


A U S T I N C I T Y C O U N C I L

**AGENDA****Thursday, June 22, 2006** [Back](#)**Zone Hearings/App Ordinances/Restrictive Covenants  
RECOMMENDATION FOR COUNCIL ACTION**

**Subject:** C14-05-0125 - 515 Post Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 515 Post Road (East Bouldin Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning. Applicant: River City Engineering (Pay Lackey). Agent: David Holt. City Staff: Robert Heil, 974-2330.

**Additional Backup Material**

(click to open)

☐ Staff report**For More Information: Robert Heil, 974-2330.**

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0125

**PC. DATE:** January 24, 2006  
February 28, 2006  
May 23, 2006  
June 13, 2006

**ADDRESS:** 515 Post Road

**OWNER/APPLICANT:** River City Engineering (Pat Lackey)

**AGENT:** David Holt

**ZONING FROM:** SF-3-NP      **TO:** NO-MU-CO-NP

**AREA:** 0..171 acres

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to approval the request to NO-MU-CO-NP. The conditional overlay would limit total daily vehicle trips to less than 2000 per day.

**PLANNING COMMISSION RECOMMENDATION:**

**January 24, 2006:** Postponed until February 28, 2006

**February 28, 2006:** Postponed until May 23, 2006 at the request of staff.

**January 24, 2006:** Postponed until June 13, 2006, at the request of staff

**June 13, 2006:** Approved staff's recommendation of NO-MU-CO-NP (*Vote 7-0, Galindo & Sullivan off dias*).

**DEPARTMENT COMMENTS:**

The site is a single family home located behind an existing office building in a single family style structure. The intent of the applicant is to renovate the structure, while still keeping its residential appearance and scale, to be able to use it as additional office space.

A private restrictive covenant has been drafted between the neighborhood and applicant to address neighborhood concerns about the compatibility of the project by limiting new or redevelopment on the site.

The Dawson Neighborhood Plan calls for commercial uses to limited to lots to the corridors of South Congress Ave and South First Street. The Dawson Neighborhood FLUM, recently recommended by Planning Commission, calls for office-mixed use on the site..

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Single Family Home
<i>North</i>	SF-3-NP	Church
<i>South</i>	SF-3-NP	Single Family Home
<i>East</i>	SF-3-NP	Single Family Home
<i>West</i>	LO-NP	Engineering Office

**AREA STUDY:** The site falls within the Dawson Neighborhood Plan. The Dawson Future Land Use map calls for office-mixed use on the site.

**TIA:** Not Required

**WATERSHED:** East Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**REGISTERED COMMUNITY ORGANIZATIONS:**

- Dawson Neighborhood Association
- Terrell Lane Interceptor Association
- Barton Springs/Edwards Aquifer Conservation District
- South Central Coalition
- Austin Neighborhoods Council
- Galindo Elementary Neighborhood Association
- Dawson Neighborhood Planning Team

**SCHOOLS:**

- Dawson Elementary School
- Fulmore Middle School
- Travis High School

**ABUTTING STREETS:**

<b>NAME</b>	<b>ROW</b>	<b>PAVEMENT</b>	<b>CLASSIFICATION</b>
Post Road	50'	30'	Local

- There are existing sidewalks along S. 1<sup>st</sup> Street.
- Capital Metro bus service is available along S. 1st. St. (Route #10)
- No additional right-of-way is needed at this time.

C14-05-0125

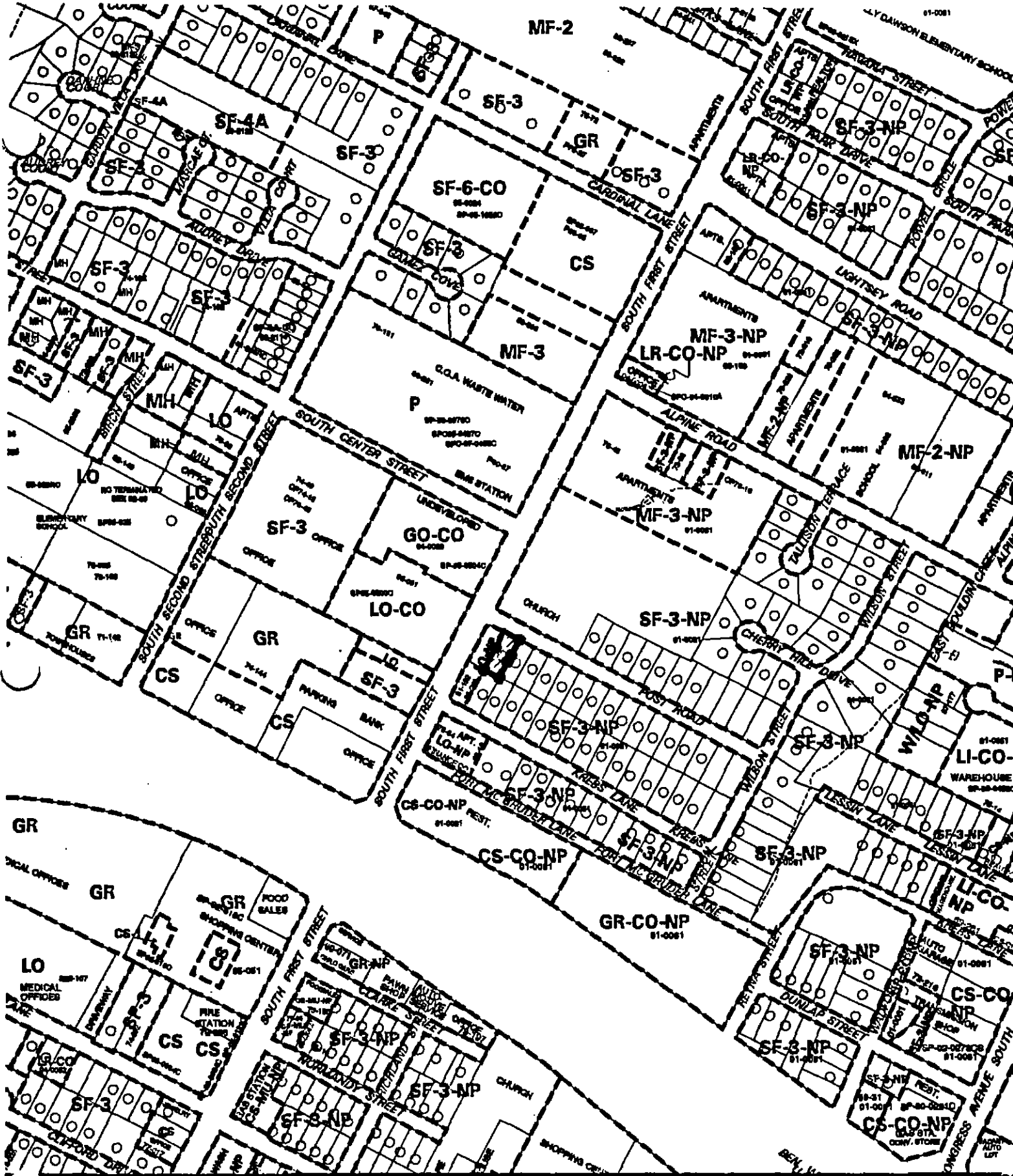
**CITY COUNCIL DATE:** **ACTION:**

June 22, 2006:

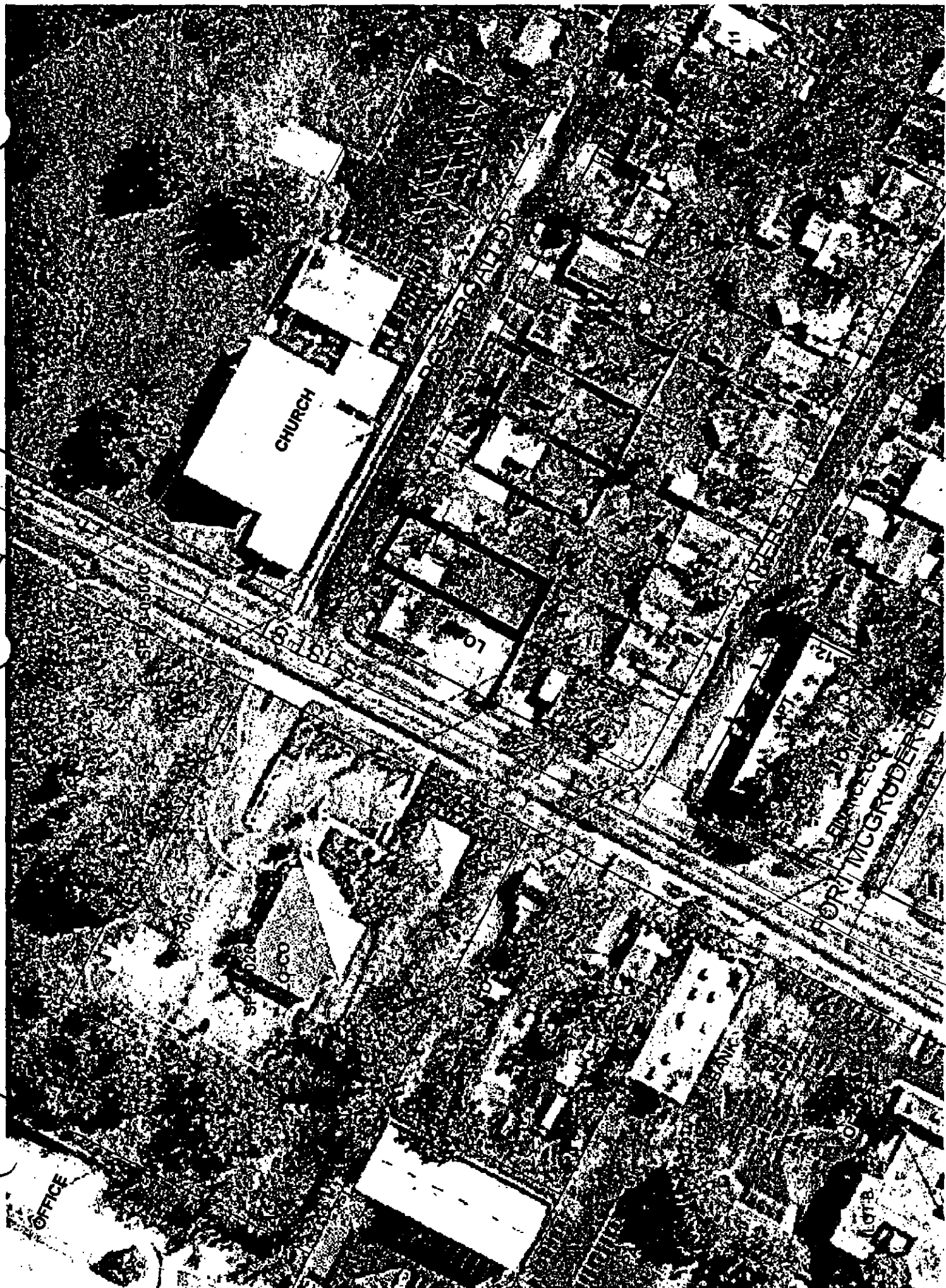
**ORDINANCE NUMBER:**

**CASE MANAGER:** Robert Heil  
e-mail address: robert.heil@ci.austin.tx.us

**PHONE:** 974-2330



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: R. HEIL	<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></div> <div style="width: 20px; height: 10px; border-top: 1px dotted black; border-bottom: 1px dotted black; border-left: 1px dotted black; border-right: 1px dotted black; margin-right: 5px;"></div> <div style="width: 20px; height: 10px; border-top: 1px dashed black; border-bottom: 1px dashed black; border-left: 1px dashed black; border-right: 1px dashed black; margin-right: 5px;"></div> </div>	<b>ZONING</b> CASE #: NPA-06-0001.01 ADDRESS: 515 POST ROAD DR SUBJECT AREA (acres): 0.170	DATE: 06-03 INTLS: SM	CITY GRID REFERENCE NUMBER H19
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CHURCH

CHURCH

LOT 101

LOT 102

OFFICE

LOT 105

ST. ALICE

## **SUMMARY STAFF RECOMMENDATION**

The Staff recommendation is to approve the request to NO-MU-CO-NP.

## **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

- 1. The proposed zoning should be consistent with adopted neighborhood plans.*

The Dawson Neighborhood Plan calls for commercial uses to be limited to lots to the corridors of South Congress Ave and South First Street. The Dawson Neighborhood FLUM calls for this site to be office-mixed use.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently a single family home. No plans have been suggested to change the footprint of the building.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for commercial development and/or redevelopment.

### **Transportation**

No additional right-of-way is needed at this time. Additional right-of-way may be required as the site is developed.

The trip generation under the requested zoning is estimated to be 80 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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]

Capital Metro bus service is available along South 1<sup>st</sup> Street within ¼ mile of the subject property.

There are existing sidewalks along Post Road.

**Existing Street Characteristics:**

NAME	ROW	PAVEMENT	CLASSIFICATION
Post Road	50'	30'	Local

There are existing sidewalks and Capital Metro bus service along S. 1st. St. No additional right-of-way is needed at this time.

**Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City.

**Site Plan**

This tract is already developed and the proposed zoning change is a footprint within the existing development. A change of use within the existing structure would not trigger compatibility development regulations. However, any new construction on this site would be subject to compatibility development regulations due to the existing SF-3-NP zoned property to the north, south, east and west, and would be subject to the following requirements:

The site is subject to compatibility standards. Along the north, south, east and west 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.
- 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.

**DRAFT**

515 Post Road:  
Neighborhood and Staff  
recommend that the land  
use designation for this lot  
to OFFICE MIXED-USE.

- |     |                              |
|-----|------------------------------|
| 10  | Agriculture                  |
| 50  | Rural Residential            |
| 100 | Single-family                |
| 111 | Higher-Density Single Family |
| 113 | Mobile Homes                 |
| 130 | Mixed Residential            |
| 200 | Multi-family                 |
| 300 | Commercial                   |
| 330 | Mixed Use                    |
| 335 | High Density Mixed Use       |
| 350 | Warehouse/Limited Office     |
| 400 | Office                       |
| 430 | Mixed Use/Office             |
| 480 | Major Planned Development    |
| 600 | Industry                     |
| 660 | Major Impact Facility        |
| 600 | Civic                        |
| 700 | Open Space                   |
| 750 | Environmental Conservation   |
| 800 | Transportation               |
| 870 | Utilities                    |
| 940 | Water                        |

**DRAFT**

**DRAFT**

## Dawson Neighborhood Future Land Use Map

**DRAFT**



City of Austin  
Neighborhood Planning and Zoning Department  
Map Created February 28, 2006



0 250 500 1,000 1,500  
Feet

# Dawson Neighborhood News

The Newsletter of the Dawson Neighborhood Association



June/July 2006

## NEIGHBORHOOD PLAN UPDATE

Per the minutes of the April 10, 2006, meeting published in this newsletter, the Dawson Neighborhood Plan Team (DNPT) voted to accept the proposed zoning change for 515 Post Rd. (River City Engineering) from SF3-NP (Family Residence-Neighborhood Plan) to NO-MU-CO-NP (Neighborhood Office-Mixed Use Combining District-Conditional Overlay-Neighborhood Plan). This approval is contingent on the property owners entering into a private restrictive covenant that guarantees the current scale and character of the existing structure and conveys with the property. The covenant is to be signed by the property owners and recorded at the Travis County Clerk's office. At the same meeting the DNPT rejected the proposed text amendment to the Dawson Neighborhood Plan. The zoning change (case #C8-05-0125) as well as the approved Dawson Future Land Use Map will be coming before the Planning Commission on June 13, 2006. The Planning Commission meeting begins at 6 p.m. and is in the City Council Chamber at City Hall. *Submitted by Cynthia Medlin*

**City Council Hearing for Proposed Neighborhood Plan Amendments to the Dawson Neighborhood Plan** June 22, 2006 at 6 p.m. at Austin City Hall, 301 W. 2nd Street. For questions regarding amending the Dawson Neighborhood Plan, please call Mark Wallers, Neighborhood Planning and Zoning Department, at 978-7695 between 8 a.m. and 5 p.m. weekday.

## RECENT BURGLARIES

the afternoon of Friday, May 19, 2006, three houses were burglarized in our neighborhood. Although the police have not released all of the addresses, one burglary occurred on Cumberland and another at 2405 Forest Ave.

Brian D. Maxwell, age 28, was arrested following the Cumberland burglary. He escaped from police and jumped from the Congress Avenue Bridge at 6 p.m. on May 19. According to news reports, he attempted to swim away, with a handcuff on one wrist. He was more securely apprehended shortly thereafter.

Brian Maxwell is a slender white male. He has short dark hair and had large sideburns at the time of his mug shot. We do not the status of his sentencing at this time. However, the prosecutor is Jason Knutsen. He can be reached at 854-9400 if you have any information for him. *Submitted by Ken Gray*

### E-mail list

To join the DNA listserv and receive neighborhood news by e-mail, send an e-mail message to:

**[DawsonNeighborhood-subscribe@yahoogroups.com](mailto:DawsonNeighborhood-subscribe@yahoogroups.com)**

or go to:

**[groups.yahoo.com/group/DawsonNeighborhood](http://groups.yahoo.com/group/DawsonNeighborhood)**

and follow the instructions to join. Once you are a member, you can receive and post messages to the list.

If you have a problem subscribing, e-mail Cynthia Riley at [cynthia78704@yahoo.com](mailto:cynthia78704@yahoo.com).



This issue of the newsletter brought to you by your neighbors

**suzanne macgillivray and cynthia riley | turner residential | 512.415.5616 | fx 512 473.9933**

[www.dawsonneighborhood.com](http://www.dawsonneighborhood.com)

## Next DNA Meeting

**Monday, June 12, 2006**

**6:30 – 8:30 p.m.**

**South Austin Multipurpose  
Center**

**2508 Durwood**

### AGENDA

1. Approval of Minutes
2. Community Events
3. Old Business: Update on Transmission Line along Alpine Rd.
4. New Business: (a) Appraisal  
Protests – Guest Speaker: Jim Jackson, Broker & President of Capitol Area Realty; (b) Balance in Dawson's NEF Account (\$1,195.03) designated for Gillis Park; (c) Appointing a new Community Development Commission representative; (d) Newsletter changing hands
5. Current Issues in the Neighborhood
6. Adjourn DNA Meeting

### **DNA Planning Team Meeting**

1. Old Business
2. New Business
3. Adjourn DNA Planning Team Meeting

**Next Meeting – August 14, 2006**

## IN MEMORY

The Dawson Neighborhood has lost a long-time resident and man of great community spirit and activism. Mr. Jesse Rivera, k.a. "The Mayor of Wilson Street," passed away suddenly after a brief illness on March 30, 2006, at the age of 58. For many years Mr. Rivera operated his business Austin Auto Works at 3500 South Congress Ave. After retiring, he devoted much time to his home and family and keeping a close eye on the neighborhood. Always concerned about speeding traffic, dangerous intersections, and property crimes, Mr. Rivera was not shy about calling the city to express his concerns. His watchfulness prevented much mischief. His warm smile, cheerful hello, and friendly wave are greatly missed. His lovely wife, Frances Rivera, continues to reside on Wilson St. He is also survived by his daughter, two sons, their spouses, seven grandchildren, five sisters, three brothers and many other extended family members. *Submitted by Cynthia Medlin*

### Dawson Neighborhood Draft Minutes – April 10, 2006

#### Approval of Minutes

The February 13, 2006, minutes were approved as written in the DNA newsletter.

#### Community Events

1. The 3rd annual clean up of East Bouldin Creek went well! Thanks to our many donors who provided sustenance and prizes.
2. The DNA potluck in Gillis Park was proposed for June 18th. Cynthia M. moved and Myron seconded that an ad hoc committee check out the park and plan the party.

#### New Business

1. Wendi Broden, etc., of Austin Energy presented plans for the Alpine Road Transmission Lines. She was able to answer most neighbors' questions and she will provide Myron with answers to the rest of our questions.

#### Issues in the Neighborhood

1. Chuck discussed his concerns about the property on Cumberland between the SBC building and the corner store on S. Congress. No action taken other than to suggest he call the city to remove inoperable vehicles.
2. Marty H. suggested we invite FEMA to the next meeting to talk to us about the new flood plain maps, which are available on the City of Austin (COA) and the DNA Web sites.
3. Many neighbors brought up concerns about the need for traffic calming. Attendees suggested that the best way to deal with this issue is to speak out at City Council meetings when bond elections take place.

THE NEXT DNA MEETING WILL BE HELD AT THE MULTIPURPOSE CENTER ON JUNE 12, 2006 AT 6:30 PM.

### Dawson Neighborhood Planning Team Draft Minutes – April 10, 2006

1. Vertical Mixed Use: Cynthia M. moved and Maggie seconded that we send a letter to Adam Smith with the COA stating that the need to opt out does not apply to the DNA because we chose a Mixed Use infill option rather than a VMU district. 17 ayes, 1 abstention.
2. Zoning Change Requested for 515 Post Road: Mr. Holt returned to the DNAPT with both a restrictive covenant and language for a plan amendment\*.
  - a. Zoning Change with Restrictive Covenant: Ginger moved and Myron seconded to accept the zoning change from SF-3 to NO-MU-CO-NP with the Restrictive Covenant as presented. 11 ayes, 4 nays, 2 abstentions.
  - b. Plan Amendment: Martin B. moved and Maggie seconded that we do not accept the change to the plan text. 15 ayes, 1 nay, 1 abstention. The 515 Post Road zoning change will now go to the Planning Commission. Jerome suggested that city staff sit down with both parties to work it out. Mr. Guernsey will be contacted.

*Meeting adjourned.*

\*The DNPT president and secretary have copies of these documents.



## CALL FOR NEWSLETTER ARTICLES

Do you have some news you'd like to share? Submit an article to the DNA Newsletter. Here are some guidelines:

- Article must be received at least 2 & ½ weeks before the next DNA meeting. (The schedule is at [www.dawsonneighborhood.com](http://www.dawsonneighborhood.com).)
- Submit via e-mail as an MS Word attachment to [shanna\\_laura@yahoo.com](mailto:shanna_laura@yahoo.com), with "Dawson newsletter article" as the subject line.
- Your article may be shortened, edited, omitted, and/or included in a later edition.
- Contact Shanna Howard for more info at 512-239-1939.