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ZONING CHANGE REVIEW SHEET

CASE: C14-2010- 0175 – Herzog Zoning

P.C. DATE: February 22, 2011

ADDRESS: 9726 Circle Drive

OWNER/APPLICANT: RKC Partnership One, LLC (Randy Herzog)

AGENT: Texas Engineering Solutions, LLC (Hank Smith)

ZONING FROM: RR-NP (Rural Residence district zoning)

ZONING TO: W/LO-CO-NP (Warehouse/Limited Office district zoning)

AREA: 3.003 acres (130,810 ft²)

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of W/LO-NP (Warehouse/Limited Office-Neighborhood Plan district zoning).

DEPARTMENT COMMENTS: This 3 acre property is developed with a single family structure and zoned rural residential-neighborhood plan (RR-NP). The applicant constructed a detached garage in 2004 that was subsequently determined to have a commercial storage use by the City of Austin. The applicant seeks to rezone the property to W/LO to conform to the city zoning regulations. The Oak Hill neighborhood contact team has supported an out-of-cycle neighborhood plan amendment request by the applicant. Staff supports approval of the rezoning request to RR-CO-NP combining district zoning. The conditional overlay on the property will limit the rezoned property to a limited warehousing use and prohibit the following residential, commercial and civic uses:

- Bed and Breakfast (Group 1)
- Bed and Breakfast (Group 2)
- Administrative and Business Office
- Art Gallery
- Art Workshop
- Building Maintenance Services
- Business or Trade Schools
- Business Support Services
- Communication Services
- Construction Sales and Services
- Convenience Storage
- Electronic Prototype Assembly
- Electronic Testing
- Equipment Repair Services
- Exterminating Services
- Food Preparation
- Printing and Publishing
- Custom Manufacturing
- Club or Lodge
- College and University Facilities
- Community Recreation (Private)
- Community Recreation (Public)

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- Convalescent Services
- Counseling Services
- Cultural Services
- Day Care Services (Commercial)
- Day Care Services (General)
- Day Care Services (Limited)
- Local Utility Services
- Private Primary Education Facilities
- Private Secondary Education Facilities
- Public Primary Education Facilities
- Public Secondary Education Facilities
- Residential Treatment
- Safety Services

NEIGHBORHOOD PLANNING STAFF RECOMMENDATION: The Neighborhood Planning staff supports an amendment to the Oak Hill Combined Neighborhood Plan to change the Future Land Use Map Designation for the property from Neighborhood Mixed Use to Commercial.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	RR-NP	Single Family/Warehouse
<i>North</i>	RR-NP	Single Family
<i>South</i>	RR-NP	Undeveloped/Warehouse
<i>East</i>	N/A	Travis County
<i>West</i>	RR-NP	Office/Single Family

NEIGHBORHOOD PLAN: Oak Hill Neighborhood Plan **TIA:** Waived

WATERSHED: Williamson Creek; Slaughter Creek

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:
 Hill Country Estates Homeowners Association
 Oak Hill Association of Neighborhoods
 Save our Springs Alliance

SCHOOLS:
 Baldwin Elementary School
 Small Middle School
 Bowie High School

CASE HISTORIES

NUMBER	REQUEST	COMMISSION	COUNCIL
BP-04-8312RA	Building Permit for Detached garage	N/A	N/A
C14-2008-0125	Oak Hill Combined Neighborhood Plan	7/8/2008 - approved motion sheet and recommended to Council	12/11/2008 - Approved Ordinance. 20081211-097 (7-0); 3rd reading

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BASIS FOR RECOMMENDATION

1. ***Zoning should allow for reasonable use of the property.***

The recommended zoning will allow the existing detached storage and associated single family structure to conform to zoning regulations.

2. ***Zoning changes should promote a balance of intensities and densities.***

The recommended zoning will promote a transition between nearby office and residentially zoned properties.

EXISTING CONDITIONS

Environmental

This site is not located over the Edwards Aquifer Recharge Zone. The site is in the Slaughter Creek and Williamson Creek Watersheds of the Colorado River Basin, which are classified as Barton Springs Zone (BSZ) Watersheds. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone, 20% impervious cover in the Barton Creek Watershed and 25% impervious cover in the Contributing Zone. This tract lies in the Contributing Zone.

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

The site is located within the endangered species survey area.

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

Numerous 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.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code regulations.

Water and Wastewater

If 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

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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.

Transportation:

Existing Street Characteristics:

No additional right-of-way is needed 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].

There are no existing sidewalks along Circle Drive.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or proposed along the adjoining streets as follows:

Street Name	Existing Bicycle Facilities	Proposed Bicycle Facilities
Circle Drive	Shared Lane	Wide Shoulder

Capital Metro bus service is not available within 1/4 mile of this property.

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.

Name	ROW	Pavement	Classification	Daily Traffic
Circle Drive	70'	23'	Collector	Not Available

Any new development within 540 feet of single family use or zoning is subject to compatibility standards. Additional design regulations will be enforced at the time a site plan is submitted.

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CITY COUNCIL DATE: November 18, 2010

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:





CASE MANAGER: Stephen Rye

PHONE: 974-7604
stephen.rye@ci.austin.tx.us

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ZONING

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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

ZONING CASE#: C14-2010-0175
 LOCATION: 9726 CIRCLE DR
 SUBJECT AREA: 3.003 ACRES
 GRID: WZ20
 MANAGER: STEPHEN RYE



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.



TEXAS ENGINEERING SOLUTIONS

5000 BEE CAVES RD, SUITE 206

AUSTIN, TEXAS 78746

P: (512) 904-0505

F: (512) 904-0509



TBPE FIRM # 11206

September 23, 2010

CL/S

To: City of Austin
505 Barton Springs Rd
Austin, TX 78704

Re: Neighborhood Plan Amendment - 9726 Circle Drive, 78736

The purpose of this letter is to explain the reasons for a plan amendment for property located at 9726 Circle Drive, Austin, TX, 78736. This property is owned by Randy Herzog of RKC Partnership One, LLC.

Mr. Herzog owns a house at this address and in 2004, he built a detached garage on this property. At the time, he pulled a building permit (BP-04-8312) and had the site inspected and approved. Subsequent to that construction, the city has red-tagged the property as being a commercial structure on a residential lot. He uses the garage to store equipment and materials associated with his pool construction business.

The Neighborhood Plan currently designates this property as "Neighborhood Mixed-Use". The Plan Amendment that we are submitting requests that the property be changed to "Commercial".

We have coordinated with the neighborhood contact team and have approval to proceed out of cycle with this change. In addition to the neighborhood plan change we will process a zoning change and a conditional use to allow for the existing development.

If you have any questions please feel free to contact us at any time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hank B. Smith'.

Hank B. Smith, P.E.
Principal / Owner
Texas Engineering Solutions, LLC