

C7
1

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0001 –
9215 South 1st Street Zoning

Z.A.P. DATE: February 21, 2012

ADDRESS: 9215 South 1st Street

AREA: 2.111 acres

OWNER: Slaughter SF, Ltd.
(Chris Ellis)

AGENT: Slaughter SF, Ltd.
(Will Marsh)

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

SUMMARY STAFF RECOMMENDATION:

Staff recommends general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay allows for convenience storage, as well as all other permitted GR uses that are not restricted by the CO approved with the 1989 zoning case. The CO that is applicable to this particular lot includes limiting the F.A.R. to 0.25 to 1, and prohibiting commercial off-street parking, exterminating services, guidance services, and residential treatment remains in place.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

February 21, 2012:

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject property is mostly undeveloped, with only structural water controls and curb cuts remaining from a development attempt by a previous owner. The zoning is community commercial-conditional overlay (GR-CO) combining district. The same zoning district is located on the properties north and northeast of the subject property, and these sites are developed with a service station and automotive washing. An undeveloped GR-CO lot is immediately adjacent to the subject property to the northeast. Further east is a small-lot residential (SF-4A) zoned property that is mostly undeveloped. Immediately south of the subject property is a multi-family residential development MF-3-CO combining district. Across South 1st Street is an undeveloped property, also zoned MF-3-CO. North of that property, and also across from the subject property, is a shopping center that includes retail, restaurant and cocktail lounge land uses. Most of the property is zoned GR-CO, but the cocktail lounge is zoned commercial-liquor sales-conditional overlay (CS-1-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).

The Applicant has requested general commercial services – conditional overlay (CS-CO) combining district zoning in order to allow for a convenience storage use, as well as all other permitted GR uses that are not restricted by the Conditional Overlay (CO) approved with the 1989 zoning case. The CO that applies to this particular lot includes limiting the F.A.R. to 0.25 to 1, and prohibiting commercial off-street parking, exterminating services, guidance services, and residential treatment, and will remain in place.

Staff recommends the Applicant's request as the site is located on an arterial roadway, is adjacent to higher density residential and commercial land uses, the zoning represents an incremental change and retains the prohibited uses established with the 1989 case.

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Slaughter Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-CO	Undeveloped, Water quality features
<i>North</i>	GR-CO	Undeveloped, Service station
<i>South</i>	MF-3-CO	Apartments
<i>East</i>	GR-CO, MF-3-CO, SF-4A	Undeveloped, Auto washing
<i>West</i>	GR-CO, MF-3-CO, CS-1-CO	Undeveloped, Retail center with cocktail lounge and restaurants (limited)

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
South 1st Street	120 feet	MNR 4	Arterial	Yes	Yes	Yes

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2011-0081 – Platinum Slaughter Lane – 715 West Slaughter Lane	DR to MF-3	To Grant MF-3-CO with conditions of the Traffic Impact Analysis	Approved MF-3-CO with a Restrictive Covenant for the conditions of the Traffic Impact Analysis (12-8-11).
C14-2011-0071 – D. West Tract – 707 West Slaughter Lane	DR to GO-MU-CO	To Grant GO-MU-CO with the CO for 2,000 trips	Approved GO-MU-CO as ZAP recommended (9-22-11).
C14-2011-0042	GR to CS-1	To Grant CS-1-CO with the CO	Approved CS-1-CO as

- Toro Negro Lounge - 615 West Slaughter Lane		prohibiting commercial off-street parking, exterminating services, guidance services and residential treatment	ZAP recommended (6-23-11).
C14-05-0171 - The Grove at Southpark Meadows - 301 West Slaughter Lane and 9501 South First Street	I-RR; LO-CO; CS-CO to GR-MU-CO for Tracts 1 and 2; SF-6 for Tract 3; SF-6-CO for Tract 4; GR-CO for Tract 5	To Grant GR-MU-CO for Tracts 1 and 2; SF-6 for Tract 3; SF-6-CO for Tract 4 and GR-CO for Tract 5, with additional prohibited uses and LR development standards, and the conditions of the Traffic Analysis with additional turning movements allowed	Approved GR-MU-CO for Tracts 1 and 2, SF-6 for Tract 3 and GR-CO for Tract 5 as ZAP recommended; SF-4A for Tract 4. Restrictive Covenant for the Traffic Impact Analysis (5-18-06).

RELATED CASES:

The subject property was rezoned to GR-CO on September 7, 1989 and included property on both sides of what is now the south side of the South First Street / Slaughter Lane intersection (C14-89-0016). The Conditional Overlay limits the F.A.R. to 0.25 to 1, prohibits commercial off-street parking, exterminating services, guidance services, and residential treatment, limits the number of auto washing and pawn shop uses to one each, and prohibits structures from being located within 100 feet of Seawright Park. Please refer to Exhibit B.

The property is platted as Lot 2, Block A of Southpark Meadows Commercial Phase 3, a subdivision recorded in May 2008 (C8-2008-0007.0A). Please refer to Exhibit C.

An administrative site plan (SP-00-2185C) was approved on the property on December 11, 2000, showing retail and restaurant development. The site plan was scheduled to expire December 11, 2003, but received administrative extensions until December 11, 2007. Water quality controls, grading, curb cuts, and off-site improvements were completed under this site plan, but the majority of the project remained undeveloped.

NEIGHBORHOOD ORGANIZATIONS:

26 - Far South Austin Community Association
 242 - Slaughter Lane Neighborhood Association
 627 - Onion Creek Homeowners Association
 742 - Austin Independent School District
 786 - Home Builders Association of Greater Austin
 1037 - Homeless Neighborhood Association
 1075 - League of Bicycling Voters
 1200 - Super Duper Neighborhood Objectors and Appealers Organization
 1224 - Austin Monorail Project
 1228 - Sierra Club, Austin Regional Group
 1340 - Austin Heritage Tree Foundation

C7-4

SCHOOLS:

Williams Elementary School

Paredes Middle School

Akins High School

CITY COUNCIL DATE: March 22, 2012

ACTION:

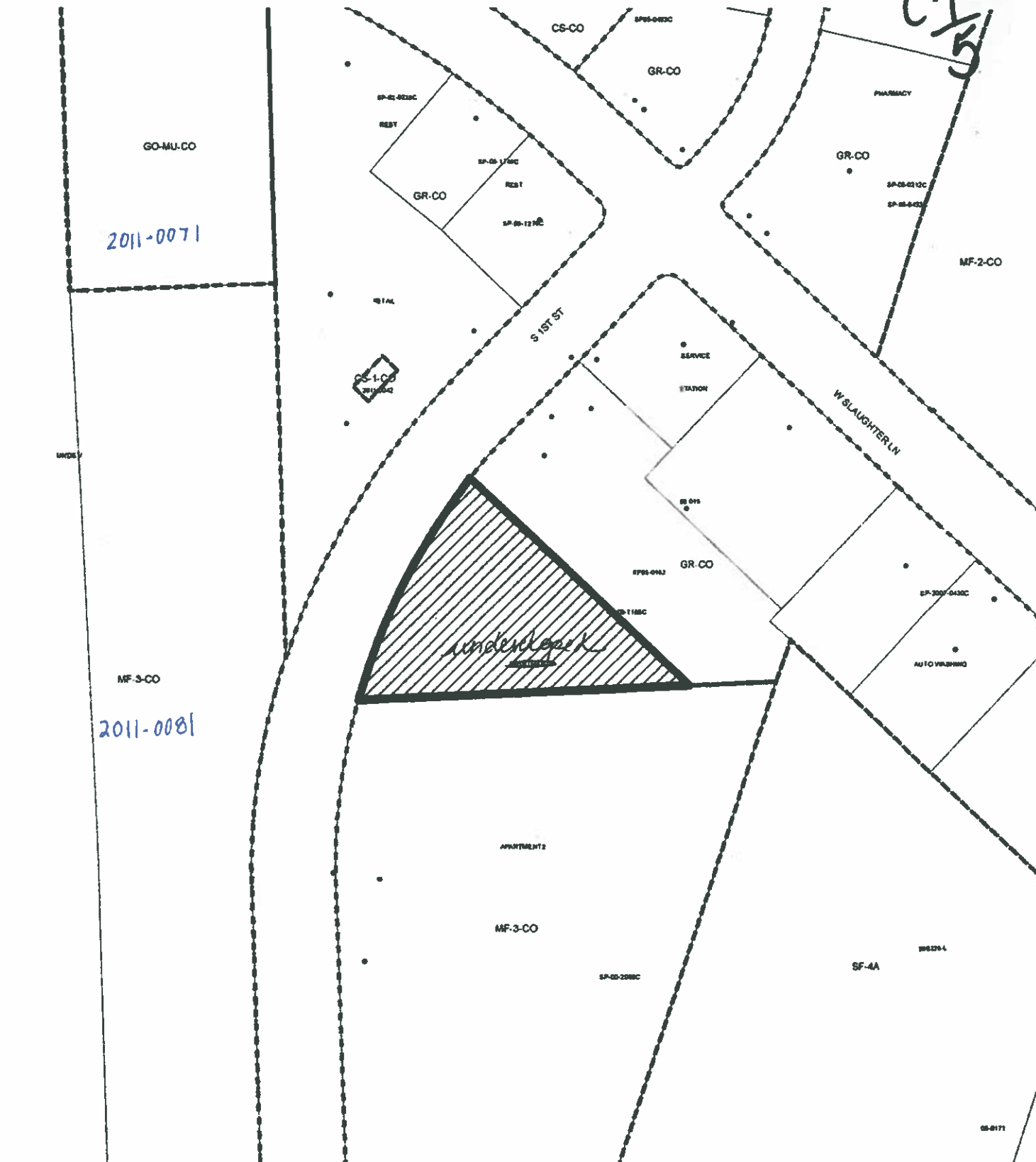
ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:




CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 974-7719

C75



1"=200'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING
ZONING CASE#: C14-2012-0001

EXHIBIT A



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



ORDINANCE NO. 890907-D

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

TRACT 1: 29.55 ACRE TRACT OF LAND OUT OF THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1, FROM "DR" DEVELOPMENT RESERVE DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 2: 10.75 ACRE TRACT OF LAND OUT OF THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1, FROM "DR" DEVELOPMENT RESERVE DISTRICT TO "MF-3-CO" MULTIFAMILY RESIDENCE (MEDIUM DENSITY) DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS THE PROPERTY SITUATED SOUTH OF THE INTERSECTION OF OLD SLAUGHTER LANE AND SOUTH 1ST STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING 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 13-2 of the Austin City Code of 1981 is amended to change the respective base zoning districts and to establish a Conditional Overlay combining district on all of the property described in File C14-89-0016-CO, as follows:

TRACT 1: FROM "DR" DEVELOPMENT RESERVE DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT.

29.55 acre tract of land out of the S. F. Slaughter League Survey No. 1, said 29.55 acre tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes.

TRACT 2: FROM "DR" DEVELOPMENT RESERVE DISTRICT TO "MF-3-CO" MULTIFAMILY RESIDENCE (MEDIUM DENSITY) DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT.

10.75 acre tract of land out of the S. F. Slaughter League Survey No. 1, said 10.75 acre tract of land being more particularly described by metes and bounds in "Exhibit B" attached and incorporated herein for all purposes.

locally known as the property situated south of the intersection of Old Slaughter Lane and South 1st Street, in the City of Austin, Travis County, Texas.

PART 2. Notwithstanding any use or site development regulations of the respective base zoning districts to the contrary, all of the property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. Development of Tract 1 shall be restricted to maximum floor to area ratio of .25 to 1.
2. Residential development of Tract 2 shall be restricted to maximum density of 230 units.
3. The following uses shall be prohibited: (i) Commercial Off-Street Parking, (ii) Exterminating Services, (iii) Guidance Services, and (iv) Residential Treatment.
4. Development shall be restricted to one Car Wash (automatic/mechanical) and one Pawn shop on the entire property.
5. No structure or portion thereof shall be constructed or maintained within 100 feet of J. J. Seawright Park.

EXHIBIT B-1989 ORDINANCE

89-0016-CO

6. Notwithstanding any other provision of the Land Development Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property or any portion of the Property shall be approved or released, and no building permit for construction of a building on the Property, shall be issued if the completed development or use authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, would generate traffic exceeding the total traffic generation for the Property as specified in that certain Traffic Impact Analysis prepared by Joe Ternus of Urban Transportation Engineers, Inc., dated March, 1989, on file at the Office of Planning and Development Department, and submitted in support of the zoning request enacted by this ordinance.
7. No site plan (or, if no site plan is required, no building permit) for development of the Property or any portion of the Property shall be approved or released unless:
- (a) the applicant for the site plan has submitted an additional traffic analysis demonstrating a projected level of service for each driveway that is acceptable to the official approving the site plan.
 - (b) cash, letters of credit, or other fiscal surety acceptable to the City has been provided to the City in the following amounts for the following purposes:
 - (1) 33% of the cost of providing traffic signalization improvements to the intersection of Old Slaughter Lane and South 1st Street; and
 - (2) 31.4% of the cost of providing traffic signalization improvements to the intersection of New Slaughter Lane and South 1st Street.

Except as specifically restricted by this ordinance, the property may be developed and used in accordance with regulations established for the respective base districts and other applicable requirements of the Land Development Code.

PART 3. It is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1981 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

PART 4. The requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

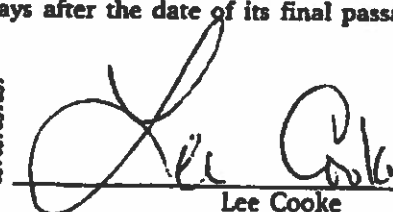
PART 5. This ordinance shall be effective ten days after the date of its final passage.

PASSED AND APPROVED

September 7

1989

Lee Cooke



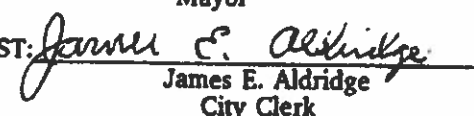
Lee Cooke
Mayor

APPROVED:



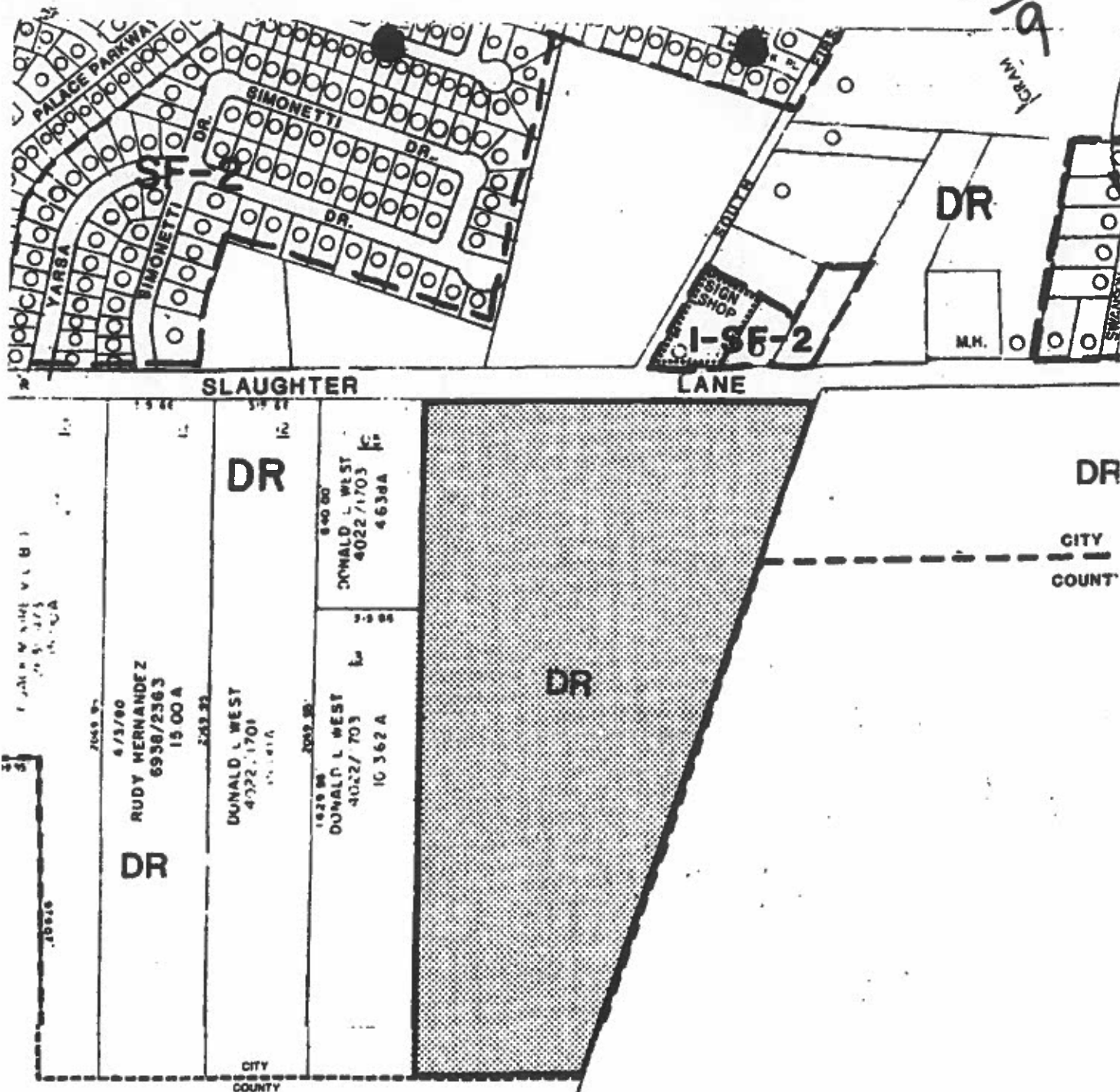
Barney L. Knight
City Attorney

ATTEST:



James E. Aldridge
City Clerk

SSVj




NORTH 	PENDING CASE	SUBJECT TRACT.....	GRID F14 F13
	ZONING LINE-----	SUBJECT ACREAGE <u>39.80</u>	
	CYCLE <u>4/89</u> INTLS <u>Rtr.</u> CASE NO: <u>C14-89-0016</u>		

EXHIBIT C
RECORDED PLAT

200800153

3474

CM

C7
11**SUMMARY STAFF RECOMMENDATION:**

Staff recommends general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay allows for convenience storage, as well as all other permitted GR uses that are not restricted by the CO approved with the 1989 zoning case. The CO that is applicable to this particular lot includes limiting the F.A.R. to 0.25 to 1, and prohibiting commercial off-street parking, exterminating services, guidance services, and residential treatment remains in place.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities.

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

Staff recommends the Applicant's request as the site is located on an arterial roadway, is adjacent to higher density residential and commercial land uses, the zoning represents an incremental change and retains the prohibited uses established with the 1989 case.

EXISTING CONDITIONS**Site Characteristics**

The zoning area is undeveloped, relatively flat and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district would be 80% which is a consistent figure between the watershed and 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:

C7
12

<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 flood plain 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.

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

Site Plan

Any new development is subject to Subchapter E. Design Standards and Mixed Use.

This site is located in the [Desired Development Zone [DWPZ]. Expiration for a site plan will be three years from the date of approval however; under Project Duration [25-1-535(C)(3)] the site plan can only be extended to a maximum of five years from initial submittal date.

Additional comments will be made when the site plan is submitted.

Transportation

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

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 limits established with the TIA submitted in support of zoning case C14-89-0016. [LDC, 25-6-117]

Water / Wastewater

The site is currently served by City of Austin water and wastewater utilities. If redeveloped the landowner, at 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.