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1**ZONING CHANGE REVIEW SHEET****CASE:** C14-2013-0137 / Austin Aquatics**P.C. DATE:** 11/12/2013**ADDRESS:** 5513 Southwest Parkway**AREA:** 4.997 Acres**OWNER:** KBT Family Partnership, LP
(Kevin B Thompson and Patricia S Thompson)**APPLICANT:** Metcalfe, Wolff, Stuart, & Williams, LLP (Michele Rogerson Lynch)**ZONING FROM:** GO-MU-CO-NP
General Office-Mixed Use-Conditional Overlay-Neighborhood Plan**ZONING TO:** GR-MU-CO-NP
Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan**NEIGHBORHOOD PLAN AREA:** East Oak Hill Neighborhood
(Oak Hill Combined Neighborhood Plan)**SUMMARY STAFF RECOMMENDATION**

To grant GR-MU-CO-NP combining district zoning

Conditions include:

1) The following uses shall be prohibited:

Alternative Financial Services
Automotive Rentals
Automotive Repair Services
Automotive Sales
Automotive Washing (of any type)
Bail Bond Services
Commercial Off-Street Parking
Consumer Convenience Services
Consumer Repair Services
Custom Manufacturing
Drop Off Recycling Collection Facility
Exterminating Services
Financial Services
Food Preparation
Food Sales

Funeral Services
General Retail Services (Convenience)
General Retail Services (General)
Hotel-Motel
Indoor Entertainment
Outdoor Entertainment
Pawn Shop Services
Pedicab Storage and Dispatch
Pet Services
Plant Nursery
Research Services
Restaurant (General)
Service Station
Theatre

2) The following uses shall be allowed, but only as a Conditional Use:

Restaurant (Limited); Community Recreation (Private); Community Recreation
(Public); and Residential Treatment

3) The number of vehicle trips per day shall be limited to less than 2,000.

PLANNING COMMISSION RECOMMENDATION:

To be considered November 12, 2013

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2**DEPARTMENT COMMENTS:**

This nearly 5-acre tract is located on the south side of Southwest Parkway approximately 1.4 miles west of Mo-Pac. The site contains a vacant single-family residence, but is otherwise undeveloped. The tract was rezoned in 2007 from DR to GO-CO, reflecting a trend at that time to rezone properties along the south side of Southwest Parkway to office district zoning, like Encino Tract, immediately to the east. North of Southwest Parkway is City-owned property, and Travis Country, a residential community (see Exhibits A).

The rezoning request is driven by the stated intent to redevelop the property with a 5,000 square foot swim training facility. The land uses required for such a facility are personal improvement services, indoor sports and recreation, outdoor sports and recreation, or some combination of these, depending on the specifics of the facility and the training services provided. Such land uses require GR zoning, while the site is currently zoned GO. With the rezoning request, the applicant has offered to prohibit a number of uses normally allowed in GR zoning (see Exhibit B). Staff supports the prohibition or conditional use only of these uses, and these have been incorporated into the staff recommendation noted above. The existing CO on the property limits vehicle trips per day to less than 2,000, a condition which is recommended to remain.

The property is within the limits of the Oak Hill Combined Neighborhood Plan. The Future Land Use Map designates this property as "Mixed Use." Consequently, the proposed rezoning is consistent with the Future Land Use Map and no neighborhood plan amendment is necessary.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO-MU-CO-NP	Vacant Single-Family Residential
West	GO-MU-CO-NP; LR-CO; GR-CO-NP	Office (Encino Trace); Single-Family Residential; Private Secondary Educational Facility (St. Andrew's Episcopal School)
East	LO-CO-NP; GO-CO-NP; LO-NP	Office (Overwatch); Undeveloped; Office (Travis Oaks)
North	P-NP; SF-6-CO-NP; MF-2-NP; SF-2-NP	Southwest Parkway; Open Space; Condominium Residential; Multifamily Residential; Single Family Residential
South	LO-CO-NP; GR-CO-NP;	Undeveloped

AREA STUDY: Oak Hill / OHCNP**DESIRED DEVELOPMENT ZONE:** No**WATERSHED:** Barton Creek Watershed – Barton Springs Zone**TIA:** Not required**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** Yes; Low Intensity Zone**NEIGHBORHOOD ORGANIZATIONS:**

Oak Hill Association of Neighborhoods	298
Save Barton Creek Assn.	384
City of Rollingwood	605
Austin Independent School District	742

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Save Our Springs Alliance	943
Homeless Neighborhood Organization	1037
Oak Acres Neighborhood Association	1056
Bike Austin	1075
Oak Hill Neighborhood Planning Contact Team	1166
Super Duper Neighborhood Objectors and Appeals Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Austin Heritage Tree Foundation	1340
Oak Hill Trails Association	1343
SEL Texas	1363

SCHOOLS:

Austin Independent School District

Oak Hill Elementary School

Small Middle School

Austin High School

ABUTTING STREETS & TRANSIT:

Name	ROW	Pavement	Class	Average Daily Trips	Side-walks	Bike Route/Plan	Bus Service
Southwest Parkway	Varies	MAD-6	Arterial	20,427 (05/10/04)	No	66; Wide Shoulder	Yes (940)

CASE HISTORIES:

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
South of Southwest Parkway (west to east)			
Southwest at Vega C14-2013-0044	GO-NP to MF-4-CO-NP	Recommended with conditions; 08/27/2013	Approved; 10/03/2013 (CO limits units, height, sets dev. Standards; RC requires TIA compliance and waives certain rights under settlement agreement)
5906-6016 Southwest Parkway C14R-86-077	Approximately 97 acres of DR to GR-CO, GO-CO, LO-CO, MF-1-CO, & SF-6-CO	Recommended; 07/01/1986	Approved; 01/23/1992 (CO limits uses and lists dev. standards)
SW Parkway at Vega St. Andrews High School C14-96-0161	MF-1-CO to GO-CO & LO-CO to GO-CO	Recommended; 02/18/1997	Approved 03/27/2007; (CO limits access and lists dev. Standards. RC address discontinuation of school & water quality requirements)
5811 Southwest	DR to LR-CO	Recommended LR-	Approved; 09/28/2006

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Parkway C14-06-0141	(as amended)	CO; 07/25/2006	(CO limits to 2000 vtd, some uses)
C14-2008-0239	LR-CO to LR-CO (to amend CO uses)	Recommended LR-CO (add drive-in services); 01/13/2009	Approved; 02/26/2009 (CO limits to 2000 vtd, some uses)
5707 Southwest Parkway (Encino Trace) C14-06-0229	DR to LO and GO	Recommended GO-MU-CO & LO-MU-CO; 06/12/2007	Approved GO-MU-CO; 07/26/2007 (CO limits uses; RC for TIA, IPM Plan, and landscaping)
Site			
5301 Boston Lane C14-86-009	RR (Rural Residence) to LO (Limited Office)	Recommended LO with Conditions; 03/11/1986	Approved LO; 05/29/1986 (RC requires compliance with Boston Lane standards if adopted by 10/1/1986)
5029 Southwest Parkway C14-05-0023	DR to GO, LO, & RR	Recommended GO-CO, LO-CO, & RR-CO; 04/19/2005	Approved GO-CO, LO-CO & RR; 06/23/2005 (CO limits height, uses, requires buffer)
C14-06-0103	GO-CO and LO-CO to GO-CO	Recommended GO-CO; 06/13/2006	Approved 06/22/2006; (CO limits height and uses)
5366 & 5408 W US Hwy 290 at Southwest Parkway & 4815 Boston Lane (5 Tracts~26 acres; Oak Hill Tech Park) C14-99-0116	DR to CS, IP, RR, LO, & R&D)	Recommended CS-CO, IP-CO, RR-CO LO-CO, & R&D-CO	Approved 12/02/1999 (CO limits uses and establishes site development standards for different tracts); RC requires TIA compliance
North of Southwest Parkway (west to east)			
Southwest Parkway at Foster Ranch Parkway I, II, & III C14-92-0116, 0117, & 0118	DR and LO to GO & GR; LO and LR to SF-3; DR to GR (multiple tracts)	Recommended GO-CO, GR-CO, and GR with conditions; 02/16/1993	Indefinite Postponement; Expired
5108-5919 Boston Lane at Mo-Pac (Travis Country; 12 Tracts ~ 545 acres) C14r-85-364	Interim RR to RR, SF-1, MF-2, SF-5, SF-6, GO, GR	Recommended 01/07/1996; Approved RC 01/30/1996	Approved 06/19/1986; RC requires buffer along SW Parkway, limits access and specifies units/acre)
Foster Ranch Road (6 Tracts~50 acres) C14-95-0082	SF-5 to SF-2 and RR	Recommended; 07/25/1995	Approved 08/24/1995
6012 Southwest	LO & LR to	Recommended MF-2-	Approved 08/09/1995

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Parkway C14-95-0056	MF-2 and LO to RR	CO, RR-CO; 06/06/1995	(CO limits units and to 2000 vtd)
Foster Ranch Road at Southwest Parkway C14-96-0032	MF-2 to RR and RR to MF- 2	Recommended MF-2- CO and RR; 04/16/0996	Approved 05/19/1996
5900 Southwest Parkway C14-00-2238	MF-2-CO to LO-CO	Recommended; 01/23/2001	Approved 04/05/2001; (CO limits height, size, imp. cover, vtd, access uses, requires buffer)
5100 Southwest Parkway, 4900 & 4916 Industrial Oaks Boulevard C14-96-0043	GR to SF-6	Recommended with conditions; 04/23/1996	GR to SF-6-CO 03/27/1997 (CO limits unit max, requires IPM plan); RC requires easement dedication

In addition to any base district rezonings noted above, this area is covered by the Oak Hill Combined Neighborhood Plan. Properties within the East Oak Hill area were appended with the NP designation in 2008 (case number C14-2008-0129).

PREVIOUS CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
5513 Southwest Parkway C14-2007-0078	DR to GO-CO	Recommended GO- MU-CO; 07/10/2007	Approved 08/23/2007; (CO limits to 2000 vtd)

CITY COUNCIL DATE: Scheduled for consideration December 12, 2013

CITY COUNCIL ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

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

PHONE: 974-7604

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6**STAFF RECOMMENDATION**

C14-2013-0137

BACKGROUND

The current base zoning is general office (GO), which is the designation for an office or commercial use that serves community and city-wide needs. A building in a GO district may contain one or more different uses. The property is also entitled to uses allowed under mixed use (MU) combining district zoning, and is part of an adopted neighborhood plan (NP). The MU combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. The existing conditional overlay (CO) limits the number of vehicle trips per day to less than 2,000.

The proposed base zoning of community commercial (GR), which is the designation for an office or other commercial use that serves neighborhood and community needs and that is generally accessible from major traffic ways, results from the stated intent to redevelop the property with a swim training facility. The rezoning request proposes to retain the MU allowances and NP designation, as well as the maximum cap on vehicle trips per day through the CO.

Additionally, the applicant has proposed (and staff supports) prohibiting a number of uses otherwise allowed in GR-zoned district, while allowing some, but only as a Conditional use.

SUMMARY STAFF RECOMMENDATION

To grant GR-MU-CO-NP combining district zoning

Conditions include:

1) The following uses shall be prohibited:

Alternative Financial Services
Automotive Rentals
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Automotive Sales
Automotive Washing (of any type)
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Drop Off Recycling Collection Facility
Exterminating Services
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Funeral Services
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Outdoor Entertainment
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2) The following uses shall be allowed, but only as a Conditional Use:

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3) The number of vehicle trips per day shall be limited to less than 2,000.

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7**BASIS FOR RECOMMENDATION**

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

Granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.

The subject tract sits between office uses to the east and west, and abuts Southwest Parkway, the right-of-way of which measures over 100 feet across. On the opposite side of the roadway is City-owned property, currently undeveloped open space. To the south is also office-zoned property, but which remains undeveloped.

GR zoning is appropriate along this type of roadway, and is compatible with the abutting office zoning, especially given the extensive list of prohibited commercial uses offered by the applicant and supported by staff. Additionally, the nearest residences, which happen to be multifamily and condominium residences, are between 750 and 1000 feet away, and are separated by both the Parkway right-of-way and open space. There is very likely no detrimental impact from this proposal to the residential neighborhood north of Southwest Parkway, nor should there be any adverse impact to the office character of the area south of Southwest Parkway. Staff does not think the proposed land use sets an *undesirable precedent* at the tract's location or for other areas within the City.

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.

Southwest Parkway is a 6-lane major divided arterial. As noted in the preceding paragraph, GR zoning is appropriate along such a roadway. However, Southwest Parkway has a unique, scenic character that may be different than other 6-lane divided arterials such as (parts of) Airport Boulevard, Braker Lane, or East Riverside Drive.

Southwest Parkway has a character that is protected by the Hill Country Roadway Overlay (HCR), and as such requires site development standards that minimize the impact of any development – office or commercial. Included among these standards is a 100' vegetative buffer along Southwest Parkway. Similar to the office campuses east and west of this tract, any facility should be well-screened from passersby. Further, the site plan for redevelopment of the site will require Planning Commission approval, thus ensuring compliance with the standards specified in the HCR.

Moreover, the specific use proposed, that of a swim training facility, is not as intensive as other commercial uses otherwise allowed in the GR zoning district. Add to that the list of prohibited uses, and one has a lighter commercial impact that is appropriate for this unique Hill Country arterial.

Zoning should allow for a reasonable use of the property.

Unrestricted GR zoning might be too intensive for this location on scenic Southwest Parkway, SOS and Hill Country Roadway ordinances notwithstanding. But that is not what is proposed; what's proposed is a base district zoning change from GO to GR to allow

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development of a 5,000 square foot training facility, with associated parking. This is a reasonable land use, and a reasonable amount of development on this 5-acre tract.

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

This property is covered by the adopted Oak Hill Combined Neighborhood Plan. That document's Future Land Use Map (FLUM) designates this portion of Southwest Parkway as 'Mixed Use' which is intended for a mix office, retail, and residential uses. GR, or in this case GR-MU, is consistent with the adopted FLUM.

Of note, the property currently has mixed use combining district zoning. This was added in 2007 when the property was rezoned from development reserve (DR) to general office-mixed use (GO-MU). As with the existing conditional overlay (CO) limiting vehicle trips per day that the applicant does not propose to remove, the current rezoning request does not propose to remove the mixed use combining district zoning.

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EXISTING CONDITIONS & REVIEW COMMENTS

Current Conditions

This tract is just under 5 acres and is largely undeveloped, save for a vacant single-family house built in 1945. The tract has not been platted and appears to have not been included in any previous preliminary plans. The property is relatively flat, sitting slightly higher than Southwest Parkway. There are a number of trees on the tract, especially on the north and south ends, but it is unknown whether any of these meet the criteria for protected trees.

Staff is unaware of any critical environmental features on site, and development of the site will be in compliance with SOS ordinances unless the property has any preexisting approvals which could preempt current water quality or Code regulations. The site is also within a Hill Country Roadway Overlay, specifically for Southwest Parkway. This means additional site development standards apply, and the site plan will require approval by the Planning Commission.

NPZ Comprehensive Planning Review

October 30, 2013 (KF)

GO-MU-CO-NP to GR-MU-CO-NP

The zoning case is located on the south side of Southwest Parkway, and is located within the boundaries of the Oak Hill Combined Neighborhood Planning Area. The property is approximately 4.9 acres in size and is vacant. Surrounding land uses includes the Oak Hill Neighborhood Park to the north, vacant land to the south, an office complex and vacant land to the east, and vacant land and a single family house to the west. The proposed use is commercial (indoor athletic club and aquatic center).

Oakhill Combined Neighborhood Plan (OHCNP)

The Oakhill Combined Neighborhood Plan Future Land Use Map (FLUM) designates this portion of Southwest Parkway as 'Mixed Use' which is intended for a mix office, retail, and residential uses. Zone GR is permitted under this FLUM category.

The following text, goals, objectives and recommendations are taken from the OHCNP:

Goal 6.B. - Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment. (p 66)

Objective 6.B.1 - Encourage zoning to be compatible with existing and neighboring land uses and seek optimal and most appropriate use of land.

Goal 6.E. Encourage locally-owned businesses to locate in the Oak Hill area and find ways for local businesses and employers to prosper. (p 67)

Objective 6.E.1 - Oak Hill stakeholders desire more small-scale businesses with less strip commercial establishments

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Goal 9.C. Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment. (p 140)

Objective 9.C.1 - Ensure that the environmental impact on the Edwards Aquifer and the existing natural landscape is kept at a minimum by new commercial development and redevelopment in Oak Hill.

Development on Southwest Parkway (from Vega to Loop 1) — Neighborhood Mixed Use, Public, Mixed Use and Commercial uses on the south side and Neighborhood Mixed Use, Multifamily, Public, and Higher Density Single Family on the north side. In the future, the deep lots on the south side of Southwest Parkway could be assembled and redeveloped into a mixed use development with a network of internal streets. Facing buildings toward these internal streets, instead of onto Southwest Parkway, would allow this area to become a cohesive neighborhood with a mix of residential, office, and retail where people could live, work, shop, and play. (p 79)

NPZ Environmental Review

October 27, 2013 (MM)

- 1) This site is located over the Edwards Aquifer Recharge Zone. The site is in the Barton Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone Watershed. 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.
- 3) According to floodplain maps there is no floodplain within the project location.
- 4) Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
- 5) 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.
- 6) 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.
- 7) 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.

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11**NPZ Site Plan Review**

October 29, 2013 (DG)

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

The site is located within 1,000 feet of Southwest Parkway and **within a Hill Country Roadway Corridor**. The site is located within the low intensity zone of Southwest Parkway. The site may be developed with the following maximum floor-to-area ratio (FAR):

<u>Slope</u>	<u>Maximum FAR</u>
0-15%	0.20
15-25%	0.08
25-35%	0.04

Except for clearing necessary to provide utilities or site access, a 100 foot vegetative buffer will be required along Southwest Parkway. At least 40% of the site (excluding dedicated right-of-way) must be left in a natural state. The allowable height is as follows: 28 feet.

Prior to the issuance of a building permit for the proposed use, a site plan must be approved by the Planning Commission

NPZ Transportation Review

November 7, 2013 (IN)

ZONING COMMENTS

1. No additional right-of-way is needed at this time.
2. 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]
3. Southwest Parkway is classified in the Bicycle Plan as Bike Route No. 66.
4. Capital Metro bus service (Route No. 970) is available along Southwest Parkway.
5. There are no existing sidewalks along Southwest Parkway.
6. Neighborhood Connectivity Division does not have any additional comments regarding mobility enhancement and bicycle/pedestrian facilities at this time.

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7. Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Southwest Parkway	Varies	MAD-6	Arterial	20,427*

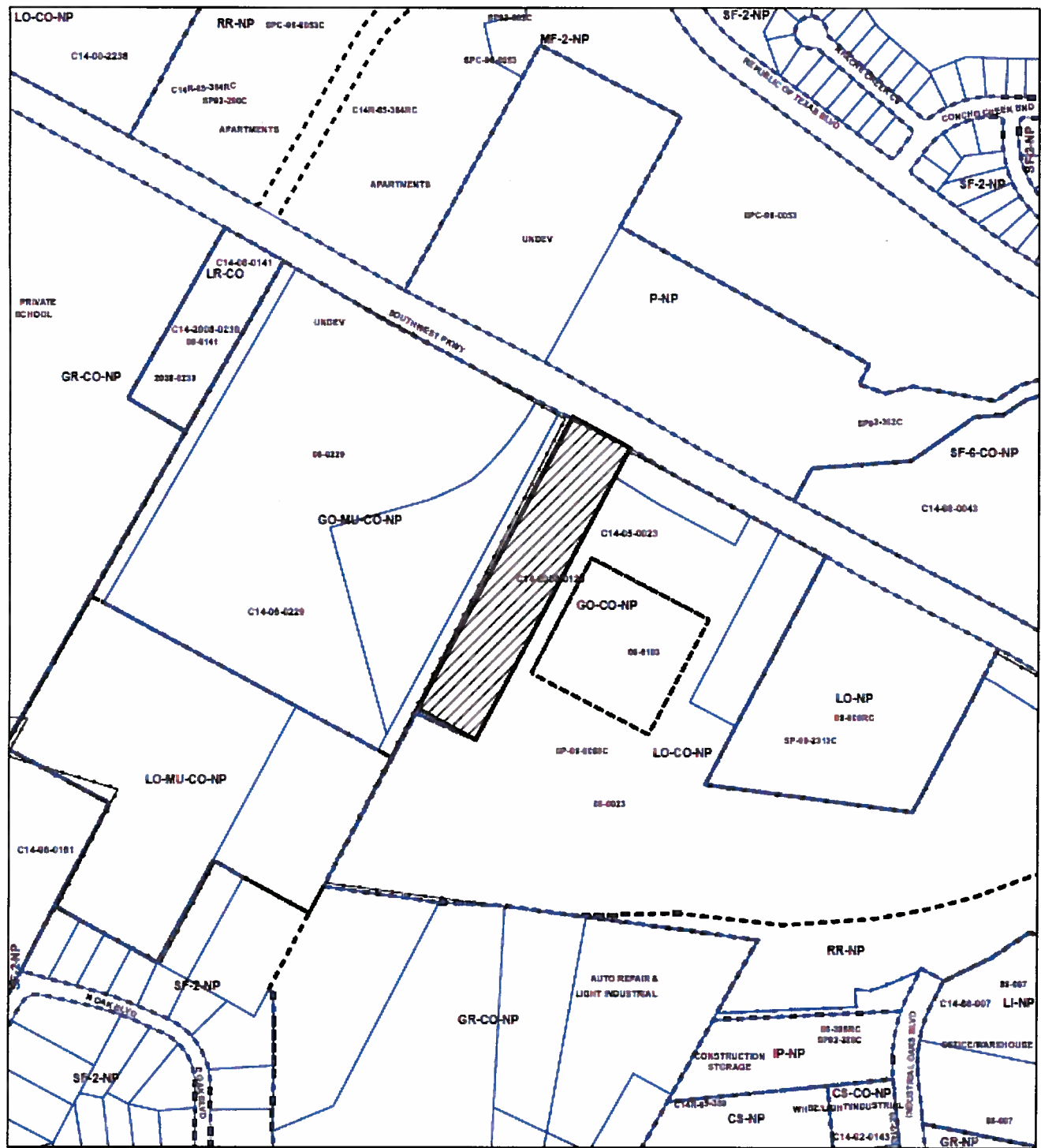
* 05/10/2004

NPZ Austin Water Utility Review

October 22, 2013 (NK)

FYI: 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 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.

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1" = 400'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2013-0137



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.

Exhibit A - Zoning

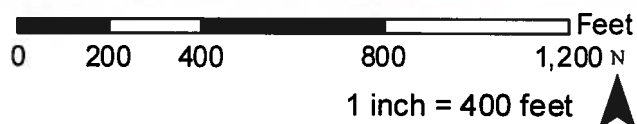
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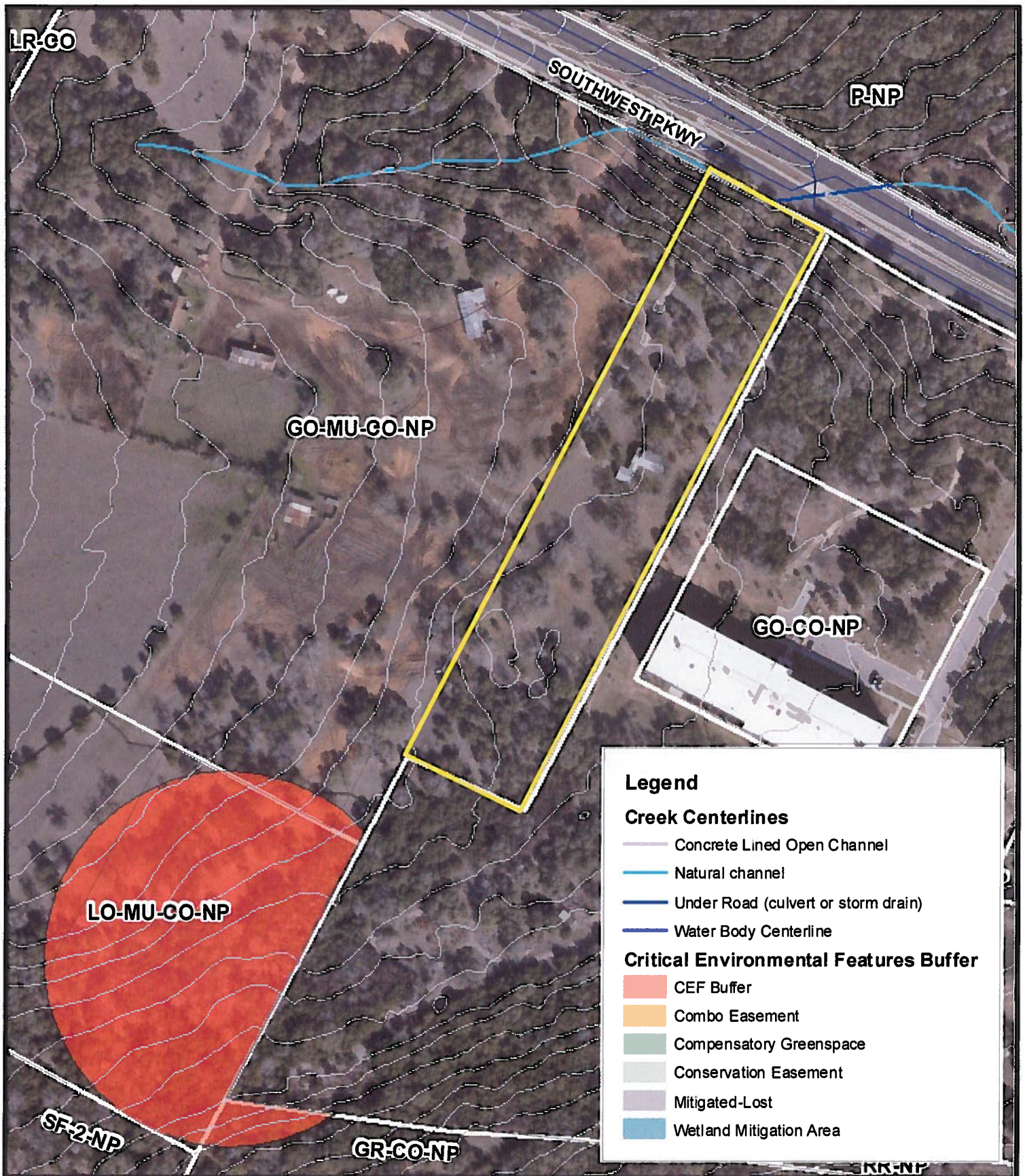
C14-2013-0137 / Austin Aquatics



Imagery: 01-2012

Exhibit A-1
Aerial & Zoning





Imagery: 01-2012

Exhibit A-2
Aerial with Zoning, Contours & Creeks

0 100 200 400 600 Feet
1 inch = 200 feet

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Proposed Prohibited Uses	Proposed Conditional Uses
COMMERCIAL USES	
Alternative Financial Services	Restaurant (Limited)
Automotive Rentals	
Automotive Repair Services	
Automotive Sales	
Automotive Washing (of any type)	
Bail Bond Services	
Commercial Off-Street Parking	
Consumer Convenience Services	
Consumer Repair Services	
Drop Off Recycling Collection Facility	
Exterminating Services	
Financial Services	
Food Preparation	
Food Sales	
Funeral Services	
General Retail Services (Convenience)	
General Retail Services (General)	
Hotel-Motel	
Indoor Entertainment	
Outdoor Entertainment	
Pawn Shop Services	
Pedicab Storage and Dispatch	
Pet Services	
Plant Nursery	
Research Services	
Restaurant (General)	
Service Station	
Theatre	
INDUSTRIAL USES	
Custom Manufacturing	
CIVIC USES	
	Community Recreation (Private)
	Community Recreation (Public)
	Residential Treatment