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## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2014-0077 – Whole Life Learning Center

**Z.A.P. DATE:** July 1, 2014  
July 15, 2014

**ADDRESS:** 10801 Old San Antonio Road

**OWNERS & APPLICANTS:** Michael Carberry and Caroline Riley

**ZONING FROM:** I-RR

**TO:** LR-MU **AREA:** 1.7 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant limited office – mixed use (LO-MU-CO) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 2,000.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

July 1, 2014: *MEETING CANCELLED DUE TO LACK OF QUORUM; CASE RENOTIFIED FOR JULY 15, 2014*

July 15, 2014:

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The subject property consists of both platted and unplatted land, has interim – rural residence (I-RR) district, and one driveway to Old San Antonio Road. Akins High School is located across Old San Antonio Road to the west and its football field is to the north (I-RR). The Double Creek Village development and right-of-way for a loop road extending between FM 1626 and the southbound IH-35 service road (both undeveloped) is to the east (CS-CO). There two single family residences to the south (I-RR). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The single family residence on the property has been converted to a private primary educational facility for kindergarten through 8<sup>th</sup> grade and has a current enrollment of 45 students receiving a holistic education in mixed-age classrooms. The owner estimates the site could accommodate a maximum of 50 to 60 students. A private primary educational facility is first permitted by right in the neighborhood office (NO) district, and the Applicant has requested the neighborhood commercial – mixed use (LR-MU) district. A replat of the current lot and the triangular-shaped unplatted acreage along the northeast property line may be required, and a site plan showing onsite improvements, including the location of buildings, parking areas and driveways,

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landscaping and detention/water quality facilities will be required prior to issuance of a Certificate of Occupancy by the City.

Staff's alternative recommendation of limited office – mixed use – conditional overlay (LO-MU-CO) zoning for the property is based on the following considerations: 1) access is presently taken to a collector street and may be available to future collector street right-of-way that abuts the northeast corner of the site (this acreage is in the acquisition and street vacation process); and 2) compatibility with the adjacent uses to the north and east, and single family residences to the south.

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

|              | <b>ZONING</b>     | <b>LAND USES</b>  |
|--------------|-------------------|---|
| <i>Site</i>  | I-RR              | Private primary educational facility  |
| <i>North</i> | I-RR              | Football field for Akins High School  |
| <i>South</i> | I-RR; SF-2; GR-CO | Two single family residences; Undeveloped   |
| <i>East</i>  | R-O-W; CS-CO      | Undeveloped (planned for a loop road and the Double Creek Village commercial development) |
| <i>West</i>  | I-RR              | Akins High School   |

**AREA STUDY:** N / A

**TIA:** Is not required

**WATERSHED:** Onion Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

### **NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association    627 – Onion Creek Homeowners Association  
 742 – Austin Independent School District    1037 – Homeless Neighborhood Association  
 1075 – Bike Austin    1200 – Super Duper Neighborhood Objectors and Appeals Organization  
 1224 – Austin Monorail Project    1228 – Sierra Club, Austin Regional Group  
 1340 – Austin Heritage Tree Foundation    1363 – SEL Texas

### **SCHOOLS:**

Menchaca Elementary School

Paredes Middle School

Akins High School

### **CASE HISTORIES:**

| <b>NUMBER</b>  | <b>REQUEST</b> | <b>COMMISSION</b> | <b>CITY COUNCIL</b> |
|--|----------------|-------------------|---------------------|
| C14-2013-0123 –<br>Onion Creek Fire<br>Station – 11112 Old<br>San Antonio Rd | GR-MU-CO to P  | To Grant          | Apvd (11-21-2013).  |

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|  |   |  |  |
|--|---|--|--|
| C14-2010-0111 -<br>Sheldon<br>Stablewood, L.P. -<br>10301 Old San<br>Antonio Rd        | MF-2-CO to<br>MF-2-CO, to<br>remove the<br>existing CO that<br>prohibits access<br>to Old San<br>Antonio Road | To Grant removal of<br>the existing CO that<br>prohibits access to Old<br>San Antonio Rd, and<br>add a CO that limits the<br>number of driveways<br>on Old San Antonio Rd<br>to one. Public RC to: 1)<br>require the owner to<br>build access through<br>the loop road that<br>adjoins the property<br>along the southeast<br>property line to the IH-<br>35 service road prior to<br>issuance of a<br>Certificate of<br>Occupancy and 2)<br>restrict construction<br>traffic to the loop road | Apvd a change to the<br>CO and adding a<br>Restrictive Covenant<br>regarding access<br>issues, as<br>recommended by<br>Commission (8-18-<br>2011).   |
| C14-2010-0027 -<br>Colonial Grand at<br>Cityway - 11001<br>South 1 <sup>st</sup> St    | GR-MU-CO to<br>MF-3   | To Grant MF-3-CO<br>w/CO for limited<br>access to Old San<br>Antonio Rd., max.<br>units of 430 and max.<br>5,753 trips day, and<br>conds. of updated TIA   | Apvd MF-3-CO<br>w/conds. as<br>recommended by<br>Commission (5-27-<br>2010).   |
| C14-2008-0220 -<br>Double Creek<br>Village - 10200 -<br>10614 S IH 35<br>Service Rd SB | I-RR; CS to CS-<br>MU   | To Grant CS-MU-CO<br>w/the CO for list of<br>prohibited uses,<br>Restrictive Covenant<br>for conds of the TIA,<br>and Street Deed for r-o-<br>w for the new loop<br>road between FM 1826<br>and IH 35 is part of<br>TIA approval and<br>required to be<br>dedicated at the time of<br>zoning.  | Apvd CS-MU-CO<br>with RC for conds of<br>the TIA and Street<br>Deed for r-o-w for new<br>loop road as<br>Commission<br>recommended (11-18-<br>2010). |
| C14-03-0053 -<br>Double Creek<br>Village - E side of<br>Old San Antonio<br>Rd          | I-RR to CS  | To Grant CS-CO for<br>Tract 1; GR-CO for<br>Tract 2, with<br>conditions. CO is for<br>list of prohibited uses;<br>and prohibit access to   | Apvd Commission<br>recommendation (12-<br>11-2003).  |

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|--|--|--|--|
|  |  | Old San Antonio Rd.<br>Restrictive Covenant<br>for the Traffic Impact<br>Analysis. |  |
|--|--|--|--|

**RELATED CASES:**

The subject property was annexed into the City limits on December 31, 1997 and assigned I-RR district zoning (C7a-97-013 – Ordinance No 971211-B). The majority of the property is platted as Tract A of Morris Dale subdivision, recorded in October 1961 (C8s-61-133). The remaining triangular-shaped portion along the northeast side is unplatted. There are no site plan applications on the property.

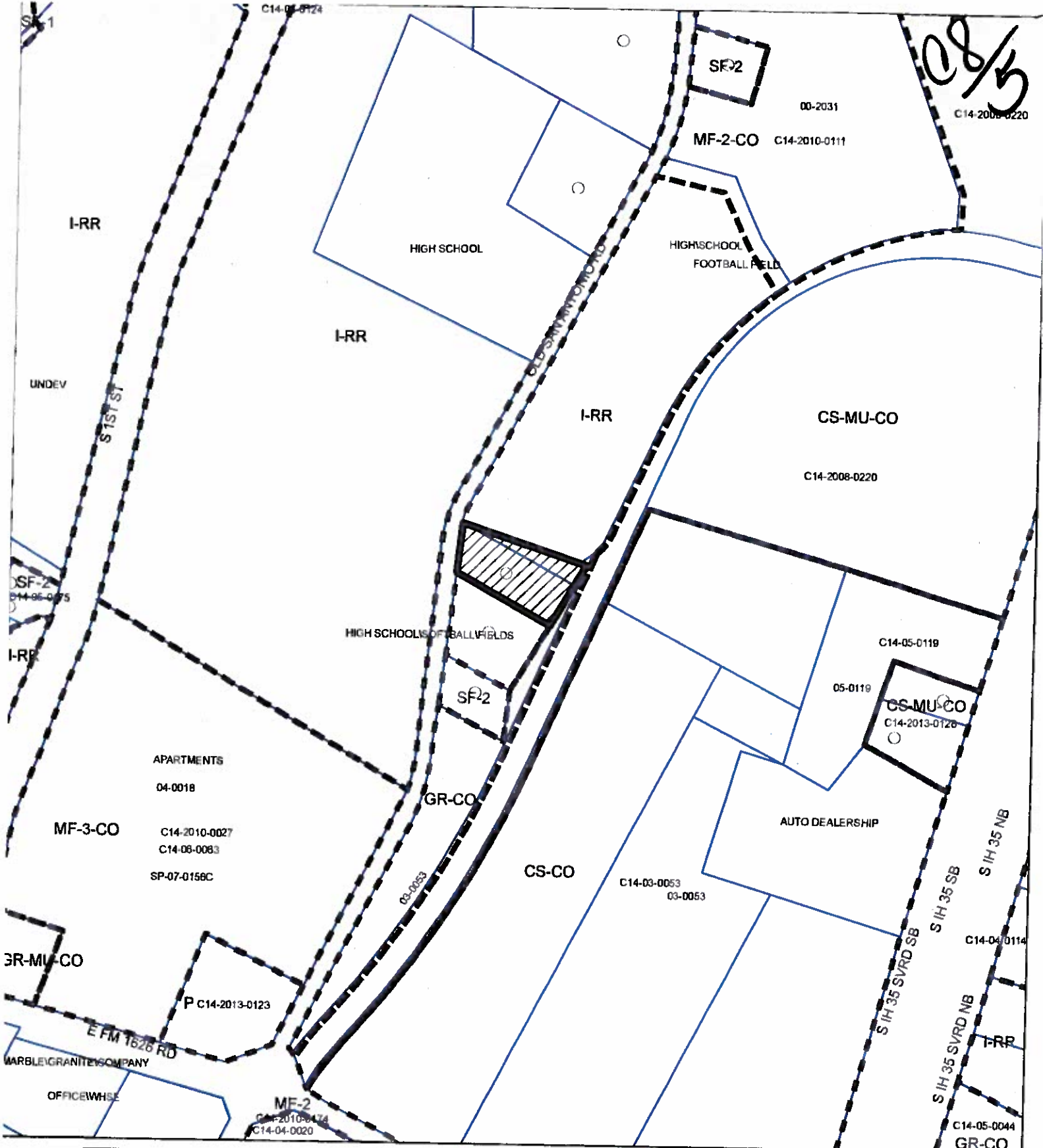
**ABUTTING STREETS:**





| Name                 | ROW     | Pavement | Classification | Sidewalks | Bike Route | Capital Metro |
|----------------------|---------|----------|----------------|-----------|------------|---------------|
| Old San Antonio Road | 60 feet | 22 feet  | Collector      | No        | No         | No            |

**CITY COUNCIL DATE:** August 7, 2014**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@austintexas.gov

**PHONE:** 512-974-7719



-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**  
**ZONING CASE#: C14-2014-0077**

Exhibit A

1" = 400'

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.







SF-2

980326-L

MF-2-CO

HIGHSCHOOL

HIGHSCHOOL  
FOOTBALL FIELD

I-RR

I-RR

CS-MU-CO

HIGHSCHOOL  
SOFTBALL FIELDS

SF-2

03-0053

GR-CO

APARTMENTS

04-0018

06-0063

SP-07-0158C

MF-3-CO

05-0419

RETAIL  
SALES

AUTO DEALERSHIP

CS-CO

03-0053

P

UNDEV

E FM 1626 RD

D SAN ANTONIO RD

EXHIBIT A  
↑  
NORTH



YES, FOX ACCEPTANCE:  
October 10, 1961.

*For the Director*  
 Mario M. Cuomo  
 Director of Planning

TEO AND AUTHORIZED FOR RECORD BY  
CITY PLANNING COMMISSION, CITY OF AUSTIN, TEXAS  
October 10, 1961.

Chairman  
Paul B. Brown

approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of oil streets, public thoroughfares delineated and shown on this plat, and all other streets necessary to be placed in such streets, roads and public thoroughfares, and in connection therewith, shall be the responsibility of the owner and proprietor of the tract of land covered by this plat. In accordance with the title of and the purpose of this plat, the Commissioners Court of Travis County, Texas assumes no obligation to construct, maintain, improve, or repair any streets, roads or other public thoroughfares shown on this plat, or to construct, maintain, improve, or repair any bridges or culverts in connection with same.

STATE OF TEXAS  
COUNTY OF TRAVIS  
I, \_\_\_\_\_, \_\_\_\_\_  
County Clerk of Travis County, Texas, do  
certify that on the \_\_\_\_\_ day of October A. D. 1961, the Com-  
missioners' Court of Travis County, Texas passed an order authorizing  
me to execute for record of this plat and that said order has been duly  
filed in the minutes of said Court in Book \_\_\_\_\_, Page \_\_\_\_\_.

MISS EMILIE L. LINDBERG  
County Clerk, Travis County, Texas

OK KCCUWU  
10:20'clock A.M. on the 16 day of October A. D. 1961.  
MISS ELLIE LINDSEY  
Clark County Court, Travis County, Texas  
Ellie Lindsey

STATE OF TEXAS  
COUNTY OF TARRANT  
I, Miss Estelle Linsberg, Clerk of County Court,  
do hereby certify that the within and foregoing instrument was  
properly acknowledged before me and my commission expires  
on the 15th day of December A. D. 1961 at 10:30 o'clock A. M. and my record on the  
said County is Book 57-2-36, Page 17.

RECEIVED AND SEAL OF OFFICE OF THE COUNTY COURT OF SAID  
COUNTY, TEXAS, THIS 1st DAY OF JULY, 1908.  
MISS EMILIE LINBERG  
Clerk, County Court, Travis County, Texas

SEPTIC TANK HOUSING  
houses constructed in this subdivision shall be connected to a  
sewer within 100 feet, or less than 500 gallons and with a  
tank of not less than 1000 gallons, and shall be installed in  
accordance with the regulations of the County Health Officer and  
shall be inspected and approved by such officer. No restriction  
is enforceable by the City of Austin-Travis County  
therein and/or the supervisor.

| Buy Name            | Morris Date | Ernest R. Griffin, et ux. |
|---------------------|-------------|---------------------------|
| F. Slaughter, Surv. | 1.19 Ac.    | 0.97 Ac.                  |
| DeVelle Grant       | 0.42 Ac.    | 0.30 Ac.                  |
| Total, Average      | 1.604 acres | 1.27 Acres                |

78 JSA, Pgs 27-28  
LAN 6021

EXHIBIT B  
RECORDED  
PLAT

**MORRIS DALE SUBDIVISION**

THE STATE OF TEXAS  
COUNTY OF TRAVIS

That Mr. Ernest R. Griffin, and wife, Mabel Griffin, the owners of Tract "A" on the attached plat, said to be a portion of a 23.48 acre tract out of the Santa Fe Vello Grant and the Stephen F. Slaughter Survey #1 in Texas, as shown on a map or plat of the Harbort Co. R. 1 Tract in Plat Book 8, page 155, Travis County flat acreage being conveyed to us by deed of record in Volume 1145, Travis County Deed Records, and

And we, Morris Dale and wife, Alphonso Dale, being of tract "A" on the attached plat, being a portion of 29-48 acre tract, as shown on the said Herbert A. Riggs plat book 8, page 156, Travis County plat records, conveyed to us by deed of record in Volume 2222, page 1501, and we do hereby designate same as "MORRIS DALE" and we do hereby dedicate to the public all of the same and easements as shown herein.

WITNESS OUR HANDS this 2nd day of October A. D. 1942

Ernest F. Hoffman

Michael Griffin Q04

THE STATE OF TEXAS  
COUNTY OF TARRANT

This day personally appeared Ernest R. Griffin and Carl's note, known to me to be the persons whose subscription to the foregoing instrument, and each acts in so that he had executed the same for the purposes mentioned hereinabove.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 2nd  
October A. D. 1961.

*Manuel Querales*  
Notary Public in and for Travis County.

THE STATE OF TEXAS  
COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this day personally appeared Mabel A. Griffin, and Alphone Bate, wife of Morris Bate, known to me to be the persons whose names are subscribed to the foregoing instrument, and each having been examined by me, and being not under duress, and each having the same understanding, they, the said Mabel A. Griffin and Alphone Bate, acknowledged to me that they executed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 2nd  
October A. D. 1961.

*Margaret Duval*  
Notary Public in and for Travis County,

**LEGEND**

- Iron Slake Sat
- Iron Slake Found

*Travis Gentry Deed Record*

SCALE: 1" = 100 FEET

Map Prepared &  
Metcalfe Engine-  
by Mortimer  
Noted O M  
By Abb's Sur

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**SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant limited office – mixed use (LO-MU-CO) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 2,000.

**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 neighborhood commercial (LR) 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) combining district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

*Staff recommendation:* Limited office (LO) zoning is intended for office use predominantly serving the neighborhood or community needs, such as professional, semi-professional and medical offices, which may be located within or adjacent to residential neighborhoods.

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

Staff's alternative recommendation of limited office – mixed use – conditional overlay (LO-MU-CO) zoning for the property is based on the following considerations: 1) access is presently taken to a collector street and may be available to future collector street right-of-way that abuts the northeast corner of the site (this acreage is in the acquisition and street vacation process); and 2) compatibility with the adjacent uses to the north and east, and single family residences to the south.

**EXISTING CONDITIONS****Site Characteristics**

The subject property contains a private primary educational facility and is fairly flat.

**Impervious Cover**

The maximum impervious cover allowed by the *LR-CO* zoning district would be 80%, which is a consistent figure between the zoning and watershed regulations. The maximum impervious cover allowed by the *LO* zoning district would be 70%, which is based on the more restrictive zoning regulations.



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**Comprehensive Planning**

This zoning case is located on east side of Old San Antonio Road, in South Austin. The property is approximately 1.7 acres in size, contains a one-story building that is used as a private primary school, and is not located in an area with an adopted neighborhood plan. Surrounding land uses includes vacant land to the north and east, a single family house to the south, and Akins High School and tennis courts to the west. The proposed use is to continue to utilize this property as a private school.

**Imagine Austin**

The comparative scale of this site relative to other uses nearby including a school, as well as the site not being located along an Activity Corridor or within an Activity Center, falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed rezoning.

**Environmental**

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

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 Gross Site Area</i> | <i>% of Gross Site Area<br/>with Transfers</i> |
|--|-----------------------------|--|
| Single-Family<br>(minimum lot size 5750 sq. ft.) | 50%                         | 60%  |
| Other Single-Family or Duplex                    | 55%                         | 60%  |
| Multifamily                                      | 60%                         | 70%  |
| Commercial                                       | 80%                         | 90%  |

According to floodplain maps there is no floodplain within or adjacent to 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.

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 512-974-1876. 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.

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Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

### **Transportation**

Additional right-of-way may be required at the time of subdivision and/or site plan.

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].

### **Water and Wastewater**

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, water or wastewater easements, 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 and suitability for operation and maintenance. 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 & Compatibility Standards**

This site will be subject to *Subchapter E: Design Standards and Mixed Use*. Related comments will be provided when a site plan is submitted for review.

The subject site is located 540 feet or less from property in an SF-5 or more restrictive zoning district; therefore, compatibility standards will apply (LDC Section 25-2-1051(b)). Along the south property line, the following standards apply:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. 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.