

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0020 – Monarch Suzuki Academy

P.C. DATE: March 24, 2015

April 14, 2015

ADDRESS: 6000 Mountain Shadows Drive

DISTRICT: 8

OWNER/APPLICANT: David and Shana Guidi

AGENT: Permit Partners, LLC (David Cancialosi)

ZONING FROM: LO-MU-NP

TO: LR-MU-NP

AREA: 0.42 acres (18,295 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

Staff recommends Neighborhood Commercial–Mixed Use–Conditional Overlay–Neighborhood Plan (LR-MU-CO-NP) Combining District, zoning. The conditional overlay will 1) Prohibit the following uses:

Alternative Financial Services
Consumer Convenience Services
Consumer Repair Services
Financial Services
Food Sales
General Retail Sales (Convenience)
General Retail Sales (General)
Off-Site Accessory Parking
Pedicab Storage and Dispatch

Pet Services
Plant Nursery
Printing and Publishing
Restaurant (General)
Restaurant (Limited)
Service Station
Custom Manufacturing
Guidance Services

- 2) Make the following uses conditional:
Private Secondary Educational Facilities
Personal Services
College and University Facilities

- 3) Limit vehicular trips to 2,000 per day

PLANNING COMMISSION RECOMMENDATION:

March 24, 2015; *Approved Applicant's request to postpone to April 14, 2015 by consent [J. Stevens; J. Nortey] (8-0).*

April 14, 2015; *Recommended LR-MU-CO-NP combining district zoning by consent [N. Zarigoza / R. Hatfield] (10-0).*

DEPARTMENT COMMENTS:

The subject property is located on the southwest corner of Mountain Shadows Drive and Old Bee Caves Road and is developed with a single, one-story structure. Access to the property is from

Mountain Shadows Drive. The property was most recently used as an office although it is vacant now.

The property owner is requesting a zoning change from Limited Office-Mixed Use-Neighborhood Plan (LO-MU-NP) to Neighborhood Commercial-Mixed Use-Neighborhood Plan (LR-MU-NP) in order to use the property for a small, private music school. A music school use falls under Personal Improvement Services, a use that is prohibited in the Limited Office (LO) zoning district and allowed in the Neighborhood Commercial (LR) zoning district.

Neighborhood Commercial (LR) district zoning is intended for business services and office facilities that are predominantly for the convenience of the neighborhood for which they are located in or near to and therefore, a small-scale music school is an appropriate use for this location. However, other uses allowed in the LR zoning district are more intense and may not be appropriate at this location on a local, neighborhood street such as Mountain Shadows Drive. The property owner has agreed to a conditional overlay that will restrict the uses to those allowed in the LO zoning district with the addition of personal improvement services. The conditional overlay will also limit vehicular trips to 2,000 per day. With these conditions, Staff is recommending the zoning change.

ISSUES: None at this time.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-MU-NP	Vacant
<i>North</i>	MF-1-CO-NP	Apartments
<i>South</i>	RR-NP	Single Family Residential
<i>East</i>	W/LO-CO-NP	Warehouse
<i>West</i>	RR-NP	Single Family Residential

NEIGHBORHOOD PLANNING AREA:

West Oak Hill, a part of the Oak Hill Combined Neighborhood Plan.

TIA: not required

WATERSHED: Williamson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

- 298 Oak Hill Association of Neighborhoods (OHAN)
- 605 City of Rollingwood
- 742 Austin Independent School District
- 779 Oak Hill Neighborhood Plan - COA Liaison
- 943 Save Our Springs Alliance
- 1166 Oak Hill Neighborhood Planning Contact Team
- 1228 Sierra Club, Austin Regional Group
- 1236 The Real Estate Council of Austin, Inc.

1340 Austin Heritage Tree Foundation
 1343 Oak Hill Trails Association
 1363 SEL Texas
 1470 Aviara HOA

SCHOOLS: Oak Hill Elementary Small Middle School Austin High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-01-0129 – Padgett Project, 8705 Old Bee Caves Road	LR to W/LO	10/23/2001 – Apvd W/LO-CO; limiting vehicle trips to 2,000/day and prohibiting access onto Mountain Crest Drive; 6 ft. fence is required along south property line (Mountain Crest), and limit the building height to 25ft.	11/29/2001 – Apvd PC recommendation.
C14-02-0164 – Southwest Parkway, Old Bee Caves Road and Bell Drive	DR & RR to MF-1	12/17/2002 – Apvd MF-1-CO; fiscal posting for Travis Cook Road and no access to Travis Hills Drive and Bell Mountain Drive; limit vehicular trips to 2,000 per day; reduce impervious cover to 20% . (9-0)	6/5/2003 – Apvd MF-1-CO; limit vehicular trips to 2,000 per day; development is subject to recommendations from the NTA dated 12/17/2002; prohibit vehicular access to Bell Mountain Dr; development may not exceed 276 residential units; development may not exceed 6.6 residential units per acre.
C14-04-0038 – Shackelford, 6001 Mountain Shadows Drive	RR to CS	4/20/2004 – Apvd W/LO-CO; limiting vehicle trips to 2,000/day; prohibit Mountain Crest Access (7-0).	6/10/2004 – Apvd PC recommendation (7-0).
C14-2011- 0038 – Mountain Shadows Rezone, Lots K, LP, 8800 Sky Mountain Drive	RR-NP to MF-1	7/12/2011 – Apvd MF-1-CO- NP; vehicular trips limited to 578/day (7-0).	8/18/2011 – Apvd PC recommendation (6-0).
C14-2014- 0016- Austin Concrete, 8641 Old Bee Caves Road	W/LO to CS	Application expired on 8/5/2014 without any scheduled action by PC or CC.	

RELATED CASES:

The subject property is platted as lot 2 of the 2nd Resubdivision of Block A, Mountain Shadows, a subdivision recorded on May 30, 1972 (C8-72-158). Please refer to Exhibit B.

The neighborhood plan (-NP) designation was added to the zoning of the subject tract (RR) in conjunction with the Oak Hill Combined Neighborhood Plan, under zoning file C14-2008-0125.

In 2012, the subject tract had a zoning change from RR-NP to LO-MU-NP with zoning file C14-2012-0024. The zoning case was also accompanied by a Neighborhood Plan Amendment (NPA-2012-0025.03) that changed the Future Land Use map for this property from Single-Family to Neighborhood Mixed Use.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Mountain Shadows Dr.	50'	20'	Local	N/A
Old Bee Cave Rd.	60'	24'	Collector	2,275

CITY COUNCIL DATE:**ACTION:**

May 14, 2015:

ORDINANCE READINGS: 1st

2nd

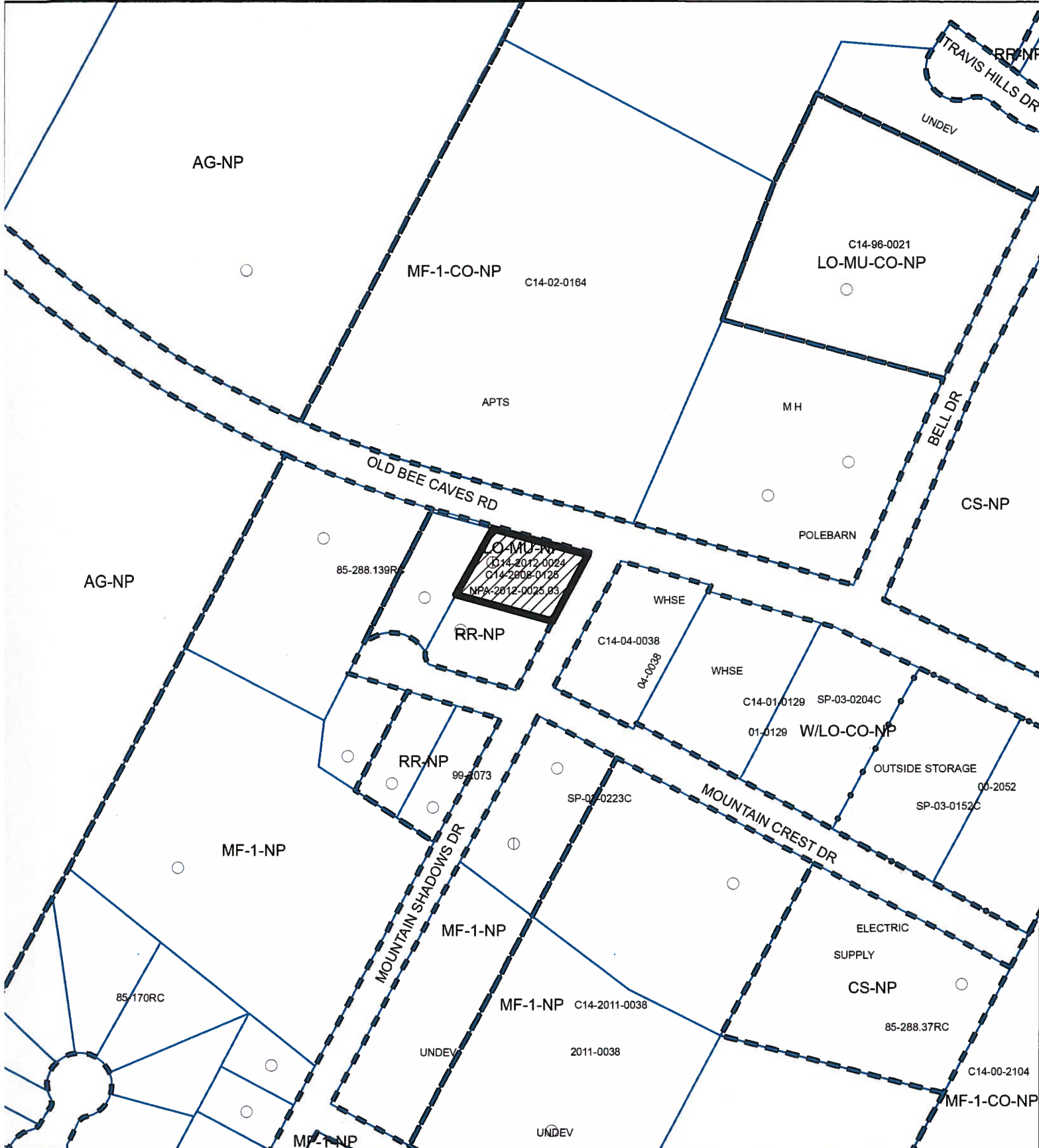
3rd

ORDINANCE NUMBER:

CASE MANAGER: Tori Haase

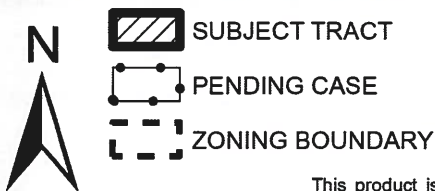
PHONE: 512-974-7691

EMAIL: tori.haase@austintexas.gov



ZONING - Exhibit A

ZONING CASE#: C14-2015-0020



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.





AERIAL MAP - EXHIBIT B

ZONING CASE#: C14-2015-0020
ZONING CHANGE: LO-MU-NP to LR-MU-NP
LOCATION: 6000 Mountain Shadows Dr
SUBJECT AREA: 0.42 ACRES (18,295sq ft)
MANAGER: TORI HAASE



1' = 400'

 Subject Property

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

STAFF RECOMMENDATION

Staff recommends Neighborhood Commercial–Mixed Use–Conditional Overlay–Neighborhood Plan (LR-MU-CO-NP) Combining District, zoning. The conditional overlay will 1) Prohibit the following uses:

Alternative Financial Services
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Pet Services
Plant Nursery
Printing and Publishing
Restaurant (General)
Restaurant (Limited)
Service Station
Custom Manufacturing
Guidance Services

- 2) Make the following uses conditional:
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Personal Services
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- 3) Limit vehicular trips to 2,000 per day

BASIS FOR RECOMMENDATION

1. *The proposed zoning should promote consistency and orderly planning.*

The LR-MU-CO-NP combined district zoning will allow for personal improvement services use and is consistent with other properties in this area along Old Bee Caves Road that have like or similar uses such as yoga studios and alternative medicine facilities that also serve the neighborhood and greater community.

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

The Neighborhood Commercial (LR) zoning district is intended for neighborhood shopping facilities that provide limited business services and office facilities predominately for the convenience of residents of the neighborhood.

A small-scale music school is a neighborhood and greater community serving use.

3. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The LR-MU-CO-NP combined district zoning will promote compatibility with adjacent uses by allowing personal improvement services, a less intense use that will serve the neighborhood, while prohibiting more intense uses that are not compatible with single-family residential.

4. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

The Oak Hill Neighborhood Plan was adopted by City Council as part of the Austin Tomorrow Comprehensive Plan and is carried forward in the Imagine Austin Comprehensive Plan. The LR-MU-CO-NP combined district zoning is congruent with the goals and objectives of the Plan as well as the Future Land Use Map.

EXISTING CONDITIONS

Site Characteristics

The subject property is developed with a single, one-story structure. The site has some topographical changes along the north and south property lines. The remainder of the property is relatively flat with minimal trees. There is a vegetative buffer along the north property line which is located adjacent to Old Bee Caves Road.

Impervious Cover

The maximum impervious cover allowed in the LR zoning district is 80%. However, this property is within the Barton Springs Zone (BSZ) and is subject to the Save Our Springs Ordinance where more restrictive environmental regulations apply. See environmental comments below.

Note: The most restrictive impervious cover limit applies.

Comprehensive Planning – Kathleen Fox, 512-974-7877

Oak Hill Combined Neighborhood Plan (OHCNP)

The OHCNP Future Land Use Map designates this portion of Old Bee Caves Road as ‘Neighborhood Mixed Use’ which is intended for a mix of neighborhood commercial (small-scale retail or offices, professional services, convenience retail, and shop-front retail that serve a market at a neighborhood scale) and small to medium density residential uses. Zone LR-MU is permitted in this FLUM category.

The goals, objectives and text below are taken from the OHCNP and seem supportive attracting high quality commercial development, while at the same time protecting the environment:

Goal 4.B. - Provide opportunities for high-quality new development and redevelopment. (p 37)

Objective 4.B.1: Minimize the ecological footprint of development in the Oak Hill planning area to help achieve environmental goals, particularly the preservation of water quality.

- Excerpt from pg. 50, taken from Chapter 4: Some property owners are concerned about land use or zoning changes that would restrict the use of their property; they are concerned that their investments in land and existing businesses would be unnecessarily harmed. These stakeholders oppose any zoning overlays that would prohibit land uses on their property.

However, other stakeholders and City staff support conditional overlays intended to restrict land uses that pose risks to water quality. (p 50)

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

Objective 6A.1: Ensure quality of new construction and renovations. (p 66)

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 activity areas) at strategic locations. (p 66)

Goal 6.C. - Create a mix of uses in existing corridors of commercial development that will provide a diversity of local services convenient to neighborhoods and establish commercial “nodes” (concentrated) (p 67)

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

Conclusion:

The Oakhill Combined Neighborhood Plan Future Land Use Map designates this portion of Old Bee Caves Road as Neighborhood Mixed Use and Commercial, and the many of the goals and objectives above seem to support providing more local businesses (including a music school) and retail. However, the property is located over environmentally sensitive land and any new commercial or residential development would have to ensure all environmental ordinances are enforced.

Imagine Austin

The property is also located within the boundaries of the Barton Springs Contributing Zone. 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.

Based on the comparative scale of the site relative to other adjoining commercial uses, as well as the site not being located along an Activity Corridor or within an Activity Center as identified on the Imagine Austin Growth Concept Map, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning. However, due to the site’s location in an environmentally sensitive area, there will be at the site planning stage if this property is ever redeveloped, an environmental review to determine if any critical environmental features are located on the site.

Environmental – Atha Phillips, 512-974-6303

1. This site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone Watershed by Chapter 25-8 of the City’s Land Development Code. 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 25% impervious cover in the contributing zone.
3. According to floodplain maps there is no floodplain within or adjacent to 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 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.
6. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site. Runoff from the site is required to comply with pollutant load restrictions as specified in Land Development Code.

Transportation – Ivan Naranjo, 512-974-7649

1. No additional right-of-way is needed at this time.
2. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]
3. Old Bee Cave Road is classified in the Bicycle Plan as Bike Route No. 180. Mountain Shadows Dr. is not classified in the Bicycle Plan.
4. Capital Metro bus service is not available along Mountain Shadows Dr. and Old Bee Cave Road.
5. There are no existing sidewalks along Mountain Shadows Dr. and Old Bee Cave Road.

Water and Wastewater

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 land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

Storm Water Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

Site Plan and Compatibility Standards – Rosemary Avila, 512-974-2784

1. Site plans will be required for any new development other than single-family or duplex residential.
2. 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.
3. FYI- This is in the West Oak Hill Neighborhood Plan and the Barton Springs Overlay.
4. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
5. The site is subject to compatibility standards. Along the west and south 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.
 - Additional design regulations will be enforced at the time a site plan is submitted.

*Tom Thayer, Chair
Chip Graves, Vice-Chair
Cynthia Wilcox, Secretary*



April 29th, 2015

To: Christel Frietsch
Permit Partners, LLC
105 W. Riverside Suite 225
Austin, TX 78704

Re: Case # C14-2015-0020
6000 Mountain Shadows Dr
Applicant: David Cancialosi

On March 25th, 2015, the Oak Hill Neighborhood Contact Team held a meeting in accordance with our bylaws to discuss the applicant's proposed zoning change for the property located at 6000 Mountain Shadows Dr. The applicant has requested a zoning change from **LO to LR MU NP**. The proposed zoning already conforms to the land use.

March 25th, 2015, the OHNPCT voted in favor of the proposed change in zoning with the following prohibited uses: Alternative Financial Services, Consumer Convenience Services, Consumer Repair, Financial Services, Food Sales, General Retail Sales, Offsite Accessory Parking, Pedicab storage and dispatch, Pet Services, Plant Nursery, Printing & Publishing, Restaurant, Service Station, Custom Manufacturing, and Guidance Services.

And that the following uses be conditional uses: Private Secondary Educational Facilities, Personal Services, and College & University Services.

Please let me know if you have any questions.

Sincerely,

Tom Thayer
Chair, OHNPCT

Cc: Chip Graves – Vice Chair
Cynthia Wilcox – Secretary