

C-9
1

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0087 – 2103 West Slaughter
Lane Zoning Change

Z.A.P. DATE: July 1, 2014
July 15, 2014

ADDRESS: 2103 West Slaughter Lane

OWNER/APPLICANT: Shokrollah Delaram

AGENT: Sara Delaram

ZONING FROM: SF-2; GO-MU-CO

TO: GR

AREA: 1.33 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to deny the Applicant's request for community commercial (GR) district zoning, and maintain the existing single family residence (SF-2) district zoning and general office – mixed use – conditional overlay (GO-MU-CO) combining district zoning, with the Conditional Overlay allowing for personal services, other neighborhood office (NO) zoning district uses and development regulations.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

July 1, 2014: *MEETING CANCELLED DUE TO LACK OF QUORUM; CASE
RENOTIFIED FOR JULY 15, 2014*

July 15, 2014:

ISSUES:

The Applicant would like to discuss the Staff recommendation.

DEPARTMENT COMMENTS:

The subject rezoning area consists of two platted lots and has access to West Slaughter Lane and Allred Drive. The lot fronting Slaughter Lane and the north 45 feet of the adjoining lot are zoned general office – mixed use – conditional overlay (GO-MU-CO) district by a 2009 rezoning case (The single family residence was constructed on the common lot line, hence the need to rezone a portion of the adjoining lot to the south.) The Conditional Overlay allows for personal services, other neighborhood office (NO) zoning district uses and development regulations (C14-2009-0149). The remainder of the lot which faces Allred is zoned single family residence – standard lot (SF-2) district zoning. Access is taken by way of a circular driveway to West Slaughter Lane.

The property to the east also has driveway access to Slaughter Lane (GO-MU-CO), while the property to the west takes access to a driveway that connects to Riddle Road (LO-CO). There are single family residences on platted lots to the south (SF-2) and across Slaughter

Lane to the north, there is a shopping center (GR). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View), B (Recorded Plat) and C (Survey of Property).

The property most recently operated as a personal services use (a tattoo business), and is now vacant. The Applicant has requested community commercial – mixed use (GR-MU) zoning in order to allow for additional uses on the property, including personal improvement services, general retail sales and restaurant uses. Staff has discussed with the Applicant that these uses are first allowed in the neighborhood commercial (LR) district and believes that the Applicant is amenable to amending the request to the LR-MU district and maintaining the SF-2 zoned property on Allred.

Within the past 15 years, office zoning has been granted for three other properties on this block of Riddle Road/Slaughter Lane. Although the adjacent property to the west is zoned LR-MU-CO with the Conditional Overlay allowing for general retail sales (convenience), restaurant (limited) uses, and all GO uses, Staff is concerned about extending the precedent for commercial zoning along this block of Slaughter Lane. Staff recognizes that this property has access to Slaughter Lane, a heavily travelled roadway, however, the intent of the existing Conditional Overlay is to enable redevelopment while retaining the residential character of existing buildings, and maintain compatibility with the single family residences to the south. Therefore, the Staff recommendation is to retain the existing GO-MU-CO and SF-2 zonings on the property.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO-CO	Vacant building, most recently a personal services use
<i>North</i>	GR	Shopping center with food sales, retail and restaurant uses, auto repair business and liquor store
<i>South</i>	SF-2	Single family residences on Allred Drive
<i>East</i>	GO-CO; GR	Undeveloped; Financial services
<i>West</i>	LO-CO; SF-2; NO	Single family residences; Offices

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

217 – Tanglewood Forest Neighborhood Association

242 – Slaughter Lane Neighborhood Association

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association

742 – Austin Independent School District

943 – Save Our Springs Alliance

997 – Tanglewood Oaks Owners Association 1037 – Homeless Neighborhood Association
 1075 – Bike Austin
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1214 – Baurle Ranch Homeowners Association 1224 – Austin Monorail Project
 1228 – Sierra Group, Austin Regional Group 1236 – The Real Estate Council of Austin, Inc.
 1340 – Austin Heritage Tree Foundation 1363 – SEL Texas
 1447 – Friends of the Emma Barrientos MACC

SCHOOLS:

Kocurek Elementary School

Bailey Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2012-0162 – Riddle Road Retail Center – 2301 Retail Rd	SF-2 to LO, as amended	To Grant	Apvd (05-09-2013).
C14-2011-0168 – Dean's .524 – 2101 West Slaughter Lane	NO-CO to GO- MU-CO	To Grant GO-MU-CO w/the CO for: 1) a 25' vegetative buffer along the south property line, 2) prohibits vehicular access to Allred Drive, and 3) and allows for personal services and other permitted neighborhood office (NO) zoning district uses and development regulations	Apvd GO-MU-CO (03-01-2012).
C14-2011-0136 – Traywick 3 – 2105 and 2107 W. Slaughter Ln.; 2109 Riddle Rd.	SF-2; LO-CO to LR	To Grant GO-MU-CO and LO-MU-CO	Apvd LR-MU-CO, w/CO limited to general retail sales (convenience) and restaurant (ltd.), all GO uses and 2,000 trips (2-2-2012).
C14-2008-0114 – 2105 and 2107 West Slaughter Ln	SF-2 to LR	To Grant LO-CO w/CO limited to medical offices, NO uses and NO development regulations for	Apvd LO-CO as Commission recommended (8-21- 2008).

		impervious cover and height	
C14-02-0083 – 2308 Riddle Road	DR to SF-3	To Grant SF-3	Apvd (8-22-2002).
C14-02-0061 – Lot 7, Rezone – 2101 West Slaughter Ln	SF-2 to NO	To Grant NO-CO with 25' buffer on south and west sides of property	Apvd NO-CO with CO for a 25' vegetative buffer and prohibiting access to Allred Drive (8-1-2002).
C14-97-0120 – Residential Services – 2111 West Slaughter Ln	SF-2 to NO	To Grant NO	Apvd (11-20-1997).

RELATED CASES:

On February 4, 2010, Council approved rezoning the property from SF-2 to GO-MU-CO with the CO for personal services, other neighborhood office (NO) zoning district uses and development regulations. The rezoning was accompanied by a Restrictive Covenant prohibiting business operations between the hours of 10 p.m. and 9 a.m. Monday through Saturday, and on Sundays (C14-2009-0149 – 2103 West Slaughter Lane Zoning Change).

The property is platted as Lot 6, and the north 45 feet of Lot 9, Block A of the Ford Oaks subdivision, recorded in June 1946 (C8-1946-1765). Prior to the expansion of West Slaughter Lane, right-of-way was acquired along the frontage of Lot 6. Notes on the Ford Oaks plat that was recorded in 1946 designate the use of all lots except for four lots located at the intersection of Riddle Road and Allred Drive to residential uses. However, a subsequent plat note states that, "...these restrictions and covenants shall be binding until January 1, 1960."

On February 29, 2012, a site plan exemption was approved to change the use of the property from residential to office, and create a 940 square foot area for parallel parking (DA-2012-0256).

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
West Slaughter Lane	114 feet	75-85 feet	Arterial	Yes	Yes	Yes

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: Slaughter Lane serves route no. 86 with an existing bike lane.

CITY COUNCIL DATE: August 7, 2014

ACTION:

ORDINANCE READINGS: 1st

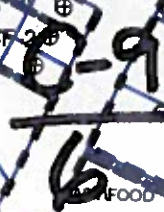
2nd




3rd

ORDINANCE NUMBER:

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

PHONE: 512-974-7719



-  SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2014-0087

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.

1" = 400'



APPROVED BY CIT' TRAINING COMMISSION
DATE 5-30-46 *W. F. ...*
DATE 5-30-46 *W. F. ...*

SEATS OF WEARS
COUNTY COURT

Miss Emma Lambert, Clerk of the County Court,
within and for the County and State of North Carolina,
do hereby certify that the foregoing is a true and correct
copy of the original record of the case of James
L. Smith vs. John A. Smith, as the same appears
in Book 4, in page 100, of the records of the
County Court, in the County of Wear, State of
North Carolina, and that the same is a true and
correct copy of the original record of the case of
James L. Smith vs. John A. Smith, as the same
appears in Book 4, in page 100, of the records of the
County Court, in the County of Wear, State of
North Carolina.

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to deny the Applicant's request for community commercial (GR) district zoning and maintain the existing single family residence (SF-2) district zoning and general office – mixed use – conditional overlay (GO-MU-CO) combining district zoning, with the Conditional Overlay allowing for personal services, other neighborhood office (NO) zoning district uses and development regulations.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Applicant's Request: The proposed community commercial (GR) 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 mixed use (MU) combining district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

Staff Recommendation: The general office (GO) district is intended for offices and selected commercial uses predominantly serving community or City-wide needs, such as medical or professional offices. A building in a GO district may contain more than one use. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

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

Within the past 15 years, office zoning has been granted for three other properties on this block of Riddle Road/Slaughter Lane. Although the adjacent property to the west is zoned LR-MU-CO with the Conditional Overlay allowing for general retail sales (convenience), restaurant (limited) uses, and all GO uses, Staff is concerned about extending the precedent for commercial zoning along this block of Slaughter Lane. Staff recognizes that this property has access to Slaughter Lane, a heavily travelled roadway, however, the intent of the existing Conditional Overlay is to enable redevelopment while retaining the residential character of existing buildings, and maintain compatibility with the single family residences to the south. Therefore, the Staff recommendation is to retain the existing GO-MU-CO and SF-2 zonings on the property.

EXISTING CONDITIONS**Site Characteristics**

The subject lot is developed with one single family residential structure that was formerly used as a personal services use, and has moderate vegetative cover. There appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the GR-MU and the LR-MU zoning districts would be 80%, which is a consistent figure between the *zoning and watershed* regulations.

The maximum impervious cover allowed by the GO zoning district is 80%, a consistent figure between the *zoning and watershed* regulations. The maximum impervious cover allowed by the NO and LO zoning districts is 60% and 70%, respectively, a figure based on the more restrictive *zoning* regulations.

Comprehensive Planning

This zoning case is located on the south side of W. Slaughter Lane, on a vacant parcel that is 1.3 acres in size and also has double frontage on Allred Drive. The subject property is not located within the boundaries of the neighborhood planning area. Surrounding land uses includes an HEB shopping center to the north, vacant land to the south (along Allred Drive, a residential street), a single family house to the west and a small personal services use to the east. The proposed use is retail. The existing conditional overlay on the property prohibits a number of uses, including but not limited to medical office and restaurants, while a restrictive covenant restricts hours of operation.

Imagine Austin

The property is located within the boundaries of 'Neighborhood Center' and along an 'Activity Corridor', as identified on the Imagine Austin's Growth Concept Map. A Neighborhood Center is the smallest and least intense of the three types of activity centers outlined in the Growth Concept Map, with a focus on creating local businesses and services—including doctors and dentists, shops, branch libraries, dry cleaners, hair salons, coffee shops, restaurants, and other small and local businesses that generally serve the center and surrounding neighborhoods. Activity corridors are characterized by a variety of activities and types of buildings located along the roadway, and are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. The following IACP policies are also relevant to this case:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a **compact and connected city** in line with the growth concept map.
- **LUT P3.** Promote development in **compact centers, communities, or along corridors** that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

Conclusion

Based on this property being: (1) within the boundaries of a 'Neighborhood Center' and along an 'Activity Corridor', as identified on the Imagine Austin Growth Concept Map, which supports commercial uses, including retail; and (2) the Imagine Austin policies referenced above that supports the a variety of land uses including retail, staff believes that the proposed land use is supported by the Imagine Austin Comprehensive Plan.

Environmental

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

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 Gross Site Area</i>	<i>% of Gross Site Area 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 floodplain maps there is no floodplain within or adjacent to 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.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. 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 requires water quality control with increased capture volume and control of the 2 year storm on site.

Transportation

If the requested zoning is granted, it is recommended that access to Allred Drive be prohibited as a condition of zoning because it is inappropriate for a commercial use to take access to a local street which predominately serves single family.

If access is allowed on to Allred Drive, a Neighborhood Traffic Analysis will be required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo [LDC, Sec. 25-6-114].

Additional right-of-way may be required at the time of subdivision and/or site plan.

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].

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. 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. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted. The site is on a Core Transit Corridor.

This location is in the Scenic Roadway sign district.

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

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations. The site is subject to compatibility standards. Along the south property line (Allred Drive), the following standards apply:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.

- d. No parking or driveways are allowed within 25 feet of the property line.
- e. A landscape area at least 25 feet wide is required along the property line. 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.
- f. 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.
- g. An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- h. Additional design regulations will be enforced at the time a site plan is submitted.