

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:

November 18, 2014; APPROVED LR-MU DISTRICT ZONING AS RECOMMENDED BY STAFF, BY CONSENT [P. SEEGER; G. ROJAS – 2ND] (5-0) SEAN COMPTON AND RAHM MCDANIEL – ABSENT.

DEPARTMENT COMMENTS:

The subject property is undeveloped and moderately wooded. The applicant proposes to develop the property with up to 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.

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. A join access driveway has been constructed and is being used by the property to the northwest of the property subject to this case. The existing access is intended to serve both properties.

ISSUES:

None at this time

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR	Undeveloped
<i>North</i>	GO-CO	Convalescent Services
<i>South</i>	PUD	Townhomes/Condos in the Northwest PUD

<i>East</i>	CS-1, GR, LR	Retail, Restaurant, Medical Offices
<i>West</i>	PUD	Apartments The Caprock PUD

NEIGHBORHOOD PLANNING AREA: n/a

TIA: not required

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: yes

CAPITOL VIEW CORRIDOR: no

HILL COUNTRY ROADWAY: no

NEIGHBORHOOD ORGANIZATIONS:

- 1363 SEL 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,	Interim SF-3 to	8/17/1993 – postponed	10/21/1993 – Apvd LR-CO,

Walgreens Pharmacy: 4320 Spicewood Springs Road	LR-CO	indefinitely.	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 Subdivision: 4401 Spicewood Springs Road	LR to GO-CO	6/19/1990 – Apvd GO-CO w/conditions.	7/12/1990 – Apvd GO-CO, limiting height to 40feet.
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.

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:

ACTION:

December 11, 2014;

ORDINANCE READINGS: 1st

2nd

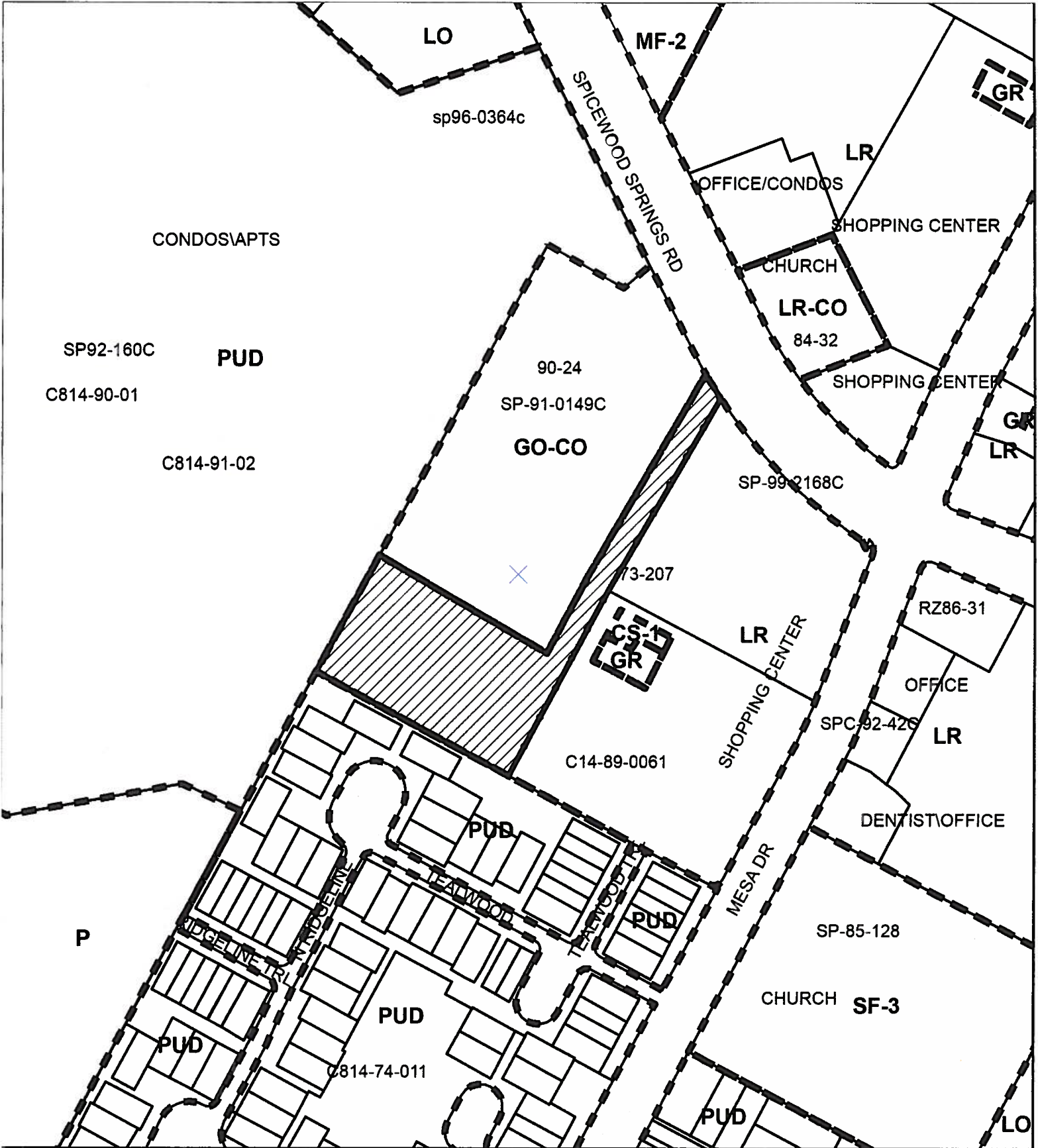
3rd

ORDINANCE NUMBER:

CASE MANAGER: Tori Haase

PHONE: 512-974-7691

EMAIL: Tori.Haase@austintexas.gov



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING CASE
C14-2014-0161

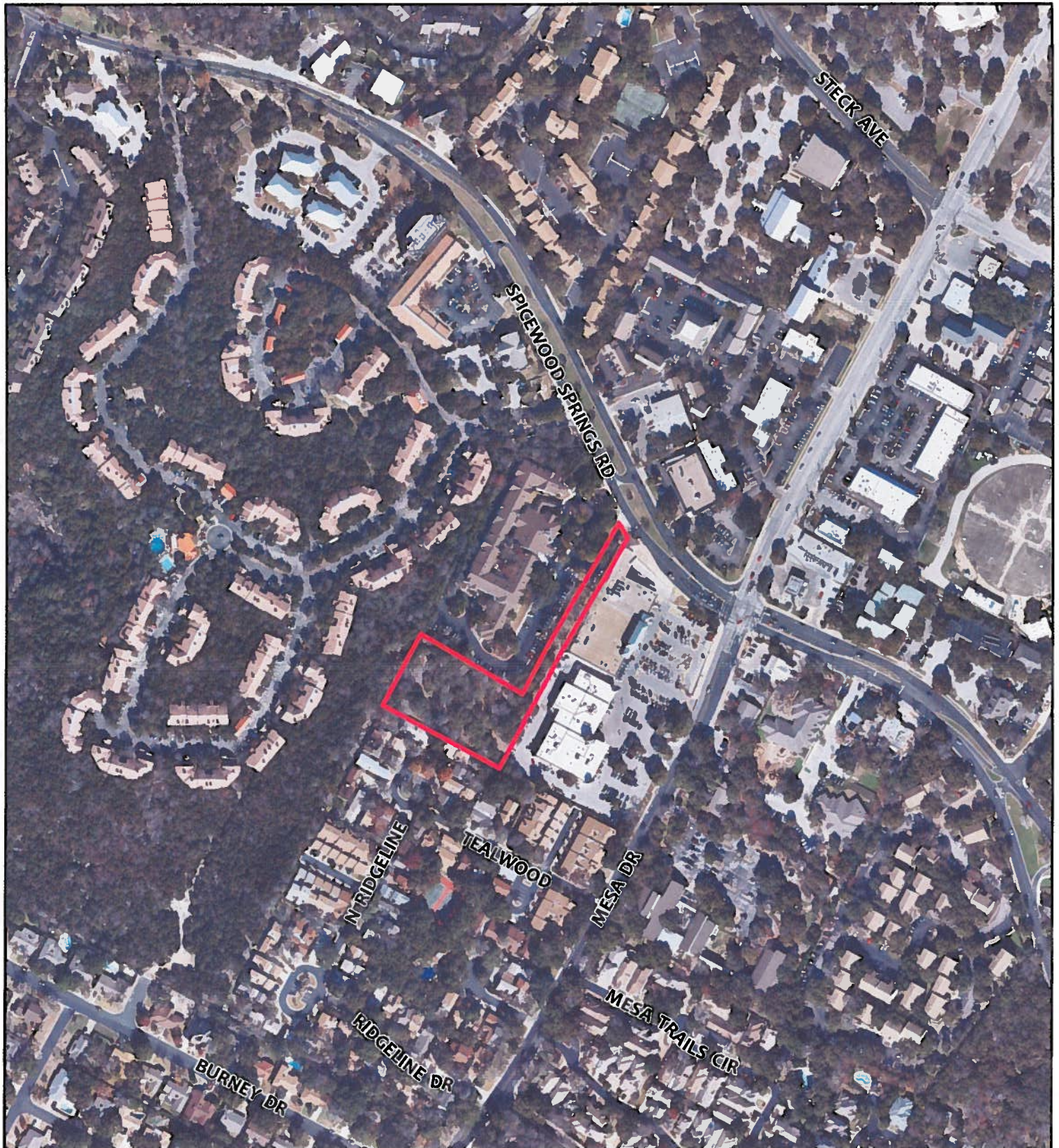
Exhibit A



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'



1' = 400'



Subject Property

ZONING

ZONING CASE#: C14-2014-0161

LOCATION: 4323 Spicewood Springs Rd

SUBJECT AREA: 1.998 ACRES

GRID: H31

MANAGER: TORI HAASE

Exhibit B



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.

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.

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.

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

TOM MAURER

Your Name (please print)

4107 RIPPGE LINE TRAIL

Your address(es) affected by this application

Shane Maurer

Signature

Date

Daytime Telephone: 512 372 8130

11-13-14

☐ I am in favor
☒ I object

Comments: I ALREADY HAVE A DIFFICULT

TIME EXTINGUISHING FROM THE TRAILS

COMMUNITY TO MISSA DRIVE, ADDING

ADDITIONAL BUSINESSES/RESIDENCES WILL

JUST ADD TRAFFIC CONGESTION

AND FRUSTRATION

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

VALERIE MAUER

Your Name (please print)

4101 RIDGE LINE TRAIL

Your address(es) affected by this application

Valerie Maurer

Signature

11/16/14

Date

Daytime Telephone: 512 372 8130

Comments: THIS PLAN WILL CONTRIBUTE TO THE GROWING CONGESTION IN THIS AREA OF MESAS/SILVERWOOD ROADS WHICH ARE ALREADY BECOMING TRAFFIC JAMS. COMMUTERS ARE NOW BYPASSING MOPAC AND COMING DOWN MEESA TO MAKE LEFT TURNS AT SILVERWOOD SPANNS ROAD OFFICE SPACE + CONDOS ARE ALREADY BEING BUILT ON SILVERWOOD WHICH WILL ADD TO CONGESTION WHEN COMPLETED

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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)

4112 Spicewood spring rd suite 401

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

Vince Rezak

Your Name (please print)

4411 Spicewood Springs Road Apt. 1505

Your address(es) affected by this application

1 Nov 2014

Date

Signature

Daytime Telephone: 512 299-7662 512 401-1250

☐ I am in favor
☒ I object

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

Carrie Stowe
Your Name (please print)

4159 Steck Ave #191

Your address(es) affected by this application

Austin TX 78759 Carrie Stowe

Signature

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.

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

☐ I am in favor
☒ I am in object

**The Trails Homeowners Association, Inc.
4005 Merimac
Austin, TX 78731**

November 15, 2014

**City of Austin
Austin City Hall
Austin, Tx 78701**

**Re: 4323 Spicewood Springs Rd
Zoning Change Request**

To Whom It May Concern:

The Trails Homeowners Association consists of 94 townhomes on Mesa Drive and enjoys a quiet neighborhood.

The property at 4323 Spicewood Springs Rd is requesting a zoning change from LR to MU. It is our understanding that there are plans to build 24 townhomes with some retail on the 2 acre site. Some of our townhomes are within 15 feet of the adjoining property line. This type of development would cause unwelcome traffic, noise and diminish the privacy of the homes if the buildings were taller than 1 story in height.

On November 11, 2014, the Board of Directors of The Trails Homeowners Association, Inc. unanimously passed a motion opposing any development taller than 1 story on the property at 4323 Spicewood Springs Rd.

We look forward to attending the Zoning Committee meeting on November 18, 2014.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Charles Nevill', with a stylized flourish at the end.

**Charles Nevill
President, Board of Directors**