

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



**AGENDA ITEM NO.: Z-8  
AGENDA DATE: Thu 11/17/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-05-0167 - Rizing Star - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8668 Spicewood Springs Road (Rattan Creek Watershed) from community commercial (GR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning Zoning and Platting Commission Recommendation To grant general commercial services-conditional overlay (CS-CO) combining district zoning Applicant Nelson H Puett Agent Bennett Consulting (Jim Bennett) City Staff Sherri Sirwaitis, 974-3057.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-05-0167

**Z.A.P. DATE:** October 18, 2005

**ADDRESS:** 8668 Spicewood Springs

**OWNER/APPLICANT:** Nelson H Puett

**AGENT:** Bennett Consulting  
(Jim Bennett)

**ZONING FROM:** GR

**TO:** CS-CO\*

**AREA:** 0.130 acres

\*The applicant proposes to allow Laundry Services as the only permitted 'CS' district use and to allow all 'GR' district uses on the site

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant CS-CO, General Commercial Services-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day and would allow Laundry Services as the only permitted 'CS' district use and allow for all other 'GR' permitted/conditional uses on the site.

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

10/18/05 Approved staff's recommendation for CS-CO zoning by consent (9-0),  
J Martinez-1<sup>st</sup>, J Gohl-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question is currently developed with a retail shopping center that was constructed in 1977. The applicant plans to construct a dry cleaning facility within a suite in the existing retail center.

The staff recommends the applicant's request for CS-CO zoning for this site because the property in question is part of a larger commercial site that takes access to two arterial roadways, U.S. Highway 183 North and Spicewood Springs Road. The proposed CS zoning footprint will be surrounded by commercial uses in an existing retail shopping center.

The applicant agrees with the staff's recommendation.

### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR	Retail Shopping Center
<i>North</i>	GR, GR-CO	Retail Shopping Center, Restaurant, Bank
<i>South</i>	GR, SF-3	Retail Shopping Center, Townhouses
<i>East</i>	GR	Retail Shopping Center
<i>West</i>	GR, MF-2	Retail Shopping Center, Townhouses

**AREA STUDY:** N/A

**TIA:** Not required

**WATERSHED:** Rattan Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

- 46 - North Oaks Neighborhood Association
- 157 - Courtyard Homeowner Association
- 426 - River Place Residential Community Association, Inc
- 475 - Bull Creek Foundation
- 492 - Laurel Oaks Neighborhood Association

**CASE HISTORIES:**

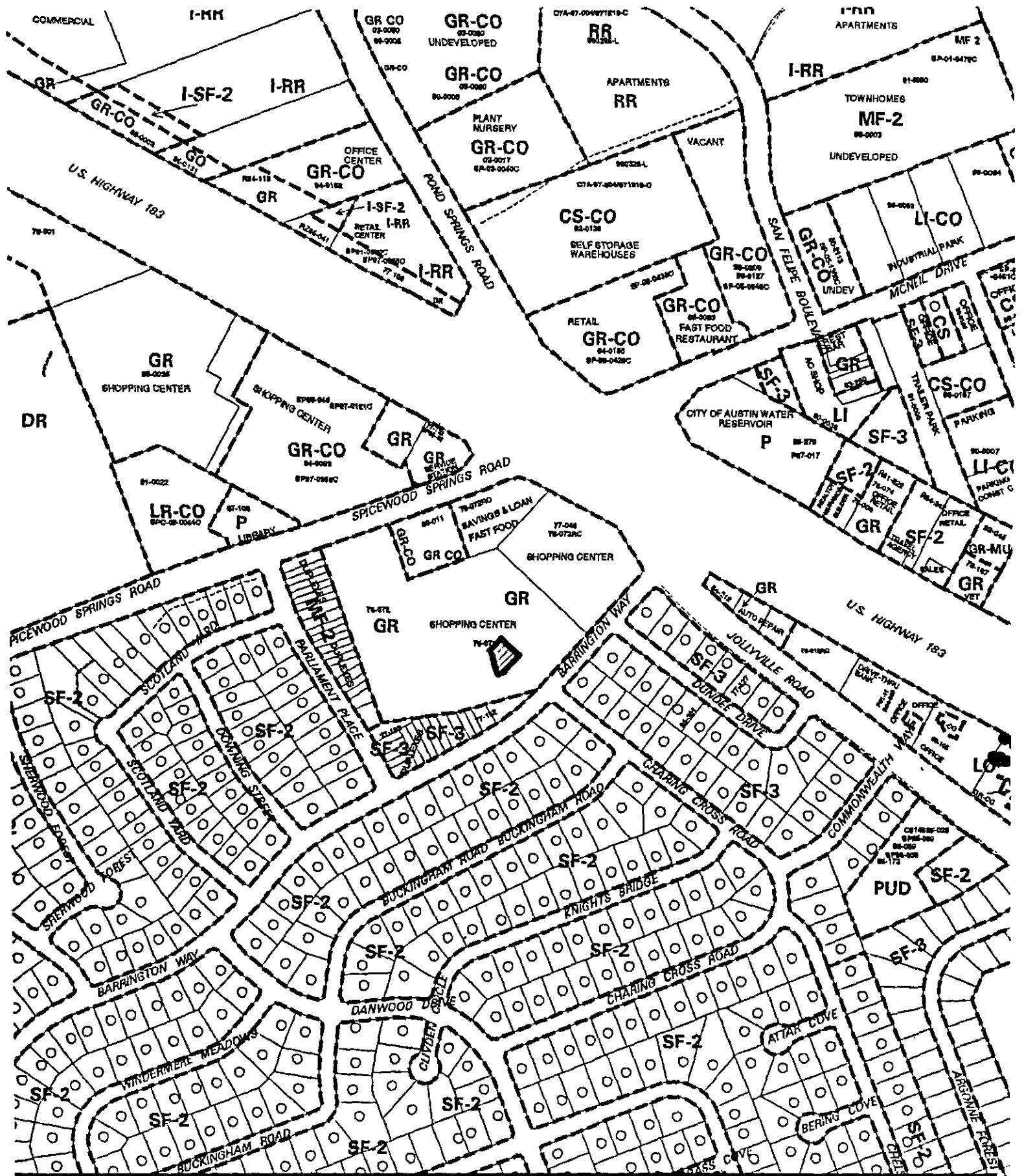
NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0083	GR-CO to GR-CO	7/05/05 Approved staff's recommendation for GR-CO zoning, with CO to limit the development intensity on the site to less than 1,320 vehicle trips per day, by consent (7-0, M Whaley-Hawthorne-absent, T Rabago-arrived late)	8/04/05 Approved GR-CO (6-0), all 3 readings
C14-04-0155	GR-CO to GR-CO	11/2/04 Approved staff's recommendation of GR-CO zoning, with CO to limit the development intensity on the site to less than 1,898 vehicle trips per day, by consent (9-0), J Martinez-1 <sup>st</sup> , J Gohil-2 <sup>nd</sup>	12/02/04 Approved GR-CO (7-0), all 3 readings
C14-04-0092	DR to GR	8/3/04 Approved staff's recommendation of GR-CO, with prohibition of Pawn Shop Services (8-0, J Pinnelli-absent)	9/02/04 Approved GR-CO (7-0), all 3 readings
C14-03-0080	MF-3-CO to GR	6/10/03 Approved staff's alternate recommendation of GR-CO zoning (8-0, J Martinez-absent), 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,	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)




		<p>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</p> <p>3) Require a 10-foot landscape buffer along the Eastern property line</p>	8/14/03. Approved (7-0), 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-02-0138	I-RR to CS	<p>9/17/02. Approve staff's recommendation of CS-CO zoning with the following conditions add Equipment Sales and Automotive Rentals as allowed/ permitted uses (7-0)</p>	10/24/02 Granted CS-CO on all 3 readings (6-0, Dunkerley –absent)
C14-02-0132	MF-3 to GR	<p>10/22/02 Approved GR-CO zoning (8-0), with the following conditions.</p> <p>1) The only 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, Food Sales, Accessory Off-Site Parking, Restaurant (Drive-In Fast Food), Restaurant (Limited)</p> <p>3) Limit the development intensity to less than 2,000 vehicle trips per day,</p> <p>4) Require that protected trees shall remain undisturbed,</p> <p>5) Require that Compatibility Standards be applied along the eastern property line;</p> <p>6) Require a 25' vegetative buffer along the eastern property line,</p> <p>7) Limit structures to 40' in height with an increase in height according to Compatibility Standards;</p>	<p>11/21/02 To grant GR-CO zoning, with conditions and a public restrictive covenant (6-0, Goodman-absent), 1<sup>st</sup> reading</p> <p>12/5/02 To grant GR-CO zoning, with conditions that no structural detention or water quality facility shall be allowed within the proposed 25 foot vegetative buffer, grow green standards shall be utilized, and structural parking shall be prohibited (7-0), 2<sup>nd</sup> reading</p> <p>12/12/02 Approved – Petition withdrawn (7-0), 3<sup>rd</sup> reading</p>

		<p>8) Require that all Auto Maintenance and Repair be contained within a structure,</p> <p>9) Restrict access to San Felipe Boulevard to emergency access only,</p> <p>10) Allow no inoperable vehicle storage on the site,</p> <p>11) Do not allow a parking lot adjacent to the proposed vegetative buffer along the eastern property line</p>	
C14-02-0017	I-RR to GR	2/26/02 Approved staff's rec of GR-CO zoning, with CO to limit the development the site to less than 2,000 vehicle trips per day and prohibit Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing, & Drive-Through Facilities, by consent (7-0, K Jackson-absent, A Adams-off dias)	4/4/02 Approved GR-CO w/ conditions (6-0, Goodman out of room), all 3 readings
C14-01-0080	CS-CO to MF-2	6/26/01. Approved staff rec of MF-2 by consent (8-0)	12/06/01 Approved MF-2 (7-0), all 3 readings
C14-00-2113	I-RR to GR	7/25/00 Approved staff rec of GR-CO, with a 2,000 vtpd limit, by consent (7-1, RC-Nay)	8/24/00 Approved GR-CO w/ conditions on all 3 readings (7-0)
C14-99-0005	I-RR to MF-3	2/23/99 Approved staff alternate rec of MF-3-CO, with CO to require conformance with parkland requirements, by consent (6-0)	5/20/99. Approved PC rec of MF-3-CO w/ conditions (7-0), all 3 readings
C14-98-0200	I-RR to GR	12/8/98 Approved GR-CO, with a 2,000 vtpd limit, by consent (8-0)	1/7/99 Approved PC rec of GR-CO w/ conditions (7-0), all 3 readings
C14-98-0157	SF-3 to CS-CO	11/17/98 Approved staff alternate rec of CS-CO, with a 2,000 vtpd limit (9-0)	<p>1/7/99 Approved PC rec of CS-CO (7-0), 1<sup>st</sup> reading</p> <p>5/06/99 Approved CS-CO (7-0), 2<sup>nd</sup>/3<sup>rd</sup> readings</p>
C14-98-0133	SF-3 to CS	9/29/98 Approved staff rec of CS-CO, with a 2,000 vtpd limit, by consent (9-0)	<p>11/5/98 Approved PC rec of CS-CO (6-0), 1<sup>st</sup> reading</p> <p>3/25/99 Approved CS-CO (6-0), 2<sup>nd</sup>/3<sup>rd</sup> readings</p>

C14-98-0127	I-RR to GR	10/13/98 Approved GR-CO with following conditions: prohibit Automotive Rentals, Automotive Repair, Automotive Washing, Automotive Sales, Business or Trade School, Business Support Services, Commercial Off-Street Parking, Communication Services, Research Services, Drop Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel/Motel, Indoor Entertainment, Indoor Sports and Recreation, Medical Offices (exceeding 5,000 sq ft), General Retail Sales (General), Outdoor Entertainment, Outdoor Sports & Recreation, Pawn Shop Services, Personal Improvement Services, Theater, Hospital Services (General), and Residential Treatment, with a 2,500 vtpd limit (9-0)	11/19/98 Approved PC rec of GR-CO, all 3 readings
C14-98-0094	I-RR to LI	8/18/98 Approved LI-CO, with a 2,000 vtpd limit, by consent (7-0)	10/08/98 Approved PC rec of LI-CO (6-0), all 3 readings
C14-98-0093	I-RR to LI	8/18/98 Approved LI-CO, with a 2,000 vtpd limit, by consent (7-0)	10/08/98 Approved PC rec of LI-CO (6-0), all 3 readings
C14-98-0003	I-RR to LI	2/17/98 Approved W/LO w/conditions 1) 25 ft landscape buffer along the northern property line, 50 foot building setback from the northern property line, 25 foot building setback from the eastern property line, 35 ft height limit, prohibit the following uses Automotive Rentals, Automotive Repair, Automotive Washing, Automotive Sales, Commercial Blood Plasma Center Commercial Off-Street Parking, Convenience Storage, Drop Off Recycling Collection Facility,	3/26/98 Approved PC rec of W/LO w/ conditions (6-0), 1 <sup>st</sup> reading  4/30/98 Approved CS-CO w/ conditions (7-0), 2 <sup>nd</sup> reading  6/11/98 Approved CS-CO w/ conditions (7-0), 3 <sup>rd</sup> reading





SUBJECT TRACT   
 PENDING CASE   
 ZONING BOUNDARY   
 CASE MGR S SIRWAITIS

**ZONING**  
 CASE #: C14-05-0167  
 ADDRESS 8668 SPICEWOOD SPRINGS  
 SUBJECT AREA (acres) 0.130

DATE 05-09  
 INTLS SM

CITY GRID  
 REFERENCE  
 NUMBER  
 H36

## **STAFF RECOMMENDATION**

The staff's recommendation is to grant CS-CO, General Commercial Services-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day and would allow Laundry Services as the only permitted 'CS' district use and allow for all other 'GR' permitted/conditional uses on the site.

## **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.

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

The proposed footprint of CS-CO zoning would be compatible and consistent with the adjacent uses because there is commercial (GR-CO) zoning to the surrounding the property to the north, south, east and west. There is also commercial zoning at the northeast corner of Spicewood Springs Road and U S Highway 183 North.

The CS-CO zoning district designation would be appropriate for this site because the property in question will take access from a major arterial roadway. The site will be located in a suite within a retail shopping center, which fronts onto U S Highway 183 North. The proposed rezoning will provide for an additional commercial service to the serve the residential areas to the southeast and southwest.

- 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 property in question is part of a larger tract of land that is located at the intersection of two arterial roadways, Spicewood Springs Road and U S Highway 183.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently developed with retail shopping center that was developed in the mid 1970s prior to the development of residential uses to the south, east, and west.

### **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.

The site is in the Rattan Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
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. The site is in the Rattan 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 flood plain 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 existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 1,648 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics)

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113]

Capital Metro bus service is available along US Highway 183 within 1/4 mile of this property

There are existing sidewalks along Spicewood Springs Road

Spicewood Springs Road is classified in the Bicycle Plan as a Priority 1 bike route

#### **Existing Street Characteristics**

NAME	ROW	PAVEMENT	CLASSIFICATION
Spicewood Springs Road	90'	Varies	Arterial

### **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 adjustments are required, the landowner, at own expense, will be responsible for providing. Also, the water and wastewater 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 the 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 storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

### **Compatibility Standards**

No comment

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0167

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

October 18, 2005 Zoning and Platting Commission

Ed O. Bridgman  
Your Name (please print)

12603 Charing Cross Rd

Your address(es) affected by this application

Ed O. Bridgman  
Signature

10-18-05  
Date

Comments I believe this will lower  
my property value

If you use this form to comment, it may be returned to:

City of Austin  
Neighborhood Planning and Zoning Department  
Sherri Sirwaitis  
P. O. Box 1088  
Austin, TX 78767-8810



Case Number: C14-05-0167

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

October 18, 2005 Zoning and Platting Commission

JANIS SCHULTZ  
Your Name (please print)

8006 Bon-Air Drive

Your address(es) affected by this application

JANIS SCHULTZ  
Signature

10-12-05  
Date

Comments

If you use this form to comment, it may be returned to:

City of Austin  
Neighborhood Planning and Zoning Department  
Sherri Sirwaitis  
P. O. Box 1088  
Austin, TX 78767-8810

Item # A11

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website.

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

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Public Hearing:

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<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

*Ann D. Burford*

Your Name (please print)

*B650 Spreewood Spgs Rd. #112*

Your address(es) affected by this application

*Ann D. Burford*

Signature

*10-13-38*

Date

Comments

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

October 18, 2005 Zoning and Platting Commission

Marian Merlo

Your Name (please print)

8650 Spicewood Sprng #123 Aug. 24

Your address(es) affected by this application

M. A. Merlo

Signature

Date,

10-13-05

Comments

This bus. may benefit the neighborhood.



78259

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

October 18, 2005 Zoning and Platting Commission

ELIZABETH BONITA / JOANN FABRICS

Your Name (please print)

8650 SPICEWOOD SPRINGS RD #140

Your address(es) affected by this application

Elizabeth Bonita

Signature

Date

10/14/15

Comments



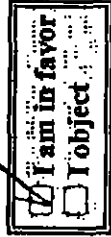
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Case Number: C14-05-0167

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Public Hearing:

October 18, 2005 Zoning and Platting Commission



Karen Watson  
Your Name (please print)

6308 Jennings Dr, Austin, TX  
Your address(es) affected by this application

Karen Watson  
Signature

10-13-05  
Date

Comments

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City of Austin  
Neighborhood Planning and Zoning Department  
Sherri Sirwaitis  
P. O. Box 1088  
Austin, TX 78767-8810

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Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

October 18, 2005 Zoning and Platting Commission



Russell Newell  
Your Name (please print)

8650 Spirewood Springs Rd #119 Austin TX 78759  
Your address(es) affected by this application

Russell Newell  
Signature

10-13-05  
Date

Comments

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Sherri Sirwaitis  
P. O. Box 1088  
Austin, TX 78767-8810

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Case Number: C14-05-0167

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

October 18, 2005 Zoning and Platting Commission

Robert L. Dacy

Your Name (please print)

The Hardware Store, Inc.  
8650 Spicewood Springs Rd #132 78759

Your address(es) affected by this application

*[Signature]*

Signature

Date

10-13-05

☒ I am in favor  
☐ I object

Comments:

I own The Hardware Store -  
The store located at 8650 Spicewood Springs Rd is  
a shopping center full of  
tenants is good for business  
I have no objection to  
a laundry/dry cleaning  
business being placed in  
the shopping center.

If you use this form to comment, it may be returned to:

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Sherri Sirwaitis

P. O. Box 1088

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Case Number: C14-05-0167

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

October 18, 2005 Zoning and Platting Commission

Nelson H. Puett

Your Name (please print)

5425 Burnet Rd 78756

Your address(es) affected by this application

*[Signature]*

Signature

Date

☒ I am in favor  
☐ I object

Comments:

I am in favor of  
this change.

If you use this form to comment, it may be returned to:

City of Austin

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Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-05-0167

Contact: Sherril Sirwaitis, (512) 974-3057

Public Hearing:

October 18, 2005 Zoning and Platting Commission

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

BRIANE OWENS VILLAGECOINSHOP

Your Name (please print)

901E 204 8650 SPICEWOOD SPRS. RD

Your address(es) affected by this application

Brian Owens

Signature

Date

10/17/05

Comments

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However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0167

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

October 18, 2005 Zoning and Platting Commission

ROOSTER ANDREWS SPORTING GOODS

Your Name (please print)

8650 SPICEWOOD SPRINGS RD, #132

Your address(es) affected by this application

10/17/05

Mike Atch, for ROOSTER ANDREWS SPT.

Date

Signature

Comments

If you use this form to comment, it may be returned to

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

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Case Number: C14-05-0167

Contact: Sherril Sirvantis, (512) 974-3057

Public Hearing:

October 18, 2005 Zoning and Platting Commission



Teresa Smola  
Your Name (please print)

9806 Lonsdale Dr  
Your address(es) affected by this application

Sherril Sirvantis  
Signature

10-18-05  
Date

Comments: The only concern I have is the cleanliness of the area outside.

If you use this form to comment, it may be returned to

City of Austin

Neighborhood Planning and Zoning Department

Sherril Sirvantis

P. O. Box 1088

Austin, TX 78767-8810

# Nelson Harwood Puett

PO Box 9883  
Austin, Texas 78766  
NHPuett@aol.com

5425 Burnet Rd  
Austin, Texas 78756  
(512) 451-1036

October 12, 2005

To: Spicewood/183 Shopping Center Tenants

From: Nelson Harwood Puett, Owner

Dear Tenants:

Enclosed you will find a form from the City of Austin concerning a zoning change for the Old Black Bart's Books location.

A new tenant would like to use this space for a neighborhood laundry/dry cleaning business. This requires a zoning change from the City of Austin.

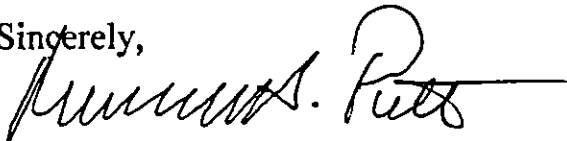
I would appreciate your help in obtaining this change. Please fill out the enclosed form and mail to the City of Austin. (Stamped envelope provided).

City of Austin  
Neighborhood Planning and Zoning Department  
Attn: Sheri Sirwaitis  
P.O. Box 1088  
Austin, TX 78767-8810

The hearing is on October 18, 2005, therefore, your immediate attention and help is greatly appreciated.

Thank you in advance for your attention to this matter.

Sincerely,



Nelson Harwood Puett, Owner

NHP:kw  
Enclosure

9. **Rezoning:** **C14-05-0165 - Condos at 3rd and Nueces**  
 Location 300 Nueces Street, Shoal Creek Watershed  
 Owner/Applicant. Novare-AU Nueces, L P. (John W Long, VP)  
 Agent Doucet & associates, Inc (Ted McConaghy)  
 Request **CBD to CBD-CURE**  
 Staff Rec **RECOMMENDED**  
 Staff Jorge E Rousselin, 974-2975, jorge.rousselin@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

***APPROVED CBD-CURE-CO ZONING; CONDITIONS OF:***

- ***4127 VEHICLE TRIP LIMIT;***
  - ***HEIGHT NOT EXCEED THE SPECIFICATIONS OF THE CAPITOL VIEW CORRIDOR;***
  - ***MAXIMUM OF 421 UNITS; 11,060 SQUARE FEET OF RETAIL; 3,558 SQUARE FEET OF RESTAURANT;***
  - ***MODIFICATIONS TO THE SETBACK REQUIREMENTS;***
  - ***F.A.R 10 TO 1***
- [K.J; J.M 2<sup>ND</sup>] (7-1-1) J.P – NAY; M.H – ABSTAINED***

10. **Rezoning:** **C14-05-0163 - Landrum-4**  
 Location 601 West Applegate Drive, Little Walnut Creek Watershed  
 Owner/Applicant. Kellis Landrum  
 Agent Bennett Consulting (Jim Bennett)  
 Request. **SF-2 to GR**  
 Staff Rec **RECOMMENDATION OF SF-6-CO**  
 Staff Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

***POSTPONED TO 11/1/05 (STAFF)***  
***[J.M; J.G 2<sup>ND</sup>] (9-0)***

11. **Rezoning:** **C14-05-0167 - Rizing Star**  
 Location 8668 Spicewood Springs Road, Rattan Creek Watershed  
 Owner/Applicant Nelson H Puett  
 Agent Bennett Consulting (Jim Bennett)  
 Request **GR to CS-CO**  
 Staff Rec **RECOMMENDED**  
 Staff Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

***APPROVED STAFF'S RECOMMENDATION FOR CS-CO ZONING; BY CONSENT.***  
***[J.M; J.G 2<sup>ND</sup>] (9-0)***

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

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 8668 SPICEWOOD SPRINGS ROAD FROM COMMUNITY COMMERCIAL (GR) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-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 community commercial (GR) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-05-0167, on file at the Neighborhood Planning and Zoning Department, as follows:

A 5747 square foot tract of land, more or less, out of Lot 1, Barrington Oaks Commercial Section II Subdivision, Williamson 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 8668 Spicewood Springs Road, in the City of Austin, Williamson County, Texas, and generally identified in the map attached as Exhibit "".

**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:

Agricultural sales and services	Building maintenance services
Campground	Commercial blood plasma center
Construction sales and services	Convenience storage
Electronic prototype assembly	Electronic testing
Equipment repair services	Equipment sales
Food preparation	Kennels
Monument retail sales	Plant nursery
Research services	Vehicle storage
Veterinary services	Custom manufacturing
Limited warehousing and distribution	Maintenance and service facilities
Transitional housing	Transportation terminal

1  
2 2. A site plan or building permit for the Property may not be approved, released, or issued,  
3 if the completed development or uses of the Property, considered cumulatively with all  
4 existing or previously authorized development and uses, generate traffic that exceeds  
5 2,000 trips per day.  
6

7 Except as specifically restricted under this ordinance, the Property may be developed and  
8 used in accordance with the regulations established for the general commercial services  
9 (CS) base district and other applicable requirements of the City Code.  
10

11 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2005.  
12

13  
14 **PASSED AND APPROVED**  
15

16  
17  
18 \_\_\_\_\_, 2005

19 Will Wynn  
20 Mayor  
21

22  
23 **APPROVED:**

24 David Allan Smith  
25 City Attorney

**ATTEST:**

Shirley A. Brown  
City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

BEING 5747 SQUARE FEET OUT OF LOT 1 OF BARRINGTON OAKS COMMERCIAL-SECTION II, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, AS DEPICTED BY THE INSTRUMENT RECORDED IN CABINET D, SLIDE 170 OF THE PLAT RECORDS OF SAID COUNTY, SAID 5747 SQUARE FEET BEING THE INTERIOR SPACE OF A BUILDING KNOWN LOCALLY AS 8668 SPICEWOOD SPRINGS ROAD, SUITE 133, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

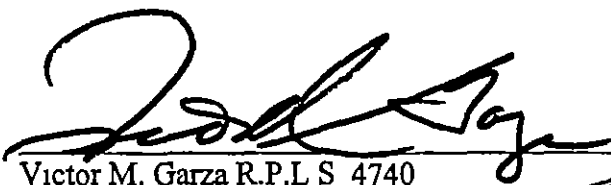
COMMENCING at a ½" rebar found at the southwest corner of said Lot 1;

THENCE, N 68°32'26" E through the interior of Lot 1, a distance of 403.74 feet to an interior building corner, same being the southwest corner and PLACE OF BEGINNING of the herein described tract,

THENCE with the interior of the aforementioned building the following five (5) courses:

- 1.) N 13°44'09" W a distance of 78.30 feet,
- 2.) N 44°52'44" E a distance of 50.90 feet;
- 3.) N 45°07'16" E a distance of 78.80 feet,
- 4.) S 44°52'44" W a distance of 72.50 feet;
- 5.) S 76°49'13" W a distance of 22.60 feet to the PLACE OF BEGINNING of the herein described tract and containing a calculated area of 5747 square feet,

THIS LEGAL DESCRIPTION IS TO BE USED IN CONJUNCTION WITH THE ACCOMPANYING SURVEY PLAT ONLY.

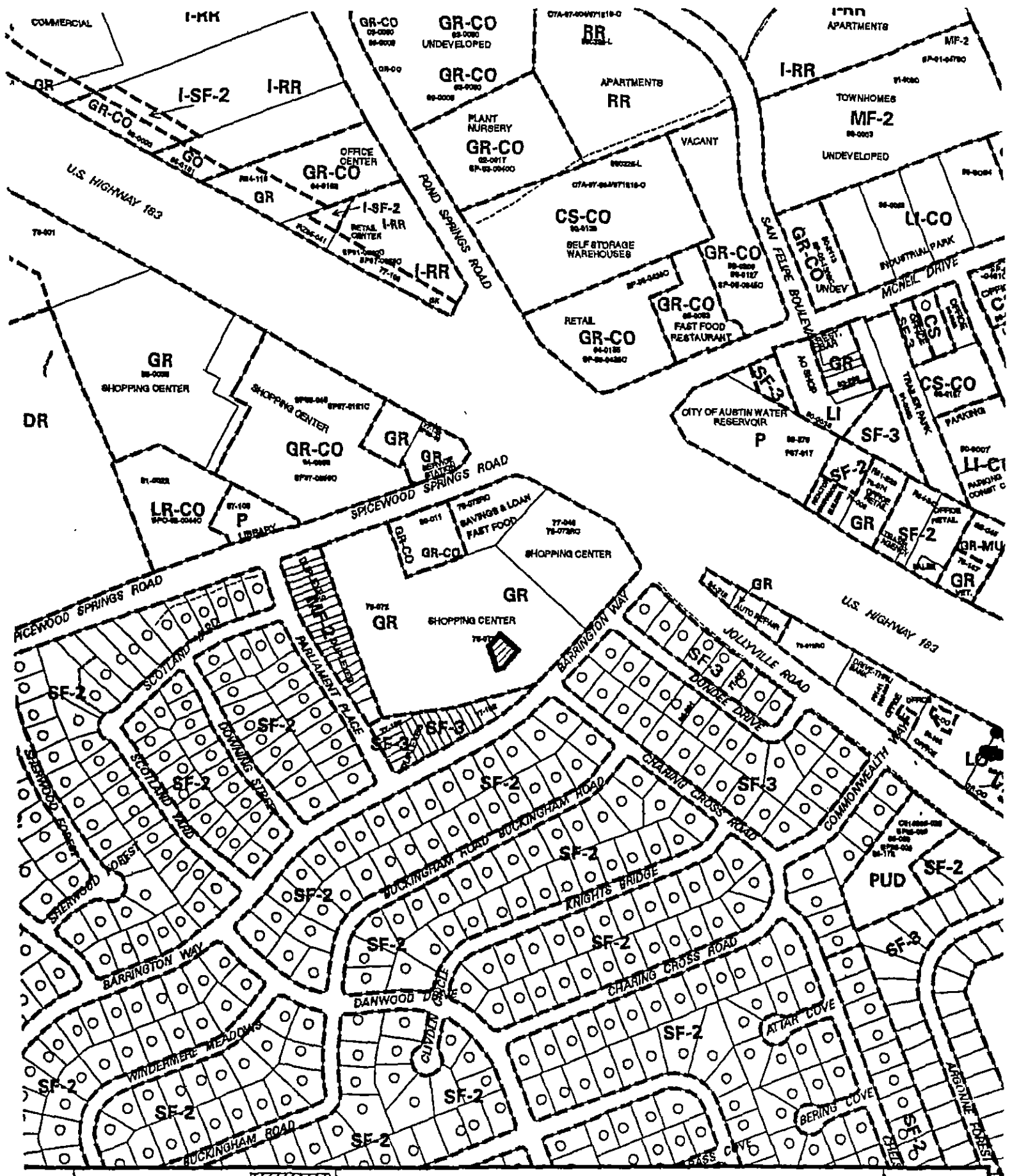
  
Victor M. Garza R.P.L.S. 4740

8/19/05  
Date

Dewey H. Burris and Associates, Inc.  
1404 W. North Loop Blvd.  
Austin, Texas 78756  
(512)-458-6969  
Job# R0809605







SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY  
 CASE MGR S SIRWAITIS

CASE #: C14-05-0167  
 ADDRESS: 8888 SPICEWOOD SPRINGS  
 SUBJECT AREA (acres): 0.130

ZONING EXHIBIT 17 B

DATE: 05-09  
 INTLS: SM

CITY GRID  
 REFERENCE  
 NUMBER  
 H36