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1**ZONING CHANGE REVIEW SHEET**

CASE: C14-2013-0059
Cedars Montessori School - West

P.C. DATE: June 11, 2013

ADDRESS: 9704 Circle Drive

AREA: 2.28 acres

OWNER: Cedars Montessori School, Inc. (Jill Young)

APPLICANT: Brown McCarroll, LLP (Kell Mercer).

AGENT: Stansberry Engineering Co, Inc. (Blayne Stansberry).

ZONING FROM: RR-NP; Rural Residence – Neighborhood Plan Combining District

ZONING TO: LO-NP; Limited Office – Neighborhood Plan Combining District

NEIGHBORHOOD PLAN AREA: Oak Hill Combined (West Oak Hill)

SUMMARY STAFF RECOMMENDATION

To grant LO-MU-NP, Limited Office – Mixed Use – Neighborhood Plan combining district zoning with a conditions. The condition is that the property be limited to no more than 2,000 vehicle trips per day.

PLANNING COMMISSION ACTION:

To be considered June 11, 2013

DEPARTMENT COMMENTS:

This case, along with C14-2013-0058, has been considered by staff and are presented together. The properties involved are located at the westernmost point of Oak Hill and Austin's jurisdiction for zoning, beyond "the Y" between US Hwy 290 and SH Hwy 71 (see Exhibit A).

All three properties, 9528, 9600, and 9704 Circle Drive, are part of the Cedars Montessori School; 9528 and 9600 Circle Drive are east of Rockwood Circle (and are in the associated case), whereas 9704 Circle Drive is west of Rockwood Circle (see Exhibit A-1). Throughout this and the associated staff report, properties are 9528 and 9600 Circle will be referred to as the East Tract and this property at 9704 Circle as the West Tract.

These Tracts were part of a 1.74-square mile tract north of Circle Drive annexed into Limited Purpose Jurisdiction for Planning and Zoning Purposes in 1986 (C7A-85-0010). Properties south of Circle Drive remain in the 5-mile extraterritorial jurisdiction of Austin. There are no plans to annex this area for full purpose in the near future because the area is currently too far from full-purpose limits, there are no immediate development pressures, and because of a lack of wastewater infrastructure in the area. The Tracts, along with Rockwood Circle and properties on either side of it, were subdivided as the Rockwood Addition in 1963.

The Tracts are located in a predominately rural setting. Although a zoning map (see Exhibit A-3) indicates some office and commercial uses along Circle Drive and Thomas Springs Road, the area is primarily comprised of lower-intensity development and undeveloped

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parcels (see Exhibit A-4). While Circle Drive does meet City standards, Rockwood Circle is an unimproved roadway.

The Tracts together consist of approximately 4.5 acres, and are home to the Cedars Montessori School. The School was established in 1974 and serves children between the ages of 3 and 12. The Tracts are developed with single-story classrooms and gardens, as well as areas for open space, recreation, and natural areas. An additional 10 1/2 acres to the north along Rockwood Circle is owned by the School, but remains in its natural state and undeveloped. A fire earlier this year did extensive damage to a portion of the East Tract. As part of the process to rebuild the campus, the owner is taking this opportunity to request zoning for both the East and West Tract to bring them into compliance.

The request for rezoning does not require any modification to the adopted Oak Hill Combined Neighborhood Plan. Furthermore, the proposed request has significant support; attached as an exhibit on the companion case (C14-2013-0058) are over 125 letters of support related to the rezoning request.

ABUTTING STREETS:

Street Name	ROW Width	Pavement Width	Classification /ADT	Bicycle Plan	Capital Metro	Sidewalks
Circle Drive	60	25	Collector	No	No	No
Rockwood Circle	50	30	Local	No	No	No

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	RR-NP	Private School
<i>North of Circle/West of Rockwood</i>	RR-NP; W/LO-CO-NP; LR-NP; LO-NP	Single-family residential; Office/Warehousing; Undeveloped
<i>North of Circle/East of Rockwood</i>	RR-NP	Private School; Single-family residential
<i>South of Circle</i>	No Zoning (ETJ)	Single-family residential; Mobile home residential

AREA STUDY: N/A (Oak Hill Combined Neighborhood Plan

TIA: Not Required

WATERSHED: Williamson Creek; Slaughter Creek – Contributing Zone

DESIRED DEVELOPMENT ZONE: No (Drinking Water Protection Zone)

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Oak Hill Association of Neighborhoods	298
Wynnrock Area Neighborhood Assn.	459
Hill Country Estates Homeowners Assoc.	639
OHAN – 78735	705

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OHAN – 78736	706
OHAN – 78737	707
OHAN – 78748	708
OHAN – 78739	709
OHAN – 78749	710
Austin Independent School District	742
Save Our Springs Alliance	943
Thomas Springs/Murmuring Creek/Wier Loop/Circle Drive Neighborhood Alliance	1033
Homeless Neighborhood Organization	1037
League of Bicycling Voters (Bike Austin)	1075
Austin Parks Foundation	1113
Oak Hill Neighborhood Planning Contact Team	1166
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
Covered Bridge Property Owners Association, Inc.	1318
Austin Heritage Tree Foundation	1340
Oak Hill Trails Association	1343
Beyond2ndNature	1409

RELATED CASES:

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
8005 Thomas Springs Road C14-93-0099	LR to P	Recommended; 09/21/1993	Approved; 10/07/1993
7919 Thomas Springs Road C14-2010-0141	RR-NP to SF-3-NP and LO-NP	Recommended; 09/14/2010	Approved; 12/16/2010
9726 Circle Drive C14-2010-0175	RR-NP to W/LO-NP	Recommended W/LO- CO-NP; 02/22/2011 (CO prohibits residential, commercial, and civic uses)	Approved W/LO- CO-NP; 03/03/2011

CASE HISTORIES:

None of significance: building permits and inspections, annual day care inspections, etc.

As part of the Oak Hill Combined Neighborhood Plan (NP-2008-0025), the property was rezoned from RR to RR-NP (C14-2008-0125). No additional conditions were added to the property as part of the planning process.

CITY COUNCIL DATE: June 20, 2013

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

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4**ORDINANCE NUMBER:**

CASE MANAGER: Lee Heckman
e-mail address: lee.heckman@austintexas.gov

PHONE: 974-7604

SUMMARY STAFF RECOMMENDATION

To grant LO-MU-CO-NP in which the Conditional Overlay (CO) limits vehicle trips per day to less than 2000.

BACKGROUND

The tract is currently zoned RR-NP, or rural residence-neighborhood plan combining district zoning. Rural Residence district is intended for a low density residential use on a lot that is a minimum of one acre. An RR district designation may be applied to a use in an area for which rural characteristics are desired or an area whose terrain or public service capacity require low density.

The request is for a change in the base district to LO, or limited office. LO district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

Staff recommends a change in the base district LO, with the addition of Mixed Use combining district. The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

BASIS FOR LAND USE RECOMMENDATION

Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan; and

Rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.

The proposed office-mixed use is consistent with adopted Oak Hill Combined Neighborhood Plan. Specifically, Circle Drive is identified as appropriate for neighborhood mixed-use and neighborhood commercial mixed-use. As variously described in the plan, such uses would allow the development of a mixed use, pedestrian-friendly corridor, provide neighborhood-serving retail, office, and low-intensity residential uses. Neighborhood-serving retail could serve the immediate area and is seen as compatible with nearby homes. Contemporary zoning districts that would be compatible with this type of mixed-use include SF-1 through SF-6, MF-1 and MF-2, NO-MU, LO-MU and LR-MU. Clearly, LO-MU as proposed would be consistent with the Neighborhood Plan.

Further, and as more fully detailed in the Comprehensive Plan Review section below, LO-MU is consistent with the adopted Imagine Austin Plan, especially as relates to the goals of complete communities characterized by a mix of land uses, infill, and neighborhood supporting services.

Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities; and

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.

Property to the east of the Tracts is used as single-family residential. To the west is additional single-family residential, as well as office/warehousing and some retail uses. Property to the south, which is unzoned (unincorporated Travis County) consists of large undeveloped tracts, sparse single-family residential uses, and one or more manufactured housing parks. Office-mixed use zoning provides an appropriate transition in this area, west to east, from the commercial at the intersection of Thomas Springs and Circle to the existing residential along Circle, but also from north to south from undeveloped tracts along Rockwood to the mixed-use corridor Circle Drive is envisioned to become. At the same time, the residential character of the existing buildings is compatible with surrounding residential and low-impact office uses.

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

The property has been used as a campus for Cedars Montessori School. When the Oak Hill Combined Neighborhood Plan was drafted, the area along Circle Drive was identified as appropriate for neighborhood mixed use, but these properties were not rezoned at that time. The owner intends to continue using the Tracts as the campus for the Cedars Montessori school. Limited Office, as described in the purpose statement above, is an appropriate zoning district for the intended use.

Though not part of the original rezoning request, the applicant is in agreement with the staff-proposed Mixed-Use combining district. It is appropriate, given the Neighborhood Plan's call for mixed-use along Circle Drive. Furthermore, depending on how the School grows and evolves, it's not inconceivable a caretaker or other residential units might be added at some future date to the campus.

EXISTING SITE CHARACTERISTICS AND REVIEW COMMENTS

Site Characteristics

The West Tract is developed with single-story buildings serving as classrooms and offices, recreation, garden and other areas; the East Tract had several buildings and garden areas, and will be rebuilt if the zoning request is approved. Both Tracts slopes from west to east, and straddle two watersheds. Although the property is characterized by mature trees, there are no known critical environmental features that would constrain continuing use of the property as a School or redevelopment with additional School buildings and amenities.

NPZ Comprehensive Plan Review

Tuesday, May 28, 2013

RR-NP to LO-NP (Limited Office)
9704 Circle Drive

The zoning case is located on the northwest corner of Circle Drive and Rockwood Circle, and is located within the boundaries of the Oak Hill Combined Neighborhood Planning Area.

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The property is approximately 2.28 acres in size. Surrounding land uses include single family houses to the north, undeveloped land to the south, an office to the west, and single family houses to the east. The proposed use is the expansion of the existing Montessori School.

The Oak Hill Combined Neighborhood Plan Future Land Use Map designates this portion of Circle Drive as 'Neighborhood Mixed Use' which is intended for a mix of small-scale neighborhood commercial and small to medium density land uses. Stakeholders working on the Oak Hill Plan included language in the plan supporting "neighborhood-serving retail could serve the immediate area and are compatible with nearby homes" on Circle Drive. (p 87)

The property is also located within the boundaries of the Barton Springs Zone, as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan (IACP). An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and "contribute" water to the aquifer. However, the overall goal of the IACP is to achieve '**complete communities**' across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. Page 107 of the IACP states, "While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas. New commercial, office, larger apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its context. The Growth Concept Map not only guides where Austin may accommodate new residents and jobs but also reflects the community intent to direct growth away from environmentally sensitive areas including, but not limited to, the recharge and contributing zones of the Barton Springs segment of the Edwards Aquifer, and to protect the character of neighborhoods by directing growth to areas identified by small area plans."

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses infill development, including over environmentally sensitive land:

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes 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 P5.** Create healthy and family-friendly communities through development that includes **a mix of land uses** and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **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.

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- **LUT P22** Protect Austin's natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space.
- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on this property being located along the intersection of a major arterial road (Circle Road) and the Imagine Austin policies referenced above, which encourages complete communities and infill development, including neighborhood serving uses such as schools, staff believes that the proposed school expansion is supported by the Imagine Austin Comprehensive Plan as long as environmental ordinances are considered and enforced.

NPZ Environmental Review

Friday, May 31, 2013

- 1) This site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek and Slaughter Creek Watersheds of the Colorado River Basin, which are classified as Barton Springs Zone (BSZ) Watersheds. It is in the Drinking Water Protection Zone.
- 2) Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the Recharge Zone, 20% impervious cover in the Barton Creek Watershed, and 25% impervious cover in the Contributing Zone. This tract lies in the Contributing Zone.
- 3) According to flood plain maps there is no flood plain within the project location.
- 4) The site is not located within the endangered species survey area.
- 5) Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
- 6) Numerous 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.
- 7) 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. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

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- 8) At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code regulations.

NPZ Site Plan Review

Wednesday, June 5, 2013

SITE PLAN REVIEW OF ZONING CASES

- SP 1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP 2. The site is subject to compatibility standards. Along the north, south, and east property line, the following standards 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.
 - No parking or driveways are allowed within 25 feet of the property line.
 - 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.
- SP 3. Additional design regulations will be enforced at the time a site plan is submitted.
- SP 4. This property is within the West Oak Hill Neighborhood Plan within the Oak Hill Combined

NPZ Transportation Review

Thursday, June 6, 2013

- TR1. No additional right-of-way is needed at this time.
- TR2. 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 [LDC, 25-6-117].
- TR3. Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Rockwood Circle	50	30	Local	No	No	No
Circle Drive	60	25	Collector	No	No	No

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9**NPZ Water Utility Review**

Wednesday, May 22, 2013

FYI: The property is served with City of Austin water. City wastewater service is not currently to the property. 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 proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans 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.

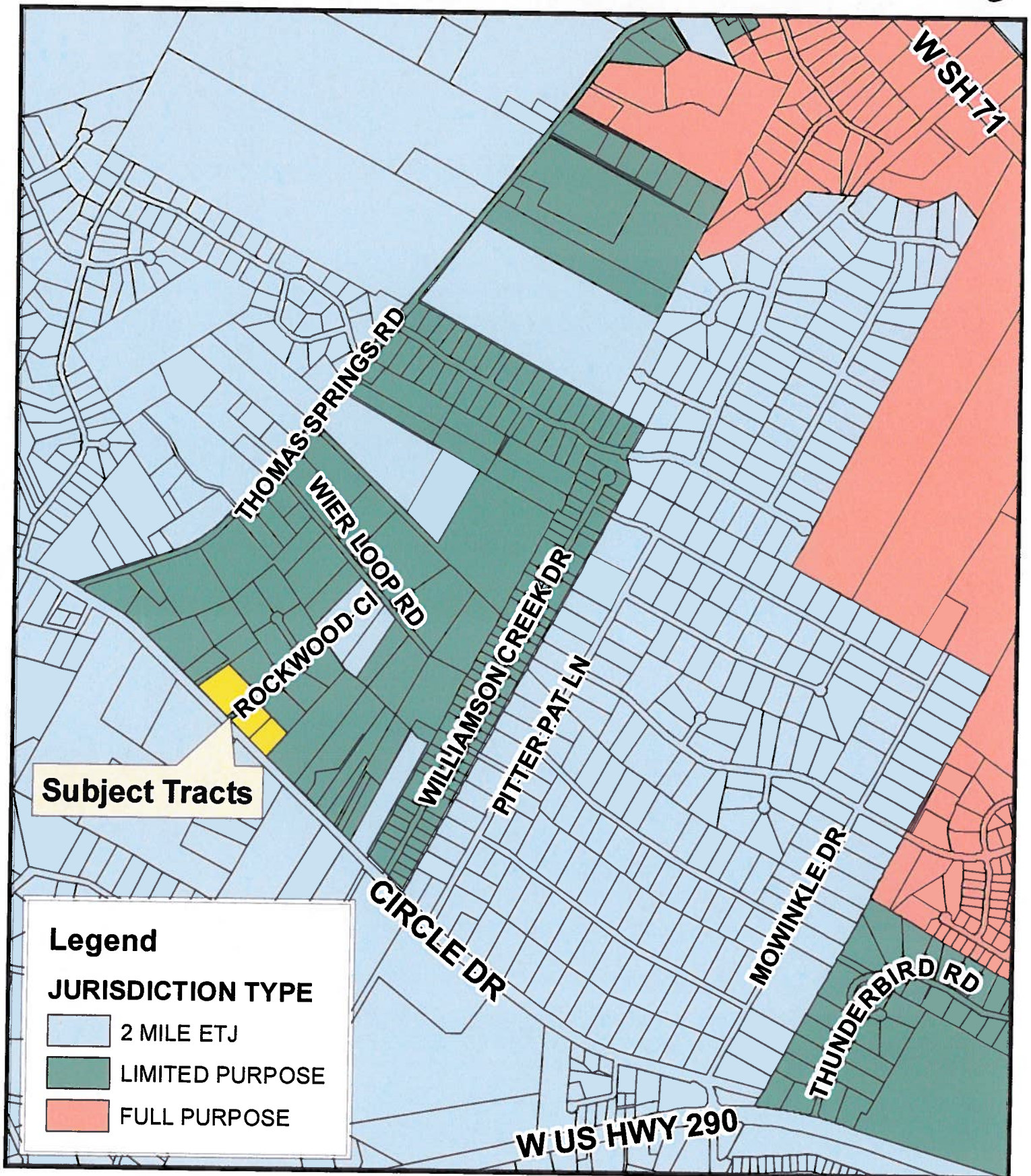


Exhibit A - 1
Location & Jurisdiction

0 500 1,000 2,000 Feet
1 inch = 1,000 feet



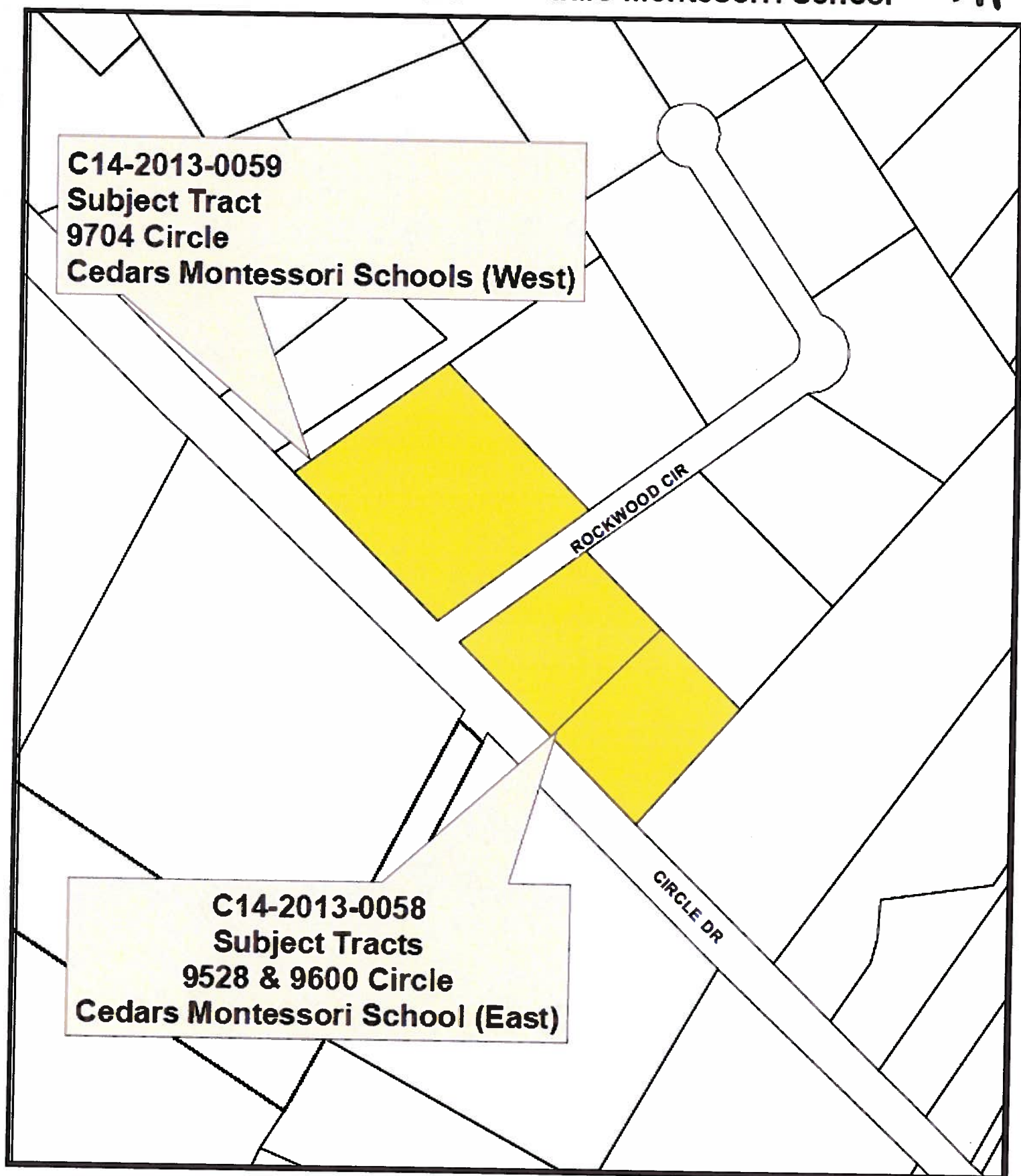


Exhibit A - 2
Location of Cases

0 100 200 400 Feet

1 inch = 200 feet



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- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY



1" = 400'

ZONING

ZONING CASE#: C14-2013-0059



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.

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Imagery: 2012

**Exhibit A-4
Aerial & Zoning**

