

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2009-0136

**ZAP DATE:** December 1, 2009

**ADDRESS:** 13216 Pond Springs Road

**OWNER/APPLICANT:** The Human Solution (Jon Paulsen)

**AGENT:** JW Hall Design (Diane Ohmann)

**ZONING FROM:** I-RR

**TO:** CS-CO

**AREA:** 0.64 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant CS-CO, General Commercial Services-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

12/01/09: Approved CS-CO zoning, with Limited Warehousing and Distribution as the only permitted 'CS' district use, all other permitted 'GR' district uses, and limit the development intensity on the site to less than 2,000 vehicle trips per day (7-0); P. Seager-1<sup>st</sup>, T. Rabago-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question is currently developed with a vacant office/retail/warehouse structure. There is retail center to the north, across Ponds Springs Road, that contains a restaurant-general use (Jardin Corona Mexican Restaurant), retail sales-convenience uses (Q Fashions, Just Between Us Resale), personal services uses (Alterations/Cleaners, Family Clips Beauty and Barber Shop, Super Nails, Skin & Beyond), a cocktail lounge (Shenanigan's Night Club), an office use (Professional Real Estate Delivery Services), and a food preparation use (Courtney's Catering). To the east of the site, there is an office park (Pond Springs Business Park) with several contractor businesses. To the west, there is an administrative business office (CPA Services) and a monument sales use (Southwest Marble and Granite Works). The property to the south is zoned CS-CO and currently contains an automotive repair use (Johnny's Body Shop). The applicant is requesting a re-zoning of the site under consideration to create an office/showroom for ergonomic furniture sales and shipping.

The staff is recommending CS-CO zoning for the property because the site meets the intent of the CS district. The CS-CO zoning would be consistent with the adjacent CS-CO zoning to the south, east and west. The General Commercial Services district would also be compatible with the current uses in the retail shopping center located to the north, across Pond Spring Road.

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	Vacant Structure
<i>North</i>	GR-CO	Commercial Retail Center (The Pond Springs Plaza: Jardin Corona Mexican Restaurant, Alterations/Cleaners, Q Fashions,

		Family Clips Beauty and Barber Shop, Shenanigan's Night Club, Professional Real Estate Delivery Services, Courtney's Catering, Super Nails, Skin & Beyond, Just Between Us Resale), Center (Bum's Billiard's, Jonnie's Liquor, Hair Fashions, Clothing Care Cleaners, Kwik Wash Laundry, Egg Roll Express, Dominoes Pizza), Service Station (Shell)
<i>South</i>	CS-CO	Automotive Repair (Johnny's Body Shop)
<i>East</i>	CS-CO	Pond Springs Business Park (JC Roofing, Signs Unlimited, Eclipse Auto Tint and Paint, Always Printing)
<i>West</i>	CS-CO	Administrative Business Office (CPA Services), Monument Sales (Southwest Marble and Granite Works)

**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** Lake Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Monorail Project  
Austin Parks Foundation  
Home Builders Association of Greater Austin  
Homeless Neighborhood Association  
League of Bicycling Voters  
Sierra Club, Austin Regional Group  
Super Duper Neighborhood Objectors and Appealers Organization

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0157	I-SF-2 to Tract 1: CS Tract 2: CS-1	<p>9/05/06: 1st Motion: Approved staff's recommendation of GR-CO for Tract 1 and CS-1-CO for Tract 2, with additional condition to prohibit Pawn Shop Services, by consent (8-0, J. Shieh-absent); J. Martinez-1<sup>st</sup>, S. Hale-2<sup>nd</sup>.</p> <p>2<sup>nd</sup> Motion: To rescind and reconsider 1<sup>st</sup> motion (6-0, J. Shieh-absent; T. Rabago, J. Martinez-off dias); J. Gohil-1<sup>st</sup>, K. Jackson-2<sup>nd</sup>.</p> <p>3<sup>rd</sup> Motion: To postpone and place on the September 19, 2006 ZAP Agenda (6-0,</p>	<p>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 the bar (Tract 2) to the deck (Tract 3) and adding a condition for speakers be removed from the deck area (7-0).</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>J. Shieh-absent; T. Rabago, J. Martinez-off dias); J. Gohil-1<sup>st</sup>, K. Jackson-2<sup>nd</sup>.</p> <p>9/19/06: Continued to October 3, 2006 by Zoning and Platting Commission (7-0, J. Martinez, J. Pinnelli-absent); S. Hale-1<sup>st</sup>, J. Shieh-2<sup>nd</sup>.</p> <p>10/03/06: Postponed to November 7, 2006 by the applicant (7-0, K. Jackson, J. Pinnelli-absent); J. Martinez-1<sup>st</sup>, S. Hale-2<sup>nd</sup>.</p> <p>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 Commission added the following conditions to Tract 2: Prohibit Adult Oriented Businesses; To require double door access to the deck from the bar (if allowable by Code and Building Permit regulations); To place permanent signage on the property at the driveway entries to restrict motorcycle parking in the rear/alleyway. 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". To construct an 8-foot masonry/or sound retardant fence around the deck to mitigate sound emanating</p>	
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		from the deck. The Commission also placed the following conditions on Tract 3 (the deck area): Place an 85 decibel limit (in accordance with LDC Sec. 9-2-4) on the deck to reduce noise emanating from the deck. Restrict amplified sound on the deck. Place permanent signage on the deck for noise mitigation. 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> .	
C14-06-0107	I-SF-2 to LI	6/20/06: Approved staff's recommendation for LI-CO zoning by consent (7-0, J. Gohil, S. Hale – absent)	7/27/06: Approved LI-CO district zoning (7-0); all 3 readings
C14-05-0143	I-RR to Tract 1: GR, Tract 2: CS-1	9/20/05: Approved GR-CO for Tract 1 and CS-1-CO for Tract 2, prohibit on-site consumption, limit to 2,000 vehicle trips per day (9-0)	10/27/05: Approved GR-CO zoning for Tract 1, CS-1-CO zoning for Tract 2 by consent (6-0, Alvarez-off dias); all 3 readings
C14-04-0157	I-RR to CS	11/2/04: Approved staff's recommendation of CS-CO zoning by consent (9-0)	12/02/04: Approved CS-CO (7-0); all 3 readings
C14-03-0169	I-SF-2 to CS-CO	12/16/03: Approved staff's recommendation for CS-CO by consent (8-0, C. Hammond-absent)	1/15/04: Approved PC rec. of CS-CO by consent (6-0, McCracken-off dias); all 3 readings
C14-02-0159	I-RR to GR-CO	10/29/02: Approved staff's recommendation of GR-CO zoning with the deletion of Congregate Living as a prohibited use, by consent (7-0, A. Adams-absent)	12/05/02: Granted GR-CO on all 3 readings (7-0), the CO limits site to less than 2,000 vehicle trips per day and prohibits the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Commercial Off-Street Parking, Drop-Off Recycling

			Collection Facility, Exterminating Services, Funeral Services, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Service Station, Theater, Guidance Services, Residential Treatment
C14-02-0158	I-RR to GR-CO	10/29/02: Approved staff's recommendation of GR-CO zoning with the deletion of Congregate Living as a prohibited use, by consent (7-0, A. Adams-absent)	12/05/02: Granted GR-CO on all 3 readings (7-0), the CO limits site to less than 2,000 vehicle trips per day and prohibits the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Service Station, Theater, Guidance Services, Residential Treatment
C14-01-0163	I-RR to CS-CO	12/11/01: Approved staff's recommendation of CS-CO zoning, adding a condition prohibiting vehicle storage (6-0, A. Adams, V. Aldridge-Left Early)	1/17/02: Approved CS-CO on 3 readings (6-0, Wynn out of room)
C14-01-0111	I-RR, SF-2 to GR	11/27/01: Approved staff rec. of GR by consent (8-0)	1/10/02: Postponed to 1/31/02 at the request of the applicant (7-0)

			1/31/02: Approved GR on all 3 readings (6-0, Goodman-off dias)
C14-01-0074	I-RR to LI	6/19/01: Approved staff's alternate recommendation of CS-CO district zoning, with CO limiting the site to 2,000 vtpd, by consent (7-1, Cravey-Nay, Garza-Absent)	7/19/01: Approved CS-CO, all 3 readings
C14-99-2036	I-RR to GR	10/5/99: Approved GR-CO (7-1, RC-Nay) w/ only permitted GR use being a car wash and prohibiting the following uses: Automotive Rental, Automotive Repair Services, Automotive Sales, Business Trade School, Business Support Services, Commercial Off-Street Parking, Communication Services, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Medical Offices, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Restaurant (General), Theater, Hospital Services (General), Off-Site Accessory Parking	11/4/99: Approved GR-CO (6-0); all 3 readings
C14-98-0238	I-RR to CS	2/2/99: Approved staff alternate rec. of CS-CO, limiting the site to 2,000 vtpd (8-0)	3/4/99: Approved CS-CO (7-0); all 3 readings
C14-98-0229	I-SF-2 to GR	1/19/99: Approved staff rec. of GR-CO, limiting the site to 2,000 vtpd	2/25/99: Approved PC rec. of GR-CO (7-0); all 3 readings
C14-98-0201	I-SF-2 to LI	12/8/98: Approved LI by consent (8-0)	1/7/99: Approved LI-CO w/ condition of 2,000 vehicle trips per day

			limit (7-0); all 3 readings
C14-98-0199		1/12/99: Approved GR-CO zoning, limiting the site to 2,000 vtpd	2/11/99: Approved PC rec. of GR-CO (5-0); all 3 readings
C14-98-0198	I-RR to GR	1/19/99: Approved staff rec. of GR-CO zoning, limiting the site to 2,000 vtpd (9-0)	2/25/99: Approved PC rec. of GR-CO (7-0), all 3 readings
C14-98-0167	I-SF-2 to CS	11/17/98: Approved staff alternate rec. of CS-CO, w/ 2,000 vehicle trips per day limit, by consent (9-0)	1/21/99: Approved CS-CO w/ conditions (7-0); all 3 readings
C14-98-0152	I-RR to CS	11/10/98: Approved staff alternate rec. of CS-CO, prohibiting adult oriented businesses, by consent (8-0)	12/10/98: Approved CS-CO, with CO limiting the site to 2,000 vtpd (7-0, 1 <sup>st</sup> )  2/25/99: Approved CS-CO (7-0, 2 <sup>nd</sup> / 3 <sup>rd</sup> )
C14-98-0099	I-RR to CS	8/18/98: Approved CS-CO, w/ 2,000 vehicle trips per day limit, by consent (7-0)	10/8/98: Approved PC rec. of CS-CO w/ conditions (6-0); 1 <sup>st</sup> reading  12/10/98: Approved CS-CO w/ conditions (7-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings
C14-98-0097	I-RR to CS	8/18/98: Approved CS-CO, w/ conditions (7-0)	10/8/98: Approved PC rec. of CS-CO w/ 35 feet of deferred ROW dedication and 2,000 vehicle trips per day limit by consent (6-0); 1 <sup>st</sup> reading 12/10/98: Approved CS-CO with conditions (7-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings
C14-98-0096	I-SF-2 to LI-CO	8/18/98: Approved CS-CO w/ conditions (7-0)	10/8/98: Approved PC rec. of CS-CO w/ 35 feet of deferred ROW dedication and 2,000 vehicle trips per day limit by consent (6-0); 1 <sup>st</sup> reading 12/10/98: Approved CS-CO w/ conditions (7-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings
C14-98-0036	I-SF-2 to	4/14/98: Approved LI-CO	5/14/98: Approved PC

	LI-CO	w/ conditions of 2,000 vehicle trips per day limit, prohibiting Agricultural Sales and Service, Automotive Repair Services, Construction Sales and Services, Equipment Sales, Equipment Repair Services, Scrap and Salvage, Vehicle Storage, Basic Industry, Recycling Center, Resource Extraction, and Railroad Facilities (8-0)	rec. of LI-CO w/ conditions (5-0); 1 <sup>st</sup> reading  1/21/99: Approved LI-CO w/ conditions (7-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings
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**RELATED CASES:** C7A-05-014 (Annexation Case)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Roxie Drive	72'	30'	Collector	No	No	No

**CITY COUNCIL DATE:** December 17, 2009

**ACTION:**

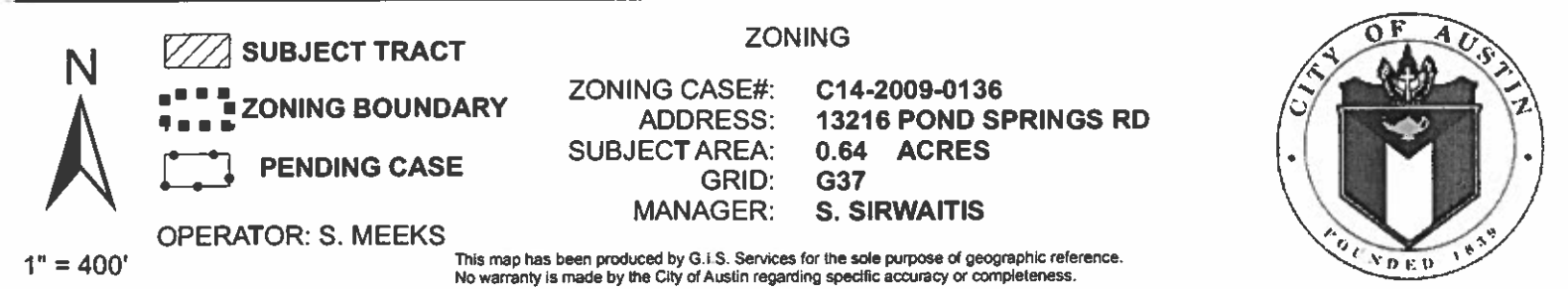
**ORDINANCE READINGS:** 1<sup>st</sup>                      2<sup>nd</sup>                      3<sup>rd</sup>

**ORDINANCE NUMBER:**

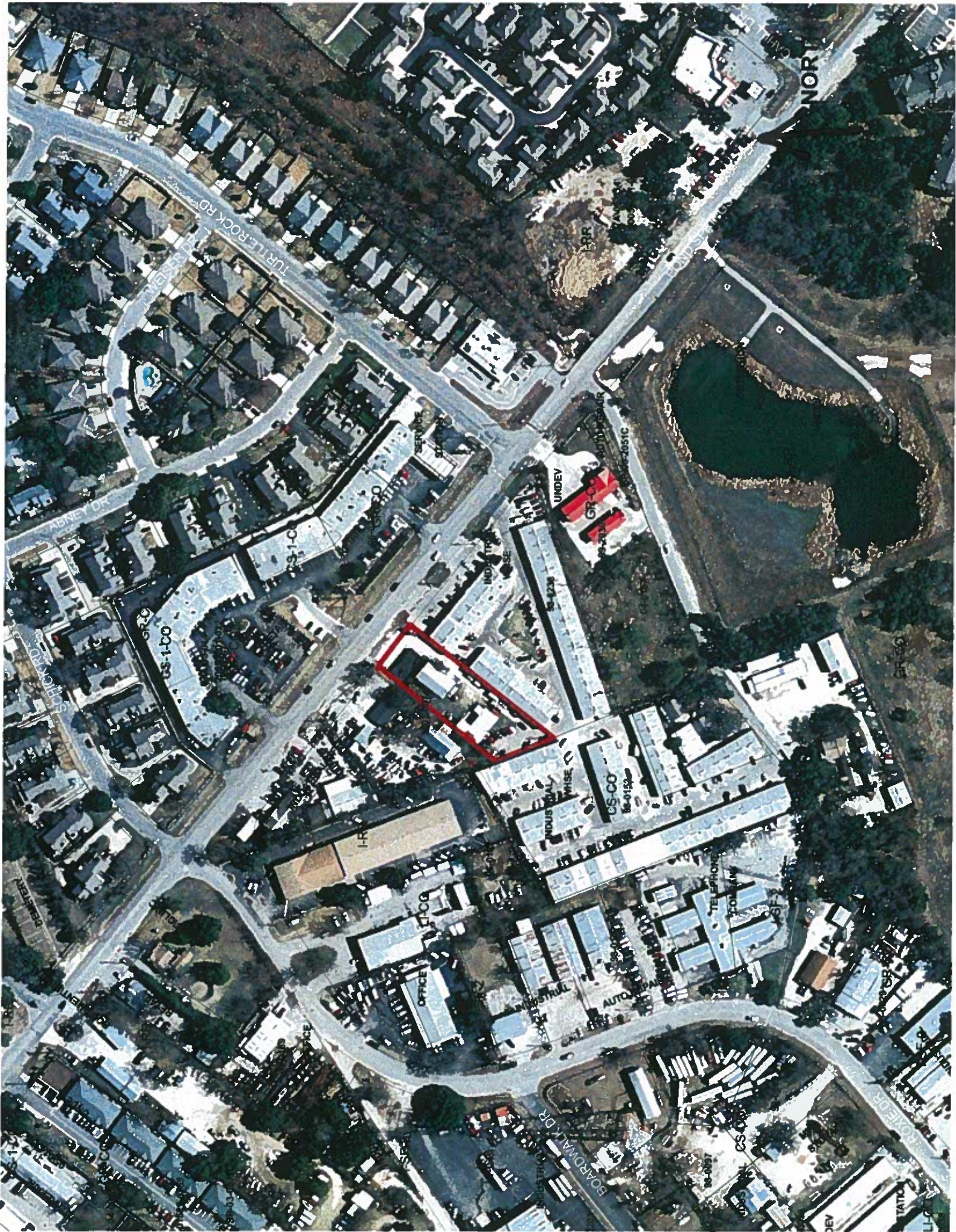
**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)











## **STAFF RECOMMENDATION**

The staff's recommendation is to grant CS-CO, General Commercial Services-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

## **BASIS FOR RECOMMENDATION**

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

General commercial services (CS) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

The property in question fronts onto and takes access from Pond Springs Road, a minor arterial roadway.

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

The proposed CS-CO zoning for this site would be consistent with the adjacent CS-CO zoning to the south, east, and west. The General Commercial Services district would also be compatible with the current uses in the retail shopping center located to the north, across Pond Spring Road.

- 3. Zoning should allow for reasonable use of the property.*

The proposed zoning of the site to the CS-CO district would allow the applicant to remodel a vacant structure to allow for a General Retail Sales use on the property.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site under consideration is developed with a blue office/retail structure with large bay windows. The property fronts onto and takes access from Pond Springs Road, a minor arterial roadway.

### **Environmental**

The site is located over the North Edwards Aquifer Recharge Zone. It is in the Desired Development Zone.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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 on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

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

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species in conjunction with subdivision and/or site plan process.

### **Impervious Cover**

The maximum impervious cover allowed by the CS zoning district would be 95%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

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. 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 Net Site Area</i>	<i>% NSA with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

### **Site Plan**

No comment.

### **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 stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

### **Transportation**

No additional right of way may be required with site plan or subdivision application.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	Sidewalks	Bike Route	Bus Route
Pond Springs Road	100'	36'	Minor Arterial	No	No	No

**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. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.