

## NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

**NEIGHBORHOOD PLAN:** Oak Hill Combined Neighborhood Plan (West Oak Hill)

**CASE#:** NPA-2013-0025.03      **DATE FILED:** February 28, 2013 (in-cycle)

**PROJECT NAME:** B.C. Child Development Center – Toddler House

**PC DATE:** April 9, 2013

**ADDRESS/ES:** 5801 Travis Cook Road

**SITE AREA:** Approx. 1.24 acres

**OWNER:** Michael P. Muller

**AGENT /APPLICANT:** Peter Hollister for Elizabeth Wheatley (day care owner)

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Single Family

**To:** Neighborhood Mixed Use

**Base District Zoning Change**

**Related Zoning Case:** C14-2013-0010

**From:** RR-NP

**To:** LO-MU-CO-NP

**NEIGHBORHOOD PLAN ADOPTION DATE:** December 11, 2008

**PLANNING COMMISSION RECOMMENDATION:** On April 9, 2013, the motion to approve the change in land use to neighborhood mixed use on the consent agenda was made by Commissioner Chimenti's motion, Commissioner Hatfield seconded the motion on a vote of 8-0-1, with Commissioner Stevens absent.

**STAFF RECOMMENDATION:** Recommended.

**BASIS FOR STAFF'S RECOMMENDATION:** During the neighborhood planning process, the area where this property is located was a point of discussion regarding how it could develop into the future. Since the plan adoption, it has started to transition into neighborhood-serving uses as opposed to single family and mixed residential as shown on the future land use map. Participants during the planning process stated a strong desire for locally-owned businesses that provide neighborhood-serving uses to the Oak Hill area, which staff believes this request will help support that desire.

Staff believes the request to change the future land use map from Single Family to Neighborhood Mixed Use meets the following Goals, Objectives, and Recommendations.

## OAK HILL VISION STATEMENT

As a unique yet integral part of Austin and Travis County, the Oak Hill Area will support measured, sustainable growth in residential and commercial development while maintaining the existence and integrity of its environmental resources, and that of the community and its neighborhoods.

- 6.A. Provide opportunities for high-quality new development and re-development.

**6A.1**

Ensure quality of new construction and renovations.

- 6.B. Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment.

**6.B.1**

Encourage zoning to be compatible with existing and neighboring land uses and seek optimal and most appropriate use of land.

- 6.E. Encourage locally-owned businesses to locate in the Oak Hill area and find ways for local businesses and employers to prosper.

**6.E.1**

Oak Hill stakeholders desire more small-scale businesses with less strip commercial establishments

- 6.E.1d—Finds ways to attract businesses that will enhance services available to the community.

### Existing Land Use - Single Family

Single family detached or two family residential uses at typical urban and/or suburban densities.

### **Purpose**

1. Preserve the land use pattern and future viability of existing neighborhoods;
2. Encourage new infill development that continues existing neighborhood patterns of development; and
3. Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

#### **Application**

1. Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and  
May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached, Two-Family Residential) in areas considered appropriate for this type of infill development

#### **Proposed Land Use – Neighborhood Mixed Use**

An area that is appropriate for a mix of neighborhood commercial (small-scale retail or offices, professional services, convenience retail, and shopfront retail that serve a market at a neighborhood scale) and small to medium-density residential uses.

#### **Purpose**

1. Accommodate mixed use development in areas appropriate for a mix of residential uses and neighborhood commercial uses that serve surrounding neighborhoods; and
2. Provide transition from residential use to high intensity commercial or mixed use.

#### **Application**

1. Appropriate for areas such as minor arterials and collectors, small parcels along major arterials that abut single-family residential development, and areas in environmentally sensitive zones where high intensity commercial uses are discouraged; and
2. May be used as a transition from high intensity commercial and residential uses to single-family residential uses.

**BACKGROUND:** The plan amendment application was filed on February 28, 2013, which is in-cycle for City Council-approved neighborhood planning areas located on the west side of I.H.-35. The request is to change the future land use map from Single Family to Neighborhood Mixed Use. The associated zoning case is C14-2013-0010, which is a request to change the zoning from RR-NP (Rural Residential – Neighborhood Plan) to LO-MU-CO-NP (Neighborhood Office – Mixed Use- Conditional Overlay-Neighborhood Plan) to open a day care center.

The applicant, Elizabeth Wheatley, owns a day care center to the south of the property at 5805 Travis Cook Road (Infant Center) and another to the north at 5611 Travis Cook Road

(Preschool and Camp). She plans to open a Toddler House at 5801 Travis Cook Road location. See page five for the Summary Letter for further description of request written by the applicant.

**PUBLIC MEETINGS:** Seventy-eight community meeting notices were mailed on March 8, 2013. No one other than the applicant, her agent and city staff attended the meeting. Staff received one call from a surrounding property owner regarding the meeting, who stated that she was not in opposition to the request, but could not attend the meeting. The applicant conducted out-reach to surrounding property owners before applying for her plan amendment and zoning change request which could explain the zero turn-out from surrounding property owners, in addition to the seemingly non-controversial nature of the request.

A letter of support from the Oak Hill Planning Contact Team is included in this report on page six.

**CITY COUNCIL DATE:** May 9, 2013

**ACTION:** Pending

**CASE MANAGER:** Maureen Meredith

**PHONE:** 974-2695

**EMAIL:** Maureen.meredith@austintexas.gov

Summary Letter

I have owned and operated child care facilities in the Oak Hill area since 2002. Our philosophy of a quaint schoolhouse in a rural, bucolic setting on larger tracts of land, with highly trained, loving and caring staff has been supported by the community and is key to our continued growth. In Keeping with this philosophy, we choose to seek out additional property to grow our business rather than develop our existing facilities to the limits of the sites. As we currently operate an Infant Center and Preschool on Travis Cook Rd., I would like to propose making the property at 5801 a Toddler House which would also encompass a Special Needs/ Inclusion program. Currently, Toddlers are being taught and cared for at our Infant Center. We are not proposing duplicating our current operations but rather offering a better, more specified programs to meet the needs of our clients. Both our schools are currently full and many Oak Hill residents are on our wait list.

Our neighbors, both residential and commercial, support our low density approach as it accommodates the need for putting a buffer between the different land uses adjacent to my facilities. Additionally, we have created a needed screen between the more industrial operations in the area and residential properties. Our peak traffic patterns complement those of our neighbors to the west as their material deliveries are generally done on hours which do not coincide with pick up and drop off at the Centers. Our residential neighbors are arriving home when we are leaving for the night and we do not operate on the weekends making this symbiotic relationship between commercial business, high density apartments, church, Child Care and rural residents complete.

We provide an incredibly affordable value in excellent childcare. Our services are rare in the Oak Hill area where good child care is too expensive for most families. Our standards and reputation are above the norm and we have an impeccable record with the State of Texas. Please allow our business to continue to grow.

Thank you for your consideration.

Sincerely,

Elizabeth Wheatley, Owner

## Letter Support from Oak Hill PCT

*Brian Reis, Chair  
Tom Thayer, Vice-Chair  
Danielle Lepper, Secretary*



March 28, 2013

**To:** Maureen Meredith, Senior Planner  
City of Austin, Planning & Development Review Department,  
505 Barton Springs Road, 5th Floor  
Austin, TX 78704

**Re:** NPA Case # NPA-2013-0025.03  
B.C. Child Dev. Center- Toddler House, 5801 Travis Cook  
Owner's Representative: Peter Hollister

On March 27, 2012, the Oak Hill Neighborhood Contact Team held a meeting in accordance with our bylaws to discuss the applicant's proposed future land use amendment for the property located at 5801 Travis Cook. The applicant has requested a change in land use from **Single Family to Neighborhood Mixed Use**. The community meeting was held on March 20.

Last night, the OHNPCT voted to support the proposed change in land use. No action or recommendation was made with respect to the proposed zoning change.

Please let me know if you have any questions.

Sincerely,

Brian Reis  
Chair, OHNPCT

**Cc:** Tom Thayer – Vice Chair  
Danielle Lepper – Secretary

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- N
- SUBJECT TRACT
  - PENDING CASE
  - ZONING BOUNDARY
  - 500ft Notification Boundary

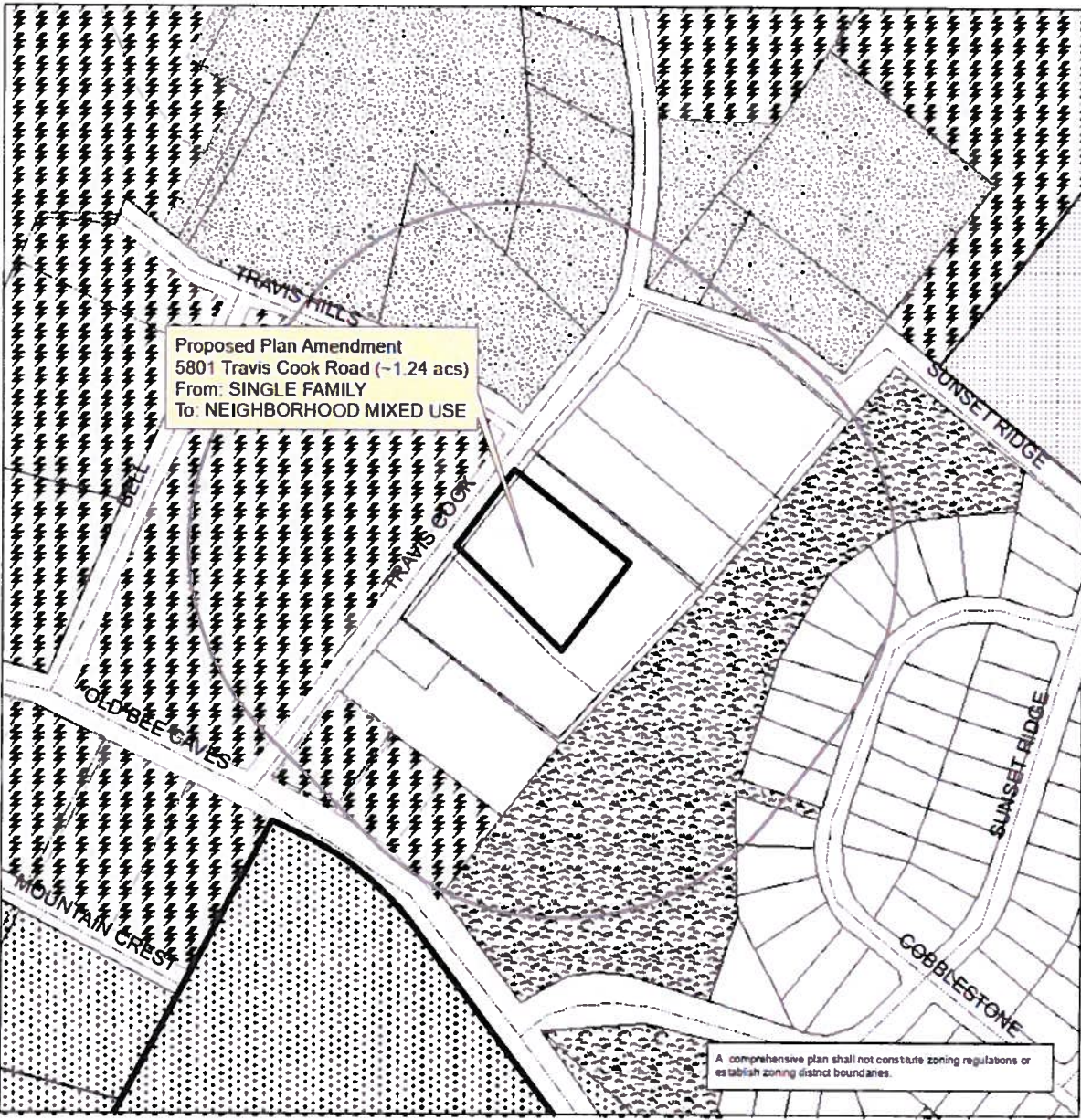
**NEIGHBORHOOD PLAN AMENDMENT**  
**Case Number: NPA-2013-0025.03**  
**Address: 5801 Travis Cook Rd.**  
**Approx. Acres: 1.24**

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







**Oak Hill Combined Neighborhood Plan  
NPA-2013-0025.03**

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City of Austin  
Planning and Development Review Department  
Created on March 6, 2013\_M Meredith



**Legend**

Subject Tract

Core Transit Corridor

500ft notification boundary

Street Address Centerline

NPA CASES

Rural Residential

Single-Family

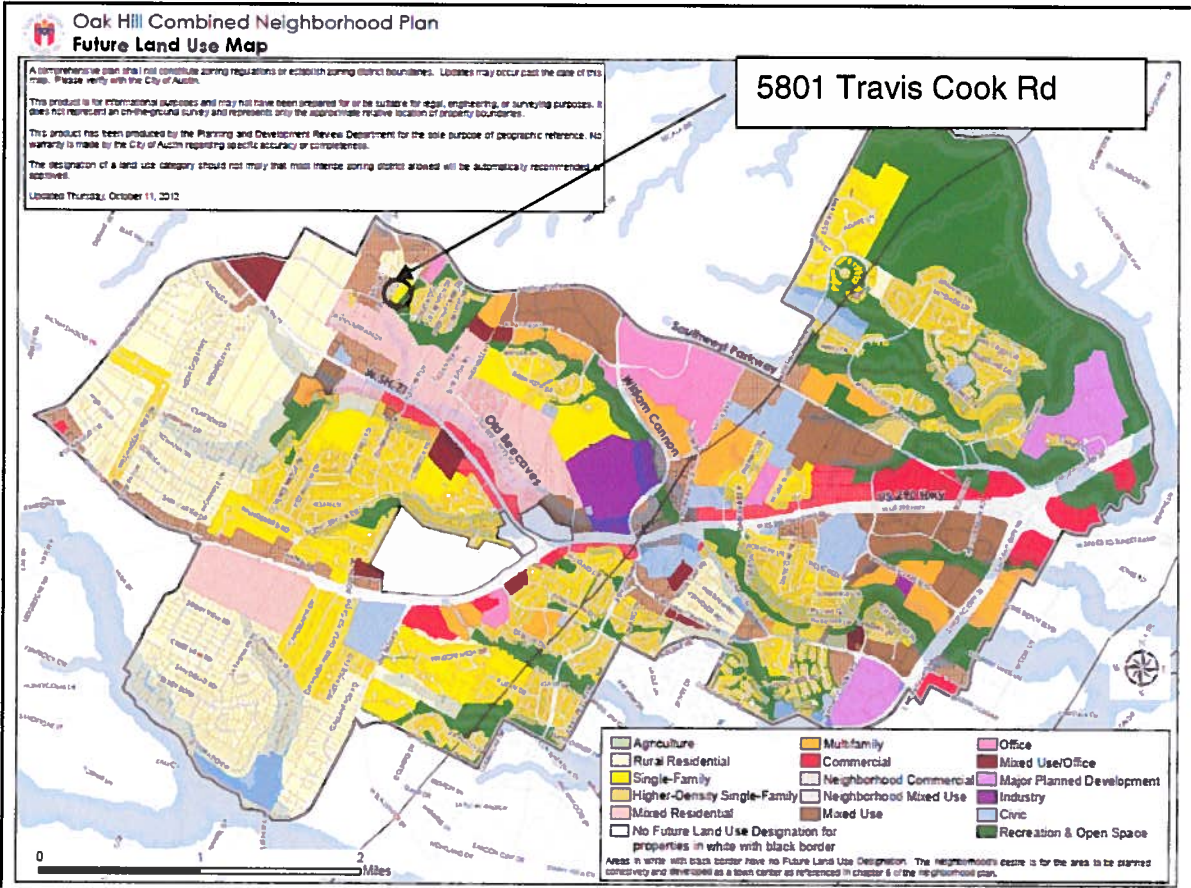
Mixed Residential

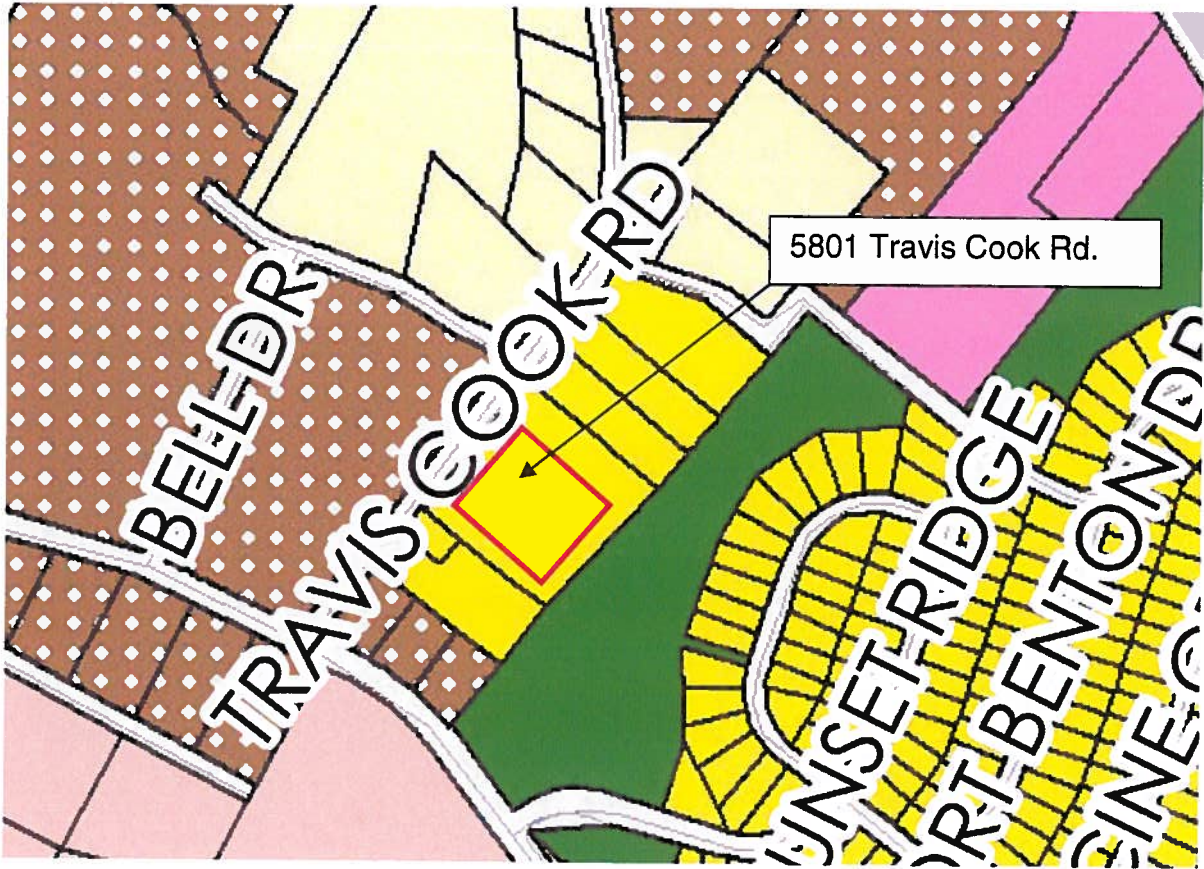
Neighborhood Mixed Use

Office

Recreation & Open Space

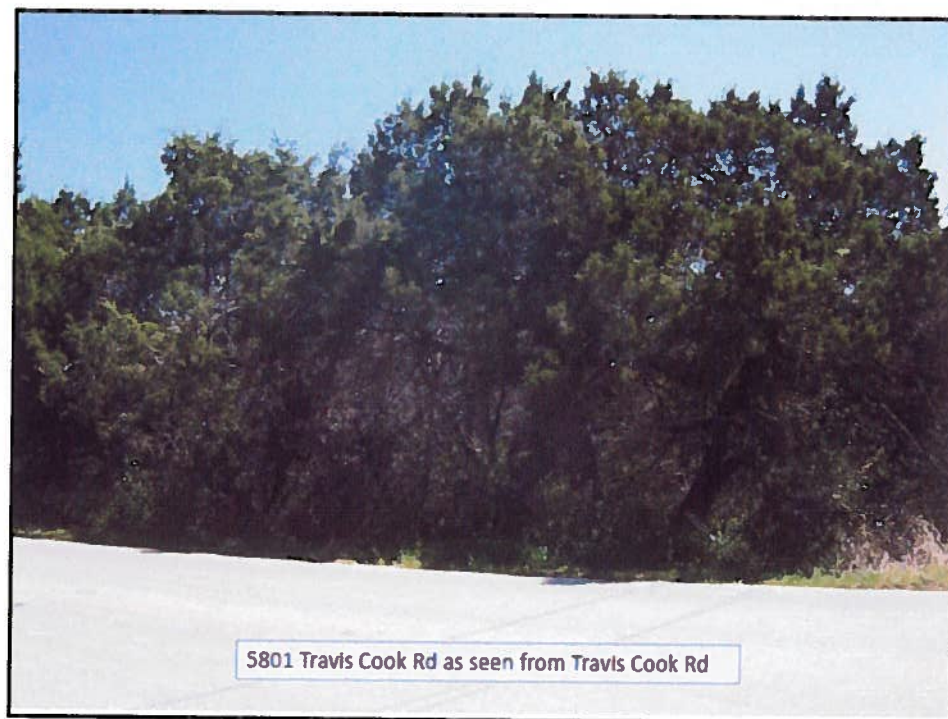
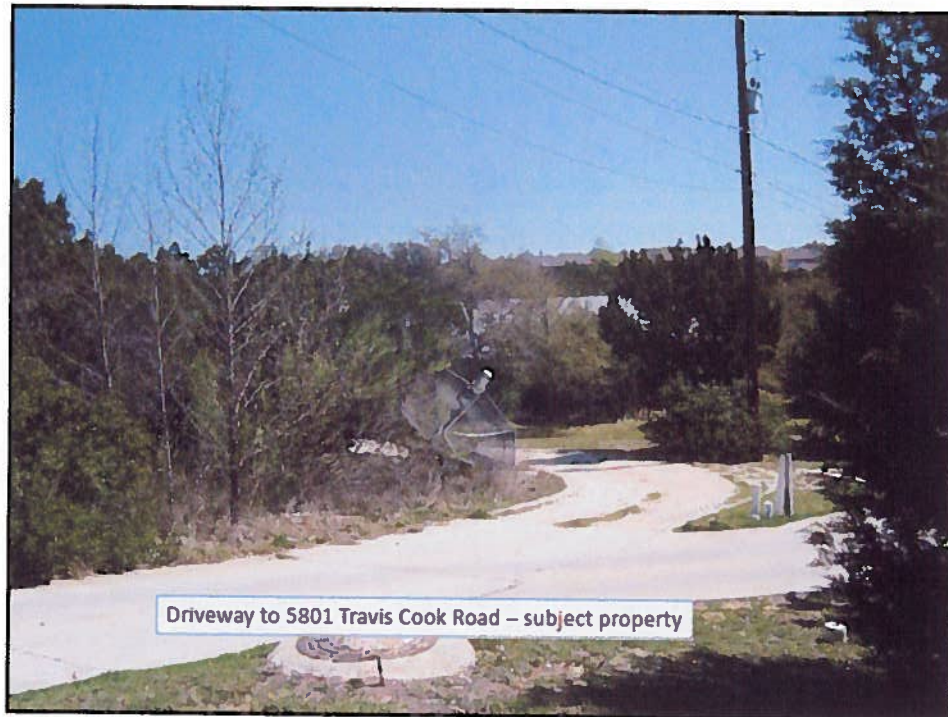




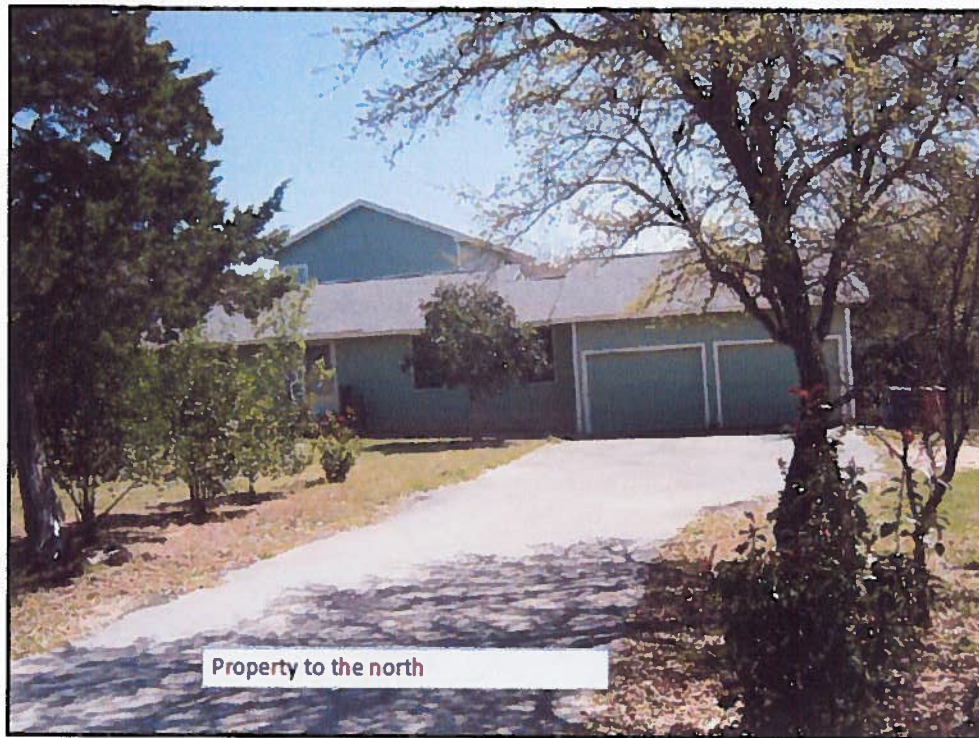




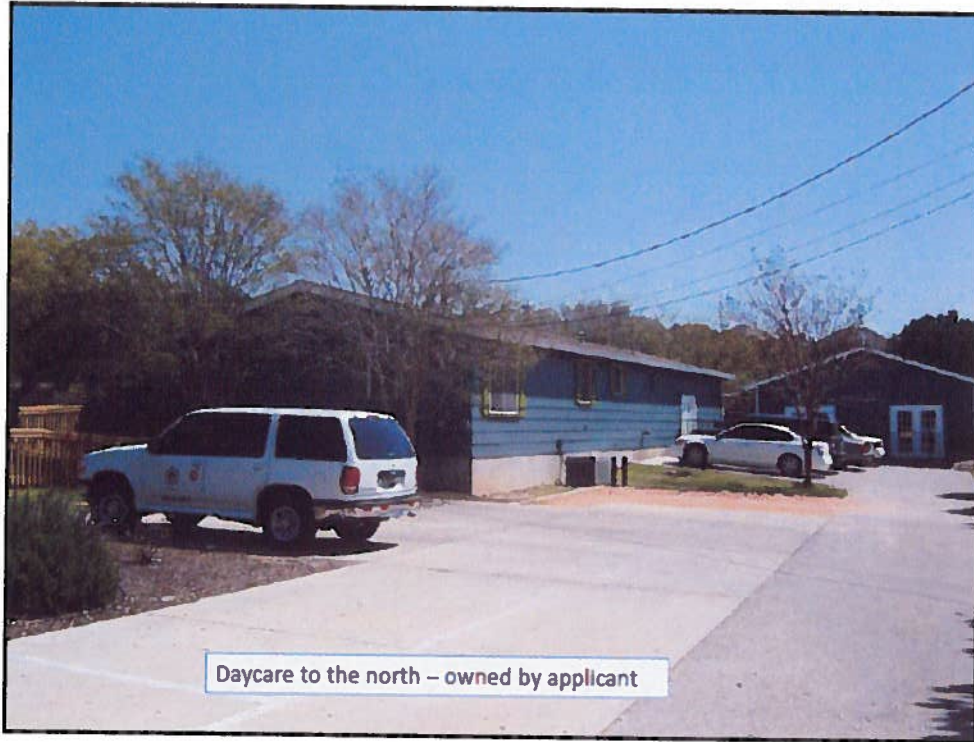




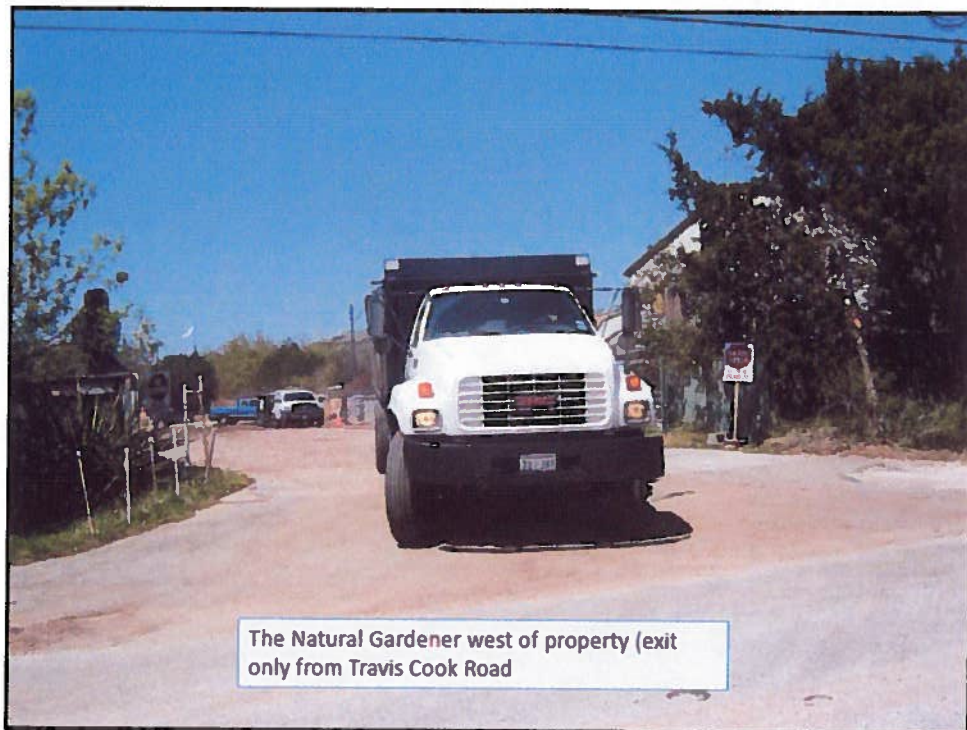
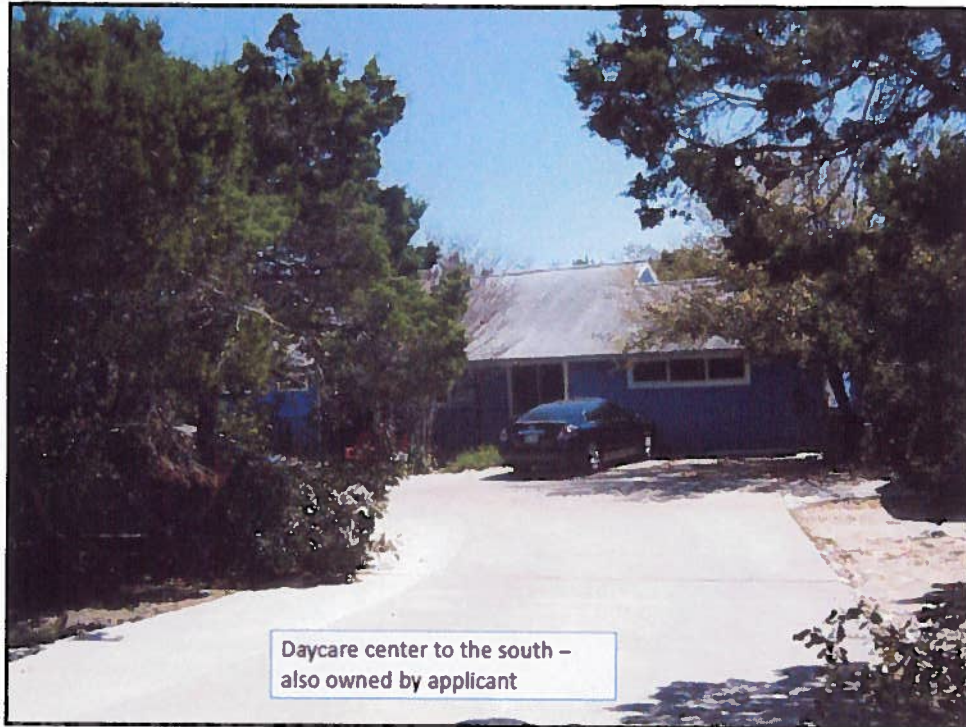


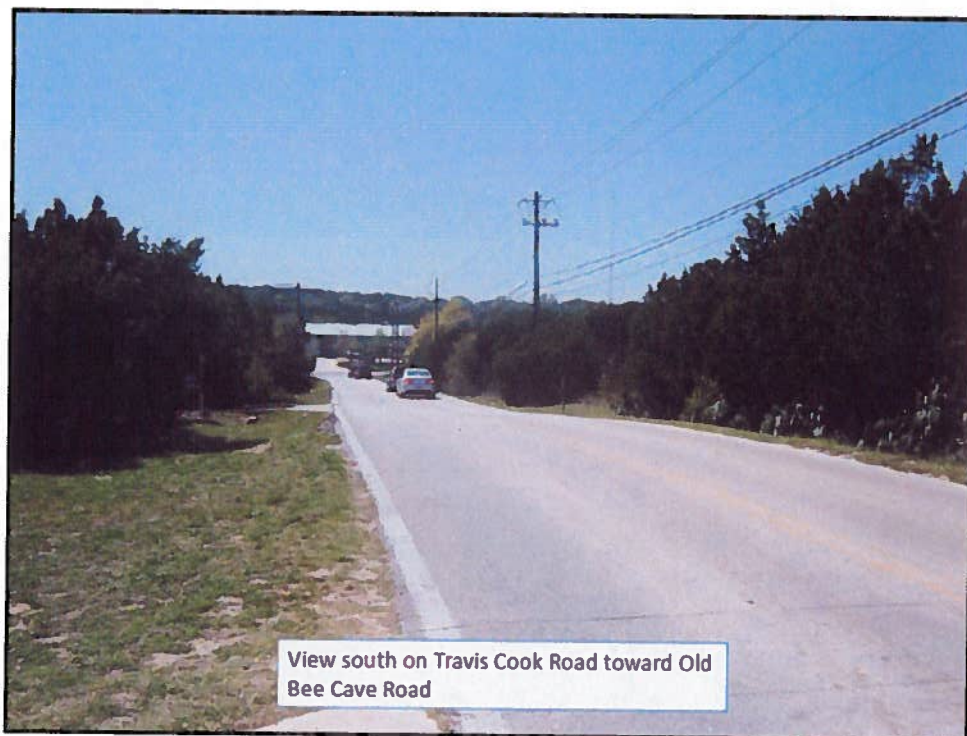
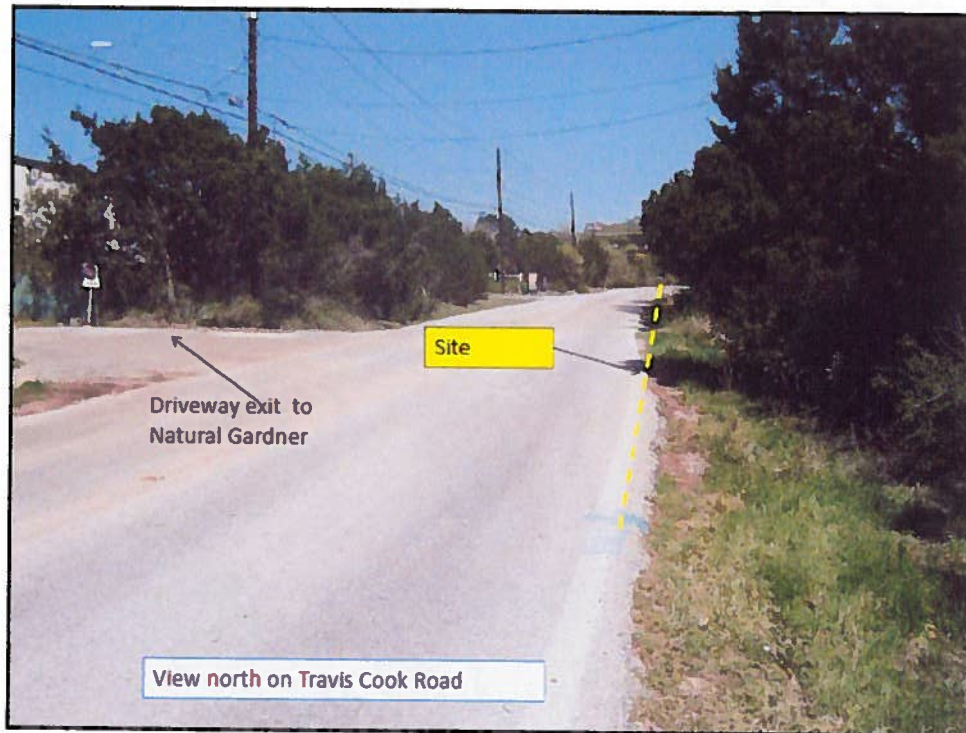












**From:** Brandi  
**Sent:** Friday, March 15, 2013 12:09 PM  
**To:** Meredith, Maureen  
**Subject:** Community Meeting for Case # NPA-2013-0025.03

Hi Maureen,

I am unfortunately unable to attend the meeting but would like to show my support for the change in the land use map from Single Family to Neighborhood Mixed Use and the zoning from RR-NP to LO-MU-CO-NP for her day care facility. She and her business has been an asset to the community and we maintain a good relationship as neighbors.

For reference, this is in regards to 5801 Travis Cook Road, NPA Case Number NPA-2013-0025.03, Zoning Case Number C14-2013-0010.

Sincerely,

John Lee Dromgoole  
Owner  
The Natural Gardener  
512-288-6113  
[www.naturalgardeneraustin.com](http://www.naturalgardeneraustin.com)



February 7, 2013

To Whom It May Concern,

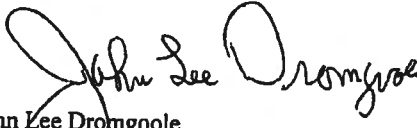
I am writing to you to show my support of Elizabeth Wheatley and her Barton Creek Child Development Center. I understand that her school has grown over the past few years and needs to expand into the house next door. I also know that this is zoned residential. Most of the properties around our business (The Natural Gardener) is commercial.

I believe that there are 8 – 9 properties in this immediate area zoned for business. Barton Creek Child Development Center has been a great business/school to have as our neighbor and we have frequently made donations of our soils to them.

The Natural Gardener is located at 8648 Old Bee Caves Road. Our property currently fronts her land and the proposed property she would like to expand into. Our community benefits when good schools like B.C.C.D.C. are successful and able to hire more staff. This expanded school would be a good fit for our business area. It is also good to keep the businesses that are in Oak Hill in a designated area and not spread all over the area.

Please contact me or my assistant, Brandi Blaisdell, at 512-288-6113 for more information about this change in zoning.

Respectfully yours,

  
John Lee Dromgoole

8648 OLD BEE CAVES ROAD    AUSTIN, TEXAS    512-288-6113  
WWW.NATURALGARDENERAUSTIN.COM

February 6, 2013

To Whom It May Concern:

My name is Mike Muller and I live at 5801 Travis Cook Rd. Over the past several years, I have lived across the street from the Natural Gardner. I have endured many sleepless nights as 18-wheelers have come and gone loading and unloading at all hours of the day and night. They make a lot of noise and have not kept their hours to an 8 to 5 shift. The road in front of my house is always dirty and full of debris. There are also plenty of offensive smells coming from their dirt yard as the store sells compost and dilo dirt. The staff also listens to really loud music in their dirt yard all day long. Over the years, I have complained to the Natural Gardner, the City and the Police Department with no success. Nothing has changed and I am unhappy living here.


In addition to the Natural Gardner, there are many other businesses in this area which create noise and make this road not feel like a residential road. Because of its easy access to Southwest Parkway and Hwy 71, people also speed on this road as they cut through from one major road to the other.

I have finally decided to move to a more residential area. My neighbor, Elizabeth Wheatley has kindly offered to purchase my property. I feel that no one should have to live here with all the noise, traffic and smells. And probably that no one would want to purchase my property other than Elizabeth. I am hopeful that you will grant the zoning change to her.

I can attest that over the past 8 years, Barton Creek Child Development Center has been a good neighbor. They have maintained their business hours of 7 am to 6 pm. They are not here on the weekends so it is a much better business to have next-door. She also maintains her properties in great conditions and is mindful of respecting her residential neighbors.

Please call me at 512-698-9217 if you have any questions.

Sincerely,



Mike Muller

5801 Travis Cook Rd. Austin, TX 78735