

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2017-0003 (Krisland Property)

**Z.A.P. DATE:** April 4, 2017

**ADDRESS:** 13033 Pond Springs Road

**DISTRICT AREA:** 6

**OWNER/APPLICANT:** Krisland Property of Texas, LLC (Johan Rahardjo)

**AGENT:** Vincent Gerard & Associates, Inc. (Vincent G. Huebinger)

**ZONING FROM:** I-RR

**TO:** GR

**AREA:** 0.5818 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant GR-MU, Community Commercial-Mixed Use Combining District, zoning.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

4/04/17: Approved staff's recommendation of GR-MU zoning, with conditional overlay to prohibit Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Service Station, Hotel-Motel, Exterminating Services, Funeral Services, Business or Trade School and Drop-off Recycling Collection Facility uses, on consent (10-0), B. Greenberg-1<sup>st</sup>, A. Aguirre-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question is currently developed with general commercial and office uses (Chase Point Commercial Strip Center: Always & Forever Florist, All in One Resale Shop, \$10 Haircuts, Stillwell Insurance, Flora Fetish Weddings, Enable IT Solutions). The tract of land to the north is zoned GR-MU and contains automotive repair, personal services and office uses (Jollyville Garage, Gun Sales, Jollyville Barber Shop, The Bell Collection). To the southwest, across Pond Springs Road, there is a financial services use (Amplify Federal Credit Union). The land to the east is developed with an apartment complex (Hunter's Chase Apartments). This property was annexed by the City of Austin in 2005 through case C7-05-014. The applicant is requesting GR zoning to bring the existing uses on the site into conformance with City of Austin Land Development Code use regulations.

The staff is recommending GR-MU, Community Commercial-Mixed Use Combining District, zoning for the site under consideration. The proposed GR-MU zoning will be compatible and consistent with the surrounding uses because there are currently office commercial uses located north and southwest of this tract of land. In addition, there is GR-MU zoning to the north and GR-MU-CO zoning to the south and west of site under consideration. The proposed GR-MU zoning will allow the existing land uses on the site to come into conformance with the City of Austin Land Development Code. GR-MU zoning is appropriate for this location because the property meets the intent of the GR district as it fronts onto a minor arterial roadway and will provide services to the residential areas to the north, south and west (Hunter's Chase Apartments, Dakota Springs Apartments, and Elan Apartment Homes).

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR	Single-Family Residence, General Commercial-Convenience, Office (Chase Point Commercial Strip Center: Always & Forever Florist, All in One Resale Shop, \$10 Haircuts, Stillwell Insurance, Flora Fetish Weddings, Enable IT Solutions)
<i>North</i>	GR-MU	Automotive Repair, Personal Services, Office (Commercial Strip Center: Jollyville Garage, Gun Sales, Jollyville Barber Shop, The Bell Collection), residential structure and a garage apartment
<i>South</i>	GR-MU-CO, GR-CO	Financial Services (Amplify Federal Credit Union), Private School (Challenger School)
<i>East</i>	I-RR	Multifamily (Hunter's Chase Apartments)
<i>West</i>	GR-MU-CO	Financial Services (Amplify Credit Union)

**AREA STUDY:** N/A**TIA:** Not Required**WATERSHED:** Lake Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
 Bike Austin  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Northwest Austin Coalition  
 SELTEXAS  
 Sierra Club, Austin Regional Group

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2016-0044 (Pond Springs Development: 13130 Pond Springs Road)	GR-CO to GR-MU	6/07/16: Approved staff's recommendation for GR-MU zoning by consent (8-0, D. Breithaupt, J. Kiolbassa, S. Lavani-absent); G. Rojas-1 <sup>st</sup> , B. Evans-2 <sup>nd</sup> .	8/11/16: Approved GR-MU) zoning was on consent on all 3 readings (11-0); K. Tovo-1 <sup>st</sup> , L. Pool-2 <sup>nd</sup> .
C14-2014-0196 (Polo Club: 8519 Cahill Drive)	I-RR to MF-3	1/20/15: Approved staff's recommendation of MF-3 zoning by consent (5-0, B. Baker and S. Compton-absent); R. McDaniel-1 <sup>st</sup> , C. Banks-2 <sup>nd</sup> .	2/26/15 : Approved MF-3 zoning on consent on all 3 readings (11-0); Pool-1 <sup>st</sup> , Houston-2 <sup>nd</sup>
C14-2013-0155 (Pond Springs Challenger School: 13015)	I-RR to GR	2/04/14: Approved GR-CO zoning, with additional condition to prohibit Pawn Shop Services, on consent (6-0, R. McDaniel-absent);	2/27/14: Approved GR-CO zoning on consent on all 3 readings (7-0); B. Spelman-1 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .

Pond Springs Road)		P. Seeger-1 <sup>st</sup> , C. Banks-2 <sup>nd</sup> .	
C14-2012-0132 (Kenneth L. Bishop: 13039 Pond Springs Road)	I-RR to CS-MU	12/04/12: Approved the staff's recommendation of GR-MU zoning by consent (6-0, S. Compton-absent); C. Banks-1 <sup>st</sup> , G. Rojas-2 <sup>nd</sup>	12/13/12: Approved GR-MU zoning on 1 <sup>st</sup> reading (7-0); L. Morrison-1 <sup>st</sup> , B. Spelman-2 <sup>nd</sup> .  4/11/13: Approved GR-MU zoning on consent on 2 <sup>nd</sup> /3 <sup>rd</sup> readings (6-0, K. Tovo-absent); B. Spelman-1 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> .
C14-2012-0017 (San Felipe Boulevard Re-Zoning)	GR to GR-MU	3/20/12: Approved staff's recommendation of GR-MU-CO zoning, with the following conditions: add Restaurant (Limited) and Urban Farm back as permitted uses and prohibit Drive-in Services (7-0); P. Seeger-1 <sup>st</sup> , C. Banks-2 <sup>nd</sup> .	4/26/12: Approved GR-MU-CO zoning on consent, with conditional overlay to limit the development intensity on the site to less than 2,000 vehicle trips per, prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type), Pawn Shop Services, Personal Improvement Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Adult Oriented Businesses, Drive-in Services, and require a 10-foot landscape buffer along the eastern property line. on all 3 readings (7-0); B. Spelman-1 <sup>st</sup> , C. Riley-2 <sup>nd</sup> .
C14-06-0236 (13201 Pond Springs Road)	I-SF-2 to Tract 1: GR, Tract 2: CS-1	4/17/07: Approved the staff's rec. of GR-CO zoning for Tract 1 and CS-1-CO for Tract 2, with a CO for the following: limit the development intensity on the site to less than 2,000 vehicle trips per, prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type); adding Pawn Shop Services as a prohibited use (7-0, Jackson and Hammond-absent)	5/17/07: Approved GR-CO zoning for Tract 1 and CS-1-CO for Tract 2, with a CO for the following: limit the development intensity on the site to less than 2,000 vehicle trips per, prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type), Pawn Shop Services (7-0); all 3 readings
C14-06-0157 (Pond Springs Plaza: 13233 Pond Springs Road)	I-SF-2 to Tract 1: CS, Tract 2: CS-1	11/07/06: Approved staff's recommendation of GR-CO zoning for Tract 1 (shopping center), CS-1-CO zoning for Tract 2 (bar area), and GR-CO zoning for newly created Tract 3 (deck area). The conditional overlay would	12/07/06: Approved the ZAP recommendation, striking the requirement for double door access from the bar (Tract 2) to the deck (Tract 3) and adding a condition for speakers be removed from the deck area (7-0).

		<p>limit the site to uses that generate no more than 2,000 vehicle trips per day and prohibit Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing-of any type, and Service Station uses on the property. The Commission added the following conditions to Tract 2: 1) Prohibit Adult Oriented Businesses; 2) To require double door access to the deck from the bar (if allowable by Code and Building Permit regulations); 3) To place permanent signage on the property at the driveway entries to restrict motorcycle parking in the rear/alleyway. 4) To place permanent signage along the fence/property line between the residential site to the west and the property in question designating the parking spaces in the rear/alleyway as, "Employee Parking Only". 5) To construct an 8-foot masonry/or sound retardant fence around the deck to mitigate sound emanating from the deck.</p> <p>The Commission also placed the following conditions on Tract 3 (the deck area): 1) Place an 85 decibel limit (in accordance with LDC Sec. 9-2-4) on the deck to reduce noise emanating from the deck. 2) Restrict amplified sound on the deck. 3) Place permanent signage on the deck for noise mitigation. 4) Remove the pool table off of the deck. Vote: (7-2, B. Baker, J. Martinez- No); J. Shieh-1<sup>st</sup>, S. Hale-2<sup>nd</sup>.</p>	<p>4/12/06: Approved GR-CO zoning for Tract 1, CS-1-CO zoning for Tract 2, and GR-CO zoning for Tract 3 (6-0); 2<sup>nd</sup>/3<sup>rd</sup> readings</p>
<p>C14-04-0157 (Nouri Project: 186 Pond Springs Road)</p>	<p>I-RR to CS</p>	<p>11/2/04: Approved staff's recommendation of CS-CO zoning, the CO would limit the site to uses that generate no more than 2,000 vehicle trips per day by consent (9-0); J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.</p>	<p>12/02/04: Approved CS-CO (7-0); all 3 readings</p>

C14-04-0070 (12952 Pond Springs Road)	I-RR to GR-CO	7/20/04: Approved staff's recommendation of GR-CO zoning, with CO to impose the following conditions: 1) The only permitted GR uses are Auto Sales and Auto Repair; 2) Permit LR Uses, with the exception of the following LR uses: Service Station; Restaurant (General); Restaurant (Limited); 3) Limit the development intensity to less than 2,000 vehicle trips per day; 4) Require a 25' vegetative buffer along the northern property line; by consent (8-0, J. Pinnelli-absent)	8/26/04: Granted GR-CO (7-0); all 3 readings
C14-03-0080 (Goodson 4.4 acres: San Felipe Blvd)	MF-3-CO to GR	6/10/03: Approved staff's alternate recommendation of GR-CO zoning with the following conditions: 1) Limit the site to 2,000 vehicle trips per day; 2) Prohibit the following uses: Automotive related uses [Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type)], Pawn Shop Services, Restaurant (Drive-In, Fast Food), Personal Improvement Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Adult Oriented Businesses, Urban Farm, and 3) Require a 10-foot landscape buffer along the Eastern property line. Vote: (8-0, J. Martinez-absent); M. Whaley-1 <sup>st</sup> , K. Jackson-2 <sup>nd</sup> .	7/17/03: Approved ZAP rec. of GR-CO (7-0); with the following additional permitted uses: Personal Improvement Services use and permit Drive-In Facilities, only as an accessory use to a Bank (Financial Services use). 8/14/03: Approved (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings.
C14-02-0132 (Goodson 8 Acres: Pond Springs Road at San Felipe Boulevard)	MF-3-CO to GR	10/22/02: Approved GR-CO zoning with the following conditions: 1) The only permitted GR uses are Automotive Sales and Automotive Repair Services; 2) Permit LR uses, with the exception of the following uses: a) Service Station b) Food Sales c) Accessory Off-Site Parking d) Restaurant (Drive-In, Fast Food) e) Restaurant (Limited);	11/21/02: Granted ZAP rec. of GR-CO zoning w/ conditions and a public restrictive covenant (6-0, Goodman-absent); 1 <sup>st</sup> reading 12/5/02: Granted GR-CO zoning (7-0); 2nd reading, with the following conditions: 1) No structural detention or water quality facility shall be allowed within the proposed 25' vegetative buffer; 2) Grow green standards shall be utilized; 3) Structural parking shall be

		3) 2,000 vehicle trip per day limit; 4) Require that protected trees shall remain undisturbed; 5) Require that Compatibility Standards be applied along the eastern property line; 6) Require a 25' vegetative buffer along the eastern property line; 7) Limit structures to 40' in height, with an increase in height according to Compatibility Standards; 8) Require that all Automotive Maintenance and Repair be contained within a structure; 9) Restrict access to San Felipe Boulevard to emergency access only; 10) Allow no inoperable vehicle storage on the site; 11) Parking lot not allowed adjacent to the proposed vegetative buffer along the eastern property line.	prohibited  12/12/02: Granted GR-CO zoning (7-0); 3 <sup>rd</sup> reading [valid petition withdrawn]
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**RELATED CASES:** C7A-05-014 (Annexation Case)

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Pond Springs	104'	20'	Arterial	N/A

**CITY COUNCIL DATE:** May 4, 2017

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

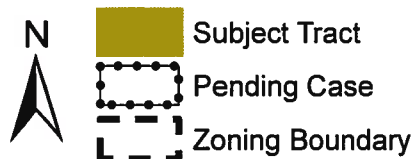
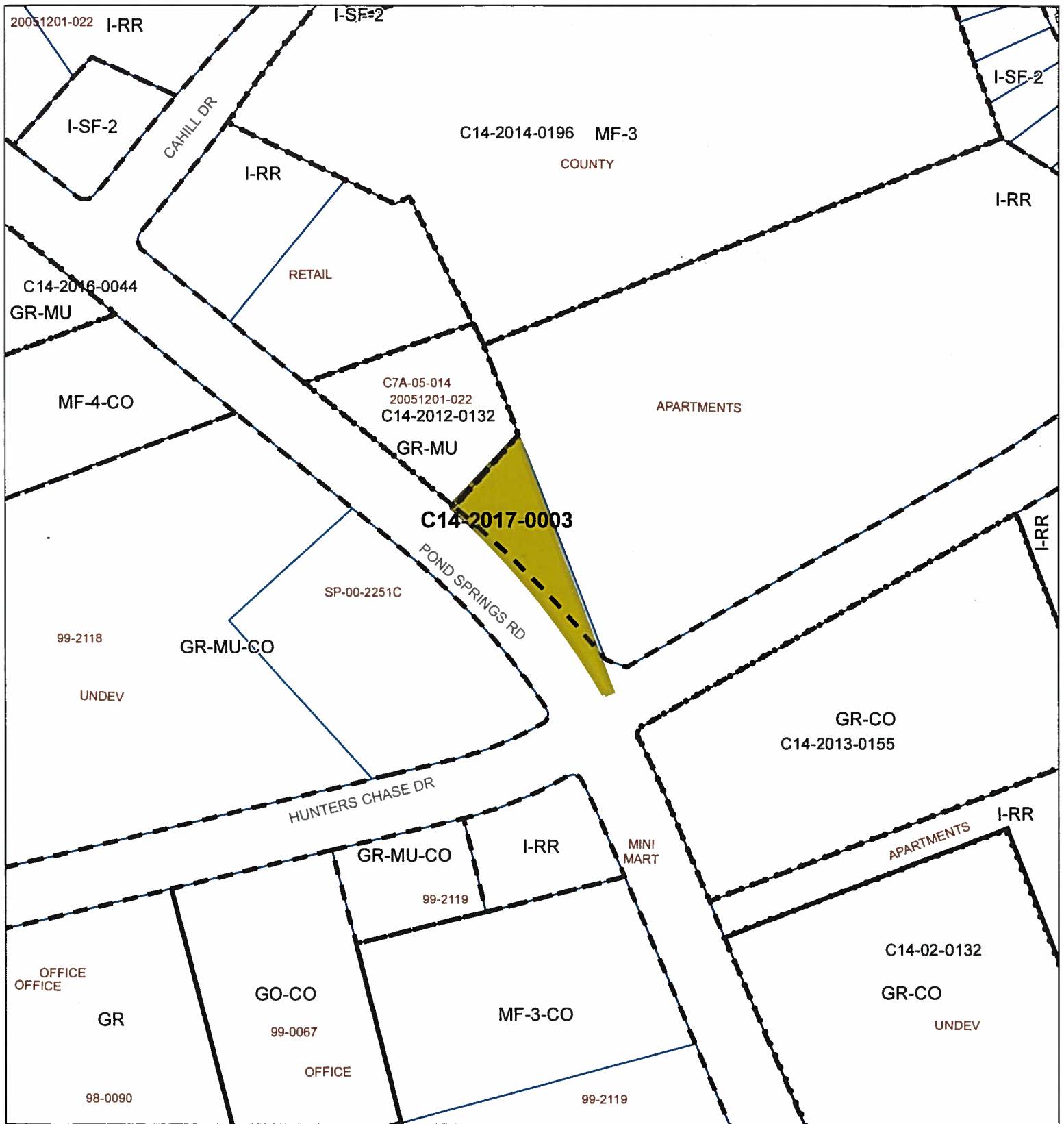
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 512-974-3057,  
[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



1" = 200'

## ZONING

Case#: C14-2017-0003

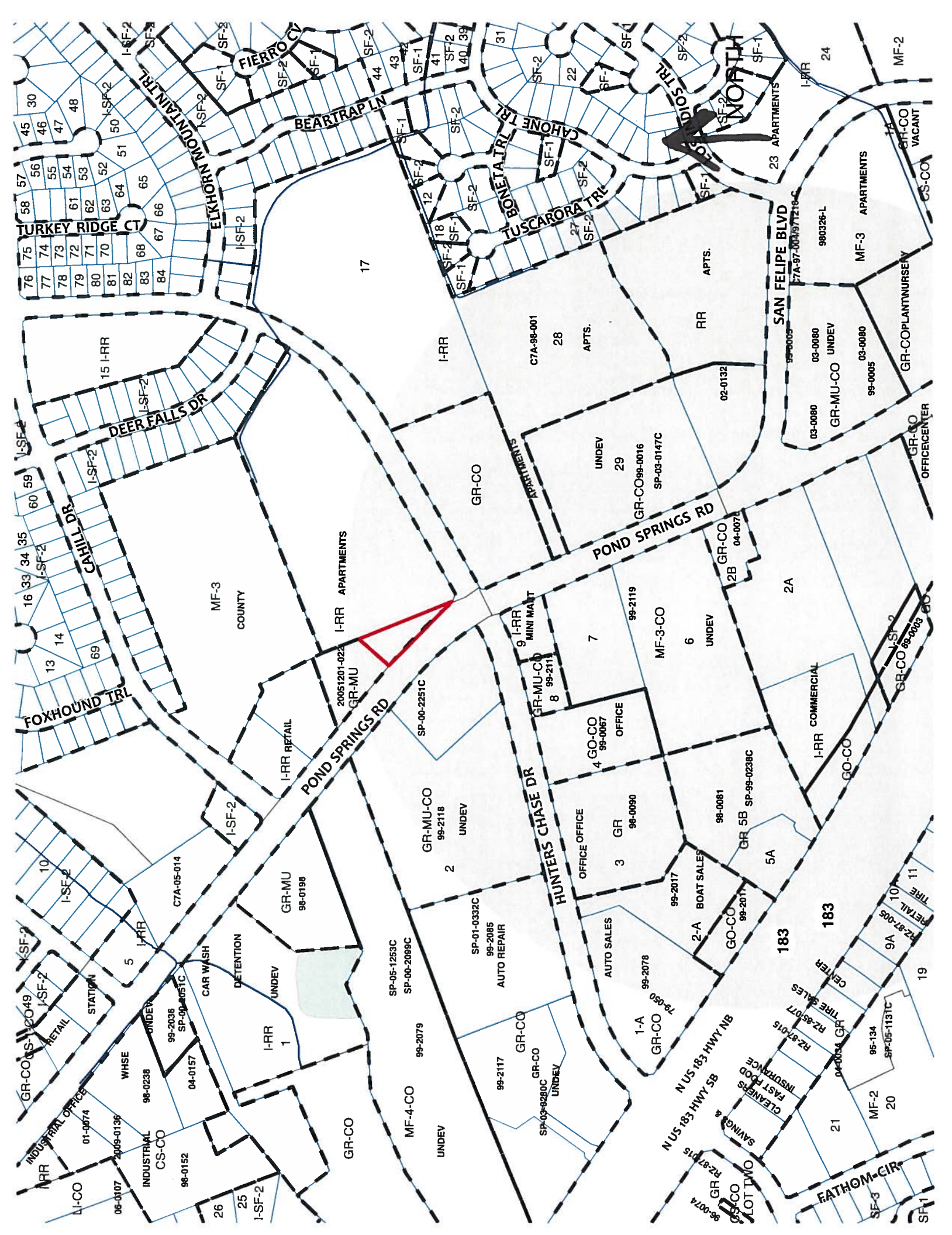
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

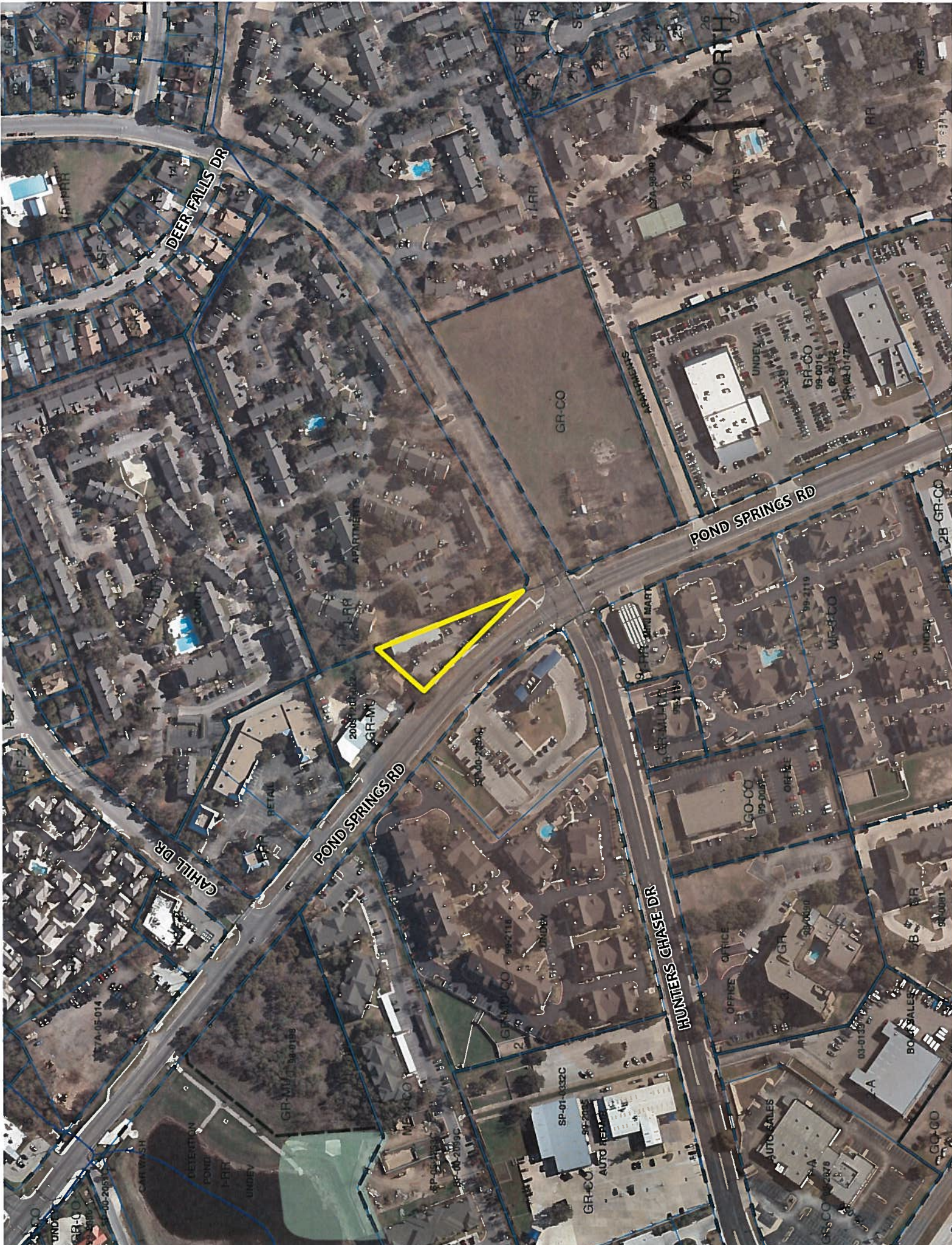


Created: 1/25/2017









DEER FALLS DR

NORTH

GR-CO

POND SPRINGS RD

POND SPRINGS RD

HUNTERS CHASE DR

CARHILL DR

2005-01-01-02  
GR-M

SP-01-1332C

GR-CO

AUTO

OFFICE

AUTO SALES

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## STAFF RECOMMENDATION

The staff's recommendation is to grant GR-MU, Community Commercial-Mixed Use Combining District, zoning.

## BASIS FOR RECOMMENDATION

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

The Community Commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

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

The proposed GR-MU zoning will be compatible and consistent with the surrounding office and commercial uses located north and southwest of this tract of land. In addition, there is GR-MU zoning to the north and GR-MU-CO zoning to the south and west of the property under consideration.

3. *The proposed zoning should allow for a reasonable use of the property.*

The GR-MU zoning district would allow for a fair and reasonable use of the site as this zoning would permit the applicant to develop this tract of land with a mixture of commercial and residential uses. GR-MU zoning is appropriate for this location because of the commercial and high density residential character of the area.

4. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The property in question is located at the intersection of a minor arterial roadway, Pond Springs Road, and a collector street, Hunters Chase Drive.

## EXISTING CONDITIONS

### Site Characteristics

The site in question is currently developed with a commercial strip center that contains a retail sales (Always & Forever Florist, All in One Resale Shop), personal services (\$10 Haircuts), and office uses (Stillwell Insurance, Flora Fetish Weddings, Enable IT Solutions).

### Comprehensive Planning

#### I-RR to GR

This zoning case is located on the northeast side of Pond Springs Road and Hunters Chase Drive on a .58 acre parcel that contains a retail use. The property is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes retail to the north, a school to the south,

a large apartment complex to the east, and a credit union to the west. The request is to obtain commercial zoning for the existing retail use.

**Connectivity:** A CapMetro stop is located across the street. Public sidewalks are located partially along Pond Springs Road and Hunters Chase Drive. The Walkscore for this site is 50/100, meaning some errands may be accomplished on foot.

### **Imagine Austin**

Based on comparative scale of the site relative to other commercial uses located along this portion of Pond Spring Road, and not being located within the boundaries of an Imagine Austin Growth Center or along an Activity Corridor, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

### **Environmental**

The site is located over the North Edwards Aquifer Recharge Zone. The site is in the Lake Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

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.

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 requires water quality control with increased capture volume and control of the 2 year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

### **Impervious Cover**

The maximum impervious cover allowed by the GR zoning district would be 90%. However, because the Watershed impervious cover is more restrictive than the CS zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

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 Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential	55%	60%

(lot size < 5750 sq. ft.)		
Multifamily Residential	60%	65%
Commercial	65%	70%

Note: The most restrictive impervious cover limit applies.

### **Site Plan**

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

### **Stormwater 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 Stormwater Management Program, if available.

### **Transportation**

A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113. LDC, Sec. 25-6-113.

Janae Ryan, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for Pond Springs Road.

The existing frontage allows for one (1) vehicular driveway in accordance with the LDC and TCM requirements. Staff recommends

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Pond Springs Road	100 ft.	46 ft.	Arterial	Yes	Yes, Shared bike lane	Yes

### **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 Austin Water for compliance with City criteria and suitability for operation and maintenance. 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.





## 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:  
[www.austintexas.gov/planning](http://www.austintexas.gov/planning).

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: C14-2017-0003

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Apr 4, 2017, Zoning and Platting Commission

May 4, 2017, City Council

Brian Beaman

Your Name (please print)

12342 Hubbers Chase Dr.

Your address(es) affected by this application

[Signature]

Signature

3/21/17

Date

Daytime Telephone: 512-785-7399

Comments: I am worried about noise.

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

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810