

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2008-0151

**Z.A.P. DATE:** September 2, 2008  
September 16, 2008

**CC DATE:** November 6, 2008  
December 11, 2008

**ADDRESS:** 11777 Jollyville Road

**OWNER/APPLICANT:** Bary Chiropractic (Garrett Bary)

**AGENT:** Thrower Design (Ron Thrower)

**ZONING FROM:** SF-2      **TO:** GR-MU      **AREA:** 0.34 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is deny the applicant's request for GR-MU, Community Commercial Services district, zoning.

If the Commission or City Council approve commercial zoning at this location, then the staff would recommend that the conditions of the Neighborhood Traffic Analysis (NTA) be adopted as part of their recommendation (Please see NTA Memorandum-Attachment A).

### **ZONING AND PLATTING COMMISSION:**

9/2/08: Postponed to September 16, 2008 at the neighborhood's request (5-0, T. Rabago, R. Evans-absent)

9/16/08: Recommended denial of the applicant's amended re-zoning request (6-1, K. Jackson-No); T. Rabago-1<sup>st</sup>, J Gohil-2<sup>nd</sup>.

### **ISSUES:**

On April 23, 2008, two complaints were filed with the City of Austin Code Enforcement Division citing that the applicant was in the process of making an illegal curb cut and pouring a driveway onto Jollyville Road and that he was building a parking lot at the location within a residential area (Summary of Case Reports – Attachment B). An inspector visited the site and found that the property addressed as 11801 Highland Oaks Trail had all of the required permits and therefore no violations were found. These cases have been cleared and closed by the inspector.

**DEPARTMENT COMMENTS:**

The property in question is currently developed with a single-family residence and that fronts onto Highland Oaks Trail. The applicant is requesting GR-MU, Community Commercial-Mixed Use District, zoning because he would like to convert the existing structure into a chiropractic office (medical office use).

The staff recommends denial of the applicant's request because this tract of land is situated at the entrance to a single-family residential neighborhood and is located adjacent to SF-2 zoning to the north, east and west. The site does not meet the intent of the GR-MU zoning district because the property and the existing residential structure front onto Highland Oaks Trail, a local residential street. The proposed zoning request would be considered spot zoning as there is not a precedent for GR-MU zoning in this area. The property in question is located within a single-family residential neighborhood and is surrounded by single-family houses on three sides. The applicant does not agree with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-2	Single-Family Residence
<i>North</i>	SF-3	Single-Family Residences
<i>South</i>	LO	Office (Foxglove Executive Suites)
<i>East</i>	SF-2	Single-Family Residences
<i>West</i>	SF-2	Single-Family Residences

**AREA STUDY:** U.S. 183/Jollyville Road Area Study

(This Area Study designates the property in question for single-family district uses. The U.S. 183 Study was approved by the City Council in November of 1978. The Area Study recommended that a 120-foot deep strip of land along Jollyville Road be zoned "O" Office zoning (which was converted to LO, Limited Office, in 1985) and that a 200 foot strip of land along the west side of Jollyville Road be zoned "A" Residence (which was converted to SF-3, Family Residence, in 1985). The policy of a 120-foot strip buffer of LO zoning along the east side of Jollyville Road has been consistently applied to date. The policy of SF-3 on the west side of Jollyville Road was never approved or implemented, and today the west side of Jollyville Road is primarily zoned office and multi-family, with the majority of office zoning being LO zoning. The recommendation for a 120-foot strip of LO zoning along the eastern portion of Jollyville Road was incorporated into the Jollyville Road Study, which was adopted in 1984).

**TIA:** Not required

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**REGISTERED NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
Bull Creek Foundation  
Homebuilders Association of Greater Austin  
Homeless Neighborhood Association  
Long Canyon Homeowners Association  
North Oaks Neighborhood Association  
River Place Residential Community Association, Inc.  
Summit Oaks Sec 2 Neighborhood Association  
2222 Coalition of Neighborhood Associations

**SCHOOLS:**

North Oaks Elementary School  
Canyon Vista Middle School  
Anderson High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2007-0148	SF-2, LO to LO	10/02/07: Approved staff's recommendation for LO-CO zoning with 35' height limit (6-0, C. Hammond, B. Baker-absent); J. Shieh-1 <sup>st</sup> , K. Jackson-2 <sup>nd</sup> .	11/08/07: Approved LO-CO zoning (7-0); all 3 readings
C14-2007-0123	SF-2 to GR-MU*  The applicant amended their rezoning request to LR-MU-CO	10/02/07: Approved staff's recommendation for LO-MU-CO zoning (6-0, B. Baker, C. Hammond-absent); K. Jackson-1 <sup>st</sup> , T. Rabago-2 <sup>nd</sup> .	11/08/07: Approved ZAP recommendation of LO-MU-CO zoning (6-1, J. Kim-No)  11/29/07: Approved LO-MU-CO zoning by consent (5-0, J. Kim, M. Martinez-off dais)
C14-2007-0082	LO, LR to GR-MU	7/17/07: Approved staff's recommendation of GR-MU-CO zoning with added prohibition of Automotive Sales, Automotive Rentals, Automotive Repair, Automotive Washing (of any type) and Pawn Shops uses (8-0)	8/23/07: Approved GR-MU-CO zoning on all 3 readings (7-0)
C14-2007-0081	LR-CO to Tract 1: LO, Tract 2: GR-MU	7/17/07: Approved staff's recommendation of LO-CO zoning for Tract 1 and GR-MU-CO zoning for Tract 2 with added prohibition of Automotive Sales, Automotive Rentals, Automotive Repair, Automotive Washing (of any type)	8/23/07: Approved LO-CO and GR-MU-CO zoning on all 3 readings (7-0)

		and Pawn Shops uses (8-0)	
C14-06-0172	<p>LO to <b>Tract 1</b>(1.570 acres): GR-MU (for 866 to 896 ft above sea level) and MF-6 (for 896 to 986 ft above sea level)</p> <p><b>Tract 2</b>( 0.424 acres): LO-MU (an area 120 ft in depth on the site from the property line along Jollyville Road)</p>	<p>10/17/06: Approved GR-MU-CO zoning on Tract 1 for an area 866 to 896 ft above sea level and MF-6-CO zoning for an area 896 to 926 ft above sea level; with conditions of a 60-foot height limit and 2,000 vehicle trip limit and approved LO-MU-CO zoning on Tract 2; with conditions of 2,000 vehicle trip limit, limit site to 'LO' district uses and residential accessory uses (prohibiting dwelling units). Vote: 9-0; K. Jackson-1<sup>st</sup>, J. Martinez-2<sup>nd</sup>.</p> <p>1/09/07: Approved staff rec. of GR-MU-CO zoning for Tract 1 and LO-CO zoning for Tract 2, with a 2,000 vehicle trip limit per tract (6-0, B. Baker, S. Hale, J. Martinez-absent); J. Pinnelli-1<sup>st</sup>, C. Hammond-2<sup>nd</sup>.</p>	1/25/07: Approved GR-MU-CO for Tract 1 and LO-CO for Tract 2 (6-0); all 3 readings
C14-06-0013	<p>GR, SF-2 to MF-6*</p> <p>*On 4/27/06, the agent requested to amend the case to allow for a 65 foot strip of SF-3 zoning along the southeast property line.</p>	<p>5/02/06: Motion to approve MF-6-CO zoning, with a 60 foot height limit, and SF-3 zoning for an area 65 feet from the southeastern property line (5-3, B. Baker, M. Hawthorne, C. Hammond-No, J. Martinez-absent); K. Jackson-1<sup>st</sup>, B. Baker-2<sup>nd</sup>.</p> <p>Motion made to rescind and reconsider previous action (8-0, J. Martinez-absent); K. Jackson-1<sup>st</sup>, B. Baker-2<sup>nd</sup>.</p> <p>Motion to deny the applicant's request for MF-6 zoning (6-2, J. Gohil, S. Hale-No, J. Martinez-absent); K. Jackson-1<sup>st</sup>, J. Pinnelli-2<sup>nd</sup>.</p>	6/22/06: Case withdrawn by applicant
C14-02-0088	LO to LR-CO	6/18/02: Approved staff's recommendation of LR-CO zoning, by consent (8-0, A. Adams-absent)	7/18/02: Approved LR-CO, prohibiting the following uses as offered by the applicant: Restaurant (Drive-in, Fast Food), Service Station, Counseling Services, Guidance Services, and Safety Services(7-0); all 3 readings
C14-01-0160	LO to GO	Withdrawn by applicant on 12/14/01	N/A
C14-99-0040	SF-2 to GO	4/06/99: Approved staff rec. of LO (9-0)	5/06/99: Approved PC rec. of LO (6-0); all 3 readings

C14-97-0118	SF-2 to SF-3	10/07/97: Approved staff's rec. of SF-3 (8-0)	11/06/97: Approved PC rec. of SF-3 (7-0); all 3 readings
C14-97-0067	LO, SF-2 to LO	7/22/97: Approved staff rec. of LO by consent (8-0)	8/21/97: Approved LO (5-0); all 3 readings
C14-93-0141	SF-2 to GR	11/16/93: Approved LO and GR-CO: On Tract 2 - General Retail Sales (General and Convenience) uses shall be a max FAR of 13,269 sq. ft.; Restaurant (Drive-in, Fast Food) use shall be a max FAR of 3,163 sq. ft.; Restaurant (General) use shall be a max FAR of 9,735 sq. ft.; Food Sales use shall be a max FAR of 11,259 sq. ft.; Financial Services use shall be a max FAR of 11,500 sq. ft.	12/02/93: Approved LO and GR-CO (7-0); all 3 readings
C14-93-0070	LO to LI-PDA	7/20/93: Approved LI-PDA (9-0)	8/05/93: Approved LI-PDA (6-0); 1 <sup>st</sup> reading  12/16/93: Approved LI-PDA 6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** N/A

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Jollyville Road	100'	60'	Arterial	No	392, 982, 983	Priority 1
Highland Oaks Trail	50'	30'	Local	No	No	No

**CITY COUNCIL DATE:**

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)

## **STAFF RECOMMENDATION**

The staff's recommendation is deny the applicant's request for GR-MU, Community Commercial Services district, zoning.

## **BASIS FOR RECOMMENDATION**

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

The Community Commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The purpose of the Mixed Use (MU) Combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

**The proposed zoning is not consistent with the purpose statement of the GR-MU district. While the applicant has requested a reassignment for the address for this property to Jollyville Road, the actual structure fronts onto Highland Oaks Trail, a local residential street. The proposed zoning request would be considered spot zoning as there is not a precedent for GR-MU zoning in this area. The property in question is located at the entrance to a single-family residential neighborhood and is surrounded by single-family houses on three sides.**

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

The proposed zoning does not promote consistency and orderly planning because the lot under consideration is developed with a single-family home that is oriented to Highland Oaks Trail. The property is surrounded by single-family uses and SF-2 zoning to the north, east and west.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site under consideration is currently developed with a single-family residence that fronts onto Highland Oaks Trail. The applicant recently paved over the majority of the backyard and put in a driveway access to Jollyville Road.

### **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 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 Net Site Area</i>	<i>% 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%

### **Environmental**

The site is located over the North Edward's Aquifer Recharge Zone. The site is in the Desired Development 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.

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.

### **Transportation**

No additional right-of-way is needed for Jollyville Road 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]

A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo (Please see Attachment A). LDC, Sec. 25-6-114.

**Existing Street Characteristics:**

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Jollyville Road	100'	60'	Arterial	No	392, 982, 983	Priority 1
Highland Oaks Trail	50'	30'	Local	No	No	No

**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 relocations and or abandonments required. 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.

**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.

The site is subject to compatibility standards. Along the north and east 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. 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.