

ZONING CHANGE REVIEW SHEET**CASE:** C14-2017-0052 (4920 Spicewood Springs Road)**Z.A.P. DATE:** September 5, 2017**ADDRESS:** 4920 Spicewood Springs Road**DISTRICT AREA:** 10**OWNER/APPLICANT:** Richard. Haberman Trust (Danny Haberman, Trustee)**AGENT:** Civile, LLC (Lawrence M. Hanrahan, P.E.)**ZONING FROM:** LO-CO**TO:** LO-CO***AREA:** 4.283 acres

*The applicant is requesting a rezoning to amend the conditional overlay in Part 2(C) of the Ordinance No. 20150402-033 to change to the allowable total gross square footage of all building or structures from 12,000 square feet to 18,500 square feet (please see Request Letter – Attachment A).

SUMMARY STAFF RECOMMENDATION:

The staff recommends LO-CO, Limited Office-Conditional Overlay District, zoning. The conditional overlay will maintain the other conditions from Ordinance No. 20150402-033 (Current Ordinance – Please see Attachment B) to 1) Make Administrative Offices, Business Office and Professional Offices conditional uses on the site, 2) Limit the development intensity to less than 500 vehicle trips per day, 3) The front façade of a building or structure on the property facing Spicewood Springs Road shall be limited to 28.5 feet above natural grade. The rear façade of a building or structure on the property shall be limited to 38.5 feet above natural grade. Notwithstanding the above height limitation, the height, as defined by City Code, of a building or structure on the property is limited to 35 feet in height or 2 stories., 4) Total gross square footage of all buildings or structures, not including a vehicular parking facility, on the property is limited to 12,000 square feet., 5) Development on the property shall not exceed 32% impervious cover, and 6) Communications Services, Club or Lodge, College or University Facilities, Community Events, Congregate Living, Convalescent Services, Medical Offices-exceeding 5000 sq. ft. of gross floor area, Medical Offices-not exceeding 5000 sq. ft. of gross floor area, Off-site Accessory Parking, Day Care Services (Limited), Day Care (General), Day Care Services (Commercial), Services(General), Day Care Services (Commercial), Hospital Services (Limited), Private Primary Educational Facilities, Private Secondary Educational Facilities, Public Primary Educational Facilities, Public Secondary Educational Facilities, Residential Treatment and Urban Farm are prohibited uses on the site.

ZONING AND PLATTING COMMISSION RECOMMENDATION:**ISSUES:**

On July 10, 2017, the staff received a petition from adjacent property owners who are opposed to any zoning classification other than the current LO-CO zoning on the site (Please see Attachment C - Petition). The GIS staff evaluated the petition and found that it is currently valid at 36.44%.

The excerpt below is from the City of Austin's Land Development Code and explains when the City Council is subject to the three-fourths vote.

Sec. 25-2-284 REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL.

- (A) *The affirmative vote of three-fourths of the members of Council is required to approve a proposed rezoning if:*
- (1) the Land Use Commission recommends denial of an application to rezone property to a planned unit development; or*
 - (2) the proposed rezoning is protested in writing by the owners of not less than 20 percent of the area of land:*
 - (a) included in the proposed change; or*
 - (b) immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.*

INFORMATION:

During the administrative review of subdivision case C8-2014-0066.0A and site plan case SP-2014-0141C, members of the neighborhood association requested additional information involving environmental features/CEFs and tree removal/protection for this property. The City's hydrologist has stated that a total of 16 CEFs (6 springs/seeps, 4 canyon rimrocks and 6 wetlands) have been identified within and adjacent to the proposed subdivision for this property (please see Attachment D). This site plan case expired on November 21, 2014. However, a new site plan case was filed on July 14, 2015 as case SPC-2015-0317C and a Site Plan Permit was issued on November 9, 2016 (please see Attachment E).

DEPARTMENT COMMENTS:

The property in question is an undeveloped tract of land located adjacent to three office developments. The applicant is requesting LO-CO, Limited Office District-Conditional Overlay Combining District, zoning because they would like to develop an office use on the site. The applicant is requesting a rezoning from LO-CO to LO-CO to amend the conditional overlay in the current zoning ordinance for this tract of land. In this case, the applicant is asking to modify Part 2(C) of the Ordinance No. 20150402-033 to change to the allowable total gross square footage of all building or structures from 12,000 square feet to 18,500 square feet. The other conditions in this ordinance will be carried forward with this zoning case.

The staff recommends LO-CO zoning because the site under consideration meets the intent and purpose statement of the Limited Office zoning district. LO-CO zoning will promote consistency and orderly planning because there is existing office zoning (LO, LO-CO) located to the south and west of the site under consideration. The property fronts onto and is accessible from Spicewood Springs Road, a major arterial roadway. The proposed zoning will permit the applicant to develop office uses adjacent to other office developments located to the north, south, east that will provide services to the nearby residential areas. The staff's recommendation is consistent with previous staff recommendations in this area on other LO, Limited Office District, zoning requests.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-CO	Undeveloped
<i>North</i>	MF-3	Office (4926 Spicewood), Undeveloped
<i>South</i>	LO-CO, LO, SF-3	Offices (Terra Dynamics, Abor Canyon View Events Center), Single-Family Residence
<i>East</i>	SF-2	Undeveloped
<i>West</i>	I-SF-3, SF-6-CO, LO, LO-CO	Telecommunication Tower, Office Complexes (4901 Spicewood, Spicewood Canyon)

AREA STUDY: N/A**TIA:** Waived**WATERSHED:** Bull Creek**DESIRED DEVELOPMENT ZONE:** No**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District
 Austin Heritage Tree Foundation
 Austin Neighborhoods Council
 Balcones Civic Association
 Bike Austin
 Bull Creek Foundation
 Bull Creek Homeowners Association
 Friends of Austin Neighborhoods
 Long Canyon Phase II & LLL Homeowners Association, Inc.
 Neely's Canyon HOA
 Northwest Austin Civic Association
 NW Austin Neighbors
 SELTEXAS
 Sierra Club, Austin Regional Group
 Spricewood Greens Homeowner
 Stillhouse Canyon Association
 TNR BCP- Travis County Natural Resources
 2222 Coalition of Neighborhood Associations, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0178 (Overlook at Spicewood Springs: 4920 Spicewood Springs Road)	SF-2 to LO	12/16/14: Approved staff's recommendation of LO-CO zoning, with the following added conditions: Make Administrative and Business Offices, Medical Offices-exceeding 5000 sq. ft. gross floor area, Medical Offices-not exceeding 5000 sq. ft. of gross floor area and Professional Office conditional uses on the site, 2) limit the height to 35 feet or 2 stories and 3) and limit the development intensity to less than 500 vehicle trips per day (6-0, R. McDaniel-absent); G. Rojas-1 st , P. Seeger-2 nd .	2/12/15: Approved LO-CO zoning on 1 st reading with the following conditions: 1) Make Administrative Offices, Business Office and Professional Offices conditional uses on the site, 2) Limit the development intensity to less than 500 vehicle trips per day, 3) The front façade of a building or structure on the property facing Spicewood Springs Road shall be limited to 28.5 feet above natural grade. The rear façade of a building or structure on the property shall be limited to 38.5 feet above natural grade. Notwithstanding the above height limitation, the height, as defined by City Code, of a building or structure on the property is limited to 35 feet in height., 4) Total gross square footage of all buildings or structures, not including a vehicular parking facility, on the property is limited to 12,000 square feet., 5) Development on the property shall not exceed 32% impervious cover, and 6) Communications Services, Club or Lodge, College or University Facilities, Community Events, Congregate Living, Convalescent Services, Medical Offices-exceeding 5000 sq. ft. of gross floor area, Medical Offices- not exceeding 5000 sq. ft. of gross floor area, Off-site Accessory Parking, Day Care Services (Limited), Day Care (General), Day Care Services (Commercial), Services(General), Day Care Services (Commercial), Hospital Services (Limited), Private Primary Educational Facilities, Private Secondary Educational Facilities, Public Primary Educational Facilities, Public Secondary Educational Facilities,

			Residential Treatment, Telecommunications Tower and Urban Farm are prohibited uses on the site(Vote: 11-0). 4/02/15: Approved LO-CO zoning on 2 nd /3 rd readings (7-2, A. Kitchen, L. Pool- No, S. Adler-reused himself); S. Gallo-1 st , D. Zimmerman-2 nd .
C14-2014-0047 (Overlook at Spicewood Springs: 4920 Spicewood Springs Road)	SF-2 to GO	5/20/14: Approved the staff's recommendation for GO-CO zoning, with the condition that other than the 15-foot front yard setback, the site shall be limited to all other LO district site development standards, and include ROW dedication requirement (5-1, J. Meeker-No, R. McDaniel-absent); G. Rojas-1 st , C. Banks-2 nd .	8/28/14: Motion to keep the public hearing open and to adopt GO-CO zoning, with conditions and the exclusion of the 15 foot front yard setback, on first reading only failed (2-4, S. Cole, M. Martinez, L. Morrison and C. Riley-No); B. Spelman-1 st , L. Leffingwell-2 nd . Council Member K. Tovo was off the dais.
C14-2013-0103 (4845 Spicewood Springs Rezone: 4845 Spicewood Springs Rd)	I-SF-3, LO to LO	10/01/13: Approved staff's recommendation of LO zoning on consent (7-0); P. Seeger-1 st , S. Compton-2 nd .	10/24/13: Approved LO zoning on consent on all 3 readings (7-0); M. Morrison-1 st , B. Spelman-2 nd .
C14-2012-0153 (Spicewood Springs Office Rezoning: 4714 Spicewood Springs Road)	SF-3 to GO	1/15/13: Approved staff's recommendation of GO-CO zoning, with additional conditions to limit impervious cover on the site to a maximum of 70% and to limit building coverage on the site to a maximum of 50% (5-1, B. Baker-No, P. Seeger-absent); G. Rojas-1 st , C. Banks-2 nd .	2/14/13: Approved GO-CO zoning on consent on all 3 readings (7-0); S. Cole-1 st , B. Spelman-2 nd .
C14-2008-0128 (5005 Spicewood Springs Road)	SF-2 to LO-MU	9/16/08: Denied staff rec. of LO-MU (7-0)	9/25/08: Approved SF-6 zoning (7-0); 1 st reading only 10/16/08: Approved SF-6 zoning (7-0); 2 nd reading 2/12/09: Approved SF-6-CO zoning (6-0); 3 rd reading
C14-05-0202 (Crown Castle Spicewood Springs: 4919 Block of Spicewood Springs)	I-SF-3 to SF-6-CO	1/17/06: Approved SF-6-CO, with only permitted non-residential uses a telecommunication tower and permitted SF uses (7-0)	3/23/06: Approved SF-6-CO (7-0); all 3 readings

C14-05-0078 (Shelton Medical Office: 4615 Spicewood Springs Road)	SF-3 to LO	8/02/05: Approved LO-CO, with 50 vtpd limit (8-0)	9/01/05: Approved LO-CO zoning (7-0); all 3 readings
C14-04-0014 (Peppard: 4601 Spicewood Springs Road)	GO-CO to GO	3/02/04: Approved staff rec. of GO-CO, limiting medical office to 3,485 sq. ft., by consent (8-0)	4/01/04: Approved GO-CO on approximately 4,000 sq. ft. (7-0); 1 st reading only 4/22/04: Approved GO-CO zoning (6-0); 2 nd /3 rd readings
C14-03-0164 (4810 Spicewood B: 4810 Spicewood Springs Road)	SF-3 to LO	1/06/04: Approved staff rec. of LO by consent (9-0)	1/29/04: Approved LO (5-0); all 3 readings
C14-00-2049 (Spicewood Office: Spicewood Springs Road)	SF-3 to LO	4/18/00: Approved staff rec. of LO-CO w/conditions to include list of neighborhood prohibited uses except for Family Home, Group Home and Counseling Services (8-0)	5/18/00: Approved PC rec. of LO-CO zoning on 1 st reading (6-0, Lewis-absent) 6/22/00: Approved LO-CO zoning on 2 nd /3 rd readings (7-0)

RELATED CASES: C14-2014-0178, C14-2014-0047 (Previous Zoning Cases)
SPC-2015-0317C, SP-2014-0141C (Site Plan)
C8-2016-0231.0A (Subdivision)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	ADT
Spicewood Springs Rd.	120'	MAU-2	Major Arterial	22,207

CITY COUNCIL DATE: September 28, 2017

ACTION:

ORDINANCE READINGS: 1st

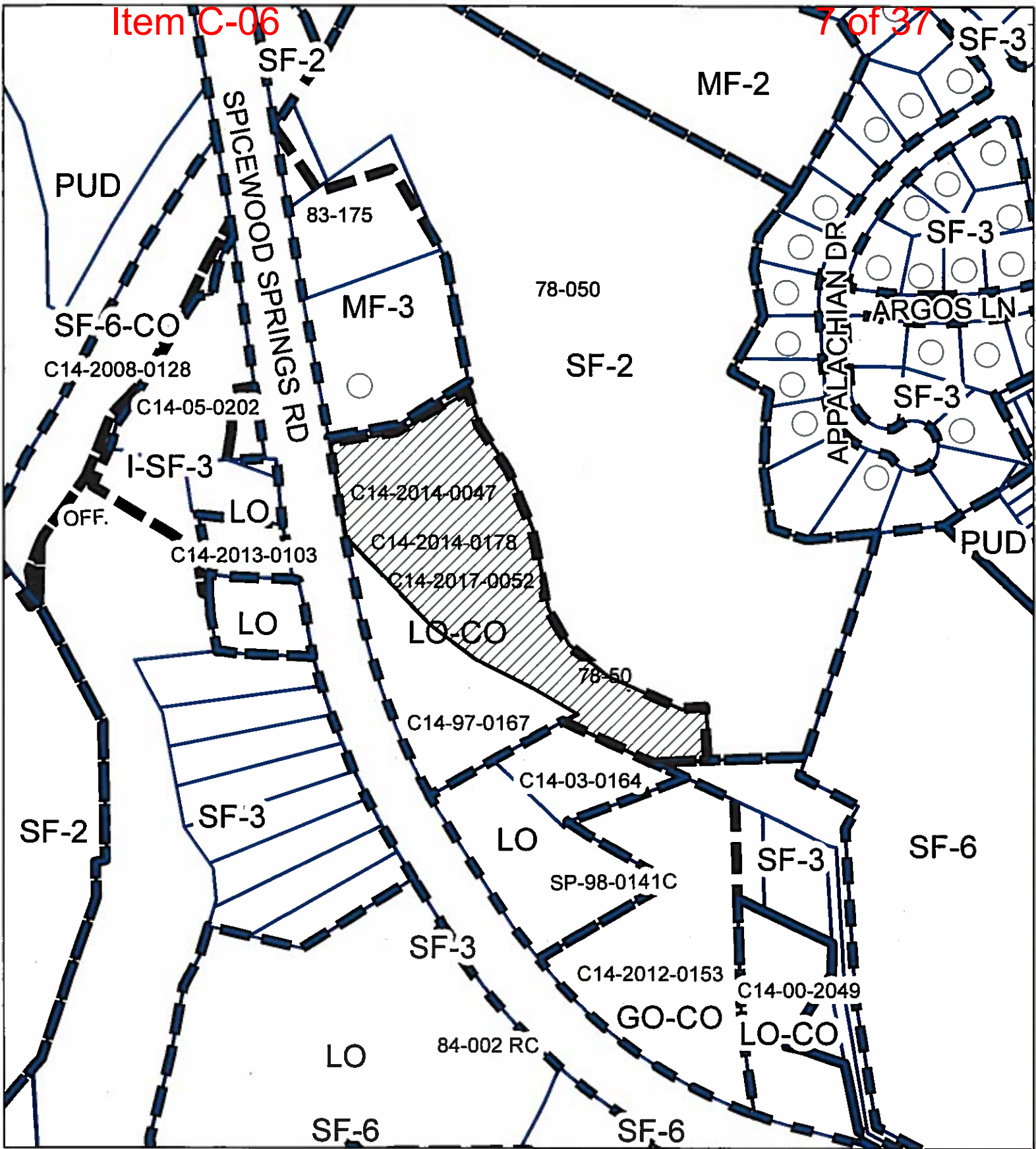
2nd




3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057,
sherri.sirwaitis@austintexas.gov



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

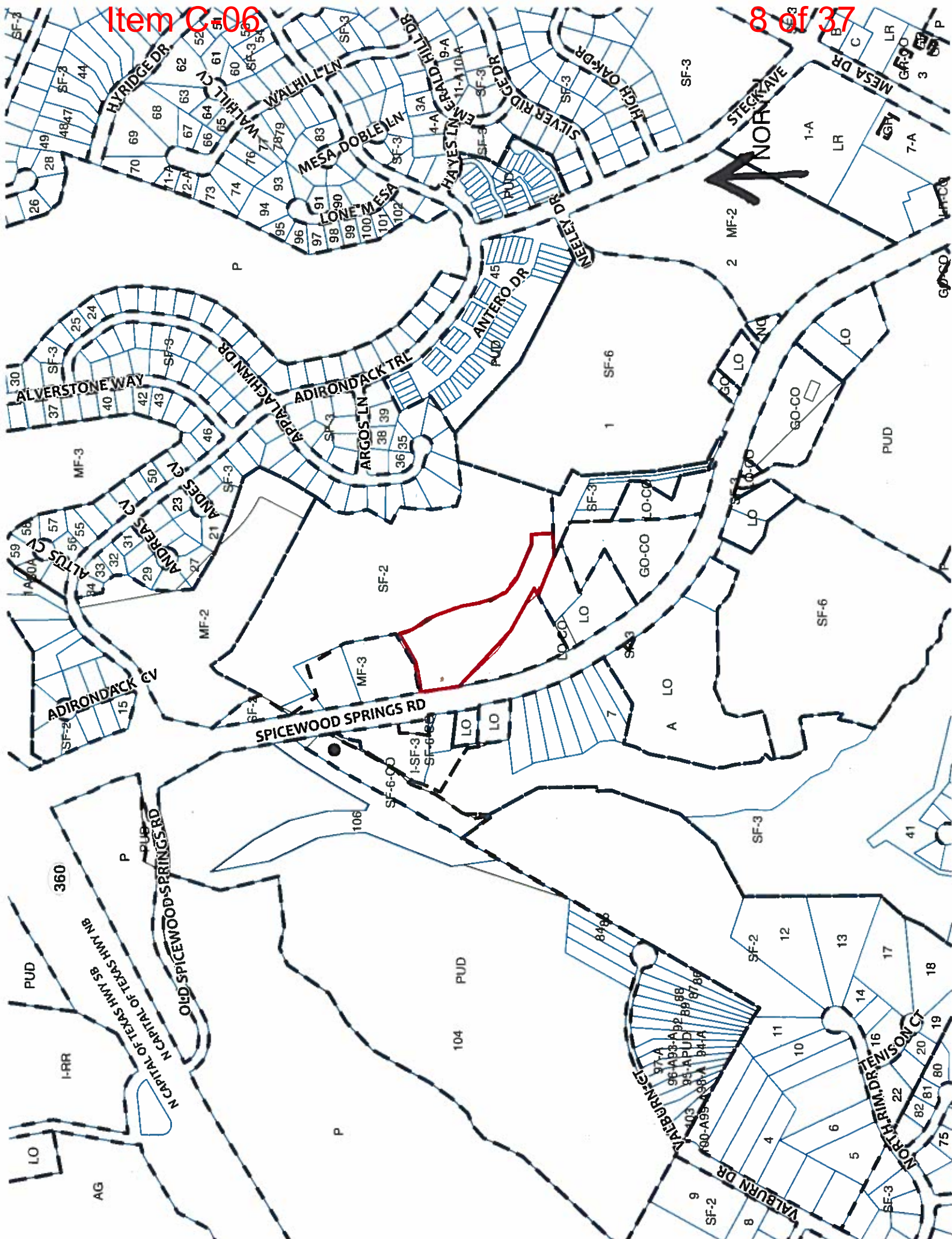
Zoning Case: C14-2017-0052

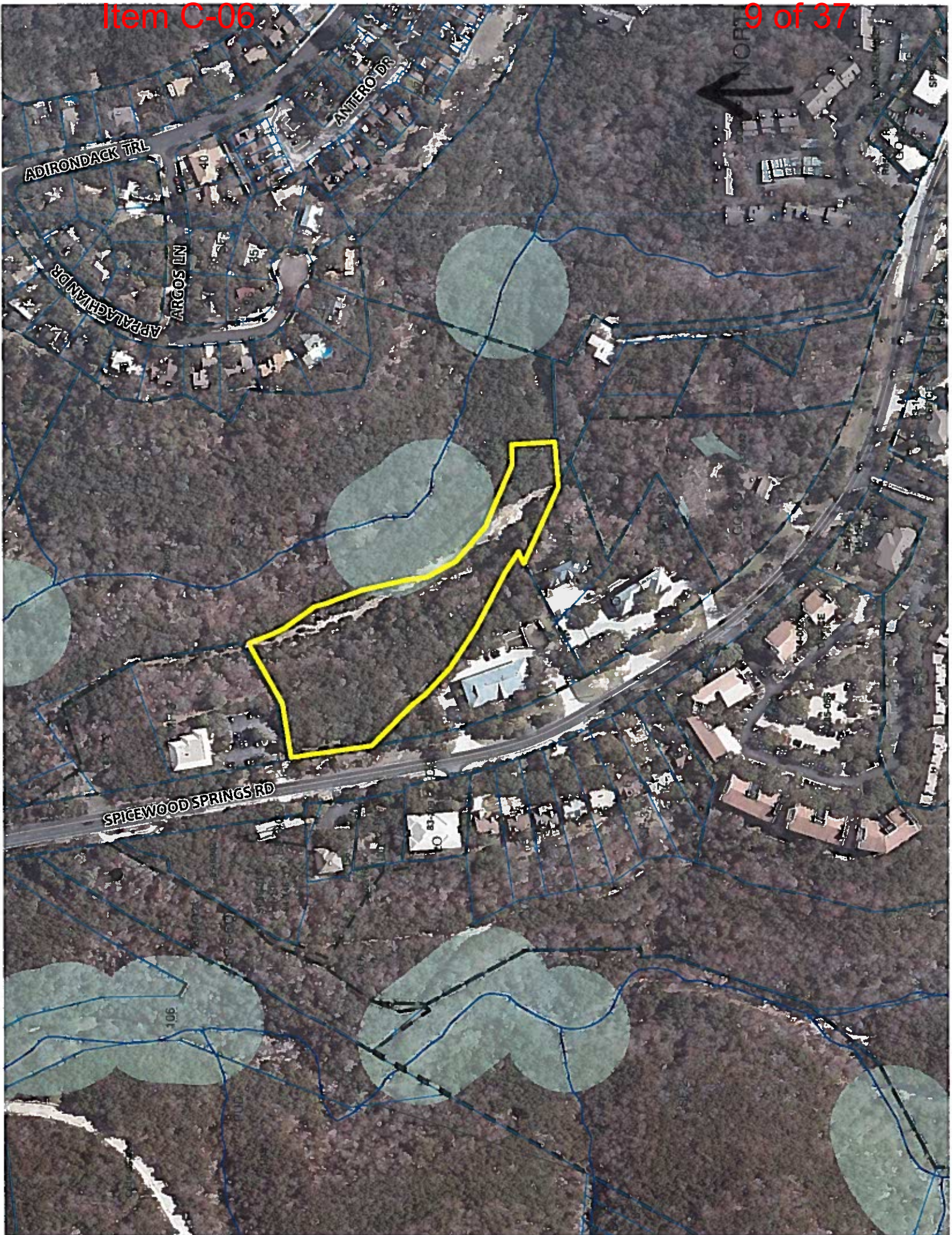
1" = 250'

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.







STAFF RECOMMENDATION

The staff recommends LO-CO, Limited Office-Conditional Overlay District, zoning. The conditional overlay will maintain the other conditions from Ordinance No. 20150402-033 (Current Ordinance – Please see Attachment A) to 1) Make Administrative Offices, Business Office and Professional Offices conditional uses on the site, 2) Limit the development intensity to less than 500 vehicle trips per day, 3) The front façade of a building or structure on the property facing Spicewood Springs Road shall be limited to 28.5 feet above natural grade. The rear façade of a building or structure on the property shall be limited to 38.5 feet above natural grade. Notwithstanding the above height limitation, the height, as defined by City Code, of a building or structure on the property is limited to 35 feet in height or 2 stories., 4) Total gross square footage of all buildings or structures, not including a vehicular parking facility, on the property is limited to 12,000 square feet., 5) Development on the property shall not exceed 32% impervious cover, and 6) Communications Services, Club or Lodge, College or University Facilities, Community Events, Congregate Living, Convalescent Services, Medical Offices-exceeding 5000 sq. ft. of gross floor area, Medical Offices-not exceeding 5000 sq. ft. of gross floor area, Off-site Accessory Parking, Day Care Services (Limited), Day Care (General), Day Care Services (Commercial), Services(General), Day Care Services (Commercial), Hospital Services (Limited), Private Primary Educational Facilities, Private Secondary Educational Facilities, Public Primary Educational Facilities, Public Secondary Educational Facilities, Residential Treatment and Urban Farm are prohibited uses on the site.

BASIS FOR RECOMMENDATION

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

Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

The property under consideration is accessible from Spicewood Springs Road, a major arterial roadway. The proposed zoning will permit the applicant to develop office uses adjacent to other office developments located to the north, south and west that will provide services to the nearby residential areas.

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

The proposed zoning will promote consistency and orderly planning because there is existing office zoning (LO, LO-CO) located to the south and west of the site under consideration.

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

The zoning district would allow for a fair and reasonable use of the site because it would allow the applicant to have additional permitted uses to redevelop a site that fronts onto a major arterial roadway.

EXISTING CONDITIONS

Site Characteristics

The site under consideration consists of a vacant tract of land that is located adjacent to three existing office developments fronting the eastern side of Spicewood Springs Road.

Comprehensive Planning

LO-CO to LO-CO

This zoning case is situated on a 4.28 acre vacant lot (which is part of a larger 22.7 acre parcel), located on the east side of Spicewood Springs Road, which is a heavily travelled corridor in this part of Austin. This case is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes vacant land, town houses, and single family houses to the north; office uses and a single family house to the south; office buildings to the west; and single family houses and vacant land to the east. The proposal is to amend the conditional overlay to increase the permitted square footage of the proposed office building from 12,000 sq. ft. to 18,500 sq. ft. This property was rezoned to LO in October 2014.

Connectivity: There are no sidewalks located along this portion of Spicewood Springs Road, nor any CapMetro transit stops located within walking of this property. The Walkscore for this property 26/100, meaning most errands require a car.

Imagine Austin

The comparatively small scale of the site relative to other office and multifamily projects along this heavily traveled corridor, as well as the site not being located along an Activity Corridor or by an Activity Center falls below the scope of Imagine Austin; and consequently the plan is neutral on the proposed rezoning.

Environmental

The site is located over the Edwards Aquifer Recharge Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, which is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

According to floodplain maps there is no floodplain within 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 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 LO zoning district would be 70%. However, if the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

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.

Compatibility Standards

The site is subject to compatibility standards. Along the property lines, 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.
- A landscape area at least 25 feet wide is required along 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.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 15 feet in width is required along the property line if the tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.

Additional design regulations will be enforced at the time a site plan is submitted.

FYI – This site is located within the Scenic Roadways Overlay. Additional comments may be generated during the site plan review process.

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

Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

The Austin Metropolitan Area Transportation Plan calls for 114 feet of right-of-way for Spicewood Springs Road. Additional right-of-way maybe required at the time of subdivision and/or site plan.

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 Spicewood Springs Road.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Spicewood Springs Road	116 ft.	30 ft.	Arterial	No	Yes, climbing lane	No

Water and Wastewater

FYI: 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 Austin Water 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 fees once the landowner makes an application for Austin Water utility tap permits.



April 11, 2017

CE 15002

City of Austin Development Services Dept.
505 Barton Springs Road
Austin, Texas 78704

RE: **Overlook at Spicewood Springs**
4920 Spicewood Springs Road
Request for Rezoning

Attached please find a rezoning application for the above property. The applicant proposes to amend the current zoning of 4.283 acres out of a 23.49-acre parcel to LO-CO from LO-CO, modifying a previous condition of Zoning Ordinance No. 20150402-033 (attached). A final plat application is under review (C8-2016-0231.0A), which includes subdividing the 23.49-acre parcel into two lots (matching the zoning boundary).

The 4.283-acre parcel proposed for rezoning is along the frontage of Spicewood Springs Road. Adjacent uses are office, with LO, GO, and MF-3 zoning. Across Spicewood Springs Road are offices and single family homes, zoned LO, I-SF-3, SF-3 and SF-6 zoning categories. The remainder of the 23.49-acre parcel will remain SF-2 zoning.

The applicant wishes to modify Part 2(C) of Ordinance 20150402-033, changing the allowable total gross square footage of all buildings or structures (not including a vehicular parking facility) from 12,000 square feet to 18,500 square feet. All other conditions of the current zoning ordinance will remain.

Thank you for your consideration, and please call with any questions regarding this application.

Sincerely,

Lawrence M. Hanrahan, P.E.
Principal
CIVILE, LLC
TPBE # F-15581

ATTACHMENT: Zoning Ordinance 20150402-033

ORDINANCE NO. 20150402-033

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4920 SPICEWOOD SPRINGS ROAD FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) 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 single family residence standard lot (SF-2) district to limited office-conditional overlay (LO-CO) combining district on the property described in Zoning Case No. C14-2014-0178, on file at the Planning and Development Review Department, as follows:

4.283 acre tract of land, more or less, out of the James Mitchell Survey No. 17, Abstract No. 521 the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 4920 Spicewood Springs Road in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 500 trips per day.
- B. The front façade of a building or structure on the Property facing Spicewood Springs Road shall be limited to 28.5 feet above natural grade. The rear façade of a building or structure on the Property shall be limited to 38.5 feet above natural grade. Notwithstanding the above height limitation, the height, as defined by City Code, of a building or structure on the Property may not exceed 35 feet or 2 stories.
- C. Total gross square footage of all buildings or structures, not including a vehicular parking facility, on the Property is limited to 12,000 square feet.

D. Development of the Property shall not exceed an impervious coverage of 32 percent.

E. The following uses are not permitted uses of the Property:

Communication services	Club or lodge
College or university facilities	Community events
Congregate living	Convalescent services
Medical offices-exceed 5000 sq. ft. gross floor area	Medical offices-not exceeding 5000 sq. ft gross floor area
Off-site accessory parking	Day care services (limited)
Day care services (general)	Day care services (commercial)
Hospital services (limited)	Private primary educational facilities
Private secondary educational facilities	Public primary educational facilities
Public secondary educational facilities	Residential treatment
Urban farm	Communication service facilities

F. The following uses are conditional uses of the Property:

Administrative and business offices
Professional office

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the limited office (LO) base district, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on April 13, 2015.

PASSED AND APPROVED

____ April 2 _____, 2015

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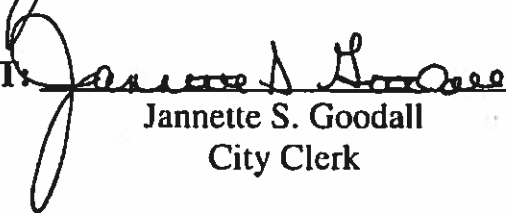
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
Interim City Attorney

ATTEST:



Jannette S. Goodall
City Clerk



Landesign Services, Inc.

1220 McNeil Road
Suite 200
Round Rock, Texas 78681
Firm Registration No. 10001800
512-238-7901 office
512-238-7902 fax

EXHIBIT " "

METES AND BOUNDS DESCRIPTION

BEING 4.283 ACRES OF LAND, SURVEYED BY LANDESIGN SERVICES, INC., OUT OF JAMES MITCHELL SURVEY NO. 17, ABSTRACT NO. 521 IN TRAVIS COUNTY, TEXAS, AND BEING PART OF THE REMAINDER OF A CALLED 25.20 ACRE TRACT CONVEYED TO JOSEPH BINFORD AND RICHARD HABERMAN RECORDED IN VOLUME 3795, PAGE 2171 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an 1/2" iron rod found in the west line of said 25.20 acre tract, the existing east right-of-way line of Spicewood Springs Road and the south line of Lot 1, Block A, Cary Addition, a subdivision of record in Volume 85, Page 104D of the Plat Records of Travis County Texas (P.R.T.C.T.), from which a 1/2" iron rod found for the southwest corner of said Lot 1 bears South 81°17'15" West a distance of 7.12 feet;

THENCE with the west line of the said 25.20 acre tract and the south line of said Lot 1, the following two (2) courses;

1. North 81°04'57" East a distance of 134.38 feet to an 1/2" iron rod found;
2. North 59°57'46" East a distance of 162.29 feet (record: North 61°23'53" East, 162.52 feet) to an 1/2" iron rod found for the southeast corner of said Lot 1;

THENCE crossing through the said 25.20 acre tract the following nine (9) courses;

1. South 17°37'59" East a distance of 70.24 feet to a 1/2" iron rebar with plastic cap marked "Landesign" set;
2. South 33°31'54" East a distance of 107.19 feet to a 1/2 iron rebar with plastic cap marked "Landesign" set;
3. South 21°30'22" East a distance of 129.37 feet to a 1/2" iron rebar with plastic cap marked "Landesign" set;
4. South 10°37'44" East a distance of 154.16 feet to a 1/2 iron rebar with plastic cap marked "Landesign" set;

5. South 30°13'51" East a distance of 82.63 feet to a 1/2" iron rebar with plastic cap marked "Landesign" set;
6. South 51°13'33" East a distance of 98.75 feet to a 1/2" iron rebar with plastic cap marked "Landesign" set;
7. South 66°05'35" East a distance of 158.48 feet to a 1/2" iron rebar with plastic cap marked "Landesign" set;
8. North 86°42'44" East a distance of 49.10 feet to a 1/2" iron rebar with plastic cap marked "Landesign" set;
9. South 02°15'24" East a distance of 104.92 feet to a 1/2" iron rebar with plastic cap marked "Landesign" set in the south line of said 25.20 acre tract and the north line of Lot A, Songbird Hollow a subdivision of record in Volume 89, Page 115B of the P.R.T.C.T., from which a 1/2" iron pipe found for the southeast corner of the said 25.20 acre tract and the northeast corner of Lot A bears North 88°09'58" East a distance of 192.56 feet;

THENCE South 88°09'58" West with the south line of said 25.20 acre tract and the north line of said Lot A, a distance of 111.78 feet to a 1/2" iron pipe found in the south line of the said 25.20 acre tract, the northwest corner of said Lot A, and in the north line of a called 0.893 acre tract described in deed recorded in Document No. 2003172569 of the O.P.R.T.C.T.;

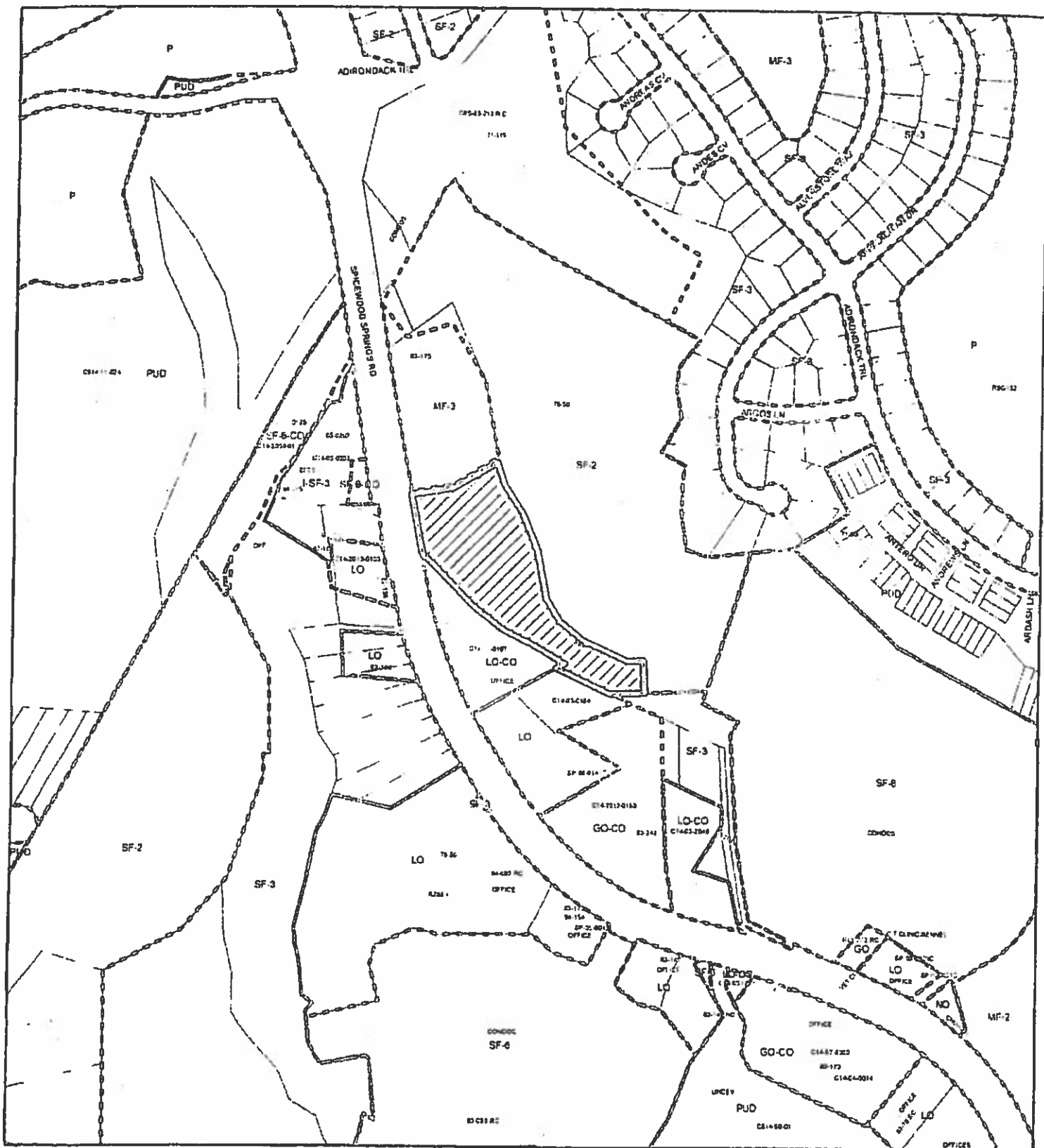
THENCE North 65°03'12" West (record: North 63°28'50" West, 190.45 feet) with the south line of said 25.20 acre tract and the north line of said 0.893 acre tract a distance of 190.39 feet to a 1/2" iron rod found with cap marked "RPLS 4094" at the northwest corner of said 0.893 acre tract and in the south line of a 1.931 acre tract described in deed recorded in Document No. 2013016049 of the O.P.R.T.C.T.;

THENCE North 61°17'32" East (record: North 62°33'23" West) crossing though said 25.20 acre tract and with the south line of said 1.931 acre tract a distance of 30.78 feet to a calculated point for the southwest corner of said 1.931 acre tract;

THENCE North 59°34'38" West (record: North 58°30'02" West, 121.43 feet) crossing through said 25.20 acre tract and with the east line of said 1.931 acre tract a distance of 121.06 feet to the remnants of a nail found with flagging in a 10" Cedar tree in the south line of said 25.20 acre tract and the north line of said 1.931 acre tract;;

THENCE with the south line of said 25.20 acre tract and the north line of said 1.931 acre tract the following three (3) courses:




1. North 63°20'46" West a distance of 103.86 feet (record: North 62°16'10" West, 104.24 feet) to a 1/2" iron rod found;
2. North 51°59'48" West a distance of 117.06 feet (record: North 50°48'09" East, 117.00 feet) to a 1/2" iron rod found;
3. North 44°38'29" West a distance of 237.38 feet (record: North 42°40'26" West, 236.26 feet) to a 1/2" iron rod found in the remainder west line of said 25.20 acre tract, in the



ZONING

ZONING CASE#: C14-2014-0178



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

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 ref by the City of Austin regarding specific accuracy or completeness.



Exhibit B

RECEIVED

JUL 10 2017

Planning & Zoning Department

P E T I T I O N

Date: 7/9/17

File Number: C14-2017-0052

Address of

Rezoning Request: 4920 Spicewood Springs
Road, Austin, TX 78759

To: Austin City Council/ Zoning & Platting Commission

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby oppose the requested change to the February 12, 2015 City Council's 10-0 decision that allowed the Land Development Code to switch the zoning of the property to LO providing that the site development standards were held in strict accord and that the usage and height was restricted per the recommendations of the Zoning and Platting Commission at that time and per the previously attached Conditional Overlay.

The LO Zoning regarding SPC-2015-0317C was approved on February 12, 2015 and the amendments were:

The front facade of a building or structure on the property facing Spicewood Springs Road shall be limited to 28.5 feet above natural grade. The height of a building or structure on the property shall be limited to 38.5 feet above natural grade. Notwithstanding the above height limitation, the height, as defined by City Code, of a building or structure on the property is limited to 35 feet.

- Total gross square footage of all buildings or structures, not including a vehicular parking facility, on the property is limited to 12,000 square feet.
- Development of the property shall not exceed an impervious coverage of 32 percent.
- Limit the development intensity to less than 500 vehicle trips per day
- The following uses are prohibited uses of the Property:

Communications Services

Club or Lodge

College or University facilities

Communication Service facilities

Community Events

Congregated Living

Convalescent Services

Medical Offices exceeding 5,000 square

Medical Offices not exceeding 5,000 square feet

Off Site Parking accessory parking

Day Care Services (Limited)

Day Care Services (General)

Day Care Services (Commercial)

Hospital Services (Limited)

Private Primary Educational Facilities

Private Secondary Educational Facilities

Public Primary Educational Facilities

Public Secondary Educational Facilities

Residential Treatment

Telecommunications Services or Tower

Urban Farm

REASONS FOR PROTEST

It appears that the current proposed site plan for the *buildable* land would violate the previous agreement determined by the City Council on February 12, 2015 after extensive deliberation between the bulk of adjacent neighbors and the developer. The current case by the developer presents the same arguments presented before the City Council in 2015 and would allow a building footprint and overall size that would require variances resulting in an environmental impact, affecting adjacent property values, exceeding adjacent building's appearance, size, and ambiance, and markedly add traffic volume to an already exceedingly high density traffic flow.

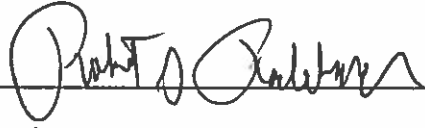

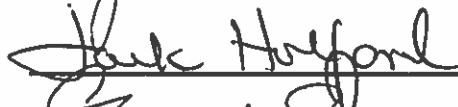

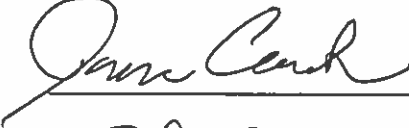
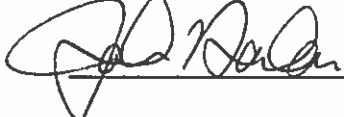
We are therefore requesting that strict adherence to the previously agreed upon 2015 zoning change with the inclusion of the noted amendments in the Conditional Overlay be maintained. As stated in the previous arguments by the adjacent and surrounding property owners, the height must be limited and that no variances to LO zoning that would impact the canyon rim rock and the environment be allowed. Total impervious cover limit also was and is requested to lesson the environmental impact. As per the recommendations of the previous Zoning and Platting Commission, we are also requesting restrictions in usage and vehicular travel volume due to its impact on neighborhood traffic and noise levels.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

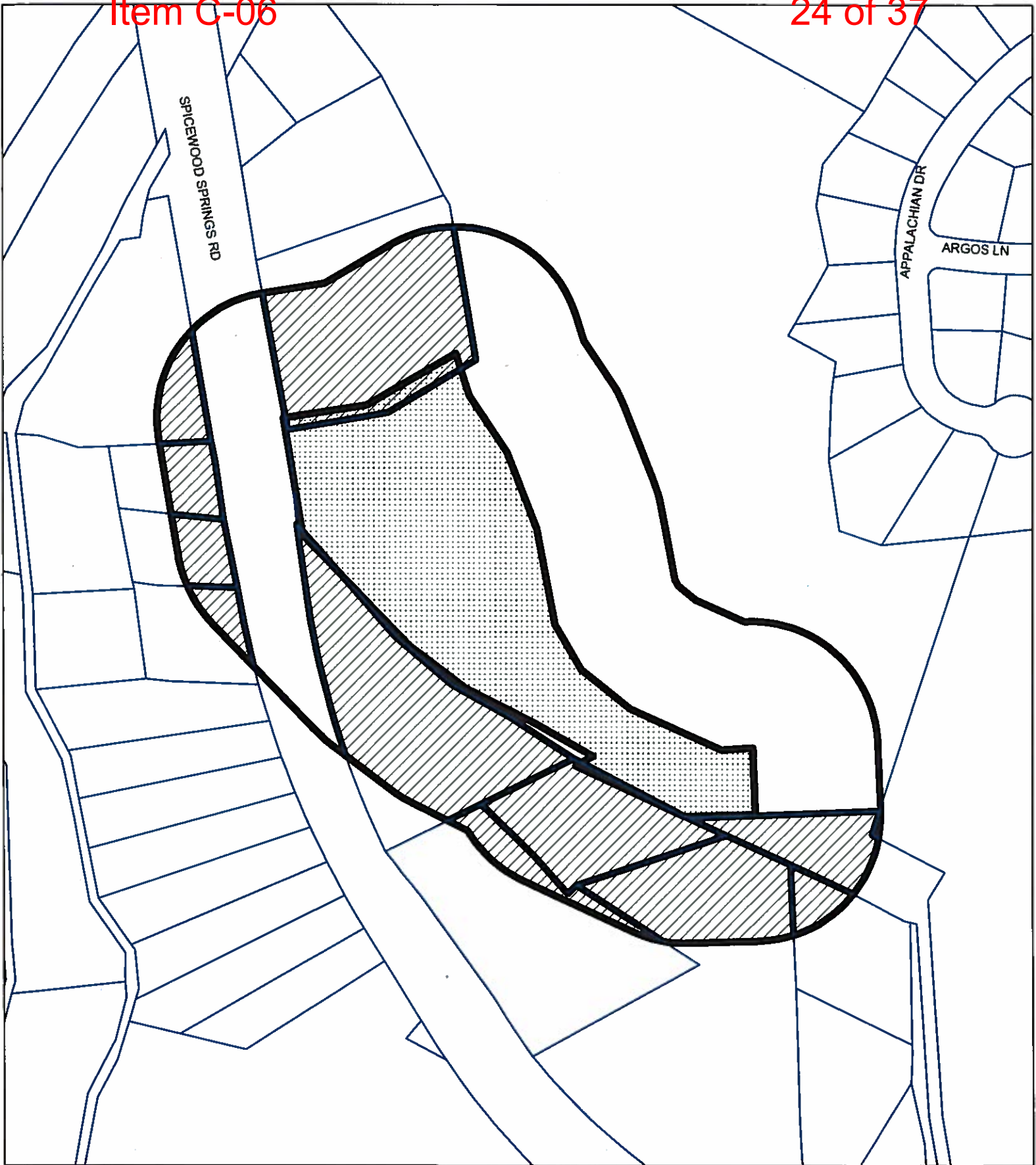
Printed Name

Address

	Robert S. Radebaugh	4926 Spicewood Springs Rd 78759
	JAMES E. ROBERSON	4901 SPICEWOOD SPRINGS RD 78750
	JACK HOLFORD	4833 SPICEWOOD SPRINGS RD 78750
	EDWARD SOLTER	4810 SPICEWOOD SPRINGS RD AUSTIN TX 78759
	JAMES COOK	4810 SPICEWOOD SPRINGS RD AUSTIN TX 78759
	JOHN HARLAN	4900 SPICEWOOD SPRINGS RD AUSTIN, TX 78759

Address

Dennis Swaff Dennis R. Swaff 4821 Spicewood Springs Rd, Austin, TX 78759



N



BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

CASE#: C14-2017-0052



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1" = 200'

PETITION

Case Number:

C14-2017-0052

Date: 8/23/2017

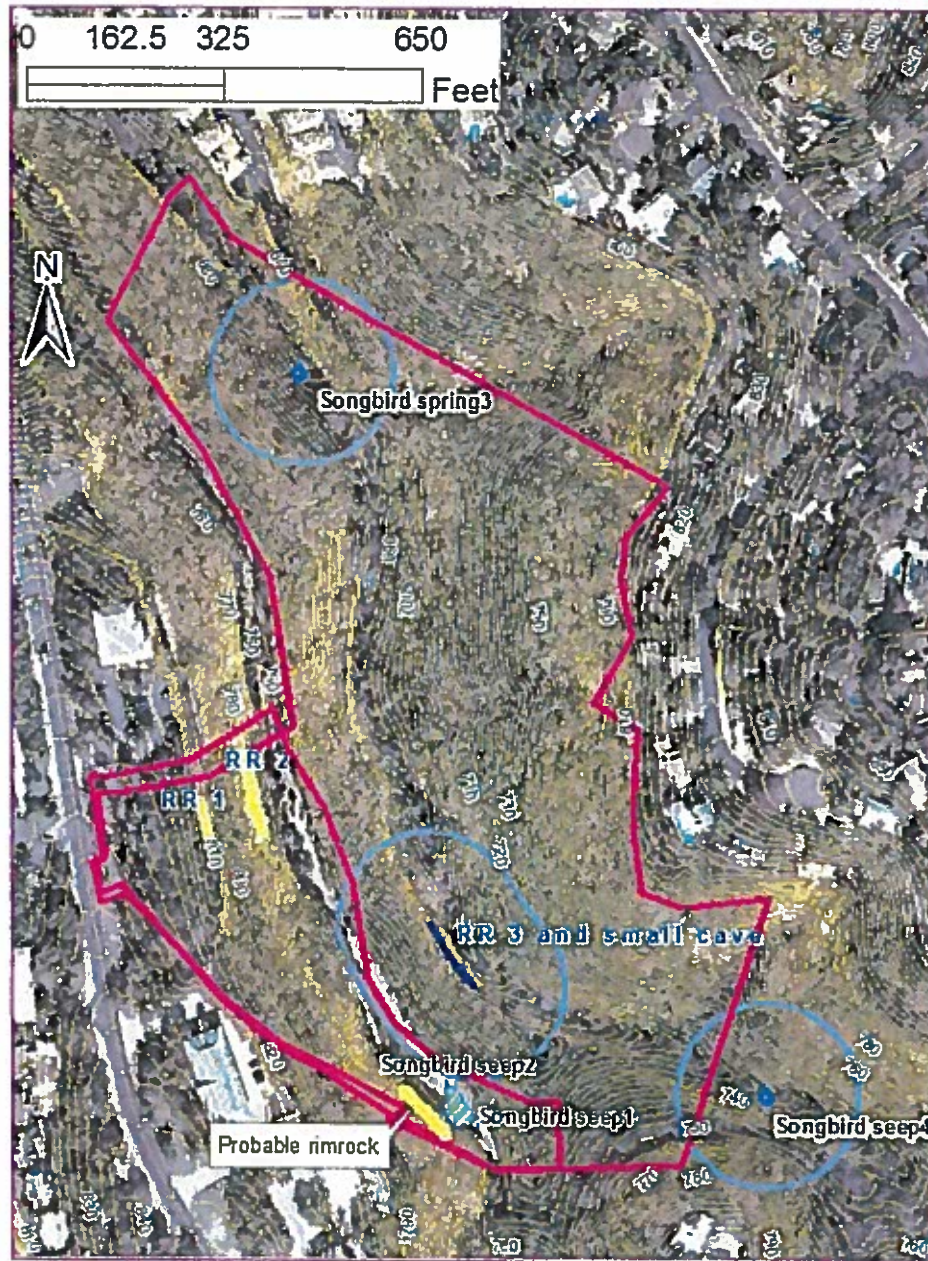
Total Square Footage of Buffer: 588477.1128

Percentage of Square Footage Owned by Petitioners Within Buffer: 36.44%


Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0147050205	4926 SPICEWOOD SPRINGS RD 78759	4926 SPICEWOOD JOINT VENTURE	yes	71938.86	12.22%
0145050201	4800 SPICEWOOD SPRINGS RD 78759	AUSTIN/CENTRAL TEXAS REALTY INFORMATION SERVICE	no	39100.18	0.00%
0147030374	4614 SPICEWOOD SPRINGS RD 78759	BRUECKL NORMAN EDWARD JOHN	no	6126.12	0.00%
0147050213	4810 1 SPICEWOOD SPRINGS RD 78759	COOK JAMES A 1998 MANAGEMENT TRUST % JAMES A COOK TRUSTEE	yes	11518.19	1.96%
0147050105	4937 SPICEWOOD SPRINGS RD 78759	CROWN CASTLE GT COMPANY LLC	no	10047.03	0.00%
0145030610	4612 SPICEWOOD SPRINGS RD 78759	JOHNSTON LESLIE ANN MILLER	no	20651.96	0.00%
0147030373	8200 219 NEELY DR 78759	MULTIPLE OWNERS	no	303.56	0.00%
0147050107	SPICEWOOD SPRINGS RD 78759	OARS INVESTMENTS LLC	no	9108.52	0.00%
0147050106	4901 SPICEWOOD SPRINGS RD 78759	ROBERSON JAMES E & MONTA JANE MONTA JANE AKIN	yes	9724.90	1.65%
0147050203	4900 SPICEWOOD SPRINGS RD 78759	SKY BLUE AUSTIN LLC	yes	75675.58	12.86%
0147050202	4810 B SPICEWOOD SPRINGS RD 78759	SOLTER EDWARD H III & SCOTT MORLEDGE & BRUCE WENCEL & JAMES COOK	yes	40031.22	6.80%
0147050108	4833 SPICEWOOD SPRINGS RD 78759	SPICEWOOD CANYON PARTNERSHIP	yes	5581.48	0.95%
Total				299807.60	36.44%

Overlook at Spicewood Canyon C8-2014-0066.0A



Legend

-  Wetland
-  Overlook at Spicewood Springs site plan
-  Springs
-  Rock Outcrops
-  Biological Resource Buffers

This map was produced by Susan R. Pope, P.E. It represents the approximate location of environmental features on the site and should not be used for any purpose other than a general depiction of feature locations. All features must be surveyed for accuracy and for application to the site plan of other features. Date: 12/13/2014

Sirwaitis, Sherri

From: Karen E Sironi [REDACTED]
Sent: Wednesday, June 28, 2017 8:43 AM
To: Sirwaitis, Sherri
Subject: The Overlook

Hi Sherri,

I will be out of the Country when the meetings are. I am on record from all the previous meetings over the years. Since I cannot be there I do what I have done up to now will be held as what I would do at these meetings and not ignored.

Karen Sironi



CITY OF AUSTIN
One Texas Center-505 Barton Springs Road
Site Plan Permit

Application Date: 07/14/2015

Site Plan Expiration Date: 11/01/2019

Permit No.: SPC-2015-0317C

Project Name (or description): Overlook at Spicewood Springs

Address or Location Description: 4920 SPICEWOOD SPRINGS RD

Watershed: Bull Creek

Owner of Property: Danny Haberman, Trustee Jos. Binford & R Haberman Trust

Address: 12905 N. BURNET RD AUSTIN TX 78727

Owner's Representative: Michael A. Carter, Jr. CivilE, LLC, (512) 402-6878

Address: 8240 N MOPAC EXPY SUITE 125 AUSTIN TX

Legal Description:

PERMIT IS HEREBY ISSUED FOR:

The construction of a 12,000 gross sq. ft. professional/administrative office building, with parking, drives, drainage, water quality & detention, and utilities for a total of 21,854 sq. ft. impervious cover (approx. 2%), per the approved plans.

The project is located within the Bull Creek watershed and is subject to all watershed protection regulations as set forth in Chapter 25 of the City of Austin Code of Ordinances. This project is located within the City's Full-Purpose jurisdiction.

CONDITIONS OF PERMIT

It is agreed that the proposed development shall be performed and completed in accordance with the plans and specifications approved by the City of Austin Standard Specifications and Code requirements, and State of Texas construction safety statutes. All development approved by this permit is subject to the inspection and control of the City of Austin.

It is the responsibility of the permit holder to identify all utilities in the work area and to notify each utility of the scope of work in the immediate area of the utilities.

ENGINEER'S CERTIFICATION: Inspection and a "Certification of Completion" by a Texas Licensed Engineer is required for the development approved by this permit. No Certificate of Occupancy may be approved until the Engineer's Certification is filed. The engineer is responsible for the adequacy of the plans submitted with this application.

SPECIAL CONDITIONS:

See Commission conditions of approval on plan sheet 4 of the mylars.

A handwritten signature in black ink, appearing to read "Michael A. Carter, Jr.", written over a horizontal line.

Signature of Applicant

For D. Haberman, Trustee
Owner

Date

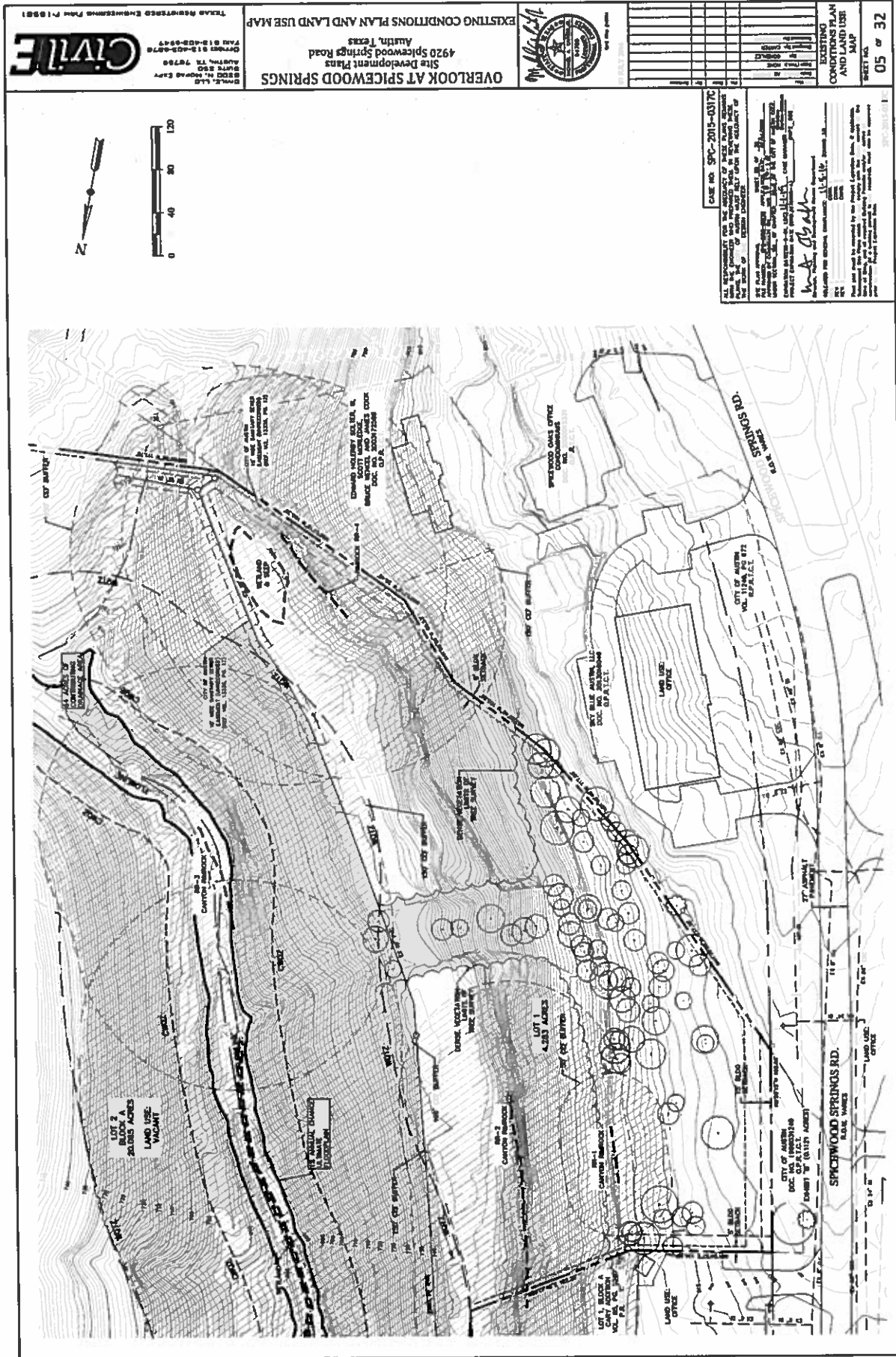
11-10-2016

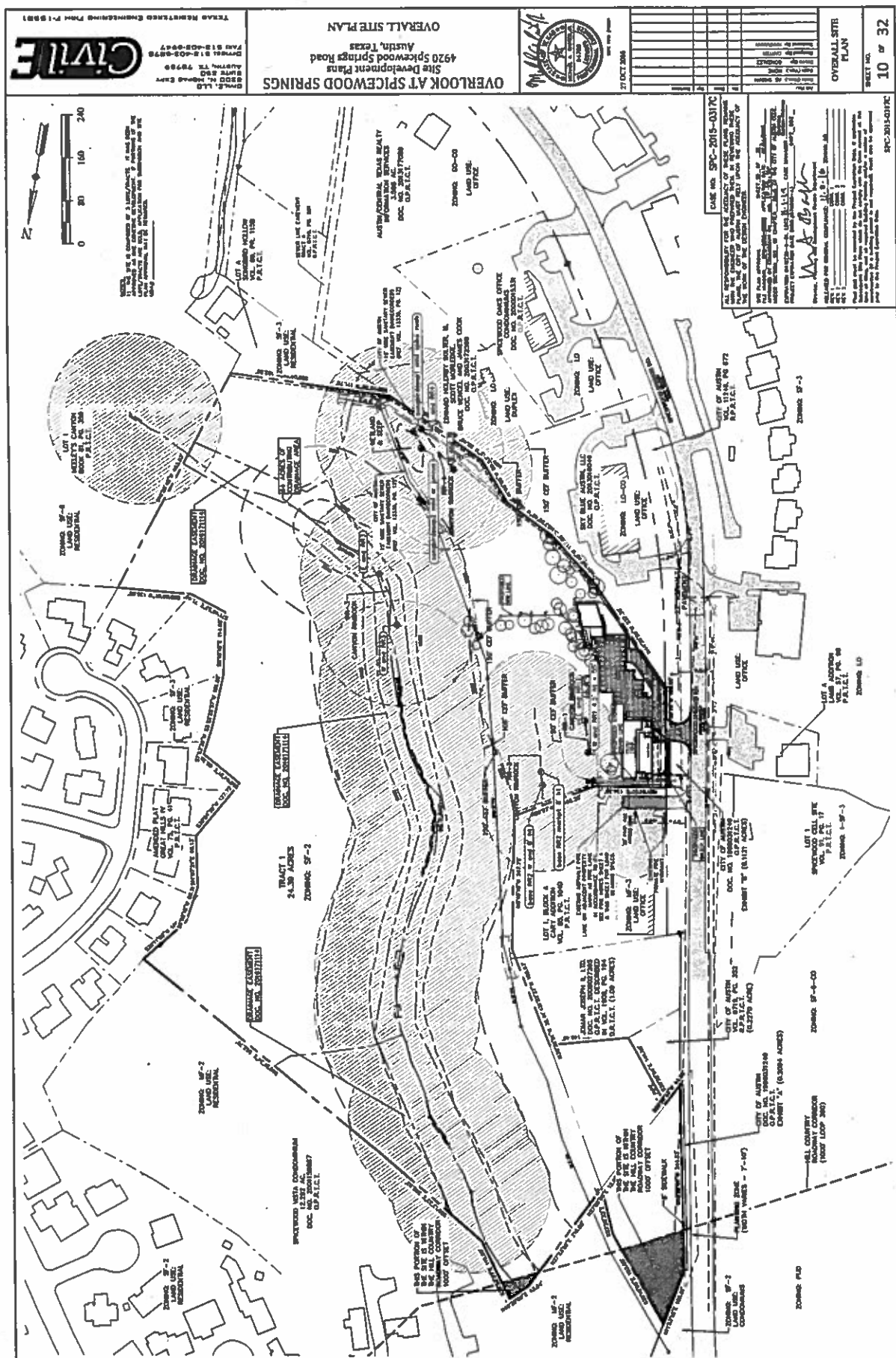
A handwritten signature in black ink, appearing to read "Michael A. Carter, Jr.", written over a horizontal line.

Permit Approved by City of Austin

Date

11-9-2016





[illegible]

Sirwaitis, Sherri

Subject: FW: Overlook; Case# C14-2017-0052

From: Dennis Watts []

Sent: Friday, August 25, 2017 3:23 PM

To: Sirwaitis, Sherri

Cc: Ed Solter; John Harlan; Bob Radebaugh; Jack Holford; James Roberson

Subject: Overlook; Case# C14-2017-0052

Hello Sherri,

Just to note, the intent of the valid petitioners and other neighbors endorsing the petition is to continue to request adherence to ALL of the conditions in the Conditional Overlay. We intend that the petition is solid against any changes requested by Mr. Taylor or any representative of the owner in the current case and the future. Please place this statement in the backup materials for the current case.

Regards,

Signers of the Valid Petition

Dennis Watts, President of Spicewood Green HOA

Sirwaitis, Sherri

Subject: FW: C14-2017-0052

From: Karen E Sironi []
Sent: Saturday, August 26, 2017 5:11 PM
To: Sirwaitis, Sherri
Subject: C14-2017-0052

Ms Sirwaitis,

Please be advised that I am totally against allowing the applicant to build 18,500 Sq Ft.

We spent years to come to that agreement between the developer, their representative, Scott Taylor, and the residents around this structure, and to allow 12,000 sq ft. There is no condition in which we would allow more footage than that.

Regards,

Karen Sironi
Neighborhood Representative and Environmentalist

Sirwaitis, Sherri

Subject: FW: Case Number C14-2017-0052 - 4920 Spicewood Springs Road

From: Rusty Martin []**Sent:** Sunday, August 27, 2017 1:02 PM**To:** Sirwaitis, Sherri**Subject:** Fw: Case Number C14-2017-0052 - 4920 Spicewood Springs Road

Hi, Sherri. Hope you're well. Please see the e-mail below that I sent to Councilwoman Alter today. We strongly oppose this project. There is currently a lot of vacant office space on both sides of Spicewood Springs. Signs offering it are everywhere. There is simply no need for this project in our neighborhood. The idea of expanding the size of a project that has already met strong neighborhood opposition by over 50% seems somewhat ridiculous (and insulting). Thanks ... Rusty.

On Sunday, August 27, 2017 12:54 PM, Rusty Martin < > wrote:

This message is from Rusty Martin. []

Dear Councilwoman Alter: I am the Treasurer of the Neely's Canyon Homeowners Association. We are a community of 126 condos located on the east side of Spicewood Springs Road between Mopac and Hwy. 360. We have been strong supporters of this community since 1982. The Zoning and Platting Commission is scheduled to hear Case #C14-2017-0052 on September 5. It involves an application by an owner to increase the size of a project to be located on the east side of Spicewood Springs Road by over 50% (from 12,000 to 18,500 sf). Traffic in this area is already horrible, and this project will make it much worse. In addition, it is clear from driving down Spicewood Springs and viewing all the "vacant office space signs" that there is no need for more office space in this area. The Neely's Canyon HOA voiced its strong opposition to this project when it was originally presented as a smaller project, and we are now joining forces with all of the other HOAs in this area to once again strongly oppose this project. Please join us in our opposition. Thanks ... Rusty Martin.

Street address: 8200 NEELEY DR, AUSTIN, TX, 78759

Council District: 10

Date: August 29, 2017

File Number C14-2017-0052

RE: Overlook at Spicewood Springs Road Zoning Case.

Dear Zoning & Platting Commissioners:

Per zoning staff, you are scheduled to review a new zoning request for the Overlook on September 5th. This will be the fourth time that your Commission has reviewed a zoning request for this property since May of 2014. Some of you may recall that the original request was to go from SF zoning to GO. In August of 2014, a request for GO zoning with an LO overlay went to City Council. It was rejected. In December of 2014, the applicant came back again with a request for a change from SF to LO, but for the same size building as originally proposed. Council, after much negotiation between the parties, by unanimous vote, approved LO, but with a Conditional Overlay limiting several items. Most importantly to the petitioners and other nearby property owners was the size of the building, which was limited to 12,000 SF. This past October, the applicant submitted a site plan request for a 12,000 square foot building, which was compliant with the Council approval. Now, apparently (per the applicant) the property is being sold, and in order to facilitate the sale, the applicant is now requesting to be allowed to build up to 18,500 sq. ft. - in line with the original request from 2014, which was rejected twice by City Council.

We the undersigned surrounding property owners are writing to you to clarify what we view as important reasons and facts as to why the above referenced project should be denied as proposed.

- First and foremost, two years ago we went through months of discussions with the property owner's representative as to what is appropriate for a site with an approximate 26,300 square foot useable area. This culminated with a recommended LO zoning with a CO limiting the size of the building to 12,000 square feet with other height and environmental restrictions. Council approved this on a 10 to 0 vote with the mayor abstaining, as he had represented the property owner in the past. **NOTHING SINCE THAT TIME HAS MATERIALLY CHANGED.**
- The proposed project, although situated on 4.283 acres, has a useable site area of just over one-half acre with the majority of the site being steeply sloping non-useable land to the back and southeast end of the site. It doesn't matter if the entire 24.238 acres was included as the whole site; there is only one small level building area easily accessible from Spicewood Springs Road. The developer's presentation of density (FAR) information from projects whose sites are predominately useable and comparing that information to the subject's whole site size is misleading. The two office buildings immediately adjacent to the subject property contain 13,000 square feet and 10,000 square feet. For the property to the north, City Council placed restrictions on the maximum building size to 10,500 square feet in 1999 when it ruled on conversion from SF to LO. Both adjacent properties have larger level buildable areas than the subject

property. The 12,000 square foot size restriction included in the CO was to insure that the project on the subject tract would conform to the immediate area. It should be pointed out this was a compromise between the parties facilitated by former Councilperson Gallo who wholeheartedly supported the size limitation. It was the petition signers' contention that given the extremely small buildable area that a building closer to 7,000 square feet would be more appropriate for that site; however, a compromise was reached at 12,000 square feet. Building size was always a key component of the discussions with the owner's representative. We were originally incorrectly told that size could not be specifically included as a CO restriction. Upon learning that this was not the case, and that the other elements of the CO would not guarantee the agreed upon size, we had the size limit added as a specific CO restriction.

- As a condition for the petitioner's agreement to allow changing the zoning from SF to LO, the intent was that compliance with **all of the conditions** in the CO be met going forward.
- It should be noted that "urban roadway/major arterial" is the same designation that Loop 360 from Spicewood Springs to Great Hills Trail has. Clearly those two roadways are very different. Funding for Spicewood Springs Road was included in the recent mobility bond, but according to City staff, it is too early in the process to ascertain what type of improvement those funds will be sufficient for, and while there does seem to be some movement, any timeline for construction is indeterminate. Notwithstanding the foregoing, regardless of new roadway configuration, this street will continue to be immediately surrounded by a mix of numerous residential and low-density offices. There are curb cuts every approximately 50 to 200 feet putting significant traffic onto the main lanes. It will continue to function as a neighborhood roadway and not a limited access arterial. The petitioners believe adding an 18,500 square foot building to the immediate area, in addition to not conforming to surrounding properties, is also a detriment to this entire neighborhood from a traffic standpoint.

Respectfully submitted and endorsed by:

All Valid Petition Signers

Spicewood Springs HOA

Northwest Austin Civic Association

Spicewood Vista HOA

Neely's Canyon HOA