Thursday, May 18, 2006

+ Back

Zone Hearings/App Ordinances/Restrictive Covenants RECOMMENDATION FOR COUNCIL ACTION

Subject: C14-06-0042 - Spicewood Springs Plaza - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3808 Spicewood Springs Road (Shoal Creek Watershed) from neighborhood commercial (LR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Trien & Nancy Bui. Agent: Skinny Jeans **LLC (Mark Mellon-Werch). City Staff: Jorge E. Rousselin, 974-2975.

Additional Backup Material

(click to open)

No Attachments Available

For More Information: Jorge E. Rousselin, 974-2975.

ZONING REVIEW SHEET

<u>CASE</u>: C14-06-0042 <u>Z.A.P. DATE</u>: April 18, 2006

ADDRESS: 3808 Spicewood Springs Road

OWNER: Trien & Nancy Bui

AGENT: Skinny Jeans LLC.

(Mark Mellon-Werch)

REZONING FROM: LR (Neighborhood commercial) district

TO: GR-CO (Community commercial - conditional overlay) combining district

AREA: 2,446 square feet (0.0562 Acres)

SUMMARY ZONING AND PLATTIONG COMMISSION RECOMMENDATION:

April 18, 2006:

APPROVED STAFF'S RECOMMENDATION FOR GR-CO DISTRICT ZONING; BY CONSENT.

The recommended conditional overlay will prohibit all GR uses with the exception of personal improvement services and allow all neighborhood commercial (LR) uses.

The following uses shall be prohibited:

- Automotive rentals;
- Automotive repair services;
- Automotive sales;
- Automotive washing (of any type);
- Business or trade school;
- Business support services:
- Commercial off-street parking;
- Communication services;
- Community recreation (private);
- Community recreation (public);
- Congregate living:
- Exterminating services;
- Funeral services:

[J.MARTINEZ, J.GOHIL 2ND] (9-0)

- General retail sales (general);
- Hospital services (limited);
- Hotel-motel:
- Indoor entertainment:
- Indoor sports and recreation;
- Medical offices (exceeding 5,000 sq. ft.);
- Outdoor sports and recreation;
- Pawn shop services:
- Research services:
- Residential treatment;
- Restaurant (general); and
- Theater

SUMMARY STAFF RECOMMENDATION:

Staff recommends community commercial – conditional overlay combining district zoning (GR-CO). The recommended conditional overlay will prohibit all GR uses with the exception of personal improvement services and allow all neighborhood commercial (LR) uses.

The following uses shall be prohibited:

- Automotive rentals;
- Automotive repair services;
- Automotive sales;
- Automotive washing (of any type);
- Business or trade school;
- Business support services;

- Commercial off-street parking;
- Communication services:
- Community recreation (private);
- Community recreation (public);
- Congregate living;
- Exterminating services;

- Funeral services:
- General retail sales (general);
- Hospital services (limited);
- Hotel-motel;
- Indoor entertainment:
- Indoor sports and recreation;
- Medical offices (exceeding 5,000 sq. ft.);

- Outdoor sports and recreation;
- Pawn shop services;
- Research services:
- Residential treatment;
- Restaurant (general); and
- Theater

DEPARTMENT COMMENTS:

The subject rezoning area is a 2,446 square foot vacant suite, formerly a travel agency, on an existing commercial center fronting Spicewood Springs Road. The applicant seeks to rezone the property to GR-CO to allow for a fitness center. The self-imposed conditional overlay will limit all GR uses with the exception of personal improvement services and aloe all LR uses. Parking is proposed on the existing parking lot serving the commercial center. Access is off two driveways to Spicewood Springs Rd.

Under a previous rezoning application, C14-03-0081, the next door property was rezoned from LR to GR-CO imposing the same conditions but allowing a restaurant (general) instead of personal improvement services. The Commission and the City Council approved the rezoning under those conditions.

Staff recommends community commercial – conditional overlay combining district zoning (GR-CO). The recommended conditional overlay will prohibit all GR uses with the exception of personal improvement services and allow all neighborhood commercial (LR) uses with the prohibited uses as described above. The recommendation is based on the following considerations:

- 1.) The proposed land use is compatible with existing commercial uses on the existing commercial center and along Spicewood Springs Road;
- 2.) The proposed conditional overlay will limit uses to LR with the exception of personal improvement services; and
- 3.) The proposed rezoning is located along an arterial roadway.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES	
Site	LR	Vacant suite (Suite 103)	
North	GR-CO	Restaurant	
South	LR	Commercial center	
East	SF-3	Single-family residences	
West	LR	Restaurant	

AREA STUDY: N/A TIA: N/A (See Transportation comments)

<u>WATERSHED</u>: Shoal Creek <u>DESIRED DEVELOPMENT ZONE</u>: Yes

<u>CAPITOL VIEW CORRIDOR</u>: N/A <u>HILL COUNTRY ROADWAY</u>: N/A

NEIGHBORHOOD ORGANIZATIONS:

5-Balcones Civic Assn.

53--Northwest Austin Civic Association

511-Austin Neighborhoods Council

742-Austin Independent School District

SCHOOLS:

Austin Independent School District

- Hill Elementary School
- Murchison Middle School
- Anderson High School

RELATED CASES: N/A

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14P-80-079	Site Plan special	10/04/80: PC approved site plan.	N/A
1	permit approval for		}
\	Spicecreek		
<u> </u>	Apartment Complex		

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-91-0073	SF-3 to LO	10/08/091: PC APVD LO.	11/21/91: APVD LO-CO
			W/CONDS (7-0); 1ST RDG
}			07/09/92: APVD LO-CO;
	1		2ND/3RD READING APPRVD.
C14-03-0081	LR to GR	07/01/03: ZAP APVD STAFF REC	
<u> </u>	1	OF GR-CO BY CONSENT (8-0)	RDG
]	İ	CO:	07/31/03: APVD GR-CO (7-0);
		Prohibited uses:	2ND/3RD RDGS
		 Automotive rentals; 	Prohibited uses:
į.	1	 Automotive repair 	 Automotive rentals;
]]	services;	Automotive repair
		Automotive sales;	services;
ŀ		 Automotive washing (of 	Automotive sales;
		any type);	Automotive washing (of
	· ·	 Business or trade school; 	any type);
		 Business support services; 	 Business or trade school;
[[Commercial off-street 	 Business support services;
!		parking;	 Commercial off-street
		 Communication services; 	parking;
(Community recreation 	 Communication services;
	İ	(private);	 Community recreation
		 Community recreation 	(private);
		(public);	 Community recreation
		 Congregate living; 	(public);
		 Exterminating services; 	 Congregate living;
		 Funeral services; 	 Exterminating services;

General retail sales (general); Hospital services (limited); Hotel-motel; Indoor entertainment; Indoor sports and recreation; Medical offices (exceeding 5,000 sq. ft.); Outdoor sports and recreation; Pawn shop services; Research services; Residential treatment; Restaurant (general); Restaurant (limited); and Theater	 Funeral services; General retail sales (general); Hospital services (limited); Hotel-motel; Indoor entertainment; Indoor sports and recreation; Medical offices (exceeding 5,000 sq. ft.); Outdoor sports and recreation; Pawn shop services; Research services; Residential treatment; Restaurant (general); Restaurant (limited); and Theater
---	--

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	SIDEWALKS
Spicewood Springs Road	Varies	Varies	Arterial	No	Yes

CITY COUNCIL DATE:

ACTION:

May 18, 2006

ORDINANCE READINGS: 1st

and

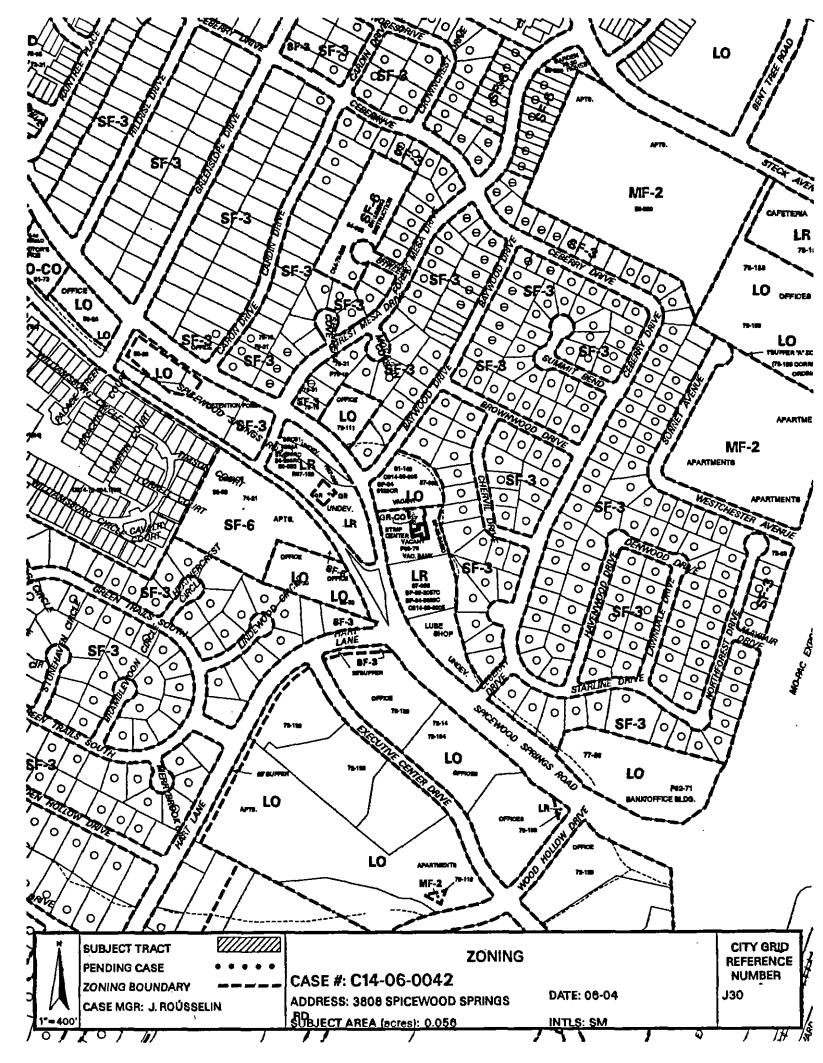
3rd

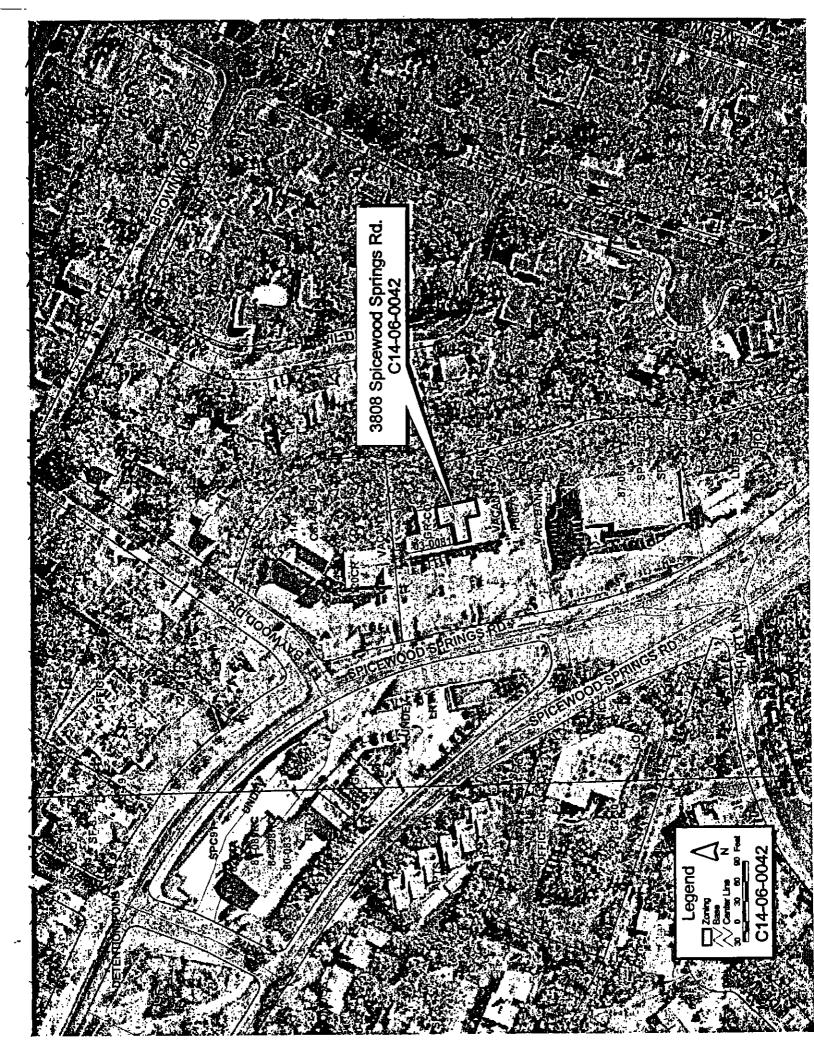
ORDINANCE NUMBER:

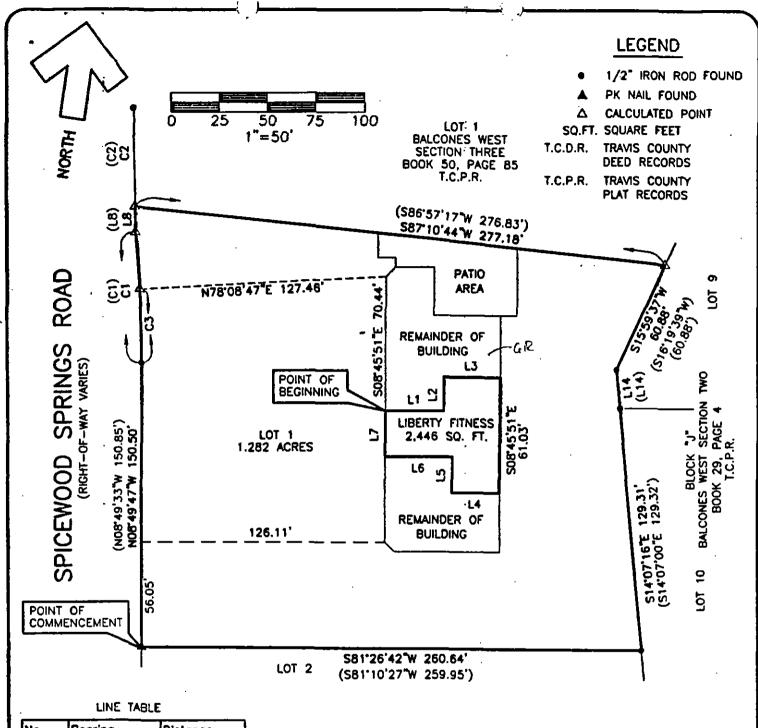
CASE MANAGER: Jorge E. Rousselin, NPZD

PHONE: 974-2975

E-MAIL: jorge.rousselin@ci.austin.tx.us







No.	Bearing	Distance
53	N81"14'09"E	30.35
L2	N08'45'51"W	17.85
L3	N81'14'09"E	29.53'
L4 L5	S81'14'09"W	24.85
L5	N08'45'51"W	19.03
L6	S81"14'09"W	35.03'
L7	N08'45'51"W	24.15'
L8	N09'44'33"W	13.21
(L8)	N09'44'33"W	13.21

CURVE TABLE

No.	Delta	Rodius	Arc Length	Chord Length	Chord Bearing
C1	05'23'47"	726.00	68.38		N11'29'11 W
(C1)	05'22'07"	726.00	68.02	68.00	N11'30'33"W
C2	00'51'58"	3377.45	51.06	51.06	N10'04'00"W
(C2)	1	3377.45	51.09	51.07	N10'04'00"W
C3	03'03'56"	726.00	38.84	38.84	N10"19"15"W

© COPYRIGHT 2006, DEAN WOODLEY

CLIENT: LIBERTY FITNESS FIELD BOOK: 58, PAGE: 48

DRAWN BY: D.W.

PROJECT NO.: 589-01-03 DATE: 03-08-2006 FILE: 5890103C.DWG

SKETCH TO ACCOMPANY FIELD NOTES

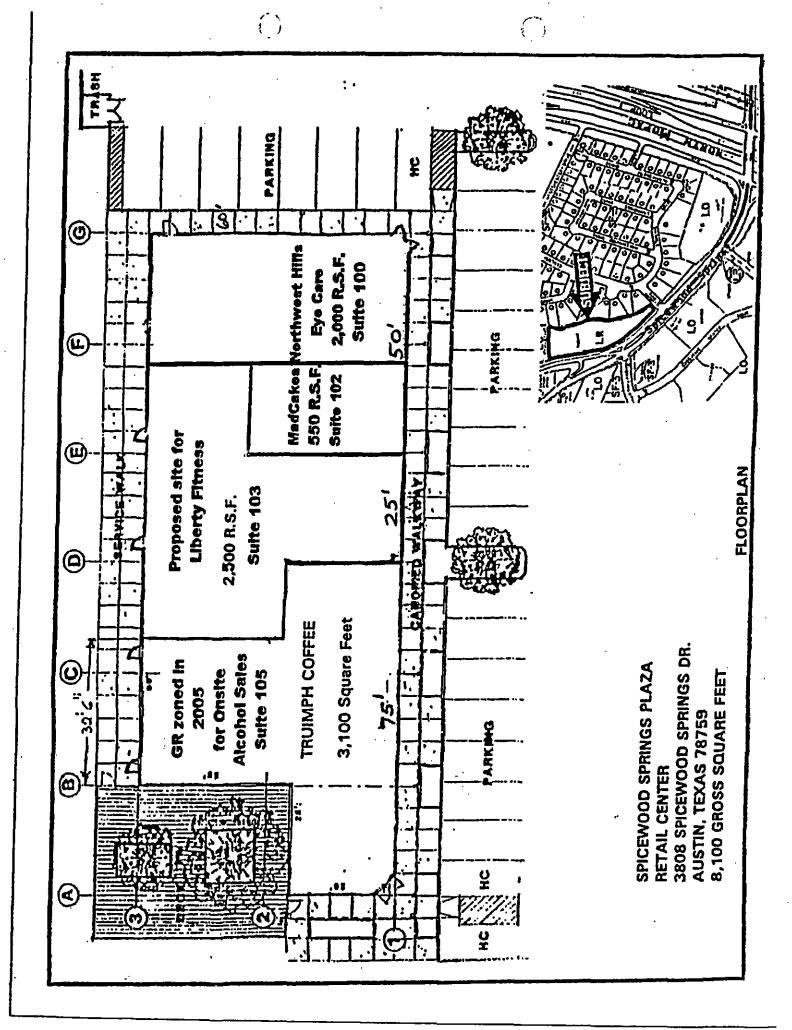
OF LIBERTY FITNESS
BEING A PORTION OF LOT 1

RESUBDIVISION OF LOT 2, BALCONES WEST SECTION 3
AS RECORDED IN BOOK 93, PAGES 23-24

TRAVIS COUNTY, TEXAS



LIVE OAK
SURVEYING
12421 WYCLIFF LANE
AUSTIN, TX 78727-5220
(512) 837-1018



STAFF RECOMMENDATION

Staff recommends community commercial – conditional overlay combining district zoning (GR-CO). The recommended conditional overlay will prohibit all GR uses with the exception of personal improvement services and allow all neighborhood commercial (LR) uses.

The following uses shall be prohibited:

- Automotive rentals;
- Automotive repair services;
- Automotive sales:
- Automotive washing (of any type);
- Business or trade school;
- Business support services;
- Commercial off-street parking;
- Communication services:
- Community recreation (private);
- Community recreation (public);
- Congregate living;
- Exterminating services;
- Funeral services;

- General retail sales (general);
- Hospital services (limited);
- Hotel-motel;
- Indoor entertainment:
- Indoor sports and recreation;
- Medical offices (exceeding 5,000 sq. ft.):
- Outdoor sports and recreation;
- Pawn shop services;
- Research services;
- Residential treatment;
- Restaurant (general); and
- Theater

BASIS FOR RECOMMENDATION

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

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 proposed rezoning meets the purpose statement set forth in the Land Development Code. The site lies within an established commercial center and is accessed via Spicewood Springs Road, an arterial roadway. The site is also adjacent to commercial uses and is compatible with existing commercial uses along Spicewood Springs Road.

- 2. Zoning changes should promote an orderly and compatible relationship among land uses.
- 1.) The proposed land use is compatible with existing commercial uses on the existing commercial center and along Spicewood Springs Road;
- 2.) The proposed conditional overlay will limit uses to LR with the exception of personal improvement services; and
- 3.) The proposed rezoning is located along an arterial roadway.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area is a 2,446 square foot vacant suite, formerly a travel agency, on an existing commercial center fronting Spicewood Springs Road. Parking is proposed on the existing parking lot serving the commercial center. Access is off two driveways to Spicewood Springs Rd.

Transportation

- 1. No additional right-of-way is needed at this time.
- 2. The trip generation under the requested zoning is estimated to be 565 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).
- 3. 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]
- 4. Capital Metro bus service is not available within 1/4 mile of this property.

Environmental and Impervious Cover

- 1. The site is located over the northern 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 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 flood plain within the project area.
- 5. 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.
- 6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

- 1. The landowner intends to serve the site with City of Austin water and wastewater utilities.
- 2. The landowner, at own expense, will be responsible for providing utility improvements.
- 3. The water and wastewater utility system serving this site must be in accordance with the City of Austin design criteria.
- 4. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility.

- 5. The water and wastewater utility construction must be inspected by the City.
- 6. The landowner must pay the associated and applicable City fees.

Site Plan and Compatibility Standards

- 1. This tract is already developed and the proposed zoning change is a footprint within the existing development. A change of use within the existing structure would not trigger compatibility development regulations (it appears to be in compliance with compatibility).
- 2. However, any new construction on this site would be subject to compatibility development regulations due to the existing SF-3 zoned property to the east, and would be subject to the following requirements:
 - 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.
 - No parking or driveways are allowed within 25 feet of the property line.
 - In addition, 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.

BALCONES CIVIC ASSOCIATION Post Office Box 26864 Austin Texas 78755-6864 (512) 454-8003

February 27, 2006

Ms. Gay Carpenter Ruggiano Kucera Company 7200 N. Mopac Expressway #450 Austin Texas 78731

Re: 3808 Spicewood Springs Suite 103

Dear Ms. Ruggiano:

The Balcones Civic Association represents over 2000 residences in Northwest Austin. Our twenty member executive board is representative of homeowners in our neighborhood area. I presented your request for rezoning of 2,500 square feet out of the Spicewood Springs Piaza center located at 3808 Spicewood Spring Drive from LR to GR. No member of the executive board presented any objections to your client's request for a zoning change. We appreciate you and Liberty Fitness' concern for neighborhood involvement in the planning of their new business opportunities. I'm hopeful many of our members will support the new business when they open.

Thank you

Tom Arbuckie

President

Balcones Civic Association arbuckletom@aol.com

ORDINANCE NO.

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3808 SPICEWOOD SPRINGS ROAD FROM NEIGHBORHOOD COMMERCIAL (LR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from neighborhood commercial (LR) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-06-0042, on file at the Neighborhood Planning and Zoning Department, as follows:

A 2,446 square foot tract of land, more or less, out of the James M. Mitchell Survey, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 3808 Spicewood Springs Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. The following uses are prohibited uses of the Property:

Automotive rentals
Automotive sales
Business or trade school
Commercial off-street parking
Community recreation (private)
Congregate living
Funeral services
Hospital services (limited)
Indoor entertainment
Medical offices (exceeding 5000 sq. ft.
of gross floor area)
Research services

Restaurant (general)

Draft: 4/26/2006

Automotive repair services
Automotive washing (of any type)
Business support services
Communication services
Community recreation (public)
Exterminating services
General retail sales (general)
Hotel-motel
Indoor sports and recreation
Outdoor sports and recreation
Pawn shop services
Residential treatment
Theater

Page 1 of 2

COA Law Department

used in accordance base district and c	ce with the regulations	is ordinance, the Property may be developed established for the community commendates of the City Code.	
PASSED AND A			د کند د
TAUGED ALLE	, 2006	§ § 8	
		Will Wynn Mayor	
APPROVED: _	David Allan Smith City Attorney	ATTEST: Shirley A. Gentry City Clerk	
•		-	

Page 2 of 2

COA Law Department

DESCRIPTION

OF A 2,446 SQUARE FEET TRACT OF LAND BEING OUT OF AND A PART OF THE JAS M. MITCHELL SURVEY, SITUATED IN TRAVIS COUNTY, TEXAS, ALSO BEING OUT OF LOT 1, RESUBDIVISION OF LOT 2, BALCONES WEST SECTION 3 AS RECORDED IN BOOK 93, PAGE 23-24 OF THE TRAVIS COUNTY PLAT RECORDS, SAID 2,446 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

Commencing at a P.K. Nail Found at the Northwest corner of Lot 2, Resubdivision of Lot 2, Balcones West Section 3 as recorded in Book 93, Page 23-24 of the Travis County Plat Records, and the Southwest corner of Lot 1 of the said Resubdivision of Balcones West Section 3, also being in the East Right-of-Way of Spicewood Springs Road (Right-of-Way Varies);

Thence, N08°49'47"W, with the West line of the said Lot 1 and the East line of the said Spicewood Springs Road, for a distance of 150.50' feet to a 1/2" Iron Rod Found, at a Point of Curvature of a curve to the Left;

Thence with a curve to the Left having a Central Angle of 03°03'56", a Radius of 726.00', Chord Bears N10°19'15"W for a distance of 38.84', for an Arc distance of 38.84', to a Calculated Point;

Thence, N78°08'47"E, crossing the said Lot 1 for a distance of 127.46' feet to the Westerly Northwest corner of a building

Thence, S08°45'51"E, with the outside wall of said building, for a distance of 70.44' feet to the Point of Beginning;

Thence crossing the said Lot 1 for the following eight (8) consecutive courses;

- 1) N81°14'09"E, crossing through a building, with interior walls along the North edge of the Liberty Fitness space, 30.35' feet, to an interior corner of a wall;
- 2) N08°45'51"W, crossing through a building, with interior walls, 17.85' feet, to an interior corner of a wall;
- 3) N81°14'09"E, crossing through a building, with interior walls along the North edge of the Liberty Fitness space, 29.53' feet, to a point on the exterior wall of the said building;

- 4) S08°45'51"E, with the outside wall of said building, for a distance of 61.03' feet to point along the wall of a building;
- 5) S81°14'09"W, crossing through a building, with interior walls along the South edge of the Liberty Fitness space, 24.85' feet, to an interior corner of a wall;
- 6) N08°45'51"W, crossing through a building, with interior walls, 19.03' feet, to an interior corner of a wall:
- 7) S81°14'09"W, crossing through a building, with interior walls along the South edge of the Liberty Fitness space, 35.03' feet, to the front outer wall of a building;
- 8) N08°45'51"W, with the outside wall of said building, for a distance of 24.15' feet to the Place of Beginning, containing 2,446 Square Feet of Land Area.

The bearings for the above description are based upon the Resubdivision of Lot 2 Balcones West Section 3 as recorded in Book 93, Page 23-24, Travis County, Texas.

STATE OF TEXAS)(

COUNTY OF TRAVIS)(

I hereby certify that this field note description was prepared from the results of an actual survey made on the ground under my supervision and that it is true and correct to the best of my knowledge.

LIVE OAK SURVEYN

12421 Wycllff Lane

DEAN A. WOODILEY

REGISTERED PROFESSIONAL

LAND SURVEYOR NO. 5086

5890103C.wps

LEGEND 1/2" IRON ROD FOUND PK NAIL FOUND CALCULATED POINT <u>50</u> LOT: 1 SQ.FT. SQUARE FEET 1"=50" BALCONES WEST SECTION THREE T.C.D.R. TRAVIS COUNTY DEED RECORDS BOOK 50, PAGE 85 T.C.P.R. T.C.P.R. TRAVIS COUNTY PLAT RECORDS (S86'57'17"W 276.83') 9 \$87'10'44"W 277.18 PATIO SPICEWOOD SPRINGS ROAD N78 08 47 E 127.46 <u>5</u>5 AREA 70.4 þ S08-45'51"E REMAINDER OF BUILDING L3 POINT OF **BEGINNING** L1 2 S08'45'51 61.03 LIBERTY FITNESS 150.85') LOT 1 5 2,446 SQ. FT. **1.282 ACRES** BLOCK BALCONES WEST L6 (NO8'49'33"W NO8'49'47"W ·L4 REMAINDER OF S14'07'16'E 126.11 BUILDING 9 5 POINT OF COMMENCEMENT S81°26'42'W 260.64' LOT 2 (\$81'10'27"W 259.95')

LINE TABLE

No.	Bearing	Distance
L1	N81"14'09"E	30.35
L2	N08'45'51 W	17.85
L3	N81"14'09"E	29.53
L1 L2 L3 L4	S81"14'09"W	24.85
L5	N08'45'51"W	19.03
L6	S81°14'09"W	35.03
L7	N08'45'51"W	24.15
L8	N09°44'33"W	13.21
(LB)	N09'44'33"W	13.21

CURVE TABLE

No.	Delto	Rodius	Arc Length	Chord Length	Chord Bearing
No. C1	05'23'47"	726.00	68.38	68.35	N11'29'11'W
(C1) C2	05'22'07"	726.00	68.02	68.00	N11'30'33"W
C2	00'51'58"	3377.45	51.06	51.06	N10'04'00"W
(C2)		3377.45	51.09	51.07	N10'04'00"W
C3	03'03'56"	726.00	38.84	38.84	N10'19'15"W

© COPYRIGHT 2006, DEAN WOODLEY

CLIENT: LIBERTY FITNESS

FIELD BOOK: 58, PAGE: 48

DRAWN BY: D.W. PROJECT NO.:589-01-03 DATE: 03-08-2006

FILE: 5890103C.DWG

SKETCH TO ACCOMPANY FIELD NOTES

OF LIBERTY FITNESS
BEING A PORTION OF LOT 1

RESUBDIVISION OF LOT 2, BALCONES WEST SECTION 3
AS RECORDED IN BOOK 93, PAGES 23-24
TRAVIS COUNTY, TEXAS



LIVE OAK
SURVEYING
12421 WYCLIFF LANE
AUSTIN, TX 78727-5220
(512) 837-1018

