

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2007-0191 (Anderson Mill Children's Courtyard Day Care)

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 9706 Anderson Mill Road from DR, Development Reserve District, zoning to LO-CO, Limited Office-Conditional Overlay District, zoning.

The ordinance and street deed reflect the conditions imposed by Council on 1st reading.

PROPERTY OWNER: Sundance Southwest Development, LLC (Carl E. Greer)

AGENT: Vaughn & Associates (Rick Vaughn)

DEPARTMENT COMMENTS:

The property in question is undeveloped and moderately vegetated. The applicant originally requested GR, Community Commercial District, zoning because they would like to develop the property with a day care facility.

The staff recommends LO-CO zoning for this property because this district will allow for office/commercial uses that will serve the surrounding residential areas. LO zoning will create a transition in the intensity of commercial uses to office uses along Anderson Mill Road to the west away from U. S. Highway 183 North.

The applicant agrees with the City Council's recommendation at 1st reading.

DATE OF FIRST READING/VOTE:

December 6, 2007 / Approved ZAP recommendation of LO-CO zoning on Council Member Martinez' motion, Council Member Leffingwell's second (7-0); 1st reading

CITY COUNCIL DATE: January 31, 2008

CITY COUNCIL ACTION:

ASSIGNED STAFF: Sherri Sirwaitis

PHONE: 974-3057

sherri.sirwaitis@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0191

Z.A.P. DATE: November 6, 2007
November 20, 2007

ADDRESS: 9706 Anderson Mill Road

OWNER/APPLICANT: Sundance Southwest Development, LLC (Carl E. Greer)

AGENT: Vaughn & Associates (Rick Vaughn)

ZONING FROM: DR

TO: GR

AREA: 2.73 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is to grant LO-CO, Limited Office-Conditional Overlay District, zoning. The conditional overlay 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 from the existing centerline of Anderson Mill Road in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55)

ZONING AND PLATTING COMMISSION:

11/06/07: Postponed to November 20, 2007 by the neighborhood (7-0, S. Hale-absent); J. Martinez-1st, T. Rabago-2nd.

11/20/07: Approved staff recommendation of LO-CO (7-0, S. Hale-absent); J. Martinez-1st, K. Jackson-2nd, 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 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.

DEPARTMENT COMMENTS:

The property in question is undeveloped and moderately vegetated. The applicant is requesting GR, Community Commercial District, zoning because they would like to develop the property with a day care facility.

The staff recommends LO-CO zoning for this property because this district will allow for office/commercial uses that will serve the surrounding residential areas. LO zoning will create a transition in the intensity of commercial uses to office uses along Anderson Mill Road to the west away from U. S. Highway 183 North.

The applicant agrees with Zoning and Platting Commission's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	Undeveloped Tract
<i>North</i>	SF-2	Single-Family Residential Neighborhood
<i>South</i>	DR, LR-CO	Funeral Home, Undeveloped Tract (with vacant concrete slab where day care facility used to be)
<i>East</i>	GR	Retail Shopping Center
<i>West</i>	County	Undeveloped Tract, Service Station

AREA STUDY: N/A

TIA: Waived

WATERSHED: Bull Creek

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

2 - Acres West Homeowners Association
 157 - Courtyard Homeowner Association
 269 - Long Canyon Homeowners Association
 281 - Anderson Mill Neighborhood Association
 425 - 2222 Coalition of Neighborhood Associations
 426 - River Place Residential Community Association, Inc.
 475 - Bull Creek Foundation
 786 - Home Builders Association of Greater Austin
 1037- Homeless Neighborhood Organization

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0002	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 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)	4/03/03: Granted SF-6-CO on all 3 readings (5-0-2, Wynn/Goodman of dias)
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 s been done and what the applicant can do to help

			mitigate the situation. (5-0, Garcia-off dias, 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 dias) 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: There are no related zoning cases.

ABUTTING STREETS:

NAME	ROW	PAVMENT	CLASSIFICATION	DAILY TRAFFIC
Anderson Mill Road	100'	50'	Major Arterial	N/A

CITY COUNCIL DATE: December 6, 2007

ACTION: Approved ZAP recommendation
of LO-CO zoning on Council Member
Martinez' motion, Council Member
Leffingwell's second (7-0); 1st reading

January 31, 2008

ACTION:

ORDINANCE READINGS: 1st 12/6/07

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us

STAFF RECOMMENDATION

The staff recommendation is to LO-CO, Limited Office-Conditional Overlay District, zoning. The conditional overlay 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 from the existing centerline of Anderson Mill Road in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55)

BASIS FOR RECOMMENDATION

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

Limited office (LO) 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.

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

The proposed zoning will promote consistency and orderly planning because it will create a transition in allowable uses from the existing service station and funeral home uses to the south fronting Anderson Mill Road to the single-family residential neighborhood to the north.

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

In addition, Limited Office 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 away from U.S. Highway 183 North.

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

The LO-CO zoning district would allow for a fair and reasonable use of the site. LO zoning is appropriate for this tract of land because it will permit the development of a day care facility adjacent to existing residential uses (SF-2 zoning) to the north.

EXISTING CONDITIONS

Site Characteristics

The property in question is a grassy, moderately vegetated tract of land. To the north, there are single-family residential uses. To the east there is a retail shopping center fronting U. S. Highway 183. The land to the south is developed with a funeral home. The property to the west consists of an undeveloped tract of land and a service station use.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90 %. However, because the Watershed impervious cover is more restrictive than the GR 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:

Walnut Creek Watershed (Suburban)

Development Classification	% of Net Site Area	% NSA with Transfers
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%

Bull Creek Watershed (Water Supply Suburban)

Development Classification	% of Net Site Area	% NSA with Transfers
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Environmental

The site is located over the North Edward's Aquifer Recharge Zone. This site lies over the divide between the Walnut Creek and Bull Creek Watersheds, which are classified as Suburban and Water Supply Suburban watersheds, respectively, by Chapter 25-8 of the City's Land Development Code. These distinct watersheds respectively fall into the Desired Development Zone and Drinking Water Protection Zone.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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 existing trees and 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 on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

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

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species in conjunction with subdivision and/or site plan process.

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 114 feet of right-of-way for Anderson Mill Road. If the requested zoning is granted, then 57 feet of right-of-way should be dedicated from the existing centerline of Anderson Mill Road in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55)

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]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Bicycle Plan	Sidewalks	Capital Metro
Anderson Mill Rd	100'	45'	Arterial	No	No	Yes

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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and or abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

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 stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Compatibility Standards

This site will be subject to commercial design standards. Anderson Mill Road is the principle street and is classified as suburban roadway.

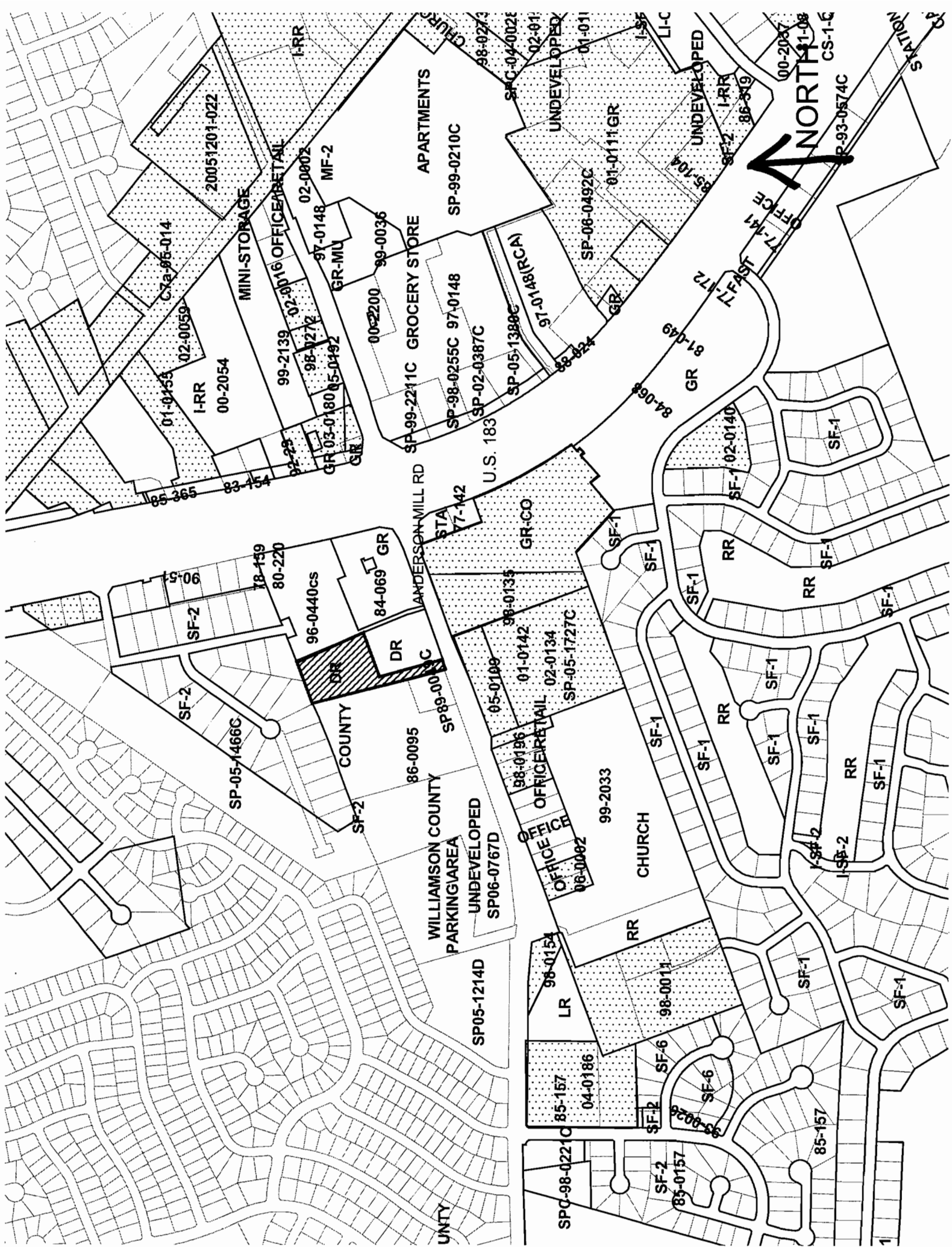
The site is subject to compatibility standards. Along the North property line, the following standards apply:

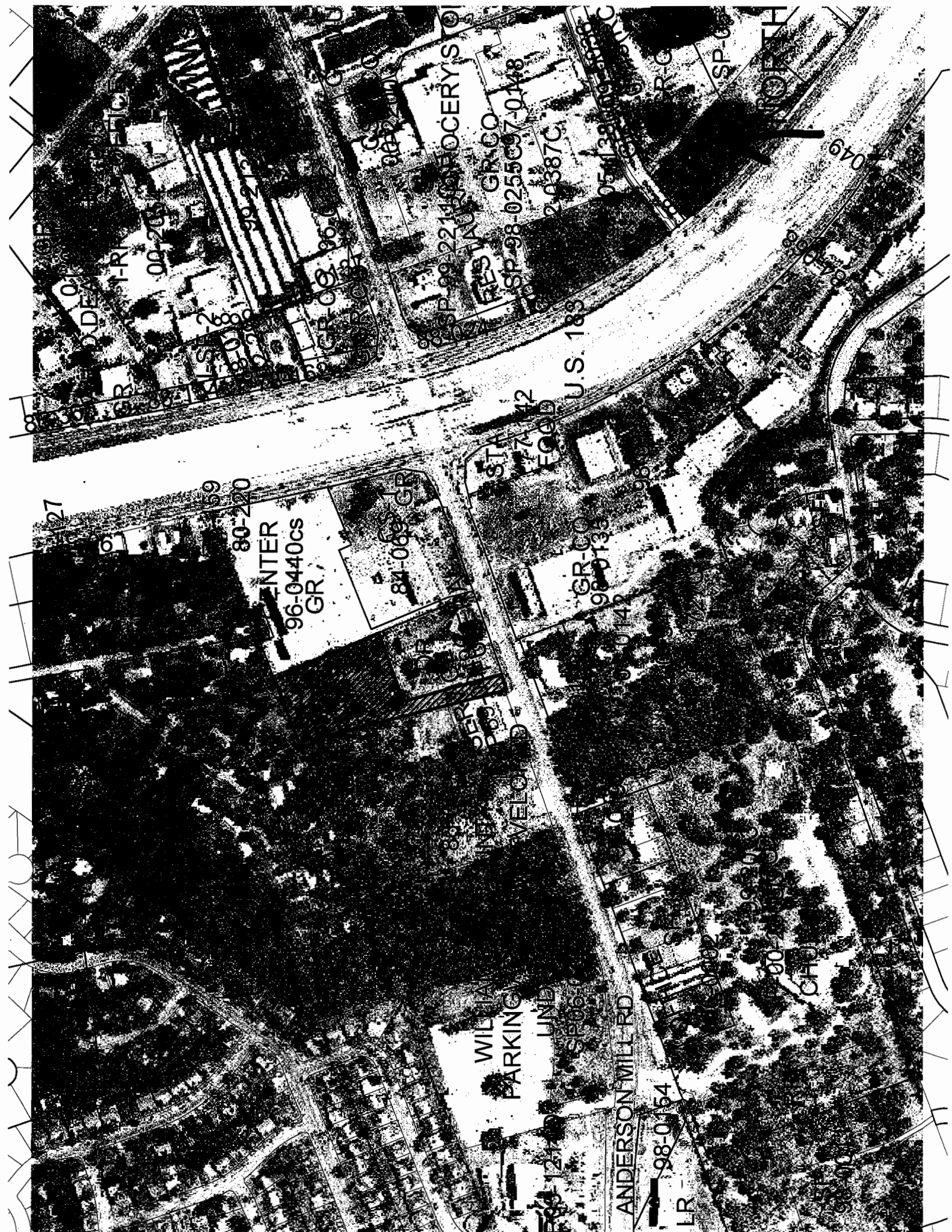
- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

- 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 ____ 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.

The site must comply with the ordinance requirements for compatibility standards or receive a waiver from the Land Use Commission. Any waivers of required setbacks to less than five feet will require Board of Adjustment approval. [Section 25-2-1081].







Vaughn & Associates

November 19, 2007

Mr. & Mrs. Carl Snow
13510 Caldwell Dr.
Austin, TX 78750

Re: Anderson Mill Children's Courtyard Day Care, C14-2007-0191

Dear Mr. & Mrs. Snow,

As representative of the owner of the above named property I would like to thank you for allowing us to meet at your home to discuss the proposed zoning request. As we discussed the owner of the property has agreed to accept the City of Austin's staff recommendations of **Limited Office (LO)** zoning for the site with the conditions listed below:

1. The following uses are too be excluded from the approved list.

- *URBAN FARMS*
- *CLUB OR LODGE (C)*
- *COLLEGE AND UNIVERSITY FACILITIES (C)*
- *COMMUNITY EVENTS (8)*
- *COMMUNITY RECREATION (PRIVATE) (C)*
- *COMMUNITY RECREATION (PUBLIC) (C)*
- *CONGREGATE LIVING (C)*
- *GROUP HOME, CLASS I (GENERAL)*
- *GROUP HOME, CLASS I (LIMITED)*
- *GROUP HOME, CLASS II (C)*
- *HOSPITAL SERVICES (LIMITED) (C)*
- ~~*PRIVATE PRIMARY EDUCATIONAL FACILITIES*~~
- *PRIVATE SECONDARY EDUCATIONAL FACILITIES (C)*
- *PUBLIC PRIMARY EDUCATIONAL FACILITIES*
- *PUBLIC SECONDARY EDUCATIONAL FACILITIES*
- *RESIDENTIAL TREATMENT (C)*
- *SAFETY SERVICES*

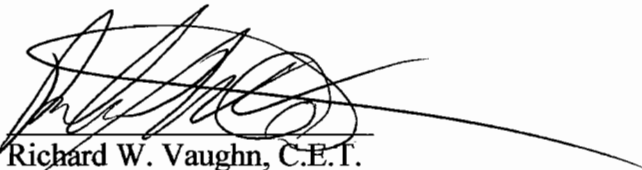
2. A ten foot (10') sound retarding fence shall be constructed along the north property line adjacent to the single family residential property. Special care shall be taken to preserve large diameter trees along said property line.
3. A ~~ten~~^{eight} foot (8') sound retarding fence shall be constructed along the side property lines for a minimum distance of 150 feet.
4. Additional meetings will be scheduled, at your convenience, to review the site plan and discuss the detention and water quality facilities proposed for the site.

We will be working with Brett Hardeman on the trees, bushes and vines to be planted along his side of the wall. Brett has sent me an e-mail as to what he would like to see in general. We will work with the owner and landscape architect, Anne Young to finalize at least the plant list at this time.

The case is scheduled to have a public hearing before the Zoning and Platting Commission on Tuesday November 20, 2007, at 6:00 PM.

If you have any questions, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard W. Vaughn', with a long horizontal line extending from the end of the signature.

Richard W. Vaughn, C.E.T.
Principal

Sirwaitis, Sherri

From: [REDACTED]
Sent: Friday, January 18, 2008 7:57 AM
To: Sirwaitis, Sherri
Subject: C14-2007-0191 - Anderson Mill Children's Courtyard Day Care

Dear Ms. Sirwaitis

I just heard about a new day care center planned for Anderson Mill road near Hwy 183, and that you are voting on it this month. I want you to know that I definitely support the need for a new daycare center...there are tons of kids in the nearby neighborhoods, and it's hard to find openings.

BUT...please make sure that something is done to address the DANGEROUS stopping and turns that will be necessary to come and go from the location. Anderson Mill is the main cut through from 620 to 183. There are no turn lanes in this section of the road, traffic is very heavy, and vehicles move FAST.

If the entry is going to be where the developer's sign is, it's right over a rise in the road and visibility is bad. Almost all of the residential neighborhoods that will use a new daycare at this location are west of the site, which means they have to turn left across two lanes of traffic to drop kids off in the morning. Most of the people then need to go on towards Hwy 183 to get to work, so then it will be really crazy... they will have to turn left across two lanes of traffic, into VERY HEAVY inbound morning traffic, to get to 183.

At the least, they have to put in a center turn lane here. Better yet would be a traffic light. If you didn't live out here, you may not get this (the developer probably doesn't even know how bad it is), but ask anyone who drives this route and they will tell you it would be a daily risk to kids and Moms to pull in and out of there.

Please make sure that you make this part of the plans for the daycare.

Sincerely,

Kelly Keese

1/18/2008

Sirwaitis, Sherri

From: [REDACTED]
Sent: Friday, January 18, 2008 9:56 AM
To: Sirwaitis, Sherri
Cc: [REDACTED]
Subject: Anderson Mill Day Care - C14-2007-0191

Dear Mr. Mayor and Ms. Sirwaitis and Ms. Jain

I heard from my neighbors yesterday about the new day care center going in at 9700 Anderson Mill. We all agreed that more daycare space is good for this area, but something needs to be done about the danger situation there before a day care gets built on that side of the road. The old daycare used to be across the street from this, so it was easy for people coming in towards 183 to drop off kids and get right back into traffic. This new location means that people will have to stop in the middle of Anderson Mill Road (with no turn lane) and turn across oncoming traffic to get in there. Then to leave and get to 183 you'll have to try to pull out across two lanes of fast traffic (it's 45 through there) and get into the huge traffic coming down Anderson Mill (it's also 45, but people go 50 – 55 because they're coming down the hill), which is impossible in the morning. If you don't believe me, come out here in the morning and try pulling into the Valero station (right next to where the daycare is going to go). You can't get back out unless you turn right, go a half mile back up the road to the traffic signal, turn in by the elementary school, and then make a U-turn in front of the school (dangerous) and then come back down Anderson Mill.

I saw on your website that a traffic impact analysis is waived but that's wrong because they need to extend the turn lane in front of there if they're going to build the daycare. Right now, it stops at the funeral home. The county says that someday the whole road will expand through here just like they have done everywhere else along Anderson Mill except right here, but they don't have any money or any plan to do it. We want the daycare, but people will sign up and they won't know how dangerous this is until they start going and they won't really be able to stop going because there aren't enough other daycare places around here, so they're just going to try to make these turns every morning and SOMEONE IS GOING TO GET HURT or worse.

They need to connect the daycare to Valero and put a stop light in at Valero which is also across from the shopping center which is where everyone wants to turn anyway, then you could get to the daycare, the gas station and the shopping center all without risking your neck every day.

You need to come see what I'm talking about before you finish this plan. It says that the assigned staff for NPZ transportation approved it but I can't believe they actually saw this in the morning and think it could be safe the way it is.

Thank you.

John Walker

Start the year off right. Easy ways to stay in shape in the new year.

1/18/2008