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**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2011-0096 – 6405 Hergotz

**Z.A.P. DATE:** September 20, 2011

**ADDRESS:** 6405 Hergotz Lane

**OWNER:** Artie Osborn

**AGENT:** Rock Ridge Consulting  
(Jim Herbert)

**ZONING FROM:** SF-3

**TO:** MF-3

**AREA:** 2.261 acres

**AMENDED TO:** SF-6

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant townhouse and condominium residence (SF-6) district zoning.

**ZONING & PLATTING COMMISSION RECOMMENDATION:**

September 20, 2011:

**ISSUES:**

The Applicant has amended his request and is in agreement with the Staff recommendation.

On October 27, 2010, the City issued a Notice of Violation noting that a maximum of two RVs are permitted on a property, and that they must be enclosed within a building or screened from public view. The rezoning case was filed on August 8, 2011.

Mr. Steve Sadowsky, the City's Historic Preservation Officer, visited the property in late-August 2011 and determined that the house closest to the Hergotz Lane frontage is circa 1895, based on its architecture and detailing. The Owner believes the house was constructed around 1925. It is unclear whether the house is on the original site, but is a good example of late Victorian vernacular residential architecture, and one of a small number of these houses remaining in southeastern Austin and Travis County. Mr. Sadowsky also recommends that any zoning changes to this site take this house into consideration, and that any changes to the house pursuant to the proposed zoning be reviewed by the Historic Preservation Office and/or the Historic Landmark Commission.

**DEPARTMENT COMMENTS:**

The subject tract is located on the south side of Hergotz Lane and has had family residence (SF-3) district zoning since its annexation into the City in 1969. The tract contains two multi-family residence structures containing three units each. There are also four occupied recreational vehicles (RVs) located towards the rear of the property. A review of aerial photographs was undertaken to estimate how long the structures on the property have existed. A 1966 aerial taken prior to annexation indicates that there was more than one structure on

this tract, although it is unclear whether or not it was used for residential purposes. An April 1970 aerial shows at least two additional structures on the west property line and TCAD records indicate that the second residential structure was built that year. A 1984 aerial shows the second residential structure as well as parked vehicles along a circular driveway at the back of the property. A 2001 rezoning application filed on the property was for commercial purposes.

On the north side of Hergotz Lane, there is one single family residence and undeveloped land that adjoins the banks of the Colorado River (SF-3). To the east there are single family residences on tracts of varying sizes, to the south is a supply company, and to the east there is a manufactured home park that predates annexation and contains approximately 35 spaces (all SF-3). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant originally proposed MF-3 zoning, but has amended the request to the townhouse and condominium residence (SF-6) district as a step towards bringing the six units in the two existing residential structures into compliance with the Zoning Code, and to develop additional garden homes on the rear portion of the tract. Recreational vehicles are not designed for permanent occupancy and are unable to be grandfathered, and therefore, such use must be discontinued. [FYI - The Code allows for a maximum of two screened RVs to be stored on a site (Section 25-2-893).] A site plan showing the improvements, driveways and parking areas is a subsequent step in the development process if there are more than two residential units on the site.

Staff supports townhouse and condominium residence (SF-6) zoning given that it is adjacent to a type of higher density housing and located on a collector street. Under SF-6 zoning, the existing two residences on the site could be converted to condominium, duplex or single family residential use, and additional residential units could be built on the property, for a maximum of 27 units.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3	Two residential structures (total of six units); four occupied RVs
<i>North</i>	SF-3	Undeveloped land and single family residences bordering the Colorado River
<i>South</i>	SF-3	Supply company with outside storage
<i>East</i>	SF-3	Single family residences on tracts of varying size
<i>West</i>	SF-3	Manufactured home park

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHEDS:** Carson Creek / Colorado River

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

- 511 – Austin Neighborhoods Council
- 742 – Austin Independent School District
- 774 – Del Valle Independent School District
- 786 – Home Builders Association of Greater Austin
- 1037 – Homeless Neighborhood Association
- 1075 – League of Bicycling Voters
- 1113 – Austin Parks Foundation
- 1195 – Imperial Valley Neighborhood Association
- 1200 – Super Duper Neighborhood Objectors and Appealers Organization
- 1224 – Austin Monorail Project
- 1228 – Sierra Club, Austin Regional Group
- 1236 – The Real Estate Council of Austin, Inc.
- 1258 – Del Valle Community Coalition
- 1340 – Austin Heritage Tree Foundation

**SCHOOLS:**

- Hillcrest Elementary School
- Del Valle Middle School
- Del Valle High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0202 – 102 Herrera Street	SF-3 to GR	To Grant GR-CO with CO for 300 trips, prohibit drive-through services; RC for rollback to LR if auto repair uses ceases	Approved GR-CO with CO for 150 trips, prohibit drive-through services; RC for rollback to NO zoning and to include a 300 vehicle trip limit (4-28-05).

**RELATED CASES:**

The rezoning area was part of a 64.46 acre area that was annexed by the City of Austin on April 10, 1969 (C7-68-4i). The City has determined that the property is a legal tract that is eligible to receive utility service, and therefore, excepted from the requirement to plat (C8I-00-2098). Please refer to Exhibit B. A rezoning case for CS-CO was filed in early 2001 and included the subject property as well as a 1.2086 acre tract across Hergotz Lane to the north, but was withdrawn by the Applicant prior to consideration by the Commission (C14-01-0022 – 6405 Hergotz Lane). There are no related site plan applications on the subject property.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
Hergotz Lane	50 feet	26 feet	Collector	Not Available

- There are no existing sidewalks along Hergotz Lane.
- Capital Metro bus service is not available within 1/4 mile of this property.

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

Street Name	Existing Bicycle Facilities	Recommended Bicycle Facilities
Hergotz Lane	Shared Lane	Bike Lane

**CITY COUNCIL DATE:** October 20, 2011

**ACTION:**

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

2<sup>nd</sup>

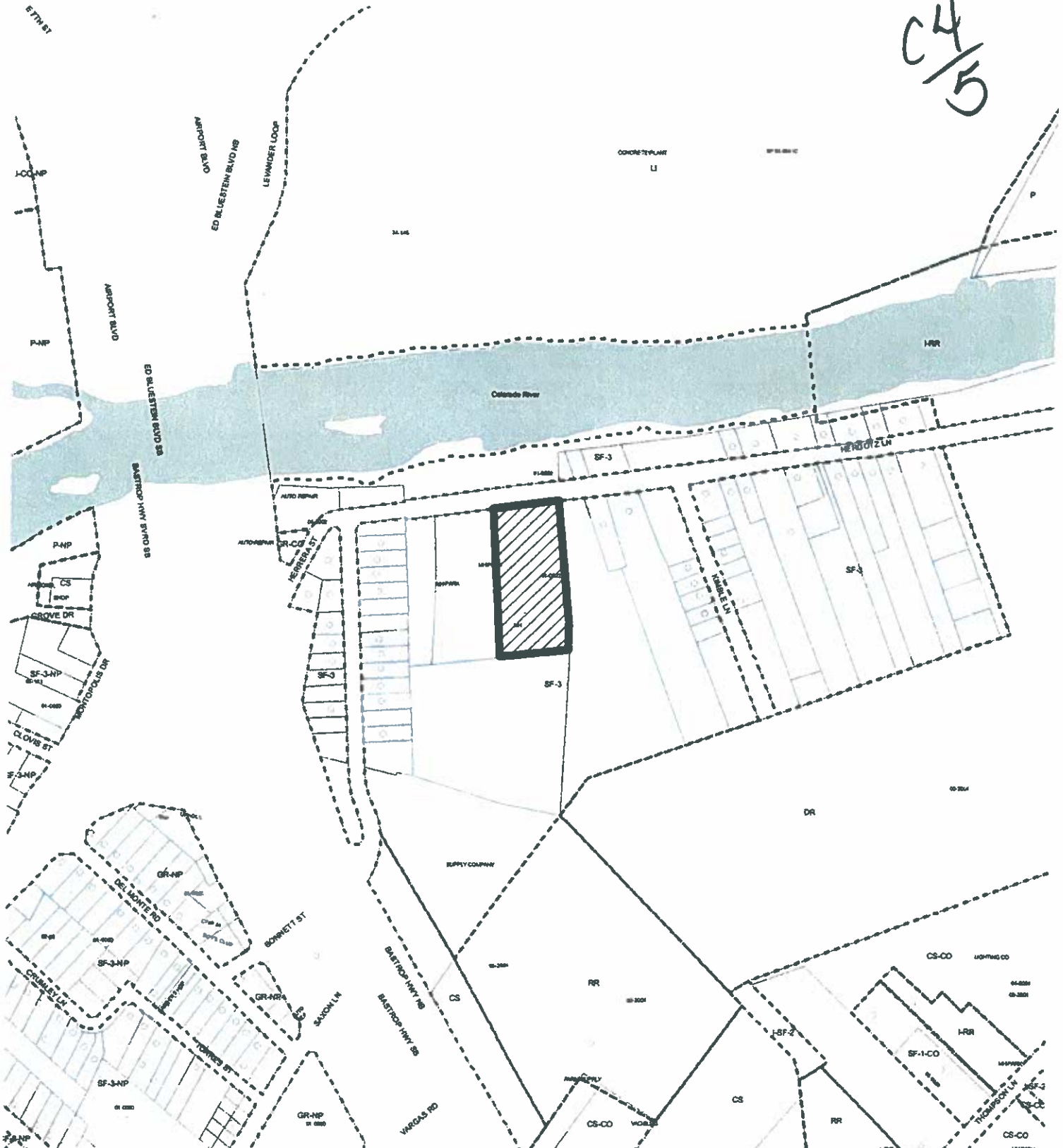
3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)





**PHONE:** 974-7719

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**ZONING**

*EXHIBIT A*

-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

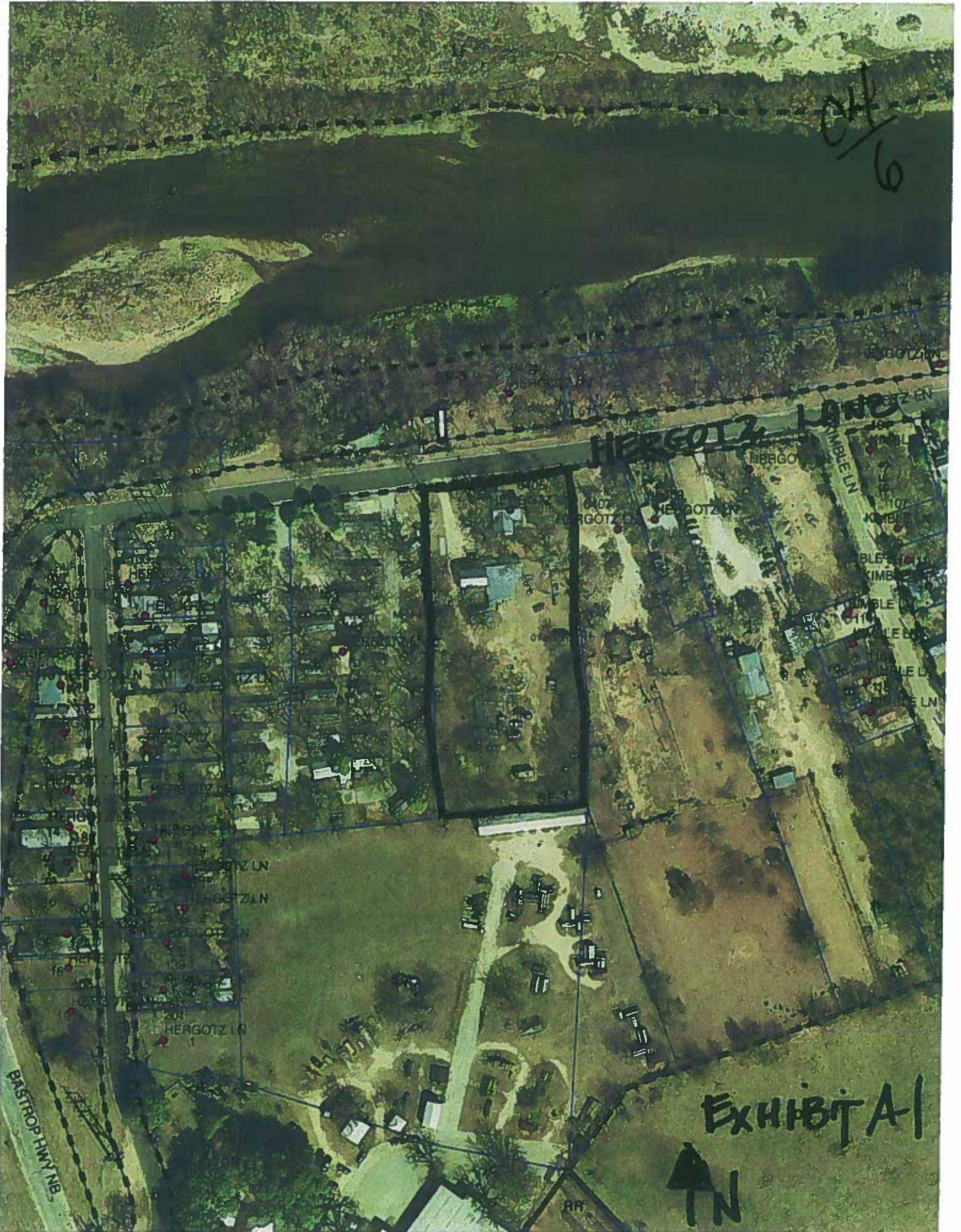
ZONING CASE#: C14-2011-0096  
 LOCATION: 6405 HERGOTZ LANE  
 SUBJECT AREA: 2.261 ACRES  
 GRID: M20  
 MANAGER: WENDY RHOADES



1" = 400'

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.

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HERGOTZ LN

BASTROP HWY NB

EXHIBIT A1



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City of Austin  
Development Review and Inspection Department

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LAND STATUS DETERMINATION  
1987 RULE PLATTING EXCEPTION

05/10/2000

File Number: C8I-00-2098

Address: 6405 HERGOTZ LA

Tax Parcel ID: 0302200313

Map Date: 09/24/1998

The Development Review and Inspection Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being 3.474 acres of land, more or less, out of the Santiago Del Valle Grant, Abstract 24, (SAVE AND EXCEPT that portion in the Hergotz right-of-way; location not confirmed) and being more particularly described by metes and bounds in the current deed, recorded on 03/28/2000, in Document #2000045021, Travis County Deed Records. This parcel existed in its current configuration on August 31, 1987, as evidenced by a deed recorded on 03/26/1976, in Volume 5401, Page 1490\*\*, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on August 31, 1987, as evidenced by electric service on 03/04/1987. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:

\*\*The previous deed provides the legal description for the adjacent 3.316 acre tract to the west of this tract under consideration. The previous deed conveys that property as two separate tracts (3.075 ac. and 0.241 ac.) which results in the current configuration of this property as a remainder parcel that existed prior to August 31, 1987. An earlier 1956 deed contains field notes clearly describing all of these tracts as a "single parcel" (See 1706/520)

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: Joe R. Almazan  
JOE R. ALMAZAN  
Director (or representative)  
Development Review and Inspection Department

EXHIBIT B  
LAND STATUS DETERMINATION

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**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant townhouse and condominium residence (SF-6) district zoning.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

The townhouse and condominium residence (SF-6) district is intended as an area for moderate density single family, duplex, two-family, townhouse and condominium use.

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

Staff supports townhouse and condominium residence (SF-6) zoning given that it is adjacent to a type of higher density housing and located on a collector street. Under SF-6 zoning, the existing two residences on the site could be converted to condominium, duplex or single family residential use, and additional residential units could be built on the property, for a maximum of 27 units.

**EXISTING CONDITIONS****Site Characteristics**

The rezoning area is developed with two residential structures containing a total of six units, and four occupied RVs. The property is moderately treed and relatively flat. There appear to be no significant topographical constraints on the site.

**Impervious Cover**

The maximum impervious cover allowed by the SF-6 zoning district is 55%, a consistent figure between the *zoning and watershed* regulations.

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Carson Creek Watershed and Colorado River Watershed of the Colorado River Basin, which are classified as Suburban Watersheds by Chapter 25-8 of the City's Land Development Code. 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%



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Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no flood plain 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.

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 the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

### **Transportation**

If the requested zoning is recommended for this site, 30 feet of right-of-way should be dedicated from the centerline of Hergotz Lane in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site [LDC, 25-6-55; TCM, Tables 1-7, 1-12]. This requirement can be deferred to the subdivision or site plan process.

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].

### **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. Water and wastewater utility plans 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.

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/10**Site Plan and Compatibility Standards**

Any new development is subject to Subchapter E. Design Standards and Mixed Use, as applicable to a MF-zoned district. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along all property lines adjacent to single family, the following standards will apply with any future development:

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

This property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. Development on this property is limited by Chapter 25-13 of the Austin City Code which prohibits uses that create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Airport hazards are further defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23. For more information, contact Joe Medici, Noise Abatement Officer at (512) 530-6652.

The Applicant is responsible for requesting any relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.