

AGENDA



Thursday, July 27, 2006

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**Zoning Ordinances / Restrictive Covenants
(HEARINGS CLOSED)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 112

Subject: C14-05-0207 - 6863 U.S. Hwy. 290 West - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 6863 U.S. Highway 290 West (Williamson Creek Watershed-Barton Springs Zone) from interim single-family residence-standard lot (I-SF-2) district zoning to neighborhood commercial-mixed use (LR-MU) combining district zoning. First reading approved on March 23, 2006. Vote: 7-0. Applicant and Agent: Narciso Saucedo, Jr. City Staff: Robert Heil, 974-2330.

**Additional Backup
Material**

(click to open)

-  [Staff Report](#)
-  [Ordinance](#)

For More Information: Robert Heil, 974-2330

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0207 (6863 U.S. Hwy. 290 West)

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 6863 U.S. Highway 290 West (Williamson Creek Watershed-Barton Springs Zone) from interim single-family residence-standard lot (I-SF-2) district zoning to neighborhood commercial-mixed use (LR-MU) combining district zoning.

DEPARTMENT COMMENTS:

The original request was from interim single family residence standard lot (I-SF-2) district zoning to neighborhood commercial (LR) district zoning. The applicant subsequently amended his request to neighborhood commercial-mixed use (LR-MU) combining district zoning.

The site is a vacant building near the intersection of US 290 W and HWY 71 (the "Y" at Oak Hill). Originally a single family home, the structure has been used for a variety of uses over the years, most recently a restaurant. The structure is currently vacant, and it is the applicant's intent to renovate the structure for use as a daycare center.

OWNER/AGENT: Narciso Saucedo, Jr.

DATE OF FIRST READING: March 23, 2006 Approved staff's recommendation of LR-MU on first reading. (7-0 vote).

PLANNING COMMISSION ACTION: February 14, 2006: APPROVED LR-MU DISTRICT ZONING; BY CONSENT. [D.SULLIVAN, M.DEALEY 2ND] (8-0) J.REDDY - ABSENT.

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Robert Heil, e-mail: robert.heil@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0207

PC. DATE: February 14, 2006

ADDRESS: 6863 US HWY 290 W.

OWNER/AGENT: Narciso Saucedo

ZONING FROM: I-SF-2

TO: LR-MU

AREA: 0.135 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of neighborhood commercial-mixed use (LR-MU) combining district zoning.

P.C. NEIGHBORHOOD PLANNING SUB-COMMITTEE RECOMMENDATION:

January 11, 2006: Recommended that this case be heard by the full Planning Commission and considered on its merits.

PLANNING COMMISSION RECOMMENDATION:

February 14, 2006: *APPROVED LR-MU DISTRICT ZONING; BY CONSENT.
[D.SULLIVAN, M.DEALEY 2ND] (8-0) J.REDDY – ABSENT*

DEPARTMENT COMMENTS:

The original request was from interim single family residence standard lot (I-SF-2) district zoning to neighborhood commercial (LR) district zoning. The applicant subsequently amended his request to neighborhood commercial-mixed use (LR-MU) combining district zoning.

The site is located within the East Oak Hill neighborhood planning area, which is already underway. Because this case was submitted after the beginning of a neighborhood plan, the case was referred to subcommittee for review. On January 11, the neighborhood planning subcommittee of the Planning Commission recommended that this case be heard by the full Planning Commission and considered on its merits.

The site is a vacant building near the intersection of US 290 W and HWY 71 (the "Y" at Oak Hill). Originally a single family home, the structure has been used for a variety of uses over the years, most recently a restaurant. The structure is currently vacant, and it is the applicant's intent to renovate the structure for use as a daycare center.

Interim SF-2 zoning presents little or no opportunity for reuse of the structure, excepting as a single family residence. Staff recommends rezoning to LR-MU.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-SF-2	Vacant
<i>North</i>	SF-2, GR, RR, LR	Various commercial uses, many being vacated for right-of-way acquisition.
<i>South</i>	LR-CO	Vacant
<i>East</i>	LR	Auto Body Shop
<i>West</i>	LR-CO	Vacant

AREA STUDY: The site falls within the East Oak Hill Neighborhood Plan, currently underway.

TIA: Not Required

WATERSHED: Williamson Creek (**Barton Creek Zone**)

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** No

REGISTERED COMMUNITY ORGANIZATIONS:

- Oak Hill Association of Neighborhoods (OHAN)
- Save Barton Creek Association
- Barton Springs Coalition
- Barton Springs/Edwards Aquifer Conservation District
- Save Our Springs Alliance

SCHOOLS:

Patton Height Elementary School Small Middle School Austin High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route
US 290 West	150'	Varies	Arterial	No	No

CITY COUNCIL DATE: **ACTION:**

March 23, 2006:

Approved LO-MU- on 1st reading (7-0)

July 27, 2006:

ORDINANCE READINGS:

1st

3/23/06

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil

PHONE: 974-2330

e-mail address: robert.heil@ci.austin.tx.us

SUMMARY STAFF RECOMMENDATION

Staff recommends approval of Neighborhood Commercial (LR) zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The site is no longer appropriate for residential use. LR-MU zoning would allow for reasonable use of the property located on US 290.

EXISTING CONDITIONS

Site Characteristics

The site is a vacant building near the intersection of US 290 W and HWY 71 (the “Y” at Oak Hill). Originally a single family home, the structure has been used for a variety of uses over the years, most recently a restaurant. The structure is currently vacant, and it is the applicant’s intent to renovate the structure for use as a daycare center.

Increasingly the land across 290 is being acquired for right of way for planned highway expansion.

The site is currently uses on-site septic system. The applicant is pursuing connection to the City of Austin’s waste water system.

Environmental

This site is not located over the Edward's Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed . It is in the Drinking Water Protection Zone.

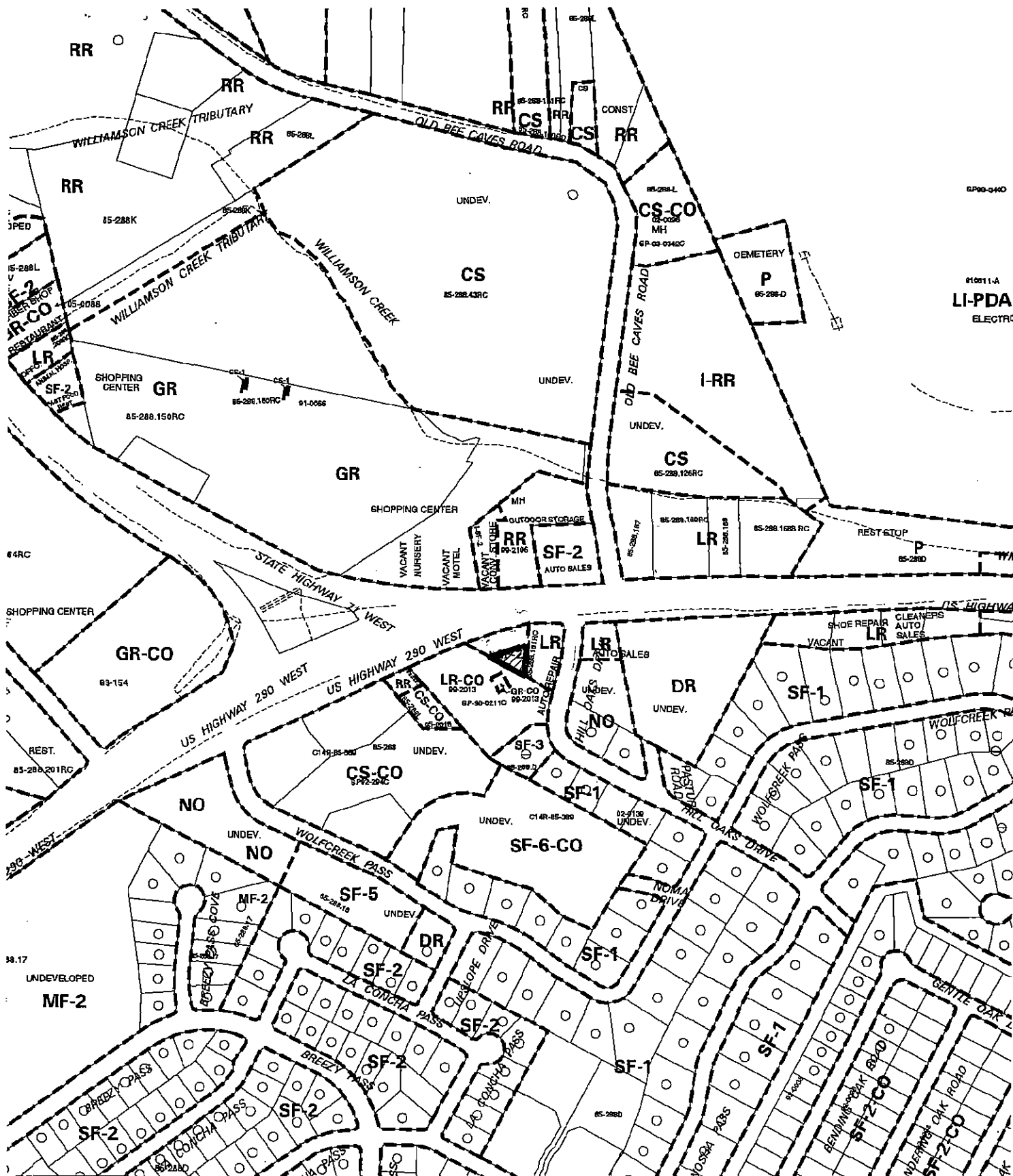
Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone, 20% impervious cover in the Barton Creek watershed and 25% impervious cover in the Contributing zone. This tract lies in the Contributing Zone.

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

The site is not located within the endangered species survey area.

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

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves sinkholes, and wetlands.



 1" = 400'	SUBJECT TRACT	ZONING EXHIBIT B CASE #: C14-05-0207 ADDRESS: 6863 W US 290 HWY SUBJECT AREA (acres): 0.135	CITY GRID REFERENCE NUMBER C19
	PENDING CASE		
	ZONING BOUNDARY		
	CASE MGR: R. HEIL		
DATE: 06-06 INTLS: SM			

US 290 ON RAMP TO HWY 77 W RAMP

VACANT
NUBERRY

VACANT

MOTEL

LSF

VACANT

CONV. STORE

TRACT 2-A

99-2106

RR

SF

AUTO SALES

OLD BEE CAVES RD

85-288-187

85-288-187

OPEN

LR CO

HILL OAKSIDE

US 290 HWY

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for US 290 West. Reservation of additional right-of-way may be required during the subdivision or site plan process. [LDC, Sec. 25-6-51 and 25-6-55]

The trip generation under the requested zoning is estimated to be 686 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]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route
US 290 West	150'	Varies	Arterial	No	No

Capital Metro bus service is available along US 290 West.

Water and Wastewater

The site is currently served with City water service and an onsite septic system. If the landowner intends to serve the site with City wastewater utility service, an offsite main extension and system upgrades are required and will be at the landowner expense. The landowner must provide written evidence that the septic system is approved and adequate for the land use.

Site Plan

Although no plans have been stated to redevelop the property, the site is subject to compatibility standards. Along the south property line, the following standards apply because it's located within 540 feet from a single family residential use or a SF-5 or more restrictive zoning district.

- 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.

C14-05-0207

- 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.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0207

Contact: Robert Heil, (512) 974-2330

Public Hearing:

February 14, 2006 Planning Commission

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Your Name (please print)

Don Stewart

6911 US Hwy 290, Austin, TX

Your address(es) affected by this application

Don Stewart 2-3-06

Signature

Date

Comments:

good for the area and
helps the city to have
it developed.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

CITY PLANNING COMMISSION

February 14, 2006

City Hall – Council Chambers

301 W. 2nd Street

1st Floor

[Annotations & Zoning Summaries]

CALL TO ORDER – 6:00 P.M.

COMMENCED: 6:13 P.M.

ADJOURNED: 12:35 A.M.

____ John-Michael Cortez – Secretary

___A___ Jay Reddy – Assistant Secretary

____ Mandy Dealey – Parliamentarian

____ Chris Riley - Chair

____ Cid Galindo

____ Gary Stegeman

____ Keith L. Jackson

____ Dave Sullivan – Vice Chair

____ Mathew Moore

CONDUCT OF PUBLIC HEARINGS

1. Chair announces request.
2. Staff presents a summary of the case.
3. Chair calls on those FAVORING the request.
4. Applicant's presentation (5 minutes).
5. Others favoring the request (3 minutes).
6. Chair calls on those OPPOSING the request.
7. Primary presentation (5 minutes).
8. Others opposing the request (3 minutes).
9. Applicant is given opportunity to answer objections stated. (3 minutes)
10. Staff summation and questions from the Commission.
11. The public hearing on a zoning case may be closed and no further testimony is taken from the public.
12. If the public hearing is closed, the Commission shall make a recommendation to the City Council within 14 days or the case will be forwarded to the City Council without a recommendation. (Section 25-2-282).

All of the following items may be acted upon by one motion. The Commission does not consider items earlier than the time stated on the agenda; "Other Business" items can be taken at any time. After the posted time, the Commission Chairperson may announce the item and, if there is no opposition, the item may be taken "by consent" for approval without discussion.

CITIZENS WISHING TO SPEAK BEFORE THE COMMISSION OR CITIZENS THAT ARE UNABLE TO SPEAK BUT WOULD LIKE TO MAKE THE COMMISSION AWARE OF THEIR POSITION ARE REQUESTED TO REGISTER BY SIGNING A CARD AT THE ENTRANCE.

Any interested party aggrieved by a decision of the Planning Commission on a Hill Country Site Plan, Conditional Use Permit, Replacement Site Plan, or a Preliminary Subdivision Plan with an environmental variance may only appeal the Commission's decision to the City Council. The notice of appeal must be submitted in writing on a form provided by the Director of Neighborhood Planning & Zoning Department within fourteen (14) days following the decision of the Planning Commission.

DISCUSSION AND ACTION ON ZONING CASES

- 6. Rezoning:** **C14-05-0204 - Upper Boggy Creek NPCD & Design Tools**
Location: Upper Boggy Creek Neighborhood Plan Area, Boggy and Waller Creeks Watershed, Upper Boggy Creek NPA
Owner/Applicant: -
Agent: City of Austin (Robert Heil)
Request: Consider proposed zoning changes to the area covered by the Upper Boggy Creek Neighborhood Plan Combining District that will regulate the construction of new single-family construction and that will prohibit parking in the front yard. These changes may be applied to all of the planning area or in designated subdistricts.
Staff Rec.: **RECOMMENDED**
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
Mark Walters, 974-7695, Mark.Walters@ci.austin.tx.us
Neighborhood Planning and Zoning

APPROVED STAFF'S RECOMMENDATION; BY CONSENT.
[D.SULLIVAN; M.DEALEY 2ND] (8-0) J.REDDY - ABSENT

- 7. Rezoning:** **C14-05-0145 - Redeemer Presbyterian**
Location: 2105 Alexander Ave, Boggy Creek Watershed, Rosewood NPA
Owner/Applicant: Redeemer Presbyterian
Agent: Armbrust & Brown (Richard Suttle)
Request: **CS-MU-CO-NP (40 feet max) to CS-MU-CO-NP (60 ft max).**
Previous Postponements: 10/11, 11/08, 12/13 and 1/10 (all by applicant)
Staff Rec.: **RECOMMENDED**
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
Neighborhood Planning and Zoning

POSTPONED TO 03/14/06 (APPLICANT)
[D.SULLIVAN; M.DEALEY 2ND] (8-0) J.REDDY - ABSENT

- 8. Rezoning:** **C14-05-0207 - 6863 US 290 W**
Location: 6863 US 290 W, Barton Creek Watershed, East Oak Hill NPA
Owner/Applicant: Narciso Saucedo
Agent: Narciso Saucedo
Request: **I-SF-2 to LR**
Staff Rec.: **RECOMMENDED**
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
Neighborhood Planning and Zoning

APPROVED LR-MU DISTRICT ZONING; BY CONSENT.
[D.SULLIVAN, M.DEALEY 2ND] (8-0) J.REDDY - ABSENT

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 6863 U.S. HIGHWAY 290 WEST AND CHANGING THE ZONING MAP FROM INTERIM SINGLE FAMILY RESIDENCE STANDARD LOT (I-SF-2) DISTRICT TO NEIGHBORHOOD COMMERCIAL-MIXED USE (LR-MU) COMBINING DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from interim single family residence standard lot (I-SF-2) district to neighborhood commercial-mixed use (LR-MU) combining district on the property described in Zoning Case No. C14-05-0207, on file at the Neighborhood Planning and Zoning Department, as follows:

A 0.137 acre (5,958 square feet) tract of land, more or less, out of the Thomas Anderson Labor, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

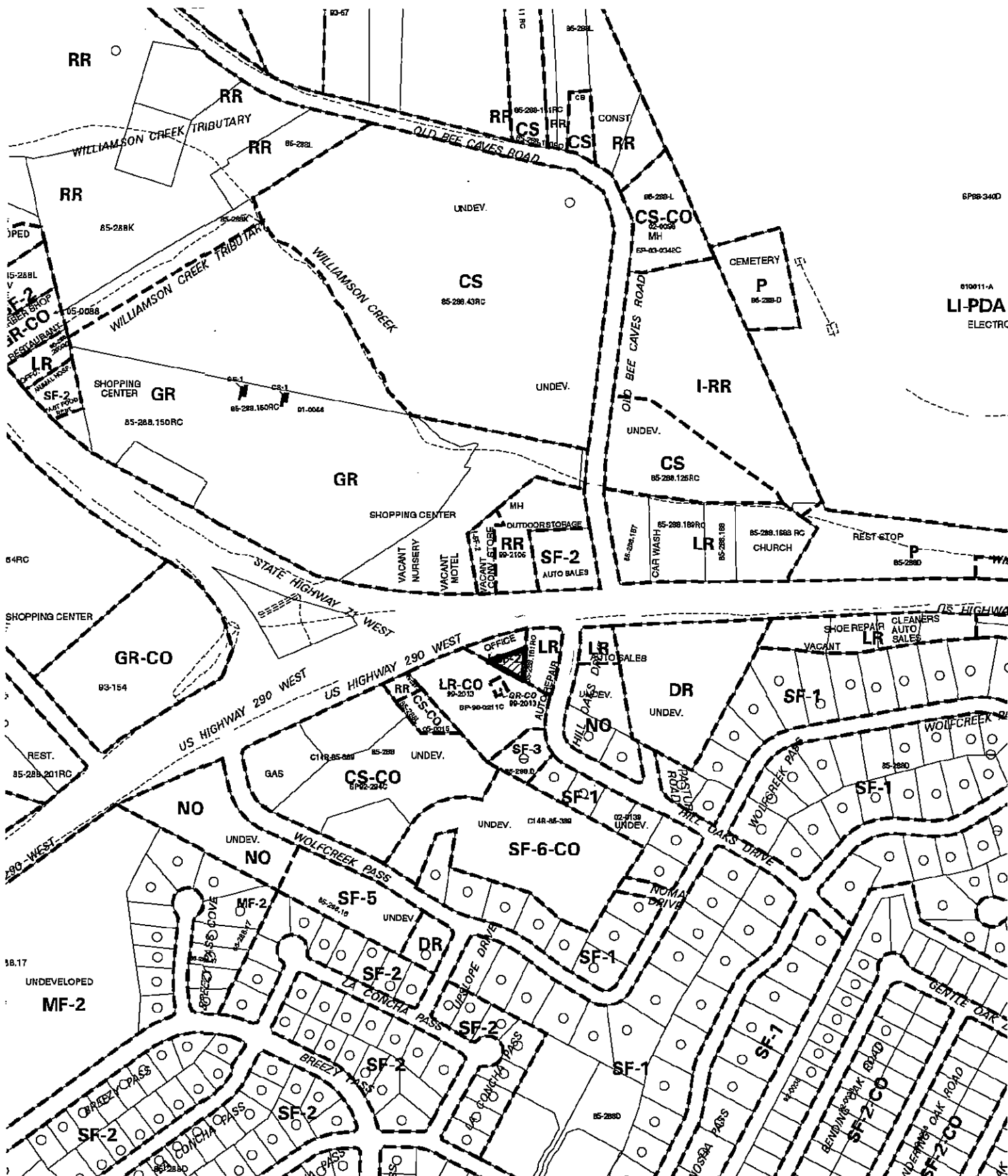
locally known as 6863 U.S. Highway 290 West, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

_____, 2006 § _____
Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A. Gentry
City Attorney City Clerk



 1" = 400'	SUBJECT TRACT	ZONING EXHIBIT B CASE #: C14-05-0207 ADDRESS: 6863 W US 290 HWY SUBJECT AREA (acres): 0.135	CITY GRID REFERENCE NUMBER C19
	PENDING CASE		
	ZONING BOUNDARY		
	CASE MGR: R. HEIL		
		DATE: 06-06	
		INTLS: SM	

Exhibit A

**0.137-ACRE
FOR ZONING PURPOSES ONLY**

LEGAL DESCRIPTION

C14 - 05. 0207

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND, OUT OF THE THOMAS ANDERSON LABOR IN TRAVIS COUNTY, TEXAS, SAID 0.137-ACRE (5,958 SQUARE FEET) BEING ALL OF THAT 0.135-ACRE TRACT AS CONVEYED TO NARCISO SAUCEDO, JR. AND WIFE, DOLORES M. SAUCEDO BY WARRANTY DEED DATED NOVEMBER 4, 1997 AND RECORDED IN VOLUME 13056, PAGE 0003 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found with cap stamped SDHPT at the intersection of the south right-of-way line of U.S. Highway 290 (Variable Right-of-Way) and the northeast line of Lot 19-A, Wedgewood Commercial, Section One, a subdivision as recorded in Book 59, Page 63 of the Plat Records of Travis County, Texas, said 1/2" iron rod found with cap stamped SDHPT also being the northwest corner of the above referenced Saucedo 0.135-acre parcel, from which a 1/2" iron pipe found at the intersection of the former south right-of-way line of U.S. Highway 290 and the original northeast corner of Lot 19-A bears N62°14'17"W a distance of 93.24 feet, for the northwest corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, with said south right-of-way line of U.S. Highway 290, along a curve to the right having a radius of 2,291.83 feet, an arc length of 126.13 feet and a chord which bears N71°21'40"E a distance of 126.11 feet to a calculated point, for the northeast corner of this tract,

THENCE, leaving said Right-of-Way, the following two (2) courses:

- 1) S03°39'01"W a distance of 100.87 feet to a 1" iron pipe found on said northeast line of Lot 19-A, Wedgewood Commercial Section One, for the southwest corner of this tract;
- 2) With said northwest line of Lot 19-A, Wedgewood Commercial Section One, N61°54'21"W a distance of 128.18 feet to the **POINT OF BEGINNING** and containing 0.137-acre (5,958 square feet) of land, more or less.

I HEREBY CERTIFY that these field notes were prepared by Landmark Surveying, Inc. from a survey made on the ground during November, 2005 under my supervision.

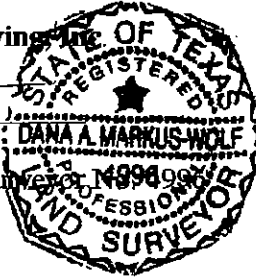
Prepared by **Landmark Surveying, Inc.**

Dana A. Markus-Wolf

Dana A. Markus-Wolf

Registered Professional Land Surveyor No. 14994

November 17, 2005



BEARING BASIS

The bearing N61°54'21"W being the record bearing shown on the Texas State Department of Transportation current right-of-way map for this area, being the inverse between a ½" iron rod found with cap stamped "SDHPT" and a 1" iron pipe found at the southwest corner of said Saucedo 0.135-acre tract was taken as the BASIS OF BEARING for this survey.

Austin Map No. 612 grid C19

TCAD #0408360802