

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0132 (Kenneth L. Bishop)

Z.A.P. DATE: December 4, 2012

ADDRESS: 13039 Pond Springs Road

OWNER/APPLICANT: Kenneth L. Bishop

AGENT: Mike McHone Real Estate (Michael R. McHone)

ZONING FROM: I-RR

TO: CS-MU

AREA: 1.063 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:

12/04/12: Approved the staff's recommendation of GR-MU zoning by consent (6-0, S. Compton-absent); C. Banks-1st, G. Rojas-2nd.

DEPARTMENT COMMENTS:

The property in question is currently developed with commercial strip center that contains an automotive repair use (Jollyville Garage), a personal services use (Jollyville Barber Shop), and general retail sales-convenience uses (Gunsmithing, The Bell Collection). There is also a residential structure and a garage apartment on the southern portion of the property. This property was annexed by the City of Austin in 2005 through case C7-05-014. The applicant is requesting CS-MU 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 uses located north and low intensity commercial uses located to the south of this tract of land. In addition, there is GR-MU-CO zoning to the west of this tract, across Pond Springs Road. The proposed GR-MU zoning will permit the current automotive repair, personal services and retail sales uses. This recommendation for permanent 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 and south (Hunter's Chase Apartments, Dakota Springs Apartments, and Elan Apartment Homes).

The applicant agrees with the Zoning and Platting Commission's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	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>North</i>	I-RR	Office/Retail Complex (Sentronics, Topaz Technologies, Ten X Technologies, Conestog-Rovers & Associates), Multifamily (Hunter's Chase Apartments)
<i>South</i>	I-RR, GR-MU-CO	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) Financial Services (Amplify Federal Credit Union)
<i>East</i>	I-RR	Multifamily (Hunter's Chase Apartments)
<i>West</i>	GR-MU-CO	Multifamily (Elan Apartment Homes, Dakota Springs Apartments), 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
 Austin Monorail Project
 Austin Northwest Association
 Home Builders Association of Greater Austin
 Homeless Neighborhood Association
 League of Bicycling Voters
 Pond Springs Neighborhood Association
 Sierra Club, Austin Regional Group
 Super Duper Neighborhood Objectors and Appealers Organization
 The Real Estate Council of Austin, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
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 st , C. Banks-2 nd .	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 st , C. Riley-2 nd .
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 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	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). 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 nd /3 rd readings

		<p>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-1st, S. Hale-2nd.</p>	
C14-04-0157 (Nouri Project: 186 Pond Springs Road)	I-RR to CS	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 st , J. Gohil-2 nd .	12/02/04: Approved CS-CO (7-0); all 3 readings
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	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).

		<p>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-1st, K. Jackson-2nd.</p>	<p>8/14/03: Approved (7-0); 2nd/3rd readings.</p>
<p>C14-02-0132 (Goodson 8 Acres: Pond Springs Road at San Felipe Boulevard)</p>	<p>MF-3-CO to GR</p>	<p>10/22/02: Approved GR-CO zoning with the following conditions:</p> <ol style="list-style-type: none"> 1) The only permitted GR uses are Automotive Sales and Automotive Repair Services; 2) Permit LR uses, with the exception of the following uses: <ol style="list-style-type: none"> a) Service Station b) Food Sales c) Accessory Off-Site Parking d) Restaurant (Drive-In, Fast Food) e) Restaurant (Limited); 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 	<p>11/21/02: Granted ZAP rec. of GR-CO zoning w/ conditions and a public restrictive covenant (6-0, Goodman-absent); 1st reading 12/5/02: Granted GR-CO zoning (7-0); 2nd reading, with the following conditions:</p> <ol style="list-style-type: none"> 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 prohibited <p>12/12/02: Granted GR-CO zoning (7-0); 3rd reading [valid petition withdrawn]</p>

		adjacent to the proposed vegetative buffer along the eastern property line.	
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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: December 13, 2012

ACTION:

ORDINANCE READINGS: 1st

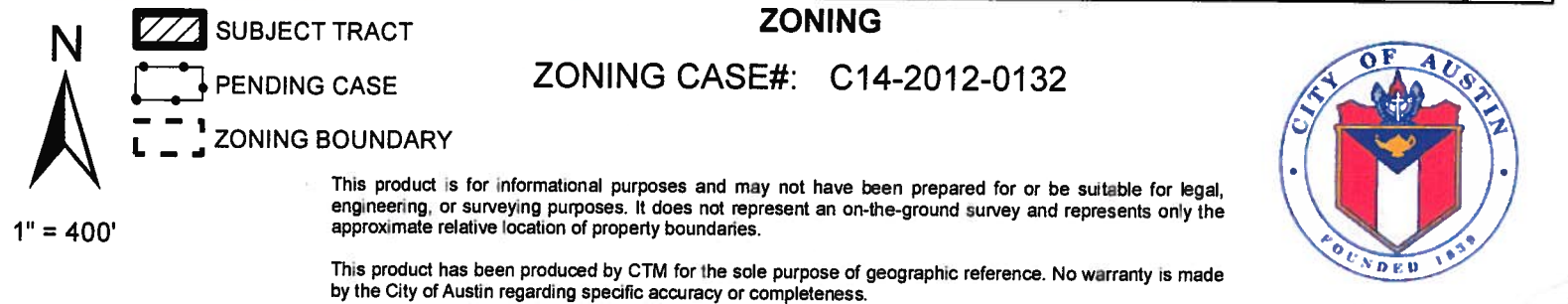
2nd

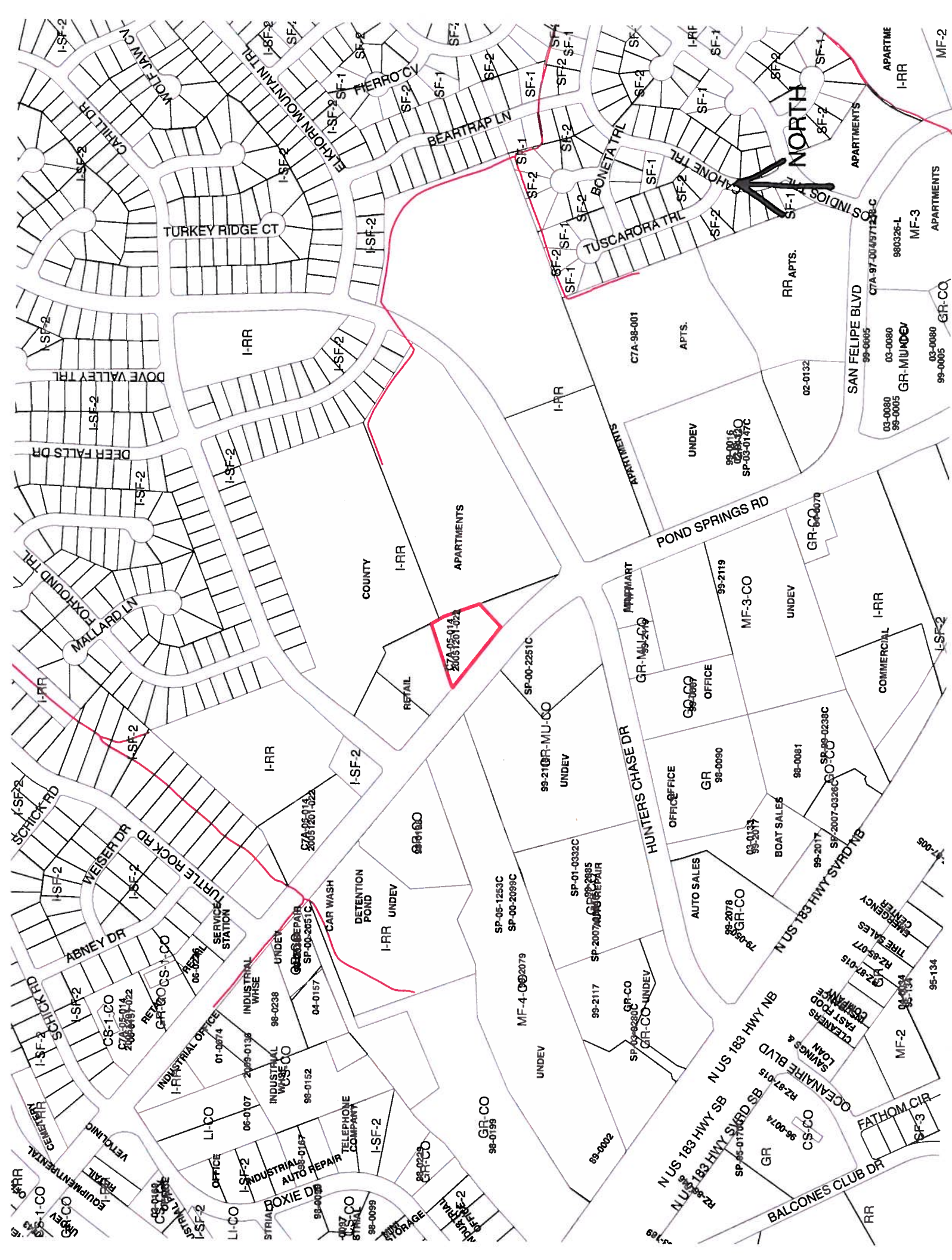
3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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







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 GR-MU zoning district would be compatible and consistent with the surrounding uses because there are multifamily residential uses located to the east and south and office and commercial/retail uses located to the north and west of the site. In addition, there is GR-MU-CO zoning to the west of this tract, across Pond Springs Road.

- 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 an automotive repair use (Jollyville Garage), a personal services use (Jollyville Barber Shop), a general retail sales-convenience use (Gunsmithing, The Bell Collection). There is also a residential structure and a garage apartment on the southern portion of the property.

Comprehensive Planning

The zoning case is located on the northeast side of Pond Springs Road, which is a heavily travelled corridor adjacent to IH-183 in north Austin. The property is not located within the boundaries of a neighborhood planning area. Surrounding land uses include office, commercial and multi-family land

uses. A small shopping plaza, offering a variety of personal services, and a car repair shop are currently located on the property.

The overall goal of the Imagine Austin Comprehensive Plan (IACP) is to achieve ‘*complete communities*’ across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. On page 107, found in Chapter 4 of the IACP it states, “*While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas. New commercial, office, larger apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its context. It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city.*”

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses commercial and mixed use development and redevelopment:

LUT P5. Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

LUT P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

H P7. Reuse former brownfields, greyfields (previously developed properties such as strip centers or malls that are not contaminated) and vacant building sites to reduce negative impacts of vacancy and provide new mixed-use and/or housing options.

The proposed zoning request is supportive of the goals and policies of the Imagine Austin Comprehensive Plan as discussed above, which encourages complete communities, mixed-use and redevelopment.

Environmental

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

According to flood plain maps there is no flood plain 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.

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 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 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%.

Note: The most restrictive impervious cover limit applies.

Site Plan

Development on this site will be subject to the regulations of *Subchapter E: Design Standards and Mixed Use*, and additional comments will be made upon submittal of the site plans. The principal street, Pond Springs Road, is considered a Suburban Roadway, and those Subchapter E regulations will be in effect.

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

No additional right-of-way is needed at this time.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Pond Springs Road is classified in the Bicycle Plan as Bike Route No. 21.

Capital Metro bus service (Route No. 383) is available along Pond Springs Road.

There are existing sidewalks along Pond Springs Road.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Pond Springs Road	104'	MNR 2	Arterial	11,206

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 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.

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

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: C14-2012-0132

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Dec 4, 2012, Zoning and Platting Commission

Dec 13, 2012, City Council

Clinton N. Wofford

Your Name (please print)

12220 Hunters Chase Dr Apt 7102

Your address(es) affected by this application

Clinton N. Wofford

Signature

11/16/12

Date

Daytime Telephone: *512-657-9051*

Comments:

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810