

SECOND/THIRD READINGS SUMMARY SHEET

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

REQUEST:

Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7101 Bluff Springs Road (Onion Creek Watershed) from single family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning and neighborhood commercial-conditional overlay (LR-CO) combining district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. The Conditional Overlay limits development of the property to 2,000 vehicle trips per day and prohibits drive-in services as an accessory use to a principal use.

DEPARTMENT COMMENTS:

The Owner and Applicant met with nearby neighbors and residents at Kendra Page Neighborhood Park on Friday, August 16, 2013 and on Tuesday, September 17, 2013 at Houston Elementary School. Both parties are working towards a private Restrictive Covenant that covers communications with the Owner, as well as safety and security, alcohol sales, and the availability of healthy foods at the property.

A valid petition of 24.81% has been filed by the adjacent property owners in opposition to this rezoning request. Petition information is located at the back of the Staff report.

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

AGENT: Moncada Consulting (Phil Moncada)

DATE OF FIRST READING: September 26, 2013, Approved LR-CO combining district zoning, with conditions, on First Reading (7-0).

CITY COUNCIL HEARING DATE: November 7, 2013

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Rhoades

e-mail: wendy.rhoades@austintexas.gov

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:

The Owner and Applicant met with nearby neighbors and residents at Kendra Page Neighborhood Park on Friday, August 16, 2013 and on Tuesday, September 17, 2013 at Houston Elementary School. Both parties are working towards a private Restrictive Covenant that covers communications with the Owner, as well as safety and security, alcohol sales, and the availability of healthy foods at the property.

A valid petition of 24.81% has been filed by the adjacent property owners in opposition to this rezoning request. Petition information is located at the back of the Staff report.

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	To delete the covenant as it applies to Lot 2, thereby enabling the property to	To terminate the RC as it applies to this particular property and retain a restriction that prohibits pawn shop	Approved an amendment to the RC, as recommended by the Commission (4-30-2009).

Northbound	have all of the conditional and permitted uses of GR zoning	services and residential treatment	
C14-98-0224 – The 33 at Bluff Springs – 7101 Block of Bluff Springs Road at Blue Meadow Drive	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 2,000 trips and prohibiting food sales and restaurant (fast food). Street Deed for additional r-o-w on Bluff Springs (5-6-1999).

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). The two prohibited uses were added by Council at First Reading. 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: Approved a Postponement request by the Neighborhood to September 26, 2013 (7-0).

September 26, 2013 Approved LR-CO district zoning as the Zoning and Platting Commission recommended with an additional CO to prohibit drive-in services use as an accessory use to a principal use, on First Reading (7-0). Note: Public Hearing is closed.

October 17, 2013 Approved a Postponement request by Staff to October 24, 2013 (6-0) Council Member Martinez was off the dais.

October 24, 2013 Approved a Postponement request by the Applicant and the Neighborhood to November 7, 2013 (7-0).

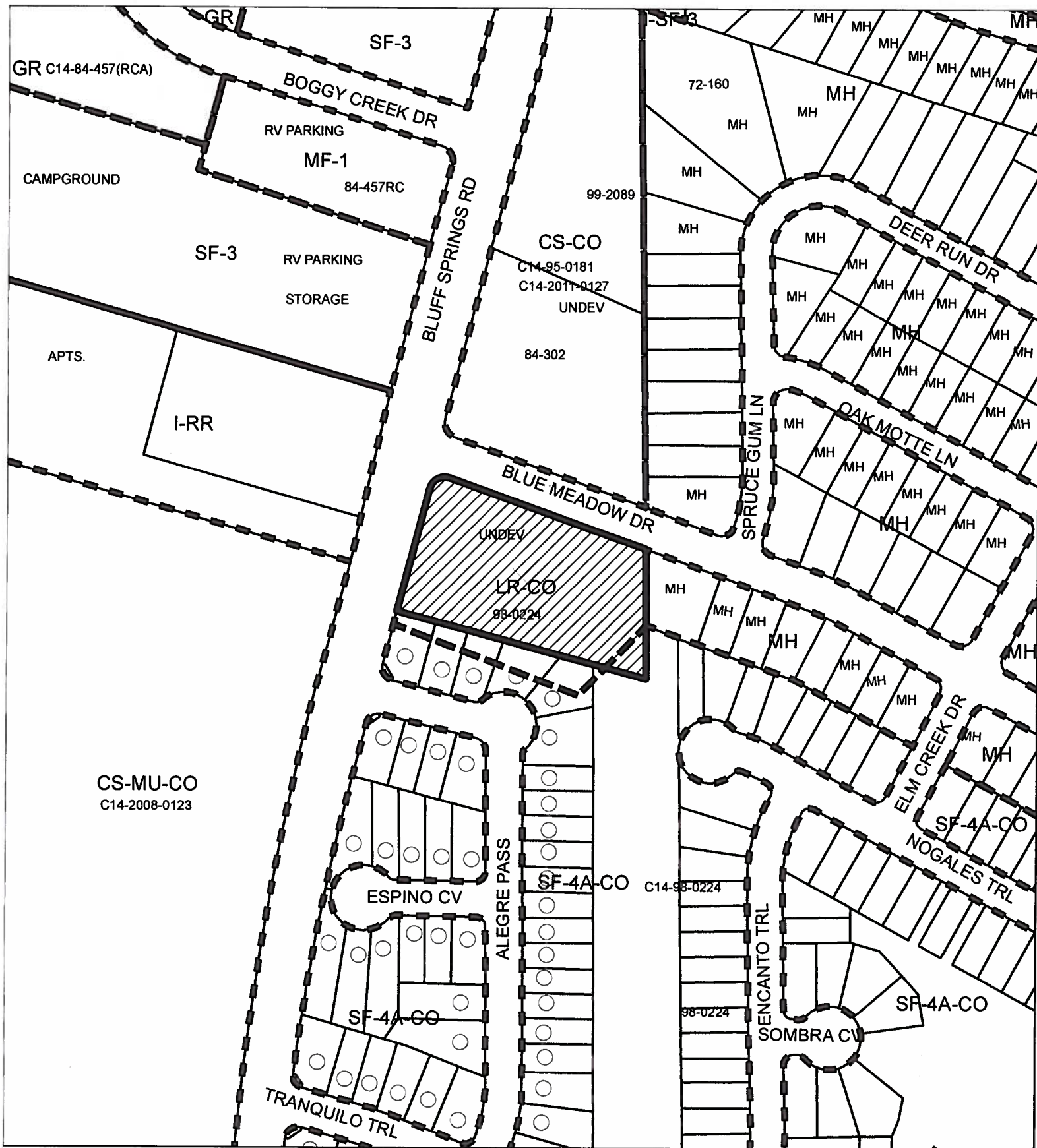
November 7, 2013




ORDINANCE READINGS: 1st September 26, 2013 2nd 3rd

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".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. Notwithstanding any other provision of the City Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property, or any portion of the Property, may be approved or released, and no building permit for construction of a building on the Property, may be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation of 2,000 vehicle trips per day.

2. The following uses of the Property identified as Tract 2 are prohibited: Food Sales and Restaurant (Fast Food, Drive-In).

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base district and other applicable requirements of the City Code.

PART 3. The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

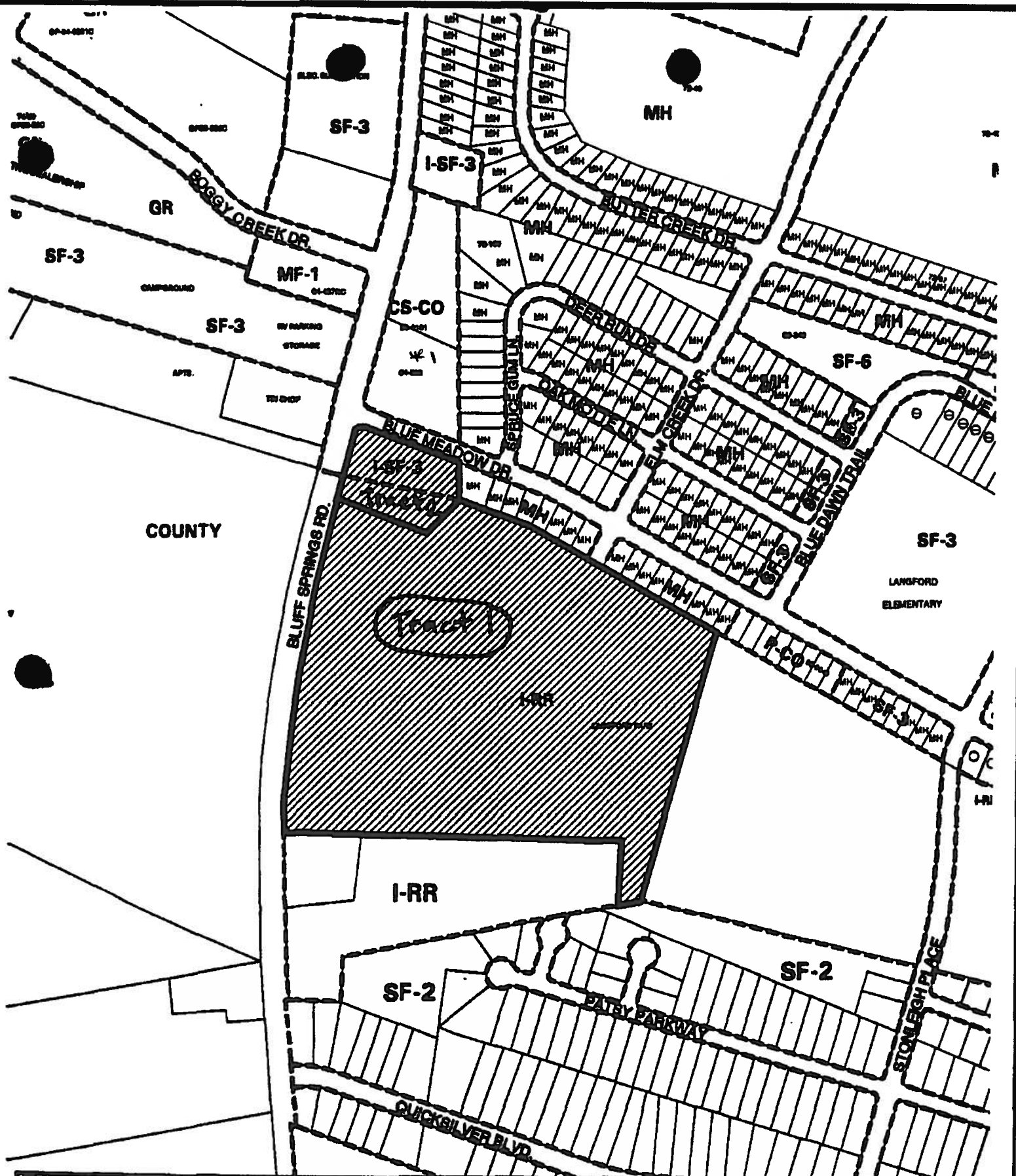
PART 4. This ordinance takes effect on May 17, 1999.




PASSED AND APPROVED

_____ May 6, 1999 §
 § Kirk Watson
 § Mayor

APPROVED: Andrew Martin
 Andrew Martin
 City Attorney

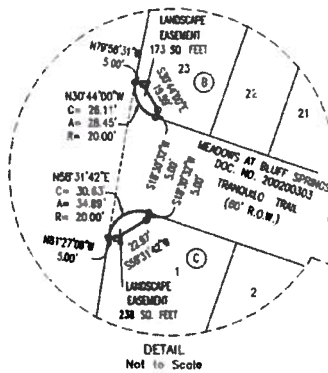
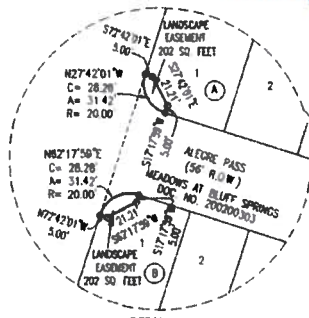
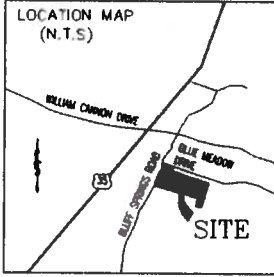
ATTEST: Shirley A. Brown
 Shirley A. Brown
 City Clerk



SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: J. Arriaga

ZONING EXHIBIT "C"		CITY GRID REFERENCE NUMBER H15 & H14
CASE #: C14-98-0224		
ADDRESS: 7101 BLUFF SPRINGS RD. & 1901 BLUE MEADOW DR.		
SUBJECT AREA (ACRES): 33.420		
DATE: 98-11		INTLS: TRC
990506-65		

AMENDED PLAT OF MEADOWS AT BLUFF SPRINGS



LEGEND

- IRON PIN SET
- IRON PIN FOUND
- CONCRETE MONUMENT FOUND
- CONCRETE MONUMENT SET
- BUILDING SETBACK LINE
- WATERSHED EASEMENT
- PUBLIC UTILITY EASEMENT
- DRAINAGE EASEMENT
- 1 LOT NUMBER
- (A) BLOCK NUMBER
- APPROX. SIDEWALK LOCATION

DATE: SEPTEMBER 5, 2002

OWNER: BLUFF SPRINGS DEVELOPMENT, LTD.
ATTN: BOB GILFILLAN
2207 LAKE AUSTIN BOULEVARD
AUSTIN, TEXAS 78703
PHONE: (512) 250-8830 FAX: (512) 250-5194

ENGINEER AND SURVEYOR
CARLSON, BRIDGANCE & ODERING, INC.
3401 SLAUGHTER LANE WEST
AUSTIN, TEXAS 78748
PHONE: (512) 280-5100 FAX: (512) 280-5165

TOTAL ACRES: 33.26 ACRES
SURVEY: THE DEL VALLE SURVEY ABS. 24

NO. OF BLOCKS: 4
NO. OF PUE AND D.E. LOTS: 2
NO. OF D.E. AND W.D. 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 6-17-03 500 pm EST
PLAT.dwg 9-5-02 4:24:53 pm EST

PROPOSED
REZONING
AREA

LOT 2
HUDSON HILL ADDITION

LOT 2, BLOCK "A"
BLUFF SPRINGS
COMMERCIAL

MATCH-LINE

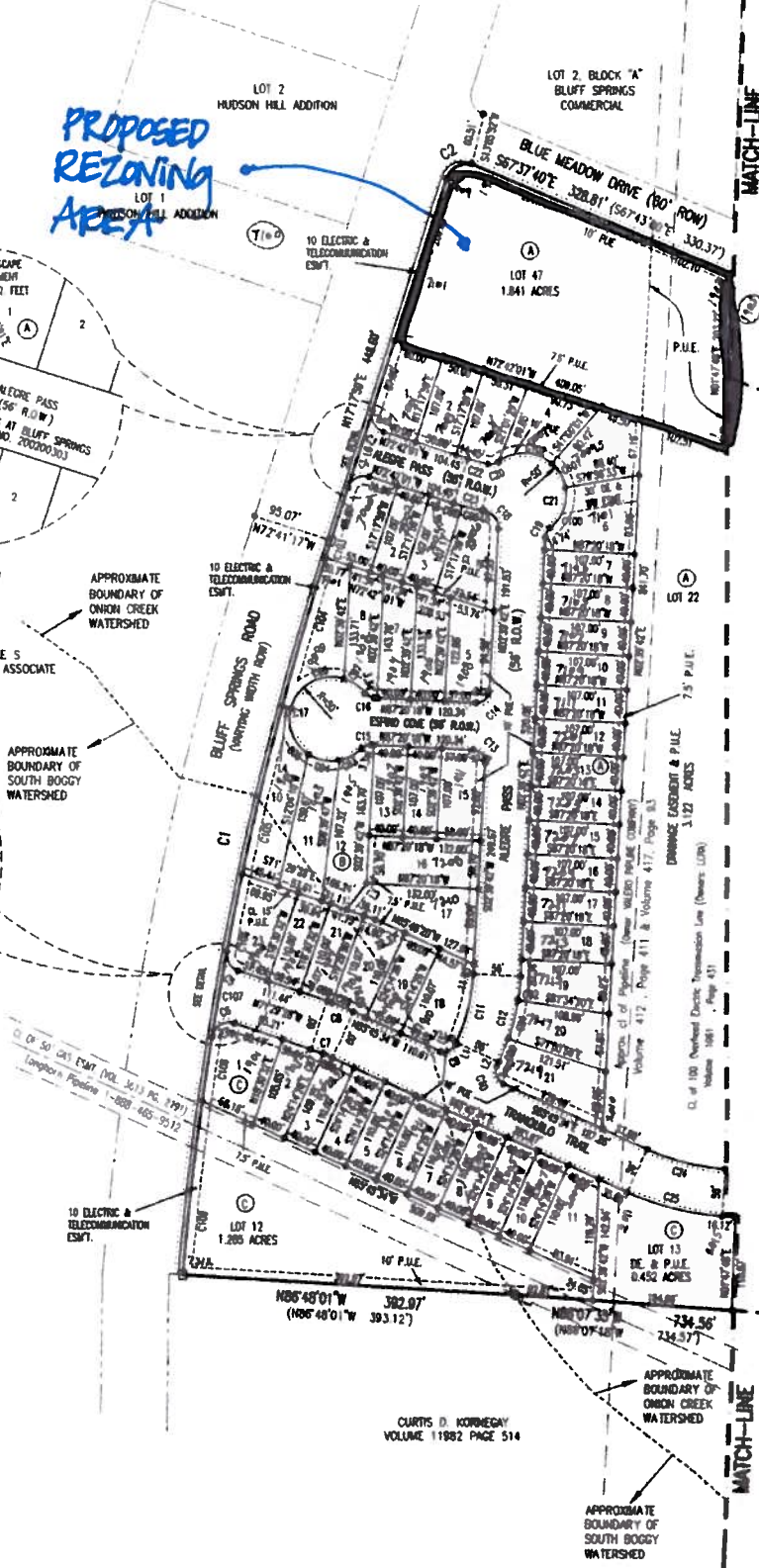
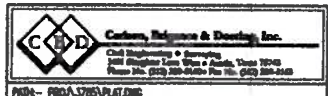


EXHIBIT C
RECORDED PLAT

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 Guemsey
Director
Planning and Development Review Department
P.O. Box 1088
Austin, Texas 78767

RE: 7101 Bluff Springs Road – Rezoning to remove restrictions

Dear Mr. Guemsey,

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@sbcglobal.net; Harden, Joi; Tiemann, Donna; ofeliazapata@yahoo.com; mabbott@waysideschools.org; Leffingwell, Lee; Riley, Chris; Cole, Sheryl; Spelman, William; j.portes@[REDACTED]; Jessep.austin@[REDACTED]
Subject: 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

Rhoades, Wendy

From: Ana Aguirre [REDACTED]
Sent: Friday, August 02, 2013 5:06 PM
To: Rhoades, Wendy
Cc: Tovo, Kathie; Morrison, Laura; Martinez, Mike [Council Member]; Leffingwell, Lee; Riley, Chris; Cole, Sheryl; Spelman, William; austininterfaith@ [REDACTED]; Harden, Joi; Tiemann, Donna; dounna.poth@ [REDACTED]; mabbott@ [REDACTED]; gina.hinojosa@ [REDACTED]; Ofelia Zapata; j.portes@ [REDACTED].com; kurt.cadena-mitchell@a [REDACTED]; pat@l [REDACTED]; Jan Teeler; kelly mcintyre; jbb1@a [REDACTED]; Sally Cantu; rubberchickenninja@ [REDACTED]; Stephen Taylor; rakibbie@ [REDACTED]; i.ruiz45@ [REDACTED]
Subject: Zoning Case #C14-2013-0060

Dear Ms. Rhoades,

I am respectfully requesting a postponement on Zoning Case #C14-2013-0060, which I understand is on the City Council Agenda scheduled for August 8th. Unfortunately, I am scheduled to be out of town that day, so I will not be able to attend. I made these travel plans several months ago. I would like to request the postponement for this case the first council meeting in September.

After finding out about this zoning case, I spoke with Mr. Andrew Rivera, with your office, who provided me your information, plus also gave me additional information on the zoning case. Mr. Rivera provided me the contact information for the representative on this specific zoning case. I did speak with the representative and subsequently with the owner, and we have requested and are scheduled to meet with the owner early next week.

In the meantime, I am respectfully requesting a postponement in order to have time to visit with the owner, have time to review the request, and more importantly have time to allow for more inclusion of neighborhood residents in this review and consideration of this request and involvement in our neighborhood resident's consideration for the overall impact on the quality of life this zoning case could have on our neighborhood and particularly the students/parents of Langford Elementary, which is nearby.

Since finding out about this zoning case, I have communicated with some individuals, but not as many as I'd like because some are out of town on vacation or away for the summer. Items we would like to have the opportunity to address include, but are not limited to, alcohol sales, and the sale of healthy foods and produce (actually, the issue is the lack of healthy options in our area).

Just to share a little about myself, I have been a resident in the 78744 area since 1992 and purchased my home ([REDACTED]) in 1999. I have three grown children that attended Langford Elementary, Mendez and Paredes Middle Schools and Akins High School. My oldest son graduated from Texas State University and is now a teacher and coach at Round Rock High School, my second son and youngest, a daughter, graduated from UT as electrical and civil engineers, respectively. While they attended AISD, I was very involved in the PTAs, CACs, and Boy/Girl Scouts in leadership positions and other extracurricular activities such as youth sports leagues, MS and HS football and band. And, yes, my daughter was also on the Longhorn Band every year while at UT.

Although my children are no longer in school, I am very vested in our neighborhood. We have held Neighborhood Night Out events for the past several years, and this past Christmas, we participated in our second annual Christmas Caroling event. We plan on making it a yearly event. We also gather to celebrate

birthdays and other special events. Because of these shared positive experiences, we (neighbors) are talking more and sharing more about our positive visions for our community: our kids and all residents. We are very vested in developing issues in our community and are focused on having a positive impact on our quality of life.

We are asking for the opportunity to be involved and be heard. I look forward to hearing from you. If you should have any questions, please do not hesitate to contact me on my cell at [REDACTED]. Thank you in advance for your kind consideration.

Respectfully,
Ana Aguirre
[REDACTED] resident

Ana Aguirre

I find the great thing in this world is not so much where we stand as in what direction we are moving. Oliver Wendell Holmes



Moncada Consulting

1301 S. I-H 35 Suite #204
Austin, TX 78741

Phone: (512) 627-8815 Cell: (512) 627-8815

August 7, 2013

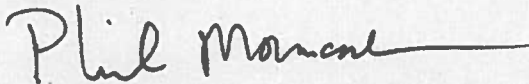
Ms. Wendy Rhoades
City of Austin
Planning and Development Review Department
505 Barton Springs
Austin, Texas 78704

RE: 7101 Bluff Springs Rd/ C14-2013-0060 Postponement of a Public Hearing at City Counsel

Dear Wendy,

We are requesting a postponement for the above referenced location until August the 22nd of 2013 in order to meet with the neighborhood to discuss the zoning case. This request is being made on behalf of the neighborhood association. We spoke with Kurt Mitchell who stated he was a member. Your consideration is greatly appreciated. If you have any questions or need any additional information please contact me at your earliest opportunity. My cell phone is 512-627-8815.

Respectfully,



Phil Moncada
Principal

cc: file

Moncada Consulting

1301 S. I-H 35 Suite #204
Austin, TX 78741

Phone: (512) 627-8815 Cell: (512) 627-8815

October 24, 2013

Mayor, Lee Leffingwell
City Council
City of Austin
301 W. 2nd
Austin, Texas 78704

RE: 7101 Bluff Springs Rd./ C14-2013-0060 Postponement of a Public Hearing at City Council

Honorable Mayor and Council Members,

We are jointly requesting a postponement for the above referenced project until November the 7th of 2013 in order to continue discussions regarding the Restrictive Covenant. This request is being made on behalf of the neighborhood association and our client. Your consideration is greatly appreciated. If you have any questions or need any additional information please contact me at your earliest opportunity. My cell phone is 512-627-8815.

Respectfully,



Phil Moncada
Principal

cc: file

VALID PETITION RE: CASE C-14-2003-0060

BLUFF SPRINGS FOOD MART LOCATED AT: 7101 Bluff Springs Road, Austin, Texas, 78744

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-4A; LR-CO with a conditional overlay which prohibits the use for food sales, (drive-in, fast-food).

SIGNATURE: [Signature] DATE: 9/20/13

NAME: Angela Torres ADDRESS: 2004 Nogales Trail

SIGNATURE: [Signature] DATE: 9/21/13

NAME: DIANE E. Hume ADDRESS: 17105 Alegre Pass Austin, Texas 78744

SIGNATURE: _____ DATE: _____

NAME: _____ ADDRESS: _____

SIGNATURE: _____ DATE: _____

NAME: _____ ADDRESS: _____

SIGNATURE: _____ DATE: _____

NAME: _____ ADDRESS: _____

Contact: Kurt Cadena
512-786-5388
or Robert Kibbie

VALID PETITION RE: CASE C-14-2003-0060

BLUFF SPRINGS FOOD MART LOCATED AT: 7101 Bluff Springs Road, Austin, Texas, 78744

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-4A; LR-CO with a conditional overlay which prohibits the use for food sales, (drive-in, fast-food).

SIGNATURE: James Wildin DATE: 9-21-13

NAME: JAMES WILPIN ADDRESS: 7001 ALLEGRE PASS

SIGNATURE: Luisano Lopez DATE: 9-21-13

NAME: Luisano Lopez ADDRESS: 1828 SPRUCE GUM LN

SIGNATURE: Linda Gattis DATE: 10/3/13

NAME: Linda Gattis ADDRESS: 2006 Nogales Trail

SIGNATURE: Juan Rodriguez DATE: 10-10-13

NAME: Juan Rodriguez ADDRESS: 2000 Nogales Trl 78744

SIGNATURE: _____ DATE: _____

NAME: _____ ADDRESS: _____

VALID PETITION RE: CASE C-14-2003-0060

BLUFF SPRINGS FOOD MART LOCATED AT: 7101 Bluff Springs Road, Austin, Texas, 78744

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-4A; LR-CO with a conditional overlay which prohibits the use for food sales, (drive-in, fast-food).

SIGNATURE: Teresa N Odin DATE: 10/10/13

NAME: Teresa N Odin ADDRESS: 7002 Alegre Pass

SIGNATURE: [Signature] DATE: 10-10-13

NAME: Armando Ayala ADDRESS: 7009 Alegre Pass

SIGNATURE: [Signature] DATE: 10/10/13

NAME: Maria A. Stevens ADDRESS: 7000 Alegre Pass

SIGNATURE: _____ DATE: _____

NAME: _____ ADDRESS: _____

SIGNATURE: _____ DATE: _____

NAME: _____ ADDRESS: _____

VALID PETITION RE: CASE C-14-2003-0060

BLUFF SPRINGS FOOD MART LOCATED AT: 7101 Bluff Springs Road, Austin, Texas, 78744

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-4A; LR-CO with a conditional overlay which prohibits the use for food sales, (drive-in, fast-food).

SIGNATURE: Mateo Lucio DATE: 10-12-2013

NAME: MATEO LUCIO ADDRESS: 1908 BLUE MEADOW DR
AUSTIN TX 78744

SIGNATURE: Diana Perez DATE: 10-12-2013

NAME: Diana Perez ADDRESS: 1905 Blue meadow
Dr. Austin, Texas

SIGNATURE: _____ DATE: _____

NAME: _____ ADDRESS: _____

SIGNATURE: _____ DATE: _____

NAME: _____ ADDRESS: _____

SIGNATURE: _____ DATE: _____

NAME: _____ ADDRESS: _____

VALID PETITION RE: CASE C-14-2003-0060

BLUFF SPRINGS FOOD MART LOCATED AT: 7101 Bluff Springs Road, Austin, Texas, 78744

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-4A; LR-CO with a conditional overlay which prohibits the use for food sales, (drive-in, fast-food).

SIGNATURE:  DATE: 10-10-13

NAME: Simone Body ADDRESS: 7005 Alegre Pass

SIGNATURE: Dolon Velasquez DATE: 10-23-13

NAME: Dolon Velasquez ADDRESS: 7003 Alegre Pass

SIGNATURE: Catalina Fabela DATE: 10-23-13

NAME: Bernardo Bentez
Catalina Fabela ADDRESS: 1905 Blue Meadow

SIGNATURE: Diana Perez DATE: 10-23-13

NAME: Diana Perez ADDRESS: 1913 Blue Meadow

SIGNATURE: M. Menastry DATE: 10-23-13

NAME: Mike Menastry ADDRESS: 1908 Blue Meadow

VALID PETITION RE: CASE C-14-2013-0060

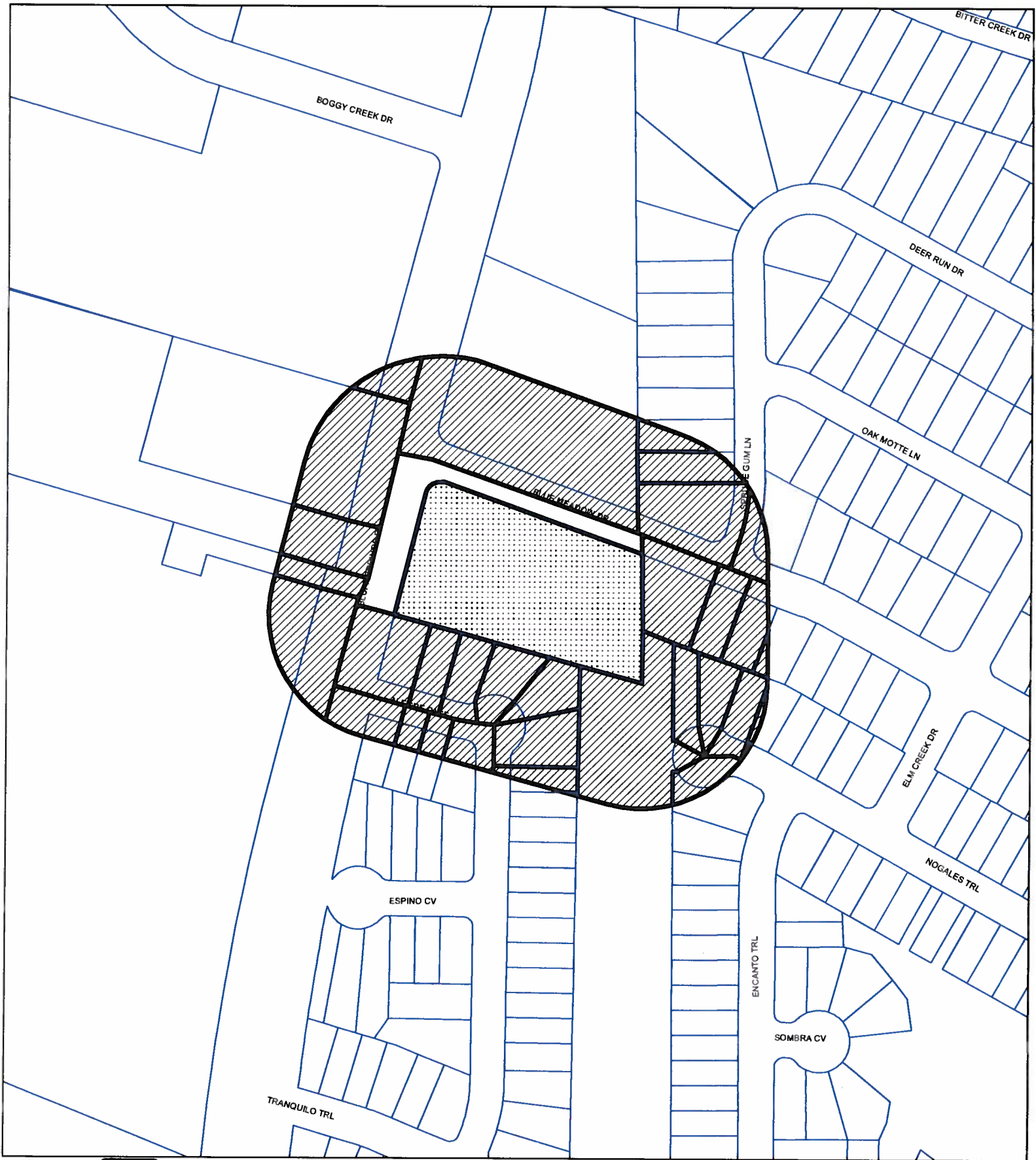
Bluff Springs Food Mart Located At:




7101 Bluff Springs Road, Austin, TX 78744

We, the undersigned owners of property affected by the requested zoning change described in the referenced file do hereby protest any change of the Land Development Code which would zone the property to any classification other than SF-4H; LR-CO with a conditional overlay which prohibits the use for food sales, (drive-in, fast-food)

Sig: Florencio Ruiz name: Florencio Ruiz
address 6814 Spence Gum Ln date: 10/24/2013

Sig: Ismail Menastely name: Ismail Mohamed Menastely
address: 1908 ~~Red~~ blue Meadow date: 10.24.13



-  BUFFER
-  PROPERTY_OWNER
-  SUBJECT_TRACT

PETITION
CASE#: C14-2013-0060



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" = 200'

PETITION

Case Number: **C14-2013-0060**

Date: 10/23/2013

Total Square Footage of Buffer:	362959.98
Percentage of Square Footage Owned by Petitioners Within Buffer:	24.81%



Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

#	TCAD ID	Address	Owner	Signature	Petition Area	Percent
1	0426050104	7008 BLUFF SPRINGS RD 78744	ACC/MCCAW CELLULAR OF FRESNO PROPERTY TAX DEPT	no	27135.50	0.00%
2	0426050107	BLUFF SPRINGS RD 78744	AUSTIN INDEPENDENT SCHOOL DISTRICT	no	20425.73	0.00%
3	0426050337	7009 ALEGRE PASS 78744	AYALA ARMANDO JR & NICOLASA HERNANDEZ	yes	7683.26	2.12%
4	0426050244	1907 BLUE MEADOW DR 78744	BALDERAS ARTHUR	no	7700.97	0.00%
5	0426050243	1903 BLUE MEADOW DR 78744	BENITEZ BERNARDO	yes	15049.18	4.15%
6	0426050320	2010 TRANQUILO TRL 78744	BLUFF & CANNON INVESTMENTS INC	no	35516.50	0.00%
7	0426050105	7100 BLUFF SPRINGS RD 78744	BLUFF SPRINGS INVESTORS LTD	no	11654.04	0.00%
8	0426050339	7005 ALEGRE PASS 78744	BODY SIMONE	yes	7313.89	2.02%
9	0426050210	7001 BLUFF SPRINGS RD 78744	BUDA BLUFF LLC	no	65002.90	0.00%
10	0426031102	1911 BLUE MEADOW DR 78744	GALL DONALD	no	883.31	0.00%
11	0426031111	2006 NOGALES TRL 78744	GATTIS LINDA L	yes	878.35	0.24%
12	0426050304	7000 ENCANTO TRL 78744	HORSLEY ANTHONY	no	4727.14	0.00%
13	0426050334	7105 ALEGRE PASS 78744	HUME DIANE E	yes	54.96	0.02%
14	0426030714	1908 BLUE MEADOW DR 78744	ISMAIL MENASTERLY	yes	4945.75	1.36%
15	0426050208	6818 SPRUCE GUM LN 78744	LOPEZ LUCIANO	yes	7521.70	2.07%
16	0426031101	1909 BLUE MEADOW DR 78744	LOPEZ NICOLAS & NORA	no	6848.50	0.00%
17	0426050302	2002 NOGALES TRL 78744	MARMER ALEKSANDR & YELENA MARCHENKO	no	6766.48	0.00%

18	0426050103	7009 S INTERSTATE HY 35 78744	NHC-TX 102 LLC	no	4289.04	0.00%
19	0426050402	7002 ALEGRE PASS 78744	ODIN TERESA	yes	2607.21	0.72%
20	0426050401	7000 ALEGRE PASS 78744	PAZ JOSE A & MARIA A STEVENS	yes	7450.67	2.05%
21	0426050209	1904 BLUE MEADOW DR 78744	REAGAN JOHN & LINDA	no	18516.48	0.00%
22	0426050303	2000 NOGALES TRL 78744	RODRIGUEZ JOSE J	yes	6556.53	1.81%
23	0426050206	6814 SPRUCE GUM LN 78744	RUIZ FLORENCIO & NOEMI	yes	4.43	0.00%
24	0426050404	7006 ALEGRE PASS 78744	RUIZ GRACIE ANN	no	5140.53	0.00%
25	0426050336	7101 ALEGRE PASS 78744	SAFIEDDINE IBRAHIM	no	10664.91	0.00%
26	0426050338	7007 ALEGRE PASS 78744	SHETH VISHAL	no	8284.42	0.00%
27	0426050108	BLUFF SPRINGS RD 78744	SOUTH AUSTIN I-35 ASSOCIATES % BENNETT PROPERTIES	no	4931.25	0.00%
28	0426050207	6816 SPRUCE GUM LN 78744	SPRADLING REVOCABLE TRUST	no	3550.76	0.00%
29	0426050301	2004 NOGALES TRL 78744	TORRES ANGELA M	yes	6682.10	1.84%
30	0426050335	7103 ALEGRE PASS 78744	TRAN HOANGTHUY	no	3709.40	0.00%
31	0426050340	7003 ALEGRE PASS 78744	VELASQUEZ DOLORES & ENRIQUE	yes	6745.80	1.86%
32	0426050341	7001 ALEGRE PASS 78744	WILDIN JAMES	yes	16540.29	4.56%
33	0426050403	7004 ALEGRE PASS 78744	WYSOCKI MICHAEL	no	2632.98	0.00%
Total %						24.81%