

ZONING CHANGE REVIEW SHEET

CASE: C14-2016-0036 (Abhyas Kendra 1 Inc.
Best Brains Franchise – Tutoring Center)

Z.A.P. DATE: June 21, 2016

ADDRESS: 12636 Research Boulevard South Bound, Building C, Suite C-108

DISTRICT AREA: 10

OWNER: Hsu Realty Company, Inc. (Chi-Kao Hsu)

AGENT: Abhyas Kendra 1 Inc. (Venkataramana Gudipalli)

ZONING FROM: LO

TO: LR

AREA: 0.0307 acres (1,338 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant the applicant's request for LR, Neighborhood Commercial District, zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

6/21/16: Approved staff's recommendation for LR zoning by consent (11-0); A. Denkler-1st,
G. Rojas-2nd.

DEPARTMENT COMMENTS:

The property in question is currently a suite in a commercial shopping center, which fronts U.S. Highway 183 North. The applicant is requesting LR zoning because they would like to develop a tutoring center (Personal Improvement Services use) within the existing retail center.

The staff is recommending the applicant's request for a footprint of LR zoning because the property in question meets the intent of the Neighborhood Commercial district. This tract of land fronts onto a major arterial roadway, Research Boulevard (U.S. Highway 183) and has access to Jollyville Road and the south bound service road for U.S. Highway 183. The proposed rezoning will be compatible with surrounding land uses as there are office, retail and restaurant uses to the north, south, east and west of the site. The LR district would allow the applicant to utilize a vacant suite within an existing shopping center structure to allow for additional commercial services on the site. More intensive zoning is appropriate for a retail center located on a major retail highway within an area of concentrated commercial and retail development.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO	Vacant Suite within Existing Retail Center (North Brooke Shopping Center)
<i>North</i>	LO	North Brooke Shopping Center: Black Swan Yoga Studio, Apartment Locating Office
<i>South</i>	LO, GR-CO	North Brooke Shopping Center: Kung Fu & Self Defense Studio, Irish Dance, Sagiang Restaurant
<i>East</i>	GR, LO, GR-CO	North Brooke Shopping Center: Quick Print, BB Rovers Café & Pub
<i>West</i>	LO	Office Building

AREA STUDY: N/A**TIA:** Not Required**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation
 Austin Northwest Association
 Bike Austin
 Bull Creek Foundation
 Friends of Austin Neighborhoods
 Homeless Neighborhood Association
 Laurel Oaks Neighborhood Association
 Long Canyon Homeowners Association
 North Oaks Neighborhood Association
 Northwest Austin Coalition
 SELTEXAS
 Sierra Club, Austin Regional Group

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0176 (12636 Research Boulevard, Building C, Unit 109)	GR-CO to CS-1	12/07/10: Approved staff's rec. of CS-1 zoning on consent (5-0, Seeger, Tiemann-absent); Baldrige-1 st , Bourgeois-2 nd .	1/13/11: Approved CS-1 zoning on consent on all 3 readings (7-0); Spelman-1 st , Morrison-2 nd .
C14-05-0060	GR-CO to CS-1-CO	6/21/05: Postponed indefinitely at the applicant's request (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd . 12/21/05: Case expired.	N/A

C14-99-0099	SF-3 to LI	6/29/99: Approved staff's alternate rec. of LI-CO, w/ 2,000 vtpd limit, by consent (8-0)	7/29/99: Approved PC rec. of LI-CO (6-0); all 3 readings
C14-98-0143	GR to CS-1	11/17/98: Approved LO (TR1) and CS-1-CO (TR2), prohibit Adult Oriented uses and limit development to 2,000 vtpd, by consent (9-0)	1/7/99: Approved PC rec. of LO (TR1) and CS-1-CO (TR2) w/conditions (7-0); 1 st reading 4/8/99: Approved retaining LO (TR1) and CS-CO on (TR2); (6-0); 2 nd /3 rd readings
C14-96-0144	I-SF-2 to CS	1/28/97: Approved staff alternate rec. of GR-CO, w/ 2,000 vtpd limit (7-0)	2/27/97: Approved PC rec. of GR-CO (7-0); 1 st reading 4/10/97: Approved GR-CO (7-0); 2 nd /3 rd readings
C14-94-0045	LO to CS-CO	6/7/94: CS not recommended (5-0)	7/14/94: Postponed for 6 months to January 1995 by applicant (7-0) 3/31/05: Case expired
C14-93-0053	SF-2 to GR	5/18/93: Approved GR (7-0)	5/20/93: Approved GR (7-0); all 3 readings
C14-92-0105	LO to LR	11/10/92: Approved LR-CO; prohibiting Consumer Repair Services, Consumer Convenience Services, Food Sales, General Retail Sales (Convenience), Off-site accessory parking, Personal Services, Pet Services, Restaurant (Limited), Service Station, College and University Facilities, and Guidance Services	12/3/93: Approved LR-CO on all 3 readings
C14-92-0045	SF-2 to GR-MU	7/7/92: Approved GR-MU	7/9/92: Approved GR-MU on all 3 readings
C14-90-0076	LO, GR, GR-CO	12/18/90: Approved GR-CO, permit all LR uses and Medical Offices, Restaurant (General), General Retail Sales (General), Communication Services, Personal Improvement Services, Business Support Services, and Business or Trade School, by consent (5-0)	1/10/91: Approved GR-CO (7-0); all 3 readings
C14-90-0058	GR to LI	11/6/90: Approved LI, subject to 150' of ROW reservation and condition that no vehicular access to the subject property shall be permitted from the adjacent residential zoned property, (5-0)	12/6/90: Approved LI-CO (6-0); 1 st reading 10/1/92: Approved LI-CO (5-0); 2 nd /3 rd readings

C14R-86-230	LO to GR	11/25/86: Approved GR for a 4500 square foot building footprint for restaurant use only (8-0)	12/4/86: Approved GR on all 3 readings 2/26/87: Approved amending ordinance #861204-WW to correct address/legal description
C14R-86-136	LO, CS-1 to CS-1, GR	6/24/86: Approved CS-1 (TR1) and GR (TR2); (7-0)	6/26/86: Approved GR and CS-1 (7-0); 1 st reading 2/19/87: Approved CS-1 and GR (7-0); 2 nd /3 rd readings

RELATED CASES: C14-90-0076 (Previous Zoning Case)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Research Boulevard (US Hwy 183)	Varies	Varies	Major Arterial
Jollyville Road	110'	60'	Arterial

CITY COUNCIL DATE: August 11, 2016

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057,
sherri.sirwaitis@austintexas.gov



- Subject Tract
- Pending Case
- Zoning Boundary
- Railroads

50 100 Feet

1" = 100'

ZONING

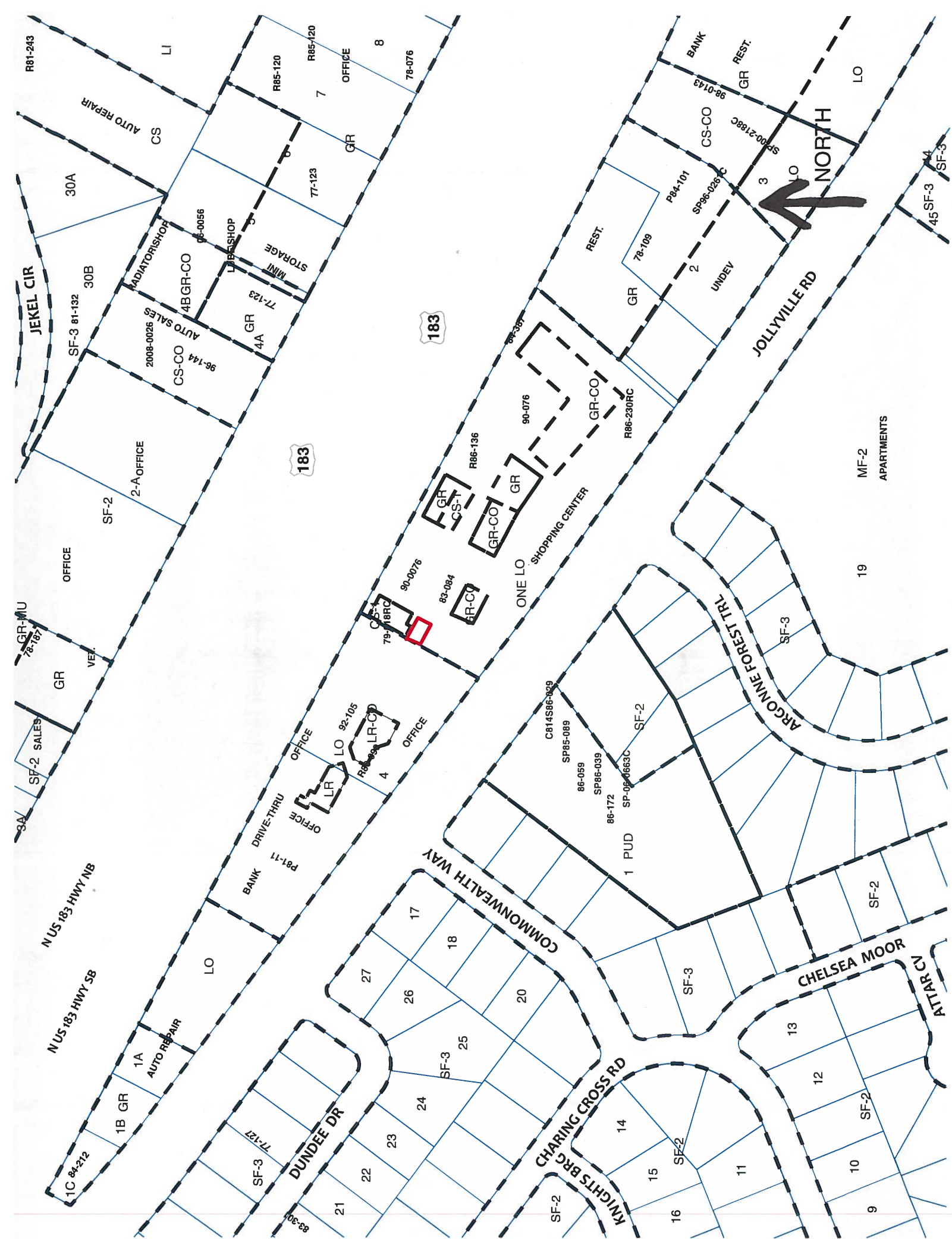
ZONING CASE#: C14-2016-0036



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Created 05/25/16





STAFF RECOMMENDATION

The staff's recommendation is to grant the applicant's request for LR, Neighborhood Commercial District, zoning.

BASIS FOR RECOMMENDATION

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

Neighborhood commercial (LR) 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.

This tract of land is located with a retail center that takes access to two arterial roadways, U.S. Highway 183 North and Jollyville Road.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

The proposed rezoning will be compatible with surrounding land uses because there are office, commercial, retail and restaurant uses to the south, east and west of the site.

3. *Zoning should allow for reasonable use of the property.*

The proposed re-zoning to the LR district would allow the applicant to utilize a vacant suite within an existing retail shopping center to develop low intensity commercial services on the site.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is a vacant suite in an existing retail center (North Brooke Shopping Center) fronting U.S. Highway 183 North. The retail center currently contains several personal services uses: a spa (US Spa), Massage Therapy, a dog groomer (Clean Puppy); personal improvement services uses: Irish Dance, Black Swan Yoga studio, Kung Fu & Self Defense, karate studio (White Rock Karate Dojo); restaurant uses: (Dimassi's Mediterranean Buffet, Mongolian Grill, Sagiang Vietnamese Restaurant, BB Rovers Café & Pub, and a Wing Street/Pizza Hut); a liquor store (Oak Liquor Cabinet); a printing business (Quick Print); a retail use (A. A. Gift Shop), an insurance office; and a religious assembly use (The Abiding Glory Tabernacle) .

Comprehensive Planning

This zoning case is located on the south side of Research Blvd., on a .024 acre portion of a much larger 3.57 acre parcel, which currently contains a variety of restaurants and retail shops in a shopping plaza. The property is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes Hwy 183 to the north; residential uses to the south (off of Jollyville Road); and retail/commercial uses to the east and west. The proposed use is a tutor center.

Imagine Austin

While this property is located along an **Activity Corridor** and just outside the boundaries of a **Neighborhood Center** as identified on the Imagine Austin Growth Concept Map, both which support a variety of commercial uses and personal services, the comparative scale of the site relative to nearby commercial uses along Research Boulevard falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

Environmental

The site is located over the Edwards Aquifer Recharge Zone. The site is in the Walnut 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.

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.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Impervious Cover

The maximum impervious cover allowed by the LR zoning district would be 80%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

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%

Note: The most restrictive impervious cover limit applies.

Site Plan

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Stormwater 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 Stormwater Management Program, if available.

Transportation

No additional right-of-way is needed at this time.

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].

There are no existing sidewalks along Jollyville Road or US 183.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or proposed along the adjoining streets as follows:

Street Name	Existing Bicycle	Proposed Bicycle
Jollyville Road	Bike Lane	Bike Lane
US 183	None	None

Capital Metro bus service (route no. 383) is available along US 183.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
Jollyville Road	100'	58'	Arterial (MAD4)	Not Available
US 183	330'	Varies	Freeway (FWY6)	173,000 (TXDOT, 2009)

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.

