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## **ZONING CHANGE REVIEW SHEET**

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

**Z.A.P. DATE:** February 21, 2012  
March 6, 2012

**ADDRESS:** 9215 South 1<sup>st</sup> 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 applies to this particular lot prohibits the following uses: commercial off-street parking, exterminating services, guidance services, and residential treatment.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

February 21, 2012: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO MARCH 6, 2012*

*[P. SEEGER; C. BANKS – 2<sup>ND</sup>] (6-0) G. BOURGEOIS – OFF THE DAIS*

March 6, 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). Across South 1<sup>st</sup> Street to the west 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 prohibits commercial off-street parking, exterminating services, guidance services, and residential treatment, and will remain in place. The Applicant has also requested that the floor-to-area ratio be modified from 0.25:1 to 1:1, the latter of which is allowed by GR zoning.

The 1989 zoning case was approved prior to the extension of South 1<sup>st</sup> Street south of West Slaughter Lane. The infrastructure for both of these roads is complete, and the property is located between commercial properties that front on Slaughter Lane and a 3-story apartment development to the south. The 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, and retains the prohibited uses established with the 1989 case.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<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)

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** Slaughter Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** Yes

**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

C14-2012-0001

**SCHOOLS:**

Williams Ele

**CASE HISTO**

NUMBER
C14-2011-0001 - Platinum Slaughter Lane - 715 West Slaughter Lane
C14-2011-0002 - D. West Tr - 707 West Slaughter Lane
C14-2011-0003 - Toro Negro Lounge - 615 West Slaughter Lane
C14-05-0171 The Grove at Southpark Meadows - 30 West Slaughter Lane and 9501 South First Street

**RELATED CA**

The subject prop  
both sides of wh  
intersection (CI  
commercial off  
treatment, limits  
structures from

The property is p  
subdivision reco

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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.

**ABUTTING STREETS:**

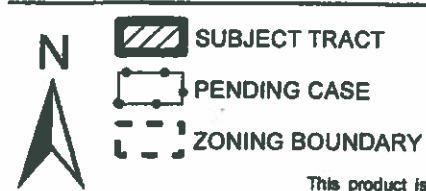
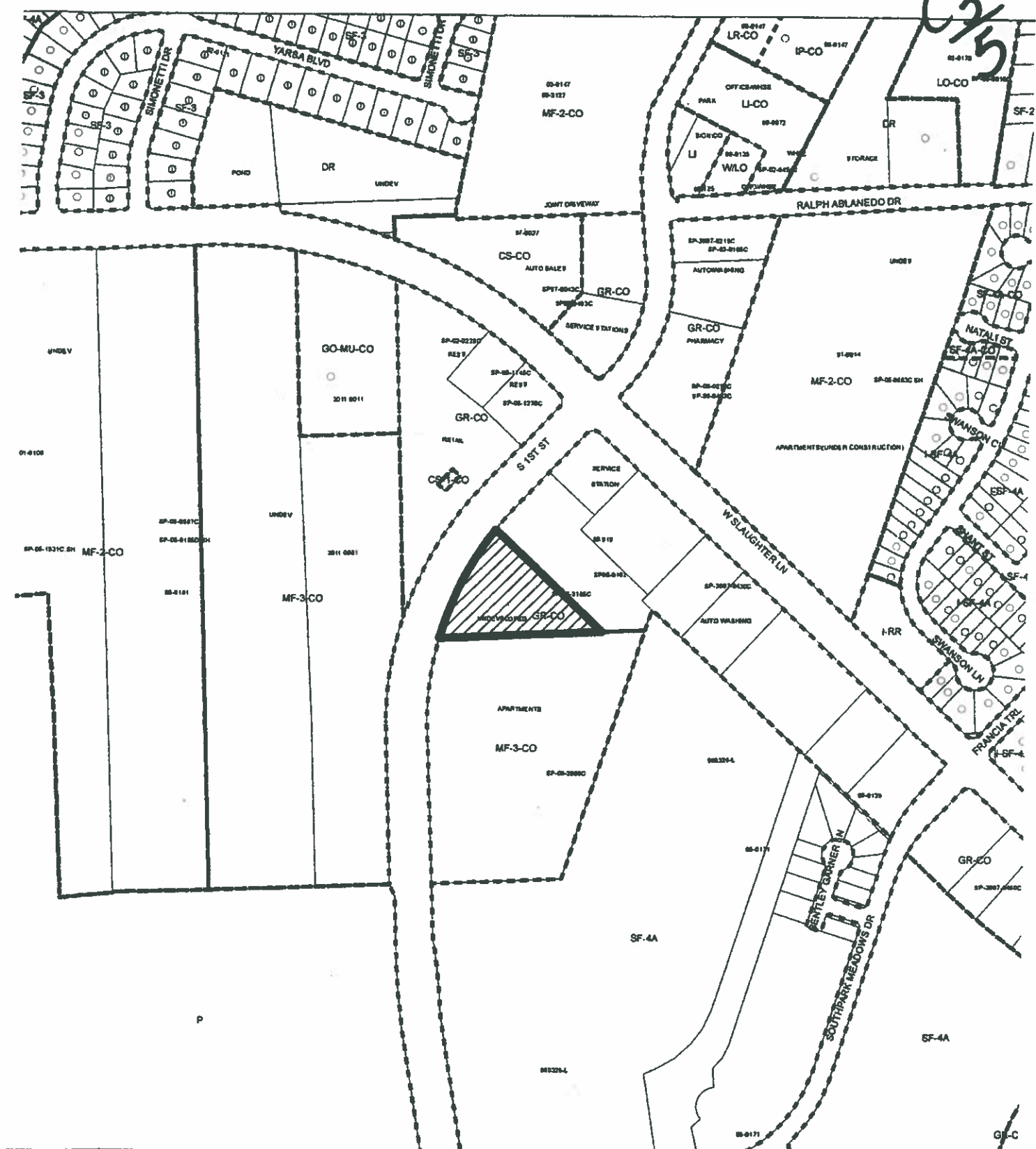
Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
South 1st Street	120 feet	MNR 4	Arterial	Yes	Yes	Yes

**CITY COUNCIL DATE:** March 22, 2012**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>**ORDINANCE NUMBER:**

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

**PHONE:** 974-7719

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**ZONING** *Exhibit A*  
**ZONING CASE#: C14-2012-0001**



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

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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.

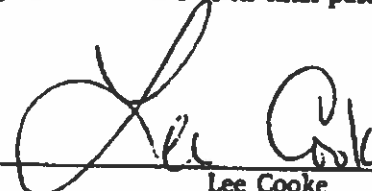
PART 4. The requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

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

PASSED AND APPROVED

September 7, 1989

City Clerk



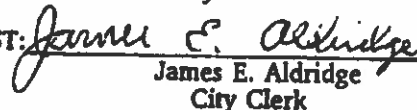
Lee Cooke  
Mayor

APPROVED:



Barney L. Knight  
City Attorney

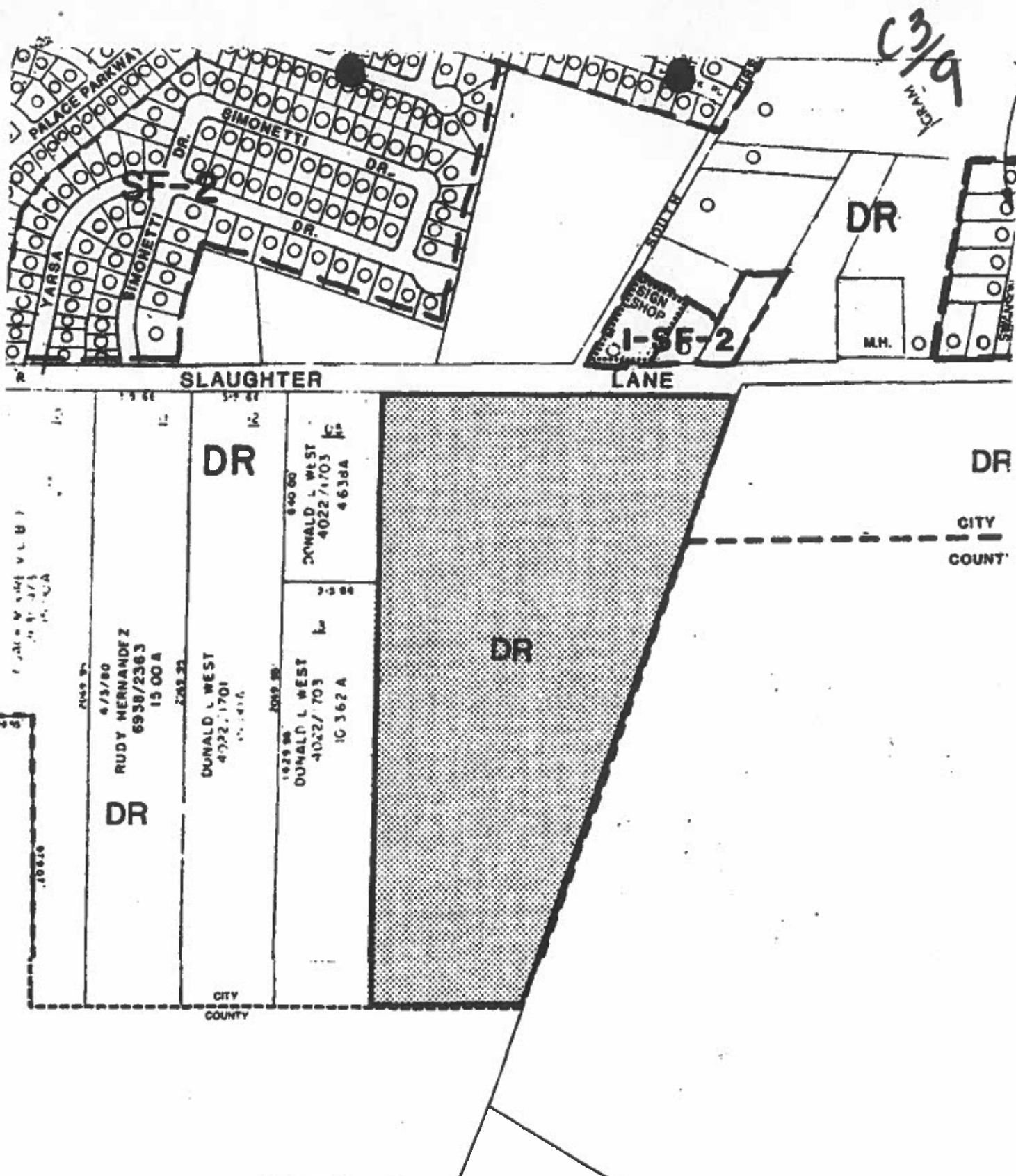
ATTEST:



James E. Aldridge  
City Clerk

SS\jj





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

EXHIBIT C  
RECORDED RAT

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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 applies to this particular lot prohibits the following uses: commercial off-street parking, exterminating services, guidance services, and residential treatment.

**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.*

The 1989 zoning case was approved prior to the extension of South 1<sup>st</sup> Street south of West Slaughter Lane. The infrastructure for both of these roads is complete, and the property is located between commercial properties that front on Slaughter Lane and a 3-story apartment development to the south. The 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, 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:

<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.

### **Site Plan**

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

This site is located in the Desired Development Zone. 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]



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**Water / Wastewater**

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

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**Rhoades, Wendy**

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**From:** Will Marsh  
**Sent:** Tuesday, February 21, 2012 2:27 PM  
**To:** Rhoades, Wendy  
**Subject:** RE: For ZAP 2-21-12 Zoning Staff report for C14-2012-0001 - 9215 South 1st St

Wendy,

As we discussed earlier, we would like to postpone our Zoning Case # C14-2012-0001 until the next ZAP meeting on March 6, 2012. We would like to postpone our case so that we can further discuss this matter with staff.

Please let me know if you need any additional information from me in order to postpone the case and put it on the March 6, 2012 ZAP Agenda.

Thank you,  
Will Marsh  
Endeavor Real Estate Group  
504 Lavaca Street, Suite 1160  
Austin, Texas 78701  
(512) 682-5550 direct  
(512) 947-6174 mobile  
(512) 682-5507 fax

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

**From:** Rhoades, Wendy [mailto:Wendy.Rhoades@austintexas.gov]  
**Sent:** Wednesday, February 15, 2012 2:09 PM  
**To:** Will Marsh  
**Cc:** Anguiano, Dora  
**Subject:** FW: For ZAP 2-21-12 Zoning Staff report for C14-2012-0001 - 9215 South 1st St

Will,

Attached is the Staff report prepared for 9215 South 1st Street. Please note that the conditional overlay allows for the convenience store use, and all GR uses except for those prohibited by the 1989 rezoning case.

Please review and let me know if you have any questions. I have not received any correspondence or phone calls about this case since we last spoke. I will send along the ZAP agenda for February 21st as soon as it is ready tomorrow.

Wendy

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

**From:** OTC05WestTexas@ci.austin.tx.us  
[mailto:OTC05WestTexas@ci.austin.tx.us]  
**Sent:** Wednesday, February 15, 2012 1:26 PM  
**To:** Rhoades, Wendy  
**Subject:** Scanned from OTC05WestTexas