#### **ZONING CHANGE REVIEW SHEET**

CASE: C14-2011-0087 - 6500 Manor Road

P.C. DATE: November 8, 2011 December 13, 2011 January 10, 2012

ADDRESS: 6500 and 6502 Manor Road

**OWNER/APPLICANT:** Sneed Realtors (Mildred and Kennie Sneed)

**ZONING FROM:** LO-NP

<u>TO:</u> CS-NP

AREA: 0.4044 acres (17,616 square feet)

### SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood commercial – mixed use – conditional overlay – neighborhood plan (LR-MU-CO-NP) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 2,000 and prohibits service station.

#### PLANNING COMMISSION RECOMMENDATION:

November 8, 2011: POSTPONED TO DECEMBER 13, 2011 BY THE PLANNING COMMISSION

[M. DEALEY; J. STEVENS – 2<sup>ND</sup>] (7-0-1) D. TIEMANN, D. CHIMENTI – ABSENT; J. JACK – ABSTAIN <u>NOTE:</u> PLACE EARLY ON THE AGENDA

December 13, 2011: APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO JANUARY 10, 2012 [D. CHIMENTI; D. TIEMANN – 2ND] (6-2, R. HATFIELD, A. HERNANDEZ – NAY) D. ANDERSON – ABSENT NOTE: PLACE EARLY ON THE AGENDA

January 10, 2012:

#### **ISSUES:**

On December 17, 2011, the Applicants attended the University Hills Neighborhood Association meeting. The Applicants stated that approximately 27 people attended the meeting, which included members and non-members of the association. Of the 15 association members in attendance, 12 were opposed to the Applicant's amended rezoning request and 3 were in favor.

On December 6, 2011, the University Hills Neighborhood Plan Contact Team met to discuss whether there was support for adding conditional overlays (COs) to LR base district zoning. The Applicants and Staff also attended the meeting. The Contact Team did not support the addition of COs and opposes any change in zoning on the subject properties from LO-NP.

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A statement of support for the Applicant's amended request of LR-MU-CO-NP has been signed by several residents in the area. Please refer to correspondence attached at the back of the Staff packet.

The Applicant is in agreement with the Staff recommendation.

#### **DEPARTMENT COMMENTS:**

The subject two lots are located at the northeast intersection of Manor Road and Northeast Drive, and developed with two office buildings and adjacent parking areas. The buildings were formerly used as four-plexes. The east lot has driveway access to Manor Road and the west lot has access to Northeast Drive. There are single family residences, duplexes and apartments on Northeast Drive to the north (SF-3-NP), single family residences to the east on Carol Ann Drive (SF-3-NP), retail sales (general) and a service station to the south (GR-V-NP) and single family residences to the west on Manor Road (LR-MU-V-CO-NP; SF-3-NP). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes general commercial services – neighborhood plan (CS-NP) combining district zoning in order to allow for the property to be converted to commercial and retail uses. In evaluating the Applicant's request, Staff notes that neighborhood commercial – mixed use – conditional overlay – neighborhood plan (LR-MU-CO-NP) zoning was approved on a similarly situated property to the west (Northeast Drive / Manor Road intersection within the Windsor Park NPA) in 2007, with the vertical mixed use building (V) zoning added in 2008. The Conditional Overlay on that property prohibits service station use.

Staff is able to recommend LR-MU-CO-NP zoning based on the following considerations of the property: 1) location on an arterial roadway, and ability to provide commercial, retail and office services in close proximity to the surrounding residential subdivision; and 2) consistency with the similarly located property to the west, including the conditional overlay to prohibit service station use.

| ZONING |                           | LAND USES  |  |  |
|--------|---------------------------|--|--|--|
| Site   | LO-NP                     | Two single story offices and adjacent parking areas                                    |  |  |
| North  | SF-3-NP                   | Single family residences in the Walnut Hills Section subdivision; Duplexes; Apartments |  |  |
| South  | GR-V-NP                   | Service station with food sales; Retail sales (general);<br>Church                     |  |  |
| East   | SF-2-NP; LR-NP            | Single family residence; Office  |  |  |
| West   | LR-MU-V-CO-NP;<br>SF-3-NP | Single family residences   |  |  |

## EXISTING ZONING AND LAND USES:

Page 3 at 8 173

NEIGHBORHOOD PLAN AREA: University Hills / Windsor Park Combined (University Hills)

TIA: Is not required

<u>WATERSHED:</u> Little Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

#### CAPITOL VIEW CORRIDOR: No

## SCENIC ROADWAY: No

981 – Anberly Airport Association

## **NEIGHBORHOOD ORGANIZATIONS:**

- 60 Pecan Springs / Springdale Neighborhood Association
- 84 University Hills Neighborhood Association
- 174 Windsor Park Neighborhood Association 511 Austin Neighborhoods Council
  - 686 East MLK Neighborhood Combined COA Liaison
- 742 Austin Independent School District
- 786 Home Builders Association of Greater Austin
- 972 PODER
- 1019 Responsible Growth for Windsor Park
- 1037 Homeless Neighborhood Association 1075 League of Bicycling Voters
- 1119 University Hills Neighborhood Plan Contact Team
- 1113 Austin Parks Foundation 1155 Windsor Park Neighborhood Plan Contact Team
- 1094 Sweeney Farms Neighborhood Association
- 1097 Windsor Park Pecan Springs Heritage Neighborhood Association
- 1197 East MLK Combined Neighborhood Contact Team
- 1213 East MLK Combined Neighborhood Association
- 1200 Super Duper Neighborhood Objectors and Appealers Organization
- 1215 FRS Property Owners Association 1224 Austin Monorail Project
- 1228 Sierra Club, Austin Regional Group 1236 The Real Estate Council of Austin, Inc.
- 1258 Del Valle Community Coalition 1322 Senate Hills Homeowners Association

#### SCHOOLS:

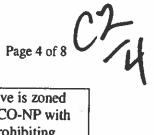
Winn Elementary School

Pearce Middle School

LBJ High School

#### **CASE HISTORIES:**

| NUMBER  | REQUEST   | COMMISSION | CITY COUNCIL   |
|---|---|------------|--|
| C14-2008-0044 –<br>Windsor Park NPA<br>VMU Building (V)<br>Zoning | Add a vertical<br>mixed use<br>building (V)<br>zoning to 31<br>tracts of land | To Grant   | Approved the addition<br>of V zoning for 27<br>tracts of land (5-22-<br>08). |
| C14-2007-0007 –<br>Windsor Park<br>Neighborhood Plan              | Rezoning of 95<br>tracts of land  | To Grant   | Approved (8-9-07).<br>Note: Tract 100<br>located at 3211 Jack                |



| Area Rezoning –<br>US Hwy 290 on the<br>north, Northeast<br>Drive on the east,<br>Manor Road and<br>51 <sup>st</sup> Street on the<br>south and IH-35 on<br>the west |                           |   | Cook Drive is zoned<br>LR-MU-CO-NP with<br>the CO prohibiting<br>service station |
|--|---------------------------|---|--|
| C14-00-2017 –<br>6620 Manor Road –<br>3410 and 3412<br>Lakeside Drive  | SF-2 to NO, as<br>amended | To Grant NO-CO with<br>CO prohibiting all uses<br>except for parking and<br>civic uses, prohibit<br>access to Lakeside &<br>Carol Ann drives and<br>10' landscape buffer to<br>screen parking lot<br>along east, west and<br>north property lines | Approved NO-CO as<br>Commission<br>recommended (6-22-<br>00).                    |

## **RELATED CASES:**

The property is platted as the Resubdivision of Lot 37, Walnut Hills Section 5, a subdivision recorded in October 18, 1968 (C8s-68-160). Please refer to Exhibit B. Lot 37 was rezoned to "O", Office district in 1977 (C14-77-124). There are no related site plan applications on the subject property.

The University Hills Neighborhood Plan rezonings were approved by Council on August 9, 2007 (C14-2007-0006 – Ordinance No. 20070809-056). The base district of the subject property did not change, and the NP combining district was added. The FLUM designation on this site is Office and a plan amendment to Commercial is also under consideration (NPA-2011-0023.01).

#### **ABUTTING STREETS:**

| Name            | ROW     | Pavement | Classification | Daily Traffic |
|-----------------|---------|----------|----------------|---------------|
| Manor Road      | 88 feet | MAU 4    | Major Arterial | 9,474         |
| Northeast Drive | 80 feet | 40 feet  | Collector      | 2,844         |
| Carol Ann Drive | 50 feet | 30 feet  | Local          | Not Available |

- Manor Road is classified in the Bicycle Plan as Bike Route No. 42. Northeast Drive is classified in the Bicycle Plan as Bike Route No 18.
- Capital Metro bus service (Route No. 20) is available along Manor Road.
- There are existing sidewalks along Manor Road, Northeast Drive and Carol Ann Drive.

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CITY COUNCIL DATE: December 8, 2011

**ACTION:** Approved a Postponement request by the Staff to January 12, 2012 (6-0, Mayor Pro Tem Cole – off the dais).

January 12, 2012

**ORDINANCE READINGS: 1st** 

2<sup>nd</sup>

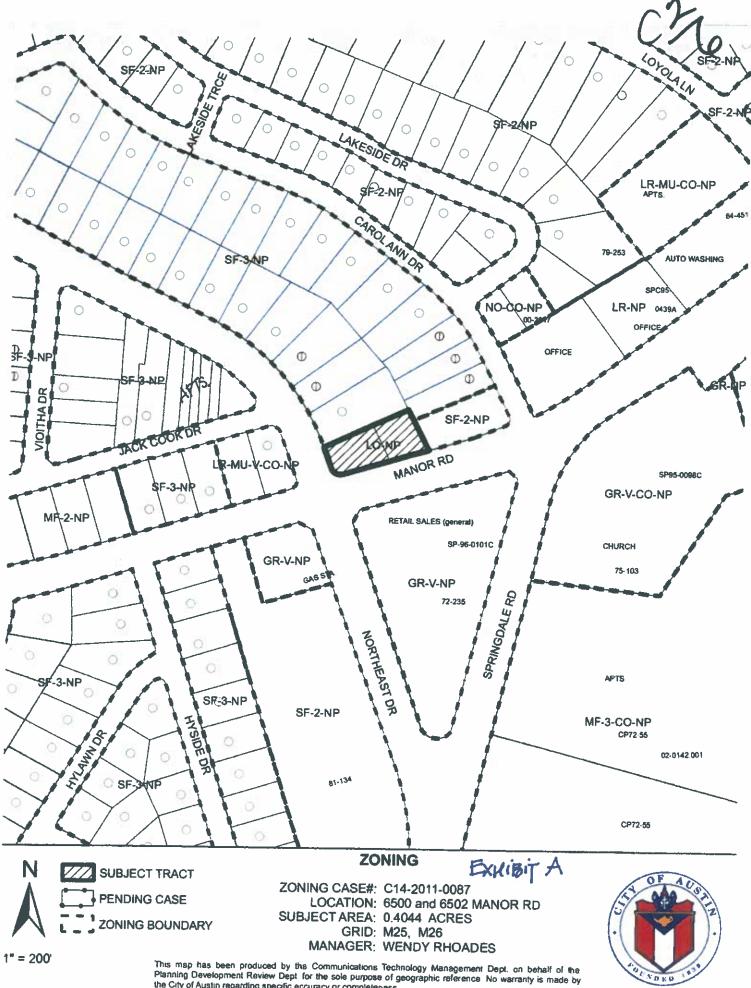
3rd

#### **ORDINANCE NUMBER:**

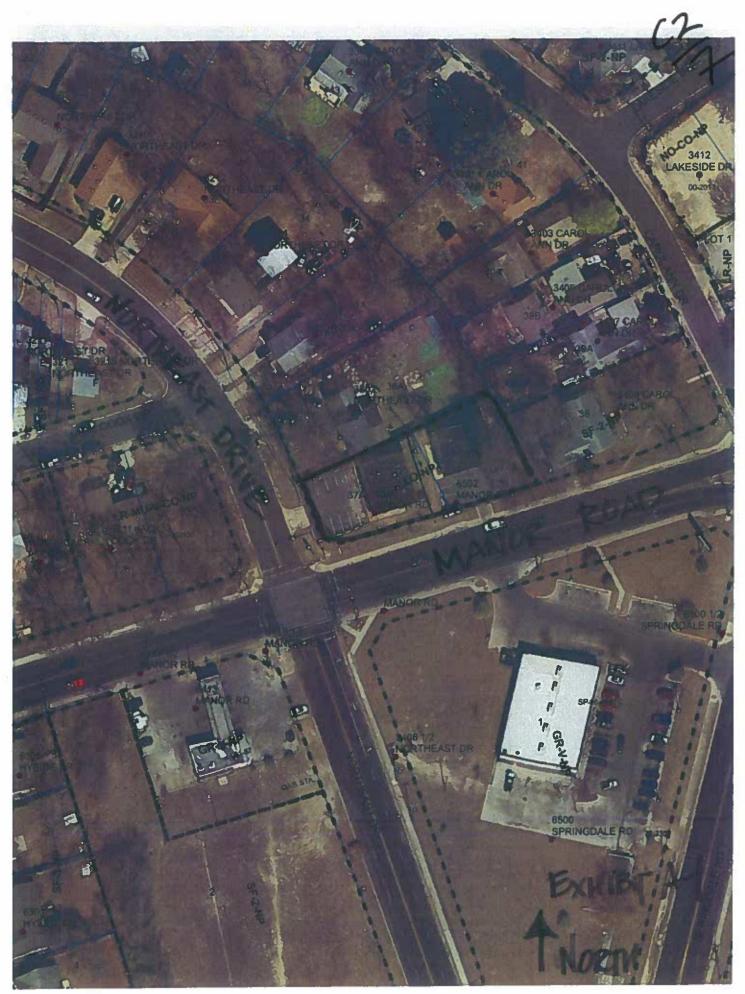
<u>CASE MANAGER:</u> Wendy Rhoades e-mail: wendy.rhoades@austintexas.gov

1

**PHONE:** 974-7719



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 eccuracy or completeness



TRAVIS COUNTY PLAT VOLUME 43 PAGE 50 SESTER TRAVE 31 SUMMER DELES SAL UN: 1759 Page 244 35 25442 & Lour 123 NORTHEAST " CAROL 35 40 RESUBDIVISION OF LOT 37 MCK COOK DR. WALNUT HILLS SECTION 5 ANN 34 33 DRIVE <u>بر برد</u> a 9 10 DR 24 374.37 ģ MANOR ROAD ŝ SCALE 17100 Å LEGEND ∎ Conc Mon. Found Iron Pin Found Iron Pin Sel STATE OF TEXAS COUNTY OF TRAVIS SHOL ALL HEN BY THESE PRESENTS: THAT I, WILLIAH STRINGER, GUNER OF LOT 37. OF MALAUT HILLS SECTION TIVE, AS RECORDED IN FLAT BOOK 5, PAGE 93, OF THE PLAT RECORDS OF TRAVIS COUNTY, TELAS, AND AS CONTITED TO NO AY DEED RECORDED IN VOLUME 3141, PAGE 2246, OF THE DEED RECORDS OF TRAVIS COUNTY, TELAS, RESUMDIVIDE SAID LOT, SUBJECT TO AY RASSENTS OR RESTRICTIONS MERETOFORE GRANTED, AS SHOW WILLOW TO BE KNOWN AS THE RESUMDIVISION OF LOT 37, WALNUT HILLS ERCTION 5, AND I DO MEREBY DEDICATE TO THE FULLIC THE USE OF THE SUBELY AND ASSOCIETS AS SHOW KERECH. WITNESS MY HAND THIS THE 25<sup>11</sup> DAY OF SupErcaduan, 1968 WILLIAH STRENCER STATE OF TEXAS COUNTY OF TRAYTS BEFORE HE. THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED VILLIAN STRINGER, MARE TO HE TO BE THE PERSON HMOSE NAME IS SUB-SCRIMED TO THE "ORECOINC INSTRICTION AND HE ACCHDULEDGED TO BE THAT HE EXECUTED THE SAME "ON THE PURPOSES AND CONSTRUMATIONS THEREIN". CIVEN UNDER MY HAND AND SPAL O" OFFICE THIS DE 25 DAY OF SUCCESS WALIC IN AND FOR TRAVIS CORITY, TEXAS DIAS 6. Q.Q.L. Ov APPROVED FOR ACCEPTANCE about 4. ACCEPTED AND AUTHORIZED TOR RECORD BY THE CITY PLANNING CONVISSION, CITY OF AUSTIN, TEXAS, Δ . 1553. A.D. CIPATRHAM SUCRETARY P de. FTCED FOR RECORD AT 1115 O'CLOCK A. H. THE 18 DAY OF OCT. 1959 MISS ENILLE LINBERG, CLERX COUNTY COURT, TRAVIS COUNTY, TEXAS .4 11.1 STATE OF TEXAS COUNTY OF TRAVIS WITNESS HT HAND AND SEAL OF OFFICE OF THE COURTY COURT OF SAID COURTY, THE DATE LAST ERITHER ADOVE. E. HUSS ENILLE LEHBERG CLERK COUNTY CHIRT, TRAVIS COUNTY, TELAS -1 1/ m all THIS IS TO CERTITY THAT AUSTIN CITY CODE CHAPTER 27. 27 OF 1955, HAS BEEN COMPLIED WITH, AS SURVEYED BY: P. HANNY SHIP BEGISTERED PURCIC SURVEYER 1714 VEST 1:1 AUSTIN, TEXAS SEPTEMER 11, 1958 EXHIBIT B. RECORDED PAT C 856 8-160

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## SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood commercial – mixed use – conditional overlay – neighborhood plan (LR-MU-CO-NP) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 2,000 and prohibits service station.

## BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Applicant's Request: The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

Staff Recommendation: The LR, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin Land Development Code states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment." The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

2. Zoning changes should promote compatibility with adjacent and nearby uses.

In evaluating the Applicant's request, Staff notes that neighborhood commercial – mixed use – conditional overlay – neighborhood plan (LR-MU-CO-NP) zoning was approved on a similarly situated property to the west (Northeast Drive / Manor Road intersection within the Windsor Park NPA) in 2007, with the vertical mixed use building (V) zoning added in 2008. The Conditional Overlay on that property prohibits service station use.



#### **EXISTING CONDITIONS**

#### Site Characteristics

The rezoning area is developed with two office buildings and the site is relatively flat. There appear to be no significant topographical constraints on the site.

#### **Impervious** Cover

The maximum impervious cover allowed by the CS base zoning district is 95%, based on the more restrictive *zoning* regulations. The maximum impervious cover allowed by the LR base zoning district is 80%, also based on the more restrictive *zoning* regulations.

#### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

#### **Transportation**

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

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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 over the current land use [LDC, 25-6-117].

#### Water and Wastewater

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 the Austin Water Utility for compliance with City criteria. 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.

#### Site Plan and Compatibility Standards

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

The site is subject to compatibility standards. Along the northern and eastern property lines, the following rules will apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- Additional design regulations will be enforced at the time a site plan is submitted.

# WE THE UNDERSIGNED SUPPORT THE CHANGE FROM LO TO LRC THAT HAS BEEN REQUESTED BY KENNIE SNEED AND BY MILDRED SNEED

## Permitted and Conditional Uses

+ For detail on marked uses in the Neighborhood Commercial district, see the Austin City Code 25-2-586.

## Residential

Civic

Bed and Breakfast Residential (Group I)\*

Bed and Breakfast Residential (Group 2) \*

#### Industrial

Custom Manufacturing (c)

Agricultural Jrban Farm \* 1 hone rent ロマン .11 5 2 929-51 260 and 2607 3 929-8117 nm 31 Ú 478 Ja - 8 153 Masil La 070 915 21-1 E 0 18 . .

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- TO: City of Austin Planning Commission and City Council Members
- RE: Planning Commission Agenda November 8, 2011 (Agenda Items #6 & #7) City Council Agenda – December 8, 2011

Application for rezoning – 6500 & 6402 Manor Road (C14-2011-0087) (Kennie & Mildred Sneed, Applicants)

University Hills/Windsor Park Neighborhood Plan Amendment Request (NPA-2011-0023.01)

DATE: November 8, 2011

Dear Planning Commission and City Council Members:

On September 6, 2011, October 4, 2011 and November 1, 2011, the University Hills Contact Team held meetings in accordance with its bylaws to discuss the applicants' proposed future land use amendment and zoning change from Limited Office ("LO") to General Commercial Services ("CS") for the properties located at 6500 Manor Road and 6402 Manor Road. Along with several contact team members, residents of the community were present during at least two of those public meetings. In September and October, contact team members received additional feedback from other surrounding neighbors which was taken into consideration by the contact team. On September 26, 2011, a public meeting was held with regard to the proposed plan amendment, which was noticed by and facilitated by Maureen Meredith of the City's Planning and Development Review Department. Several members of the community were present for that meeting. Ms. Meredith provided background and education with regard to the zoning and plan amendment process and answered questions from those present.

Although Mrs. & Mrs. Sneed's (the applicants) application for zoning filed in July 2011 listed a proposed use for the propertis as "music studio," they have since stated this is no longer the case. According to the Sneeds, investors who have shown interest in purchasing the property at some point in the past included a funeral home and a clothing store; however, they have no serious potential buyers currently. Mr. & Mrs. Sneed were very clear

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during our meetings that they simply want the highest zoning for the property for speculative purposes in order to sell at the highest price possible since they are retiring and closing their business.

On November 1, 2011, the University Hills Contact Team of the University Hills/Windsor Park Neighborhood Plan voted to oppose the applicants' application to rezone these properties from LO to CS. Some discussion occurred regarding a compromise to LR (staff's recommendation); however, it was felt by the majority that no change in circumstance has taken place that would be significant enough to go against the wishes of the community developed during the neighborhood plan process by agreeing to change the zoning from LO to any higher level of zoning. To address staff's historical statement in the backup material, it is our position that the fact a piece of property west of the subject property was rezoned in 2007 to LR should not be a determining factor in this instance since that property lies within the Windsor Park planning area of the neighborhood plan. Consequently, that decision was made solely by the Windsor Park Contact Team.

As background, it is our understanding that in the early 1970s Mr. and Mrs. Sneed requested that these properties be rezoned from Single Family Residential to LO for the express purpose of putting their real estate office at that location. Despite the considerable protest by the residents of University Hills at the time, the zoning was changed to LO. These properties adjoin several homes. From 2005 to 2007, the neighborhood planning process took place with regard to the University Hills and Windsor Park planning area. When the University Hills/Windsor Park Neighborhood Plan was submitted to the Planning Commission in 2007 for approval, City planners agreed with the University Hills planning team to keep the zoning on these properties to LO. Accordingly, the current zoning of LO was kept in place at that time and the corresponding FLUM was adopted. Based on the comments received by the contact team during its recent public meetings, the basis for the community's desire to maintain this property as LO during the 2005-2007 neighborhood planning process has not changed.

For the reasons stated above, the University Hills Contact Team opposes any change in zoning on the subject properties from LO-NP.

Thank you for your time and for your service to our City.

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Sincerely, lon Ø n

Lou O'Hanlon, Chair University Hills Contact Team University Hills/Windsor Park Neighborhood Plan

Cc: Wendy Rhoades, Planning & Development Review Department Maureen Mcredith, Planning & Development Review Department

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## Rhoades, Wendy

From: Lou O'Hanlon Chanton Gaussin moor

Sent: Sunday, December 11, 2011 2:16 PM

To: Rhoades, Wendy; Meredith, Maureen

Cc: 'Scooter Cheatham'; 'Lynn Marshall'; Seth Fowler; 'Al Weber'; 'Fannie Akinbala'

Subject: RE: 6500 and 6502 Manor Road meeting with University Hills representatives

Hi, Wendy & Maureen -

I'm sure Jerry has filled you in with regard to events at the University Hills Contact Team meeting on the 6<sup>th</sup>. We had quite a few stakeholders in attendance. 11 stakeholders voted to keep the zoning at LO, with 1 person voting to support LR, but with conditional overlays restricting gas stations, restaurants and convenience stores. As we discussed, I would like to take this issue to the University Hills NA which meets on 12/17 and would like to request another postponement of the Planning Commission to January. Please let me know if you or Maureen will have any objection to a postponement from the 12/13 setting.

Thanks,

Lou O'Hanlon, Chair University Hills Neighborhood Plan Contact Team

From: Rhoades, Wendy [mailto:Wendy.Rhoades@austintexas.gov] Sent: Friday, December 02, 2011 4:31 PM To: Lou O'Hanlon Subject: RE: 6500 and 6502 Manor Road meeting with University Hills representatives

Hi Lou,

Thanks for your email and offer to have this case taken up at the December 6th Contact Team meeting. My manager Jerry Rusthoven has offered to attend in my place, as I have three zoning cases up for discussion at the Zoning and Platting Commission that evening. I'll coordinate with him and also let Mr. and Mrs. Sneed know about the time and place of the meeting.

Thank you, Wendy

C7/2