

ZONING CHANGE REVIEW SHEET

CASE NUMBER: C14-2013-0025
Spicewood Springs Homes

Z. P.C. DATE: 05/21/13

ADDRESS: 4101 Spicewood Springs Road

AREA: 5.43 acres

APPLICANT: Harold Silberberg

AGENT: PSW Real Estate
(Ryan Diepenbrock)

NEIGHBORHOOD PLAN AREA: N/A

CAPITOL VIEW: No

T.I.A.: Waived – See Transportation

HILL COUNTRY ROADWAY: No

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

ZONING FROM: SF-3 Family Residence

TO: SF-6 Townhouse Condominium Residence.

SUMMARY STAFF RECOMMENDATION:

Staff recommends SF-6-CO, Townhouse Condominium Residence, Conditional Overlay. The Conditional Overlay would prohibit access to Comfort Cove and Moritz Lane and limit trips to 2,000 trips per day.

ZONING & PLATTING COMMISSION RECOMMENDATION:

The motion to approve staff's recommendation for SF-6-CO combining district zoning was approved on the consent agenda by Commissioner Sean Compton's motion, Commissioner Patricia Seeger seconded the motion on a vote of 5-0; Commissioners Cynthia Banks and Jason Meeker were absent.

DEPARTMENT COMMENTS:

The property is currently developed with a single family residence with a guest house and pool. The applicant is proposing a thirteen unit townhome/condo complex and the original owner will retain the existing house on the back of the property. This zoning case is located on a 5.4 acre lot south of Spicewood Springs Road and is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes an office building to the north on Spicewood Springs Road, single family houses to the south, duplexes to the east, and single family houses and office buildings to the west. The applicant has agreed to not take access to the Moritz Lane and Comfort Cove since those streets are private streets. All ingress and egress will be from Spicewood Springs Road. Based on the property being located adjacent to nearby subdivisions, and the Imagine Austin policies referenced in the report that supports a variety of housing types throughout Austin, staff believes that the proposed residential use is consistent with the Imagine Austin Comprehensive Plan.

BASIS FOR RECOMMENDATION:

1. The proposed zoning should be consistent with the goals and objectives of the City Council.

Granting the proposed zoning would be in keeping with the Imagine Austin Comprehensive Plan.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	SF-3	Single family residential
NORTH	LO	Office building
SOUTH	PUD	Single family residential
EAST	CBD-CURE	Single family residential
WEST	PUD/LO	Single family residential/Office building

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C814-73-004 Old Town East PUD	From SF-2 to PUD	Approved PUD [Vote: 7-0]	Approved PUD [Vote: 7-0]
C14-86-255	From LR to P	Approved P [Vote: 7-0]	Approved P [Vote: 7-0]

NEIGHBORHOOD ORGANIZATION:

- Austin Neighborhood Council
- Northwest Austin Civic Association

SCHOOLS:

Hill Elementary School, Murchison Middle School, Anderson High School

SITE PLAN:

1. Any new commercial development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
2. Compatibility Standards will apply if the use proposed on this property is SF-6 or less restrictive, due to the adjacent single family use.
3. This property is within the Neighborhood Restricted Parking Area. Ordinance # 030171-131.

ENVIRONMENTAL:

1. The site is located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps there is no flood plain within the project area.
5. 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.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

TRANSPORTATION:

TR1. The Austin Metropolitan Area Transportation Plan calls for 140 feet of right-of-way for Spicewood Springs Road. If the requested zoning is granted for this site, then 70 feet of right-of-way from the existing centerline should be dedicated for Spicewood Springs Road according to the Transportation Plan [LDC, Sec. 25-6-51 and 25-6-55] at the time of subdivision and/or site plan.

TR2. 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].

TR3. Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Spicewood Springs Road	varies	MAD 4	Arterial	Yes	No	No

COMPREHENSIVE PLAN:

This zoning case is located on a 5.4 acre vacant lot south of Spicewood Springs Road and is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes an office building to the north on Spicewood Springs Road, single family houses to the south, duplexes to the east, and single family houses and office buildings to the west. The developer wants to build townhouse/condos on the property.

The property is located within the boundaries of the Barton Creek Contributing Zone, as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan (IACP). An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and "contribute" water to the aquifer. However, the overall goal of the 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. Page 107 of the IACP 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. It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city. Not all land within the city limits will be developed. Some may remain or enter into agricultural production; continue as single-family houses, duplexes, and apartments; or become part of the planned open space network. The Growth Concept Map not only guides where Austin may accommodate new residents and jobs but also reflects the community intent to direct growth away from environmentally sensitive areas including, but not limited to, the recharge and contributing zones of the Barton Springs segment of the Edwards Aquifer, and to protect the character of neighborhoods by directing growth to areas identified by small area plans."*

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses the promotion of a variety of housing types:

- **LUT P22** Protect Austin's natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space.
- **H P1.** Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.
- **H P5.** Promote a diversity of land uses throughout Austin to allow a variety of housing types including rental and ownership opportunities for singles, families with and without children, seniors, persons with disabilities, and multi-generational families.
- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on the property being located adjacent to nearby subdivisions, and the Imagine Austin policies referenced above that supports a variety of housing types throughout Austin, staff believes that the proposed residential use is consistent with the Imagine Austin Comprehensive Plan as long as environmental ordinances to protect the Barton Creek Aquifer are enforced.

CITY COUNCIL DATE: June 20th, 2013

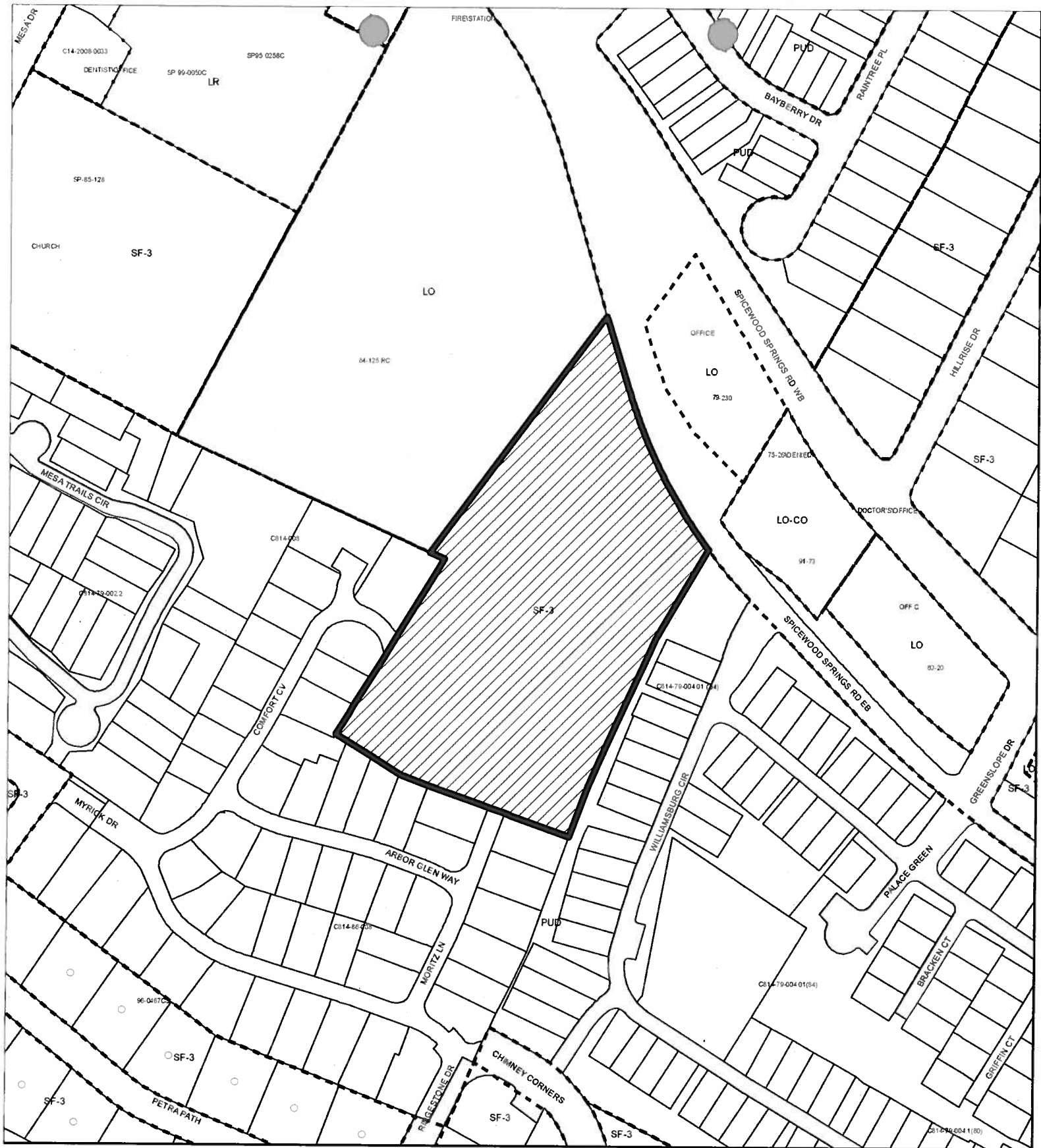
ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Clark Patterson
Clark.patterson@ci.austin.tx.us

PHONE: 974-7691



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING
ZONING CASE#: C14-2013-0025



1" = 200'

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.





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PSW

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ISSUED FOR REVIEW
NOT FOR CONSTRUCTION
03.13.2013

PROJECT NAME:
SPICEWOOD

PROJECT ADDRESS:

PROJECT NUMBER:
PSW 13.01

SHEET NAME:



0' 30' 60'

Patterson, Clark

From: Eduardo Garza <eduardo@pswrealestate.com>
Sent: Friday, April 26, 2013 1:42 PM
To: Patterson, Clark
Subject: FW: Mesa Forest

Clark:

Here's an email that I received from the president of NWACA recently. Would this email suffice as written confirmation from the neighborhood association, or would you need something more formal?

Thanks,
Eduardo Garza
PSW Real Estate

From: Ernest Saulmon [mailto:ernie.saulmon@gmail.com]
Sent: Thursday, April 11, 2013 11:17 AM
To: Eduardo Garza
Cc: Ann Denkler; J. RyanDiepenbrock
Subject: Re: Mesa Forest

I'm in and out so anytime would be fine, but I can tell you right here. The Northwest Austin Civic Association could find no reason to object to your zoning change request. In fact they want to compliment PSW Real Estate on their involvement with the local community organizations like NWACA and the Home Owners to address their concerns. Your commitment not to use the gates was a big part of this. Call if you have any questions and need more information.

On Thu, Apr 11, 2013 at 6:40 AM, Eduardo Garza <eduardo@pswrealestate.com> wrote:
Thank you, Ann.

Ernie, would there be a good time to call you to discuss this today? We'd really like to hear how it went and what concerns might have been raised.

Thanks,
Eduardo Garza

Sent from my iPad

On Apr 10, 2013, at 5:30 PM, Ann Denkler <ann.denkler@gmail.com> wrote:

The new President of the Homeowner's Association just south of the tract the Silverbergs are proposing to develop is:

Darlyn Cartwright darlyncartwright@gmail.com C 708-0100.

I'm not able to fill you in about the meeting tonight. Ernie will be briefing the board and can answer any questions you might have about the meeting or the position they took.

Patterson, Clark

From: ~~Ann Denkler~~
Sent: Friday, May 03, 2013 1:24 PM
To: Eduardo Garza
Cc: 'Ernest Saulmon'; NWACA_Richard Anton; Patterson, Clark
Subject: NWACA: Mesa Forest

Mr. Garza,

I've copied the case-manager on this email.

The Northwest Austin Civic Association Board reviewed the plans for the Mesa Forest rezoning and took no action to support or oppose the rezoning.

They were pleased that the owner and yourself shared your plans for the property.

Cordially,

Ann Denkler
Northwest Austin Civic Association
Zoning Committee Chair

cc: Richard Anton, President, NWACA

On 5/2/2013 5:39 PM, Eduardo Garza wrote:

Thanks, Ann.

Since there is no opposition from your neighbors, would it be possible to get a letter from NWACA stating where you stand on the case? It would not have to be anything lengthy, just a quick letter, signed by either you or Ernie stating that you've discussed the matter with your neighbors and there is no opposition to our development plan.

Please let me know if you would like to discuss this first.

Thank you,

Eduardo Garza
PSW Real Estate
2003 S. 1st
Austin, Texas 78704

512.736.2243 mobile
www.pswrealestate.com

PUBLIC HEARING INFORMATION

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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: C14-2013-0025

Contact: Clark Patterson, 512-974-7691

Public Hearing: May 21, 2013, Zoning and Platting Commission

June 20, 2013, City Council

Darin & Maggie Duvall
Your Name (please print)

8004 Hilvise Drive
Your address(es) affected by this application

Maggie Duvall
Signature

5-20-2013
Date

☐ I am in favor
☒ I object

Daytime Telephone: *512 434 9926*

Comments: *There are many deer living in our neighborhood and we love them all. Developing condos will eradicate all wildlife, and will thus remove a large part of our neighborhood's personality.*

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

City of Austin
Planning & Development Review Department
Clark Patterson
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Clark Patterson, 512-974-7691

Public Hearing: May 21, 2013, Zoning and Planning Commission

June 20, 2013, City Council

Sill, Michael W. Mueller
Your Name (please print)

7019 Mega Trails Dr 78731
Your address(es) affected by this application

[Signature]
Signature

15 May 2013
Date

Daytime Telephone: (512) 507-4070

Comments: Traffic is already an issue in the area. Access to property is in a blind curve in Spicewood Spgs Rd. Property should be in limited number of single family homes with adequate open space for wildlife and water drainage. Rental property is property perceived as rental in general. Several adjacent properties in the area. Added traffic leads to added crime - we already have traffic issues that are not addressed!

City of Austin

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**Public Hearing: May 21, 2013, Zoning and Platting Commission
June 20, 2013, City Council**

Your Name (please print)

☐ I am in favor
☒ I object

Your address(es) affected by this application

Signature

Date

Daytime Telephone:

Comments:

TO DENY ALREADY

NOT A SUDTEX ZONING

NO COMMERCIAL

OK FOR SINGLE FAMILY

IF TWO DRIVES FOR EXISTING

AND ENTERING THE AUDITORIUM

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Case Number: C14-2013-0025

Contact: Clark Patterson, 512-974-7691

Public Hearing: May 21, 2013, Zoning and Platting Commission

June 20, 2013, City Council

JOSEPHINE C. SHERFY

Your Name (please print)

7904 Charleston Place

Your address(es) affected by this application

Josephine C. Sherfy 5/18/2013

Signature

Daytime Telephone: 512-346-5858

Ms. Josie Sherfy
7904 Charleston Pl
Austin TX 78731-1916

Comments:

Why "squeeze in additional housing" in the already congested area between MESA & Mopac. Already heavy traffic on Spicewood Springs Road is a problem.

There are few green areas left in this area. The environment is already damaged.

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P. O. Box 1088

Austin, TX 78767-8810

I do not want apartments in my back yard. Thanks

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Case Number: C14-2013-0025

Contact: Clark Patterson, 512-974-7691

Public Hearing: May 21, 2013, Zoning and Platting Commission

June 20, 2013, City Council

Mitchell Schwass
Your Name (please print)

7949 Mesa Trails Circle Austin TX 78731
Your address(es) affected by this application

Mitchell Schwass 5/13/2013
Signature Date

Daytime Telephone: 512-345-1802, 512-517-1475

Comments:

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

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Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor
☐ I object

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Contact: Clark Patterson, 512-974-7691

**Public Hearing: May 21, 2013, Zoning and Platting Commission
June 20, 2013, City Council**

Jerry Morris Matthews

Your Name (please print)

3716 Williamsburg Cr.

Your address(es) affected by this application

Jerry Matthews

Signature

Date

Daytime Telephone: _____

Comments: _____

I think there is just traffic on t
Spicewoods Springs as is. It takes forever
to get out of the complex as is.

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Public Hearing: May 21, 2013, Zoning and Platting Commission

June 20, 2013, City Council

ELAINE Z. CLIFTON

Your Name (please print)

4002 Petra Path Austin

Your address(es) affected by this application

Elaine Z. Clifton

Signature

5/15/13

Date

Daytime Telephone: 512-345-7033

Comments: The zoning change will allow for increased traffic on Mesa Drive and Spicewood Springs Road between Loop I and Loop 360. City road traffic time is extremely difficult to access Mesa Drive from side streets and Mesa backs up several blocks south of Spicewood Springs Road.

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For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

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Case Number: C14-2013-0025

Contact: Clark Patterson, 512-974-7691

Public Hearing: May 21, 2013, Zoning and Platting Commission

June 20, 2013, City Council

Betty A. Davis

Your Name (please print)

8003 H. L. Rise Dr.

Your address(es) affected by this application

Betty A. Davis

Signature

04/24/2013

Date

Daytime Telephone: 512.345.4522

Comments:

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2013-0025

Contact: Clark Patterson, 512-974-7691

Public Hearing: May 21, 2013, Zoning and Platting Commission

June 20, 2013, City Council

Tracy Champagne
Your Name (please print)

8001 HARRISE DRIVE

Your address(es) affected by this application

Tracy Champagne
Signature

5/13/13
Date

Daytime Telephone: (512) 338-0661

Comments:

I believe conversion of zoning from family residence to townhouse/condominium residence district would adversely affect property values of surrounding family residences. There is also enough traffic congestion in that area of Spicewood Springs Road that multi-family use would add to. I cannot make either the zoning commission meeting on 5/21/13 or the city council meeting on 6/20/13, so

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Please cast my vote
of objection at both Thank

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Case Number: C14-2013-0025

Contact: Clark Patterson, 512-974-7691

Public Hearing: May 21, 2013, Zoning and Platting Commission

June 20, 2013, City Council

DON SORENSEN

Your Name (please print)

4131 SPICEWOOD SPRINGS ROAD
SUITE 6-346-A AUSTIN, TX 78759

Your address(es) affected by this application

05/14/13

Date

Signature

Daytime Telephone: 512-345-8195

Comments:

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City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2013-0025

Contact: Clark Patterson, 512-974-7691

Public Hearing: May 21, 2013, Zoning and Platting Commission

June 20, 2013, City Council

ELAINE CARPENTER

Your Name (please print)

8006 Hillrise Austin, TX 78759

Your address(es) affected by this application

Elaine Carpenter

Signature

Date

Daytime Telephone: (512) 345-1445

Comments:

There is already heavy traffic in the area. Please don't destroy the neighborhood of this area!

I object strongly.

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

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Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

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Case Number: C14-2013-0025

Contact: Clark Patterson, 512-974-7691

Public Hearing: May 21, 2013, Zoning and Platting Commission
June 20, 2013, City Council

BENJAMIN SNYDER
Your Name (please print)

7913 Comfort Cove

Your address(es) affected by this application

[Signature] 5/13/2013
Signature Date

Daytime Telephone: 512 345-2292

Comments:

According to the plan
they are putting 19 units in
+/- acres.

FYI: was Chairman of
Planning Commission
1983

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Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810