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**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2014-0161 – Brighton Gardens

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

**ADDRESS:** 4323 Spicewood Springs Road

**OWNER/APPLICANT:** Bluebonnet Land Investments Partnership, Ltd. (Randall Kemper)

**AGENT:** Wes Peoples Homes, LLC (Kenneth Blaker)

**ZONING FROM:** LR           **TO:** LR-MU           **AREA:** 1.998 acres (87,033sq. ft.)

**SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant LR-MU, Neighborhood Commercial-Mixed Use Combining District zoning.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

**DEPARTMENT COMMENTS:**

The subject property is undeveloped and moderately wooded. The applicant proposes to develop the property with 26 condo units.

Staff is recommending the applicant's request for LR-MU zoning because the proposed zoning is compatible and consistent with the surrounding neighborhood commercial and residential uses. The zoning change is appropriate in this area as it will allow the opportunity for a residential use on the subject property, which is in close proximity to a mixture of apartments, condos and single-family residences.

**ISSUES:**

None at this time

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
Site	LR	Undeveloped
North	GO-CO	Convalescent Services
South	PUD	Townhomes/Condos in the Northwest PUD
East	CS-1, GR, LR	Retail, Restaurant, Medical Offices
West	PUD	Apartments The Caprock PUD

**NEIGHBORHOOD PLANNING AREA:** n/a

**TIA:** not required

**WATERSHED:** Shoal Creek

**DESIRED DEVELOPMENT ZONE:** yes

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**CAPITOL VIEW CORRIDOR:** no

**HILL COUNTRY ROADWAY:** no

**NEIGHBORHOOD ORGANIZATIONS:**

- 1363 5EL Texas
- 1200 Super Duper Neighborhood Objectors and Appealers Organization
- 53 Northwest Austin Civic Association
- 1340 Austin Heritage Tree Foundation
- 1228 Sierra Club, Austin Regional Group
- 742 Austin Independent School District
- 425 2222 Coalition of Neighborhood Associations Inc.
- 1075 Bike Austin
- 475 Bull Creek Foundation
- 1236 The Real Estate Council of Austin, Inc.
- 416 Long Canyon Phase II & III Homeowners Assn. Inc.
- 1037 Homeless Neighborhood Assn.
- 511 Austin Neighborhoods Council
- 5 Balcones Civic Association
- 1303 Balcones West Neighborhood Association

**SCHOOLS:**

Doss Elementary, Murchison Middle School, Anderson High School

**CASE HISTORIES:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-04-0014 (a part of Stillhouse II Office Condominiums, Lot 1: 4601 Spicewood Springs Road	GO-CO to GO-CO	3/2/2004 - Apvd GO-CO, limiting medical office to 3,485 sq. ft.	4/22/2004 - Apvd GO-CO, change in a condition of zoning to allow medical offices less than 5,000 sq. ft.
C14-97-0086, 4700 Spicewood Springs Road	SF-3 and PUD to GO-CO	11/25/1997 - Apvd GO-CO, with conditions.	2/26/1998 - Apvd GO-CO; list of prohibited uses.
C14-93-0085, Walgreens Pharmacy: 4320 Spicewood Springs Road	Interim SF-3 to LR-CO	8/17/1993 - postponed indefinitely.	10/21/1993 - Apvd LR-CO, prohibiting a list of uses; limiting height to 30feet and a maximum F.A.R. of .25:1, not to exceed a maximum of 12,150 sq. ft. gross floor area.
C14-90-0024, Brighton Gardens	LR to GO-CO	6/19/1990 - Apvd GO-CO w/conditions.	7/12/1990 - Apvd GO-CO, limiting height to 40feet.

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Subdivision: 4401 Spicewood Springs Road			
C814-90-0001, Caprock PUD: 4411 Spicewood Springs Road	To establish PUD zoning	7/24/1990 – Apvd PUD subject to conditions.	2/14/1991- Apvd PUD; 19.83 acres of dedicated parkland, 31.84 acres of MF-1 uses, and 1.94 acres of LO uses .
C14-89-0061, Mesa Plaza: 8028 Mesa Drive	LR to GR		12/7/1989 – Apvd GR.
C14-83-078, Spicewood Summit Office Building: 4505 Spicewood Springs Road	SF-3 to LO		8/30/1984 – Apvd LO with RC; building not to exceed 20,000 sq.ft. of gross heated area. Impervious cover not to exceed 80%, exterior finish of building shall be masonry and glass.
C14-73-207, C.B. Carpenter & Norman Luterman: 8030 Mesa Drive	LR to CS-1		11/15/1973 – Apvd CS-1.
C814-72-014 and C814-74- 011, Northwest PUD: intersection of Mesa Drive and Myrick Drive	LR and SF-4 to PUD		4/16/1981 – PUD ordinance no. 81-0416-G, Apvd development of a variety of residential uses (single family and condos).

**RELATED CASES:**

The subject tract is platted as Lot 2 Brighton Gardens Subdivision recorded in May, 1991 (C8-90-0055.0A).

The applicant will be pursuing an amendment to the plat of the subject property to allow for residential uses.

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**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Spicewood Springs	120'	80'	Arterial	Yes	Shared Bike Lane	Yes

**CITY COUNCIL DATE:** December 11, 2014

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Tori Haase

**PHONE:** 512-974-7691

**EMAIL:** [Tori.Haase@austintexas.gov](mailto:Tori.Haase@austintexas.gov)

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**ZONING**

Exhibit A



Subject Property

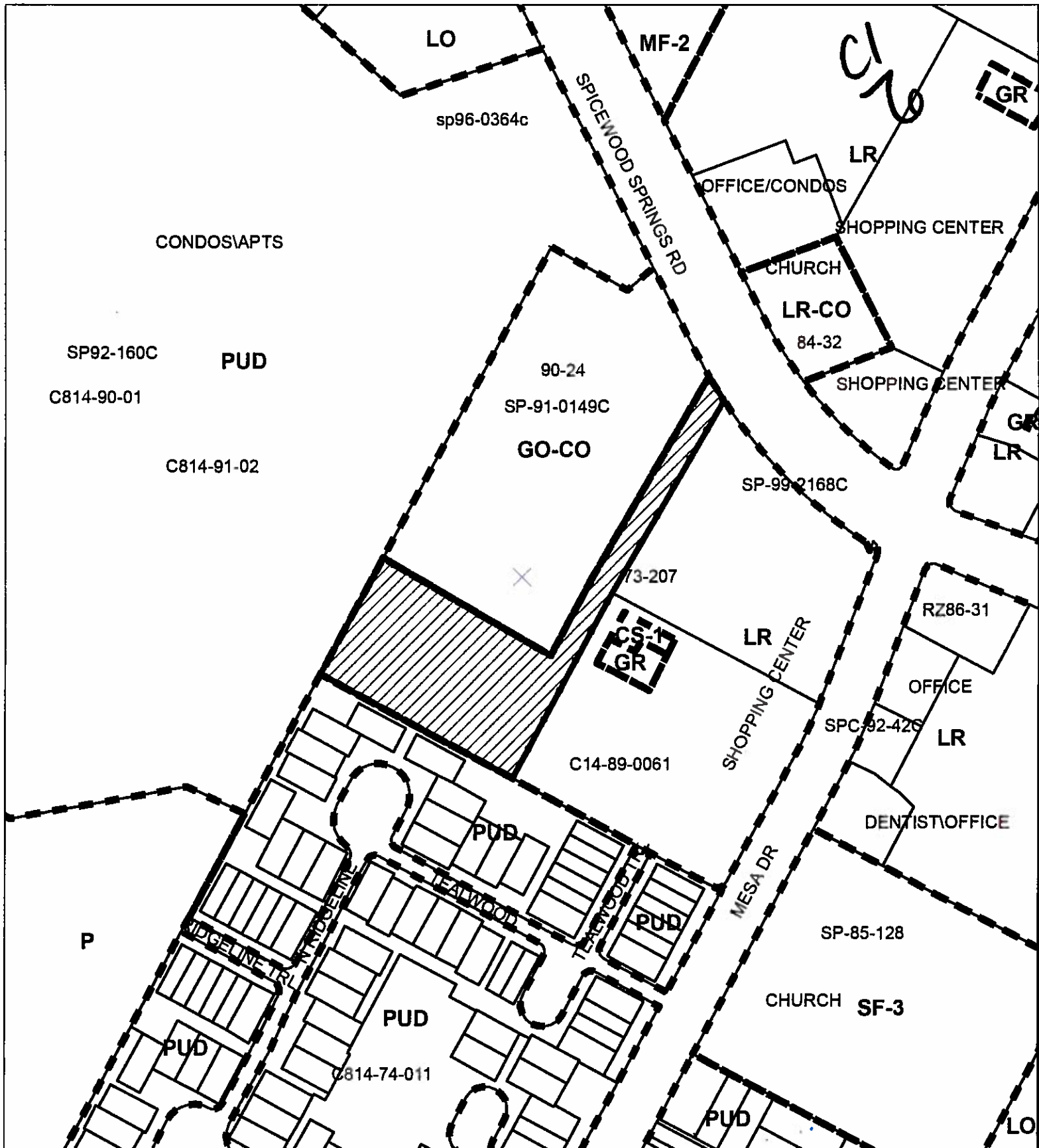
ZONING CASE#: C14-2014-0161  
 LOCATION: 4323 Spicewood Springs Rd  
 SUBJECT AREA: 1.998 ACRES  
 GRID: H31  
 MANAGER: TORI HAASE



1' = 400'






This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING CASE**  
C14-2014-0161

*Exhibit B*



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.

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## **STAFF RECOMMENDATION**

The Staff's recommendation is to grant LR-MU, Neighborhood Commercial-Mixed Use Combining District zoning.

## **BACKGROUND**

The subject property is a 1.998 acre flag lot of undeveloped and moderately wooded land and is surrounded on all sides by a mixture of residential uses, neighborhood retail and commercial services and a convalescent home. Access to the property is from Spicewood Springs as a shared drive-way with the convalescent home. The applicant proposes to develop the property with 26 condo units.

Staff is recommending the applicant's request for LR-MU zoning because the proposed zoning is compatible and consistent with the surrounding neighborhood retail and residential uses. The zoning change is appropriate in this area as it will allow the opportunity for a residential use on the subject property, which is in close proximity to a mixture of apartments, condos and single-family residences.

## **BASIS FOR RECOMMENDATION**

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

The Neighborhood Commercial (LR) zoning district is intended for neighborhood shopping facilities that provide limited business services and office facilities predominately for the convenience of residents of the neighborhood. This base zoning district governs the development rights on the property currently and will remain with the zoning change.

The Mixed Use (-MU-) zoning district is intended to be used in combination with a base district, in order to permit any combination of office, retail, commercial, and residential uses within in a single development. Under the Mixed Use combining zoning district, all types of residential uses are permitted and include single-family residential, multifamily residential and townhomes.

2. *The proposed zoning should promote consistency and orderly planning.*

The LR-MU zoning district would allow either a single use, or a mixture of uses that are compatible and consistent with the adjacent properties that already have LR zoning as well as the PUD zoned properties that have a variety of residential types.

3. *Zoning should be consistent with approved and existing residential densities.*

The LR-MU zoning district is consistent with the existing residential densities in the area that include low to medium density multi-family as well as single-family and condo residential densities.

4. *Zoning should promote compatibility with adjacent and nearby uses.*

The LR-MU zoning district is compatible with the adjacent and nearby uses because it will allow residential uses that are of like, similar type to existing residential uses and could also allow for commercial uses that would be neighborhood oriented and easily accessible to the near-by residents.

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## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is undeveloped and wooded. There does not appear to be any topographical constraints on the site. However, there are numerous trees.

### **Impervious Cover**

The property is undeveloped and doesn't have any impervious cover except for the driveway entry to the property from Spicewood Springs Road.

The maximum amount of impervious cover allowed in the LR-MU combined zoning district is 80%.

### **Comprehensive Planning**

This zoning case is not located within the boundaries of a neighborhood planning area.

### **Imagine Austin**

The comparative scale of the site relative to adjoining residential uses, as well as the site not being located along an Activity Corridor or within an Activity Center, falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning. However, due to the site's location over the Edwards Aquifer, an environmentally sensitive area, there will be during the site planning stage an environmental review to determine if any critical environmental features are located on the site. If any are located on the site, mitigation and setbacks necessitated by the land development code will be required.

### **Environmental**

The site is located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal 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. Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

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

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rim-rock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 sq. ft. cumulative, is exceeded, and on site control for the two-year storm.

### **Transportation**

If the requested zoning is granted, it is recommended that joint access be provided for the adjacent lot to the North West and the property being rezoned.



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TIA may be required at time of site plan if the proposed project generates over 2,000 trips.

Please contact Nadia Barrera, Urban Trails - Public Works Department regarding pedestrian connectivity per the Council Resolution.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a shared bike lane currently exists, and a dedicated bike lane is recommended.

**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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.

**Storm Water Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

**Site Plan and Compatibility Standards**

Development on this site will be subject to *Subchapter E: Design Standards and Mixed Use*.

This development may be subject to the compatibility standards of Section 25-2-1063 (*Height Limitations and Setbacks for Large Sites*) triggered by the existing Planned Unit Development along the south property line.

Additional comments will be provided upon submittal of a site plan.

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: <http://www.austintexas.gov/development>.

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: C14-2014-0161  
Contact: Tori Haase, 512-974-7691  
Public Hearing: Nov 18, 2014, Zoning and Platting Commission  
Dec 11, 2014, City Council

Vince Rezule

Your Name (please print)

4411 Spicewood Springs Road Apt. 1505

Your address(es) affected by this application

Signature

1 Nov 2014

Date

Daytime Telephone: 512 299-7662 512 401-1250

Comments: The effects of the additional office space under construction have not been observed yet on our 2 lane road. As it is, we have plenty of congestion at rush hour. The city should wait until the office space is operational before making any decisions. It doesn't look like the road can be widened to 4 lanes currently. Thanks!

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

City of Austin  
Planning & Development Review Department  
Tori Haase  
P. O. Box 1088  
Austin, TX 78767-8810

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Case Number: C14-2014-0161

Contact: Tori Haase, 512-974-7691

Public Hearing: Nov 18, 2014, Zoning and Platting Commission  
Dec 11, 2014, City Council

Todd + Cindy Patton  
Your Name (please print)

I am in favor  
 I object

4412 Spicewood spring rd suite 404  
Your address(es) affected by this application

Cindy Patton  
Signature

11/7/14  
Date

Daytime Telephone: 512-338-6023

Comments: This is a neighborhood not downtown! The roads are not designed for the density proposed. There is already congestion beyond its capacity in this area.  
I Oppose the density and height of this project!

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

City of Austin  
Planning & Development Review Department  
Tori Haase  
P. O. Box 1088  
Austin, TX 78767-8810

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Case Number: C14-2014-0161  
 Contact: Tori Haase, 512-974-7691  
 Public Hearing: Nov 18, 2014, Zoning and Platting Commission  
 Dec 11, 2014, City Council

*Carrie Stowe*  
 Your Name (please print)

*4159 Steck Ave #191*

Your address(es) affected by this application

*Austin TX 78759*

*11/4/2014*

Signature

*Carrie Stowe*

Date

Daytime Telephone: *414-429-1166*

Comments: *I do not wish to see residential property built in the zone referenced by the Case Number above.*

I am in favor  
 I am object

If you use this form to comment, it may be returned to:  
 City of Austin  
 Planning & Development Review Department  
 Tori Haase  
 P. O. Box 1088  
 Austin, TX 78767-8810

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