

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: *APPROVED LO-MU-CO DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT*

[P. SEEGER; G. ROJAS – 2ND] (5-0) C. BANKS; S. COMPTON - ABSENT

ISSUES:

The Applicant is in agreement with the Zoning and Platting Commission's recommendation.

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 8th 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, 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:

	ZONING	LAND USES
<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 Appealers 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:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2013-0123 – Onion Creek Fire Station – 11112 Old	GR-MU-CO to P	To Grant	Apvd (11-21-2013).

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

		and prohibit access to Old San Antonio Rd. Restrictive Covenant for the Traffic Impact Analysis.	
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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.

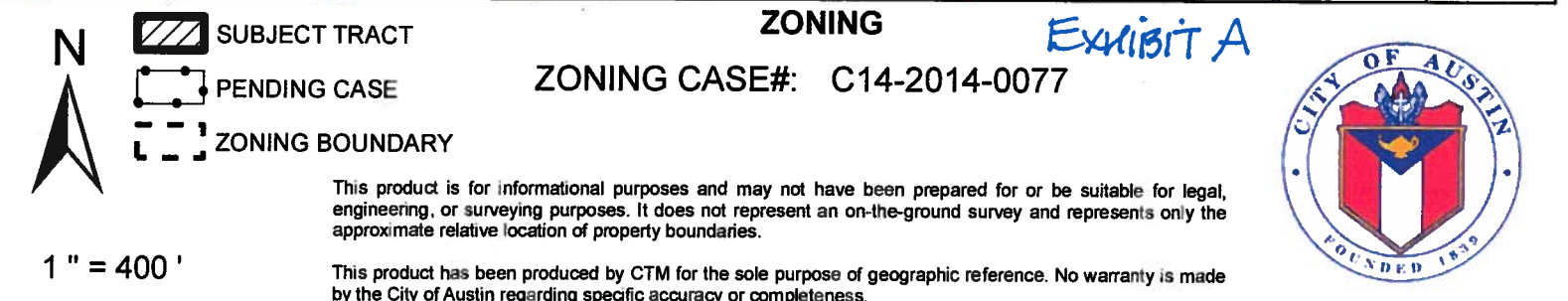
ABUTTING STREETS:

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:** 1st 2nd 3rd**ORDINANCE NUMBER:**

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

PHONE: 512-974-7719





NOT FOR ACQUISITION:
October 10, 1961.
Rafael M. Oquendo
Director of Planning

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

Don L. B. Brown
Chairman
W. C. L. Turner
Secretary

proving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads and public thoroughfares delineated and shown on this plat, and all of and culverts necessary or in connection therewith, shall be the duty of the owner and/or the developer of the tract of land to be subdivided in accordance with plans and specifications presented by the applicant to the Commissioners Court of Travis County, Texas, and the streets, roads and other public thoroughfares shown on this plat, constructing any bridges or culverts in connection with same.

STATE OF TEXAS

Miss Emilio Limberg, County Clerk of Travis County, Texas, do hereby certify that on the 16 day of October A. D. 1961, the Commissioners Court of Travis County, Texas, has passed an order authorizing the recording of this plat, and has caused the same to be duly recorded in the minutes of said Court in Book 3, page 349.

MISS EMILIE LIMBERG
County Clerk, Travis County, Texas

Miss Emilio Limberg
County Clerk, Travis County, Texas

FOR RECORD
10:20 o'clock A.M. on the 16 day of October A. D. 1961.

MISS EMILIE LIMBERG
County Clerk, Travis County, Texas

Miss Emilio Limberg
County Clerk, Travis County, Texas

STATE OF TEXAS
I, Miss Emilio Limberg, Clerk of County Court, do hereby certify that this plat has been duly recorded in the minutes of the County Court of Travis County, Texas, on the 16 day of October A. D. 1961 at 10:20 o'clock A.M. in the Plat Book of said County in Book 14, Page 17.

MISS EMILIE LIMBERG
County Clerk, Travis County, Texas

Miss Emilio Limberg
County Clerk, Travis County, Texas

SEPTIC TANK NOTE
A house constructed in this subdivision shall be connected to a tank with a capacity of not less than 500 gallons and with a field of not less than 150 feet, and shall be installed in accordance with the regulations of the City-County Health Officer and be inspected and approved by such officer.

UNIT UNDER THE SUBDIVISION.

AREA TABULATION

Tract Name	Area
Morris Dale	1.18 Ac.
Ernest R. Griffin, et al.	0.97 Ac.
Del Valle Grant	0.30 Ac.
Total Acres	1.60 Acres

50 550, Page 272d
PLAN 6021

EXHIBIT B
RECORDED
PLAT

MORRIS DALE SUBDIVISION

THE STATE OF TEXAS
COUNTY OF TRAVIS
KNOW ALL MEN BY THESE PRESENTS
That we, Ernest R. Griffin, and wife, Mabel Griffin, the owners of Tract "A" on the attached plat, containing a portion of a 25-acre tract of land, situate in the County of Travis, State of Texas, do hereby certify that the plat of said tract, containing a portion of a 25-acre tract of land, situate in the County of Travis, State of Texas, is a true and correct copy of the original plat of said tract, and that the same has been duly recorded in the minutes of the County Court of Travis County, Texas, on the 16 day of October A. D. 1961, at 10:20 o'clock A.M. in the Plat Book of said County in Book 14, Page 17.

WITNESS OUR HANDS this 2nd day of October A. D. 1961.

Ernest R. Griffin
Ernest R. Griffin

THE STATE OF TEXAS
COUNTY OF TRAVIS
This day personally appeared Ernest R. Griffin, and wife, Mabel Griffin, known to me to be the persons whose subscription to the foregoing instrument, and each act in so that he had executed the same for the purposes of the instrument herein expressed.

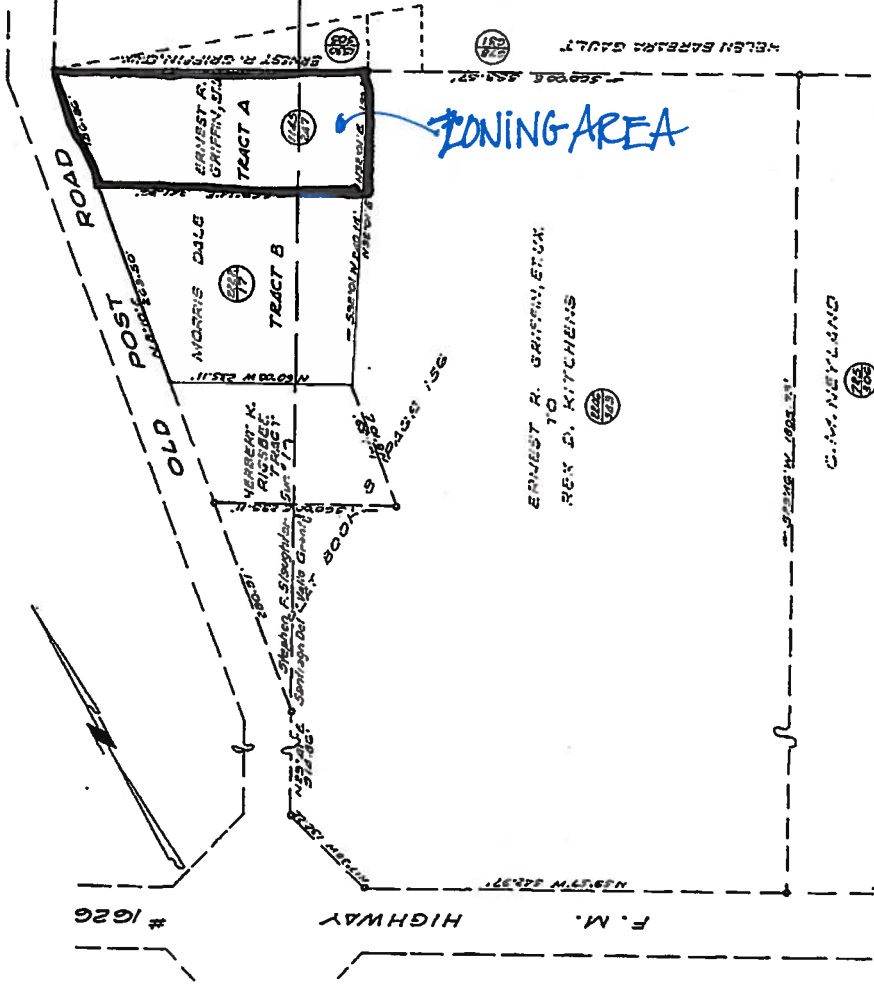
GIVEN UNDER MY HAND AND SEAL OF OFFICE this 2nd day of October A. D. 1961.

MISS EMILIE LIMBERG
County Clerk, Travis County, Texas

BEFORE ME, the undersigned authority this day personally appeared Ernest R. Griffin, wife of Mabel Griffin, and Mabel Griffin, wife of Ernest R. Griffin, each known to me to be the persons whose names are subscribed to the foregoing instrument, and each having been examined by me and apart from her husband, and each having the same explained to her, they, the said Mabel Griffin and Ernest R. Griffin, acknowledged such instrument to be their act and deed, and 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 day of October A. D. 1961.

MISS EMILIE LIMBERG
County Clerk, Travis County, Texas



LEGEND
• Iron Stake Set
○ Travis County Deed Record

SCALE: 1" = 100 FEET



Map Prepared by
Mechanical Engineer
By M. A. Martin, Jr.
Registered Professional Engineer
By R. B. Smith, Jr.

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.

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 with Transfers</i>
Single-Family (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.

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.