

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-4  
AGENDA DATE: Thu 01/29/2004  
PAGE: 1 of 1**

**SUBJECT:** C14-03-0164 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4810 Spicewood Springs Road (Bull Creek Watershed) from family residence (SF-3) district zoning to limited office (LO) district zoning. Zoning and Platting Commission Recommendation: To grant limited office (LO) district zoning. Applicant: 4810 Spicewood Ltd. (Scott Morledge). Agent: Land Creek Development (Rick Lindley). City Staff: Glenn Rhoades, 974-2775.

<b>REQUESTING</b>	Neighborhood Planning	<b>DIRECTOR'S</b>
<b>DEPARTMENT:</b>	and Zoning	<b>AUTHORIZATION:</b> <u>Greg Guernsey</u>

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## ZONING CHANGE REVIEW SHEET

**CASE:** C14-03-0164

**Z.A.P. DATE:** December 2, 2003  
December 16, 2003  
January 6, 2004

**C.C. DATE:** January 29, 2004

**ADDRESS:** 4810 Spicewood Springs Rd.

**OWNER/APPLICANT:** 4810 Spicewood Ltd.  
(Scott Morledge)

**AGENT:** Land Creek Development  
(Rick Lindley)

**ZONING FROM:** SF-3

**TO:** LO

**AREA:** .893 acres

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends the proposed change to LO, Limited Office district zoning.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

December 2, 2003 – Postponed at the request of staff to 12/16/03 due to notification error (Vote: 9-0).

December 16, 2003 – Postponed at the request of the Commission to correct map (Vote: 7-1, M. Whalley – nay, C. Hammond – absent).

January 6, 2004 – Approved staff recommendation by consent (Vote: 9-0).

**DEPARTMENT COMMENTS:**

The applicant is proposing the change in order to use an existing residence as an office.

Staff has received several letters in favor and in opposition to the proposed change (see attached).

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

December 16, 2003 – Approved staff recommendation by consent (Vote: 9-0).

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3	Duplex
<i>North</i>	LO-CO	Office
<i>South</i>	SF-3 LO	Undeveloped Office
<i>East</i>	SF-2	Undeveloped
<i>West</i>	LO	Office

**AREA STUDY:** N/A

**WATERSHED:** Bull Creek

**CAPITOL VIEW CORRIDOR:** N/A

**TIA:** N/A

**DESIRED DEVELOPMENT ZONE:** No

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

#005 – Balcones Civic Association  
#053 – Northwest Civic Association  
#439 – Concerned Citizens for the P&B of FM 2222  
#475 – Bull Creek Foundation  
#511 – Austin Neighborhoods Council  
#965 – Old Spicewood Springs Rd. Neighborhood Association

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-97-0086	SF-3 and PUD to GO	Approved GO-CO. The CO prohibited the following uses: Art and craft studio limited, business or trade school, business or trade school, business support services, medical offices (other over and under 5,000 square feet), off-site accessory parking, personal services, restaurant limited, college or university facilities, community recreation (public and private), cultural services, guidance services, hospital services (limited and general), private secondary education facilities, residential treatment, communication services, club or lodge and convalescent services (Vote:8-0). 11/25/97	Approved GO-CO (Vote: 7-0). 2/26/98
C14-99-0037	LO-CO to LO-CO	Approved LO-CO. The CO limits the following: Height shall be limited to 28.5 feet at the front of the building and 38.5 at the rear of the building. Property shall be limited to 10,500 square feet of gross floor area. Signs shall be restricted to one and shall not exceed 3 feet by 8 feet and shall not rotate. Access is limited to 2 driveways along Spicewood Springs. The following uses shall be prohibited: Bread and breakfast, communication services, cultural services, counseling services, special use historic, club or lodge, college or university facilities, communication service facilities, community recreation (public and private), congregate living, convalescent services, day care (all types), hospital services limited, local utility services, all education facilities, residential treatment, safety services and telecommunications tower. In addition, the property is limited to 2,000 trips per day (Vote: 5-0). 4/27/99.	Approved LO-CO (Vote: 7-0). 6/3/99.

C14-00-0049	SF-3 to LO	<p>Approved LO-CO. The CO limits the height to 30 feet and prohibits the following uses:</p> <p>Day care (all types), all education facilities, bed and breakfast, hospital services limited, art and craft studio, special use historic and club or lodge, college and university facilities, community recreation (public and private), congregate living, convalescent services, residential treatment, safety services, local utility services and medical offices (over 7,000 square feet (Vote:8-0). 4/18/00</p>	Approved LO-CO (Vote: 7-0). 6/22/00.
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**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Spicewood Springs Road	114'	Varies	Arterial	N/A

**CITY COUNCIL DATE:** January 29, 2004

**ACTION:**

**ORDINANCE READINGS:** 1st

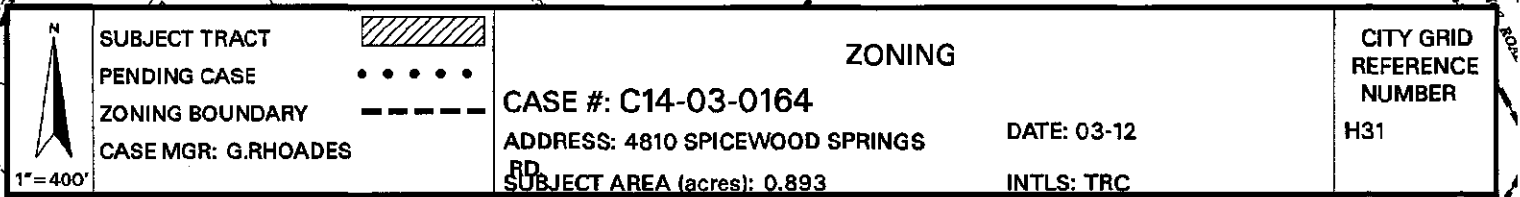
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Glenn Rhoades

**PHONE:** 974-2775



QAC

91

4807

SPRINGWOOD ROAD

## **STAFF RECOMMENDATION**

Staff recommends the proposed change to LO, Limited Office district zoning.

## **BASIS FOR RECOMMENDATION**

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

LO, Limited Office district zoning is intended for offices predominantly serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods.

The proposed change meets the purpose statement set forth in the Land Development Code. It is located on the periphery of a single-family neighborhood and will potentially provide services for nearby residents.

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

The proposed change is consistent and compatible with the surrounding area. There is LO zoning to the south, west and east of the subject tract in area that is predominantly used or zoned for office.

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

The LO zoning district would allow for a fair and reasonable use of the site. LO zoning is appropriate for this site because of the location of the property and the commercial character of this portion of Spicewood Springs.

*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 on and will take access to Spicewood Springs Road, which is classified as an arterial roadway.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently occupied with a duplex.

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 898 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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]

Capital Metro bus service is not available within 1/4 mile of this property.

Spicewood Springs Road is classified in the Bicycle Plan as a Priority 2 bike route. (Route #18)

### **Impervious Cover**

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

Development within a Water Quality Transition Zone may not exceed 18% impervious cover.

### **Environmental**

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

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.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and 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 providing structural 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 preexisting approvals which would preempt current water quality or Code requirements.

### **Right of Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.



We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

### **Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

### **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.

### **Compatibility Standards**

The site is subject to compatibility standards along the northern and eastern property lines that abut the SF-2 and SF-3 zoned property. Along that property line, the following regulations will 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.
- For a structure more than 100 feet but not more than 300 feet from the property line, a structure may attain a height of 40 feet plus one foot for each 10 feet if distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- No parking or driveways are allowed within 25 feet of the property line
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.
- A fence, berm or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

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

# PRESIDENTIAL MORTGAGE COMPANY

4810 SPICEWOOD SPRINGS RD, SUITE 150 | AUSTIN, TX 78759  
OFFICE (512) 502-9924 FAX (512) 502-0928

, 2003

City of Austin  
Neighborhood Planning & Zoning Department  
505 Barton Springs Road  
PO Box 1088  
Austin, TX 78767-8835

Re: File Number: C14-03-0164

To Whom It May Concern:

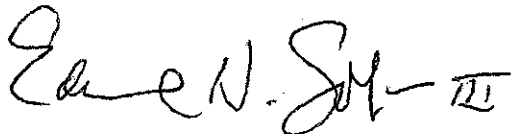
I would like to strongly encourage you to approve the above referenced zoning change requested by 4810 Spicewood Ltd. The current use as a residential duplex is not complimentary to surrounding uses. It is sandwiched between two other office building, and, in fact, the tenants have to drive through one of the office building parking lots to access their own.

As you know, this area of Spicewood Springs between Mesa and 360 is comprised predominately of small neighborhood office buildings. These offices provide a sense of professionalism to this area. I own a small office condominium in a two-story building that abuts the subject property, and I have a strongly vested interest in maintaining the integrity of this area.

I am not comfortable with residential renters (who do not have a vested interest in the integrity of the neighborhood) driving through my parking lot in all hours of the night. Nightly and weekend parties often leave litter that is not commensurate with professional offices. Additionally, unsightly comings and goings of the tenants often provides distractions to the businesses in the area.

Once again, I STRONGLY urge you to grant this zoning change.

Sincerely,

A handwritten signature in dark ink, appearing to read "E. N. Smith". The signature is fluid and cursive, with a horizontal line extending from the end.

November 26, 2003

City of Austin  
Neighborhood Planning & Zoning Department  
505 Barton Springs Road  
PO Box 1088  
Austin, TX 78767-8835

Re: File Number: C14-03-0164

To Whom It May Concern:

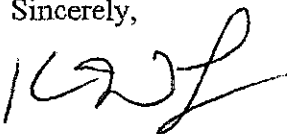
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Once again, I STRONGLY urge you to grant this zoning change.

Sincerely,

A handwritten signature in black ink, appearing to be "KJL" or similar, written in a cursive style.

November 26, 2003

City of Austin  
Neighborhood Planning & Zoning Department  
505 Barton Springs Road  
PO Box 1088  
Austin, TX 78767-8835

Re: File Number: C14-03-0164

To Whom It May Concern:

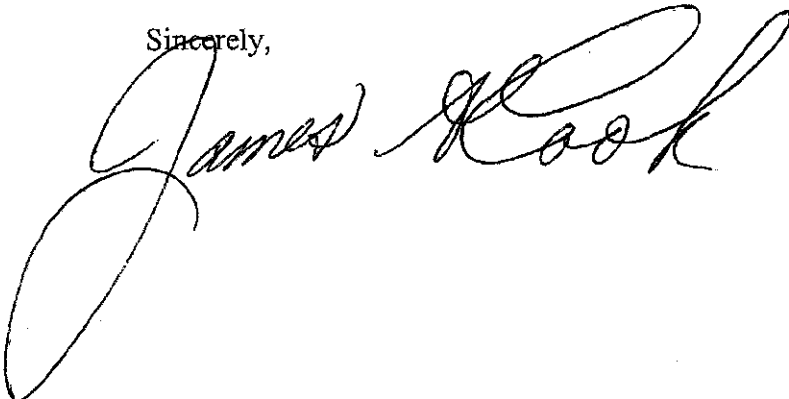
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Once again, I STRONGLY urge you to grant this zoning change.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "James Cook". The signature is written over the word "Sincerely," and extends across the width of the page.



City of Austin, Neighborhood Planning & Zoning Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

## NOTICE OF ZONING & PLATTING COMMISSION PUBLIC HEARING FOR A PROPOSED ZONING CHANGE

Este aviso es para informarles de una junta pública tocante a un cambio en el uso de la propiedad indicada así abajo. Si quiere una copia de este aviso en español, hable al teléfono (512) 974-2680.

Mailing Date of this Notice: November 21, 2003  
Mailing Date of First Notice: November 6, 2003

File Number: C14-03-0164

ADDRESS AND/OR LEGAL DESCRIPTION OF PROPOSED ZONING CHANGE (See Map) 4810 Spicewood  
Springs Road Bldg B

### PROPOSED ZONING CHANGE:

FROM: SF-3--Family Residence district is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. Duplex use is permitted under development standards which maintain single-family neighborhood characteristics. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements.

TO: LO--Limited Office district is intended for offices predominately serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods.

OWNER: 4810 Spicewood LTD. (Scott Morledge)

PHONE: (512) 328-2122

AGENT: Land Creek Development (Rick Lindley)

PHONE: (512) 328-2122

ZONING & PLATTING COMMISSION HEARING DATE: December 2, 2003 TIME: 6:00 PM

LOCATION: 505 Barton Springs Road, One Texas Center 3<sup>rd</sup> Floor, Training Room #325, Austin

If you have any questions concerning this notice, please contact Glenn Rhoades at the City of Austin, Neighborhood Planning & Zoning Department, (512) 974-2775. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call. See enclosed sheet for more information on public hearings.

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0164-GR

Zoning & Platting Commission Hearing Date: December 2, 2003

Name (please print) ALLEN GOLD SMITH

Address 8200 NEELY DR. #229 AUSTIN 78799

☐ I am in favor

☒ (Estoy de acuerdo)

☒ I object

(No estoy de acuerdo)

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0164-GR

Zoning & Platting Commission Hearing Date: 12/16/2003

Name (please print) Mrs Nelda C. Griffith

☐ I am in favor  
(Estoy de acuerdo)

Address 8200 Neely Drive Austin, TX 78759

☒ I object  
(No estoy de acuerdo)

512-343-0040

Note: There is a great deal of Traffic on this road  
which is an entrance to 360.

1

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0164-GR

Zoning & Platting Commission Hearing Date: December 2, 2003

Name (please print) TSANG WONG

☐ I am in favor  
(Estoy de acuerdo)

Address 310 GRAY #4215, Houston, TX 77002

☒ I object  
(No estoy de acuerdo)

1

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0162-GR

Zoning & Platting Commission Hearing Date: 12/16/2003

Name (please print) Don Keeling

☒ I am in favor  
(Estoy de acuerdo)

Address 707 Jetta CT Austin TX

☐ I object  
(No estoy de acuerdo)

78753

1

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0164-GR

Zoning & Platting Commission Hearing Date: December 2, 2003

Name (please print)

JAMES A COOK



I am in favor

(Estoy de acuerdo)

Address

4810 SPICEWOOD SPRINGS  
AUSTIN TX 78759



I object

(No estoy de acuerdo)

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0164-GR

Zoning & Platting Commission Hearing Date: December 2, 2003

Name (please print)

Lydia Maese



I am in favor

(Estoy de acuerdo)

Address

8200 Neely Dr., #127, Austin, TX 78759



I object

(No estoy de acuerdo)

1. Will increase traffic which is already a nightmare
2. Traffic increase has greatly compromised safety
3. Takes more of the aesthetic beauty away

Suggestion: Why not plan park / mature areas where we can get out  
walk, sit, men enjoy the outdoors, instead of being surrounded  
by housing, roads and office buildings

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0164-GR

Zoning & Platting Commission Hearing Date: December 2, 2003

Name (please print)

EDWARD SOLTER



I am in favor

(Estoy de acuerdo)

Address

4810 SPICEWOOD SPRINGS BLDG,  
#1



I object

(No estoy de acuerdo)

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0164-GR

Zoning & Platting Commission Hearing Date: December 2, 2003

Name (please print) ROBERT DAILEY

☐ I am in favor  
(Estoy de acuerdo)

Address 8200 NEELEY DR, #259

☒ I object  
(No estoy de acuerdo)

PLEASE, PLEASE, PLEASE: DON'T LET THEM  
INSTALL SEARCHLIGHTS THAT ARE AIMED  
AT NEELEY'S CANYON! THANK YOU.



10. C14-03-0164 – 4810 SPICEWOOD LTD. (Scott Morledge), By: Land Creek Development (Rick Lindley), 4810 Spicewood Springs Road, Bldg. B. (Bull Creek). **FROM SF-3 TO LO. RECOMMENDED. City Staff: Glenn Rhoades, 974-2775. POSTPONED FROM 12-2; NOTIFICATION PROBLEMS (STAFF); 12-16 (ZAP).**

**APPROVED STAFF'S RECOMMENDATION OF LO ZONING; BY CONSENT.**

**[J.M; J.D 2<sup>ND</sup>] (9-0)**

11. C14-03-0168 – NOKONAH PARTNERS LIMITED (Robert L. Trimble), By: LS Johnston Architects (Linda Johnson), 721 – 729 North Lamar. (Shoal Creek). **FROM DMU-CURE TO DMU-CURE. RECOMMENDED. City Staff: Glenn Rhoades, 974-2775. CONTINUED FROM 12-16 (ZAP); FOR ACTION ONLY; PUBLIC HEARING CLOSED.**

**PULLED OFF AGENDA; NO ACTION REQUIRED, SENT TO CITY COUNCIL WITH NO RECOMMENDATION FROM ZAP.**

#### **NEW CASES**

12. C14-85-149.70(RCA) – PARMER LANE BAPTIST CHURCH (Edgar W. Hudgins), By: The Wallace Group, Inc. (Vana Proffitt), 1601-1605 Parmer Lane West, 12400 – 12436 Scofield Farms Drive. (Walnut Creek). **The purpose of this proposed amendment to the existing restrictive covenant is to delete the requirement for certain access restrictions to Parmer Lane. RECOMMENDED. City Staff: Sherri Gager, 974-3057.**

**APPROVED STAFF'S RECOMMENDATION; BY CONSENT.**

**[J.M; J.D 2<sup>ND</sup>] (9-0).**

13. C14-03-0178 – WESTERN OAKS PHYSICAL FITNESS STUDIO, By: AVG-Austin, L.P. (Doug Jaguay), Land Strategies, Inc. (Paul W. Linehan), 4625 West William Cannon Drive. (Williamson Creek – In Barton Springs Zone). **FROM LR TO GR. ALTERNATE RECOMMENDATION: GR-CO. City Staff: Wendy Walsh, 974-7719.**

**POSTPONED TO 01/20/04 (STAFF/APPLICANT)**

**[J.M; J.G 2<sup>ND</sup>] (9-0)**