

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0164 – DSHZ .46

Z.A.P. DATE: November 18, 2014

December 2, 2014

December 16, 2014

ADDRESS: 1208 West Slaughter Lane

DISTRICT AREA: 5

OWNER: DSHZ, Ltd. / Dawn Rush Dotson

Mortgage Team

AGENT: Jim Bennett Consulting

(Zachary Dotson)

(Jim Bennett)

ZONING FROM: SF-2

TO: GO-MU **AREA:** 0.46 acres

(20,037.60 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 2,000 and prohibits vehicular access to West Slaughter Lane.

If the requested zoning is recommended for this site, then Staff recommends a Restrictive Covenant for the Neighborhood Traffic Analysis memorandum, dated December 3, 2014, as provided in Attachment A.

ZONING & PLATTING COMMISSION RECOMMENDATION:

November 18, 2014: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO DECEMBER 2, 2014*

[P. SEEGER; G. ROJAS – 2ND] (5-0) S. COMPTON; R. MCDANIEL – ABSENT

December 2, 2014: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO DECEMBER 16, 2014*

[R.MCDANIEL; C. BANKS – 2ND] (6-0) G. ROJAS – ABSENT

December 16, 2014: *APPROVED LO-MU-CO DISTRICT ZONING WITH CONDITIONS OF THE NEIGHBORHOOD TRAFFIC ANALYSIS, AS STAFF RECOMMENDED*

[C. BANKS; G. ROJAS – 2ND] (6-0) R. MCDANIEL – ABSENT

ISSUES:

The Applicant is in agreement with the recommendation of the Zoning and Platting Commission.

DEPARTMENT COMMENTS:

The subject rezoning area is located at the northeast corner of West Slaughter Lane and Texas Oaks Drive which is a signalized intersection and is developed with administrative and business offices. It has single family residence – standard lot (SF-2) zoning since annexation into the City limits in November 1984. The north side of West Slaughter Lane between Chisholm Lane and Texas Oaks Drive consists of undeveloped land (LR-CO), child care facility, offices, personal services uses and consumer repair services (LR-CO; LO-CO; LO) to the east; single family residences within the Westwood Heights subdivision to the north (SF-2), and undeveloped land across Texas Oaks Drive to the west (LR-CO). Across Slaughter Lane to the south there is a mixture of residential, office, commercial and civic uses. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone the property to the general office – mixed use (GO-MU) district in order to address a code violation for work without permits and accommodate the recent renovation to office uses. Please refer to Exhibit B. The rezoning case was filed on October 1, 2014, however, due to access onto a collector street, a neighborhood traffic analysis was required, hence the two previous postponement requests by Staff.

Since 1998, rezoning requests from SF-2 to commercial and office districts have been approved for all of the remaining properties to the east, largely based on the upgrade of Slaughter Lane to an arterial roadway. The rezonings have provided for the conversion of single family residences to office and civic uses, and at the corner of Chisholm and Slaughter Lanes, to neighborhood commercial uses.

Staff recommends limited office – mixed – conditional overlay (LO-MU-CO) district zoning in the context of its location at the intersection of an arterial roadway and neighborhood collector street, consistency in zoning and compatibility with the office and civic uses to the east. The Conditional Overlay limits the property to 2,000 vehicle trips per day and prohibits access to West Slaughter Lane because the property is within 100 feet of a signaled intersection along a major arterial. The Neighborhood Traffic Analysis memo concludes that the traffic along Texas Oaks Drive does not exceed the desirable operating levels of 4,000 vehicle trips per day. Please refer to Attachment A. The NTA was prepared under the Applicant’s proposal for the GO base district, however a change of proposal to LO would not change the results of the NTA.

Should the proposed rezoning be approved, a Certificate of Occupancy, a change of use (site plan) and permits for commercial remodeling are still required.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Administrative and business offices
<i>North</i>	SF-2	Single family residences

<i>South</i>	LR-CO; MF-1-CO; SF-2; LR; P; DR	Child care facility; Roofing company; Undeveloped; Apartments; Real estate office; Single family residences; Electric substation; Auto repair
<i>East</i>	LO; LO-CO; LR-CO; GR; LR	Offices; Alterations; Salon; Computer repair; Child care facility; Undeveloped
<i>West</i>	LR-CO; W/LO-CO; MF-2-CO	Undeveloped; Retail sales; Office; Auto repair; Condominiums

AREA STUDY: N / A**NTA:** Is required–Please refer to Attachment A**WATERSHED:** Slaughter Creek**DESIRED DEVELOPMENT ZONE:** Yes

26 – Far South Austin Community Association

242 – Slaughter Lane Neighborhood Association

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association

742 – Austin Independent School District

1075 – Bike Austin

1228 – Sierra Club, Austin Regional Group

1236 – The Real Estate Council of Austin, Inc.

1340 – Austin Heritage Tree Foundation

1363 – SEL Texas

1424 – Preservation Austin

1447 – Friends of the Emma Barrientos MACC

SCHOOLS:

Casey Elementary School

Paredes Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-98-0270 – Uresti Day Care – 9316 Chisholm Ln	DR, SF-2 to GR	To Grant LO-CO & LR-CO, w/conditions	Apvd LR-CO and LO- CO with CO for 2,000 trips, prohibit access to Chisholm Lane, prohibit service station and financial services (7-15-1999).
C14-99-0063 – Shirell and Lois Hipp Zoning Change – 1303 W Slaughter Ln	SF-2 to LO	To Grant LO-CO, w/conditions	Apvd LO-CO with CO prohibiting access to Slaughter Lane (8-19-1999).
C14-00-2098 – Blackhawk Apartments – 1200 W Slaughter Ln	SF-1 to MF-1- CO and LR-CO	To Grant MF-1-CO and LR-CO, w/conditions	Apvd MF-1-CO and LR-CO, with CO for Traffic Impact Analysis; 13.24 u.p.a. (300 units); 15'

			vegetative buffer along David Moore Rd; list of prohibited uses (1-25-2001).
C14-00-2111 – Solera – 1200 Block of W Slaughter Ln	DR to MF-3	To Grant MF-2-CO w/conditions	Apvd MF-2-CO with CO for 12.18 u.p.a. and conditions of Traffic Impact Analysis (10-26-2000).
C14-00-2189 – Wattinger Acres – 1218 W Slaughter Ln	DR to W/LO	To Grant W/LO-CO w/conditions	Apvd W/LO-CO with CO for 2,000 trips (1-18-2001).
C14-00-2242 – Swanson’s Crossing Retail – - 1216-1400 W Slaughter Ln	DR to LR	To Grant LR-CO w/conditions	Apvd LR-CO with CO for 2,000 trips (2-15-2001).
C14-02-0046 – Wattinger Corner – NW corner of W Slaughter Ln and Texas Oaks Dr	DR to GR-CO	To Grant LR-CO	Apvd LR-CO with CO for 2,000 trips and list of prohibited uses (9-26-2002).
C14-05-0217 – 1204 W Slaughter Ln	SF-2 to LR-CO	To Grant LO	Apvd LO district zoning (4-20-2006).
C14-06-0112 – Slaughter 2.458 – 1100 Block of W Slaughter Ln	LR to GR	To Deny GR zoning	Denied GR zoning (2-15-2007).
C14-06-0116 – 1017 W Slaughter Ln	DR to LR	To Grant LR-MU-CO for Tract 1; LO-MU-CO for Tract 2	Apvd LR-MU-CO for Tract 1; LO-MU-CO for Tract 2 with CO for 2,000 trips across both tracts (8-31-2006).
C14-2007-0059 – Blunt #5 – 1206 W Slaughter Ln	SF-2 to LR-CO	To Grant LO-CO w/CO for 2,000 trips	Apvd LO-CO (07-26-2007).
C14-2008-0164 – 2.458 acres adj to Slaughter Ln Substation – 1021-1111 W Slaughter Ln	DR to P	To Grant	Apvd (10-02-2008).

RELATED CASES:

The rezoning area is unplatted. There are no pending subdivision or site plan applications on the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Texas Oaks	60 feet	42 feet	Neighborhood Collector (1,990 vtd)	No	Yes	Yes
Slaughter Lane	111 feet	90 feet	Major Arterial	Yes	Yes	Yes

CITY COUNCIL DATE: December 11, 2014

ACTION: Approved a Postponement request by Staff to February 12, 2015 (7-0).

February 12, 2015

ORDINANCE READINGS: 1st

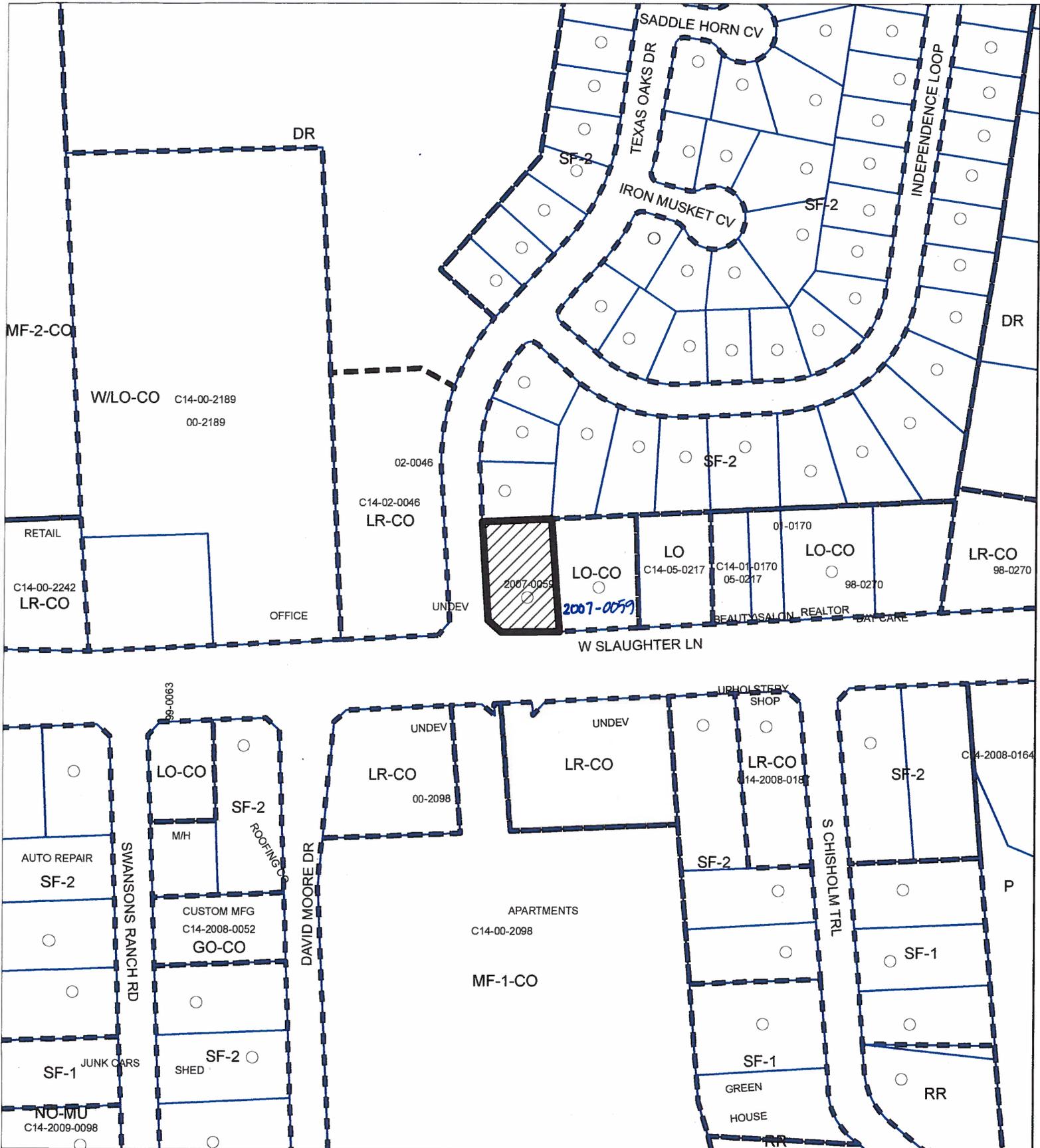
2nd

3rd

ORDINANCE NUMBER:

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

PHONE: 512-974-7719



ZONING

EXHIBIT A

ZONING CASE#: C14-2014-0164

-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

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.





City of Austin

Founded By Congress, Republic of Texas 1839
Austin Code Department
P.O. Box 1088, Austin, Texas 78767 - 1088

September 4, 2014

NOTICE OF VIOLATION

Via Certified Mail #7014-1200-0002-0711-1193

DSHZ Ltd.
1206 W. Slaughter Lane
Austin, Texas 78748

RE: 1208 SLAUGHTER LN AUSTIN TX 78748

Legally described as ABS 6 SUR 19 CANNON W ACR .466
Zoned as LO-CO
Parcel Number 0430190303

Dear DSHZ Ltd.:

An investigation by the City of Austin's Austin Code Department was conducted relating to the property indicated above and violations of Austin City Code were found that require your immediate attention. An investigation report is enclosed which defines the code violation(s) found with required remedies for attaining compliance with the City Code.

After receipt of this notice, you may not sell, lease, or give away this property unless you have provided the buyer, lessee, or other transferee a copy of this notice, and provided the name and address of the buyer to the Code Official.

In the event the property is vacant or becomes vacant on or after the date of this notice the property may not be leased, as stated in §25-12-213 Chapter 11 of the City Code.

If you have any questions, please contact me by telephone at 512-974-3048 between 7:30AM - 4:00PM. You may leave a voicemail message at any time.

Si usted tiene alguna pregunta, contácteme por favor por teléfono en 512-974-3048 de lunes a viernes o puede dejar un mensaje de correo vocal en cualquier momento.

Ownership Information

According to the applicable records of the County, you own the real property described in this notice. If you no longer own this property, you must execute an affidavit stating that you no longer own the property and stating the name with the last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to our office not later than the 20th day after the date you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice, even if you do not.

An affidavit form is available at our office located at 1520 Rutherford Lane. An affidavit may be mailed to:

**City of Austin
Austin Code Department
P.O. Box 1088
Austin, Texas 78767**

Additionally, if this property has other owner(s), please provide me with this information.

Failure to Correct

If a violation is not corrected, any existing site plan, permit, or certificate of occupancy may be suspended or revoked by the City. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.

If the violation continues, the City may take further legal action to prevent the unlawful action as authorized by State law and may seek civil injunctions or penalties in State court.

For dangerous or substandard buildings, the City may also take further action to require the vacation, relocation of occupants, securing, repair, removal or demolition of a building.

If the violations are not brought into compliance within the timeframes listed in the investigation report, criminal charges may be filed against you in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.

Complaints

To register a complaint regarding a Austin Code Department investigator, you may submit your complaint in writing no later than 3 days after receipt of this letter to:

**City of Austin
Austin Code Department Manager
P.O. Box 1088
Austin, Texas 78767**

Sincerely,



Alicia Tovar, Code Compliance Inspector
Austin Code Department
Case CV-2014-090464

INVESTIGATION REPORT

Investigator: Alicia Tovar
Case: CV-2014-090464
Address: 1208 SLAUGHTER LN
Zoned as LO-CO

The item(s) listed below are in violation of the Austin City Code. A required remedy may be specified after a violation and may include a time period for compliance. If no required remedy is specified for a violation, the **Required Remedy Summary** will be in effect. For questions concerning residential property, please contact the Zoning Review Division at (512) 978-4000. For questions concerning commercial property, please contact the Development Assistance Center (DAC) at (512) 974-6370.

LAND USE

Code Section: Certificate of Occupancy (§25-1-361)

Description of Violation: A person may not use or occupy a structure unless the building official has issued a Certificate of Occupancy for the structure. There is no record of a Certificate of Occupancy for this structure's commercial use.

Date Observed: August 25, 2014

Status: Not Cleared

Required Remedy: Obtain a CO for the commercial use.

Code Section: Site Plans Required (§25-5-1)

Description of Violation: A person may not change the use of a residential to a commercial use prior to obtaining an approved and released site plan/site plan exemption.

Date Observed: August 25, 2014

Status: Not Cleared

Required Remedy: Obtain a change of use to reflect the current use of the property.

Code Section: Permitted, Conditional, and Prohibited Uses (§25-2-491)

Description of Violation: Commercial business is prohibited in a LO CO zoning district.

Date Observed: August 25, 2014

Status: Not Cleared

Required Remedy: Obtain a zoning change for the current prohibited use.

Code Section: Building Permit Requirement (§25-11-32)

Description of Violation: Commercial construction performed without required permit(s).

Date Observed: August 25, 2014

Status: Not Cleared

Required Remedy: Obtain all required permits for the commercial remodeling.

Required Remedy Summary

Electrical Permit Required

Building Permit Required

Obtain Variance in 30 days

Obtain a Permit(s) in 30 days

Obtain correct Certificate of Occupancy in 30 days

Submit Site Plan App or Correction in 30 days

Discontinue prohibited use in 30 days

NOTE: The time period(s) indicated in this summary reflect the total time allowed for compliance. A time period indicated in an individual violation's required remedy is the actual time allowed for compliance of that individual

violation. If no time period is indicated in an individual violation's required remedy, the summary time period associated with the required remedy will be the time allowed for compliance.

Appeal

A person may appeal a Stop Work Order to the City of Austin's Code Official. A written appeal must be filed no later than 3 days after the posting of the Order and contain:

- the name and address of the appellant;
- a statement of facts;
- the decision being appealed; and
- the reasons the decision should be set aside.

An appeal may be delivered in person to Austin Code Department located at 1520 Rutherford Lane, Building 1 or mailed to:

**Code Official
Austin Code Department
P.O. Box 1088
Austin, Texas 78767**

REPEAT OFFENDER PROGRAM

All rental properties that have received numerous health and safety complaints within 12 consecutive months are required to register with the City of Austin Repeat Offender Program by City Council resolution (Ordinance No. 20130926-012). This ordinance requires inspections and other guidelines for rental properties falling under the "2-5-2" conditions.

2-5-2 Conditions

A rental registration is required for multi-family and single-family rental properties (not occupied by the owner) if they have received the following within 12 consecutive months at the same property:

- 2** or more separate notices of violation for conditions that are dangerous or impair habitability, and were not corrected within the time required.
- 5** or more separate notices of violation for conditions that are dangerous or impair habitability which are issued on separate days regardless of whether the violation was corrected or not.
- 2** or more citations for conditions that are dangerous or impair habitability within 12 consecutive months.

Still have questions?

Call: 512-974-9083
Email: CCDCustomerService@austintexas.gov



Single-family Property

property used for single family residential, single-family attached, and two-family residential (duplexes, garage apartments, townhomes, garden homes, etc.).



Multi-family Property

property used for three or more dwelling units, within one or more buildings (apartments, condos, etc.)



Dangerous Conditions

likely to cause physical harm or injury to someone.



Habitability Conditions

impair the quality of life for a tenant, such as problems with hot water, electrical service, heating, electrical hazard or infestation.



FAQ

When will I have to register by?

The owner of a property must register within 14 days. If the owner would like to appeal the registration, they must submit a statement that supports the appeal. This must be in writing within 10 days and sent to:

City of Austin, Code Department, Attn: ROP,
PO Box 1088, Austin, TX 78767

What if I sell the property?

Registration is non-transferable. If the property is sold, the new owner will have 30 days to submit a new Repeat Offender application and pay a new registration fee (if applicable). If the rental property is made compliant within 90 days after the property is sold, the property will be taken off of the repeat offender list.

What information is required on the registration application?

The owner will be asked to provide his/her name, address, telephone number, and email address. If the owner is a corporation or association, the name and address of the registered agent on file with the Texas Secretary of State will be required. In addition, the number of individual rental units and buildings at the property and a telephone number that will be answered 24 hours a day by a local contact (i.e., emergency phone number) will be required.

Are there any exceptions?

Exceptions only apply to owner-occupied rentals and units regulated by another section of the code (such as hotels, motels, and bed and breakfasts).

How much does registration cost?

At this time there is not a registration fee, however, in the future there may be a cost associated with this registration.

How long will I remain on the Repeat Offender List?

The property owner will remain on the repeat offender list for a minimum of two years. This information will also be available to the public at:

www.austintexas.gov/departments/repeat-offender-program

Still have questions?

Call: 512-974-9083

Email: CCDCustomerService@austintexas.gov





MEMORANDUM

DATE: December 3, 2014
TO: Wendy Rhoades, Case Manager
CC: Jim Bennett, Jim Bennett Consulting
SUBJECT: Neighborhood Traffic Analysis for DSHZ .46 (C14-2014-0164)

The transportation review staff has prepared Neighborhood Traffic Analysis (NTA) for the above referenced case. The site is located at the northeast corner of Texas Oaks Drive and Slaughter Lane. The northern boundary of the site borders single family housing and access to Slaughter Lane is recommended to be prohibited due to the proximity to a signalized intersection. This .46 acre tract is currently zoned SF-2. The site is proposed for general office.

ROADWAYS

Texas Oaks Drive is a neighborhood collector with 60 feet of right-of-way and 42 feet of pavement. Under Section 25-6-114 of the Land Development Code, Texas Oaks Drive is classified as a residential collector street because at least 50 percent of its frontage is zoned for SF-5 or more restrictive uses. The average daily traffic (ADT) on Texas Oaks is estimated at 1990 vehicles just north of the intersection with Slaughter Lane (based on traffic counts provided by the applicant).

TRIP GENERATION AND TRAFFIC ANALYSIS

Based on the Institute of Transportation Engineer's (ITE) publication Trip Generation, the proposed development will generate 724 vehicle trips per day.

Trip Generation (Adjusted)		
Land Use	Size/Units	ADT
General Office	.46 acres	724

ATTACHMENT A

The site is proposing access via 1 driveway on to Texas Oaks Drive. The trip distribution on the adjacent roadways is shown in the table below:

Traffic Distribution	
Street	Site Traffic
Texas Oaks Drive	100%

Below is a table containing the estimated number of trips that will affect each street.

Trip Assignment			
Street	Existing Traffic	Site Traffic	Total Traffic after Project
Texas Oaks Drive	1,990	724	2,714

The Land Development Code specifies desirable operating levels for certain streets in section 25-6-116. These levels are as follows: A residential local or collector street with a pavement width of more than 40' may carry up to 4,000 vehicle trips per day.

CONCLUSIONS

1. The neighborhood traffic analysis was triggered because the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 trips per day, and the project has access to a local or residential collector street where at least 50 percent of the site frontage has an SF-5 or more restrictive zoning designation.
2. The traffic along Texas Oaks Drive does not exceed the requirements established in Section 25-6-116 (referenced above).
3. Development of this property should be limited to uses and intensities, which will not exceed or vary from the projected traffic conditions assumed in this neighborhood traffic analysis including traffic distribution, roadway conditions, and other traffic related characteristics.
4. Vehicular access to Slaughter Lane should be prohibited to this site due to proximity to a signalized intersection and because Slaughter Lane is a major arterial.

If you have any questions or require additional information, please contact me 974-3124.

A handwritten signature in black ink, appearing to be 'B. Golden', with a long horizontal stroke extending to the right.

Bryan Golden
Transportation Review Team, Land Use Review
Planning and Development Review Department

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 2,000 and prohibits vehicular access to West Slaughter Lane.

If the requested zoning is recommended for this site, then Staff recommends a Restrictive Covenant for the Neighborhood Traffic Analysis memorandum, dated December 3, 2014, as provided in Attachment A.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Limited office (LO) zoning is intended for office use predominantly serving the neighborhood or community needs, such as professional, semi-professional and medical offices, which may be located within or adjacent to residential neighborhoods.

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

Since 1998, rezoning requests from SF-2 to commercial and office districts have been approved for all of the remaining properties to the east, largely based on the upgrade of Slaughter Lane to an arterial roadway. The rezonings have provided for the conversion of single family residences to office and civic uses, and at the corner of Chisholm and Slaughter Lanes, to neighborhood commercial uses.

Staff recommends limited office – mixed – conditional overlay (LO-MU-CO) district zoning in the context of its location at the intersection of an arterial roadway and neighborhood collector street, consistency in zoning and compatibility with the office and civic uses to the east. The Conditional Overlay limits the property to 2,000 vehicle trips per day and prohibits access to West Slaughter Lane because the property is within 100 feet of a signaled intersection along a major arterial. The Neighborhood Traffic Analysis concludes that the traffic along Texas Oaks Drive does not exceed the desirable operating levels of 4,000 vehicle trips per day. Please refer to Attachment A. The NTA was calculated under the Applicant's proposal for the GO base district, however a change of proposal to LO would not change the results of the NTA.

EXISTING CONDITIONS**Site Characteristics**

The subject property contains office uses. There appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the LO district would be 70%. The watershed impervious cover listed below is less restrictive than the zoning district's allowable impervious cover, and therefore, the impervious cover is limited by the zoning regulations.

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.

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.

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

Transportation

If the requested zoning is granted, it is recommended that access to Slaughter Lane be prohibited as a condition of zoning because the property is within 100 feet of a signaled intersection along a major arterial.

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: Texas Oaks Drive and Slaughter Lane.

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 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

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 north, west, and south property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.

- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO. 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.

Additional design regulations will be enforced at the time a site plan is submitted.

This site is in the Scenic Roadway Sign District. All signs must comply with Scenic Roadway sign district regulations, 25-10-124 of the Land Development Code.

This site will be subject to Subchapter E (Commercial Design Standards) of the Land Development Code if it is new construction or if it is redevelopment, and that redevelopment generates 1,000 trips or more per day (on a site less than one acre), or increases the site's impervious cover by 25% or more beyond existing. Slaughter Lane is the principal street, and is identified as a Core Transit Corridor.

Rhodes, Wendy

From: John W Blunt <john@bluntproperties.com>
Sent: Friday, December 12, 2014 10:37 AM
To: Rhodes, Wendy
Subject: RE: Application For Rezoning: Case No. C14-2014-0164 at 1208 West Slaughter Lane - Comments from owner of adjacent property
Attachments: 1208 West Slaughter Rezoning Application.pdf

Wendy,

City staff fails to recognize that 1208 West Slaughter Lane is not a true West Slaughter Lane property and as such should not be lumped together with the other SFR's to the east that have been converted to office use. The subject received that address back in 1961 when the house was built and the original property line extended out to what is today the dividing median on West Slaughter. The original access driveway off of West Slaughter Lane was terminated in 1984 during the widening and reconfiguration of West Slaughter Lane. Both the vehicle and pedestrian access to the house were relocated to Texas Oaks Drive, a narrow neighborhood artery, meaning it lost its identity as a West Slaughter property. Again, it is erroneous to lump this property with other properties to the east on West Slaughter Lane. You are comparing apples to oranges meaning your recommendation of 2,000 daily trips is nonsensical.

The city gave my property at 1206 West Slaughter Lane and my neighbor's property at 1204 West Slaughter Lane the zoning upgrade from SF-2 to LO-CO. The CO limits maximum daily trips to 2,000. The key point is that both of these properties have access driveways off of West Slaughter Lane more than 200 feet from the intersection with Texas Oaks Drive. In contrast, the sole access to 1208 West Slaughter is off Texas Oaks Drive less than 100 feet from the intersection with West Slaughter Lane which produces a very different situation than that of 1204 and 1206 West Slaughter. Giving 2,000 daily trips to 1208 West Slaughter is absurdly inappropriate especially since there is already major congestion at this traffic light due to the elementary school nearby on Texas Oaks Drive.

A few years ago, I sold a pad site to Dollar General at the northwest corner of Manchaca Road and Monarch Drive, just north of West Slaughter Lane. Prior to the sale, the city gave me the zoning upgrade to LR-CO. The CO prohibited service stations and drive-through facilities and limited maximum daily trips to 1,400. The city's reasoning for the low number of daily trips was to protect the neighborhood. Why wasn't this same logic applied to 1208 West Slaughter Lane?

But what is even more perplexing/troubling is the MU portion of the zoning change request that city staff oddly recommends:

To: GO-MU – General Office district is intended for offices and selected commercial uses predominately serving community and city-wide needs. MU – Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development

How could you possibly think this MU component is appropriate for a neighborhood street already struggling with major congestion? It's absurd. You are effectively granting them retail zoning. Based on antecedent, the city will cave on any issues relating to change of use (site plan) Specifically, the city will grant administrative variance to the site plan requirement meaning the applicants will not have to honor the 25 foot setback requirement between commercial and residential uses. The city is throwing the neighborhood under the bus. In addition, they will not be required to install a detention pond which will cause flooding issues on my property to the immediate east. The city is throwing me under the bus.

The applicants do not need to take out permits for commercial remodeling because they already converted the single-family residence to office use under the bogus guise of "Residential Remodel" which included a hugely disproportionate amount of flatwork relative to the building. On August 1, 2014, the applicants moved from the adjacent office building at 1206 West Slaughter with LO zoning to the SFR at 1208 West Slaughter with SF-2 zoning. They blatantly and deliberately violated city code by running their mortgage business from Day 1 out of a house that lacked proper zoning for commercial uses. Yet the city was fine with this. In short, the city is rewarding the applicants' dishonestly and subterfuge with unilateral variances for commercial building code shortcomings (MEP) and absurdly inappropriate zoning and density for the neighborhood. The subject at 1208 West Lane is not a Slaughter Lane property. Its true address should be 9407 Texas Oaks Drive. This key fact negates your logic and recommendations. At the very least, city staff's recommendation should include language requiring the applicants to reconfigure the parking lot and boundary fence to comply with city code mandating 25 foot setbacks between residential and commercial properties. City staff's recommendation should also require the applicants to install a detention pond to protect my property from flooding. City staff should revise their daily trips recommendation to 1,400 given the subject's location on a narrow, congested neighborhood street. City staff should rescind their recommendation of the MU component because the permitted uses are grossly inappropriate for the neighborhood. City staff's recommendation should be NO-CO with 1,400 maximum daily trips.

Please forward this email to your fellow city staffers and Ms. Betty Baker.

Thank you.

John W Blunt
1206 West Slaughter Lane
512-619-5936

From: Rhoades, Wendy [mailto:Wendy.Rhoades@austintexas.gov]
Sent: Tuesday, December 09, 2014 8:48 PM
To: John W Blunt
Subject: RE: Application For Rezoning: Case No. C14-2014-0164 - footnote to previous email

John,
Thank you for your continued interest in this case. Staff is recommending LO-MU-CO district zoning for the property, along with a Restrictive Covenant for the conditions of the neighborhood traffic analysis. Since 1998, rezoning requests from SF-2 to commercial and office districts have been approved for all of the remaining properties to the east, largely based on the upgrade of Slaughter Lane to an arterial roadway. The rezonings have provided for the conversion of single family residences to office, neighborhood serving commercial, and civic uses.

Our recommendation is based on the context of its location at the intersection of an arterial and neighborhood collector street, consistency in zoning and compatibility with the office and civic uses to the east. The Conditional Overlay limits the property to 2,000 vehicle trips per day and prohibits access to West Slaughter Lane because the property is within 100 feet of a signaled intersection along a major arterial. The Neighborhood Traffic Analysis concludes that the traffic along Texas Oaks Drive does not exceed the desirable operating levels of 4,000 vehicle trips per day. The NTA was prepared under the Applicant's proposal for the GO base district, however a change of proposal to LO would not change the results of the NTA.

If the rezoning to GO-MU zoning as requested by the Applicant or LO-MU-CO zoning with conditions as recommended by the Staff be approved, then a Certificate of Occupancy, a change of use (site plan) and permits for commercial remodeling are still required.

Wendy

From: John W Blunt [<mailto:john@bluntproperties.com>]
Sent: Monday, December 08, 2014 9:05 AM
To: Rhoades, Wendy
Subject: RE: Application For Rezoning: Case No. C14-2014-0164 - footnote to previous email

Wendy,

There are two key issues: 1) appropriate rezoning based on traffic and neighborhood characteristics and 2) protecting the neighborhood from people who circumvent the system. The petitioners did a "residential remodel" to avoid compliance with city-mandated retrofit and upgrades from residential to commercial uses. This so-called residential remodel was a complete retrofit from single-family to commercial office use that included the installation of a huge concrete parking lot that extends within 5 feet of the adjoining residential property to the north. This would not have been allowed if the petitioners had followed proper protocol and obtained the zoning change before completing the rehab and retrofit to commercial use. The city sets a very bad precedent by allowing this type of behavior.

The petitioners moved their business from the adjacent office building at 1206 West Slaughter on August 1, 2014. In other words, the residential remodel was pure scam. At the very least, the petitioners should be required to reconfigure the parking lot to honor the statutory 25-foot setback between commercial and residential properties. The petitioners should also be required to install a detention pond to protect my property at 1206 West Slaughter from their excessive storm water sheet flow. My property is down topo gradient from the petitioner's property. As a footnote, the city historically has resisted higher-density zoning for residential properties converted to commercial uses whose sole access is off a neighborhood roadway.

Thanks,

John W Blunt
1206 West Slaughter Lane
512-619-5936

From: Rhoades, Wendy [<mailto:Wendy.Rhoades@austintexas.gov>]
Sent: Monday, November 17, 2014 2:35 PM
To: John W Blunt
Subject: RE: Application For Rezoning: Case No. C14-2014-0164 - footnote to previous email

John,
The results from the neighborhood traffic analysis will help to inform Staff's recommendation for the appropriate zoning district (GO as requested by the Applicant, or LO, or NO), any restrictions on access to Slaughter or Texas Oaks, and the daily vehicle trip limit.

Wendy

From: John W Blunt [<mailto:john@bluntproperties.com>]
Sent: Saturday, November 15, 2014 10:10 AM
To: Rhoades, Wendy
Subject: RE: Application For Rezoning: Case No. C14-2014-0164 - footnote to previous email

Wendy,

I want to add that the owners of 1200, 1204 and 1206 West Slaughter were denied GO and LR zoning in the recent past and instead had to settle for LO or LO-CO. The city's reasoning was that any zoning district allowing higher density than LO was inappropriate for the neighborhood along that stretch of West Slaughter Lane (north line). The city needs to be

consistent and deny the applicant's request for GO zoning with a CO that allows ridiculously inappropriate uses at the entrance to a dense residential subdivision with sole access on a narrow, already heavily congested neighborhood feeder with elementary school nearby. The only reasonable and justifiable zoning change for the property at 1208 West Slaughter is NO - Neighborhood Office with CO allowing maximum of 900 daily trips. I am sure their hapless neighbor to the immediate north at 9405 Texas Oaks Drive will readily agree.

Thank you.

John W. Blunt, Jr.

From: Rhoades, Wendy [<mailto:Wendy.Rhoades@austintexas.gov>]
Sent: Thursday, November 13, 2014 3:42 PM
To: John W Blunt
Subject: RE: Application For Rezoning: Case No. C14-2014-0164

Mr. Blunt,

Thank you for your comments, which I will attach to the Staff report for consideration by the Zoning and Platting Commission. The Staff is requesting postponement of this case to December 2, 2014 in order to coordinate with the Applicant on a neighborhood traffic analysis and prepare related support material.

Sincerely,
Wendy Rhoades

From: John W Blunt [<mailto:john@bluntproperties.com>]
Sent: Thursday, November 13, 2014 9:45 AM
To: Rhoades, Wendy
Subject: Application For Rezoning: Case No. C14-2014-0164

Wendy,

As the owner of the property adjacent to 1208 West Slaughter Lane, I strongly oppose the applicant's request for ridiculously dense, inappropriate rezoning for the reasons cited in detail below in an email to the city's code enforcement department. The owners of 1208 West Slaughter should only be allowed zoning upgrade to NO "Neighborhood Office" with conditional overlay of 900 daily trips. Period. Nothing more. Any language in the conditional overlay allowing mixed-use or commercial uses other than light office should be purged. The owners should also be required as a condition of rezoning to bring the building into compliance with commercial code including the replacement of hazardous, old wiring with metalclad. The owners should also be required as a condition of rezoning to reconfigure the parking lot with a 25' setback from the adjacent residential property to the north at 9405 Texas Oaks Drive. The owners should be required as a condition of rezoning to install a concrete detention pond to protect my property at 1206 West Slaughter to the immediate east from excessive storm water sheet flow.

Thanks,

John W Blunt
1206 West Slaughter Lane
512-619-5936

Email to Jerry Reynolds:

Just because the scofflaws at 1208 West Slaughter are seeking a zoning change after-the-fact does not mitigate the harm your inaction and dereliction of duty have inflicted on the Texas Oaks Neighborhood. You played right into the owners' hand as expected. Your "all's well that ends well" attitude is egregiously off the mark. Commercial uses at 1208 West Slaughter are inappropriate for the neighborhood. What you fail to realize is that the sole access to 1208 West Slaughter is off Texas Oaks Drive which is a small neighborhood feeder. Traffic is very heavy in the mornings and afternoons due to Casey Elementary School being located diagonally across the street from 1208 West Slaughter. You conveniently overlooked the safety hazard created by the commercial use and huge new parking lot at 1208 West Slaughter. There are typically 10-15 vehicles parked at this location during working hours. See photo pasted below. This sudden increase of vehicles with egress-ingress problems greatly exacerbate already heavy traffic congestion and safety concerns at the intersection of West Slaughter and Texas Oaks.

The owners of the single-family residence zoned SF-2 at 1208 West Slaughter knowingly, blatantly and deliberately violated the law by commencing business operations without the required zoning change, change of use permit and commercial certificate of occupancy. They literally carried their office furniture and equipment from the adjacent office building at 1206 West Slaughter to 1208 West Slaughter. Their lease at 1206 West Slaughter expired July 31st and they started their mortgage business (Dawn Rush Dotson) at 1208 West Slaughter without missing a step the very next day on August 1st. And the city did nothing despite having full knowledge of this blatant and deliberate violation of city code. As a footnote, the two public notification signs put up by the city on Texas Oaks Drive and West Slaughter Lane were taken down as soon as they went up. I believe they should be replaced.

Proper protocol required the owners of 1208 West Slaughter to obtain a zoning change as a first step along with change of use permit and commercial certificate of occupancy. This would have triggered the possible need for a TIA as a condition of rezoning especially since the subject property is at the entrance to a dense residential subdivision with nearby Casey Elementary School. Site plan approval showing detention and filtration ponds also would have been required. In addition, the building would have had to comply with commercial building code including "MEP" and other critical code components. The wiring in that building is ancient and should be replaced with metalclad to accommodate commercial use. The new parking lot also would have had to pass commercial code with 25' setback from the residential property to the immediate north. This parking lot has twice the area of the building's footprint. How can the city ignore this ridiculous "residential remodel" scam?

Point is case is the hapless home owner at 9405 Texas Oaks Drive located just north of 1208 West Slaughter. Lucky guy. His electric bills in the summer will be 20% higher from the heat thrown off by the huge new concrete parking lot extending 16 feet from his front door not to mention the 15 cars baking in the July sun close to his house - not to mention the noise and noxious fumes. See plat map pasted below. You fail to grasp the concept of "neighborhood planning" and its underlying charter to protect neighborhoods from commercial encroachment. Commercial uses at 1208 West Slaughter are inappropriate for the neighborhood. City code requires a 25-foot setback between residential properties and those zoned SF-6 or higher. My property to the immediate east at 1206 West Slaughter has a history of flooding and the huge new parking lot at 1208 West Slaughter has exacerbated this problem considerably. This is why the owners of 1208 West Slaughter need to install a concrete storm water detention pond as a condition of rezoning.

Your inaction has enabled the owners of 1208 West Slaughter to circumvent crucial oversight associated with the zoning change process in Austin, TX. By allowing the owners of 1208 West Slaughter to game the system with their bogus "residential remodel," you have established an exceptionally bad precedent for the Texas Oaks Neighborhood and the entire city as well. Your inaction allowed illegal encroachment of a commercial use into a dense residential subdivision while worsening already terrible traffic congestion. Your inaction also emboldened the owners of 1208 West Slaughter to seek ridiculously dense/commercial rezoning totally inappropriate for the neighborhood. See attached. Your inaction has made a mockery of zoning and neighborhood planning. You should have shut down commercial uses at 1208 West Slaughter Lane when you were first notified of the violations in early August. Your inaction has caused the owners of 1208 West Slaughter to assume that rezoning is fait accompli. Your inaction will encourage others to commit the same violations in the future.

The owners of 1208 West Slaughter should only be allowed zoning upgrade to NO "Neighborhood Office" with conditional overlay of 900 daily trips. Period. Nothing more. Any language in the conditional overlay allowing mixed-use or commercial uses other than light office should be purged. The owners should also be required to bring the building into compliance with commercial code including the replacement of hazardous, old wiring with metalclad. The owners should also be required to reconfigure the parking lot with a 25' setback from the adjacent residential property to the north at 9405 Texas Oaks Drive. The owners should be required to install a concrete detention pond to protect my property at 1206 West Slaughter to the immediate east from excessive storm water sheet flow.

The city needs to put an end to this "residential remodel" scam which makes a mockery of zoning and neighborhood planning. One obvious solution is to prohibit any zoning upgrade for three years from the date of a residential remodel. The city needs to eliminate the incentive to game the system.

Cordially,

John W. Blunt, Jr.
512-619-5936



From: Reynolds, Jerry [<mailto:Jerry.Reynolds@austintexas.gov>]
Sent: Wednesday, November 05, 2014 10:49 AM
To: john@bluntproperties.com
Cc: pam.highsmith@austintexas.gov; Leach, Keith; Garrett, Elaine; Wilcox, Todd
Subject: FW: Blatant violations ignored by Code Enforcement - November 4, 2014

Mr. Blunt,

I am the South Division Assistant Manager, I have reviewed this case on 1208 West Slaughter Lane. I have found that the Code Department does have a current case on 1208 West Slaughter Lane, a notice of violation has been sent to the property owner. After further research I found the original building permit # 2014-071233 explained that if the use was not for a SF residence, a change of use would be required. I also found in the database that a rezoning case is in progress # 2014-105787ZC, if this property does not follow through with the procedures to bring the property into compliance, the Code Department will continue with legal action.

Jerry Reynolds

Jerry Reynolds
Assistant Division Manager
South District
Austin Code Department
512-974-1919





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