

ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0087 – 6500 Manor Road

P.C. DATE: November 8, 2011
December 13, 2011

ADDRESS: 6500 and 6502 Manor Road

OWNER/APPLICANT: Sneed Realtors (Mildred and Kennie Sneed)

ZONING FROM: LO-NP

TO: CS-NP

AREA: 0.4044 acres
(17,616 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood commercial – mixed use – conditional overlay – neighborhood plan (LR-MU-CO-NP) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 2,000 and prohibits service station.

PLANNING COMMISSION RECOMMENDATION:

November 8, 2011: *POSTPONED TO DECEMBER 13, 2011 BY THE PLANNING COMMISSION*

*[M. DEALEY; J. STEVENS – 2ND] (7-0-1) D. TIEMANN, D. CHIMENTI – ABSENT;
J. JACK – ABSTAIN*

NOTE: *PLACE EARLY ON THE AGENDA*

December 13, 2011:

ISSUES:

The University Hills Contact Team is in opposition to any change in zoning on the subject properties from LO-NP. Please refer to correspondence attached at the back of the Staff packet.

The Applicant is in agreement with the Staff recommendation.

DEPARTMENT COMMENTS:

The subject two lots are located at the northeast intersection of Manor Road and Northeast Drive, and developed with two office buildings and adjacent parking areas. The buildings were formerly used as four-plexes. The east lot has driveway access to Manor Road and the west lot has access to Northeast Drive. There are single family residences, duplexes and apartments on Northeast Drive to the north (SF-3-NP), single family residences to the east on Carol Ann Drive (SF-3-NP), retail sales (general) and a service station to the south (GR-V-NP) and single family residences to the west on Manor Road (LR-MU-V-CO-NP; SF-3-NP). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes general commercial services – neighborhood plan (CS-NP) combining district zoning in order to allow for the property to be converted to commercial and retail uses. In evaluating the Applicant's request, Staff notes that neighborhood commercial – mixed use – conditional overlay – neighborhood plan (LR-MU-CO-NP) zoning was approved on a similarly situated property to the west (Northeast Drive / Manor Road intersection within the Windsor Park NPA) in 2007, with the vertical mixed use building (V) zoning added in 2008. The Conditional Overlay on that property prohibits service station use.

Staff is able to recommend LR-MU-CO-NP zoning based on the following considerations of the property: 1) location on an arterial roadway, and ability to provide commercial, retail and office services in close proximity to the surrounding residential subdivision; and 2) consistency with the similarly located property to the west, including the conditional overlay to prohibit service station use.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-NP	Two single story offices and adjacent parking areas
<i>North</i>	SF-3-NP	Single family residences in the Walnut Hills Section 5 subdivision; Duplexes; Apartments
<i>South</i>	GR-V-NP	Service station with food sales; Retail sales (general); Church
<i>East</i>	SF-2-NP; LR-NP	Single family residence; Office
<i>West</i>	LR-MU-V-CO-NP; SF-3-NP	Single family residences

NEIGHBORHOOD PLAN AREA: University Hills / Windsor Park Combined
(University Hills)

TIA: Is not required

WATERSHED: Little Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

60 – Pecan Springs / Springdale Neighborhood Association

84 – University Hills Neighborhood Association

174 – Windsor Park Neighborhood Association

511 – Austin Neighborhoods Council

686 – East MLK Neighborhood Combined COA Liaison

742 – Austin Independent School District

786 – Home Builders Association of Greater Austin

972 – PODER

981 – Anberly Airport Association

1019 – Responsible Growth for Windsor Park
 1037 – Homeless Neighborhood Association 1075 – League of Bicycling Voters
 1119 – University Hills Neighborhood Plan Contact Team
 1113 – Austin Parks Foundation 1155 – Windsor Park Neighborhood Plan Contact Team
 1094 – Sweeney Farms Neighborhood Association
 1097 – Windsor Park – Pecan Springs Heritage Neighborhood Association
 1197 – East MLK Combined Neighborhood Contact Team
 1213 – East MLK Combined Neighborhood Association
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1215 – FRS Property Owners Association 1224 – Austin Monorail Project
 1228 – Sierra Club, Austin Regional Group 1236 – The Real Estate Council of Austin, Inc.
 1258 – Del Valle Community Coalition 1322 – Senate Hills Homeowners Association

SCHOOLS:

Winn Elementary School

Pearce Middle School

LBJ High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0044 – Windsor Park NPA VMU Building (V) Zoning	Add a vertical mixed use building (V) zoning to 31 tracts of land	To Grant	Approved the addition of V zoning for 27 tracts of land (5-22-08).
C14-2007-0007 – Windsor Park Neighborhood Plan Area Rezoning – US Hwy 290 on the north, Northeast Drive on the east, Manor Road and 51 st Street on the south and IH-35 on the west	Rezoning of 95 tracts of land	To Grant	Approved (8-9-07). Note: Tract 100 located at 3211 Jack Cook Drive is zoned LR-MU-CO-NP with the CO prohibiting service station
C14-00-2017 – 6620 Manor Road – 3410 and 3412 Lakeside Drive	SF-2 to NO, as amended	To Grant NO-CO with CO prohibiting all uses except for parking and civic uses, prohibit access to Lakeside & Carol Ann drives and 10' landscape buffer to screen parking lot along east, west and north property lines	Approved NO-CO as Commission recommended (6-22-00).

RELATED CASES:

The property is platted as the Resubdivision of Lot 37, Walnut Hills Section 5, a subdivision recorded in October 18, 1968 (C8s-68-160). Please refer to Exhibit B. Lot 37 was rezoned to "O", Office district in 1977 (C14-77-124). There are no related site plan applications on the subject property.

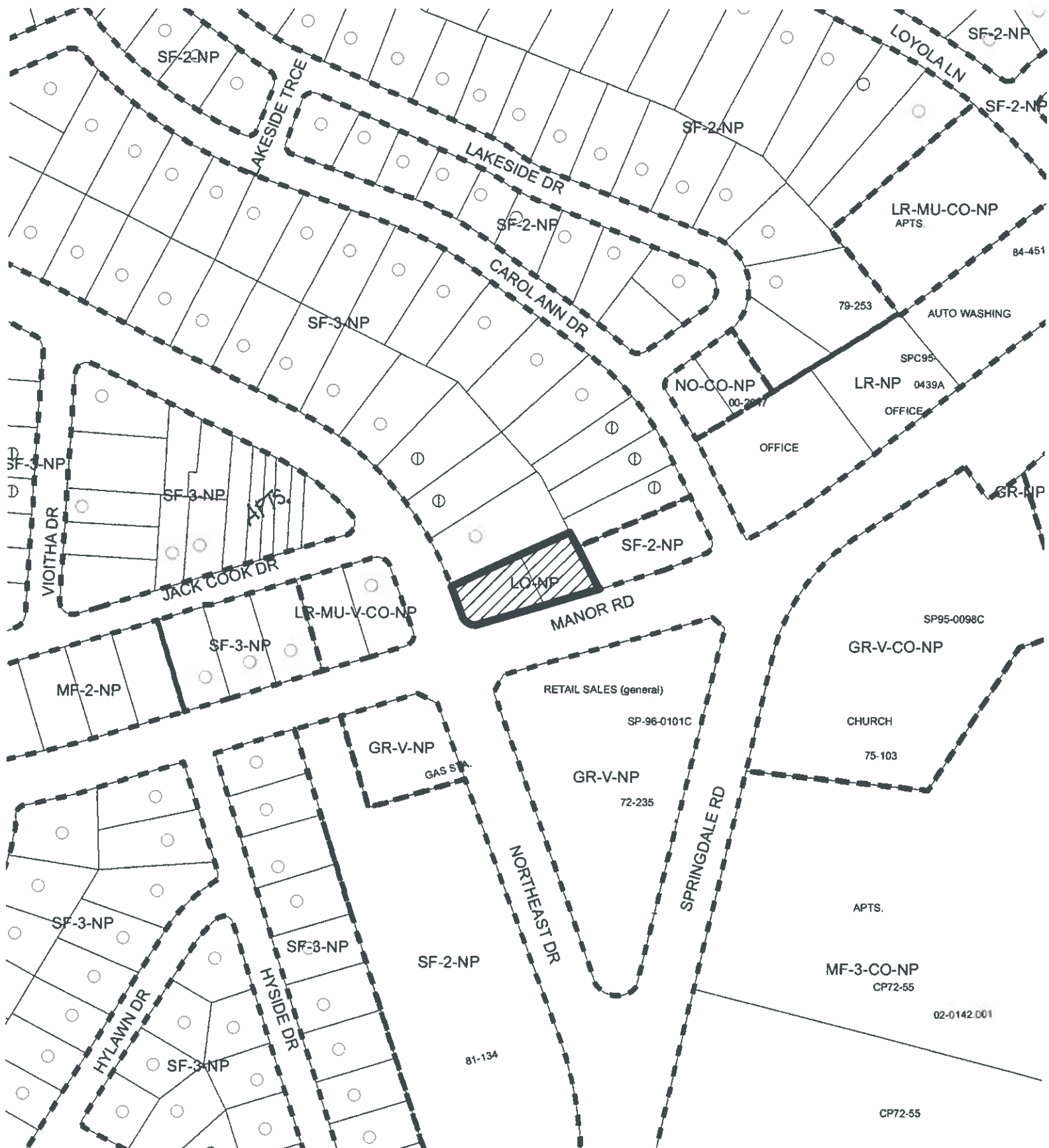
The University Hills Neighborhood Plan rezonings were approved by Council on August 9, 2007 (C14-2007-0006 – Ordinance No. 20070809-056). The base district of the subject property did not change, and the NP combining district was added. The FLUM designation on this site is Office and a plan amendment to Commercial is also under consideration (NPA-2011-0023.01).

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
Manor Road	88 feet	MAU 4	Major Arterial	9,474
Northeast Drive	80 feet	40 feet	Collector	2,844
Carol Ann Drive	50 feet	30 feet	Local	Not Available

- Manor Road is classified in the Bicycle Plan as Bike Route No. 42. Northeast Drive is classified in the Bicycle Plan as Bike Route No 18.
- Capital Metro bus service (Route No. 20) is available along Manor Road.
- There are existing sidewalks along Manor Road, Northeast Drive and Carol Ann Drive.

CITY COUNCIL DATE: December 8, 2011**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov**PHONE:** 974-7719






ZONING

Exhibit A

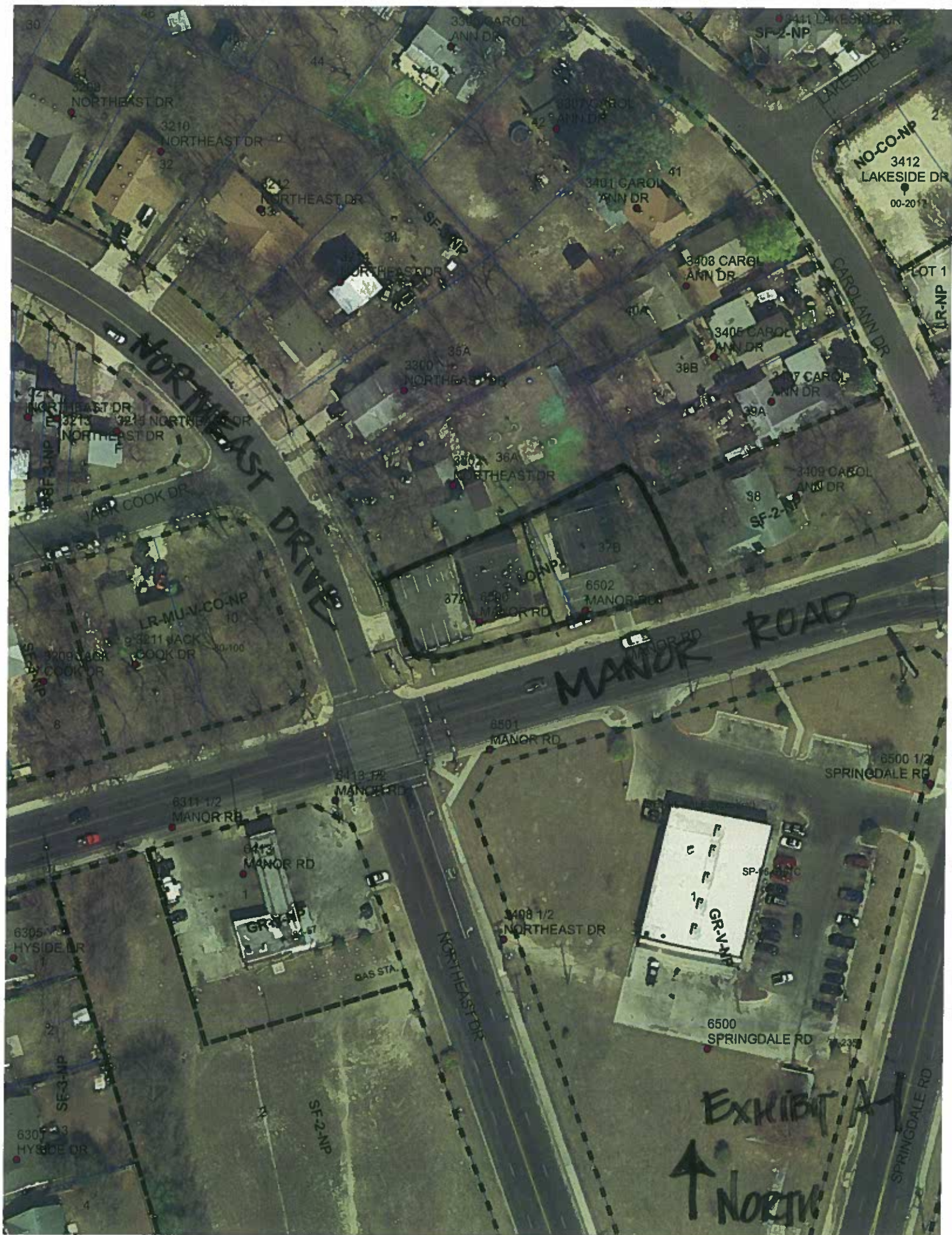
ZONING CASE#: C14-2011-0087
 LOCATION: 6500 and 6502 MANOR RD
 SUBJECT AREA: 0.4044 ACRES
 GRID: M25, M26
 MANAGER: WENDY RHOADES

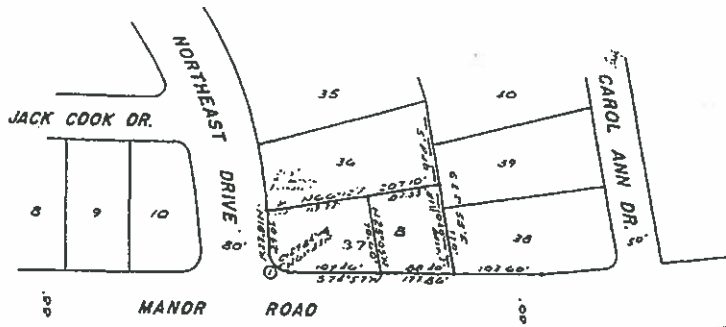


-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





RESUBDIVISION OF LOT 37
WALNUT HILLS SECTION 5

SCALE 1"=100'

LEGEND
■ Conc. Mon. Found
• Iron Pin Found
o Iron Pin Set

STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

THAT I, WILLIAM STRINGER, OWNER OF LOT 37, OF WALNUT HILLS SECTION FIVE, AS RECORDED IN PLAT BOOK 5, PAGE 93, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND AS CONVEYED TO ME BY DEED RECORDED IN VOLUME 354L, PAGE 2246, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, DO HEREBY RESUBDIVIDE SAID LOT, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AS SHOWN HEREON TO BE KNOWN AS THE RESUBDIVISION OF LOT 37, WALNUT HILLS SECTION 5, AND I DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS AS SHOWN HEREON.

WITNESS MY HAND THIS THE 25th DAY OF September, 1968

William Stringer
WILLIAM STRINGER

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED WILLIAM STRINGER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 25th DAY OF September, 1968

Thayer L. Spence
NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS

APPROVED FOR ACCEPTANCE October 4, 1968, A.O.

Harold M. Osborne A.O.C.
DIRECTOR OF PLANNING - Harold M. Osborne

ACCEPTED AND AUTHORIZED FOR RECORD BY THE CITY PLANNING COMMISSION, CITY OF AUSTIN, TEXAS, October 4, 1968, A.O.

David E. [Signature]
CHAIRMAN

Raymond A. [Signature]
SECRETARY

FILED FOR RECORD AT 11:45 O'CLOCK 6 A.M. THE 18 DAY OF Oct., 1968

MISS EMILIE LINDBERG, CLERK COUNTY COURT, TRAVIS COUNTY, TEXAS

Thayer L. Spence
DEPUTY

STATE OF TEXAS
COUNTY OF TRAVIS

I, MISS EMILIE LINDBERG, CLERK OF COUNTY COURT, WITHIN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 18 DAY OF Oct., 1968 A.D., AT 11:45 O'CLOCK 6 A.M. AND DULY RECORDED ON THE 18 DAY OF Oct., 1968, A.D., AT 11:50 O'CLOCK 6 A.M. IN THE PLAT RECORDS OF SAID COUNTY, IN PLAT BOOK 43, PAGE 50.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY COURT OF SAID COUNTY, THE DATE LAST WRITTEN ABOVE.

MISS EMILIE LINDBERG, CLERK COUNTY COURT, TRAVIS COUNTY, TEXAS
Thayer L. Spence
DEPUTY

THIS IS TO CERTIFY THAT AUSTIN CITY CODE CHAPTER 22.27 OF 1954, HAS BEEN COMPLIED WITH.

AS SURVEYED BY:

W. Harvey Smith
W. HARVEY SMITH
REGISTERED PUBLIC SURVEYOR NO. 770
1214 WEST 5th
AUSTIN, TEXAS
SEPTEMBER 21, 1968

EXHIBIT B
RECORDED PLAT

C 8568-160

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood commercial – mixed use – conditional overlay – neighborhood plan (LR-MU-CO-NP) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 2,000 and prohibits service station.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Applicant's Request: The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

Staff Recommendation: The LR, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial 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." The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

In evaluating the Applicant's request, Staff notes that neighborhood commercial – mixed use – conditional overlay – neighborhood plan (LR-MU-CO-NP) zoning was approved on a similarly situated property to the west (Northeast Drive / Manor Road intersection within the Windsor Park NPA) in 2007, with the vertical mixed use building (V) zoning added in 2008. The Conditional Overlay on that property prohibits service station use.

EXISTING CONDITIONS

Site Characteristics

The rezoning area is developed with two office buildings and the site is relatively flat. There appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the CS base zoning district is 95%, based on the more restrictive *zoning* regulations. The maximum impervious cover allowed by the LR base zoning district is 80%, also based on the more restrictive *zoning* regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

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 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.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Transportation

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

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 over the current land use [LDC, 25-6-117].

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. 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.

Site Plan and Compatibility Standards

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

The site is subject to compatibility standards. Along the northern and eastern property lines, the following rules will 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.
- Additional design regulations will be enforced at the time a site plan is submitted.

C6 & C7
Opposed

TO: City of Austin Planning Commission
and City Council Members

RE: Planning Commission Agenda – November 8, 2011 (Agenda
Items #6 & #7)
City Council Agenda – December 8, 2011

Application for rezoning – 6500 & 6402 Manor Road (C14-
2011-0087) (Kennie & Mildred Sneed, Applicants)

University Hills/Windsor Park Neighborhood Plan Amendment
Request (NPA-2011-0023.01)

DATE: November 8, 2011

Dear Planning Commission and City Council Members:

On September 6, 2011, October 4, 2011 and November 1, 2011, the University Hills Contact Team held meetings in accordance with its bylaws to discuss the applicants' proposed future land use amendment and zoning change from Limited Office ("LO") to General Commercial Services ("CS") for the properties located at 6500 Manor Road and 6402 Manor Road. Along with several contact team members, residents of the community were present during at least two of those public meetings. In September and October, contact team members received additional feedback from other surrounding neighbors which was taken into consideration by the contact team. On September 26, 2011, a public meeting was held with regard to the proposed plan amendment, which was noticed by and facilitated by Maureen Meredith of the City's Planning and Development Review Department. Several members of the community were present for that meeting. Ms. Meredith provided background and education with regard to the zoning and plan amendment process and answered questions from those present.

Although Mrs. & Mrs. Sneed's (the applicants) application for zoning filed in July 2011 listed a proposed use for the properties as "music studio," they have since stated this is no longer the case. According to the Sneeds, investors who have shown interest in purchasing the property at some point in the past included a funeral home and a clothing store; however, they have no serious potential buyers currently. Mr. & Mrs. Sneed were very clear

during our meetings that they simply want the highest zoning for the property for speculative purposes in order to sell at the highest price possible since they are retiring and closing their business.

On November 1, 2011, the University Hills Contact Team of the University Hills/Windsor Park Neighborhood Plan voted to oppose the applicants' application to rezone these properties from LO to CS. Some discussion occurred regarding a compromise to LR (staff's recommendation); however, it was felt by the majority that no change in circumstance has taken place that would be significant enough to go against the wishes of the community developed during the neighborhood plan process by agreeing to change the zoning from LO to any higher level of zoning. To address staff's historical statement in the backup material, it is our position that the fact a piece of property west of the subject property was rezoned in 2007 to LR should not be a determining factor in this instance since that property lies within the Windsor Park planning area of the neighborhood plan. Consequently, that decision was made solely by the Windsor Park Contact Team.

As background, it is our understanding that in the early 1970s Mr. and Mrs. Sneed requested that these properties be rezoned from Single Family Residential to LO for the express purpose of putting their real estate office at that location. Despite the considerable protest by the residents of University Hills at the time, the zoning was changed to LO. These properties adjoin several homes. From 2005 to 2007, the neighborhood planning process took place with regard to the University Hills and Windsor Park planning area. When the University Hills/Windsor Park Neighborhood Plan was submitted to the Planning Commission in 2007 for approval, City planners agreed with the University Hills planning team to keep the zoning on these properties to LO. Accordingly, the current zoning of LO was kept in place at that time and the corresponding FLUM was adopted. Based on the comments received by the contact team during its recent public meetings, the basis for the community's desire to maintain this property as LO during the 2005-2007 neighborhood planning process has not changed.

For the reasons stated above, the University Hills Contact Team opposes any change in zoning on the subject properties from LO-NP.

Thank you for your time and for your service to our City.

Sincerely,

A handwritten signature in black ink, appearing to read "Lou O'Hanlon". The signature is fluid and cursive, with the first name "Lou" and last name "O'Hanlon" clearly distinguishable.

Lou O'Hanlon, Chair

University Hills Contact Team

University Hills/Windsor Park Neighborhood Plan

Cc: Wendy Rhoades, Planning & Development Review Department
Maureen Meredith, Planning & Development Review Department