

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0010 (9815 & 9817 Anderson Mill Rd.) DISTRICT: 6

ADDRESS: 9815 & 9817 Anderson Mill Road

ZONING FROM: LR-CO

TO: CS

SITE AREA: 1.149 acres

PROPERTY OWNER: Ramin & Jennifer Zavareh

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

STAFF RECOMMEDATION:

Staff recommends LR-CO, Neighborhood Commercial-Conditional Overlay Combining District, zoning. The conditional overlay will maintain the prohibition of Service Station and Drive-Through Services uses on the property.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:
April 4, 2023

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is currently developed with a vacant single family structure and a concrete pad (formerly a single family residence) surrounded by several large trees. There are religious assembly uses with surface parking areas, zoned LO-CO to the north (Bethany United Methodist Church) and south (Unity Church of the Hills). To the east there is a convenience storage use (Anderson Mill Self Storage) and office structures that are zoned SF-1 and LO. To the west there is the driveway for the Unity Church of the Hills, a single-family residence, a detention area, and an office building (Balcones Greene). In this case, the applicant is requesting to rezone these lots to CS so that he may develop retail uses at this location.

The staff recommends maintaining the LR-CO, Neighborhood Commercial-Conditional Overlay Combining District, zoning for this property because the existing zoning will permit the applicant the to provide a variety of low intensity commercial, office and civic uses will serve the surrounding residential areas. The proposed LR-CO zoning is consistent with development in this area because the site is located adjacent to LO-CO zoning to the north, south and west and SF-1 zoning to the east. The lots under consideration front onto Anderson Mill Road, a Level 3/minor arterial roadway. However, they do not have direct access to the driveway/traffic light to the west to that serves the Unity Church of the Hills. CS, the most intensive commercial zoning district, is not appropriate at this location because the site under consideration does not meet the intent of the CS district. This property is mid-block and is not located at the intersection of two major arterial roadways/highways. The surrounding land use designations consist of LR, LR-CO, LO-CO, RR and SF-1 zoning. Therefore, the staff's recommendation is consistent with the zoning patterns in this area. There is existing CS-MU-CO zoning on the north side of Anderson Mill Road further to the east. However, this zoning was based on a use that was approved in the county before the property was annexed by the city. Through zoning case C14-2008-0234 that property was limited to one CS use, Convenience Storage, and LO district uses.

The applicant does not agree with the staff's recommendation.

BASIS OF RECOMMENDATION:

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

Neighborhood Commercial district is intended for neighborhood shopping facilities which provide limited business service and office facilities predominately for the convenience of residents of the neighborhood.

Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

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

The proposed LR-CO zoning will promote consistency and orderly planning because the site is located adjacent to LO-CO zoning to the north, south and west and SF-1 zoning to the east. The lots under consideration front onto Anderson Mill Road. However, they do not have access to the driveway to the west to that serves the Unity Church of the Hills.

The staff recommends LR zoning for this site because this zoning district will allow for low intensity commercial, office and civic uses that will serve the surrounding residential areas.

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

LR-CO will allow for a reasonable use of the property in question. Neighborhood Commercial zoning is suitable for this site because it will allow for a transition in the intensity of commercial uses to office uses along Anderson Mill Road to the west.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-CO	Vacant Pad and Single-Family Residence
<i>North</i>	LO-CO	Religious Assembly (Bethany United Methodist Church), Surface Parking
<i>South</i>	LO-CO	Religious Assembly (Unity Church of the Hills)
<i>East</i>	SF-1	Convenience Storage (Anderson Mill Self Storage), Office Buildings
<i>West</i>	LO-CO, RR, LR-CO	Driveway to Church, Single-Family Residence, Detention Area, Office Building (Balcones Greene: Daren Evans DDS, First Photo Texas, Austin Mediation, etc.)

NEIGHBORHOOD PLANNING AREA: N/A

TIA: N/A

WATERSHED: Bull Creek

SCHOOLS: Round Rock I.S.D.

NEIGHBORHOOD ORGANIZATIONS:

Bull Creek Foundation
 Friends of Austin Neighborhoods
 Long Canyon Homeowners Association
 Long Canyon Phase II & III Homeowners Assn Inc.
 Mountain Neighborhood Association (MNA)

Neighborhood Empowerment Foundation
SELTexas
Sierra Club, Austin Regional Group
Spicewood Springs Road Tunnel Coalition
2222 Coalition of Neighborhood Associations, Inc.

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2013-0150 (Bethany United Methodist Church: 9908-10010 Anderson Mill Road)	I-RR to LO	1/21/14: Approved staff's recommendation of LO-CO zoning, with a CO to limit development on the site to less than 2,000 vehicle trips per day and a public RC for ROW dedication, by consent (5-0, J. Meeker & P. Seeger-absent); R. McDaniel-1 st , S. Compton-2 nd .	2/13/14: Approved LO-CO zoning on consent on 1 st reading (6-0, S. Cole-off dais); B. Spelman-1 st , C. Riley-2 nd . 5/15/14: Approved LO-CO zoning, with conditions, on consent on 2 nd /3 rd readings (7-0); B. Spelman-1 st , M. Martinez-2 nd .
C14-2013-0012 (Hooper Communities: 9710-9718 Anderson Mill Road)	CS-CO, I-RR to CS-MU-CO	6/04/13: Approved staff's recommendation of CS-MU-CO zoning with the following additional conditions agreed to by the applicant and the neighborhood as read into the record: 1) Under the 'MU' Combining District-prohibit civic uses, multi-family residential use and short-term rentals; 2) Limit the maximum height to two stories (30 ft.); 3) Limit the maximum density to 60 dwelling units or 12 per acre and 4) Note that the Buyer has agreed to prohibit 2nd floor open space (balconies) through a private restrictive covenant (6-0, G. Rojas-absent); P. Seeger-1 st , S. Compton-2 nd .	6/20/13 : Approved CS-MU-CO zoning on consent on all 3 readings (7-0); C. Riley-1 st , B. Spelman-2 nd .
C14-2008-0234 (ZFB, Ltd. Rezoning: 9710-9718 Anderson Mill Road)	I-RR to CS	4/07/09: Approved CS-CO zoning on consent (7-0)	6/11/09: Approved CS-CO zoning with the following conditions: 1) One story convenience storage as the only (CS) commercial services use, 2) Permit all other (LO) limited office type uses, 3) Require a 2,000 trip limitation per day. The additional permitted uses were as follows: art gallery and software development. A right-of-way of 114 feet for

			Anderson Mill Road if zoning is granted. Direction was given to staff to bring the item back for second and third readings on June 18, 2009. A friendly amendment was made by Council Member Morrison to add as additional conditional uses screening mechanical equipment on the roof and to have compatibility standard for screening and lighting. The friendly amendment was accepted by Council Member Leffingwell, the maker of the motion, and Council Member Shade, who seconded the motion. Vote: 6-0, S. Cole-absent); L Leffingwell-1 st , R. Shade-2 nd .
C14-2007-0191 (Anderson Mill Children's Courtyard Day Care: 9706 Anderson Mill Road)	DR to GR	11/20/07: Approved staff recommendation of LO-CO zoning, with a CO to limit the development intensity for the entire site to less than 2,000 vehicle trips per day and a street deed to dedicate 57 feet of right-of-way from the existing centerline of Anderson Mill Road (7-0, S. Hale-absent); J. Martinez-1 st , K. Jackson-2 nd , with the following additional conditions: 1) Prohibit the following uses: Urban Farm, Club or Lodge, College and University Facilities, Community Events, Community Recreation (Private), Community Recreation (Public), Congregate Living, Group Home, Class I (General), Group Home, Class I (Limited), Group Home, Class II, Hospital Services (Limited), Private Secondary Educational Facilities, Public Primary Educational Facilities, Public Secondary Educational Facilities, Residential Treatment, Safety Services; 2) Require a sound retarding fence to be constructed along the north property line adjacent	12/06/07: Approved ZAP recommendation of LO-CO zoning on Council Member Martinez' motion, Council Member Martinez' motion, Council Member Leffingwell's second (7-0); 1 st reading 1/31/08 : Approved LO-CO zoning with conditions by consent (7-0); 2 nd /3 rd readings

		to the single family residential property. (The applicant will be seeking a Board of Adjustment variance to provide a ten foot (10') sound retarding fence at this location. This requirement will be noted in a private restrictive covenant between the applicant and the neighborhood.); 3) Require an eight foot (8') sound retarding fence to be constructed along the side property lines for a minimum distance of 150-feet.	
C14-06-0002 (9815-9817 Anderson Mill Road)	SF-1 to LR	5/02/06: Approved LR-CO district zoning; limited to Financial Services, Pet Services, Restaurant (Limited), General Retail Sales (Convenience), and Personal Services as the only 'LR' district uses; permit all other 'LO' district uses, prohibit Drive-In Services, Food Sales, and Service Station uses; limit development intensity on the site to less than 2,000 vehicle trips per day (8-0, J. Martinez-absent)	6/08/06: Approved LR-CO district zoning by consent (7-0)
C14-05-0109		8/16/05: Approved staff's recommendation for LR-CO zoning (The CO will limit the development intensity for the entire site to less than 2,000 vehicle trips per day. In addition, if the requested zoning is granted, the staff also recommends that 57-feet of right-of-way should be dedicated in accordance with the Roadway Plan through a street deed.), with an added condition to prohibit Drive-Through Services, by consent (8-0, K. Jackson-absent)	9/29/05: Approved LR-CO by consent (7-0); all 3 readings
C14-02-0140	RR to SF-6	3/4/03: Approved SF-6-CO zoning with following conditions: 1) A fifteen-foot (15') vegetative buffer strip	4/03/03: Granted SF-6-CO on all 3 readings (5-0-2, Wynn and Goodman of dais)

		within the compatibility setback along the south and west property lines; 2) Fencing along the south and west property lines; 3) A unit limit of 12 residential units; (8-0, M. Whaley-absent)	
C14-02-0134	LR-CO to SF-6	9/24/02: Approved staff's recommendation of SF-6 zoning, by consent (5-0, D. Castaneda, B. Baker- absent)	10/24/02: Granted SF-6 on 1st reading – Staff to report back on flooding complaints: What has been done and what the applicant can do to help mitigate the situation. (5-0, Garcia-off dais, Dunkerley- absent) 2/27/03: Approved (7-0); 2 nd /3 rd readings
C14-01-0142	RR, SF-1 to LR	1/22/02: Approved staff's rec. on LR-CO zoning. (8-0, A. Adams-absent)	2/28/02: Approved LR-CO zoning by consent on first reading (6-0-1, Thomas-off dais) 3/21/02: Approved LR-CO (7-0); 2 nd /3 rd readings.
C14-99-2033	RR to LO	10/05/99: Approved LO-CO allowing only 'NO' uses w/ 'LO' site regulations (8-0)	11/04/99: Approved PC rec. of LO-CO on 1 st reading (6-0); subject to current watershed regulations 3/30/00: Approved 2 nd / 3 rd readings (6-0)
C14-98-0267	I-RR to GR	3/02/99: Approved staff rec. of LR-CO (5-3, BB/ JM/ RV-Nay)	4/01/99: Approved PC rec. of LR-CO w/ conditions (6-0), 1 st reading 5/06/99: Approved LR-CO w/ conditions (7-0); and/ 3 rd readings
C14-98-0196	SF to GO	12/08/98: Approved LO (8-0)	1/07/99: Approved PC rec. of LO w/ conditions (7-0); 1 st reading 2/04/99: Approved LO (7-0); 2 nd / 3 rd readings
C14-98-0135	I-RR to GR	10/27/98: Approved staff rec. of GR-CO w/ conditions: 50' greenbelt maintained w/ no impervious cover (6-0)	12/03/98: Approved PC rec. of GR-CO w/ conditions (6-0), 1 st reading 2/11/99: Approved GR-CO w/ conditions (6-0); 2 nd / 3 rd readings

RELATED CASES:

C14-06-0002 - Previous Rezoning Case

EXISTING STREET CHARACTERISTICS:

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)
Anderson Mill Road	Level 3/Minor Arterial	116 feet	~ 91 feet	~51 feet	Yes, on one side of street	No	No

OTHER STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 9815 and 9817 ANDERSON MILL RD. C14-2023-0010.
1.149 acres from LR-CO to CS. Office to Retail

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:
Y	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.
	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.
	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.
4	Total Number of "Yes's"

Environmental

The site is located over the North Edwards Aquifer Recharge Zone. The site is in the Bull Creek Watershed, which is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code. It is not 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.)	30%	40%
One or Two Family Residential (lot size < 5750 sq. ft.)	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

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

No comments.

Parks and Recreation

Parkland dedication fees may apply to any future site or subdivision applications resulting from this rezoning. As of January 1, 2023, new commercial uses, including retail, are subject to parkland dedication requirements at the time of site plan and subdivision.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

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

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.

Transportation

The Austin Strategic Mobility Plan (ASMP) calls for 116 feet of right-of-way for Anderson Mill Road. It is recommended that 58 feet of right-of-way from the centerline should be dedicated according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

Water Utility

No comments on Zoning change.

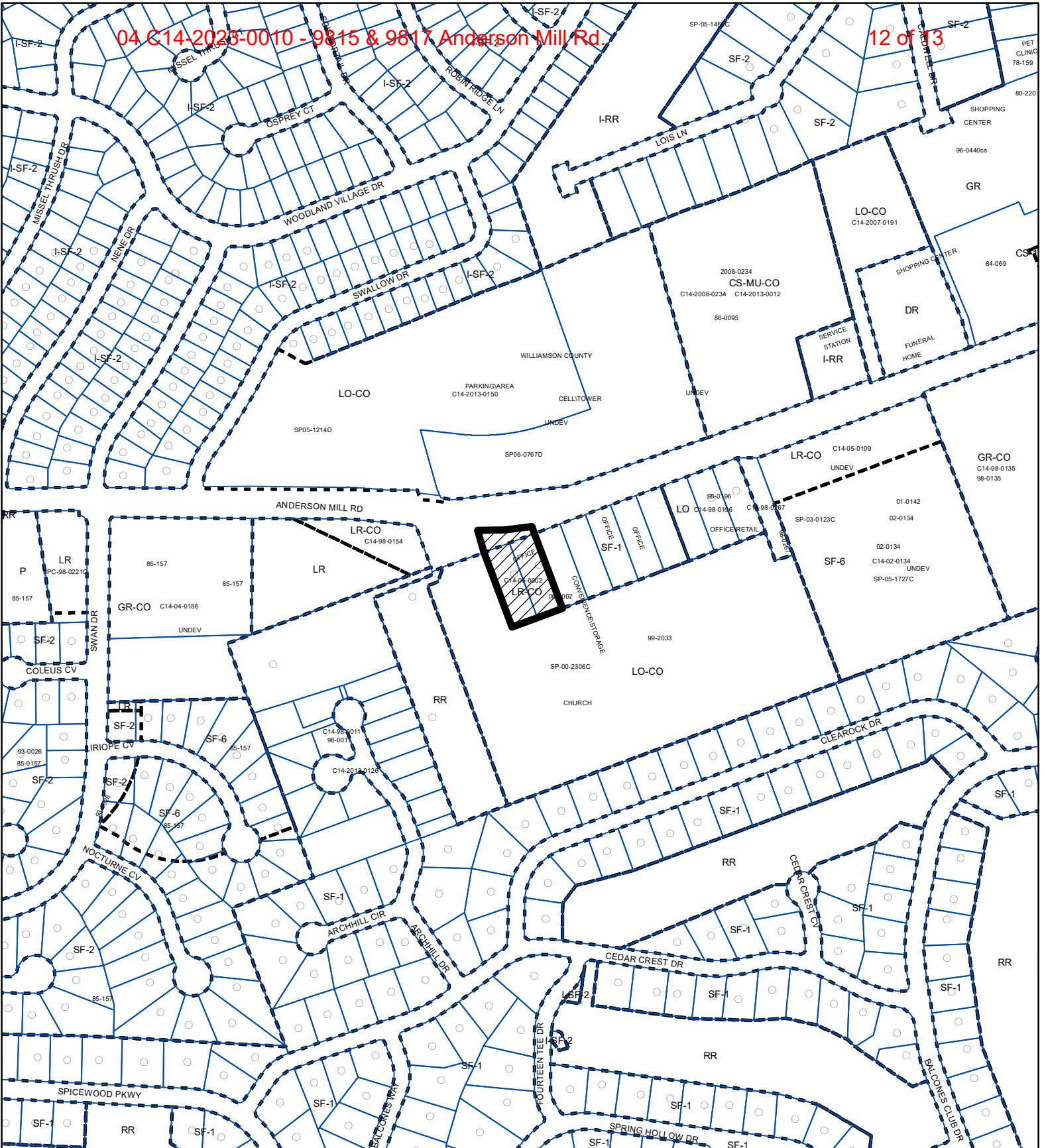
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water 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



ZONING

ZONING CASE#: C14-2023-0010



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.

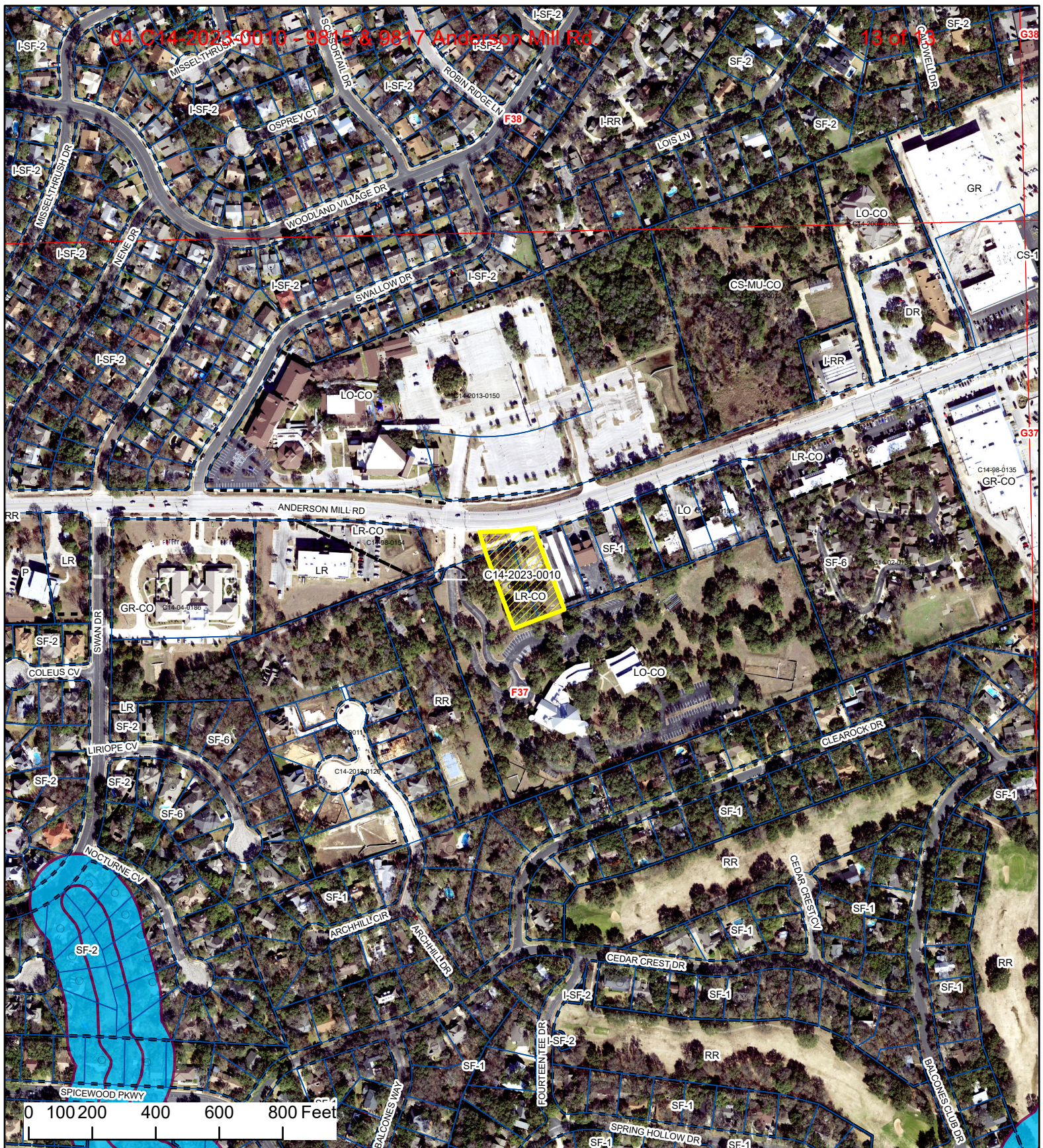
This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 2/6/2023

04 C14-2023-0010 - 9815 & 9817 Anderson Mill Rd.

13 of 13



9815 & 9817 Anderson Mill Rd.

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

ZONING CASE#: C14-2023-0010
LOCATION: 9815, 9817 Anderson Mill Rd
SUBJECT AREA: 1.149 Acres
GRID: F37
MANAGER: Sherri Sirwaitis



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.

Created: 3/8/2023

Additional backup may be posted at the following link:

[Meetings of the Zoning and Platting Commission - Page 1 | AustinTexas.gov](#)