

## **ZONING CHANGE REVIEW SHEET**

CASE: C14-2021-0038 (Pond Springs Rezone)

DISTRICT: 6

ZONING FROM: I-RR

TO: GR

ADDRESS: 13171 Pond Springs Road

SITE AREA: 0.486 acres (21,170 sq. ft.)

PROPERTY OWNER: Lorraine Rae Bier

AGENT: Keepers Land Planning (Ricca Keepers)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov))

### STAFF RECOMMENDATION:

**Staff recommends GR-CO, Community Commercial-Conditional Overlay Combining District, zoning. The conditional overlay will prohibit Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type) and Pawn Shop Services uses on the property.**

### ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**May 4, 2021: Motion to approve GO, General Office District, zoning (8-0, Acosta and E. Ray-absent); J. Kiolbassa-1st, A. Denkler-2nd.**

### CITY COUNCIL ACTION:

**June 3, 2021**

### ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is currently developed with a 4,960 sq. ft. office building located at the northeast corner of Turtle Rock Road and Pond Springs Road. This property was designated with interim zoning (I-RR) when it was annexed by the city in 2005 through case C7A-05-014. There are duplex residences to the north. The lot to the south, across Pond Springs Road, is zoned GR-CO and is developed with a religious assembly use. To the east, there is a vacant lot and an equipment sales use. Across Turtle Rock Road to the west, there is a convenience store/gas station and a retail center that are zoned GR-CO. The applicant is asking for permanent commercial zoning to develop a day care use at this location (*please see Applicant's Request Letter – Exhibit C*).

The staff recommends GR-CO, Community Commercial-Conditional Overlay Combining District, zoning. The site under consideration meets the intent of the GR district. The Community Commercial District is appropriate at this location as the property fronts onto a major arterial road, Pond Springs Road. GR zoning will permit office, civic and commercial uses that will serve the surrounding residential developments to the north. The proposed conditional overlay is consistent with the GR-CO zoning to the west, across Turtle Rock Road, and is appropriate for a property with floodplain concerns.

The applicant agrees with the staff's recommendation.

BASIS OF 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.

GR zoning is appropriate at this location as the property fronts onto a major arterial road, Pond Springs Road.

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

The proposed GR-CO zoning will be compatible and consistent with the surrounding uses because there is GR-CO zoning to the south and west. In addition, there are commercial services to the east, along Pond Springs Road.

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

The proposed GR-CO zoning will permit office, civic and commercial uses that will serve the surrounding residential developments to the north. The proposed conditional overlay is appropriate for a property with floodplain concerns.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Office (Semantic Designs)
<i>North</i>	I-SF-2	Duplexes
<i>East</i>	I-RR	Vacant, Equipment Sales
<i>South</i>	GR-CO, I-RR	Religious Assembly (Breath of Life Ministries), Detention Pond
<i>West</i>	GR-CO	Convenience Store/Service Station (Shell)

NEIGHBORHOOD PLANNING AREA: N/A

TIA: Deferred to the time of Site Plan

WATERSHED: Lake Creek

NEIGHBORHOOD ORGANIZATIONS:

Bike Austin  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 SELTEXAS  
 Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2016-0044 (Pond Springs Development: 13130 Pond Springs Road)	GR-CO to GR-MU	6/07/16: Approved staff's recommendation for GR-MU zoning by consent (8-0, D. Breithaupt, J. Kiolbassa, S. Lavani-absent); G. Rojas-1 <sup>st</sup> , B. Evans-2 <sup>nd</sup> .	8/11/16: The public hearing was conducted and a motion to close the public hearing and approve Ordinance 20160811-056 for GR-MU combining district zoning was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Pool's second on an 11-0 vote.
C14-2014-0196 (Polo Club: 8519 Cahill Drive)	I-RR to MF-3	1/20/15: Approved staff's recommendation of MF-3 zoning by consent (5-0, B. Baker and S. Compton-absent); R. McDaniel-1 <sup>st</sup> , C. Banks-2 <sup>nd</sup> .	2/26/15: Approved MF-3 zoning on consent on all 3 readings (11-0); L. Pool-1 <sup>st</sup> , O. Houston-2 <sup>nd</sup> .
C14-2013-0155 (Pond Springs Challenger School: 13015)		2/04/14: Approved GR-CO zoning, with additional condition to prohibit Pawn Shop Services, on	2/27/14: Approved GR-CO zoning on consent on all 3 readings (7-0); B. Spelman-1 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .

Pond Springs Road)		consent (6-0, R. McDaniel-absent); P. Seeger-1 <sup>st</sup> , C. Banks-2 <sup>nd</sup> .	
C14-2012-0132 (Kenneth L. Bishop: 13039 Pond Springs Road)	I-RR to CS-MU	12/04/12: Approved the staff's recommendation of GR-MU zoning by consent (6-0, S. Compton-absent); C. Banks-1 <sup>st</sup> , G. Rojas-2 <sup>nd</sup> .	12/13/12: Approved GR-MU zoning on 1 <sup>st</sup> reading (7-0); L. Morrison-1 <sup>st</sup> , B. Spelman-2 <sup>nd</sup> .  4/11/13: Approved GR-MU zoning on consent on 2 <sup>nd</sup> /3 <sup>rd</sup> readings (6-0, K. Tovo- absent); B. Spelman-1 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> .
C14-2012-0017 (San Felipe Boulevard Re-Zoning)	GR to GR-MU	3/20/12: Approved staff's recommendation of GR-MU-CO zoning, with the following conditions: add Restaurant (Limited) and Urban Farm back as permitted uses and prohibit Drive-in Services (7-0); P. Seeger-1 <sup>st</sup> , C. Banks-2 <sup>nd</sup> .	4/26/12: Approved GR-MU-CO zoning on consent, with conditional overlay to limit the development intensity on the site to less than 2,000 vehicle trips per, prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type), Pawn Shop Services, Personal Improvement Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Adult Oriented Businesses, Drive-in Services, and require a 10-foot landscape buffer along the eastern property line, on all 3 readings (7-0); B. Spelman-1 <sup>st</sup> , C. Riley-2 <sup>nd</sup> .
C14-06-0236 (13201 Pond Springs Road)	I-SF-2 to Tract 1: GR, Tract 2: CS-1	4/17/07: Approved the staff's rec. of GR-CO zoning for Tract 1 and CS-1-CO for Tract 2, with a CO for the following: limit the development intensity on the site to less than 2,000 vehicle trips per, prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type); adding Pawn Shop Services as a prohibited use (7-0, Jackson and Hammond-absent)	5/17/07: Approved GR-CO zoning for Tract 1 and CS-1-CO for Tract 2, with a CO for the following: limit the development intensity on the site to less than 2,000 vehicle trips per, prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type), Pawn Shop Services (7-0); all 3 readings
C14-06-0157 (Pond Springs Plaza: 13233 Pond Springs Road)	I-SF-2 to Tract 1: CS, Tract 2: CS-1	11/07/06: Approved staff's recommendation of GR-CO zoning for Tract 1 (shopping center), CS-1-CO zoning for Tract 2 (bar area), and GR-CO zoning for newly created Tract 3 (deck area). The conditional overlay would limit the site to uses that generate	12/07/06: Approved the ZAP recommendation, striking the requirement for double door access from the bar (Tract 2) to the deck (Tract 3) and adding a condition for speakers be removed from the deck area (7-0).

		<p>no more than 2,000 vehicle trips per day and prohibit Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing-of any type, and Service Station uses on the property. The Commission added the following conditions to Tract 2: 1) Prohibit Adult Oriented Businesses; 2) To require double door access to the deck from the bar (if allowable by Code and Building Permit regulations); 3) To place permanent signage on the property at the driveway entries to restrict motorcycle parking in the rear/alleyway. 4) To place permanent signage along the fence/property line between the residential site to the west and the property in question designating the parking spaces in the rear/alleyway as, "Employee Parking Only". 5) To construct an 8-foot masonry/or sound retardant fence around the deck to mitigate sound emanating from the deck. The Commission also placed the following conditions on Tract 3 (the deck area): 1) Place an 85 decibel limit (in accordance with LDC Sec. 9-2-4) on the deck to reduce noise emanating from the deck. 2) Restrict amplified sound on the deck. 3) Place permanent signage on the deck for noise mitigation. 4) Remove the pool table off of the deck. Vote: (7-2, B. Baker, J. Martinez- No); J. Shieh-1<sup>st</sup>, S. Hale-2<sup>nd</sup>.</p>	4/12/06: Approved GR-CO zoning for Tract 1, CS-1-CO zoning for Tract 2, and GR-CO zoning for Tract 3 (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-04-0157 (Nouri Project: 186 Pond Springs Road)	I-RR to CS	<p>11/2/04: Approved staff's recommendation of CS-CO zoning, the CO would limit the site to uses that generate no more than 2,000 vehicle trips per day by consent (9-0); J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.</p>	12/02/04: Approved CS-CO (7-0); all 3 readings
C14-04-0070 (12952 Pond Springs Road)	I-RR to GR-CO	<p>7/20/04: Approved staff's recommendation of GR-CO zoning, with CO to impose the following conditions: 1) The only</p>	8/26/04: Granted GR-CO (7-0); all 3 readings

		<p>permitted GR uses are Auto Sales and Auto Repair;</p> <p>2) Permit LR Uses, with the exception of the following LR uses: Service Station; Restaurant (General); Restaurant (Limited); 3) Limit the development intensity to less than 2,000 vehicle trips per day; 4) Require a 25' vegetative buffer along the northern property line; by consent (8-0, J. Pinnelli-absent)</p>	
C14-03-0080 (Goodson 4.4 acres: San Felipe Blvd)	MF-3-CO to GR	<p>6/10/03: Approved staff's alternate recommendation of GR-CO zoning with the following conditions: 1) Limit the site to 2,000 vehicle trips per day; 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, and 3) Require a 10-foot landscape buffer along the Eastern property line. Vote: (8-0, J. Martinez-absent); M. Whaley-1<sup>st</sup>, K. Jackson-2<sup>nd</sup>.</p>	<p>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). 8/14/03: Approved (7-0); 2<sup>nd</sup>/3<sup>rd</sup> readings.</p>
C14-02-0132 (Goodson 8 Acres: Pond Springs Road at San Felipe Boulevard)	MF-3-CO to GR	<p>10/22/02: Approved GR-CO zoning with the following conditions:</p> <p>1) The only permitted GR uses are Automotive Sales and Automotive Repair Services;</p> <p>2) Permit LR uses, with the exception of the following uses:</p> <ul style="list-style-type: none"> <li>a) Service Station</li> <li>b) Food Sales</li> <li>c) Accessory Off-Site Parking</li> <li>d) Restaurant (Drive-In, Fast Food)</li> <li>e) Restaurant (Limited);</li> </ul> <p>3) 2,000 vehicle trip per day limit;</p> <p>4) Require that protected trees shall remain undisturbed;</p>	<p>11/21/02: Granted ZAP rec. of GR-CO zoning w/ conditions and a public restrictive covenant (6-0, Goodman-absent); 1<sup>st</sup> reading 12/5/02: Granted GR-CO zoning (7-0); 2nd reading, with the following conditions:</p> <ul style="list-style-type: none"> <li>1) No structural detention or water quality facility shall be allowed within the proposed 25' vegetative buffer;</li> <li>2) Grow green standards shall be utilized;</li> <li>3) Structural parking shall be prohibited</li> </ul>

		5) Require that Compatibility Standards be applied along the eastern property line; 6) Require a 25' vegetative buffer along the eastern property line; 7) Limit structures to 40' in height, with an increase in height according to Compatibility Standards; 8) Require that all Automotive Maintenance and Repair be contained within a structure; 9) Restrict access to San Felipe Boulevard to emergency access only; 10) Allow no inoperable vehicle storage on the site; 11) Parking lot not allowed adjacent to the proposed vegetative buffer along the eastern property line.	12/12/02: Granted GR-CO zoning (7-0); 3 <sup>rd</sup> reading [valid petition withdrawn]
C14-98-0198 (Woods Honda: 13175 Research Blvd.)	I-RR to GR	1/19/99: Approved staff rec. of GR-CO, with a conditional overlay to limit development on the property to 2,000 vtpd (9-0)	2/25/99: Approved PC rec. of GR-CO zoning (7-0); all 3 readings

RELATED CASES:

C7A-05-014 – Annexation Case

EXISTING STREET CHARACTERISTICS:

Name	ROW	ASMP Required ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼
Pond Springs Road	101'	96' MAD-4	44'	3 - Arterial	Yes	Yes	Yes
Turtle Rock Rd	70'	70'	41'	2	Yes	Yes	Yes

OTHER STAFF COMMENTS:Comprehensive Planning

This zoning case is located on the northeast corner of Pond Springs Road and Turtle Rock Road on a 0.486-acre lot that contains a one-story office building. The property is located approximately 0.45 miles from the 183 & McNeil Neighborhood Center and is not located within the boundaries of a neighborhood planning area. Surrounding land uses include a single family subdivision to the north; to the south is a large detention pond; to the east is a

landscaping business and a condo complex; and to the west is a gas station/convenience store and a small shopping center. The proposed use is to acknowledge the existing commercial use on the property and obtain commercial zoning.

**Connectivity:** A public transit stop is located directly in front of the property. Public sidewalks are located partially along Pond Springs Road. Connectivity options are average while mobility options are fair due to the incomplete public sidewalks system, large open swales on one side of the Pond Springs Road, and no bike lanes in the area.

#### Imagine Austin

The property is not located along an Activity Center or Corridor. The following Imagine Austin policy is applicable to this case:

- LUT P4. Protect neighborhood character by directing growth to areas of change that include designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- LUT P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Based on comparative scale of the site relative to other nearby commercial uses and the policies referenced above that recognizes different neighborhood character (in this case a mix of commercial, single family and multifamily uses), average connectivity options and some mobility options (sidewalk on one side of the street and a public transit stop in front of the property) this project supports the policies of the Imagine Austin Comprehensive Plan.

#### Environmental

The site is located over the Edwards Aquifer Recharge Zone. The site is in the Lake 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. The site is in the Desired Development Zone.

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 Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%



According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.

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 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 requires water quality control with increased capture volume and control of the 2 year storm on site.

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

### Fire

No comments.

### Parks and Recreation

There are currently no parkland requirements for uses other than residential and hotel. Given that the application is for GR (proposed use is office), there would not be parkland dedication requirements or parkland impacts at the time of site plan or subdivision.

### Site Plan

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

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

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. A landscape area at least 25 feet wide is required along 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.

### Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies sufficient right-of-way Pond Springs Road and Turtle Rock Road. A traffic impact analysis is waived, the determination is deferred to site plan application, when land use and intensity will be finalized.

### Water Utility

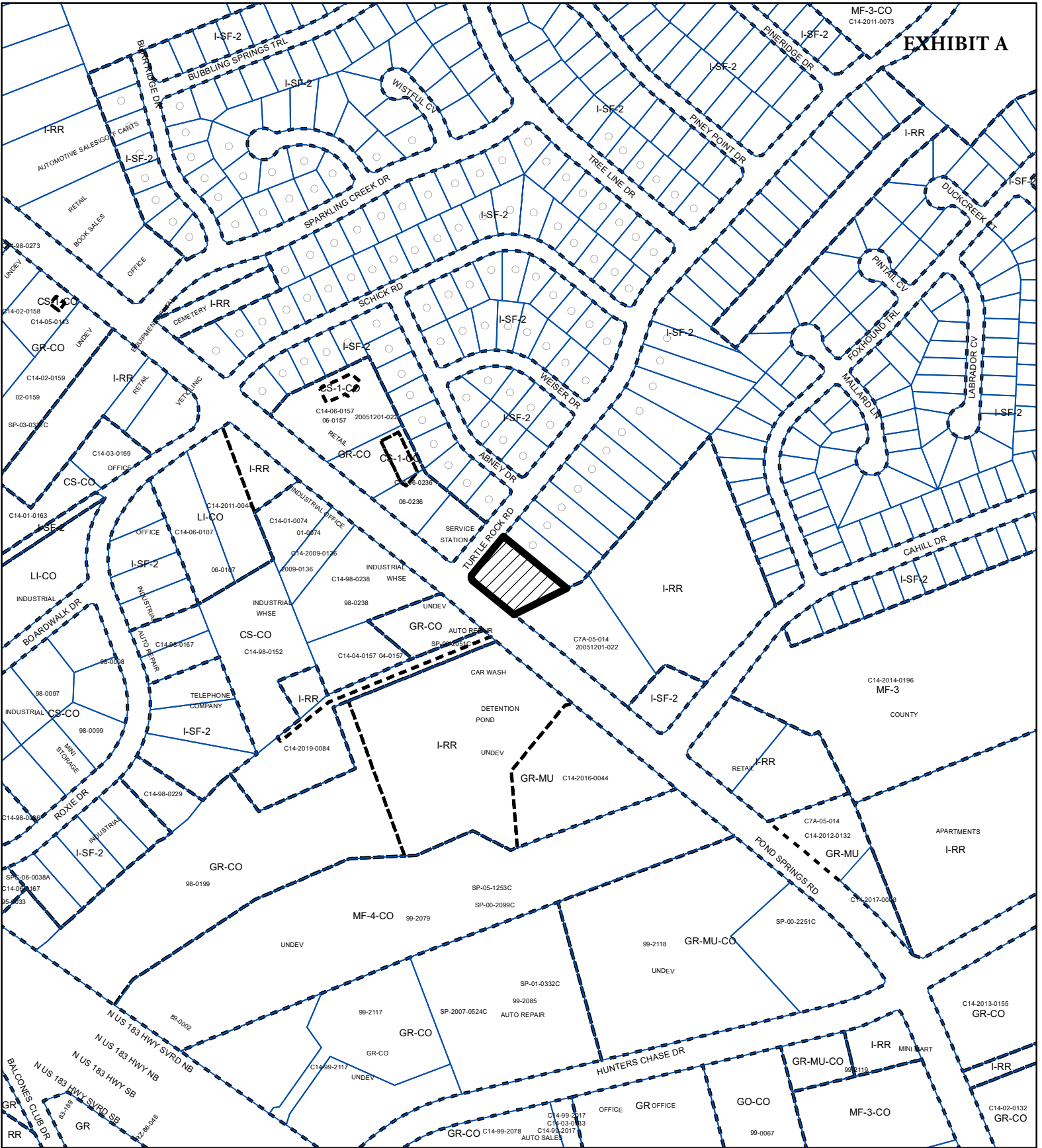
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

### INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter



## ZONING

ZONING CASE#: C14-2021-0038



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 400'

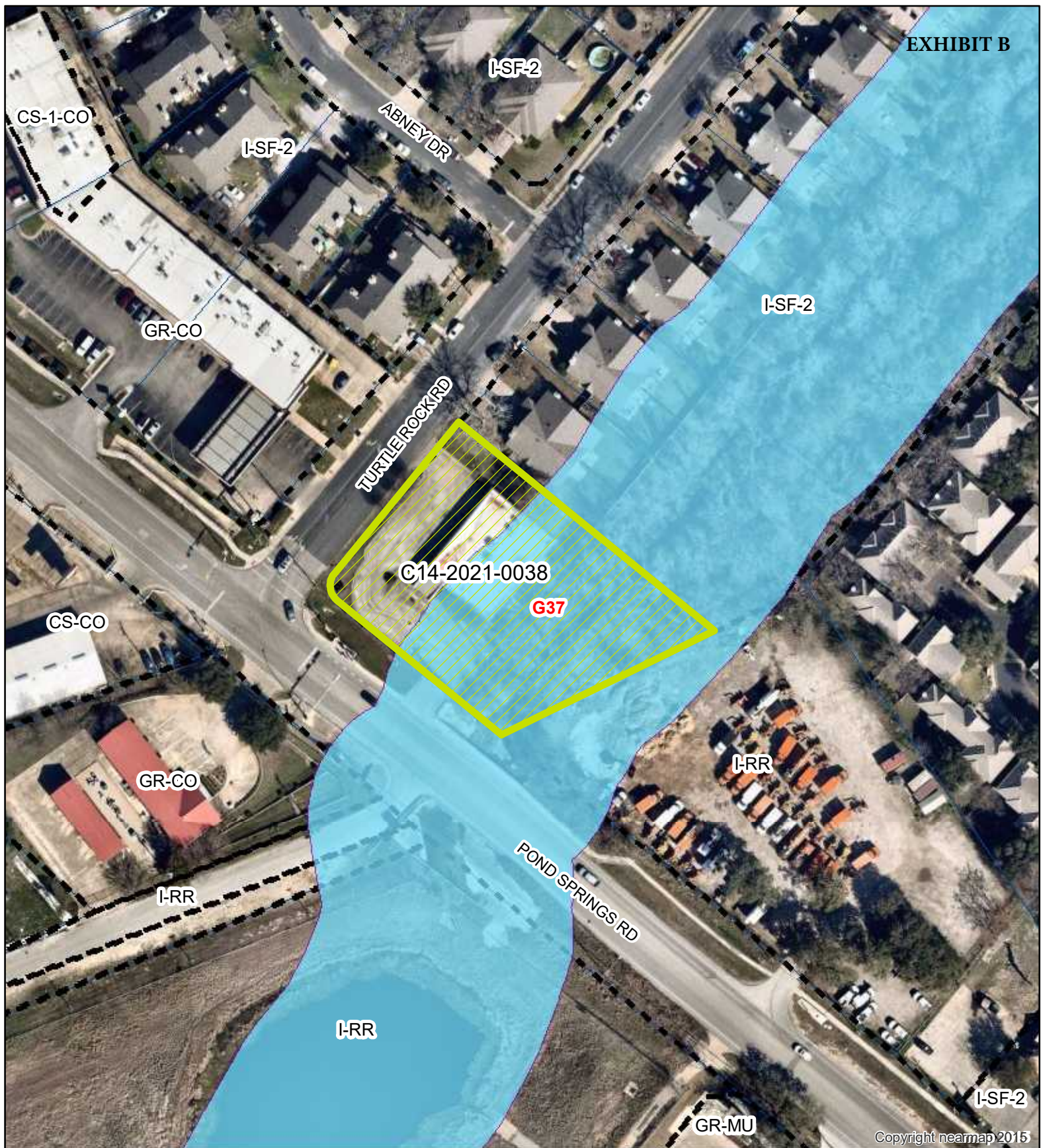
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 3/19/2021









### Pond Springs Rezone

ZONING CASE#: C14-2021-0038  
 LOCATION: 13171 Pond Springs Rd.  
 SUBJECT AREA: 0.48645 Acres  
 GRID: G37  
 MANAGER: Sherri Sirwaitis



1" = 100'

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



March 8, 2021

505 Barton Springs Rd # 175, Austin, TX 78704  
City of Austin  
Planning Department

To Whom It May Concern,

Our client is requesting to rezone address 13171 Pond Springs Rd, Austin, Texas. It is Currently zoned as Rural Residence (I-RR) and being used as an office space that has never been properly rezoned. We are respectfully requesting that this be changed to Community Commercial (GR-CC). Land uses for the surrounding properties are similar in use and zoning. As examples, across the street 13180 Pond Springs and across the opposite street, 12300 ½ Turtle Rock Rd are zoned as Community Commercial (GR-CO). 13171 Pond Springs Rd is being purchased with plans to use for a private Daycare. No additional development is needed.

Please contact Ricca Keepers with any questions you have at (512) 550-6508. Thank you for your time and help with this matter.

Thank you,

Ricca Keepers, MUP  
Land Planner  
Keepers Land Planning  
(512) 520-5388