres): 0.050		CITY GRID REFERENCE NUMBER G13
	DATE: 04-12 INTLS: SM			



### GRAPHIC SCALE



LIST	ADDRESS	LINE
1	21226	COMMERCIAL
2	1831	COMMERCIAL
3	1214	COMMERCIAL
4	04252	COMMERCIAL
5	1887	COMMERCIAL
6	2143	COMMERCIAL
7	4389	COMMERCIAL

32.590 ACRES TOTAL

**DA** Doucet & Associates, Inc.  
7401-B Highway 71 West, Suite 160, Austin, TX 78735  
Phone : (512) 563-2600 Fax : 583-2601  
Austin, TX Easthampton, MA Sacramento, CA  
[www.doucetandassociates.com](http://www.doucetandassociates.com)

**CA**  
 Transportation / Alaska  
 Engineers / Surveyors  
 DATE: 5/29/93  
 DRAWING NO.: 93-002  
 PROJECT NO.: 321-0002  
 TEL: (312) 327-2546  
 FAX: (312) 327-2973  
 3105 Bee Cave Road, Suite 202  
 Austin, Texas 78746-4819

C8-03-0105.0A  
SUBMITTAL DATE: - 7/01/2003

**LEGEND**

**LEGEND**

- 3" HOLE NOT FOUND (UNLESS STATED)
- 3" HOLE FOUND (SIZE AS STATED)
- CAN NOT FOUND
- COMMENTS HERE, ACCOUNTING FORMS (TYPE 0)
- 5" HOLE NOT FOUND (UNLESS STATED)
- P.K. HOLE WITH MATERIAL WASTED SEE J-2
- USED RECORDS OF THAMES COUNTY
- USED PROPERTY RECORDS OF THAMES COUNTY
- RECORDS OF THE COUNTY COURT OF THAMES
- BATHING ESTABLISHMENT
- PROPOSED SEWERAGE
- SINKHOLE

NORMAN ELMERS  
TO  
THE STATE OF TEXAS  
CONDEMNATION NO. 147  
VOL. 1, PG. 208, R.G.C.T.C.T.

PROPOSED  
REZONING  
TO C5-10

RIGHT-OF-WAY DEED  
 JOHN E. BURTON, AND WIFE  
 TO  
 THE STATE OF TEXAS  
 L. 1482, PG. 275, D.R.T.C.

EXHIBIT B  
RECORDED  
RAT

PHOTOGRAPHIC MYLAR





**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant commercial – liquor sales (CS-1) district zoning.

**BACKGROUND**

The subject property is a 2,548 square foot lease space within a retail shopping center presently under construction that accesses the southbound frontage lane of IH-35, as well as Slaughter Lane, Cullen Lane and Turk Lane, and is zoned community commercial – conditional overlay (GR-CO), combining district by a 2003 zoning case. The shopping center is anchored by a discount superstore and also includes restaurant, pet services and general retail sales uses.

The applicant proposes to rezone the lease space to the commercial – liquor sales (CS-1) district and occupy the lease space with a liquor store. Staff recommends CS-1 zoning, based on the following considerations: 1) the proposed use is compatible with the surrounding uses within the retail center and its corresponding GR-CO zoning; 2) it is located at a distance from the nearest residential neighborhood (approximately 1/3 mile); and, 3) access will be taken to two major arterial roadways and two collector streets.

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

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

The commercial – liquor sales (CS-1) zoning district is intended for commercial and industrial activities of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use.

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

The proposed use is compatible with the surrounding uses within the retail center and its corresponding GR-CO zoning; it is located at a distance from the nearest residential neighborhood (approximately 1/3 mile); and, access will be taken to two major arterial roadways and two collector streets.

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

The rezoning area is under construction as a lease space within a retail shopping center under construction. The site is relatively flat and there appear to be no significant topographical constraints on the site.

**Impervious Cover**

The maximum impervious cover allowed by the CS-1 zoning district would be 80%, which is based on the more restrictive watershed regulations.

### **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.

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**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 981 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).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

**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, system upgrades, offsite main extension, utility relocation, and utility 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 utility design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

The landowner must pay the tap and impact fee once the landowner makes an application or a City water and wastewater utility tap permit.

**Compatibility Standards**

This tract is already developed and the proposed zoning change is a footprint within the existing development. A change of use within the existing structure would not trigger compatibility development regulations.

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

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
PROPERTY LOCATED AT 9300 IH-35 SOUTH, SOUTHBOUND SERVICE ROAD  
FROM COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO)  
COMBINING DISTRICT TO COMMERCIAL-LIQUOR SALES (CS-1) 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 community commercial-conditional overlay (GR-CO)  
combining district to commercial-liquor sales (CS-1) district on the property described in  
Zoning Case No. C14-04-0203, on file at the Neighborhood Planning and Zoning  
Department, as follows:

A 2,548 square foot tract of land, more or less, out of the S.F. Slaughter League  
Survey No. 1 in Travis County, the tract of land being more particularly described  
by metes and bounds in Exhibit "A" incorporated into this ordinance,

locally known as 9300 IH-35 South, southbound service road, in the City of Austin, Travis  
County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** This ordinance takes effect on \_\_\_\_\_, 2005.

**PASSED AND APPROVED**

\_\_\_\_\_, 2005      § \_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
David Allan Smith      Shirley A. Brown  
City Attorney      City Clerk

DESCRIPTION

FIELD NOTES FOR 2,548 SQUARE FEET OF LAND OUT OF THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 7 OF SLAUGHTER / IH35 COMMERCIAL ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NUMBER 200300314, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2,548 SQUARE FEET OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2 inch iron rod with aluminum cap set in the east right-of-way of CULLEN LANE (R.O.W. varies) for the southwest corner of Lot 1 of RESUBDIVISION OF LOTS 1 AND 2, SLAUGHTER / IH35 COMMERCIAL according to the map or plat thereof recorded in Document Number 200400105, Official Public Records of Travis County, Texas and the northwest corner of Lot 7 of said SLAUGHTER / IH35 COMMERCIAL plat from which a 1/2 inch iron rod with aluminum cap set for an exterior ell corner of Lot 7 of said RESUBDIVISION, SLAUGHTER / IH35 COMMERCIAL plat and an interior ell corner of Lot 1 of said SLAUGHTER / IH35 COMMERCIAL plat bears S79°37'20"E a distance of 33.24 feet;

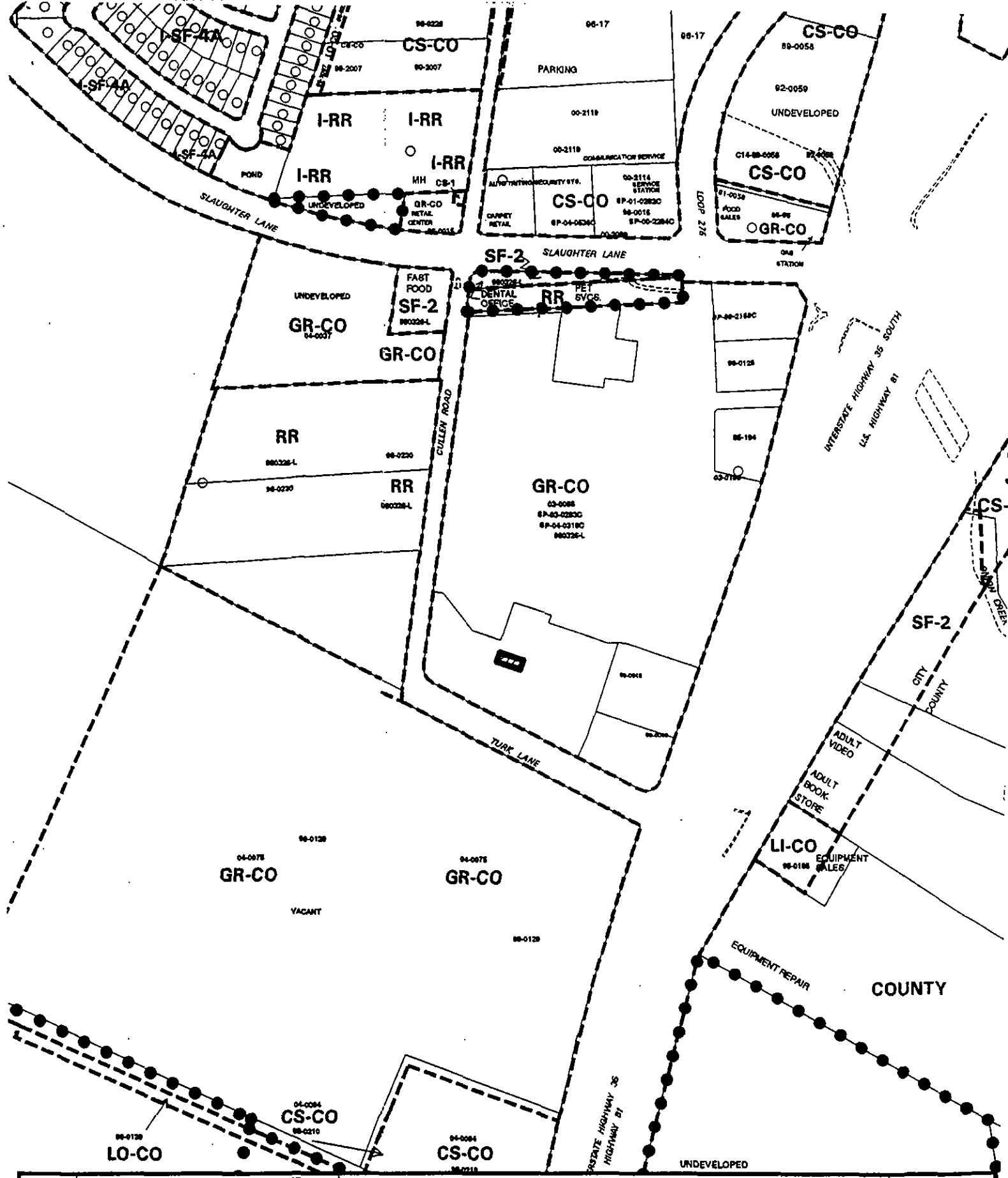
THENCE with the east right-of-way of said CULLEN LANE and the west line of Lot 7 of said SLAUGHTER / IH35 COMMERCIAL plat, S10°04'37"W a distance of 151.39 feet to a point from which a 1/2 inch iron rod with aluminum cap set in the east right-of-way of said CULLEN LANE bears S10°04'37"W a distance of 96.85 feet;

THENCE over and across Lot 7 of said SLAUGHTER / IH35 COMMERCIAL plat, S68°34'18"E a distance of 241.62 feet to a point for the southwest corner and POINT OF BEGINNING of the herein described tract;

THENCE continuing over and across Lot 7 of said SLAUGHTER / IH35 COMMERCIAL plat the following four (4) courses and distances:

1. N21°25'42"E a distance of 31.85 feet to a point for the northwest corner of this tract;
2. S68°34'18"E a distance of 80.00 feet to a point for the northeast corner of this tract;
3. S21°25'42"W a distance of 31.85 feet to a point for the southeast corner of this tract;
4. N68°34'18"W a distance of 80.00 feet to the POINT OF BEGINNING, containing 2,548 square feet of land, more or less, within these metes and bounds.

Reference is herein made to the sketch of this 2,548 square feet of land accompanying this field



 1" = 400'	SUBJECT TRACT		<b>ZONING EXHIBIT B3</b>		CITY GRID REFERENCE NUMBER G13
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-04-0203 ADDRESS: 9300 S I 35 SVC RD SB SUBJECT AREA (acres): 0.050	DATE: 04-12 INTLS: SM	
	CASE MGR: W. WALSH				