



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

**AGENDA ITEM NO.: Z-8**  
**AGENDA DATE: Thu 09/02/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0092 - Spicewood/183 Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12852 U.S. Highway 183 North (Rattan Creek Watershed) from development reserve (DR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: John P. Nieman. Agent: Site Specifics (John Hussey). City Staff: Sherri Gager. 974-3057.

|                    |                       |  |
|--------------------|-----------------------|--|
| <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:** C14-04-0092

**Z.A.P. DATE:** August 3, 2004

**ADDRESS:** 12852 U.S. Highway 183 North

**OWNER/APPLICANT:** John P. Nieman

**AGENT:** Site Specifics (John Hussey)

**ZONING FROM:** DR

**TO:** GR

**AREA:** 5.255 acres

**SUMMARY STAFF RECOMMENDATION:**

The staff's alternate recommendation is to grant GR-CO (Community Commercial -Conditional Overlay) zoning. The conditional overlay would limit the intensity for any new/redevelopment not exceed 2,000 trips per day beyond the existing development.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

8/3/04: Approved staff's recommendation of GR-CO with prohibition of Pawn Shop Services (8-0, J. Pinnelli-absent); M. Whaley-1<sup>st</sup>, J. Martinez-2<sup>nd</sup>.

**DEPARTMENT COMMENTS:**

The property in question is developed with a retail shopping center. The site currently contains a grocery store, a video store, a bank, and a restaurant. The applicant is seeking GR, Community Commercial District, zoning to bring the existing uses on the property into conformance with the City of Austin Land Development Code.

The staff recommends the applicant's request because the property in question is located at the intersection of two arterial roadways. The existing retail center has access points to Spicewood Springs Road and U.S. Highway 183. The proposed zoning will allow for commercial uses to provide services to the residential neighborhoods to the south and west.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

|              | <b>ZONING</b> | <b>LAND USES</b>                                 |
|--------------|---------------|--|
| <i>Site</i>  | DR            | Retail Shopping Center                           |
| <i>North</i> | GR, I-RR      | Office Center, Retail Shopping Center            |
| <i>South</i> | P, MF-2, GR   | Library, Undeveloped Tract, Apartments           |
| <i>East</i>  | GR            | Automotive Repair Services (Lubc Shop), Car Wash |
| <i>West</i>  | GR, LR-CO     | Undeveloped                                      |

**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** Rattan Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

46 – North Oaks Neighborhood Association  
426 – River Place Residential Community Association, Inc.  
475 – Bull Creek Foundation  
492 – Laurel Oaks Neighborhood Association

**CASE HISTORIES:**

| <b>NUMBER</b> | <b>REQUEST</b> | <b>COMMISSION</b>  | <b>CITY COUNCIL</b>   |
|---------------|----------------|--|---|
| C14-03-0133   | RR to GR-MU    | 9/23/03: Approved GR-CO, Community Commercial-Conditional Overlay, district zoning (9-0)   | 10/23/03: Granted GR-CO (6-0, Dunkerley-absent); all 3 readings   |
| C14-03-0080   | MF-3-CO to GR  | 6/10/03: Approved staff's alternate recommendation of GR-CO zoning (8-0, J. Martincz-absent), with the following conditions:<br><ol style="list-style-type: none"><li>1) Limit the site to 2,000 vehicle trips per day;</li><li>2) Prohibit the following uses: Automotive related uses [Automotive Rentals, Automotive 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</li><li>3) Require a 10-foot landscape buffer along the Eastern property line.</li></ol> | 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).<br><br>8/14/03: Approved (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings |
| C14-02-0138   | I-RR to CS     | 9/17/02: Approve staff's recommendation of CS-CO zoning with the following conditions: add Equipment Sales and Automotive Rentals as allowed/ permitted uses (7-0)   | 10/24/02: Granted CS-CO on all 3 readings (6-0, Dunkerley-absent)   |

|             |            |  |  |
|-------------|------------|--|--|
| C14-02-0132 | MF-3 to GR | <p>10/22/02: Approved GR-CO zoning (8-0), with the following conditions:</p> <ol style="list-style-type: none"> <li>1) The only permitted GR uses are Auto Sales and Auto Repair;</li> <li>2) Permit LR Uses, with the exception of the following LR uses: Service Station; Food Sales; Accessory Off-Site Parking; Restaurant (Drive-In Fast Food); Restaurant (Limited)</li> <li>3) Limit the development intensity to less than 2,000 vehicle trips per day;</li> <li>4) Require that protected trees shall remain undisturbed;</li> <li>5) Require that Compatibility Standards be applied along the eastern property line;</li> <li>6) Require a 25' vegetative buffer along the eastern property line;</li> <li>7) Limit structures to 40' in height with an increase in height according to Compatibility Standards;</li> <li>8) Require that all Auto Maintenance and Repair be contained within a structure;</li> <li>9) Restrict access to San Felipe Boulevard to emergency access only;</li> <li>10) Allow no inoperable vehicle storage on the site;</li> <li>11) Do not allow a parking lot adjacent to the proposed vegetative buffer along the eastern property line.</li> </ol> | <p>11/21/02: To grant GR-CO with conditions and a public restrictive covenant (6-0, Goodman-absent); 1<sup>st</sup> reading.</p> <p>12/5/02: To grant GR-CO zoning, with conditions that no structural detention or water quality facility shall be allowed within the proposed 25 foot vegetative buffer, grow green standards shall be utilized, and structural parking shall be prohibited (7-0); 2<sup>nd</sup> reading</p> <p>12/12/02: Approved-Petition withdrawn (7-0); 3<sup>rd</sup> reading</p> |
| C14-02-0017 | I-RR to GR | 2/26/02: Approved staff's rec. of GR-CO zoning by consent (7-0, K. Jackson-absent, A. Adams-off dias)  | 4/4/02: Approved GR-CO w/ conditions (6-0, Goodman out of room); all 3 readings  |
| C14-99-2119 | I-RR to LI | 4/18/00: Approved staff rec. of GR-CO (TR1) & MF-3-CO (TR2); subject to onsite water detention by consent (7-1, RC-Nay)  | 5/18/00: Approved PC rec. of GR-MU-CO (TR1), MF-3-CO (TR2) on all 3 readings (6-0, Lewis-absent)   |

|             |                |  |   |
|-------------|----------------|--|---|
| C14-99-2017 | I-RR to RR     | 1/4/00: Approved staff rec. of RR (6-1-2, GW/BB-Nay, BH-abstain)                                 | 2/3/00: Approved PC rec. of RR (5-0); all 3 readings<br><br>9/25/03: Approved Amending Ordinance # 000203-46 to correct legal description   |
| C14-99-0067 | I-RR to GR-CO  | 8/10/99: Approved GR-CO (5-0)  | 9/9/99: Approved GO-CO w/conditions (7-0); all 3 readings   |
| C14-99-0016 | I-RR to MF-3   | 2/23/99: Approved staff alternate rec. of MF-3-CO by consent (6-0)                               | 5/20/99: Approved PC rec. of MF-3-CO w/ conditions (7-0); all 3 readings  |
| C14-99-0005 | I-RR to MF-3   | 2/23/99: Approved staff alternate rec. of MF-3-CO by consent (6-0)                               | 5/20/99: Approved PC rec. of MF-#-CO w/ conditions (7-0); all 3 readings  |
| C14-98-0200 | I-RR to GR     | 12/8/98: Approved GR-CO by consent (8-0)   | 1/7/99: Approved PC rec. of GR-CO w/ conditions (7-0); all 3 readings   |
| C14-98-0127 | I-RR to GR     | 10/13/98: Approved GR-CO (9-0)   | 11/19/98: Approved PC rec. of GR-CO; all 3 readings   |
| C14-98-0090 | I-RR to GR     | 8/4/98: Approved GR by consent (9-0)   | 8/13/98: Approved PC rec. of GR (6-0); all 3 readings   |
| C14-98-0081 | I-RR, GR to GR | 9/22/98: Approved GR by consent (8-0)  | 10/22/98: Approved PC rec. of GR (7-0); 1 <sup>st</sup> reading<br><br>11/19/98: Approved GR w/conditions (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings  |
| C14-95-0131 | SF-2 to GO     | 11/7/95: Approved GO by consent (8-0)  | 12/7/95: Approved GO (6-0); 1 <sup>st</sup> reading<br><br>2/29/96: Approved GO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings  |
| C14-95-0036 | DR to CS       | 8/1/95: Approved GR with conditions & maintain existing GR (6-0); subject to TIA recommendations | 9/7/95: Approved GR & DR w/conditions (7-0); 1 <sup>st</sup> reading<br><br>10/19/95: Approved GR and maintain existing GR portion (5-0-1, EM-abstain); 2 <sup>nd</sup> /3 <sup>rd</sup> readings |
| C14-91-0022 | DR to LR       | 4/9/91: Approved LR-CO   | 5/9/91: Approved LR-CO w/conditions; all 3 readings   |

**RELATED CASES:** There are no pending related cases.

**ABUTTING STREETS:**

| NAME              | ROW  | PAVEMENT | CLASSIFICATION | DAILY TRAFFIC |
|-------------------|------|----------|----------------|---------------|
| US Highway 183    | 400' | Varies   | Major Arterial | N/A           |
| Spicewood Springs | 100' | Varies   | Arterial       | N/A           |

**CITY COUNCIL DATE:** September 2, 2004

**ACTION:**

**ORDINANCE READINGS:** 1st

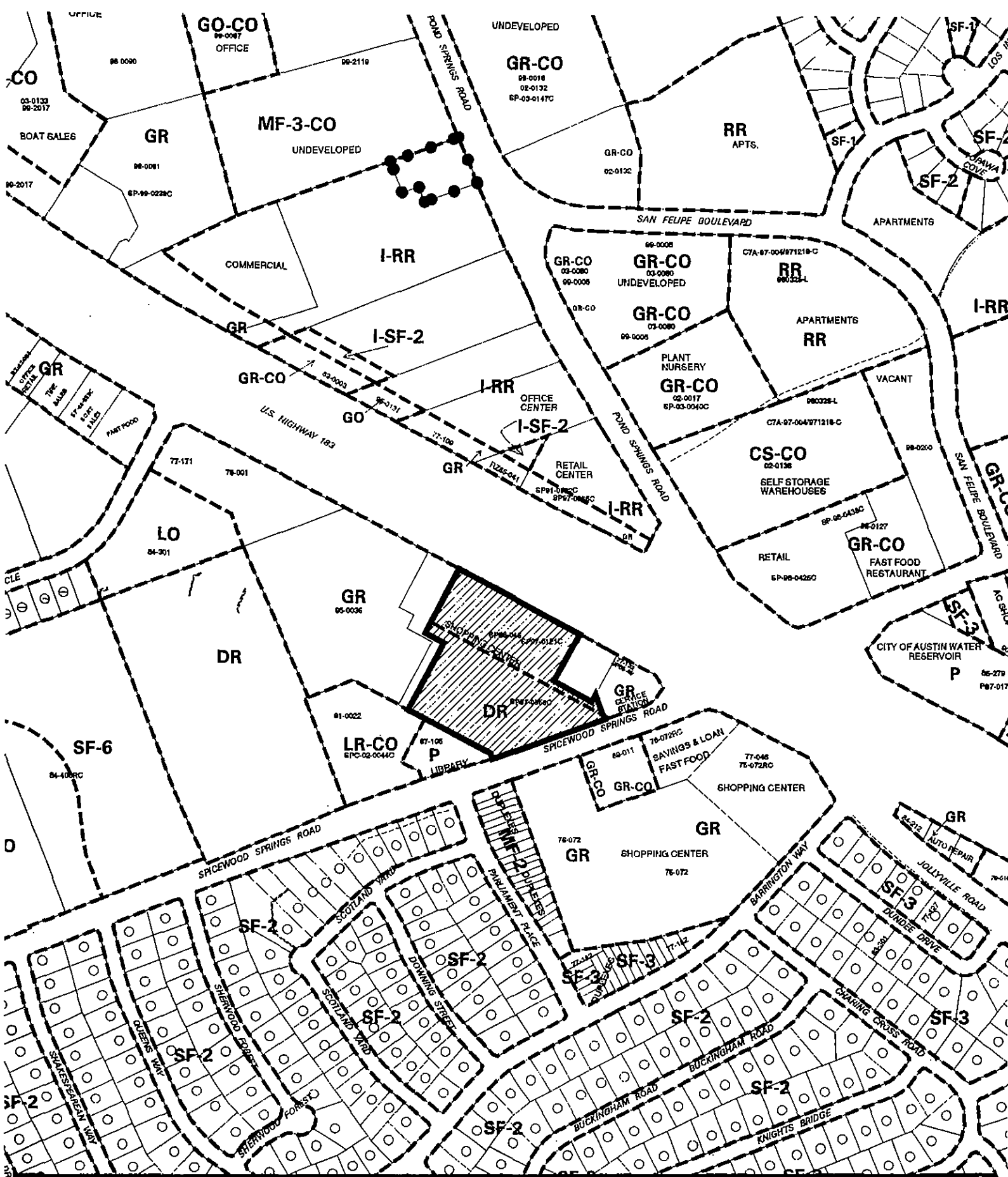
2<sup>nd</sup>


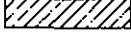


3<sup>rd</sup>

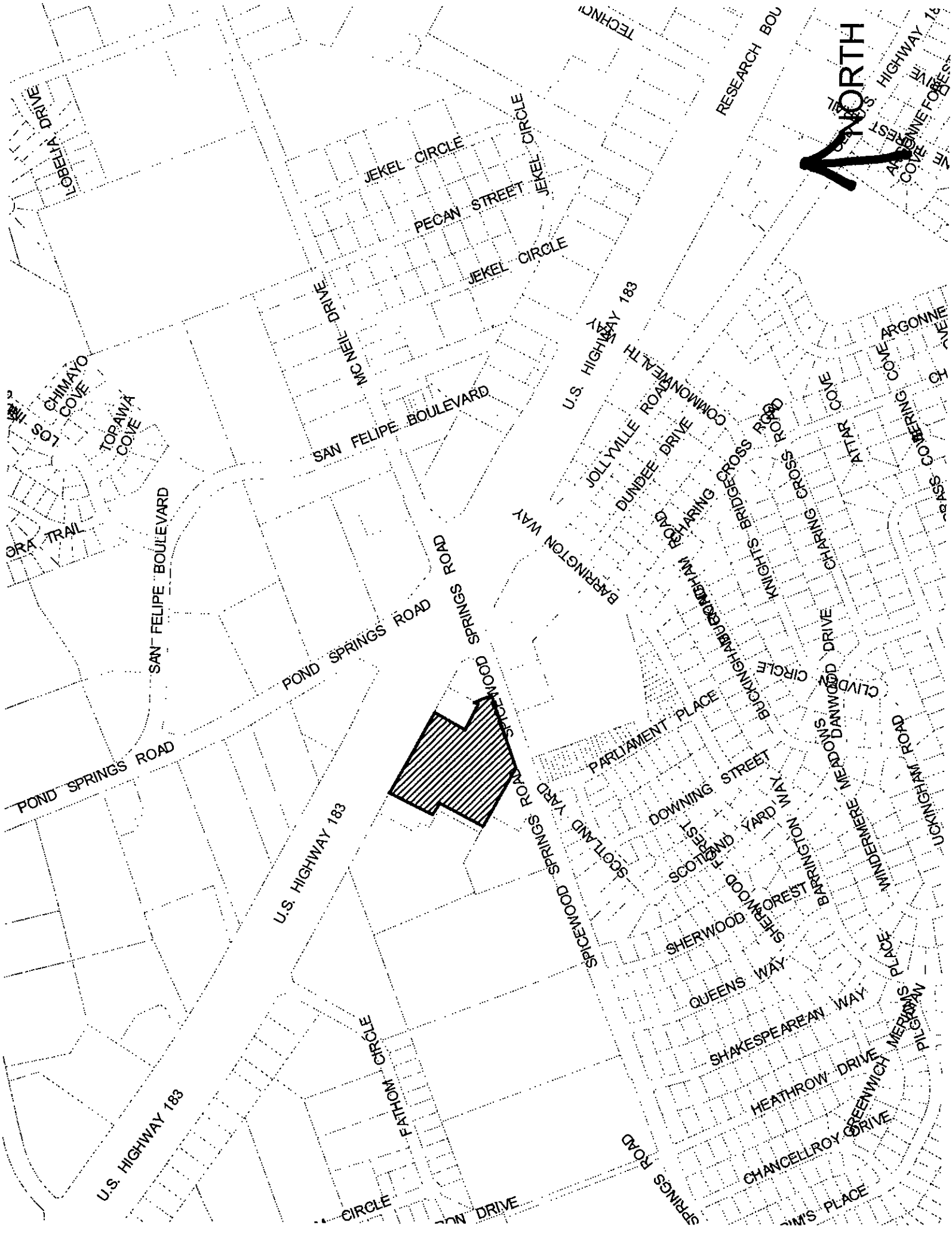
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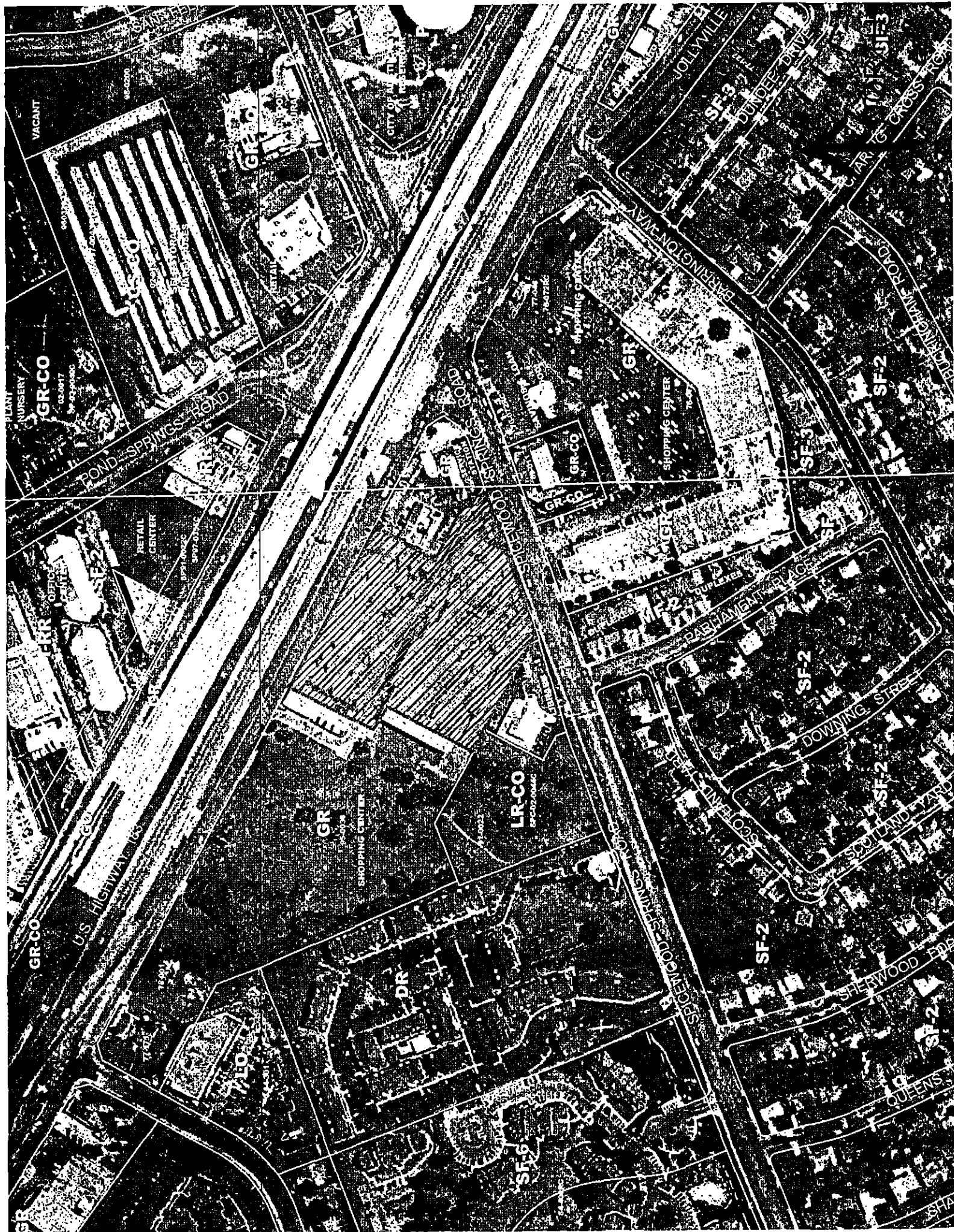
**CASE MANAGER:** Sherri Gager

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



|   |                             |   |               |   |
|---|-----------------------------|---|---------------|---|
| <br>1" = 400' | SUBJECT TRACT               |  | <b>ZONING</b> | CITY GRID<br>REFERENCE<br>NUMBER<br><br>G36 |
|   | PENDING CASE                |  |               |   |
|   | ZONING BOUNDARY             |  |               |   |
|   | CASE MGR: S. GAGER          |   |               |   |
|   |                             |   |               |   |
|   | CASE #: C14-04-0092         |   |               | DATE: 04-06                                 |
|   | ADDRESS: 12852 N US HWY 183 |   |               |   |
|   | SUBJECT AREA (acres): 5.255 |   |               | INTLS: SM                                   |





## **STAFF RECOMMENDATION**

The staff's alternate recommendation is to grant GR-CO (Community Commercial -Conditional Overlay) zoning. The conditional overlay would limit the intensity for any new/redevelopment not exceed 2,000 trips per day beyond the existing development.

## **BACKGROUND**

The property in question is developed with a retail shopping center. The site currently contains a grocery store, a video store, a bank, and a restaurant. The applicant is seeking GR, Community Commercial District, zoning to bring the existing uses on the property into conformance with the City of Austin Land Development Code.

The staff recommends the applicant's request because the property in question is located at the intersection of two arterial roadways. The existing retail center has access points to Spicewood Springs Road and U.S. Highway 183. The proposed zoning will allow for commercial uses to provide services to the residential neighborhoods to the south and west.

The applicant agrees with the staff's recommendation.

## **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 GR-CO zoning district designation would be appropriate for this site because the property in question is located at the intersection of two arterial roadways. The proposed zoning will allow for commercial uses to provide services to the residential developments to the south and west.

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

The GR-CO zoning district would be compatible and consistent with the surrounding uses because there are commercial uses to the north and east of the site. In addition, there is currently GR, GR-CO, and LR-CO zoning to the north, east and west of the site.

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

The GR-CO zoning district would bring the existing retail use on the property into conformance with the Land Development Code. GR-CO zoning is appropriate for this location because of the commercial 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 an arterial roadway, Spicewood Springs Road and U.S. Highway 183. The existing retail center has access points to both of these roadways.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is developed with a retail shopping center that contains a grocery store, a video store, a bank, and a restaurant.

### **Impervious Cover**

The maximum impervious cover allowed by the GR zoning district would be 90%. However, because the Watershed impervious cover is more restrictive than the GR 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>% with Transfers</i> |
|--|---------------------------|-------------------------|
| Single-Family<br>(minimum lot size 5750 sq. ft.) | 45%                       | 50%                     |
| Other Single-Family or Duplex                    | 55%                       | 60%                     |
| Multifamily                                      | 60%                       | 65%                     |
| Commercial                                       | 65%                       | 70%                     |

Note: The most restrictive impervious cover limit applies.

### **Environmental**

The site is located over the Northern Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Rattan Creek Watershed of the Colorado River Basin, 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 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.

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 the following water quality control requirements:

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

### **Transportation**

No additional right-of-way is needed at this time. Additional right-of-way will be required upon any redevelopment of the site for Spicewood Springs Road.

The trip generation under the requested zoning is estimated to be 11,610 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 waived for this case because the applicant agreed to limit the intensity for any new/redevelopment. If the zoning is granted, new or redevelopment should be limited through a conditional overlay to not exceed 2,000 trips per day beyond the existing development. [LDC, 25-6-117]

Capital Metro bus service is available along US Highway 183 (Route #71).

Existing Street Characteristics:

| NAME                   | ROW  | PAVEMENT | CLASSIFICATION | DAILY TRAFFIC |
|------------------------|------|----------|----------------|---------------|
| US Highway 183         | 400' | Varies   | Major Arterial | N/A           |
| Spicewood Springs Road | 100' | Varies   | Arterial       | N/A           |

### **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 site is served 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 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.

### **Compatibility Standards**

This tract is currently developed and a change of use would not trigger compatibility development regulations. However, 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. Therefore, the only compatibility provision that could be required for new construction, would be for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.

**NEW CASES**

9. C14-04-0092 – JOHN P. NIEMAN, By: John Hussey, 12852 North US Highway 183. (Rattan Creek). **FROM DR TO GR. ALTERNATE RECOMMENDATION: GR-CO. City Staff: Sherri Gager, 974-3057.**

***APPROVED STAFF'S RECOMMENDATION OF GR-CO ZONING; PROHIBIT PAWNSHOPS.***

***[M.W; J.M 2<sup>ND</sup>] (8-0) J.P – ABSENT***

10. C814-99-0001.03 – PEBBLE CREEK JOINT VENTURE (Edward R. Rathgeber); DEVELOPERS OF AVERY RANCH (Robert D. Wunsch); CONTINENTAL HOMES OF TEXAS, L.P. (Richard Maier), By: Waterstone Development (Theresa Canchola), Avery Ranch Boulevard & Parmer Lane. (Brushy Creek). **FROM PUD TO PUD. RECOMMENDED. City Staff: Sherri Gager, 974-3057.**

***POSTPONED TO 09/21/04 (APPLICANT)***

***[J.M; J.G 2<sup>ND</sup>] (8-0) J.P – ABSENT***

11. C814-99-0001(RCA) – AVERY RANCH PUD RESTRICTIVE COVENANT AMENDMENT, By: Pebble Creek Joint Venture (Edward R. Rathgeber); Continental Homes of Texas, L.P. (Richard Maier); Rathgeber Investment Company, Ltd. (Edward R. Rathgeber, Jr.); Developers of Avery Ranch (Robert D. Wunsch), Waterstone Development (Theresa Canchola), Avery Ranch Blvd. and Parmer Lane. (Brushy Creek). **RECOMMENDED. City Staff: Sherri Gager, 974-3057.**

***POSTPONED TO 09/21/04 (APPLICANT)***

***[J.M; J.G 2<sup>ND</sup>] (8-0) J.P – ABSENT***

12. C14-04-0103 – PARKSIDE AT SLAUGHTER CREEK, SECTION 1, LOT 127, BLOCK C, By: Lumbermen's Investment Corp. (Robert M. Mann), Vaughn & Associates (Rick Vaughn), 1825 National Park Blvd. (Onion Creek). **FROM I-RR TO GR. ALTERNATE RECOMMENDATION: GR-CO WITH CONDITIONS. City Staff: Wendy Walsh, 974-7719.**

***APPROVED STAFF'S RECOMMENDATION OF GR-CO ZONING; INCLUDE THE RECOMMENDATIONS OF THE T.I.A; PROHIBIT FINANCIAL SERVICES.***

***[M.W, J.M 2<sup>ND</sup>] (8-0) J.P – ABSENT***