

ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0060 – Bluff Springs Food Mart

Z.A.P. DATE: July 2, 2013

ADDRESS: 7101 Bluff Springs Road

OWNER: Bluff Springs Food Mart, Inc.
(Tariq Majeed)

AGENT: Moncada Consulting
(Phil Moncada)

ZONING FROM: SF-4A-CO; LR-CO

TO: LR-CO, to modify the conditional overlay and remove food sales and restaurant (drive-in, fast food) from the prohibited use list

AREA: 1.834 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general neighborhood commercial – conditional overlay (LR-CO) combining district zoning to remove food sales and restaurant (fast food, drive-in) use from the list of prohibited uses. The Conditional Overlay would continue the 2,000 vehicle trip limit that applies to this property.

ZONING & PLATTING COMMISSION RECOMMENDATION:

July 2, 2013: *APPROVED LR-CO DISTRICT ZONING, AS STAFF RECOMMENDED, BY CONSENT*

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

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject undeveloped lot is located at the southeast corner of Bluff Springs Road and Blue Meadow Drive and has had neighborhood commercial – conditional overlay (LR-CO) and single family residence – small lot (SF-4A-CO) district zoning since 1999. The Conditional Overlay that applies to the rezoning area includes a 2,000 vehicle trip limit and prohibits food sales and restaurant (fast food, drive-in) uses. The eastern 50 feet of the lot is a public utility easement site and a significant portion of that width is heavily treed and designated as a drainage easement. To the north and northeast there is an undeveloped lot and manufactured homes in the South Creek subdivision (CS-CO; MH), and to the south there are single family residences and a drainage easement in the Meadows at Bluff Springs subdivision (LR-CO; SF-4A-CO). Across Bluff Springs Road to the west, there is a campground, warehouse, apartments and an undeveloped tract proposed to be developed with an AISD bus depot facility and administrative offices (MF-1; SF-3; I-RR; CS-MU-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to modify the Conditional Overlay to remove the two uses on the prohibited use list, being food sales and restaurant (fast food, drive-in). For information, the restaurant (fast food, drive-in) use is now covered by the restaurant (limited) and restaurant (general) uses, both of which are first allowed in LR zoning, the latter subject to a maximum of 4,000 square feet. The intent is to provide greater flexibility in developing the property with commercial uses that would serve the surrounding residential uses.

In evaluating the Applicant's request, Staff looked at whether and has affirmed that the food sales and restaurant (fast food, drive-in) uses proposed to be removed from the Conditional Overlay are permitted on the two other commercially zoned properties that are directly north and west, and also access Bluff Springs Road. Therefore, Staff supports the Applicant's request given that other commercially zoned properties in the area allow for these uses to occur. The Conditional Overlay would continue the 2,000 vehicle trip limit as it applies to this property.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-CO	Undeveloped
<i>North</i>	CS-CO; MH	Undeveloped; Manufactured homes in the South Creek subdivision
<i>South</i>	LR-CO; SF-4A-CO	Single family residences in the Meadows at Bluff Springs subdivision; Drainage easement
<i>East</i>	MH; SF-4A-CO	Manufactured homes in the South Creek subdivision; Single family residences in the Meadows at Bluff Springs subdivision
<i>West</i>	CS-MU-CO; I-RR; SF-3; MF-1	Undeveloped; Warehouse (vacant); Apartments; Campground

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Onion Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

96 – Southeast Corner Alliance of Neighborhoods (SCAN)
 511 – Austin Neighborhoods Council
 627 – Onion Creek Homeowners Association 742 – Austin Independent School District
 1037 – Homeless Neighborhood Association 1075 – Bike Austin
 1180 – Savorey Lane Association
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1224 – Austin Monorail Project 1228 – Sierra Club, Austin Regional Group
 1236 – The Real Estate Council of Austin, Inc.
 1249 – Los Jardines Homeowners Association 1258 – Del Valle Community Coalition

1340 – Austin Heritage Tree Foundation 1363 – SEL Texas
 1408 – GO! Austin/VAMOS! Austin – Dove Springs

SCHOOLS:

Langford Elementary School

Mendez Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2011-0127 – Bluff Springs Commercial – 7001 Bluff Springs Road	CS-CO to CS-CO to change a condition of zoning	To Grant a change to the CO to remove art and craft studio (general), business support services, laundry services, medical offices, personal improvement services and restaurant (general) from the prohibited use list	Approved as Commission recommended (2-2-2012).
C14-2008-0123 – Bennett Tract – 7309 ½ South IH 35 Service Road Northbound	I-RR; GR to MF-3; CS	To Grant CS-MU-CO with the CO prohibiting a list of uses and limiting residential density to 36 u.p.a. RC for the conditions of the TIA and prohibiting commercial businesses within 200' of Bluff Springs. Street deed for 13' additional r-o-w on Bluff Springs.	Approved CS-MU-CO with Restrictive Covenant and Street Deed as recommended by Commission (3-11-2010).
C14-84-457 (RCA) – Chrysler Auto Dealership – 6905 South IH 35 Service Road Northbound	To delete the covenant as it applies to Lot 2, thereby enabling the property to have all of the conditional and permitted uses of GR zoning	To terminate the RC as it applies to this particular property and retain a restriction that prohibits pawn shop services and residential treatment	Approved an amendment to the RC, as recommended by the Commission (4-30-2009).
C14-98-0224 – The 33 at Bluff Springs – 7101 Block of	I-RR to GR & MH	To Grant SF-4A for Tract 1 and LR for Tract 2	Approved SF-4A-CO for Tract 1 and LR-CO for Tract 2. CO is for

Bluff Springs Road at Blue Meadow Drive			2,000 trips and prohibiting food sales and restaurant (fast food). Street Deed for additional r-o-w on Bluff Springs (5-6-1999).
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RELATED CASES:

The property was zoned LR-CO on May 6, 1999 and included all of the area within the Meadows at Bluff Springs subdivision. The conditional overlay that pertained to the LR-CO tract prohibited food sales and restaurant (fast food, drive-in) and limited development to 2,000 trips (C14-98-0224 – The 33 at Bluff Springs). A Street Deed accompanied the rezoning case and dedicated additional right-of-way on Bluff Springs Road.

The property is platted as Lot 47 Block A of the Amended Plat of Meadows at Bluff Springs, a subdivision recorded on August 19, 2003 (C8-03-0100.0A – Meadows at Bluff Springs, Amended Plat of). Please refer to Exhibits B and C.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
Bluff Springs Road	Varies: 109'-120'	56 feet	MAU 4 – Major Arterial Undivided roadway with 4 lanes.	11,162 (2004)
Blue Meadows Drive	60 feet	41 feet	Collector	3,380 (1997)

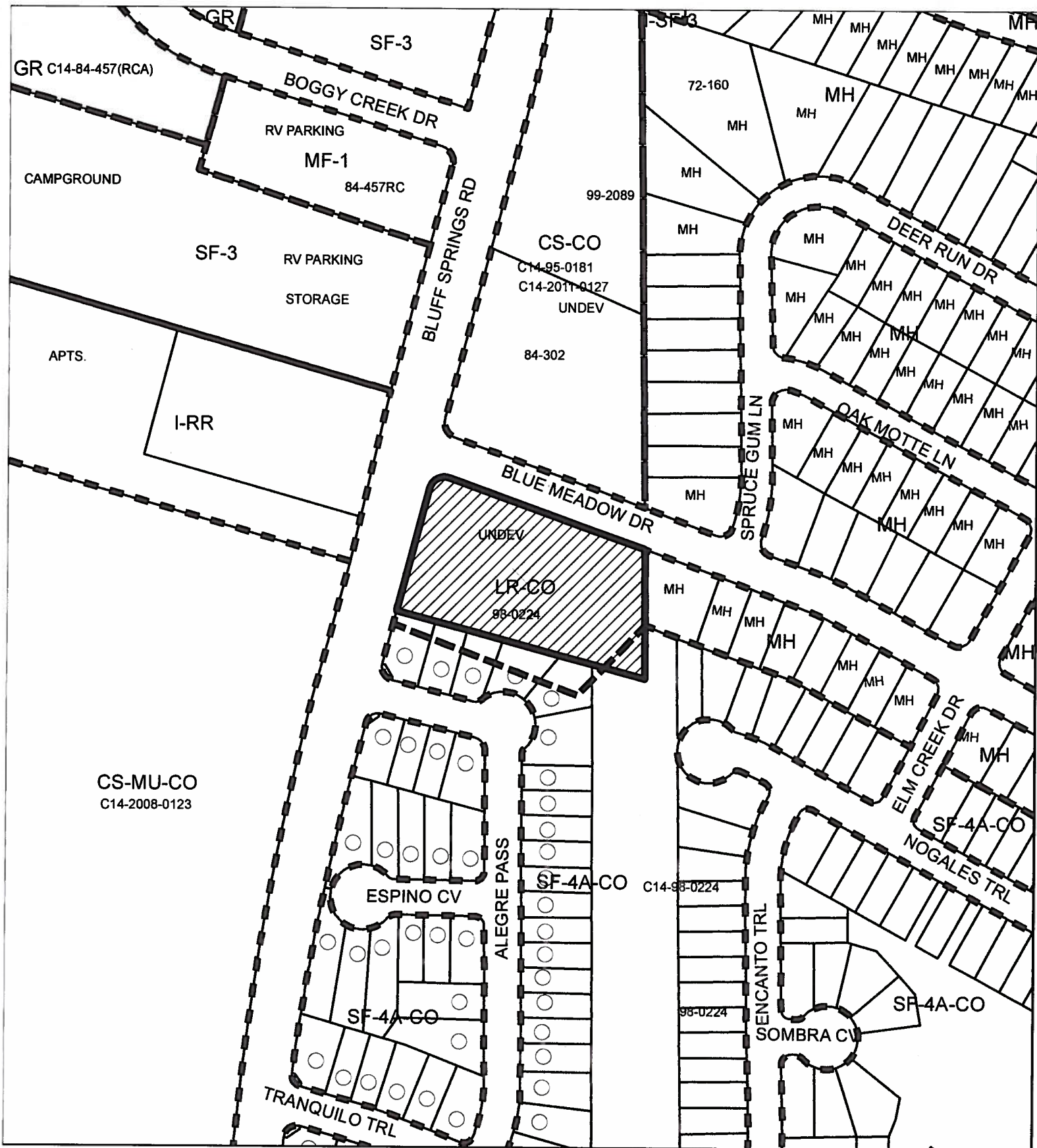
- There are existing sidewalks along both Bluff Springs Road and Blue Meadow Drive.
- According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and recommended along the adjoining streets as follows: Bluff Springs Road serves Route No. 59 and has an existing Shared Lane with a recommended Bike Lane. Blue Meadows Drive serves Route No. 38 and has an existing Wide Curb with a recommended Bike Lane.
- Capital Metro bus service (Route No. 127 and 333) is available along Blue Meadows Drive. Capital Metro bus stop No. 1901 Blue Meadow/Bluff Springs is located along the northern property boundary of the site.

CITY COUNCIL DATE: August 8, 2013**ACTION:****ORDINANCE READINGS:** 1st2nd3rd

ORDINANCE NUMBER:

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

PHONE: 974-7719



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING
ZONING CASE#: C14-2013-0060

EXHIBIT A

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.





ORDINANCE NO. 990506-65

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

A 33.42 ACRE PARCEL OF LAND CONSISTING OF TWO TRACTS OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT AND INTERIM FAMILY RESIDENCE (I-SF-3) DISTRICT TO SINGLE FAMILY RESIDENCE SMALL LOT-CONDITIONAL OVERLAY (SF-4A-CO) DISTRICT, AND NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) DISTRICT, LOCALLY KNOWN AS 7101 BLUFF SPRING ROAD AND 1901 BLUE MEADOW DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

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

PART 1. The Zoning Map established by Chapter 25-2-191 of the City Code is amended to change the base zoning districts on the property described in **File C14-98-0224**, as follows:

Tract 1: From Interim Rural Residence (I-RR) district to Single Family Residence Small Lot-Conditional Overlay (SF-4A-CO) district.

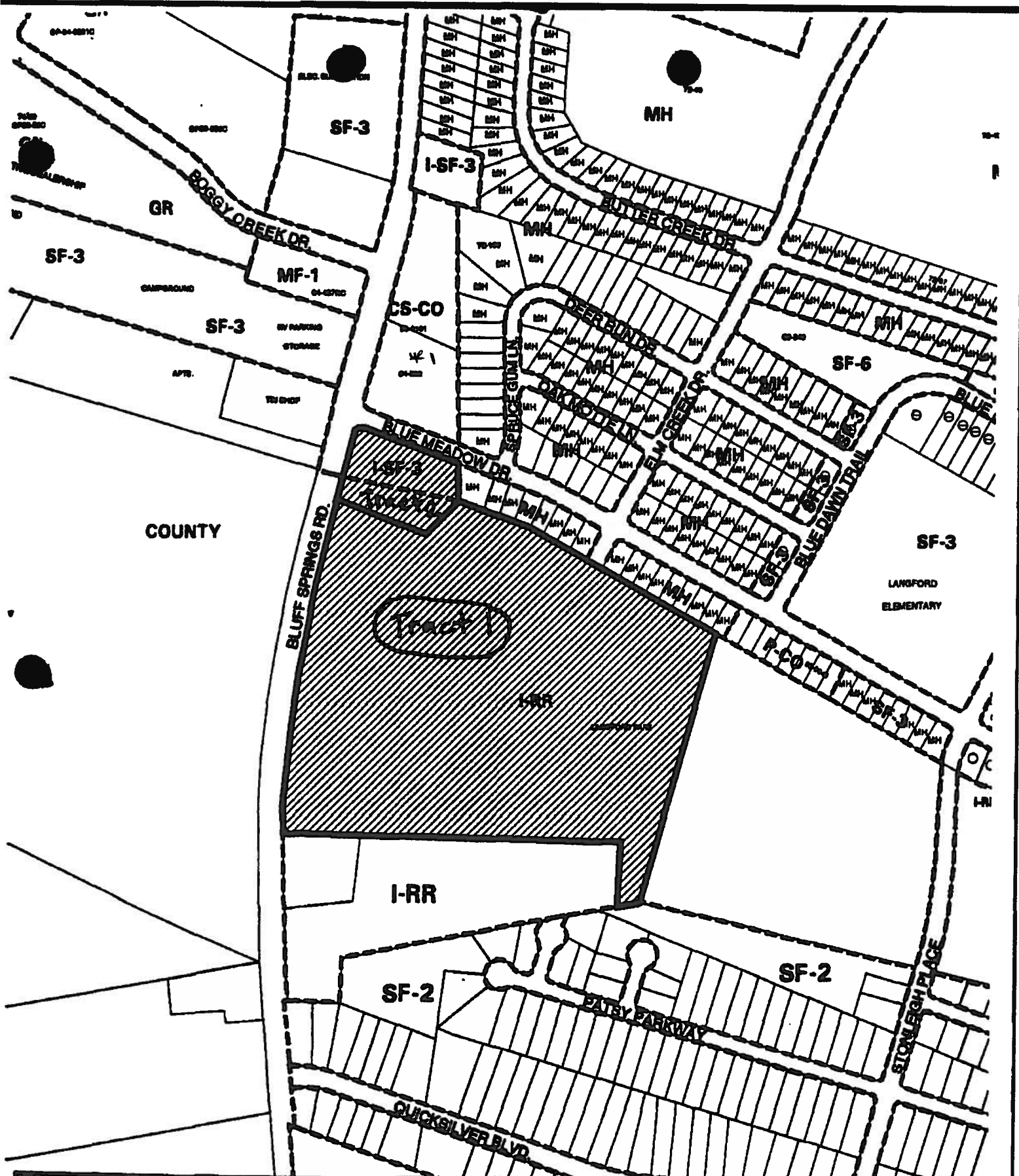
31.28 acre tract of land out of the Santiago Del Valle Grant, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

Tract 2: From Interim Rural Residence (I-RR) district and Interim Family Residence (I-SF-3) district to Neighborhood Commercial-Conditional Overlay (LR-CO) district.

2.14 acre tract of land out of the Santiago Del Valle Grant, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, (the "Property")

locally known as 7101 Bluff Springs Road and 1901 Blue Meadow Drive, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "C".

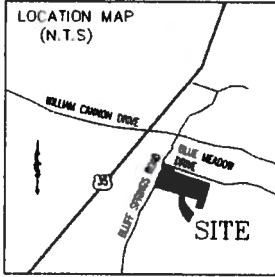
Page 2 of 2



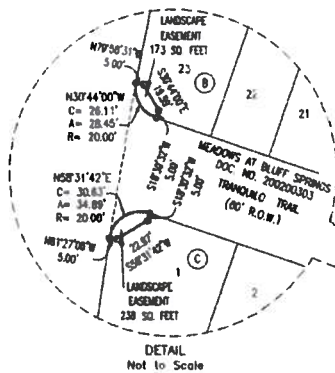
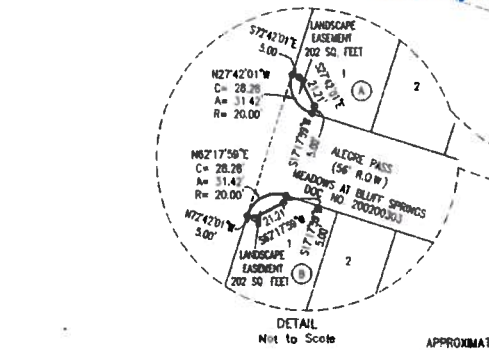
	SUBJECT TRACT		ZONING EXHIBIT "C"		CITY GRID REFERENCE NUMBER H15 & H14
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-98-0224	DATE: 98-11	
	CASE MGR: J. Arriaga	ADDRESS: 7101 BLUFF SPRINGS RD. & 1801 BLUE MEADOW DR. SUBJECT AREA GEN#: 33.420	INTLS: TRC		

990506-65

AMENDED PLAT OF MEADOWS AT BLUFF SPRINGS



**PROPOSED
REZONING
AREA**



LEGEND

- IRON PIN SET
- IRON PIN FOUND
- CONCRETE MONUMENT FOUND
- CONCRETE MONUMENT SET
- BL BUILDING SETBACK LINE
- WW WASTEWATER EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- 1 LOT NUMBER
- (A) BLOCK NUMBER

..... APPROX. SIDEWALK LOCATION

DATE: SEPTEMBER 5, 2002

OWNER: BLUFF SPRINGS DEVELOPMENT, LTD.
ATTN: BOB GULFILLIAN
2207 LAKE AUSTIN BOULEVARD
AUSTIN, TEXAS 78703
PHONE: (512) 250-0830 FAX: (512) 250-5194

ENGINEER AND SURVEYOR:
CARLSON, BRIDGANCE & ODERING, INC.
3401 SLAUGHTER LANE WEST
AUSTIN, TEXAS 78748
PHONE: (512) 280-5160 FAX: (512) 280-5165

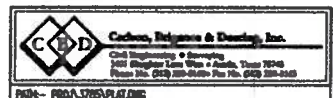
TOTAL ACREAGE: 33.26 ACRES
SURVEY: THE DEL VALLE SURVEY, ABS. 24
NO. OF BLOCKS: 4
NO. OF P.U.E. AND D.E. LOTS: 2
NO. OF D.E. AND W.W. LOTS: 1
NO. OF SINGLE FAMILY LOTS: 135
NO. OF COMMERCIAL LOTS: 1
TOTAL: 139 LOTS

F.E.M.A. MAP NO. 48453C 0215 F
TRAVIS COUNTY, TEXAS DATED: JUNE 5, 1997

PLAT-amended.dwg 6-17-03 5:00 pm EST
PLAT.dwg 9-5-02 4:24:53 pm EST

**EXHIBIT C
RECORDED PLAT**

SHEET 1 OF 5



SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general neighborhood commercial – conditional overlay (LR-CO) combining district zoning to remove food sales and restaurant (fast food, drive-in) use from the list of prohibited uses. The Conditional Overlay would continue the 2,000 vehicle trip limit that applies to this property.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The neighborhood commercial (LR) district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: “The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.”

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

In evaluating the Applicant’s request, Staff looked at whether and has affirmed that the food sales and restaurant (fast food, drive-in) uses proposed to be removed from the Conditional Overlay are permitted on the two other commercially zoned properties that are directly north and west, and also access Bluff Springs Road. Therefore, Staff supports the Applicant’s request given that other commercially zoned properties in the area allow for these uses to occur. The Conditional Overlay would continue the 2,000 vehicle trip limit as it applies to this property.

EXISTING CONDITIONS**Site Characteristics**

The rezoning area is undeveloped, relatively flat and is sparsely vegetated, except for the eastern portion which includes a drainage easement within a public utility easement. There appear to be no significant topographical constraints on the site.

Impervious Cover

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

Comprehensive Planning

The zoning case is located on the southeast corner of Bluff Springs Road and Blue Meadow Drive and is not located within the boundaries of a neighborhood planning area. The property is approximately 1.8 acres in size, the property is vacant and the proposed use is a convenience food market. Surrounding land uses includes vacant land to the north, a single family subdivision to the south, townhouses and an office to the west, and vacant land and single family houses to the east.

The overall goal of the IACP is to achieve ‘*complete communities*’ across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. Page 107 of the IACP states, “While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. *Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas. New commercial, office, larger apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its context.* The Growth Concept Map not only guides where Austin may accommodate new residents and jobs but also reflects the community intent to direct growth away from environmentally sensitive areas including, but not limited to, the recharge and contributing zones of the Barton Springs segment of the Edwards Aquifer, and to protect the character of neighborhoods by directing growth to areas identified by small area plans.”

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses infill development, including over environmentally sensitive land:

- **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.
- **LUT P5.** Create healthy and family-friendly communities through development that includes **a mix of land uses** and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **LUT P22** Protect Austin’s natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space.

- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on this property being located along the intersection of a major arterial road (Bluff Springs Road) and the Imagine Austin policies referenced above, which encourages complete communities and infill development, including retail, staff believes that the proposed retail 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 Desired Development Zone. The site is in the Onion 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.

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 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 on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

Transportation

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

A traffic impact analysis was 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 the existing 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. 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 new development is subject to Subchapter E. Design Standards and Mixed Use.

The site is subject to compatibility standards due to directly adjacent SF-4A-CO zoning. Along the south property line, 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 25 feet in width is required along the property line if the tract is zoned LR.
- 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.

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 property.

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

May 22, 2013

Mr. Greg Guernsey
Director
Planning and Development Review Department
P.O. Box 1088
Austin, Texas 78767

RE: 7101 Bluff Springs Road – Rezoning to remove restrictions

Dear Mr. Guernsey,

The site is zoned LR-CO and is currently undeveloped and made up of 1.8354 acres. My client's desire is to create and develop a site that provides uses that will serve the neighborhood and it relates to office/retail space.

We would like to revise the existing conditional overlay under Ordinance # **C14-98-0224** as follows:
Revise Part 2, No.2 to delete the following prohibited uses:

Food Sales and Restaurant (Fast Food, Drive-In).

Justification for allowing food sales/restaurant service:

In reviewing adjacent commercial development and it's current zoning, it has come to our attention that a site directly across the street has amended the restrictions associated with the existing Conditional Overlay. Our client has proposed tenants that want to move into this geographic area to provide neighborhood services. This area has historically been underserved and our desire is to develop the site and provide businesses that can be accessed by pedestrian traffic as well as vehicular traffic.

Your time and consideration is appreciated. If you have any questions feel free to contact me at your earliest convenience.

Sincerely,



Phil Moncada
Principal

SCANNED

Rhoades, Wendy

From: ROBERT KIBBIE <rakibbie@[REDACTED]>
Sent: Friday, August 02, 2013 2:49 PM
To: Rhoades, Wendy
Cc: Tovo, Kathie; kurt.cadena-mitchell@[REDACTED]; Martinez, Mike [Council Member]; Ms Poth; Morrison, Laura; austininterfaith@[REDACTED]; Harden, Joi; Tiemann, Donna; ofeliazapata@[REDACTED]; mabbott@[REDACTED]; Leffingwell, Lee; Riley, Chris; Cole, Sheryl; Spelman, William; j.portes@[REDACTED]; Jessep.austin@[REDACTED]
Subject: Ana Aguirre
C14-2013-0060 Bluff Springs Food Mart

Hello Wendy Rhoades

My name is Robert Kibbie Jr and I live at 2413 Rockridge Drive, I have lived at this address for 10 years and 5 months. I am currently the Co-Chair of the Campus Advisory Committee for Langford Elementary, I am also the president of Rockridge Neighborhood watch and formally Co-Chair of the Campus Advisory Committee for Mendez Middle School.

I am writing to request a postponement of the referenced zoning case until 09/26/2013 which is the first council meeting in September. Our concerns that we wish to address include: alcohol sales, oversaturation in our neighborhood of unhealthy foods, and the impact on health in our neighborhood. This property is within 1/3rd of a mile from an elementary school, and because school is not in session and we would like to meet the parents, which is why we need to postpone until September. First day of Austin school is August 26, 2013.

We are meeting with the owner and his agent, we are meeting with neighbors and nearby institutions, and we are researching the impact of this development on the quality of life in our neighborhood.

Thanks for your time

Robert Kibbie
512-466-1710