Item C-7

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0108
Little Folks Day Care

P.C. DATE: October 27, 2015

DISTRICT: 1

AREA: 0.441 acres

ADDRESS: 5700 and 5702 Reicher Drive

OWNER: Nelda Frazier

AGENT: Vincent Gerard and Associates (Vince Huebinger)

FROM: SF-3-NP

TO: NO-NP

NEIGHBORHOOD PLAN AREA: E. MLK Combined NPA

WATERSHED: Fort Branch Creek

CAPITOL VIEW CORRIDOR: No

TIA: N/A

DESIRED DEVELOPMENT ZONE: Yes

SUMMARY STAFF RECOMMENDATION:

Staff supports the proposed rezoning request to Neighborhood office-Neighborhood plan (NO-NP).

PLANNING COMMISSION RECOMMENDATION:

October 27, 2015:

ISSUES:

The existing Little Folks Day Care located at 5702 Reicher Drive is a permitted land use that wishes to expand south to include the property at 5700 Reicher Drive.

DEPARTMENT COMMENTS:

The subject property is comprised of two lots located at the northwest corner of Rogge Lane and Reicher Drive. 5700 Reicher is developed with a single-family residence, while 5702 is a house that has been converted to a daycare. Both lots are zoned SF-3-NP. Immediately to the north is property zoned SF-3-NP and developed with single-family residential. To the east, across Reicher Drive, is Pecan Springs Elementary School, which is zoned P-NP. To the south, across Rogge Lane are single family residences zoned SF-3-NP and SF-2-NP. To the west are additional residential properties zoned SF-3-NP. Please refer to ***Exhibits A and B (Zoning Map and Aerial Exhibit).***

Daycare services land use includes nursery schools, preschools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities. Zoning regulations further identify the land use as Daycare services (Commercial), Daycare service (General), and Daycare services (Limited).

- DAY CARE SERVICES (COMMERCIAL) use is the use of a site for the provision of daytime care for more than 20 persons.
- DAY CARE SERVICES (GENERAL) use is the use of a site for the provision of daytime care for more than 6 but not more than 20 persons.
- DAY CARE SERVICES (LIMITED) use is the use of a site for the provision of daytime care for six persons or less. .

The proposed rezoning would allow the existing Daycare service (General) at 5702 Reicher Drive to grow and combine with 5700 Reicher Drive, becoming a Daycare services (Commercial). Neighborhood office (NO) zoning is the first zoning category that allows Daycare services (Commercial) as a permitted land use. The combined lots are also intended to facilitate improved pick-up and drop-off for the site. Any site development will be subject to Compatibility Standards to the north, west, east, and south.

Correspondence related to the rezoning request is attached in ***Exhibit C (Correspondence).***

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3-NP	Single-family Residential, Daycare services
North	SF-3-NP	Single-family Residential
South	SF-3-NP, SF-2-NP	Single-family Residential
East	P-NP	Pecan Springs Elementary
West	SF-3-NP	Single-family Residential

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Rogge Lane	58'	34'	Collector	Yes	Yes; Shared Lane; Route #28	Yes
Reicher Drive	47'	36'	Local	No	No	Yes

SCHOOLS:

Pecan Springs Elementary

Girls have an option to attend the Sadler Means Young Women's Leadership Academy.
Boys have an option to attend the Garcia Young Men's Leadership Academy.

Reagan High School

NEIGHBORHOOD ASSOCIATIONS:

Austin Neighborhoods Council
East Austin Conservancy
Pecan Springs/Springdale Hills Neighborhood Association
Senate Hills Homeowners' Association
East MLK Combined Neighborhood Contact Team
MLK Combined Neighborhood Association
Real Estate Council of Austin, Inc.
Sweeney Farms Neighborhood Association
SELTexas
Del Valle Community Coalition
Austin Heritage Tree Foundation
Friends of Austin Neighborhoods
AISD
Friends of the Emma Barrientos MACC East
Preservation Austin
Bike Austin
Sierra Club, Austin Regional Group

CITY COUNCIL DATE & ACTION:

November 11, 2015:

CASE MANAGER: Heather Chaffin **PHONE:** 512-974-2122

e-mail: heather.chaffin@austintexas.gov

STAFF RECOMMENDATION:

Staff supports the proposed rezoning request. NO zoning is suitable for the location at the corner of two residential collector streets across from an elementary school. Compatibility Standards to the north, west, east, and south will reduce impacts on nearby residential properties.

1. The proposed zoning should be consistent with the purpose statement of the district sought.
Neighborhood office (NO) district is the designation for a small office or low-intensity commercial use that serves neighborhood or community needs, is located in a residential neighborhood and on a collector street, and does not unreasonably affect traffic. Site development regulations applicable to an NO district use are designed to preserve compatibility with existing neighborhoods through renovation and modernization of existing structures.

2. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.

The zoning change will allow an existing land use to expand, and that expansion will be toward the intersection of Rogge Lane and Reicher Drive, not toward the interior of the property. Any redevelopment under NO zoning will be subject to Compatibility Standards to the north, west, east, and south.

ADDITIONAL STAFF COMMENTS:

SITE PLAN:

SP 1 Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 2 This site is within the East MLK Combined Neighborhood Plan Area.

SP 3 The site is subject to compatibility standards. Along all property lines, the following standards apply:

a. No structure may be built within 25 feet of the property line.
b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
d. No parking or driveways are allowed within 25 feet of the property line.
e. A landscape area at least 25 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.

SP 4 Additional design regulations will be enforced at the time a site plan is submitted.

TRANSPORTATION:

TR1. Additional right-of-way maybe required at the time of subdivision and/or site plan.

TR2. If the requested zoning is granted, it is recommended that joint access be provided for the 2 lots along Reicher Dr.

TR3. Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

TR4. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle lane is recommended for Rogge Lane.

TR5. 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]

ENVIRONMENTAL:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Fort Branch 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.

2. Zoning district impervious cover limits apply in the Urban Watershed classification.

3. According to floodplain maps there is no floodplain within or adjacent to the project location.

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

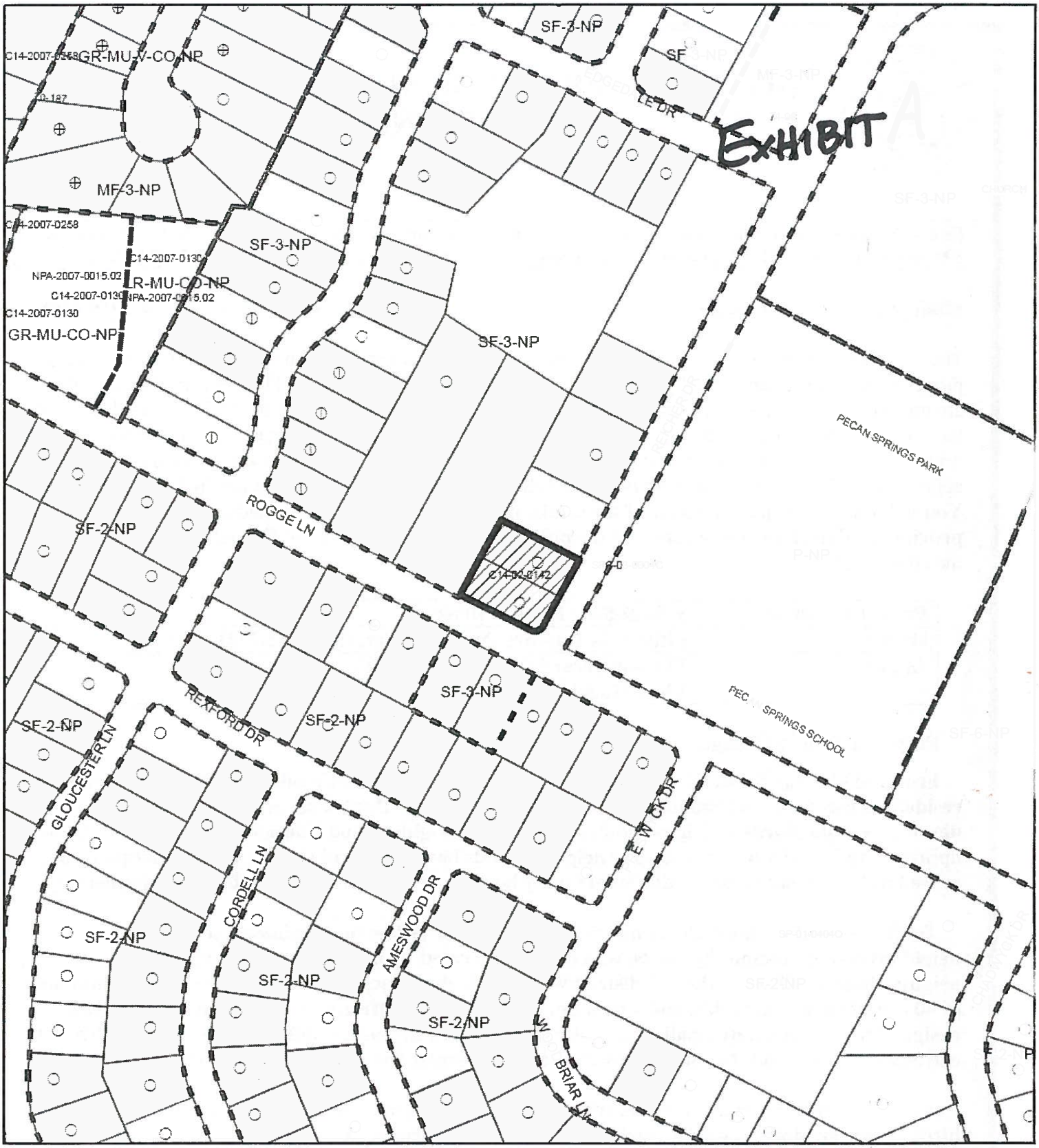
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please 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.

6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

7. 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.

WATER UTILITY

WW1. 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 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.



ZONING

ZONING CASE#: C14-2015-0

N

SUBJECT TRACT

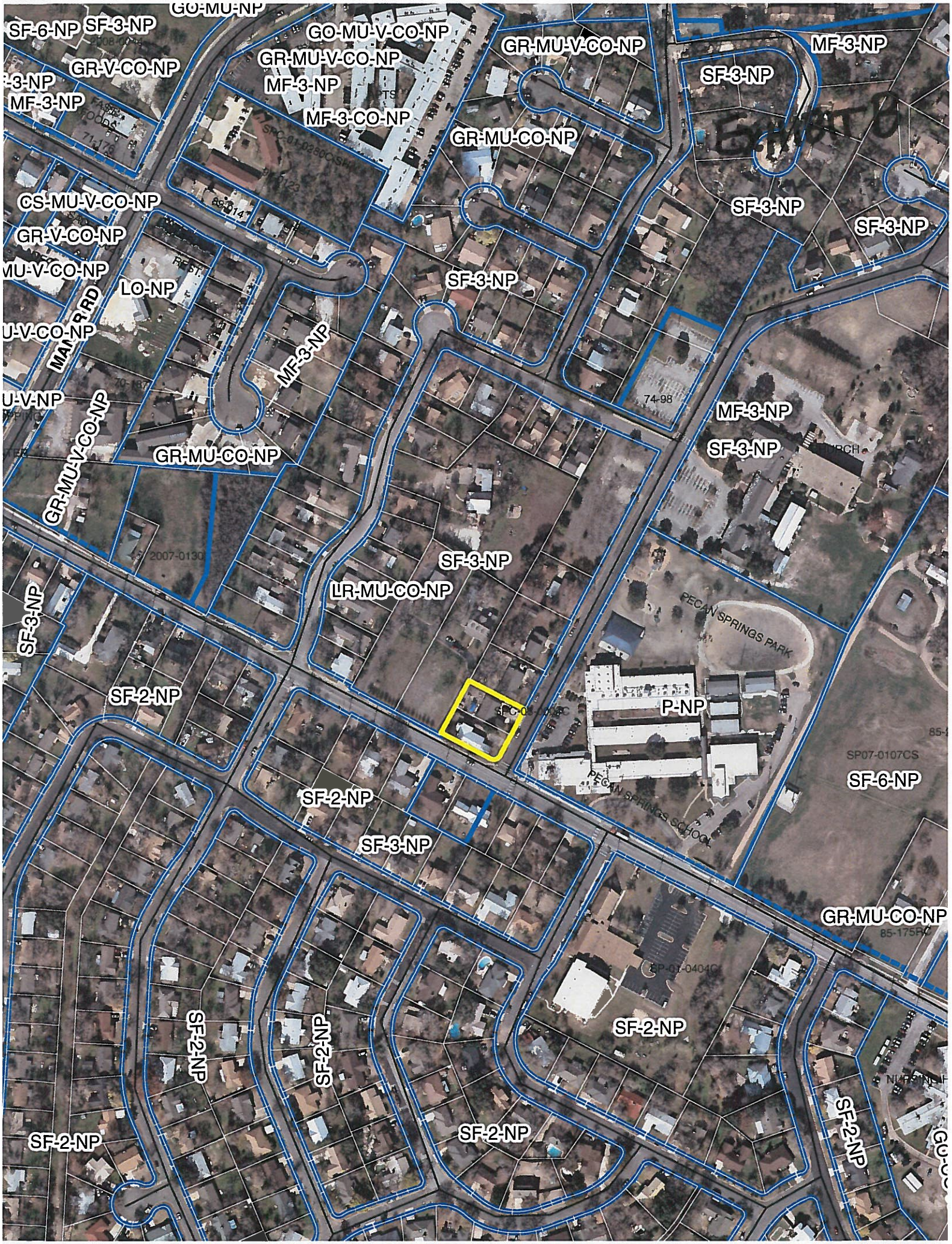
PENDING CASE

ZONING BOUNDARY

1 " = 200 '

This product is for informational purposes and may no engineering, or surveying purposes. It does not represe approximate relative location of property boundaries.

This product has been produced by CTM for the sole purp by the City of Austin regarding specific accuracy or comp


GO-MU-NP
SF-6-NP
SF-3-NP
GO-MU-V-CO-NP
GR-MU-V-CO-NP
GR-V-CO-NP
MF-3-NP
MF-3-CO-NP
GR-MU-CO-NP
CS-MU-V-CO-NP
LO-NP
MANOR RD
MF-3-NP
GR-MU-V-CO-NP
GR-MU-CO-NP
SF-3-NP
LR-MU-CO-NP
SF-2-NP
P-NP
PECAN SPRINGS PARK
PECAN SPRINGS SCHOOL
SP07-0107CS
SF-6-NP
GR-MU-CO-NP
SF-2-NP
SF-3-NP
74-98
2007-0130
SP-01-0404C
85-175RC

Chaffin, Heather

EXHIBIT C

From: Chaffin, Heather
Sent: Monday, October 19, 2015 6:30 PM
To: 'Joy Casnovsky'
Subject: RE: Little Folks NPA

Joy,

I'm sorry for the delayed response. I really don't know about the ownership of the other properties; the zoning and NPA cases just focus on 5700 and 5702 Reicher. You may contact the owner directly, or try again with Vince.

I can tell you that the rezoning is necessary for the day care to expand to General Day Care level, so if they don't rezone a property to at least NO, it cannot be incorporated into the General Day Care business. If a separate, small day care (Limited Day Care land use) wanted to be on a lot zoned SF-3-NP, that is permitted. The Little Folks business cannot expand further onto lots that are zoned SF-3-NP.

That was a very abbreviated reply, so I hope it's clear. Call if it's confusing. 512-974-2122

Again, sorry for the late reply—
Heather

From: Joy Casnovsky [mailto:soyjoyc@gmail.com]
Sent: Thursday, October 15, 2015 9:15 PM
To: Chaffin, Heather
Subject: Fwd: Little Folks NPA

Hi Heather,

I received Kathleen's out of office email and I was hoping to get an answer to my question by Tuesday, which is the EMLK Contact TEam meeting which we will vote on the plan amendment. See below--can you help clarify?

thanks!
Joy
EMLK Contact Team

---------- Forwarded message ----------
From: **Joy Casnovsky** <soyjoyc@gmail.com>
Date: Thu, Oct 15, 2015 at 9:11 PM
Subject: Re: Little Folks NPA
To: [redacted]
Cc: Karen Lacey [redacted] melda@mylittlefolks.com, kathleen.fox@austintexas.gov

Hi Vince,

Karen passed your email on to me and I was the one on the EMLK Contact Team who was wondering about spot zoning/land use. I am very familiar with Little Folks as I had a co-worker several years ago who took her child there (they have since moved out of Austin). Also, I often walk on Reicher to take my dog to Pecan

Springs School park and walk the neighborhood. Anyway, I copied and pasted the TCAD owners of the adjacent properties, and what I am wondering is even though 5702 and 5700 are adjacent, who owns 5704, or does that lot exist as I dont see it on tcad? It looks like Ms. Nelda owns all of the property between 5700 and 5800 would could potentially all become a day care, which I dont have a problem with. Im just curious about what looks like a two story house with red brick and shutters that seems to be between the day care buildings--or is that owned by Ms. Nelda as well?

I've also cc-d Kathleen Fox. Kathleen, if you can shed any light on this, it would be much appreciated. Thank you!

Joy Casnovsky
EMLK Contact Team

Property ID	Geographic ID	Type	Property Address	Owner Name	Appraise
[ ]	215195	0219230307	Real	5700 REICHER DR TX 78723	FRASIER DANIEI
[ ]	215194	0219230306	Real	5702 REICHER DR TX 78723	SALINAS TRUST
[ ]	385717		Personal	5706 REICHER DR AUSTIN, TX 78723	SALINAS MARIA
[ ]	215190	0219230301	Real	5706 REICHER DR TX 78723	SALINAS TRUST
[ ]	215191	0219230303	Real	5710 REICHER DR TX 78723	FRASIER NELDA
[ ]	215192	0219230304	Real	5800 REICHER DR TX 78723	SALINAS TRUST

On Thu, Oct 8, 2015 at 9:06 AM, Karen Lacey [redacted] wrote:

All,

Please see email below from the Little Folks planning consultant (regarding Joy's spot zoning question) and the attached aerial image he included.

I've attached the complete info packet from their NPA meeting.

Thanks,
Karen

---------- Forwarded message ----------
From: **Vince Huebinger** <[redacted]>
Date: Tue, Oct 6, 2015 at 6:10 PM
Subject: RE: Little Folks NPA
To: Karen Lacey [redacted]

Good Afternoon Karen. Thanks for your question. The Current land uses and zoning adjacent to the tract are "P" public – Elementary school, SF-3 – Two Steps Day Care and the existing Little folks day care facilities also on SF-3. (See attached Map). The little Folks Day care was granted an SUP about 10 years ago to operate commercial day care. The previous Little Folks day care was grandfathered in as a commercial day care prior to the zoning ordinance jurisdictions for use. The existing zoning and land uses are compatible with our Neighborhood Office request for the corner lots. It should not be considered Spot zoning when the adjacent land uses match the zoning request, school and day care. The city of Austin is requesting we improve the traffic conditions by adding a drive through that passes through both lots asking for the rezone. Neighborhood office allows for this driveway impervious cover addition. I believe we discussed this at the meeting. This will aide in safer conditions for picking up and dropping off kids at the Little Folks facility. Consider our request a Pre K school such as the adjacent land use, only privately owned and a tremendous benefit to the community. Thank you.

Vincent G. Huebinger

Vincent Gerard & Assoc. Inc

512 328-2693

From: Karen Lacey [mailto:[redacted]
Sent: Tuesday, October 06, 2015 10:02 AM
To: [redacted]
Cc: [redacted]
Subject: Little Folks NPA

Nelda,

I was the EMLK Contact Team member at your NPA meeting. Just wanted to follow up...

I was able to debrief other Contact Team members at our meeting last month but we ran out of time to fully discuss (due to the Heflin Lane NPA meeting running long). There was a question posed that I wanted to pass along.

Can you tell us the zoning/land use of the properties immediately adjacent to the day care? The concern is spot zoning.

Thanks for the help.

Karen

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You received this message because you are subscribed to the Google Groups "EMLK Contact Team Steering Committee" group.
To unsubscribe from this group and stop receiving emails from it, send an email to steeringct+unsubscribe@googlegroups.com.
For more options, visit https://groups.google.com/d/optout.