

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0204 (Gemini School of Visual Arts) DISTRICT: 6

ADDRESS: 12325 Hymeadow Drive, STE 3-100

ZONING FROM: I-SF-2

TO: GO

SITE AREA: 2995 sq. ft.

PROPERTY OWNER: Joan Wang HWA Revocable Trust

AGENT: Gemini School of Visual Arts and Communication (Colette Barcion)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends GO, General Office District, zoning.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

September 6, 2022: Approved staff's recommendation of GO zoning, adding a conditional overlay to prohibit Convalescent Services, Hospital Services (General and Limited) and Printing and Publishing uses on the property (8-0, C. Acosta, A. Denkler and R. Woody-absent); H. Smith-1st, B. Greenberg-2nd.

CITY COUNCIL ACTION:

September 29, 2022

ORDINANCE NUMBER:

ISSUES:

The applicant is applying for zoning because TWC Career Schools and Colleges who approve them closed Gemini School of Visual Arts down over the summer because they did not have a Fire Certificate for the property. The school, which has been in existence for 21 years, is due to resume classes in early October so they need to have permanent zoning in place by the end of September so that they can acquire the fire certificate and reapply to TWC for reinstatement.

CASE MANAGER COMMENTS:

The property in question is a 2,995 sq. ft. suite within an existing office complex. The lots to the east are developed with office buildings. The tract to the west contains a day care use (Stepping Stone School). To the north, across Hymeadow Drive, there is public school (Westwood High School) and a multifamily use (The Lantern). To the south, there is a single-family residential neighborhood. The applicant is requesting GO zoning for the site to utilize a suite within the office complex for a College or University Facility or Business or Trade School use (Gemini School of Visual Arts). These uses are first permitted in the GO district.

The staff recommends GO, General Office district, zoning for this footprint area because the property meets the intent of GO district as it fronts on/takes access to a Level 2 collector roadway, Hymeadow Drive, and will provide services to the surrounding community. There are existing professional and medical office uses located to the east and public school and day care services to north and west of the site under consideration.

The applicant agrees with the staff recommendation.

BASIS OF RECOMMENDATION:

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

General Office district is intended for offices and selected commercial uses predominately serving community and city-wide needs.

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

The GO zoning district would be compatible and consistent with the surrounding uses because there are existing office uses east and civic uses to the north and west of the site.

3. *The proposed zoning should allow for a reasonable use of the property.*

The GO zoning district would allow for a fair and reasonable use of the site. General Office district zoning will permit a civic use within the existing office structure. A footprint of GO zoning at this location will bring a portion of this site into conformance with the City of Austin Land Development Code use regulations.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-SF-2	Office (Gemini School of Visual Arts, Beeline Software, Master's Learning Institute, Elliott Properties, Tristone Aprendizaje Instituto, The One Clinic -Facial Spa & Acupuncture)
<i>North</i>	I-SF-2	Public School (Westwood High School), Multifamily (The Lantern)
<i>South</i>	I-SF-2	Single-Family Residences
<i>East</i>	SF-2	Office (Hymeadow Square: Star of Texas Dental Assisting School, Northwest Counseling and Wellness Center, Mangold Anker Phillips, MyEmerge, Reliant Pools)
<i>West</i>	I-SF-2	Daycare (Stepping Stone School Lakeline Westwood)

NEIGHBORHOOD PLANNING AREA: N/ATIA: Deferred to the time of Site PlanWATERSHED: Lake Creek WatershedSCHOOLS: Round Rock I.S.D.NEIGHBORHOOD ORGANIZATIONS:

Anderson Mill Neighborhood Association
 Friends of Austin Neighborhoods
 Long Canyon Homeowners Assn.
 Mountain Neighborhood Association (MNA)
 Neighborhood Empowerment Foundation
 SELTexas
 Sierra Club Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2018-0073 (Hymeadow Office Park: 12343 and 12401 Hymeadow Drive)	I-SF-2 to LO	8/07/18: Approved the staff's recommendation for LO zoning by consent (8-0, D. Breithaupt-arrived late, B. Evans-absent); S. Lavani-1 st , A. Denkler-2 nd .	8/30/18: Approved LO zoning by consent on all 3 readings (11-0), L. Pool-1 st , P. Renteria-2 nd .

C14-2015-0158 (Hymeadow Square Office Park)	I-SF-2 to LO	01/05/16: Approved staff's recommendation of LO zoning by consent (8-0, S. Lavani-absent, J. Goodman-arrived late); T. Webber-1 st , A. Denkler-2 nd .	2/11/16: Approved LO zoning on consent on all 3 readings (11-0); L. Pool-1 st , D. Zimmerman-2 nd .
C14-2014-0048 (Hymeadow: 12416 Hymeadow Drive)	I-RR to GO	5/20/14: Approved staff's recommendation of GO zoning by consent (6-0, R. McDaniel-absent); P. Seeger-1 st , S. Compton-2 nd .	6/12/14: Approved GO zoning on consent on all 3 readings (7-0); B. Spelman-1 st , L. Leffingwell-2 nd .
C14-2007-0170 (13686 North U. S. Highway 183)	I-SF-2 to GR	10/16/07: Approved staff's recommendation for GR-CO zoning with conditions to limit the development intensity for the entire site to less than 2,000 vehicle trips per day and prohibit Automotive Repair Services, Automotive Rental, Automotive Sales, Automotive Washing (of any type), Exterminating Services, with added condition to prohibit Pawn Shop Services, by consent (6-0, C. Hammond, J. Gohil-absent); J. Martinez-1 st , S. Hale-2 nd	11/29/07: Approved GR-CO zoning by consent (6-0, Cole-off dais)
C14-06-0006 (Training Room Sports, LLP: 13713 Research Boulevard/ 12611 Hymeadow Drive)	GR, I-RR to GR	2/21/06: Approved staff's recommendation of GR-CO by consent (8-0, T. Rabago-not yet arrived); J. Martinez-1 st , J. Pinnelli-2 nd .	3/23/06: Approved GR-CO zoning by consent (7-0); all 3 readings
C14-05-0043 (Warren Broz: U.S. Highway 183 North at Caldwell Drive)	SF-2 to GR	6/07/05: To approve GR-CO zoning; prohibiting all the uses offered by the applicant as follows: Bail Bond Services; Business or Trade School; Commercial Off-Street Parking; Communications Services; Financial Services; Food Sales; Funeral Services; Hotel – Motel; Indoor entertainment; Indoor Sports & Recreation; Outdoor Sports & Recreation;- Pawn Shop Services; Restaurant (General); Service Station; Theater; College	7/28/05: Approved GR-CO on three readings (7-0)

		& University Facilities; Counseling Services; Guidance Services; Hospital Services Limited; Public & Private, Primary & Secondary Education Services; Residential Treatment; Urban Farm. In addition, prohibit the following additional uses: Drop-Off Recycling Collection Facility; Exterminating Services; Automotive Rentals; Automotive Repair Services; Automotive Sales; Automotive Washing (of any type); Daycare Services (Commercial); Daycare Services (General); Daycare Services (Limited); Drive-through Services; and include the conditions set out by staff relative to a 2,000 vehicle trip limit and no curb cuts onto Caldwell until the pavement is improved (9-0); K. Jackson-1 st , J. Martinez-2 nd .	
--	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

RELATED CASES: N/A

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification
Hymeadow Drive	70'	46'	Collector

OTHER STAFF COMMENTS:Comprehensive Planning

Project Name and Proposed Use: 12325 HYMEADOW DR. C14-2022-0204. Project: Gemini School of Visual Art. 2995 sq ft from commercial offices to educational offices.

I-SF-2 to GO

Yes	Imagine Austin Decision Guidelines
	Complete Community Measures
	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center:
	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
Y	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.
Y	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	Connectivity and Education: Located within 0.50 miles from a public school or university.
	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
Y	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Mixed use: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
Y	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
5	Total Number of "Yes's"

Environmental

The site is located over the North Edwards Aquifer Recharge Zone. The site is in the Lake Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. It 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 Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

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.

At this time, site specific information is unavailable regarding 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.

Fire

There are currently no parkland requirements for uses other than residential and hotel. Given that the application is for trade/vocational school, there would not be parkland dedication requirements or parkland impacts at the time of site plan or subdivision.

Site Plan

Site plans will be required for any new development other than single-family, two-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 subject to compatibility standards due to the proximity of the SF-2 district to the east.

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

This tract is already developed and the proposed zoning change is a footprint within the existing development. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Transportation

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per [LDC 25-6-113].

The Austin Strategic Mobility Plan (ASMP) calls for 84 feet of right-of-way for HYMEADOW DR. It is recommended that 42 feet of right-of-way from the existing centerline should be dedicated for HYMEADOW DR according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
HYMEADOW DR	Local Mobility - Level 2	84 feet	59 feet	46 feet	No	Shared lane (on-street)	No

Water Utility

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 Austin Water for compliance with City criteria and suitability for operation and maintenance.

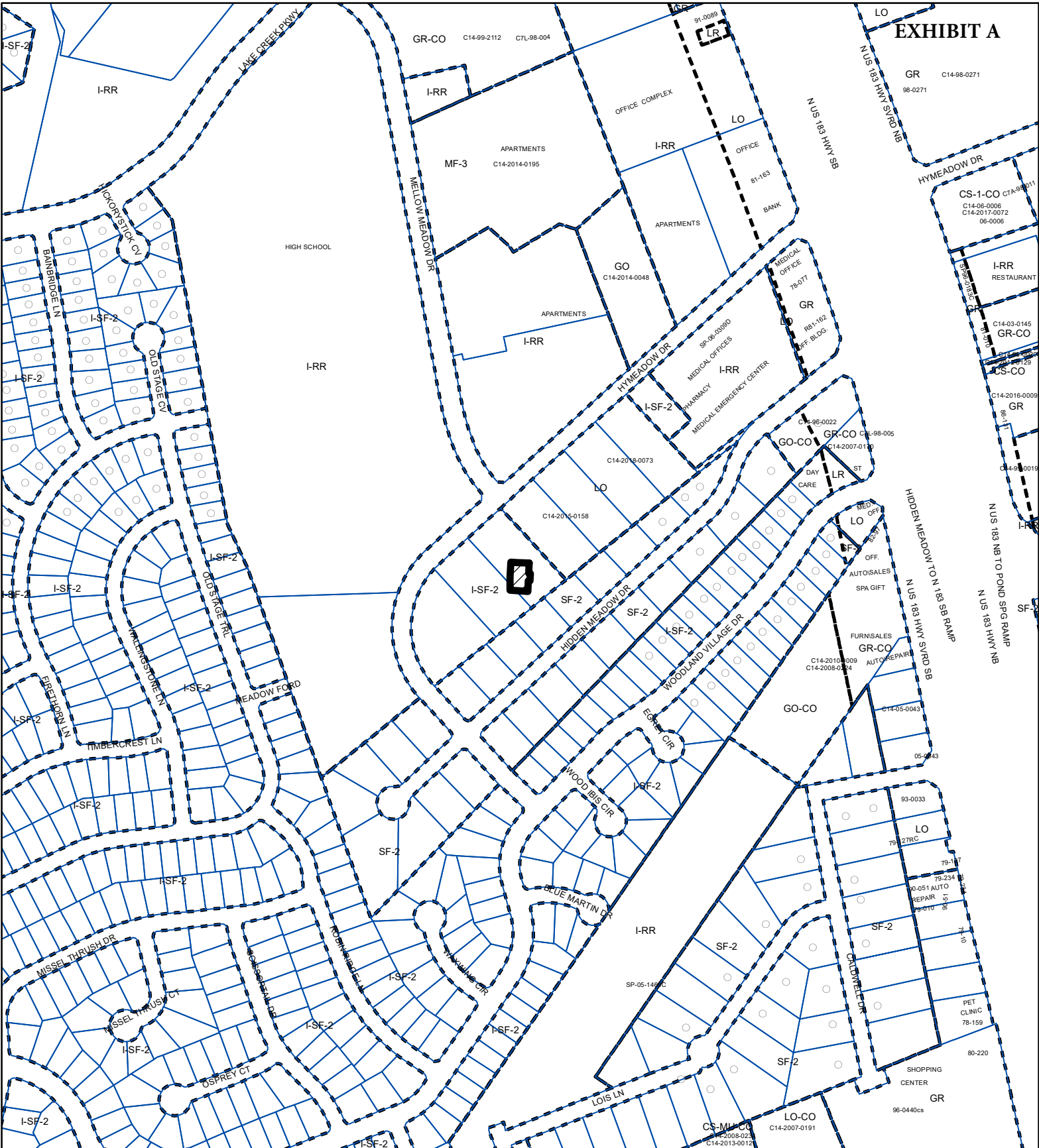
Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

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.

INDEX OF EXHIBITS TO FOLLOW

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter




EXHIBIT A



ZONING

ZONING CASE#: C14-2022-0204



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

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 the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 8/2/2022

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Ms. Sherri Sirwaitis
City of Austin
Housing & Planning Department

August 12th, 2022

Dear Ms. Sirwaitis,

Re: Case #C14-2022-0204 – Gemini School of Visual Arts

I am writing to request a zoning change for the above-mentioned case from I-SF-2, Interim Single-Family Residence-Standard Lot District, zoning to GO, General District, zoning.

Sincerely,



Colette Barcilon

President

From: Joseph Crawford
To: [Sirwaitis, Sherri](#)
Subject: Re: Permit/Case 2022-078539 ZC
Date: Friday, September 2, 2022 8:45:09 AM
Attachments: [image001.png](#)

*** External Email - Exercise Caution ***

Hello Ms. Sirwaitis - Below are my comments for the proposed zoning designation. Please confirm receipt and that these will be provided to the Commission in their backup materials. Thanks again for your assistance.

My name is Joe Crawford, my wife and I live in one of the three residential properties immediately adjacent to this tract. If the proposed use can be accomplished under Limited Office ("LO") zoning then I have no objection to allowing this art school on the property. College and University Facilities are conditionally allowed under LO zoning, but the proposed user is not a degree-offering institution so it would need a variance to be allowed here and I have no issue with that solution. I do object to the property being zoned General Office ("GO").

As geographical background, several LO-zoned properties separate this property from 183 on the East. It is otherwise surrounded by schools to the North and West and single-family residential properties to the South. The existing buildings of the property at issue appear also to comply with the height, use, and setback requirements of LO zoning.

GO zoning would open the door to more intrusive uses that would not follow the City's comprehensive zoning plan. First - this property exactly meets the description of LO zoning districts from the City's Zoning Guide:

"Limited Office district is the designation for an office use that serves neighborhood or community needs and **that is located in or adjacent to residential neighborhoods**. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that **the use is compatible and complementary in scale and appearance with the residential environment**.

This tract abuts three residential lots and so it is important that its development match the residential environment in scale and appearance. That is exactly why the LO zoning designation was created and this property should follow the City's comprehensive plan.

Next, the City has adopted 12 principles to organize discussion on zoning issues and when this application is reviewed with these principles in mind, the property must be zoned LO. It is a long list but the City has adopted these principles for this exact purpose so please do review each individually and ask yourself whether GO zoning or LO zoning is more appropriate.

1. Zoning should be consistent with the Future Land Use Map (FLUM) or adopted neighborhood plan.
 1. JRC Comment: Neither of these appears to apply to the property
2. Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning.

1. JRC Comment: Zoning this property as General Office would create an outlier on the street and result in spot zoning. The South side of this street abuts single family properties including my own. Between the property at issue and 183 there are several offices zoned limited office. No other property is zoned GO on that side of the block. There is no reason to designate this single property as GO instead of matching the rest of the similarly-situated properties which are all designated LO. There are many GO tracts within a quarter mile that serve any public need for denser office space.
3. Granting a request for zoning should result in an equal treatment of similarly situated properties.
 1. JRC Comment: This would be the only tract on the street that abuts single family residential property and is zoned GO.
4. Granting the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.
 1. JRC Comment: The proposed use is not itself an undesirable precedent, but other uses allowed by GO zoning would be undesirable adjacent to schools and neighborhoods. GO zoning allows general purpose hospital uses, rehab clinics, halfway houses and fast food restaurants. LO zoning allows some of these uses on a conditional basis which I would welcome, but the important difference is that they could be properly conditioned to ensure compatibility with all of the current uses in the area.
5. Zoning should allow for a reasonable use of the property.
 1. JRC Comment: The current use of the property appears to comply with the requirements of a limited office zoning designation so the zoning designation allows reasonable use of the property.
6. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.
 1. JRC Comment: The property is adjacent to limited office, high school, early education, and residential uses. General Office zoning would detrimentally impact the neighborhood character by allowing more intensive use and uses like general hospital, group home, and restaurant uses that are more properly located at least one tract away from residential lots.
7. Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.
 1. JRC Comment: Zoning this property as General Office would serve the exact opposite purpose as this principle requires. Moving east to west from 183 this property should be zoned Neighborhood Office in order to properly transition between the districts and uses. Zoning the property Limited Office, while not serving this principle exactly, would at least continue the buffer of limited-office properties on that block.
8. 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.
 1. JRC Comment: The property is located on a road that is used almost exclusively for school and neighborhood traffic. Retail and more intensive zoning are located towards the intersection of the two collectors, Lake Creek and 183 to the Northeast of the property.
9. The request should serve to protect and preserve places and areas of historical and cultural significance.

1. JRC Comment: Not applicable
10. Zoning should promote clearly identified community goals such as creating employment opportunities or providing for affordable housing.
 1. JRC Comment: A minimal increase in office space in a neighborhood would only increase employment opportunities if the lack of office space were creating unemployment. The addition of two stories of office space would not increase employment opportunities when demand for office space is at a low point.
11. A change in conditions has occurred within the area indicating that there is a basis for changing the originally established zoning and/or development restrictions for the property.
 1. JRC Comment: Not applicable.
12. The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission
 1. JRC Comment: The policies of the commission state that limited office districts are appropriate for an office **that is located in or adjacent to residential neighborhoods**, and the designation is **designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment**. This tract is adjacent to residential neighborhoods so it must get a zoning designation that will ensure that the use is compatible and complementary in scale and appearance with the residential environment.

Again I have no objection to allowing the proposed use on the property neighboring my house provided that it could be accomplished under Limited Office zoning. I would support any necessary variance with the Board of Adjustment to allow that use. My concern is that this will drive a stake in the ground and when more intensive uses are proposed in the future, my neighbors and I will not be given the chance to ensure that the uses are compatible with the adjacent school and residential tracts.

Please contact me at your convenience to discuss any questions or concerns you may have. Thank you for your service to the City and for reviewing these comments.

-Joe Crawford
10100 Hidden Meadow Dr.

On Thu, Aug 18, 2022 at 4:27 PM Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov> wrote:

Hi Mr. Crawford,

The applicant is requesting GO, General Office District, zoning to permit a Business or Trade School use (Gemini School of Visual Arts and Communications). Currently this property does not have a zoning designation. It was given an interim (I-SF-2) category upon annexation. However, it was never actually zoned. Therefore, to request permits the applicant needs a base district zoning to utilize a suite within the existing office building.

<https://www.austintexas.gov/page/zoning-resources-site-regulations>

The staff supports GO zoning for the existing office development at this location.

If you would like to submit comments for the Zoning and Platting Commission and the City Council's review, just send me an e-mail and I will include it with the backup material for the public hearings for this zoning case.

Sincerely,

Sherri Sirwaitis

City of Austin

Housing & Planning Department

sherri.sirwaitis@austintexas.gov

512-974-3057(office)



**HOUSING &
PLANNING**

Please note: E-mail correspondence to and from the City of Austin is subject to required disclosure under the Texas Public Information Act.

From: Joseph Crawford <> **Sent:** Thursday, August 18, 2022 9:11 AM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Subject: Permit/Case 2022-078539 ZC

*** External Email - Exercise Caution ***

Hello Ms. Sirwaitis,

My name is Joe Crawford, my wife and I bought the house at 10100 Hidden Meadow drive in May of this year. Our house shares a fence with the property at 12325 HYMEADOW DR, and I am trying to find information about the rezoning application listed in the subject line. Please let me know if there is a better way to ask questions or submit comments about the application.

Although we bought our house before the application was submitted, we are not listed as property owners in the application file so if any notifications have been sent to our address, the post office probably forwarded those to the previous owner.

I wanted to know first, will the proposed change be just for the school of visual arts or would it be permanent and apply to other uses? Our preference would be to have the school use approved conditionally to avoid more intrusive uses being allowed without further consideration. Also, is there a way for me to submit comments on the application before your office makes a recommendation?

I appreciate any help that you can provide.

Thanks,

Joseph Crawford

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.