

**ZONING CHANGE REVIEW SHEET**CASE: C14-2018-0030 – Pure YogaDISTRICT: 9ZONING FROM: LO-NPTO: LR-NPADDRESS: 506 Oakland AvenueSITE AREA: 0.1561 acres (6,818 sq. ft.)OWNER: JCMC Holding, LLC (Jeffrey Chen)AGENT: Forsite Studio (Jason Fryer)CASE MANAGER: Scott Grantham (512-974-3574, scott.grantham@austintexas.gov)STAFF RECOMMENDATION:

**Staff recommends Neighborhood Commercial – Neighborhood Plan (LR-NP) combining district zoning.** *For a summary of the basis of staff's recommendation, see case manager comments below.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 12, 2018                      Scheduled for Planning Commission

CITY COUNCIL ACTION:

June 28, 2018                      Scheduled for City Council

ORDINANCE NUMBER:

ISSUES:

The applicant has requested a rezoning for a change of use, from an office to a yoga studio; the latter is classified as Personal Improvement Services in the Land Development Code. [§ 25-2-4].

Personal Improvement Services is not a permitted use in the existing limited office (LO) zoning district. However, Personal Improvement Services is permitted in the community commercial (LR) zoning district, as long as it does not exceed 5,000 square feet of gross floor area [§ 25-2-587]. The existing building is 2,556 square feet, and is proposed to stay well within the 5,000 square foot limit.

On the property at present is an office housed in a single family style structure. The applicant has a conceptual plan to remodel the existing building and reconfigure the site to accommodate the new use. The applicant will seek a site plan exemption to make these improvements, and will need to demonstrate a) that the proposed work qualifies for a site plan exemption, and b) that all zoning standards are being met [§ 25-5-2].

With a valid Certificate of Occupancy in place for the office, the applicant will not be required to add parking spaces for the proposed change of use, even if there is a parking deficiency under current Code. Parking standards are identical for Office uses and Personal Improvement Services uses, and the parking could be considered to be non-compliant. That is, the parking complied with the standards in effect at the time the Certificate of Occupancy was issued, but may not comply with current Code.

The property is located in the West Line National Historic District, and is a Contributing Structure. As such, proposed exterior changes to the property will be reviewed by City of Austin historic staff, and potentially by the Historic Landmark Commission.

The property lies entirely within a Capitol View Corridor (CVC 07 – the Mopac Bridge Corridor). Any proposed changes to the roofline should be reviewed at the time of site plan exemption for compliance with elevations in the Capitol View Overlay [§ 25-2-642].

CASE MANAGER COMMENTS:

The subject property is a small lot, slightly less than 7,000 square feet. It is currently occupied by an office housed in a single family style structure, and a 2-story storage building to the rear of the site. The site takes access to Oakland Avenue and an alley to the rear. The site is relatively flat and not in a flood plain.

The property is located between W 6<sup>th</sup> Street and W 5<sup>th</sup> Street, on a block approximately one half mile west of Lamar Boulevard and one half mile east of Mopac. In this location, Oakland Avenue is a one-way street with southbound only traffic.

Like the subject property itself, the immediate area is dominated by offices housed in former single family homes. To the north and south and east there are offices. To the south, there is also a day care on the corner of Oakland Ave and W. 5<sup>th</sup> Street. To the west is a three-story apartment building and more office buildings.

#### BASIS OF RECOMMENDATION:

Staff recommends Neighborhood Commercial – Neighborhood Plan (LR-NP) combining district zoning.

The first basis is that zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing. The property falls within the bounds of the Old West Austin Neighborhood Plan (OWANP), approved in 2002.

- OWANP identifies "neighborhood-friendly" commercial areas where office, retail, and residences can be mixed vertically and horizontally. These areas include West 5<sup>th</sup> and 6<sup>th</sup> Streets between Lamar and Mopac. Neighborhood-oriented commercial uses with modest parking requirements are preferred.
- OWANP Objective 2.1 is to encourage commercial uses that support the neighborhood

The second basis is that the rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission. The Imagine Austin Comprehensive Plan, adopted in 2011, identifies W 5<sup>th</sup> Street and W 6<sup>th</sup> Street as activity corridors. The property is located within 250 feet of both corridors. Activity corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances.

The third basis is that zoning changes should promote compatibility with adjacent and nearby uses. There are no single family homes in the immediate vicinity. The proposed rezoning is absolutely compatible with the surrounding office uses and apartments, and the proposed land use could be considered a neighborhood-serving commercial use, which meets the intent of the zoning district.

#### EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LO-NP	Office
North	LO-NP	Office
South	LO-MU-NP, CS-MU-CO-NP, CS-MU-V-CO-NP	Office, Day Care

	ZONING	LAND USES
East	Oakland Ave, then LO-NP	Oakland Ave, then Office
West	CS-MU-V-CO-NP, GO-NP, GO-CO-NP	Apartment /Condo, Office

NEIGHBORHOOD PLANNING AREA: Old West Austin

TIA: Not required

WATERSHED: Lady Bird Lake

OVERLAYS: Capitol View Corridor (CVC 07 – The Mopac Bridge Corridor); West Line National Historic District

SCHOOLS: Matthews Elementary, O. Henry Middle School, Austin High School

#### NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District

Old West Austin Neighborhood Plan Contact Team

Austin Neighborhoods Council

Preservation Austin

Bike Austin

Save Barton Creek Assn

Friends of Austin Neighborhoods

Seltexas

Homeless Neighborhood Association

Shoal Creek Conservancy

Neighborhood Empowerment Foundation

Sierra Club Austin Regional Group

Old West Austin Neighborhood Assn

#### AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
<b>C14-02-0112 Old West Austin Neighborhood Plan Combining District</b>	<b>Old West Austin Neighborhood Plan</b>	<b>08-14-02- Rcmd approval of Neighborhood Plan</b>	<b>09-26-02 – Apvd Neighborhood Plan</b>

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2015-0044 James 1411 W 6 <sup>th</sup> Street	LO-NP to GR-V- CO-NP	05-26-15 – Rcmd LR-MU-CO-NP	06-11-15- Apvd LR- MU-CO-NP (CO for limit of 2,000 daily trips; prohibited uses – service station, restaurant (limited and general)).
C14-2013-0138 Nightcap Dessert Lounge 1401 W. 6 <sup>th</sup> Street	LO-NP to GR-V- CO-NP	01-14-14 – Rcmd GR-CO-NP with conditions	02-13-14- Apvd GR- CO-NP (CO to prohibit drive-thru, limit restaurant to 2,500 sf, and prohibit a set of uses.)
C14-2013-0101 Found Upscale Women's Boutique 501 Oakland Ave	LO-V-NP to GR-V- CO-NP	10-22-13- Rcmd GR- V-CO-NP	11-21-13 – Apvd GR-V-CO-NP (CO to limit building coverage to 30%, prohibit drive-thru, and prohibit a set of uses)
C14-2007-0237 Old West Austin Neighborhood Planning Area Vertical Mixed Use Zonings	Vertical Mixed Use (VMU) zoning on specific properties	03-11-08 – Rcmd VMU	03-27-08 – Apvd VMU
C14-06-0176 West End Pilates 504 Oakland Ave	MF-4-NP to GR- MU-CO-NP	09-26-06- Rcmd staff rec of LO-MU-NP	11-02-06- Apvd LO- MU-NP

RELATED CASES:

The subject property is part of the Old West Austin Neighborhood Plan, approved in 2002 (Ordinance number 020926-26).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Oakland Ave	50 ft	28 ft	local	yes	6 <sup>th</sup> st W	6 <sup>th</sup> /Pressler 5 <sup>th</sup> /Pressler 5 <sup>th</sup> /West Lynn 6 <sup>th</sup> /West Lynn

OTHER STAFF COMMENTS:Comprehensive Planning**Connectivity**

The Walkscore for this site is 88/100, **Very Walkable**, meaning most errands can be accomplished on foot. Public transportation is located within walking distance to this property and public sidewalks are located along both sides of this street.

**Old West Austin Neighborhood Plan**

The Old West Austin Neighborhood Plan (OWANP) is one of the few neighborhood plans that does not have a Future Land Use Map. The OWANP identifies this property as being located in the South of Sixth Street District, and north of 5<sup>th</sup> Street, which are identified as two of several principal commercial corridors in the OWANP (p. 19). The following Text, Goals and Objectives found on pages 23 and 24 of the OWANP discuss this project area:

**Land Use / Zoning:** The neighborhood planning team has identified "neighborhood-friendly" commercial areas where office, retail, and residences can be mixed vertically and horizontally. These areas include West 5th and 6th Streets between Lamar and Mopac. ("Downtown Clarksville"). Pg. 23

Neighborhood-oriented commercial uses with modest parking requirements are preferred.

**Goal 2** - Protect the Character of the Neighborhood (pg. 24)

**Obj 2.1** – Encourage commercial uses that support the neighborhood.

Based upon a number of small scale office and personal service land uses located in this area (including another yoga studio on an adjoining block) and this use being mostly a local serving commercial use, this project appears to support the Old West Austin NP.

**Imagine Austin**

The property is located within 250 ft. of two “Activity Corridors,” (5<sup>th</sup> and 6<sup>th</sup> Street) as identified on the Imagine Austin’s Growth Concept Map. Activity corridors are characterized by a variety of activities and types of buildings located along the roadway, and are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances.

Based upon this project being adjacent to two Activity Corridors, which supports office and commercial uses, and the Old West Austin Plan, which supports local supporting commercial uses, this project appears to be supported by the Imagine Austin Comprehensive Plan.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Lady Bird Lake 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.

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

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.

No trees are located on this property. 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.

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.

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.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential. (The alternative is a site plan exemption [§ 25-5-2] – SG).

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.

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

**Compatibility Standards**

The site is subject to compatibility standards. Along the 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.
- 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.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

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

This site is also located in the Capitol View Corridors Overlay and National Register of Historic Districts Overlay and may be subject to compatibility standards during time of site plan processing.

**Transportation**

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]

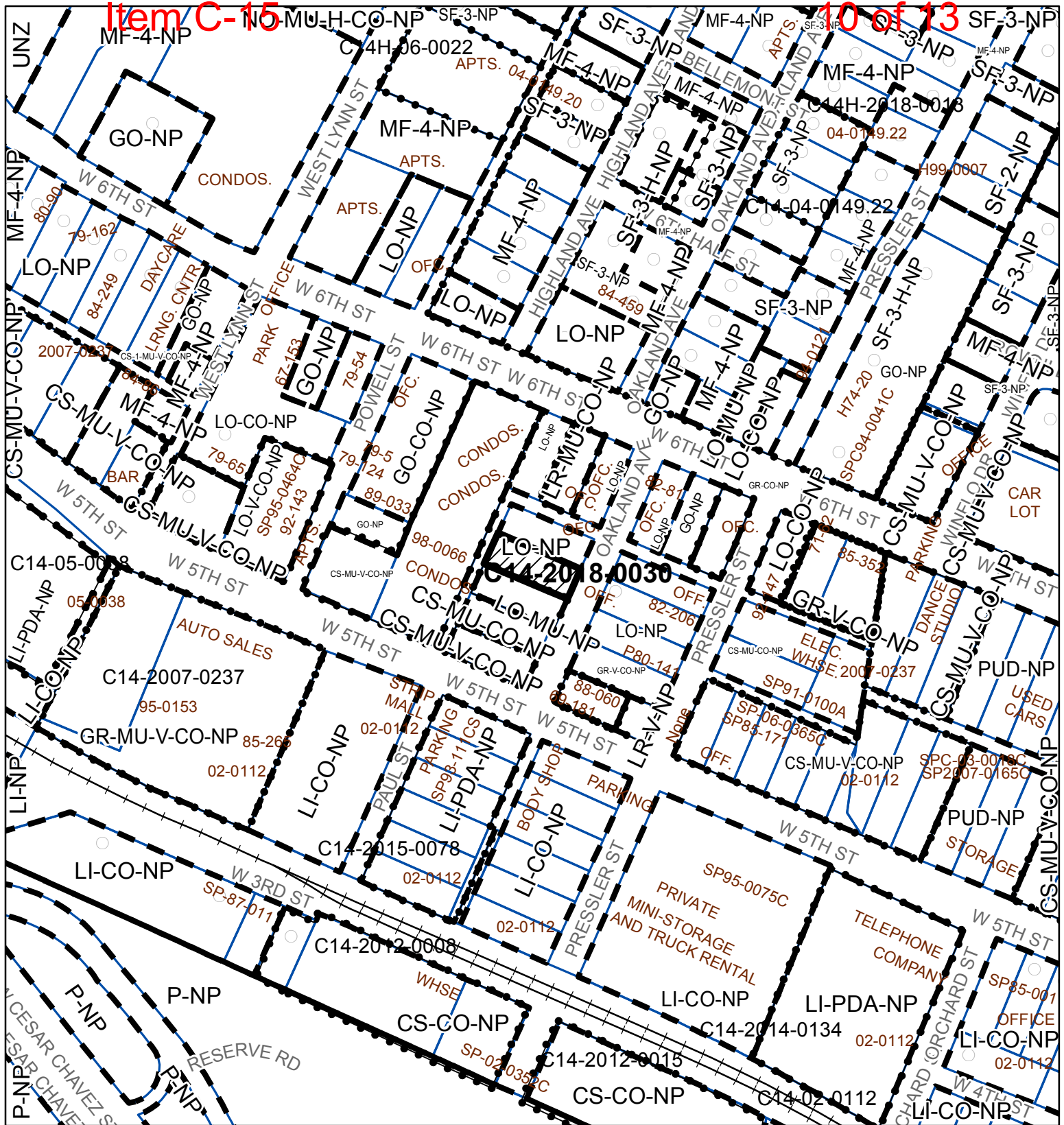


Austin Water Utility

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

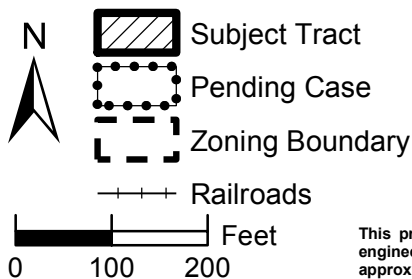
- A. Zoning Map
- B. Aerial
- C. Survey
- D. Memo from the Applicant Amending Original Request



## ZONING

Case#: C14-2018-0030

## EXHIBIT A



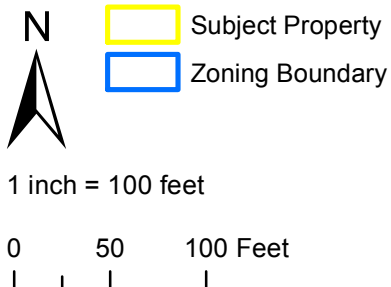
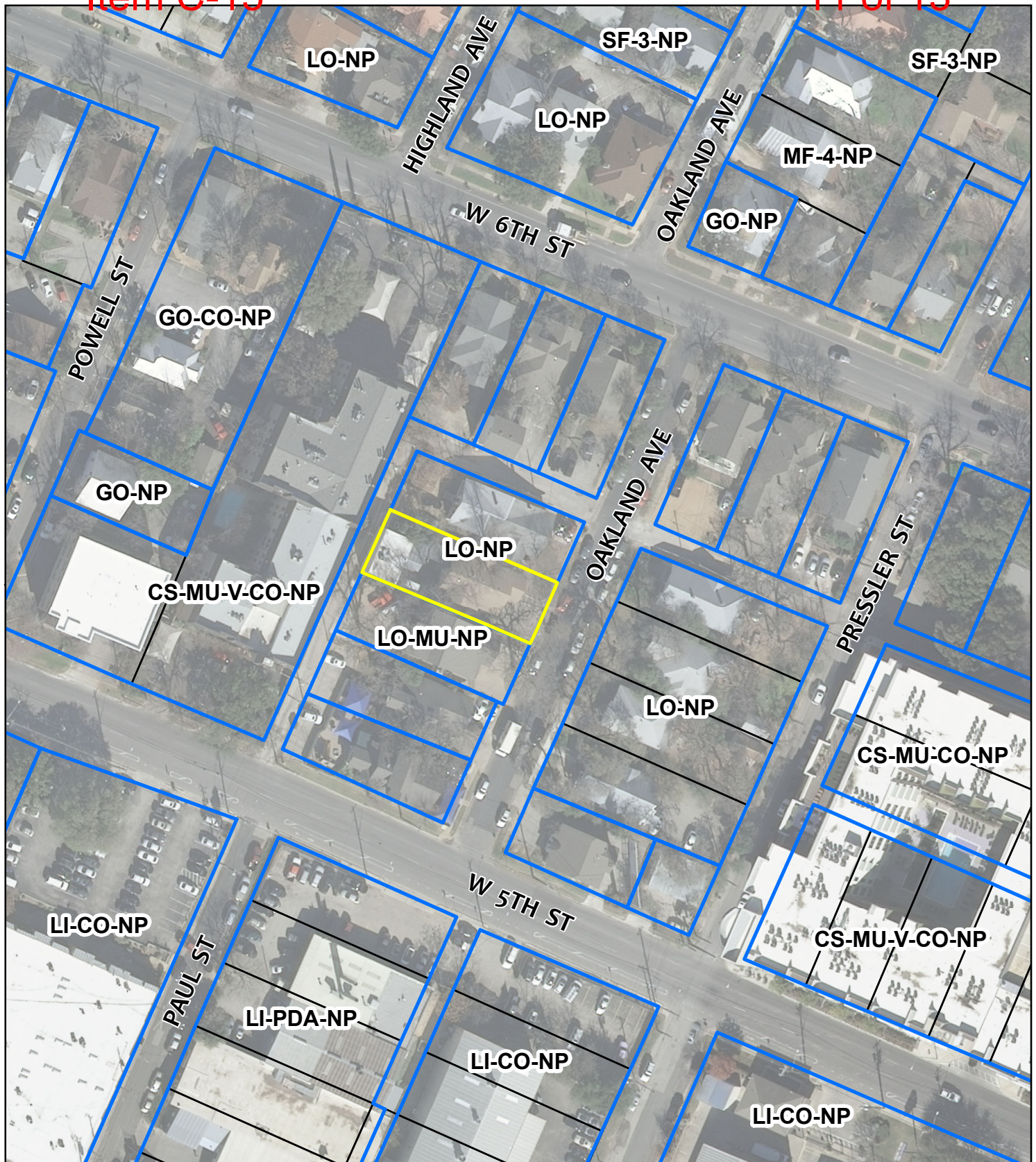
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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



Created: 3/27/2018





## ZONING & VICINITY

Zoning Case: C14-2018-0030  
 Address: Pure Yoga  
 Subject Area: 0.1561 Acres  
 Case Manager: Scott Grantham

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



**EXHIBIT B**



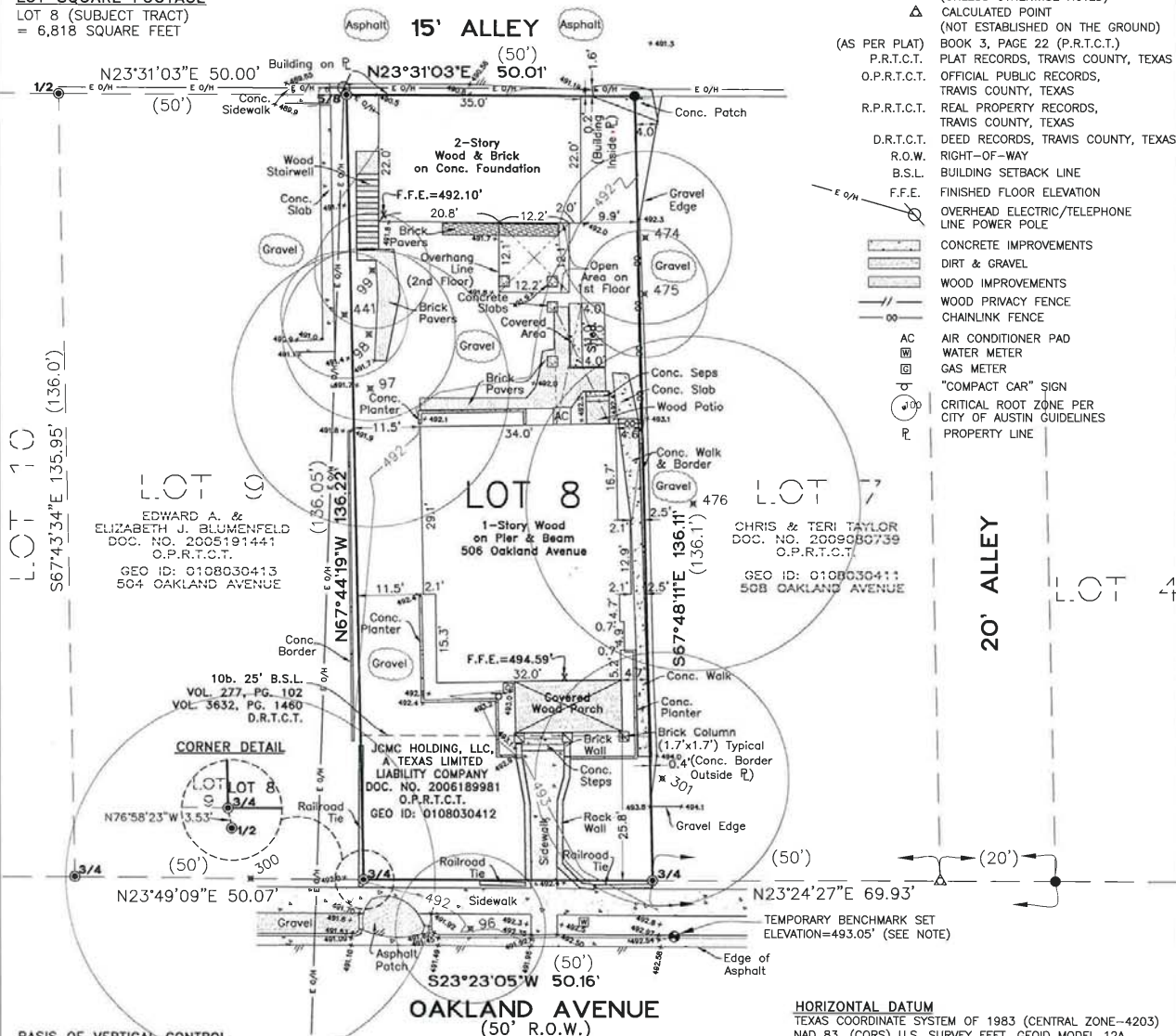
Address 506 OAKLAND AVENUE, Reference JCMC HOLDING, LLC, A TEXAS LIMITED LIABILITY COMPANY

LOT 8, OF WOODLAND, A SUBDIVISION OUT OF OUTLOT NO. 1, DIVISION "Z", IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN BOOK 3, PAGE 22, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

SCALE 1"=20'

**LOT SQUARE FOOTAGE**

LOT 8 (SUBJECT TRACT)  
= 6,818 SQUARE FEET

**BASIS OF VERTICAL CONTROL**

THE FOLLOWING BENCHMARK WAS HELD AS THE BASIS FOR ELEVATIONS FOR THIS SURVEY:

BM "HH" - SQUARE CUT IN TOP OF INLET ON THE WEST SIDE OF PRESSLER STREET, 51.5' NORTH OF NORTH RIGHT-OF-WAY OF 6TH STREET, APPROXIMATELY 3' NORTH OF A STORM SEWER MANHOLE, APPROXIMATELY 24' NORTHWEST OF A GAS VALVE IN PRESSLER STREET, AND APPROXIMATELY 28' WEST OF SIGN ON EAST SIDE OF PRESSLER STREET. ELEVATION: 487.57'.

**ON SITE TEMPORARY BENCH MARK**

TBM (LS#306): TRIANGLE CUT ON TOP OF CURB LOCATED ON THE WEST SIDE OF OAKLAND AVENUE IN BETWEEN HOUSE WITH ADDRESS: 506 OAKLAND AVENUE AND HOUSE WITH ADDRESS: 508 OAKLAND AVENUE, APPROXIMATELY 10' EAST OF THE NORTHEAST CORNER OF LOT 8 (SUBJECT TRACT). ELEVATION = 493.05'

**RESTRICTIVE COVENANTS AND EASEMENTS**

1. RESTRICTIVE COVENANTS AND EASEMENTS AS RECORDED IN BOOK 3, PAGE 22, OF THE P.R.T.C.T.; AND THOSE RECORDED IN VOL. 277, PAGE 102 AND VOL. 3632, PAGE 1460, OF THE D.R.T.C.T. DO AFFECT THE SUBJECT LOT.

10b. BUILDING SETBACK LINE(S) OF RECORD IN VOL. 277, PAGE 102 AND VOL. 3632, PAGE 1460, OF THE D.R.T.C.T., AND AS SHOWN ON SURVEY DATED JUNE 25, 1993, PREPARED BY C MICHAEL MCMINN, JR., REGISTERED PUBLIC LAND SURVEYOR NO. 4267, DO AFFECT THE SUBJECT LOT.

10c. RIGHTS OF TENANTS, UNDER EFFECTIVE LEASE AGREEMENTS AS REFERENCED IN DOCUMENT(S) OF RECORD IN VOL. 11996, PAGE 1434, OF THE R.P.R.T.C.T., AND DOCUMENT NO. 2005092627, IN THE O.P.R.T.C.T., DO AFFECT THE SUBJECT LOT.

10e. ALL TERMS, CONDITIONS, AND PROVISIONS OF THAT CERTAIN AFFIDAVIT, DATED JANUARY 12, 1948, OF RECORD IN VOL. 897, PAGE 243, OF THE D.R.T.C.T. TO THE EXTENT THAT THE SAME DO NOT AFFECT THE SUBJECT PROPERTY.

**COMMITMENT NOTE**

ALL EASEMENTS OF WHICH I HAVE KNOWLEDGE AND THOSE RECORDED EASEMENTS FURNISHED BY STEWART TITLE OF AUSTIN, ACCORDING TO FILE NO. 6090054, EFFECTIVE DATE: SEPTEMBER 18, 2006, ARE SHOWN OR DEPICTED HEREON. OTHER THAN VISIBLE EASEMENTS, NO UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST ARE SHOWN HEREON.

I HEREBY STATE THAT A SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON; THAT THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHT-OF-WAY, EXCEPT AS SHOWN; THAT SAID PROPERTY ADJOINS A PUBLIC ROADWAY; AND THAT THIS PLAT IS AN ACCURATE REPRESENTATION OF THE PROPERTY TO THE BEST OF MY KNOWLEDGE.

AS SURVEYED BY:  
LANDMARK SURVEYING, LP  
TEXAS FIRM REGISTRATION NO. 100727-00

JACKIE LEE CROW  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5209  
STATE OF TEXAS  
SURVEYED: DECEMBER 2, 2017

THIS SKETCH IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE OF THE ABOVE SURVEYOR.

CLIENT: FORSITE STUDIO  
DATE: DECEMBER 12, 2017  
OFFICE: M.BOUADI  
CREW: S.DUNN, R.MARTINEZ  
F.B.: 1604/13  
JOB #: 1092-15-01  
DISK: T:\Forsite Studio\506 Oakland Avenue\Landmark Drawings\Grid Staff\Topo & Tree\Lot 8-506 Oakland-Add1.dwg



EXHIBIT C

**HORIZONTAL DATUM**

TEXAS COORDINATE SYSTEM OF 1983 (CENTRAL ZONE--4203)  
NAD 83, (CORS) U.S. SURVEY FEET, GEOID MODEL 12A.

**BUILDING SETBACK LINES**

1. ADDITIONAL BUILDING SETBACK LINES AND EASEMENTS THAT MAY AFFECT THIS LOT ARE NOT SHOWN HEREON.  
2. ADDITIONAL BUILDING SETBACK LINES THAT MAY ALSO BE AFFECTED BY LOCAL ZONING ORDINANCE REQUIREMENTS AND RESTRICTIVE COVENANTS ARE NOT SHOWN HEREON.

**FLOOD PLAIN NOTE**

THE PROPERTY DESCRIBED HEREON IS CONTAINED WITHIN ZONE "X", AS SCALED FROM FIRM MAP NUMBER 48453C0445J, DATED JANUARY 6, 2016, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE PURPOSE OF WHICH IS FOR FLOOD INSURANCE ONLY.

**TREE LIST**

MS = MULTI-STEM LIG = LIGUSTRUM  
CM = CRAPE MYRTLE HB = HACKBERRY  
P = PECAN PO = POST OAK

CRITICAL ROOT ZONE  
TAG NUMBER & TRUNK DIAMETER

TREE TAG NO.	DESCRIPTION
96	MS 7" 7" 5" CM
97	24" P
98	24" P
99	10" P
300	32" PO
301	22" P
441	11" P
474	MS 8" 8" 6" LIG
475	MS 8" 6" HB
476	29" P

REPRODUCTION OF THIS SURVEY IS EXPRESSLY FORBIDDEN. COPIES WITHOUT ORIGINAL SIGNATURES ARE VOID.

**Landmark**  
SURVEYING, LP  
TEXAS FIRM REGISTRATION NO. 100727-00  
2205 E. 5TH STREET  
AUSTIN, TEXAS 78702  
PH: (512)328-7411 FAX: (512)328-7413

**EXHIBIT D**

**Memorandum**

**DATE:** May 24, 2017

**TO:** Scott Grantham

**FROM:** Jason Fryer (Forsite Studio)

**SUBJECT:** C14-2018-0030 Pure Yoga

Per phone conversations and email correspondence with Scott Grantham, we are making a change to the zoning change application as currently submitted for 506 Oakland. We are requesting that the application be updated to reflect our pursuit of Neighborhood Commercial Zoning (LR) instead of Community Commercial (GR) for the property located at 506 Oakland.