

FOR TUESDAY'S  
CODES + ORD'S meeting

Rhoades, Wendy

**From:** Rhoades, Wendy  
**Sent:** Wednesday, January 05, 2011 11:49 AM  
**To:** Heil, Robert  
**Subject:** Code amendment regarding the square foot limitation on food preparation use

3-15-11

ITEM C2

Hi Robert,

This is a request to bring forth a request to the Codes and Ordinances subcommittee for initiation of a code amendment to increase the 5,000 square foot limitation associated with the food preparation use. This direction to Staff came from a rezoning case that was considered by the Zoning and Platting Commission on January 4, 2011. The size limitation in the food preparation land use classification is 5,000 square feet, so in the case of the BB-OTL Project, the proposed rezoning area was an 11,000+ square foot footprint. Since the rezoning area exceeded the square foot limitation on food preparation, Staff classified the proposed use as light manufacturing, which is first allowed in the LI zoning district.

Thank you,  
Wendy

< 5K ft<sup>2</sup> = food Prep, allowed in LR+  
=> 5K ft<sup>2</sup> = light manufacturing, allowed in LI

idea      < 5K = LR  
            5 ≤ ~~5M~~ X < 10K = GR  
            10 ≤ X < <sup>20</sup>~~15~~K = CS  
            ~~15K~~ <sup>20</sup> ≤ X ≤ LI



**ZONING & PLATTING COMMISSION  
MINUTES**

**REGULAR MEETING  
January 4, 2011**

The Zoning & Platting Commission convened in a regular meeting on January 4, 2011 @ 301 W. 2nd Street in Austin, Texas.

Vice-Chair Patricia Seeger called the Board Meeting to order at 6:12 p.m.

**Board Members in Attendance:**

Patricia Seeger  
Sandra Baldrige  
Cynthia Banks  
Gregory Bourgeois  
Donna Tiemann

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**EXECUTIVE SESSION (No public discussion)**

The Zoning & Platting Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The commission may not conduct a closed meeting without the approval of the city attorney.

Private Consultation with Attorney – Section 551.071

**A. CITIZEN COMMUNICATION: GENERAL**

No speakers.

**B. APPROVAL OF MINUTES**

1. Approval of minutes from December 21, 2010.

The motion to approve the minutes from December 21, 2010; were approved on the consent agenda by Commissioner Gregory Bourgeois' motion, Commissioner Cynthia Banks second the motion on a vote of 4-0-1; Commissioner Banks approved the consent agenda, but abstained from approval of the minutes; Chair Baker was absent (ill) with 1 vacancy on the commission.

- 4. Rezoning: C14-2010-0190 - BB-OTL Project**  
 Location: 1807 West Slaughter Lane, Slaughter Creek Watershed  
 Owner/Applicant: BB Retail South LP (Jimmy J. Nassour)  
 Agent: Alice Glasco Consulting (Alice Glasco)  
 Request: GR to LI  
 Staff Rec.: **Recommendation of LI-CO**  
 Staff: Wendy Rhoades, 974-7719, wendy.rhoades@ci.austin.tx.us  
 Planning and Development Review Department

First motion was to rescind and reconsider the actions taken on December 7, 2010; the motion was made by Commissioner Cynthia Banks, Commissioner Sandra Baldrige second the motion on a vote of 5-0; Chair Betty Baker was absent.

Second motion was to approve staff's recommendation for LI-CO district zoning with an additional condition of a restrictive covenant containing a rollback provision that the owner will not object to rezoning to a more restrictive zoning district if the code is amended to increase the square footage limitation for a food preparation use; the prohibited uses are: basic industry, campground, equipment repair services, equipment sales, general warehousing and distribution, monument retail sales, recycling center, resource extraction, scrap and salvage and vehicle storage. The motion was approved by Commissioner Gregory Bourgeois' motion, Commissioner Donna Tiemann second the motion on a vote of 5-0; Chair Betty Baker was absent (ill), with 1 vacancy on the commission.

\* Note: Direct staff to initiate a code amendment to increase the square footage limitation for a food preparation use.

- 5. Rezoning: C14-2010-0195 - Loop 360 Storage**  
 Location: 2631 S. Capital of Texas Highway Northbound, Barton Creek - Barton Springs Zone Watershed  
 Owner/Applicant: Riata Holdings, Ltd. (Matt Mathias)  
 Agent: Alice Glasco Consulting (Alice Glasco)  
 Request: GR-CO to CS-CO  
 Staff Rec.: **Recommended**  
 Staff: Stephen Rye, 974-7604, stephen.rye@ci.austin.tx.us  
 Planning and Development Review Department

The motion to approve staff's recommendation for CS-CO district zoning; was approved on the consent agenda by Commissioner Gregory Bourgeois' motion, Commissioner Cynthia Banks second the motion on a vote of 5-0; Chair Betty Baker was absent (ill), with 1 vacancy on the commission.

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**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2010-0190 – BB-OTL Project

**Z.A.P. DATE:** December 7, 2010  
January 4, 2011

**ADDRESS:** 1807 West Slaughter Lane

**OWNER:** BB Retail South, LP  
(Jimmy J. Nassour)

**AGENT:** Alice Glasco Consulting  
(Alice Glasco)

**ZONING FROM:** GR

**TO:** LI

**AREA:** 0.260 acres  
(11,246 square feet)

**SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant limited industrial service – conditional overlay (LI-CO) combining district zoning. The Conditional Overlay prohibits the following uses: basic industry, campground, equipment repair services, equipment sales, general warehousing and distribution, monument retail sales, recycling center, resource extraction, scrap and salvage, and vehicle storage.

**ZONING & PLATTING COMMISSION RECOMMENDATION:**

December 7, 2010: *CONTINUED TO JANUARY 4, 2011 (ZAP)*  
*[G. BOURGEOIS; T. RABAGO – 2<sup>ND</sup>] (5-0) P. SEEGER; D. TIEMANN - ABSENT*

January 4, 2011:

**ISSUES:**

At the January 4, 2011 Zoning and Platting Commission meeting, Staff will be prepared to outline two other LI zoning cases that were limited to one site, including a building footprint.

**DEPARTMENT COMMENTS:**

The subject rezoning area consists of a vacant portion of a structure that was formerly used as a food sales use and is zoned community commercial (GR) by way of a 1986 case. The rezoning area is located within a shopping center at the southeast corner of Slaughter Lane and Manchaca Road. The site borders on other commercial, office, retail and restaurant uses within the shopping center (GR). There is a convenience storage facility to the south (I-RR), and a few single family residences and commercial uses across Manchaca Road to the west (County). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone the area to the limited industrial service (LI) district so that the building may be renovated with a light manufacturing use that will enable food preparation processes to occur. (The food preparation land use classification is first

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permitted in the GR district, but is limited to 5,000 square feet in size.) Given the limited size of the zoning area, separation from existing residential uses, access to two arterial roadways and the re-use of existing equipment which includes refrigeration coolers and other equipment related to food preparation, Staff recommends LI-CO zoning, with the Conditional Overlay prohibiting the more intense LI uses.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
Site	GR	Vacant portion of a structure that contained a food sales use
North	GR	Gym; Medical offices; Parking area
South	I-RR; GR	Driveway serving the commercial center; Convenience storage; Undeveloped; Construction sales and services
East	GR; CS-1	Restaurant; Detention pond
West	GR	Retail and restaurant uses within commercial center

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** Slaughter Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** Yes – Slaughter Lane

**NEIGHBORHOOD ORGANIZATIONS:**

- 26 – Far South Austin Community Association
- 242 – Slaughter Lane Neighborhood Association
- 627 – Onion Creek Homeowners Association
- 742 – Austin Independent School District
- 943 – Save Our Springs Alliance
- 1037 – Homeless Neighborhood Association
- 1075 – League of Bicycling Voters
- 1113 – Austin Parks Foundation
- 1200 – Super Duper Neighborhood Objectors and Appealers Organization
- 1214 – Baurle Ranch Homeowners Association
- 1224 – Austin Monorail Project
- 1228 – Sierra Club, Austin Regional Group

**SCHOOLS:**

Kocurek Elementary School

Bailey Middle School

Akins High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0147 – Lopez Hardware and Lumber Company – 10037	I-RR to CS	To Grant CS-CO with the CO for a 2,000 vehicle trip limit and a list of prohibited uses	Approved CS-CO as Commission recommended (9-25-08).

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Manchaca Road			
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**RELATED CASES:**

The subject area was originally zoned GR on January 23, 1986 as part of a Principal Roadway Area zoning site plan case that encompassed 27.83 acres at the southeast corner of Manchaca Road and Slaughter Lane (C14r-86-056 – Ordinance No. 860123-F). The site plan which was required to be attached to the zoning ordinance included food sales, retail and restaurant uses accompanied the ordinance. Please refer to Exhibit B.

The property is a portion of Lot 2, Plaza at Slaughter Creek Section One, a subdivision recorded on February 20, 1986 (C8-85-046.1).

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
FM 2304 (Manchaca Road)	120 feet	90 feet	Arterial	27,000 (TXDOT, 2009)
West Slaughter Lane	Varies	2 @ 35 feet	Arterial	Not Available

- There are existing sidewalks along FM 2304 (Manchaca Road) and Slaughter Lane.
- According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or proposed along the adjoining streets as follows:

Street Name	Existing Bicycle Facilities	Proposed Bicycle Facilities
FM 2304 (Manchaca Road)	Bike Lane	Bike Lane
West Slaughter Lane	Wide Shoulder	Wide Shoulder

- Capital Metro bus service is available along Manchaca Road (route no. 3) and Slaughter Lane (route no. 10).

**CITY COUNCIL DATE:** December 16, 2010

**ACTION:** Approved a Postponement request by the Staff to January 13, 2011 (6-0, Cole – off the dais).

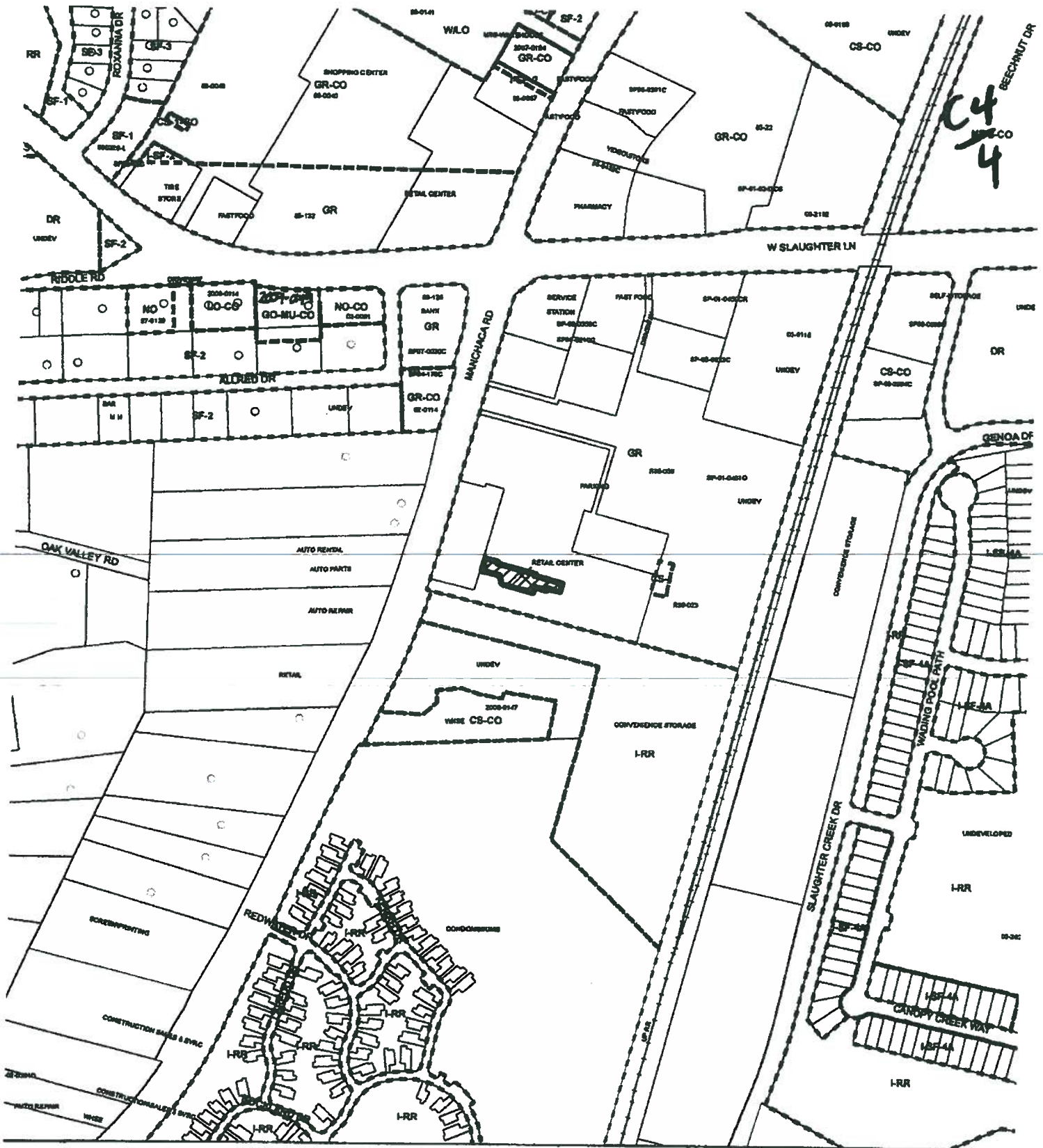
January 13, 2011

**ORDINANCE READINGS:** 1<sup>st</sup>                      2<sup>nd</sup>                      3<sup>rd</sup>  
**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
 e-mail: wendy.rhoades@ci.austin.tx.us

**PHONE:** 974-7719









**ZONING**

*Exhibit A*

ZONING CASE#: C14-2010-0190  
 LOCATION: 1807 W SLAUGHTER LN  
 SUBJECT AREA: 0.260 AC.  
 GRID: E14  
 MANAGER: W. RHOADES

-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

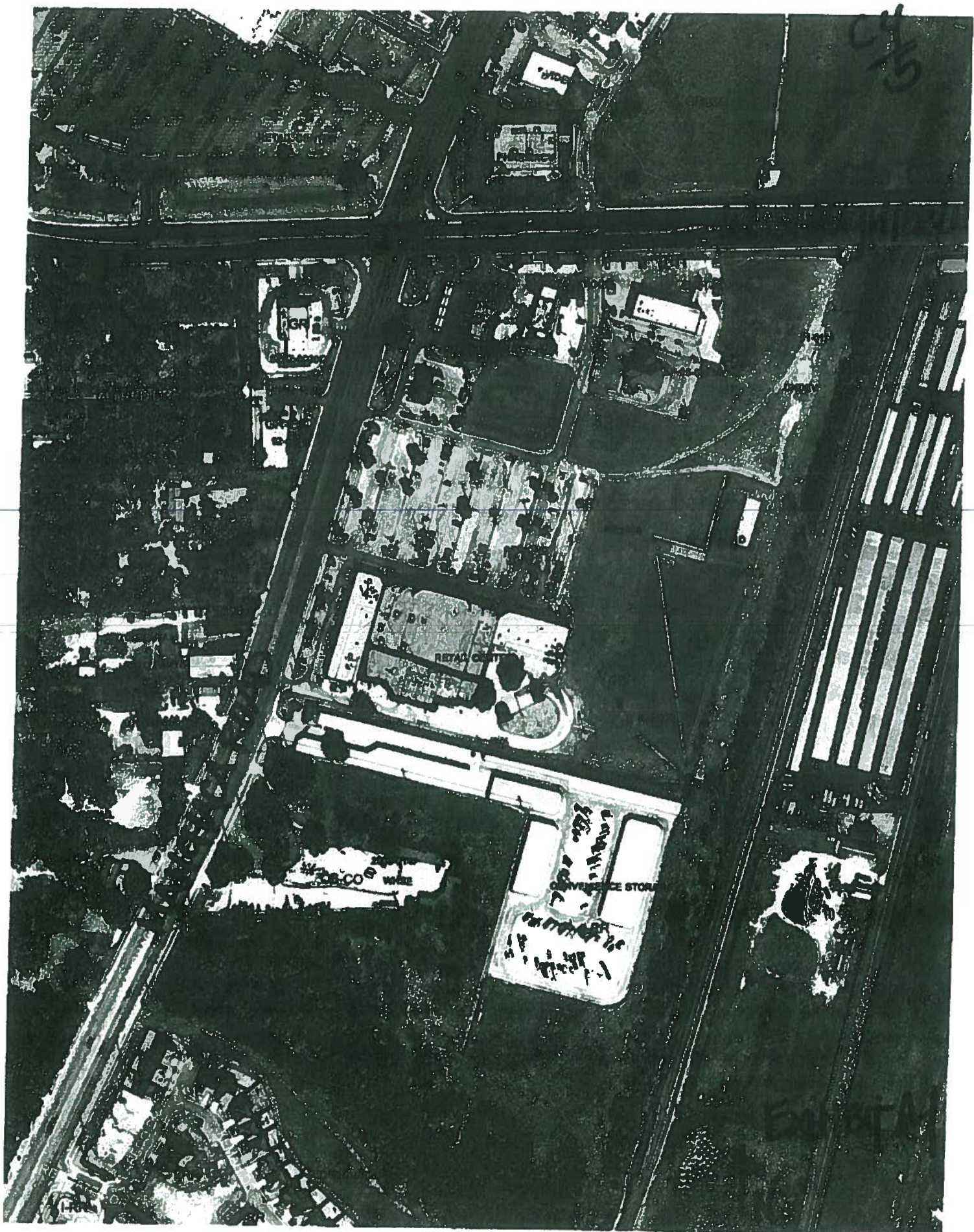
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This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by





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## ORDINANCE NO. 86 0123-F

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2A OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

A TRACT OR PARCEL OF LAND CONTAINING 27.83 ACRES, BEING SITUATED IN THE S.F. SLAUGHTER SURVEY NO. 1, LOCALLY KNOWN AS 1801 SLAUGHTER LANE, FROM INTERIM "RR" RURAL RESIDENCE DISTRICT TO "GR" COMMUNITY COMMERCIAL; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. CHAPTER 13-2A of the Austin City Code of 1981 is hereby amended to change the base zoning district from Interim "RR" Rural Residence District to "GR" Community Commercial on the property described in File C14r-85-056, to-wit:

A tract or parcel of land containing 27.83 acres, being situated in the S.F. Slaughter Survey No. 1, Travis County, Texas, and being that same 27.84 acre tract of land as conveyed by deed to Crow-Gottesman-Shafer #4 dated January 3, 1983 and recorded in Volume 8116, Page 135, Travis County Deed Records, and also being a portion of that 36.64 acre tract of land as conveyed by deed to Joe Hoffmann by Beulah W. Lewis, recorded in Volume 2574, Page 547, Travis County Deed Records, and being more particularly described by metes and bounds as follows:

BEGINNING, at a point of intersection of the south right-of-way line of Slaughter Lane and the west right-of-way line of the Missouri-Pacific Railroad for the northeast corner of this tract and the northeast corner of the said Crow-Gottesman-Shafer 27.84 acre tract;

THENCE, with the said west right-of-way line of the Missouri-Pacific Railroad and the east line of the 27.84 acre tract, the following five (5) courses:

1. S 19° 48' 01" W, 51.34 feet to a point;
2. S 18° 57' 05" W, 199.90 feet to a point;
3. S 17° 44' 25" W, 200.14 feet to a point;
4. S 16° 52' 00" W, 267.38 feet to a point; and
5. S 16° 31' 43" W, 624.87 feet to a point for the southeast corner of this tract and the southeast corner of the aforesaid Crow-Gottesman-Shafer 27.84 acre tract;

THENCE, leaving the said west right-of-way line of the Missouri-Pacific Railroad with the south line of the said 27.84 acre

EXHIBIT B

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tract and crossing the afore-referenced Hoffman 36.64 acre tract, N 74° 00' 38" W, a distance of 1022.46 feet to the southwest corner of this tract, said point being in a curve to the left in the east right-of-way line of F.M. 2304 (Manchaca Road);

THENCE, with the said curve to the left having a central angle of 02° 26' 36", a radius of 2914.79 feet, a long chord of 124.30 feet (chord bears N 18° 12' 13" E), for an arc distance of 124.31 feet to a point for corner;

THENCE, N 17° 03' 00" E, continuing with the east line of Manchaca Road, a distance of 849.54 feet to a point for the most northwest corner of this tract;

THENCE, N 53° 35' 07" E, a distance of 121.56 feet to a point for a corner in the south line of said Slaughter Lane;

THENCE, with the said south right-of-way line of Slaughter Lane and the north line of the afore-referenced Crow-Gottesman-Shafer 27.84 acre tract, S 89° 55' 38" E, a distance of 995.78 feet to the PLACE OF BEGINNING, containing within these metes and bounds 27.83 acres of land,

locally known as 1801 Slaughter Lane in the City of Austin, Travis County, Texas.

PART 2. It is hereby ordered that the Zoning Map accompanying Chapter 13-2A of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.


PART 3. That the development of the property herein described shall be accomplished in accordance with the site plan attached hereto as Exhibit "A", or as such site plan is subsequently adjusted or modified as provided by subsection 13-2A-6196 of the Austin City Code of 1981. Except to the extent that such site plan is inconsistent therewith, the development and use of the property described herein shall be in accordance with applicable ordinances of the City of Austin.

PART 4. The rule requiring that ordinances shall be read on three separate days is hereby suspended, and this ordinance shall become effective ten (10) days following the date of its passage.

PASSED AND APPROVED

January 23, 1986

§  
§  
§  
§

  
Frank C. Cooksey  
Mayor

APPROVED:

  
Paul C. Isham  
City Attorney

ATTEST:

  
James E. Aldridge  
City Clerk

SJS:saf



6212 EAST 6th ST  
AUSTIN, TEXAS 78701  
602-002-112

DIENNA ARCHITECTS

Sheet  
1  
of  
two



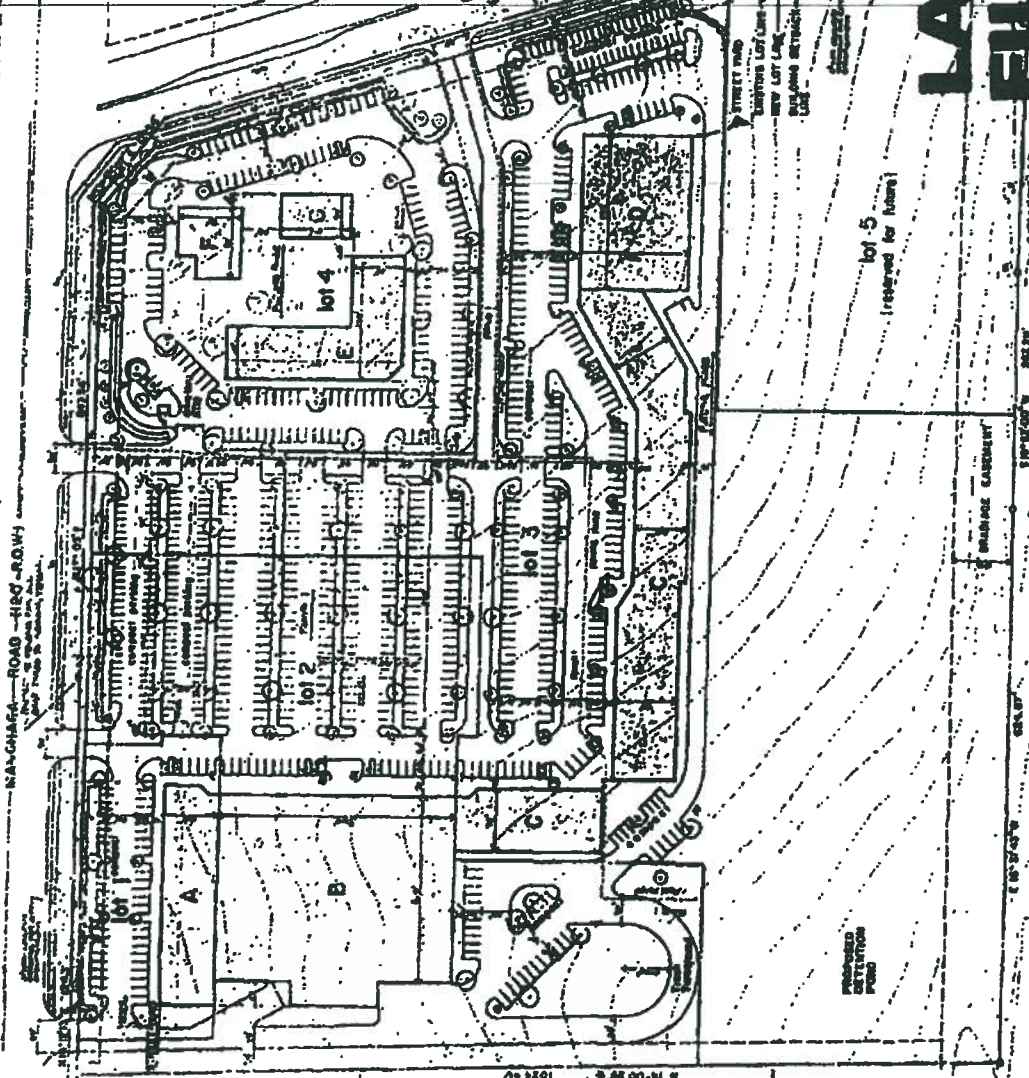
TREE SURVEY



LEGEND

Undeveloped Land

MANCHACA ROAD (100' R.O.W.)



LAND FILE

lot 5  
(reserved for future)

MISSOURI PACIFIC RAILROAD (100' ROW)



Scale: 1"=60'

EXHIBIT "A"



528

014,85-056

PLAT NO. 014-85-056  
SLAUGHTER/MANCHACA P.L.A.

660123-F

MANCHACA ROAD (100' R.O.W.)

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MANCHACA ROAD (100' R.O.W.)

MANCHACA ROAD (100' R.O.W.)

MANCHACA ROAD (100' R.O.W.)





EXHIBIT "A"

The subject site is located on the east side of the intersection of the 11th Street and the 12th Street. The site is bounded by the 11th Street to the north, the 12th Street to the south, and the 13th Street to the east. The site is currently vacant and is being proposed for development as a residential subdivision. The proposed subdivision consists of 12 lots, each of which is approximately 1/4 acre in size. The lots are arranged in a grid pattern and are separated by streets. The streets are named 11th Street, 12th Street, and 13th Street. The streets are 40 feet wide and are paved with asphalt. The lots are 120 feet wide and 120 feet deep. The lots are numbered 1 through 12. The lots are arranged in a grid pattern with 11th Street to the north, 12th Street to the south, and 13th Street to the east. The lots are separated by streets that are 40 feet wide and paved with asphalt. The lots are 120 feet wide and 120 feet deep. The lots are numbered 1 through 12. The lots are arranged in a grid pattern with 11th Street to the north, 12th Street to the south, and 13th Street to the east. The lots are separated by streets that are 40 feet wide and paved with asphalt. The lots are 120 feet wide and 120 feet deep. The lots are numbered 1 through 12.

SIENNA ARCHITECTS  
6210 EAST 6th ST  
AUSTIN, TEXAS 78701  
(512) 92-2112

LAND USE SUMMARY

Food Map 1005, 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3600, 3700, 3800, 3900, 4000, 4100, 4200, 4300, 4400, 4500, 4600, 4700, 4800, 4900, 5000, 5100, 5200, 5300, 5400, 5500, 5600, 5700, 5800, 5900, 6000, 6100, 6200, 6300, 6400, 6500, 6600, 6700, 6800, 6900, 7000, 7100, 7200, 7300, 7400, 7500, 7600, 7700, 7800, 7900, 8000, 8100, 8200, 8300, 8400, 8500, 8600, 8700, 8800, 8900, 9000, 9100, 9200, 9300, 9400, 9500, 9600, 9700, 9800, 9900, 10000

LAND USE	ACRES	PERCENTAGE
1	1.00	10.00
2	1.00	10.00
3	1.00	10.00
4	1.00	10.00
5	1.00	10.00
6	1.00	10.00
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8	1.00	10.00
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100	1.00	10.00

LANDSCAPE SUMMARY

Project: [Name]

Site Area: [Area]

Plant Type	Quantity	Notes
Tree	10	10' x 12'
Shrub	20	6' x 8'
Flower Bed	1	10' x 10'
Water Feature	1	10' x 10'
Lighting	10	10' x 10'
Seating	10	10' x 10'
Other	10	10' x 10'

LEGAL DESCRIPTION

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AND DESIGN COPY

CUH, 85-066

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/10**SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant limited industrial service – conditional overlay (LI-CO) combining district zoning. The Conditional Overlay prohibits the following uses: basic industry, campground, equipment repair services, equipment sales, general warehousing and distribution, monument retail sales, recycling center, resource extraction, scrap and salvage, and vehicle storage.

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

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

The limited industrial service (LI) district designation is for a commercial service use or limited manufacturing use generally located on a moderately sized site.

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

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Given the limited size of the zoning area, separation from existing residential uses, access to two arterial roadways and the re-use of existing equipment which includes refrigeration coolers and other equipment related to food preparation, Staff recommends LI-CO zoning, with the Conditional Overlay prohibiting the more intense LI uses.

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

The site consists of a vacant portion of a structure that contained a food sales use.

**Impervious Cover**

Within the Slaughter Creek watershed, the maximum impervious cover allowed by the LI zoning district would be 80%, which is a consistent figure between the watershed and the zoning regulations.

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development 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:

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<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%

According to flood plain maps, there is no floodplain within or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

No trees are located on this property. At this time, site specific information is unavailable regarding 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.

### **Transportation**

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

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 of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

### **Site Plan and Compatibility Standards**

Site plans will be required for any new development other than single-family or duplex residential.