

A U S T I N C I T Y C O U N C I L  
**AGENDA**



Thursday, October 19, 2006

+ Back Print

**Zoning and Neighborhood Plan Amendments  
(Public Hearings and Possible Action)  
RECOMMENDATION FOR COUNCIL ACTION**

**ITEM No. 61**

**Subject:** C14-06-0066 - Furrows North - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13427 Pond Springs Road (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1 and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1 and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1 and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2. Applicant: Furrows North Properties, Ltd (John Lewis, President) Agent: John Lewis Company (Graham Carter). City Staff: Sherri Sirwaitis, 974-3057.

**Additional Backup Material**

(click to open)

- Staff Report**
- Ordinance**

**For More Information:** Sherri Sirwaitis, 974-3057.

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-06-0066

**Z.A.P. DATE:** May 16, 2006

June 20, 2006

July 18, 2006

August 1, 2006

August 15, 2006

September 5, 2006

September 19, 2006

**ADDRESS:** 13427 Pond Springs Road

**OWNER/APPLICANT:** Furrows North Properties, Ltd. (John Lewis, President)

**AGENT:** John Lewis Company (Graham Carter)

**ZONING FROM:** I-RR

**TO:** CS\*  
GR

**AREA:** Tract 1: approx 0.565 acres

Tract 2 approx. 6.398 acres

Total: 6.936 acres

\* On July 18, 2006, the applicant submitted a letter to the staff asking to amend their zoning request to allow for a footprint of 'CS' zoning for the existing warehouse building located along the east property line (Tract 1) and to allow for 'GR' zoning on the remainder of the site (Tract 2). The applicant has stated that they are willing to prohibit Agricultural Sales and Services, Campground, Drop-off Recycling Collection Facility, Kennels, Laundry Services, Monument Retail Sales, Plant Nursery, and Vehicle Storage uses on the proposed 'CS' footprint area (Case Amendment Request Letter – Attachment A).

### **SUMMARY STAFF RECOMMENDATION:**

Staff's recommendation is to grant CS-CO, General Commercial Services District, zoning for Tract 1 and GR-CO, Community Commercial District, zoning for Tract 2. The conditional overlay would limit the development intensity on the entire property to less than 2,000 vehicle trips per day beyond the 6,356 trips per day currently generated by the site, provide for a 25-foot building setback adjacent to the existing single-family residential neighborhood to the north, prohibit all automotive related uses on the site, and prohibit Agricultural Sales and Services, Campground, Drop-off Recycling Collection Facility, Kennels, Laundry Services, Monument Retail Sales, Plant Nursery, and Vehicle Storage uses on Tract 1.

### **ZONING AND PLATTING COMMISSION:**

5/16/06 Postponed to June 20, 2006 by the applicant (8-0, J. Gohil-absent), J. Martinez-1<sup>st</sup>, J. Pinnelli-2<sup>nd</sup>

6/20/06 Postponed to July 18, 2006 by the applicant (7-0, S. Hale, J. Gohil-absent); J. Martinez-1<sup>st</sup>, M. Hawthorne-2<sup>nd</sup>

7/18/06 Postponed to August 1, 2006 by the staff (6-0, B. Baker, J. Gohil, J. Martinez-absent), M. Hawthorne-1<sup>st</sup>, C. Hammond-2<sup>nd</sup>

8/01/06. Postponed to August 15, 2006 by the neighborhood (9-0), J. Martinez-1<sup>st</sup>, J. Pinnelli-2<sup>nd</sup>.

8/15/06. Postponed to September 5, 2006 by the applicant (8-0, K. Jackson-absent); J. Martinez-1<sup>st</sup>, J. Pinnelli -2<sup>nd</sup>.

9/05/06: Postponed to September 19, 2006 by the applicant and the neighborhood (8-0, J. Shieh-absent), J. Martinez-1<sup>st</sup>, S. Hale-2<sup>nd</sup>.

9/19/06. Approved staff's recommendation for CS-CO zoning on Tract 1 and GR-CO zoning on Tract 2, with an added condition to prohibit Commercial Blood Plasma Center use on Tract 1. In addition, the Commission made a request that the applicant and neighborhood record a private restrictive covenant that is mutually agreeable to both parties prior to 3<sup>rd</sup> reading of the case at City Council. Vote: (7-0, J. Martinez, J. Pinnelli-absent); K. Jackson-1<sup>st</sup>, B. Baker-2<sup>nd</sup>.

#### **DEPARTMENT COMMENTS:**

The property in question is currently developed with a religious assembly use (Northwest Fellowship), commercial/personal improvement services/retail sales uses (Family Dollar Store, KAOS Children's Hair Salon, Honey Bee Quilt Store, Yancey's Antiques, Country Keepers Furniture Sales, and a vacant suite), and warehouse/construction sales and services uses (Baseball Solutions, Thigpen & Associates Glass, L.L.C., Trinity Stairs, Inc., and Window Gang Window Washing). This tract of land was annexed as full purpose by the City of Austin on December 1, 2005. The applicant is requesting CS, General Commercial Services District, zoning because they would like to permanently zone the property for the existing uses on the site.

Staff is recommending CS-CO zoning for Tract 1 and GR-CO zoning for Tract 2 because the site is located near developed commercial uses to the south, east and west. This tract of land meets the intent of the Community Commercial district as it has access to two arterial roadways, Pond Springs Road and Anderson Mill Road, and will provide services to the surrounding residential areas to the north and south. The staff recommends a building footprint of CS-CO zoning for Tract 1 because it will allow the applicant to bring the existing Construction Sales and Services uses within the developed warehouse at the northeastern edge of the property into conformance with use regulations in the City of Austin Land Development Code. In addition, the staff proposes GR-CO zoning for the remainder of the property (Tract 2) to allow the applicant to develop additional commercial/retail uses on the site adjacent to an existing church and single-family residential neighborhood. As part of the recommendation for this case, the staff proposes a conditional overlay that will require any new development on the site to comply with a 25-foot building setback from the existing single-family uses located in the county to the north. This proposed conditional overlay will be consistent with compatibility standards that are required between single-family residential and commercial uses in the City.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR	Religious Assembly use (Northwest Fellowship), Commercial/Personal Improvement Services/Retail Sales uses (Family Dollar Store, KAOS Children's Hair Salon, Honey Bee Quilt Store, Yancey's Antiques, Country Keepers Furniture Sales, and a vacant suite), and Warehouse/Construction Sales and Services uses (Baseball Solutions, Thigpen & Associates Glass, L.L.C, Trinity Stairs, Inc, and Window Gang Window Washing)
<i>North</i>	County	Religious Assembly use (Pond Springs Baptist Church), Single-Family Residences
<i>South</i>	GR-CO, I-RR	Communications Service Facility (SBC/ATT&T Call Center), Elementary School (currently vacant)
<i>East</i>	County	Jollyville Fire Station
<i>West</i>	W/LO-CO, I-SF-2	Convenience Storage (Pond Springs Mini Storage), Service Station (Citgo)

**AREA STUDY:** N/A**TIA:** N/A**WATERSHED:** Lake Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

454 – Neighborhood Association of SW Williamson County

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-05-0143	Tract 1 I-RR to GR, Tract 2 I-RR to CS-1	9/20/05 Approved GR-CO for Tract 1 and CS-1-CO for Tract 2, prohibit on-site consumption, limit to 2,000 vehicle trips per day (9-0)	10/27/05 Approved GR-CO zoning for Tract 1, CS-1-CO zoning for Tract 2 by consent (6-0, Alvarez-off dias), all 3 readings
C14-03-0180	I-SF-2 to Tract 1. GR- CO, Tract 2. CS-1-CO	1/20/04 Approved staff's recommendation of GR-CO (Tract 1), CS-1-CO (Tract 2) zoning by consent (6-0, J. Cortez, J. Donisi, K. Jackson-absent); the CO will prohibit the following uses. <u>Tract 1</u> : Drop-Off Recycling Collection Facility, Residential Treatment, <u>Tract 2</u> : Drop-Off Recycling Collection Facility, Residential Treatment, Building Maintenance Services, Campground, Cocktail Lounge, Commercial Blood Plasma Center,	

		Construction Sales and Services, Convenience Storage, Electronic Prototype Assembly, Equipment Repair Services, Equipment Sales, Kennels, Laundry Services, Plant Nursery, Vehicle Storage, Veterinary Services, Custom Manufacturing, Limited Warehousing and Distribution, Maintenance and Service, Transitional Housing, Transportation Terminal; and limit the development intensity for the entire site to less than 2,000 vehicle trips per day.	
C14-02-0059	SF-3 to CS	6/04/02: Approved staff's recommendation of GR-CO zoning on consent, with 2,000 vtpd limit and added condition prohibiting the following uses Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (8-0, K. Jackson-absent)	7/11/02 Approved ZAP recommendation of GR-CO with conditions (7-0)
C14-02-0020	I-RR to LR	4/9/02 Approved staff's rec. of LR-CO zoning; limit the vehicle trips to 2,000 vehicle trips per day, prohibit Service Stations, Congregate Living, Family Homes, Group Homes, Residential Treatment, require dedication of the appropriate right-of way (9-0)	8/29/02. Approved ZAP rec. of LR-CO, deleting Right-Of-Way dedication and added Restaurant (Drive-in, Fast Food) use to the list of prohibited uses (7-0); 1 <sup>st</sup> reading  9/26/02. Approved LR-CO (7-0), 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-02-0002		6/30/02: To approve GR-CO zoning on consent with the following conditions: Limit the development intensity on the site to less than 2,000 vehicle trips per day; allow only LR district uses and prohibit the following uses: Restaurants (Drive-In, Fast Food), Station, Congregate Living, Guidance Services, Residential Treatment; Require that 57 feet of right-of-way from the existing centerline should be dedicated for Anderson Mill Road, according to the Roadway Plan, prior to third reading at City Council (5-0, D Castaneda-off dias, V Aldridge-absent)	8/08/02 Approved GR-CO on 1 <sup>st</sup> reading (6-0, Wynn out of room)  8/29/02. Approved GR-CO (7-0), 2 <sup>nd</sup> /3 <sup>rd</sup> readings

C14-01-0165	CS-CO to CS-CO	12/11/01: Approved staff rec. of CS-CO (7-0), the CO will limit the site to Convenience Storage as the only CS use, allow all LR uses with the exception of a Service Station, limit the site to a maximum building height of 45 feet, and limit the development intensity to less than 2,000 vehicle trips per day.	1/17/02 Approved ZAP rec of CS-CO (6-0); all 3 readings
C14-01-0155	I-RR to GR	11/21/01: Approved staff rec. of GR-CO by consent (8-0); the CO will limit the development intensity to less than 2,000 vehicle trips per day	1/10/02: Approved GR-CO (6-0, Goodman out of room), all 3 readings
C14-00-2244	I-RR to LR	2/6/01: Approved GR-CO for personal improvement use only & all LR uses w/ conditions (9-0)	7/19/01. Withdrawn by applicant
C14-00-2200	GR to CS-1	11/14/00 Approved staff rec. of CS-1 by consent (8-0)	12/14/00 Approved CS-1-CO (7-0); all 3 readings
C14-00-2054	I-RR to LI-CO	11/14/00: Postponed indefinitely by applicant (re-notification required)	5/14/01: Administrative-Expired (Indefinite PP only good for 6 months)
C14-99-2140	I-RR to CS	3/7/00: Approved CS-CO (5-0-1, RC-abstain); CO would limit to convenience storage as the only CS use and allow all LR uses w/ exception of service stations, limit max height to 40', allow max of 2,000 vehicle trips per day	4/6/00: Approved CS-CO w/ conditions as recommended by PC; all 3 readings (6-0, Lewis out of room)
C14-99-2139	I-RR to CS	3/7/00 Approved W/LO-CO (5-0-1, RC-abstain), CO would limit site to convenience storage as only W/LO use, limit site to 2,000 vehicle trips per day	4/6/00 Approved W/LO-CO w/ conditions as recommended by PC; on all 3 readings (6-0, Lewis out of room)
C14-99-0137	I-RR to LI	8/24/99 Approved LI-CO; agree to rollback zoning to GR if use ceases, limited to 2,000 vehicle trips per day, dedicate ROW at time of subdivision process (5-1, RC-Nay)	12/2/99: Approved LI-CO, limited to 2,000 vehicle trips per day, require RC for to "GR" if use ceases (7-0); 3 <sup>rd</sup> reading
C14-99-0036	TR1. GR-CO to MF-2 TR2 I-RR to GR-MU TR3 GR-CO to GR-MU	6/22/99. Approved MF-2 (TR1), GR-MU (TR2&3) (5-0)	7/22/99: Approved MF-2 (TR1), GR-MU (TR 2&3), (7-0), 1 <sup>st</sup> reading  10/28/99: Approved MF-2 (TR1), GR-MU (TR 2&3), (5-0, WL/ JG-absent), 2 <sup>nd</sup> / 3 <sup>rd</sup> readings

C14-98-0273	I-RR to LR	2/23/99: Approved LR-CO, restrict to LO regulations; allow only NO uses and limiting site to 2,000 vehicle trips per day (6-0)	3/25/99: Approved PC rec. of LR-CO w/ conditions (7-0); 1 <sup>st</sup> reading  5/6/99: Approved LR-CO w/ conditions (7-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings
C14-98-0272	I-RR to LR	2/2/99: Approved staff recommendation of LR by consent (8-0)	3/4/99: Approved LR (7-0); 1 <sup>st</sup> reading  3/25/99: Approved LR (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-97-0148	I-RR to GR	5/05/09: Approved staff alternate rec of GR-CO by consent (7-0), CO limits to LR development standards	6/25/98: Approved PC recommendation of GR-CO with conditions, defer fiscal to S/P (6-0); 1 <sup>st</sup> reading  7/23/98: Approved GR-CO (7-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings

**RELATED CASES:** C7A-05-014 (Annexation Case)

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
Pond Springs	100'	Varies	Arterial	No	No	No
Anderson Mill Road	Varies	Varies	Arterial	No	No	Yes

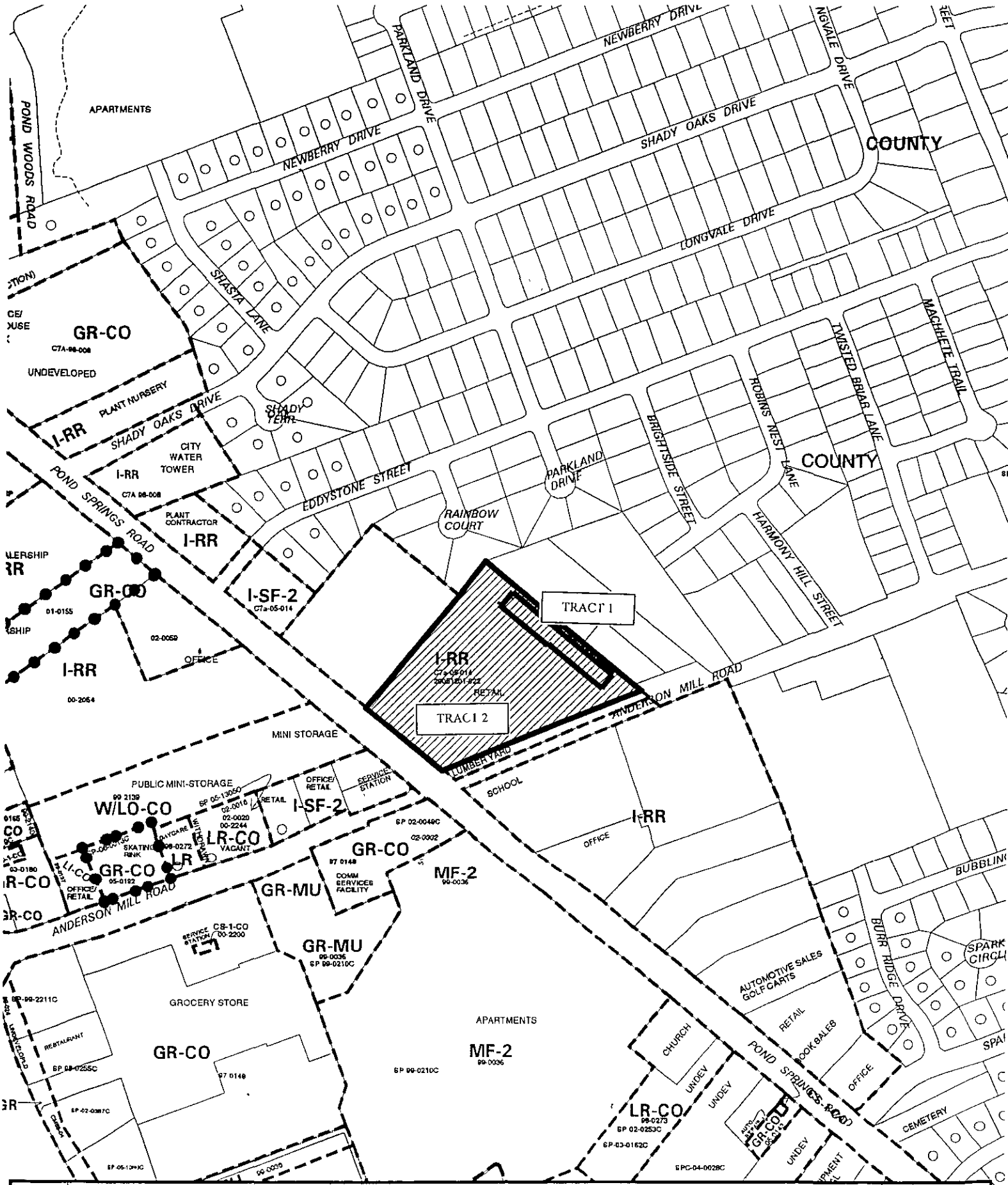
**CITY COUNCIL DATE:** October 19, 2006      **ACTION:**

**ORDINANCE READINGS:**    1<sup>st</sup>                                  2<sup>nd</sup>                                  3<sup>rd</sup>

**ORDINANCE NUMBER:**

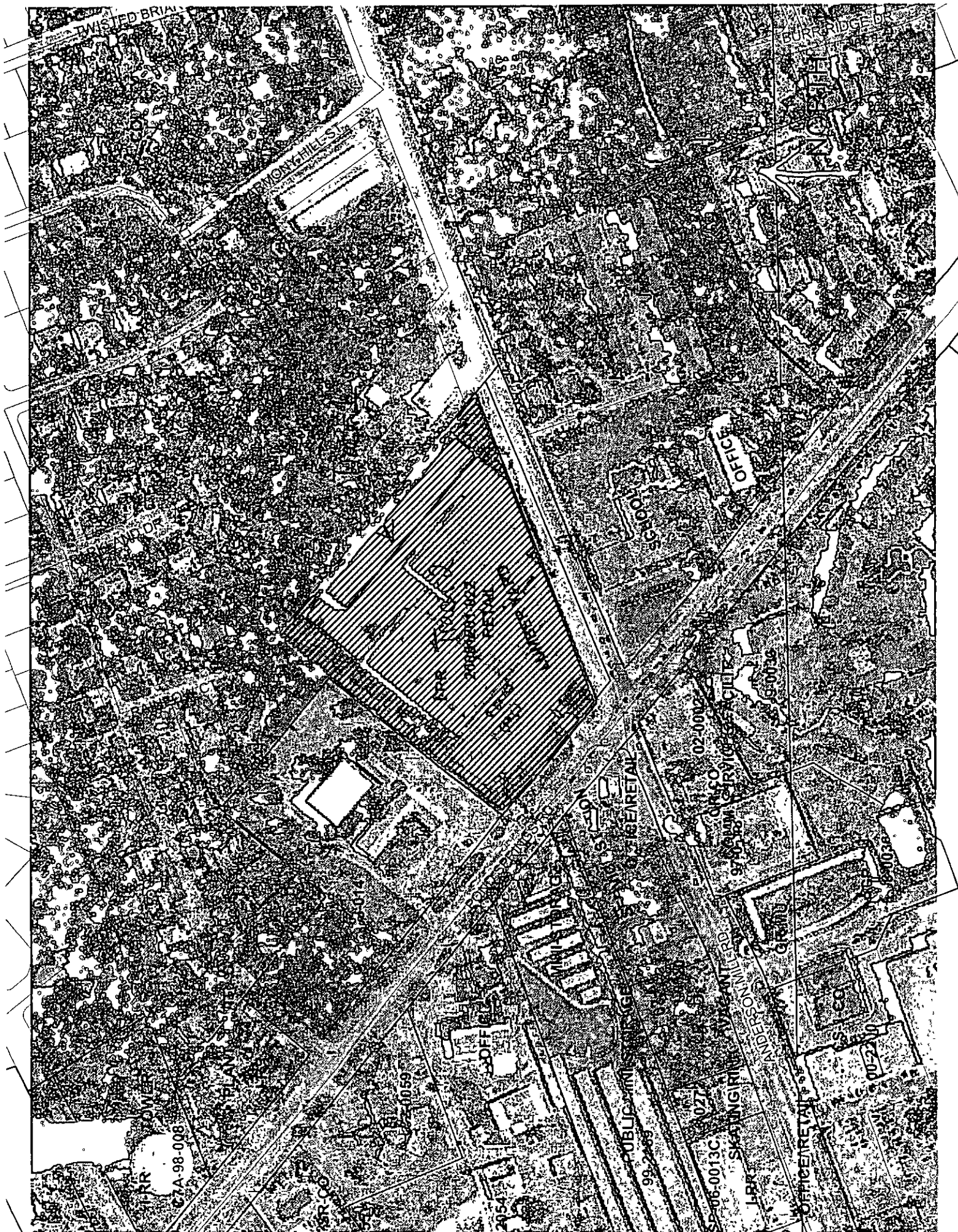
**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
sherri.sirwaitis@ci.austin.tx.us



	SUBJECT TRACT		<b>ZONING</b>  CASE # C14-06-0066 ADDRESS 13427 POND SPRINGS RD SUBJECT AREA (acres) 6.936	DATE 06-09  INTLS SM	CITY GRID REFERENCE NUMBER  G38
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR W WIRWAITIS				





## **STAFF RECOMMENDATION**

Staff's recommendation is to grant CS-CO, General Commercial Services District, zoning for Tract 1 and GR-CO, Community Commercial District, zoning for Tract 2. The conditional overlay would limit the development intensity on the entire property to less than 2,000 vehicle trips per day beyond the 6,356 trips per day currently generated by the site, provide for a 25-foot building setback adjacent to the existing single-family residential neighborhood to the north, prohibit all automotive related uses on the site, and prohibit Agricultural Sales and Services, Campground, Drop-off Recycling Collection Facility, Kennels, Laundry Services, Monument Retail Sales, Plant Nursery, and Vehicle Storage uses on Tract 1.

## **BASIS FOR RECOMMENDATION**

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

General commercial services (CS) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

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.

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

The proposed zoning is consistent with the GR-CO zoned property at the southwestern corner of Anderson Mill Road and Pond Springs Road. The property in question is located adjacent to existing commercial uses south, east and west. The proposed CS-CO zoning for Tract 1 (the building footprint of the existing warehouse on the site) and GR-CO zoning for Tract 2 will allow the applicant to develop additional commercial/retail uses on the site adjacent to an existing church, single-family residential neighborhood to the north.

- 3. 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 site under consideration is located at the northwestern intersection of two arterial roadways, Pond Springs Road and Anderson Mill Road.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The subject tract is currently developed with a religious assembly use, commercial/retail uses, and warehouse/contractor services uses. To the north of the site there is a religious assembly use and a single family residential neighborhood. To the east there is a fire station located in the county. The property to the south is developed with a vacant private elementary school. To the west there are convenience storage and service station uses.

### **Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.

### **Impervious Cover**

The maximum impervious cover allowed by the CS zoning district would be 95%. However, because the Watershed impervious cover is more restrictive than the CS zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% NSA with Transfers
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note The most restrictive impervious cover limit applies

### **Environmental**

The site is located over the North Edward's Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the Lake Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no 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 this site is fully developed and no environmental features are known to exist.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

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

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

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.

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 21,864 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) The existing uses generate approximately 6,356 trips per day.

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 beyond the 6,356 trips per day currently generated by the site [LDC, 25-6-117]

**Existing Street Characteristics:**

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
Pond Springs	100'	Varies	Arterial	No	No	No
Anderson Mill Road	Varies	Varies	Arterial	No	No	Yes

**Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustments are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay all associated and applicable City fees.

**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.

**Site Plan/Compatibility Standards**

This site is currently developed, if a new site plan is submitted, may need to show compliance with compatibility standards on the north property line (I-SF2)

**Compatibility Standards**

The site is subject to compatibility standards. Along the north property line, the following standards apply:

- 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

- 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.

**ARMBRUST & BROWN, L.L.P.**

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
512-435-2300

FACSIMILE 512-435-2360

LYNN ANN CARLEY  
(512) 435-2378  
LCARLEY@ABAUSTIN.COM

July 18, 2006

Sherri Sirwaitis  
City of Austin  
Neighborhood Planning & Zoning Department  
505 Barton Springs Road, 5<sup>th</sup> Floor  
Austin, Texas 78704

Re. Furrows North (C14-06-0066) Zoning Case

Dear Sherri:

This firm represents and I am writing to you on behalf of Furrows North Properties, Ltd. (John Lewis), the Applicant in the above-referenced zoning case. The following information is being submitted for consideration by City staff.

As you recall, this site was recently annexed into the City of Austin. With the annexation process, the property owner was given one year to zone the property without paying zoning submittal fees. This annexation was the reason that a zoning application was submitted to the City.

Many of the existing land uses on the site are categorized as General Commercial Services (CS) land uses. The Applicant requested CS zoning in order to maintain the existing uses on the site. In particular, the warehouse building located along the eastern property line consists of CS land uses and is not visible from Anderson Mill Road. The fact that this building is located behind another building does not lend itself well to being used for strictly retail purposes, which explains the current land uses of antique storage, warehouse, and custom stair construction.

Given our meeting on July 17, 2006, we are requesting that the City consider GR zoning for the site with a footprint zoning of CS-CO on the warehouse building located next to the east property line. A figure has been attached to show the referenced warehouse building on the site. The Applicant is willing to prohibit the following CS land uses in a condition overlay for the warehouse building: agricultural sales and service, campground, drop off recycling collection facility, kennels, laundry services, monument retail sales, plant nursery, and vehicle storage.

**ARMBRUST & BROWN, L.L.P.**

Page 2

Your attention to this matter is greatly appreciated. Please feel free to contact me if you have any questions or comments.

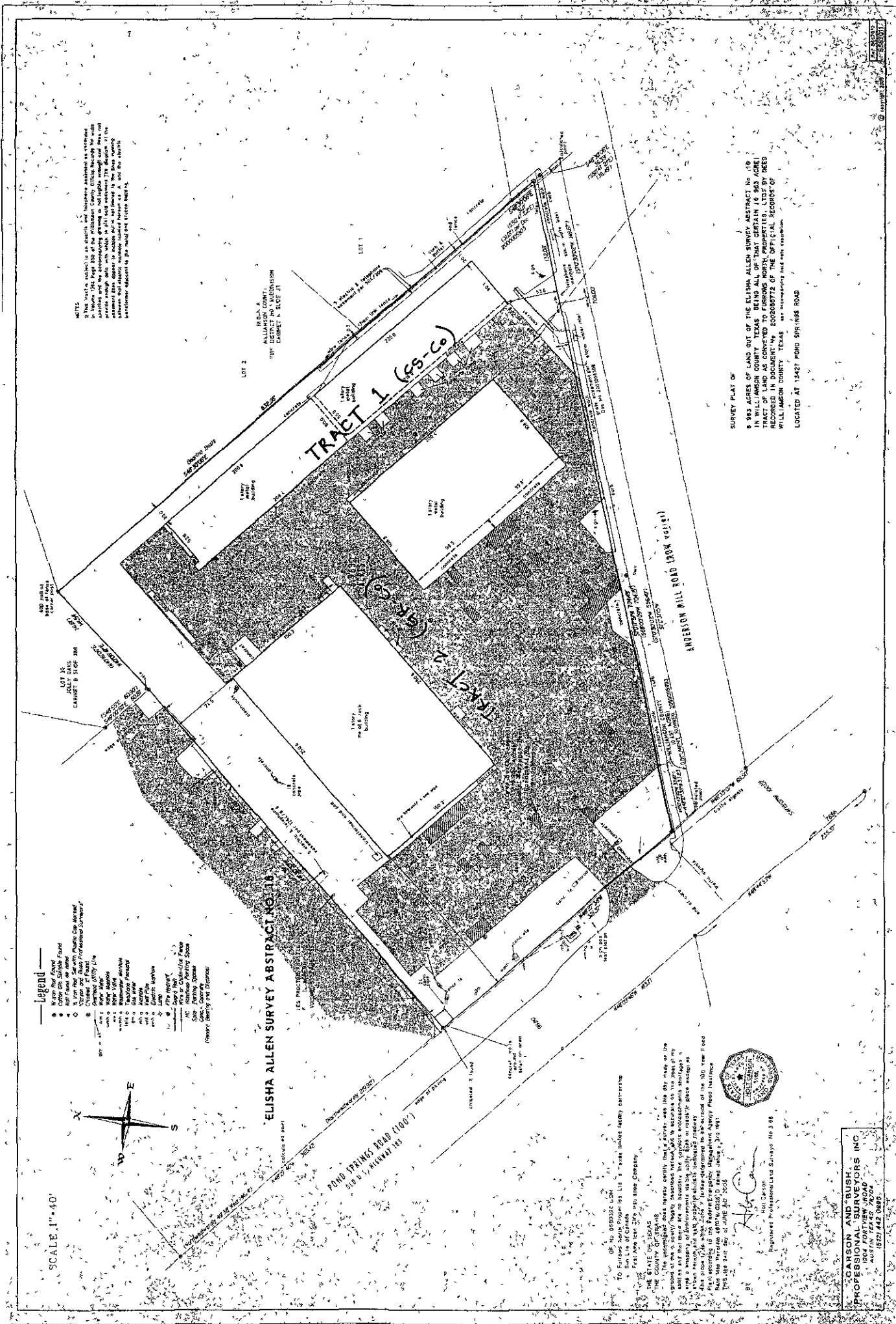
Sincerely,

A handwritten signature in cursive script that reads "Lynn Ann Carley".

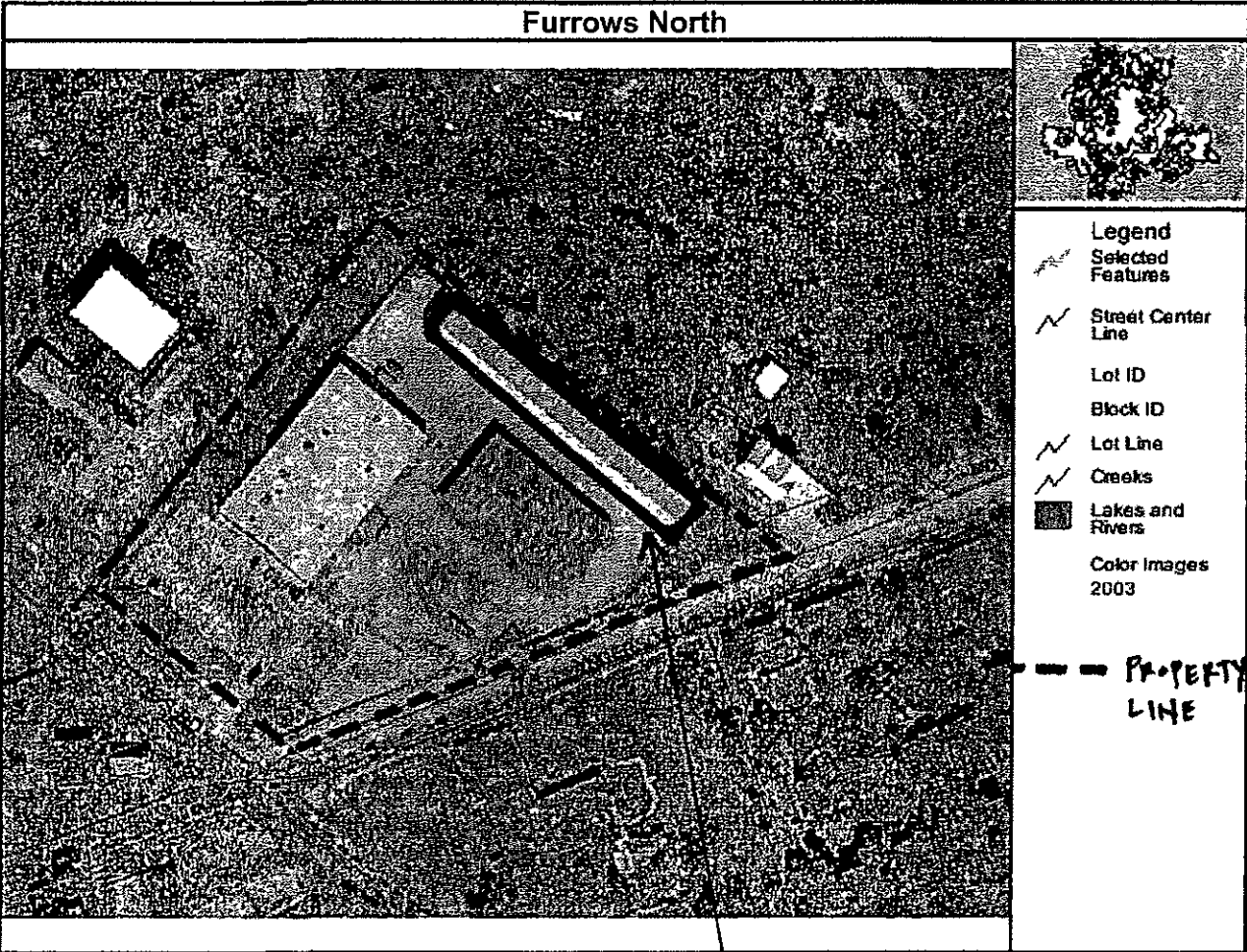
Lynn Ann Carley  
Senior Land Development Consultant

Enclosure

cc: Richard Suttle, Jr.  
John Lewis  
Graham Carter







WAREHOUSE  
BUILDING



September 12, 2006

Ms. Sherri Sirwaitis  
City of Austin - Neighborhood Planning & Zoning Department  
P.O. Box 1088  
Austin, TX 78767-1088

Re. File Number C14-06-0066, 13427 Pond Springs Road

Dear Ms Sirwaitis,

In our previous correspondence to the Neighborhood Planning and Zoning Department, dated May 16 and August 10, 2006, the Zoning Committee of NASWC expressed our concerns and opposition to the zoning of any portion of this property as CS, *General Commercial Services*.

Since then, we have met with the property Owner and his agent, and are currently in discussions to implement Restrictive Covenants on the property which would limit the scope of both CS and GR uses to be more compatible with the residential community adjacent to the property.

Conditional upon our coming to an agreement with the Owner on Restrictive Covenants, the Zoning Committee of NASWC is at this time supporting the Staff Recommendation of CS-CO, GR-CO for the Furrows North property.

Please contact me if you have any questions or comments.

Sincerely yours,

Cathy Mandell  
Chair, NASWC Zoning Committee



Ms. Sherri Sirwaitis  
City of Austin - Neighborhood Planning & Zoning Department  
P.O. Box 1088  
Austin, TX 78767-1088

Re: File Number C14-06-0066, 13427 Pond Springs Road

August 10, 2006

### LETTER OF OPPOSITION

Dear Ms. Sirwaitis,

The Officers and the Zoning Committee of the Neighborhood Association of Southwestern Williamson County (NASWC) are *opposed to* granting CS zoning to any portion of the property at 13427 Pond Springs Road. We have consistently opposed CS on this property from the beginning, as stated in our letters of May 16 and July 28, 2006.

*The Notice of Filing of Application for a Public Hearing on Rezoning states that a General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.*

The area of our community nearest this zoning change *IS* a Single Family residential environment! There are homes and a church sharing a common lot line with the very property being proposed for CS. Plus, the largest building on the subject property is home to the Northwest Christian Fellowship church, further making CS zoning of the same property unreasonable.

We understand the need to "grandfather" some of the existing commercial use, but we can not support CS zoning on this property in order to allow for the future expansion of those businesses. We are not necessarily opposed to their expansion. We believe that, in the future, the existence of CS zoning on the subject property will encourage the location of other, CS-like businesses *along and within* our community's borders in areas where we are powerless to stop it, such as on any property that is governed by Williamson County.

Thus, if the city grants CS zoning on the subject property, they will be laying the groundwork for light industrial businesses to also locate along Anderson Mill Road and Pond Springs Road in the future. These are the very businesses that the city recognizes as being incompatible with residential environments. In the end, the *hundreds* of homeowners whose properties are contiguous with these incompatible businesses on Pond Springs Road and Anderson Mill Road will be powerless to restore the marketability, and thus the value, of their homes.

This brings up the need to buffer between homes and businesses. In our most recent work with Austin, we learned that the city now seeks to place transitional type property use between homes and commercial property for the purpose of protecting single family residences from the nuisances typically associated with

commercial and industrial uses, like those found in CS zoning. However, if CS zoning is granted on this property, it will be the portion of this property *closest* to our homes, and there is no transitional use to serve as a buffer between the homes and CS use.

Given Austin's own definition of CS, we conclude that the rezoning to CS of even a portion of the property at 13427 Pond Springs Road is incompatible with our residential environment, and it sets a precedent for property use in our area which has the potential to negate our community's single family characteristics *within and along* our borders, leaving those most affected powerless to do anything about it.

We therefore request that the entire property be zoned GR with a Conditional Overlay to prohibit the following uses:

1. The noise level of mechanical equipment and other activities shall not exceed fifty (50) decibels along the northeastern property line (the property line held in common with the church and the homes). Excessive noise will interfere with the use and enjoyment of residential and church property.
2. Uses of the property shall be those allowed for GR zoning, except the following uses of the Property are prohibited:

*Residential Uses*

Bed & Breakfast (Group 1)

Bed & Breakfast (Group 2)

*Commercial Uses*

Automotive Rentals

Automotive Repair Services

Automotive Sales

Automotive Washing (of any type)

Bail Bond Services

Commercial Off-street Parking

Drop-Off Recycling Collection Facility

Exterminating Services

Food Preparation

Hotel-Motel

Indoor Entertainment

Medical Offices

(exceeding 5,000 square feet)

Medical Offices

(not exceeding 5,000 square feet)

Off-Site Accessory Parking

Outdoor Entertainment

Outdoor Sports and Recreation

Pawn Shop Services

\*Personal Improvement Services

\*Personal Services

*Commercial Uses, continued*

Plant Nursery

Restaurant (General)

Service Station

Theater

*\*NOTE: NASWC is willing to sign Restrictive Covenants with property owner in order to allow the major portion of these categories.*

*Industrial Uses*

Custom Manufacturing

*Civic Uses*

Club or Lodge

Congregate Living

Family Home

Group Home, Class I (General)

Group Home, Class I (Limited)

Group Home, Class II

Guidance Services

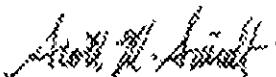
Hospital Services (General)

Residential Treatment

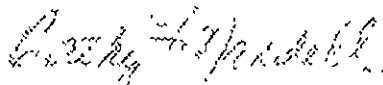
Telecommunications Tower

Thank you for your consideration.

Sincerely yours,



Scott M. Smith  
NASWC President



Cathy Mandell  
NASWC Zoning Committee Chair



Ms. Sherri Sirwaitis  
City of Austin - Neighborhood Planning & Zoning Department  
P.O. Box 1088, Austin, TX 78767-1088  
**Re: File Number C14-06-0066, 13427 Pond Springs Road**

August 10, 2006

## LETTER OF OPPOSITION

Dear Ms. Sirwaitis and the staff of Neighborhood Planning & Zoning,

I am writing you to express my opposition to your decision to recommend General Commercial Services zoning for a portion of the property at 13427 Pond Springs Road. I feel compelled to make three points.

1) I believe CS Zoning on this property runs counter to previous work we have done with the City of Austin and your department. Not long ago, our Association stood before the city with a property owner to obtain GR zoning, having worked with him on a proposed cheer station at the northern end of our community. His property was next to other GR, it was not even remotely close to homes, and the activity planned at this facility was deemed appropriate for the community.

We were soundly scolded by the City for even considering such a thing and the request for GR was withdrawn.

Today, the property owner of 13427 Pond Springs Road is requesting CS zoning on property that is *next* to single family homes, *next* to a church, but it is *not* next to other CS zoning. And, to my dismay, the Planning & Zoning staff is recommending this!

How can CS-zoned property that is contiguous with single family residential homes be compatible with those homes and their occupying families when the commercial and industrial activities of CS are described by the City of Austin as being *disruptive* to residential environments?

2) Allowing CS Zoning on the subject property will literally frustrate our Association's work in this area of our community. We all know that existing property use in an area will attract more of the same. CS zoning on this property can be expected to attract more, CS-like businesses to the nearby available lots in the area.

However, Neighborhood Planning & Zoning may not understand that the "nearby" *available* property in our area is governed by Williamson County. These are Commercial lots along Anderson Mill Road, all of which have lot lines in common with the neighboring single family residential homes. Because there is no zoning process in the county, and therefore we have no voice on these matters in the county, additional CS-like businesses will be able to locate, unopposed, next to our homes. And they will do so, following the example set on the "nearby" Pond Springs property.

3) Please note the attached picture of the subject property. Currently, the businesses located there are family-supportive and would be welcomed in any residential area. Note that all the businesses, not just the ones closest to the camera, enjoy ample parking and good street exposure.

Please note the picture of the home that is next to the subject property. It is a lovely, single family residence within 120 feet of the proposed General Commercial Services Zoning. There is no screening, no noise control, and no height limitation requirements in place. Under CS zoning, businesses such as Drop-Off Recycling, Commercial Laundry Services, Transitional Housing, and Tattoo/Piercing Parlors are just a few of the businesses which could operate on the subject property. Directly next to the home pictured.

I can not support the idea that CS Zoning is okay next to the family in that home. Can you? Please, recommend only GR on the property.

Sincerely,



Doreen Scholtes

NASWC Information Officer for 8 Years and Community Resident for 22 years

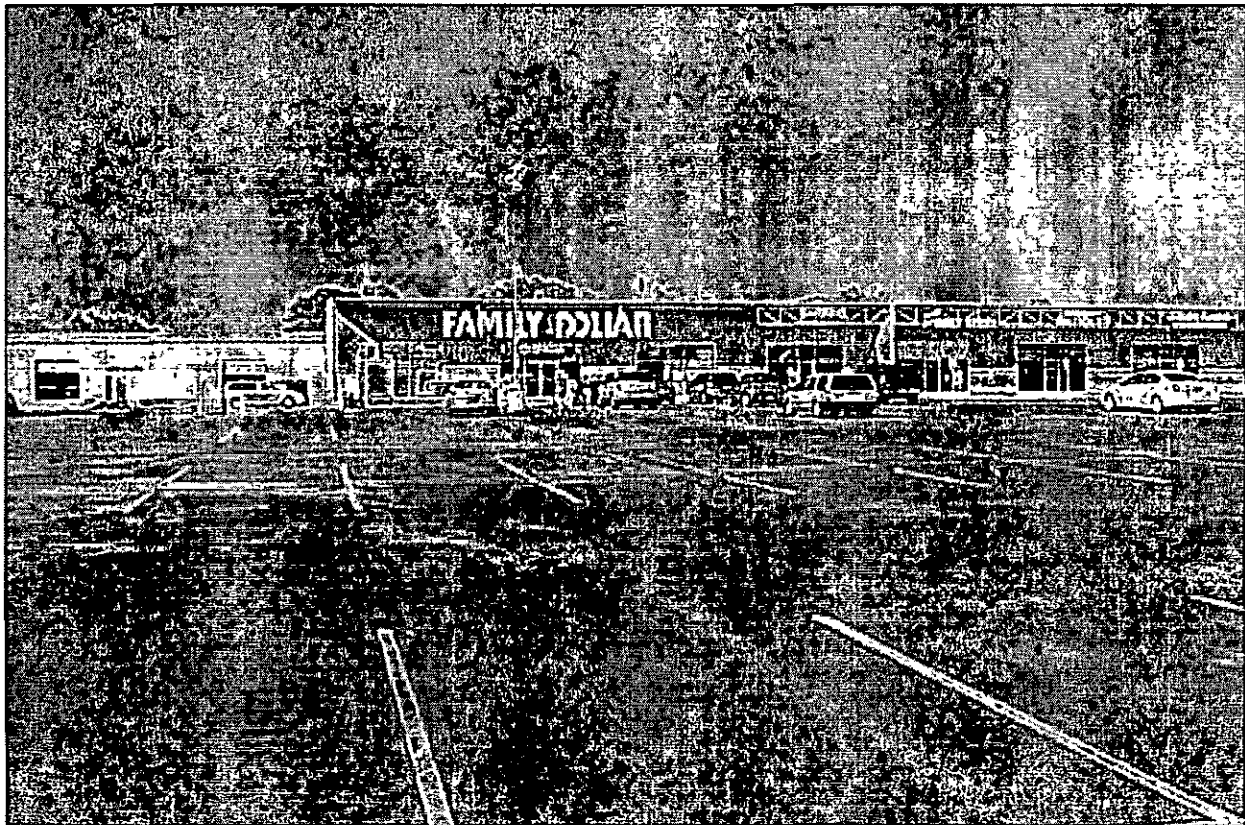
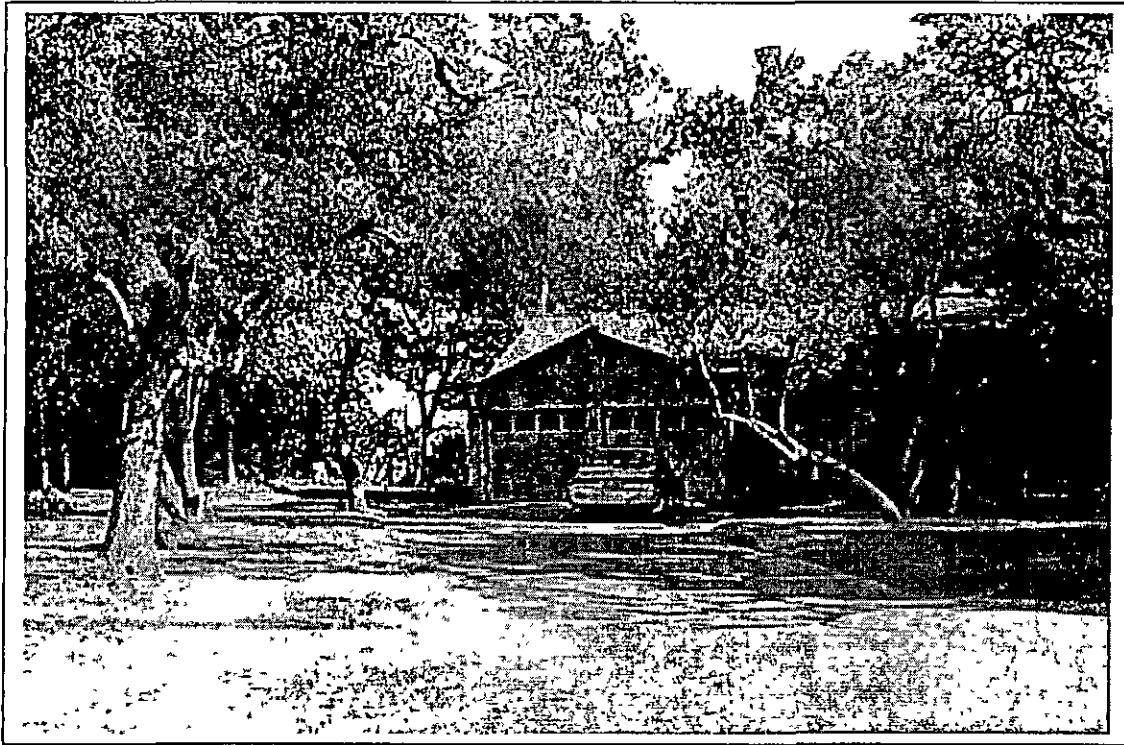
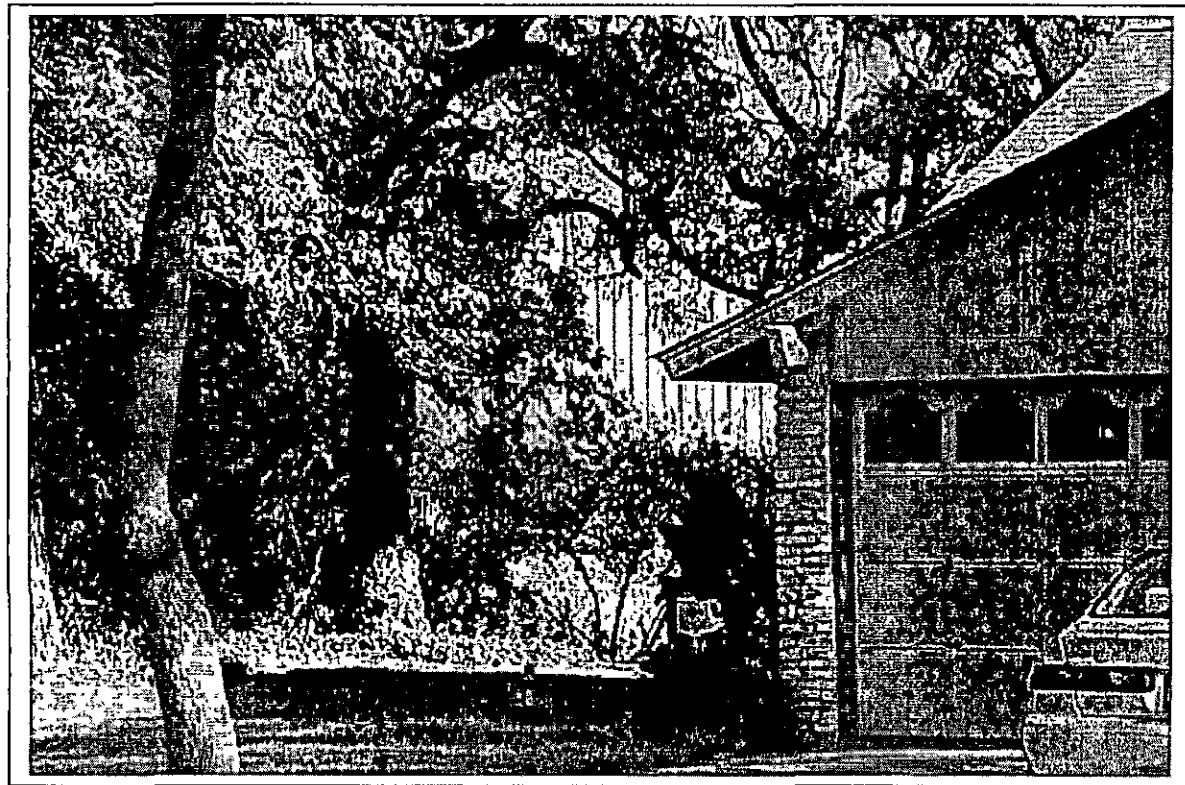


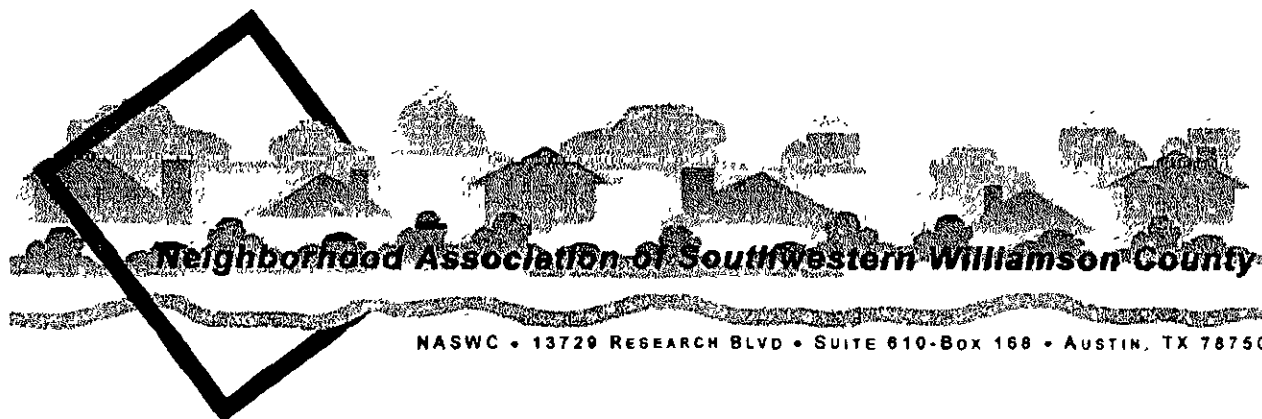
Photo taken from near Pond Springs Road, showing parking and street exposure enjoyed by all the businesses on this location



Home adjacent to 13427 Pond Springs Road



Close-up view of adjacent home Note wall in background of building on 13427 Pond Springs Rd



May 16, 2006

Ms. Sherri Sirwaitis  
City of Austin - Neighborhood Planning & Zoning Department  
P.O. Box 1088  
Austin, TX 78767-1088

Re: File Number C14-06-0066, 13427 Pond Springs Road

LETTER OF OPPOSITION

Dear Mrs. Sirwaitis,

The Zoning Committee of the Neighborhood Association of Southwestern Williamson County (NASWC) is opposed to the rezoning of this property on Pond Springs Road to CS, General Commercial Services District.

*In the description of this use, as stated in the Notice of Filing of Application for a Public Hearing on Rezoning, **General Commercial Services** district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments*

Our Committee believes CS zoning is inappropriate for this property, which is located adjacent to homes and a church, and has nearby schools and apartments. There is no transitional zone between the Property and homes in the Jolly Oaks Subdivision.

Except for street improvements for traffic control at the corner of Pond Springs Road and Anderson Mill Road, this segment of Pond Springs Road is a narrow 2-lane paved roadway with no shoulders, curbs or sidewalks.

The current uses of the property include a church, and several small retail stores of a boutique nature, such as quilting store, antique and home décor stores; and these uses are compatible with the neighborhood environment of this property. We request that a much more limited zoning be considered, one that would be compatible and in keeping with the neighboring residential community.

Sincerely yours,

*Cathy F. Mandell*  
Cathy F. Mandell  
Chair, NASWC Zoning Committee



ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE  
2 PROPERTY LOCATED AT 13427 POND SPRINGS ROAD AND CHANGING  
3 THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT  
4 TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO)  
5 COMBINING DISTRICT FOR TRACT ONE AND COMMUNITY  
6 COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT  
7 FOR TRACT TWO.

8  
9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

10  
11 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
12 change the base district on the property described in Zoning Case No. C14-06-0066, on file  
13 at the Neighborhood Planning and Zoning Department, as follows:

14  
15 Tract One: From interim rural residence (I-RR) district to general commercial  
16 services-conditional overlay (CS-CO) combining district.

17  
18 A 24,600 square foot tract of land, more or less, out of 6.983 acres of land in the  
19 Elisha Allen Survey Abstract No. 18, Williamson County, the tract of land being  
20 more particularly described by metes and bounds in Exhibit "A" incorporated into  
21 this ordinance (the "Property").

22  
23 Tract Two: From interim rural residence (I-RR) district to community commercial-  
24 conditional overlay (GR-CO) combining district.

25  
26 A 6.983 acre tract of land in the Elisha Allen Survey Abstract No. 18, Williamson  
27 County, Save and Except the property described as Tract One in this ordinance; the  
28 6.983 acre tract of land being more particularly described by metes and bounds in  
29 Exhibit "B" incorporated into this ordinance (the "Property"),

30  
31 locally known as 13427 Pond Springs Road, in the City of Austin, Williamson County,  
32 Texas, and generally identified in the map attached as Exhibit "C".  
33  
34  
35  
36

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

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day above the trips generated by the existing or approved development.

2. A 25-foot wide building setback shall be established parallel to and measured from the north and west property lines adjacent to the existing single family neighborhoods.

3. The following uses are prohibited uses of Tracts One and Two:

Automotive rentals  
Automotive sales

Automotive repair services  
Automotive washing (of any type)

4. The following uses are prohibited uses of Tract One:

Agricultural sales and services  
Commercial blood plasma center  
Kennels  
Monument retail sales  
Vehicle storage

Campground  
Drop-off recycling collection facility  
Laundry services  
Plant nursery

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2006.

**PASSED AND APPROVED**

\_\_\_\_\_, 2006      § \_\_\_\_\_  
                                                 § \_\_\_\_\_  
                                                 § \_\_\_\_\_

Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_

David Allan Smith  
City Attorney

Shirley A. Gentry  
City Clerk

Tract 1 area  
(existing building  
footprint)

**HOLT CARSON, INC.**

1904 FORTVIEW ROAD  
AUSTIN, TX 78704  
TELEPHONE: (512) 442-0990  
FACSIMILE: (512) 442-1084

August 24, 2006

**FIELD NOTE DESCRIPTION OF 24,600 SQUARE FEET OF LAND PROPOSED FOR ZONING CHANGE OUT OF THE ELISHA ALLEN SURVEY ABSTRACT NO. 18 IN WILLIAMSON COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN (6.963 ACRE) TRACT CONVEYED TO FURROWS NORTH PROPERTIES, LTD. BY DEED RECORDED IN DOCUMENT No. 2002055772 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

BEGINNING FOR REFERENCE at a 60 D nail found at the base of a fence corner post at the most Northerly corner of that certain (6 963 acre) tract of land as conveyed to Furrows North Properties, Ltd. by deed recorded in Document No 2002055772 of the Official Records of Williamson County, Texas, and being an angle corner of Lot 30, Jolly Oaks, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Cabinet B Slide 386 of the Plat Records of Williamson County, Texas, and being the most Westerly corner of Lot 2, Block A, Williamson County Fire District No 1 Subdivision, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Cabinet K Slide 33 of the Plat Records of Williamson County, Texas,

THENCE crossing the interior of said Furrows North tract, S 39 deg 59' E 134 8 ft to a calculated point at the most northerly corner of a 1 story metal building ("1<sup>st</sup> building") and being the most northerly corner and **PLACE OF BEGINNING** of the herein described tract of land,

THENCE S 48 deg 29' E 425 5 ft to a calculated point at the most easterly corner of a second 1 story metal building ("2<sup>nd</sup> building"), and being the most easterly corner of this tract, and from which a iron rod found with plastic cap marked "Carson and Bush Professional Surveyors" in the North right-of-way line of Anderson Mill Road at the southeast corner of said Furrows North tract bears S 59 deg 18' E 107 1 ft.,

THENCE along the southeasterly wall of the 2<sup>nd</sup> building, S 41 deg 41' W 60 5 ft to a calculated point at the most southerly corner of said 2<sup>nd</sup> building, and being the most southerly corner of this tract,

THENCE continuing along the walls of said 2<sup>nd</sup> building the following three courses

- 1) N 48 deg 19' W 1 0 ft to a calculated point,
- 2) N 41 deg 41' E 5 0 ft to a calculated point,
- 3) N 48 deg 27' W 223 8 ft to a calculated point on the southeasterly wall of the 1<sup>st</sup> building, and being an angle point of this tract,

EXHIBIT A

24,600 square feet for zoning change  
Page 2 of 2

THENCE along the walls of said 1<sup>st</sup> building, the following five courses

- 1) S 41 deg 33' W 50 ft to a calculated point,
- 2) N 48 deg 27' W 208.1 ft to a calculated point at the most westerly corner of said 1<sup>st</sup> building,
- 3) N 41 deg 33' E 76 ft to a calculated point,
- 4) S 48 deg 29' E 75 ft to a calculated point;
- 5) N 41 deg. 33' E 526 ft. to the Place of Beginning, containing 24,600 square feet of land

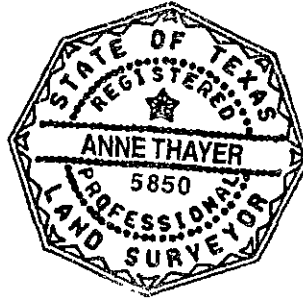
PREPARED August 24, 2006

BY.



Anne Thayer  
Registered Professional Land Surveyor No 5850

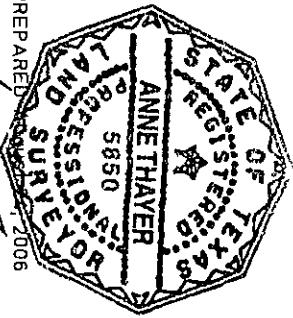
see sketch C667011



SKETCH TO ACCOMPANY FIELD NOTES TO  
 24,600 SQUARE FEET PROPOSED FOR ZONING CHANGE  
 OUT OF THE ELISHA ALLEN SURVEY ABSTRACT NO. 18  
 IN WILLIAMSON COUNTY, TEXAS, AND BEING A PORTION  
 OF THAT CERTAIN (6.963 ACRE) TRACT OF LAND CONVEYED  
 TO FURROWS NORTH PROPERTIES, LTD BY DEED  
 RECORDED IN DOCUMENT NO. 2002055772 OF THE  
 OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS

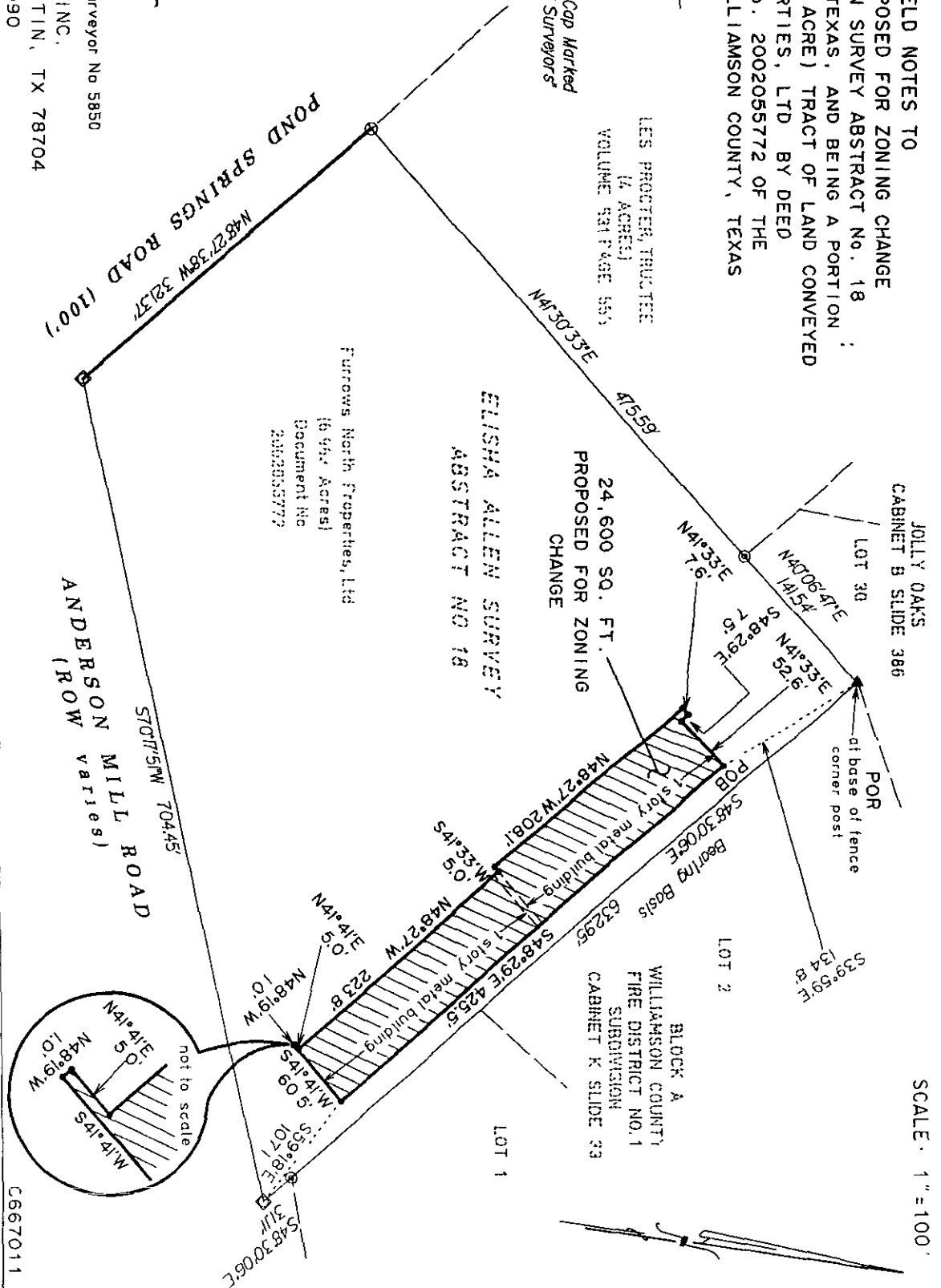
# Legend

- 1/2" Iron Rod Found
- ▲ 60 D Nail Found
- Calculated Point
- ◇ 1/2" Iron Rod Found with Plastic Cap Marked "Carson and Bush Professional Surveyors"
- ⊗ Chiseled "X" Found
- POR- Point of Reference
- POB- Point of Beginning



PREPARED BY  
 Anne Thayer  
 Registered Professional Land Surveyor No 5850

HOLT CARSON, INC.  
 1904 FORTVIEW ROAD AUSTIN, TX 78704  
 (512) 442-0990



**CARSON AND BUSH  
PROFESSIONAL SURVEYORS, INC.**

1904 FORTVIEW ROAD  
AUSTIN, TX 78704  
TELEPHONE: (512) 442-0990  
FACSIMILE: (512) 442-1084

**FIELD NOTE DESCRIPTION OF 6.963 ACRES OF LAND OUT OF THE ELISHA ALLEN SURVEY ABSTRACT NO. 18 IN WILLIAMSON COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN (6.963 ACRE) TRACT CONVEYED TO FURROWS NORTH PROPERTIES, LTD. BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT No. 2002055772 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

BEGINNING at a 60 D nail found at the base of a fence corner post at the most Northerly corner of that certain (6.680 Acre) tract conveyed to Payless Cashways, Inc. by deed recorded in Volume 1149 Page 552 of the Official Records of Williamson County, Texas, and being an angle corner of Lot 30, Jolly Oaks, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Cabinet B Slide 386 of the Plat Records of Williamson County, Texas, and being the most Westerly corner of Lot 2, Block A, Williamson County Fire District No. 1 Subdivision, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Cabinet K Slide 33 of the Plat Records of Williamson County, Texas, and being the most Northerly corner of that certain (6.963 acre) tract of land as conveyed to Furrows North Properties, Ltd. by Special Warranty Deed recorded in Document No. 2002055772 of the Official Records of Williamson County, Texas, same being the most Northerly corner and **PLACE OF BEGINNING** of the herein described tract of land;

THENCE with the Northeast line of said (6.680 Acre) tract and with the Northeast line of said (6.963 acre) tract, **S 48 deg. 30' 06" E** at 225.80 ft. passing the most Northerly corner of that certain (0.777 Acre) tract conveyed to Payless Cashways, Inc. by deed recorded in Volume 1149 Page 558 of the Official Records of Williamson County, Texas, and continuing on the same course with the Northeast line of said (0.777 Acre) tract 407.15 ft. more to pass a ½ inch iron rod found at the Southwest corner of Lot 1, Block A of said Williamson County Fire District No. 1 Subdivision, and continuing on 31 11 ft. more, for a total distance on this course of **664.06 ft.** to a ½ inch iron rod found with plastic cap marked "Carson and Bush Professional Surveyors" in the North right-of-way line of Anderson Mill Road at the Northeast corner of that certain (0.497 Acre) tract conveyed to Williamson County by deed recorded in Document No. 2000005903 of the Official Public Records of Williamson County, Texas, and being the Southeast corner of said (6.963 acre) tract, same being the Southeast corner of this tract;

EXHIBIT B

THENCE crossing the interior of said (0.777 Acre) tract with the North right-of-way line of Anderson Mill Road, **S 70 deg. 17' 51" W** at 132.08 ft. passing the common line of said (0.777 Acre) tract and said (6.680 Acre) tract and continuing on the same course 572.37 ft. more, for a total distance on this course of **704.45 ft.**, to a ½ inch iron rod found with plastic cap marked "Carson and Bush Professional Surveyors" near the base of a galvanized metal power pole in the Northeast right-of-way line of Pond Springs Road at the Northwest corner of said (0.497 Acre) Williamson County tract, for the Southwest corner of said (6.963 acre) tract, same being the Southwest corner of this tract, and from which a ½ inch iron rod found at the intersection of the South right-of-way line of Anderson Mill Road and the Northeast right-of-way line of Pond Springs Road bears **S 48 deg. 31' 21" E 102.73 ft.**;

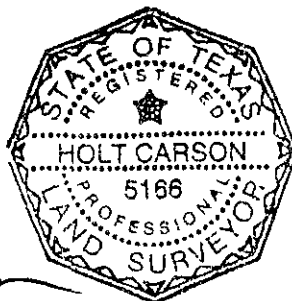
THENCE with the Northeast right-of-way line of Pond Springs Road, **N 48 deg. 27' 38" W 321.37 ft.** to a chiseled "X" found on top of a concrete wall around a detention pond at the Northwest corner of said (6.680 Acre) tract, and called the Southeast corner of that certain (4 Acre) tract conveyed to Les Procter, trustee, by deed recorded in Volume 531 Page 555 of the Deed Records of Williamson County, Texas, and for the Northwest corner of said (6.963 acre) tract, same being the Northwest corner of this tract, and from which a ½ inch iron rod, found at the Southwest corner of said Procter (4 Acre) tract, bears **N 48' 27' 46" W 365.42 ft.**

THENCE with the Northwest line of said (6.680 Acre) tract and with the Northwest line of said (6.963 acre) tract, the following two courses:

- 1) **N 41 deg. 30' 33" E 475.59 ft.** to a ½ inch iron rod found at the most southerly corner of said Lot 30, and being called the Northeast corner of said Procter (4 Acre) tract;
- 2) **N 40 deg. 06' 47" E 141.54 ft.** to the Place of Beginning, containing 6.963 Acres of land.

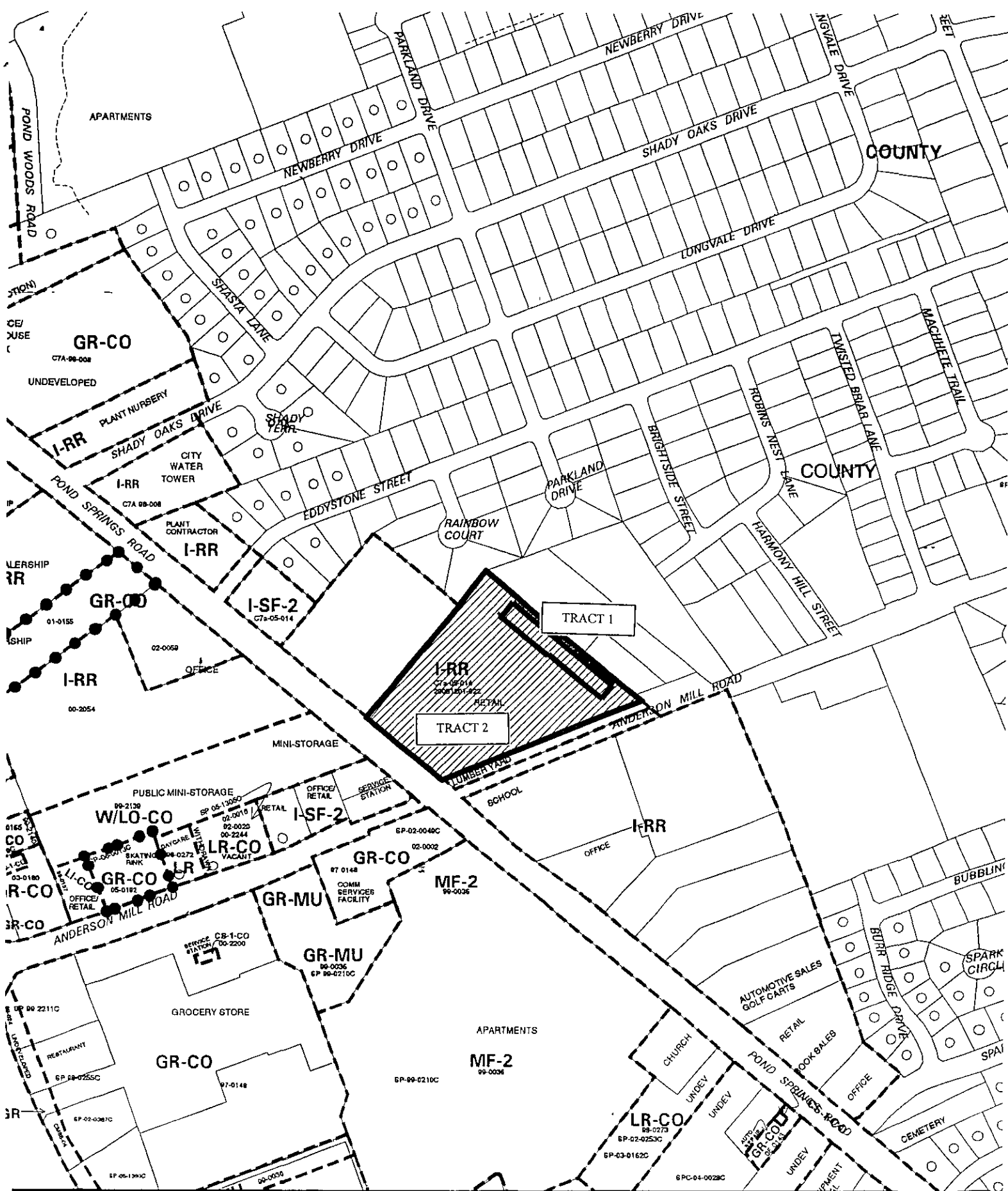
SURVEYED: June 24, 2005

BY:



Holt Carson  
Registered Professional Land Surveyor No. 5166

see survey plat B 667011



 1" = 400'	SUBJECT TRACT		<b>ZONING EXHIBIT C</b>	CITY GRID REFERENCE NUMBER <b>G38</b>
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR W WIRWAITIS			
CASE #: C14-06-0066 ADDRESS 13427 POND SPRINGS RD SUBJECT AREA (acres) 6.936			DATE 06-09 INTLS SM	