

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2014-0023 – 1826 Oak Hill Med, LLC

**P.C. DATE:** May 27, 2014

**ADDRESS:** 8515 FM 1826 Road

**OWNER/APPLICANT:** Oak Hill Med, LLC  
(John Giries)

**AGENT:** Consort, Inc.  
(Ben Turner)

**ZONING FROM:** LO-CO-NP - Tract 1; SF-2-CO-NP – Tract 2  
(3.17 acres) (0.27 acres)

**ZONING TO:** LO-CO-NP (Tracts 1 and 2)

**TOTAL AREA:** 3.444 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant limited office – mixed use – conditional overlay – neighborhood plan (LO-MU-CO-NP) combining district zoning for Tracts 1 and 2. The Conditional Overlay establishes that: 1) development is limited to 2,000 trips per day, 2) the number of driveway approaches for vehicular access from the Property to F.M. 1826 is limited to two, 3) the maximum height for a building or structure is 35 feet from ground level and a building may not exceed one level, 4) a 50-foot wide building setback along the north and south property lines, and 5) prohibits the following uses: art gallery, art workshop, bed and breakfast residential (group 1), bed and breakfast (group 2), club or lodge, college and university facilities, communication service facilities, communication services, community events, community recreation (private), community recreation (public), congregate living, convalescent services, counseling services, cultural services, family home, group home, class I (general), group home, class I (limited), group home, class II, hospital services (limited), public primary educational facilities, public secondary educational facilities, residential treatment, safety services, and special use historic.

### **PLANNING COMMISSION RECOMMENDATION:**

May 27, 2014: *APPROVED LO-CO-NP DISTRICT ZONING WITH CONDITIONS, AS STAFF RECOMMENDED, BY CONSENT*

*[R. HATFIELD; N. ZARAGOSA – 2ND] (8-0) J. NORTEY – ABSENT*

### **ISSUES:**

The Applicant has secured the approval of TXDOT to defer the right-of-way requirements addressed below the time of site plan:

The Austin Metropolitan Area Transportation Plan calls for a total of 200 feet of right-of-way for FM 1826. If the requested zoning is granted, then 75 feet of right-of-way should be dedicated and 25 feet of right-of-way reserved from the existing centerline of FM 1826 in accordance with the Transportation Plan [LDC, Sec. 25-6-51 and 25-6-55].

The Applicant has met with the Estates at Loma Vista Home Owners Association and both parties have agreed upon a Conditional Overlay that permits the following uses that are prohibited by the 2006 rezoning ordinance: administrative and business offices, day care services (commercial, general and limited), private primary and secondary educational facilities, and software development. As requested, all other portions of the conditional overlay covering setbacks, structure height, permitted uses, number of driveways, lighting and signage would remain as is. Please refer to Attachment A.

Furthermore, the agreed upon Conditional Overlay with three exceptions described below has been incorporated into the Staff recommendation.

#### **DEPARTMENT COMMENTS:**

The subject portions of two platted lots are undeveloped and consists of portions of limited office – conditional overlay – neighborhood plan (LO-CO-NP) and single family residence-standard lot – conditional overlay – neighborhood plan (SF-2-CO-NP) district zonings (C14-06-0010). Access is taken to FM 1826. The Estates of Loma Vista is adjacent to the north, east and south (SF-2-NP; RR-NP; SF-1-CO-NP). The west side of FM 1826 consists of Seton Southwest Hospital (GO-NP), a manufactured home park; lawn equipment sales and single family residences (County). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (2006 Rezoning Ordinance).

The Applicant proposes to rezone the property in two ways: 1) to change the southern 35 feet of a 50-foot wide strip in proximity to the north property line to the LO-CO-NP district (the remaining 15 feet that abuts the north property line will retain SF-2-CO-NP zoning), and 2) remove seven uses prohibited by the 2006 rezoning ordinance. The Applicant has worked with and gained the support of the Estates of Loma Vista HOA for these changes.

The Staff supports the Applicant's request with three exceptions that reflect current City Code and policy, and thus, are not included in the Staff recommendation. Specifically, from the 2006 ordinance:

- 1) Part 2, Item 4.D. identifies a requirement for hooding or shielding of exterior lighting. This requirement currently applies to all roadway types and all zoning types (*Land Development Code, Subchapter E, Article 2, Section 2.5 – Exterior Lighting*);
- 2) Part 2, Item 4.E. identifies requirements for a freestanding sign. Subsequent to the 2006 case, Staff received clarification from the Law Department that zoning ordinances are not intended to restrict signage, and also, the sign ordinance is codified in its own section of the *Land Development Code*; and
- 3) Part 2, Item 4.F. prohibits urban farm use. This use is now permitted in all zoning districts.

Staff support for LO-CO-NP zoning is based on the following considerations of the property: 1) office use is appropriate for an arterial roadway, is in close proximity to a hospital, and FM 1826 may be expanded in the future; and 2) the Conditional Overlay provides for enhanced compatibility with the adjacent single family residences to the north and south.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-2-CO-NP; LO-MU-CO-NP	Undeveloped
<i>North</i>	SF-2-NP	Single family residences
<i>South</i>	SF-1-CO-NP	Single family residences
<i>East</i>	SF-2-CO-NP	One single family residence
<i>West</i>	N/A (County)	Seton Southwest Hospital; Lawn equipment sales; Manufactured home park; Single family residences

**NEIGHBORHOOD PLANNING AREA:** Oak Hill Combined **TIA:** Is not required  
(West Oak Hill)

**WATERSHED:** Williamson Creek – **DESIRED DEVELOPMENT ZONE:** No  
Barton Springs Zone – Contributing Zone

**CAPITOL VIEW CORRIDOR:** N/A **SCENIC/HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

298 – Oak Hill Association of Neighborhoods (OHAN)  
 459 – Wynnrock Area Neighborhood Association 641 – Granada Homeowners Association  
 742 – Austin Independent School District  
 779 – Oak Hill Neighborhood Plan – COA Liaison 780 – Estates of Loma Vista HOA  
 943 – Save Our Springs Alliance 967 – Circle C Neighborhood Association  
 1037 – Homeless Neighborhood Association 1075 – Bike Austin  
 1166 – Oak Hill Neighborhood Planning Contact Team  
 1200 – Super Duper Neighborhood Objectors and Appealers Organization  
 1224 – Austin Monorail Project 1228 – Sierra Club, Austin Regional Group  
 1340 – Austin Heritage Tree Foundation 1343 – Oak Hill Trails Association  
 1363 – SEL Texas

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-86-004 – Sections of Shadow Ridge Crossing, including Section 12-north	I-RR to RR; SF-2; SF-3	To Grant RR; SF-2; SF-3 as requested.	Apvd RR; SF-2; SF-3 (3-24-1988).
C14-93-0135 – Shadow Ridge Crossing, Section 11-south	DR to SF-1	To Grant SF-1-CO. The CO limits density to 205 units	Apvd PC rec (12/2/1993).

C14-99-0125 – Nassour Tract-HEB #10	SF-2 and DR to GR	To Grant GR without conditions	Apvd PC rec (4/20/2000).
C14-02-0089 – HEB Austin No. 10	RR to GR	To Grant GR without conditions	Apvd PC rec (7-11-2002).
C14-05-0219 – Seton Southwest	I-RR to GO	To Grant GO w/conditions of the TIA	Apvd GO with RC for TIA and Phasing Agreement (7-27-2006).
C14-2007-0088 – Winkley Loma Vista – 7213 Twilight Mesa Dr	I-RR to SF-1 for Tract 1 and SF-2 for Tract 2	To Grant SF-1-CO for Tract 1 and SF-2-CO for Tract 2, with CO for 300 trips per day	Apvd as PC rec (5-22-2008).

**RELATED CASES:**

The rezoning area was approved for SF-2-CO and LO-MU-CO zoning on June 22, 2006 (C14-06-0010 – 8515 F M 1626). The rezoning consists of portions of Lots 1 and 2 of the Final Plat of Blackbeard Subdivision recorded on September 12, 2008 (C8-2007-0229.0A).

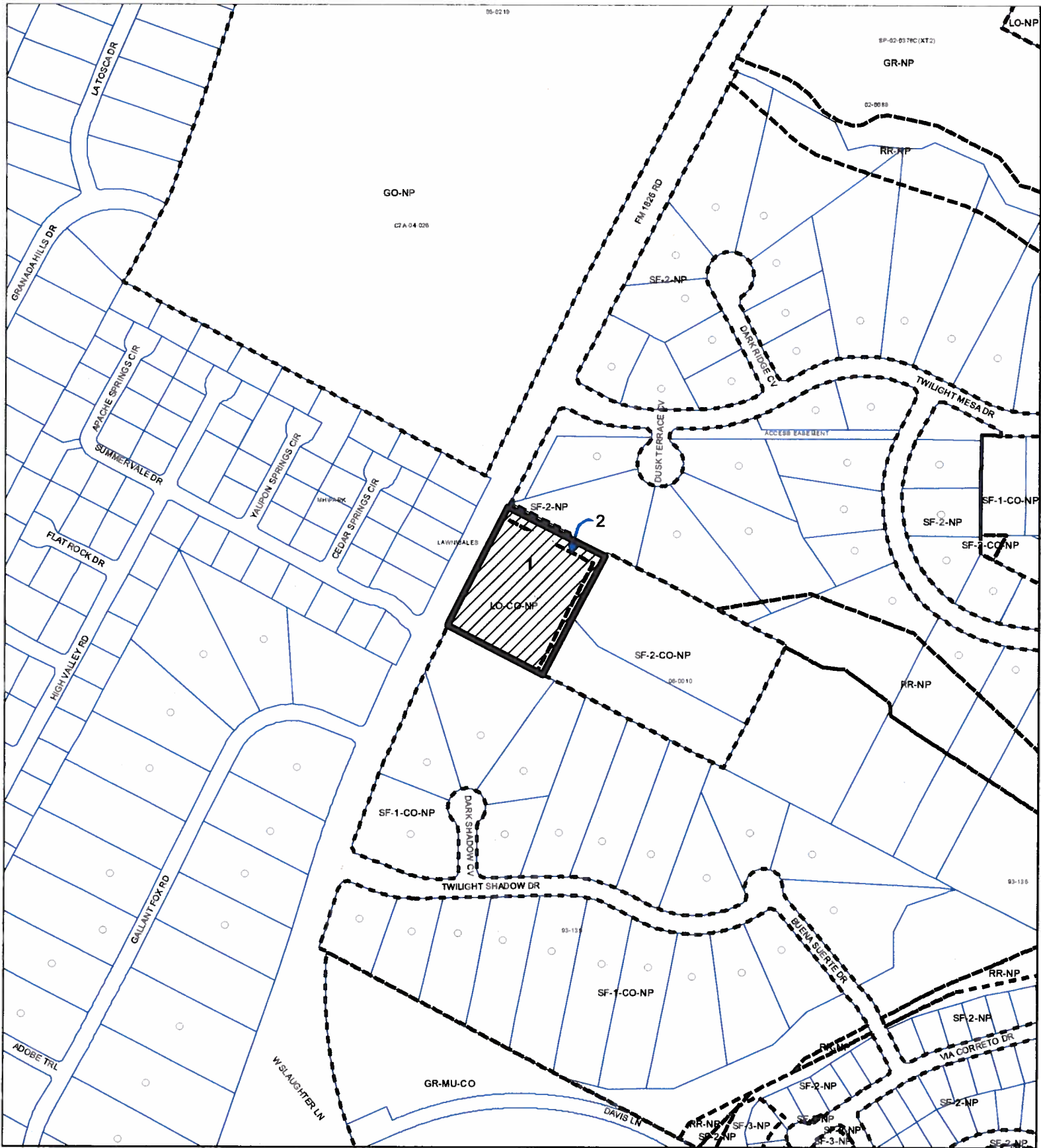
**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
FM 1826	88 feet	28 feet	Major Arterial	No	Yes	No

**CITY COUNCIL DATE:** June 26, 2014**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

**PHONE:** 512-974-7719






## ZONING

EXHIBIT A

ZONING CASE#: C14-2014-0023



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

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 CTM for the purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.









**ORDINANCE NO. 20060622-099**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 8515 F.M. 1826 ROAD FROM DEVELOPMENT RESERVE (DR) DISTRICT TO LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT FOR TRACT ONE AND SINGLE FAMILY RESIDENCE STANDARD LOT-CONDITIONAL OVERLAY (SF-2-CO) COMBINING DISTRICT FOR TRACT TWO.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district on the property described in Zoning Case No. C14-06-0010, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From development reserve (DR) district to limited office-conditional overlay (LO-CO) combining district.

A 3.17 acre tract of land, more or less, out of the Jesse Williams Survey No. 62, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, and

Tract Two: From development reserve (DR) district to single family residence standard lot-conditional overlay (SF-2-CO) combining district.

A 6.84 acre tract of land, more or less, out of the Jesse Williams Survey No. 62, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as 8515 F.M. 1826 Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

2. A maximum of two driveway approaches for vehicular access from the Property to F.M. 1826 is permitted.
3. The maximum number of residential units on Tract Two is one dwelling unit.
4. The following applies to Tract One.
  - A. The maximum height for a building or structure is 35 feet from ground level.
  - B. A building or structure may not exceed one story.
  - C. A 50-foot wide building setback shall be established along the north and south property lines.
  - D. Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent properties.
  - E. One freestanding sign constructed on a berm is permitted on the Property. The maximum sign area is 24 square feet and may not exceed six feet above grade.
  - F. The following uses are prohibited uses:

Administrative and business offices  
Art gallery  
Art workshop  
Bed and breakfast residential (Group 1)  
Bed and breakfast residential (Group 2)  
Club or lodge  
College and university facilities  
Communication service facilities  
Communications services  
Community events  
Community recreation (private)  
Community recreation (public)  
Congregate living  
Convalescent services  
Counseling services  
Cultural services  
Day care services (commercial)

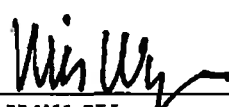
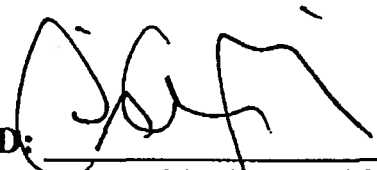
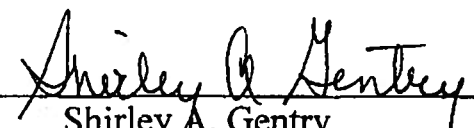


Day care services (general)  
Day care services (limited)  
Family home  
Group home, Class I (general)  
Group home, Class I (limited)  
Group home, Class II  
Hospital services (limited)  
Private primary educational facilities  
Private secondary educational facilities  
Public primary educational facilities  
Public secondary educational facilities  
Residential treatment  
Safety services  
Software development  
Special use historic  
Urban farm

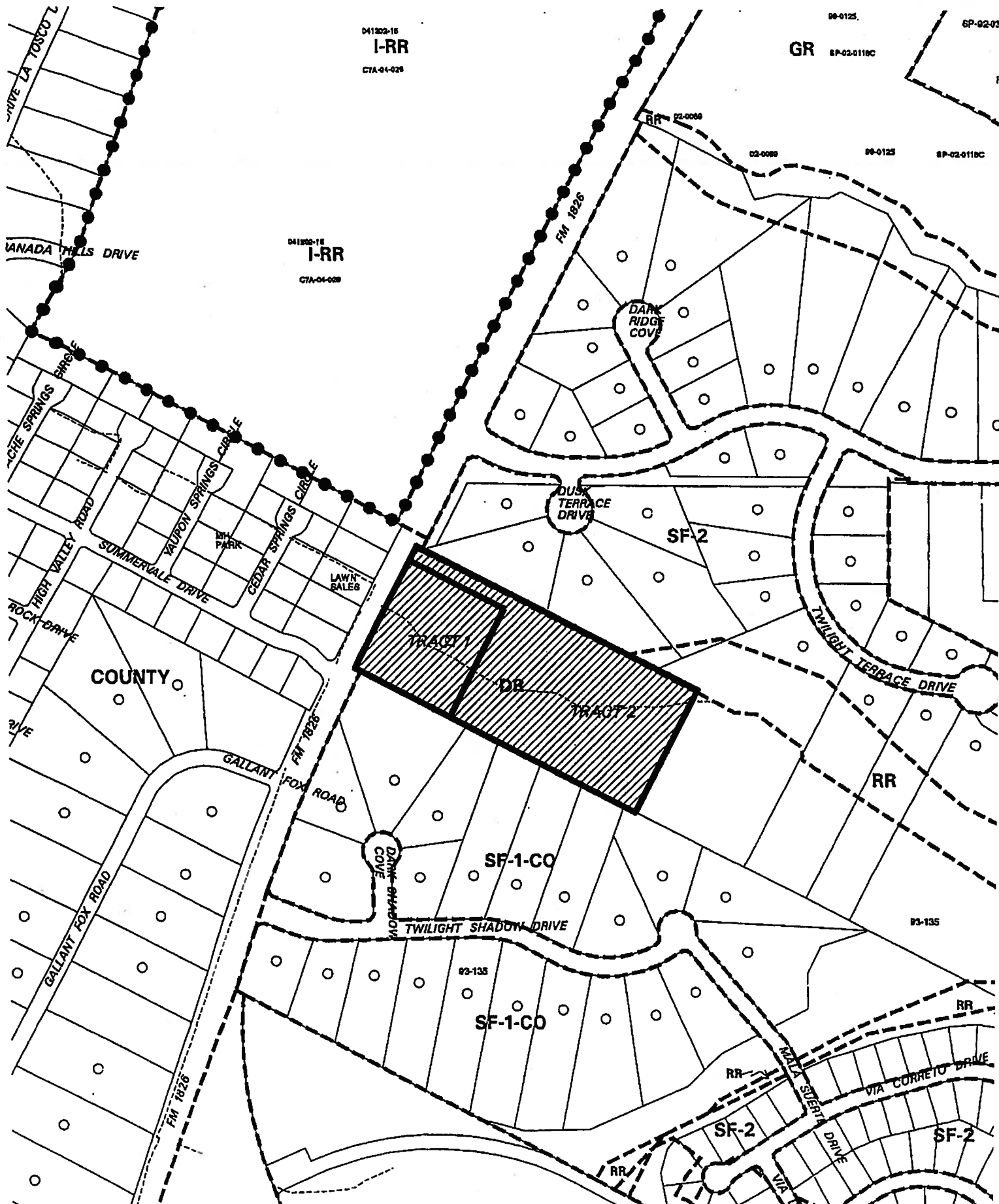
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on July 3, 2006.

**PASSED AND APPROVED**

_____ June 22 _____, 2006	§ § §	_____  Will Wynn Mayor
<b>APPROVED:</b>  David Allan Smith City Attorney	<b>ATTEST:</b>	 Shirley A. Gentry City Clerk

041002-18  
I-RR  
C7A-04-000



SUBJECT TRACT  
PENDING CASE  
ZONING BOUNDARY  
CASE MGR: W.WALSH



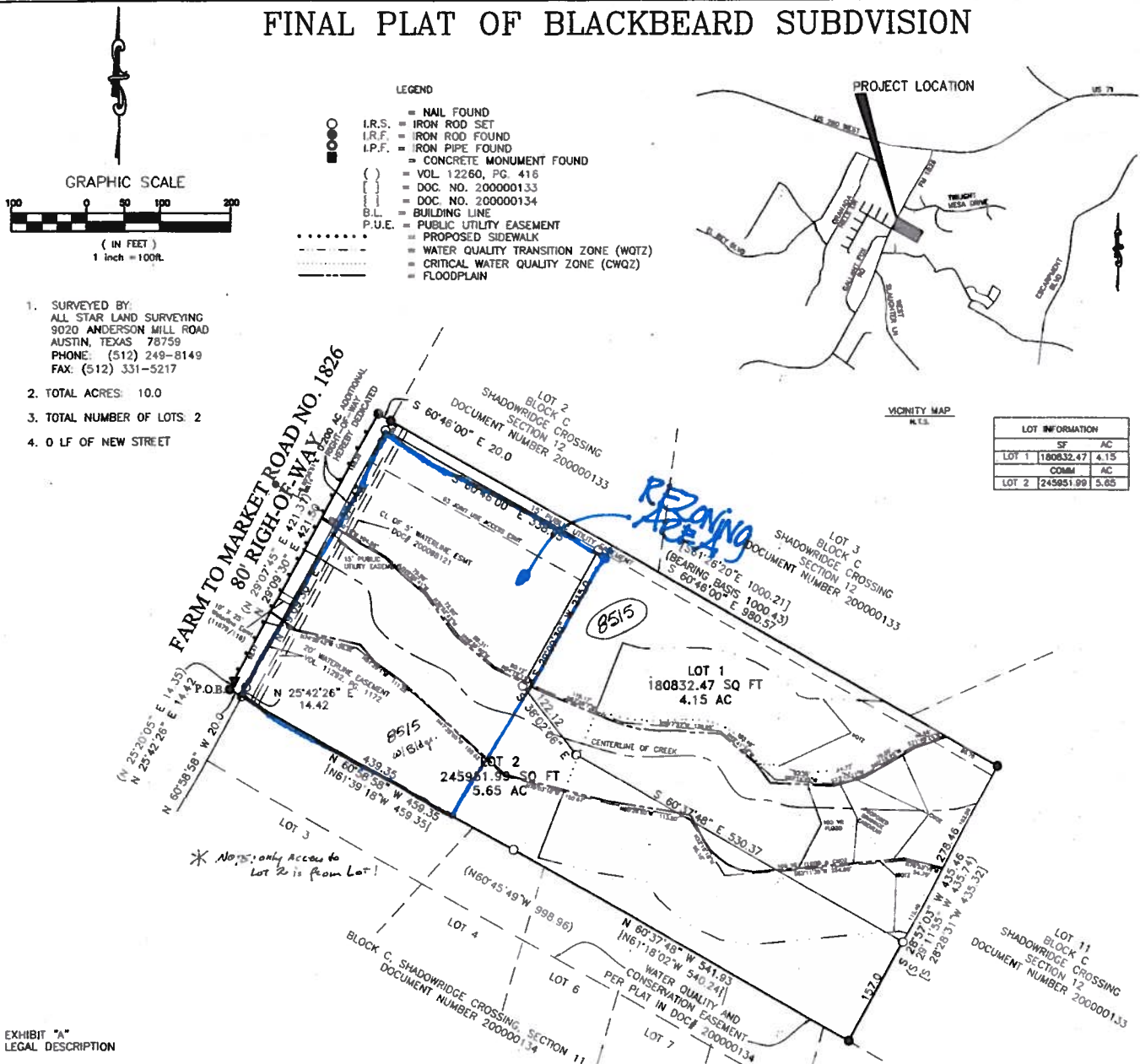
**CASE #: C14-06-0010**  
**ADDRESS: 8515 FM 1826 RD**  
**SUBJECT AREA (acres): 10**

ZONING EXHIBIT C

DATE: 06-05  
INTLS: SM

CITY GI  
REFERE  
NUMBE  
B18

## FINAL PLAT OF BLACKBEARD SUBDIVISION

EXHIBIT C  
RECORDED PLAT



## Estates of Loma Vista Home Owners Association

### Rezoning of the 5.65 acre tract on FM 1826 owned by J & B Interests LLC

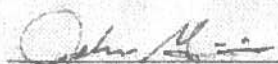
The Estates of Loma Vista HOA supports an amendment to the existing zoning ordinance number 20060622-099 (C14-06-0010) for this property to allow for the additional uses shown below in addition to those previously allowed:

- Administration and business offices
- Day care services (Commercial)
- Day care services (General)
- Day care services (Limited)
- Private primary educational facilities
- Private secondary educational facilities
- Software development

Additionally, The Estates of Loma Vista HOA support the rezoning of a 35' wide strip portion of land from SF-2 to LO.

In recognition of this support from the Estates of Loma Vista HOA, J & B Interests LLC and the Goddard School agree to install noise abatement fencing materials as part of the planned school in order to reduce the Lmax playground noise levels by at least 7 dBA.


Agreed:

  
John Gries (J & B Interests)

Date

4-3-14

Agreed:

  
David Rastelli (Goddard School)

Date

4-3-14


Agreed:

  
Randy Clarke (ELV HOA)

Date

4/11/2014


Agreed:

  
Gordon Gorychka (ELV HOA)

Date

04/11/14

Agreed:

  
Dick Armitage (ELV HOA)

Date

4/11/14

Agreed:

  
Jane Schwartz (ELV HOA)

Date

4/11/14

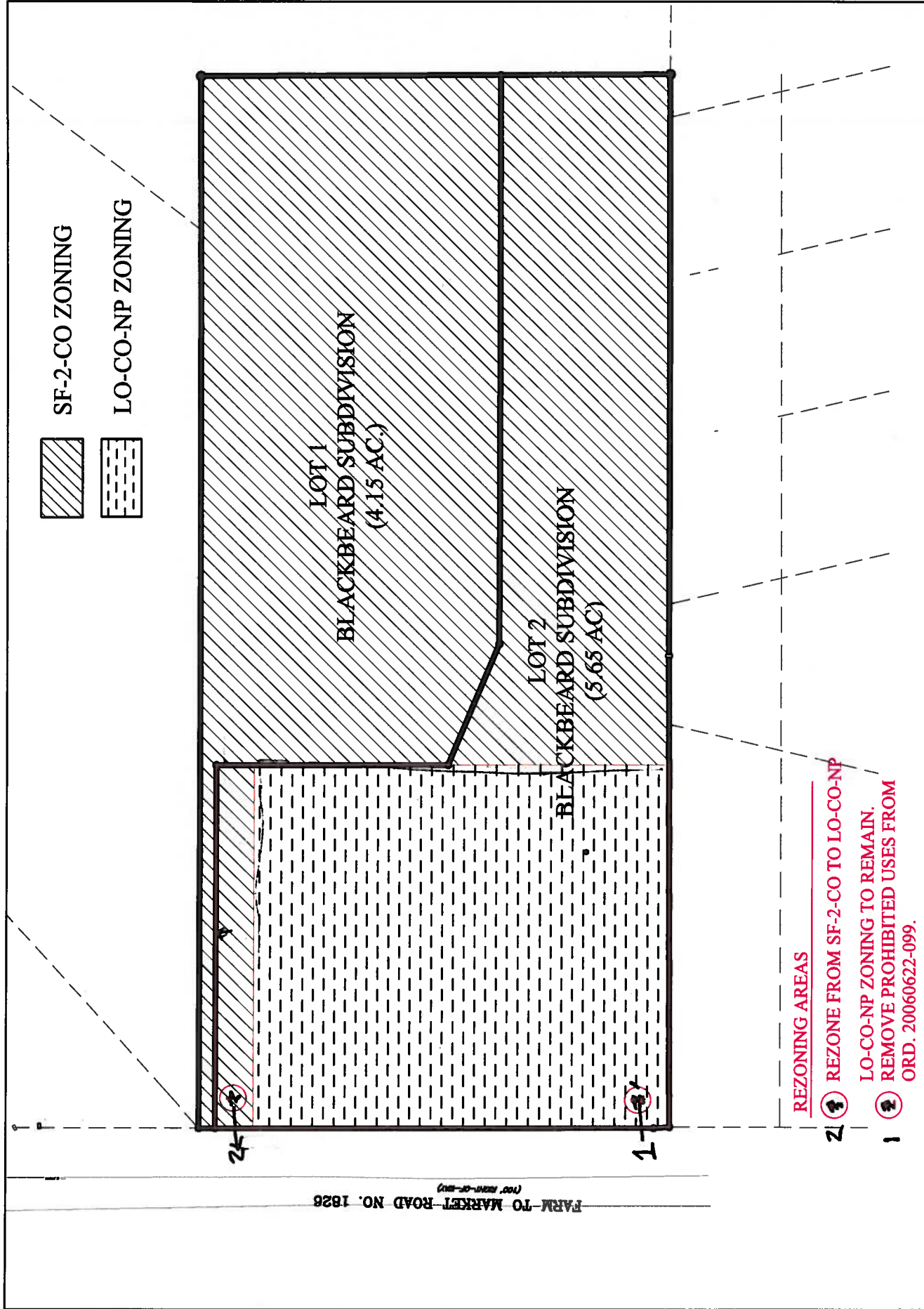
Agreed:

  
Robbie Bennett (ELV HOA)

Date

4/11/14

ATTACHMENT A



EXISTING ZONING EXHIBIT  
 8517 F.M. 1826 AUSTIN, TEXAS

DATE: 03/11/14  
 SCALE: NTS

## STAFF RECOMMENDATION

The Staff's recommendation is to grant limited office – mixed use – conditional overlay – neighborhood plan (LO-MU-CO-NP) combining district zoning for Tracts 1 and 2. The Conditional Overlay establishes that: 1) development is limited to 2,000 trips per day, 2) the number of driveway approaches for vehicular access from the Property to F.M. 1826 is limited to two, 3) the maximum height for a building or structure is 35 feet from ground level and a building may not exceed one level, 4) a 50-foot wide building setback along the north and south property lines, and 5) prohibits the following uses: art gallery, art workshop, bed and breakfast residential (group 1), bed and breakfast (group 2), club or lodge, college and university facilities, communication service facilities, communication services, community events, community recreation (private), community recreation (public), congregate living, convalescent services, counseling services, cultural services, family home, group home, class I (general), group home, class I (limited), group home, class II, hospital services (limited), public primary educational facilities, public secondary educational facilities, residential treatment, safety services, and special use historic.

## BASIS FOR RECOMMENDATION

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

Limited office (LO) zoning is intended for office use predominantly serving the neighborhood or community needs, such as professional, semi-professional and medical offices, which may be located within or adjacent to residential neighborhoods.

2. *Zoning changes should allow for reasonable use of the property.*

Staff support for LO-CO-NP zoning is based on the following considerations of the property: 1) office use is appropriate for an arterial roadway, is in close proximity to a hospital, and FM 1826 may be expanded in the future; and 2) the Conditional Overlay provides for enhanced compatibility with the adjacent single family residences to the north and south.

## EXISTING CONDITIONS

### Site Characteristics

The site consists of undeveloped land. The property slopes towards the east.

### Impervious Cover

The maximum impervious cover allowed by the LO zoning district is 25%, which is based on the more restrictive watershed regulations described below.



### **Comprehensive Planning**

The zoning case is located on the east side of FM 1826, and is located within the boundaries of the West Oak Hill Combined Neighborhood Planning Area. The property is approximately 3.44 acres in size and is vacant. Surrounding land uses includes single family houses to the north and south, a barn like structure to the east, and single family houses and a tree service business to the west on FM 1826. The proposed use is a medical office. The majority of the property is already zoned LO. The applicant wants to rezone the remaining SF-2 strip of property abutting the LO zoned property and amend the existing conditional overlay on the LO zoned portion of the property.

#### **Oakhill Combined Neighborhood Plan (OHCNP)**

The Oak Hill Combined Neighborhood Plan Future Land Use Map (FLUM) designates this portion of FM 1826 as ‘**Mixed Use/Office**’ which is intended for a mix of residential and office uses and is supposed to provide a transition from residential uses to non-residential or mixed uses. LO zoning is permitted under this FLUM category. The property is also located within the boundaries of the Barton Springs Contributing Zone, as identified on the Imagine Austin’s Growth Concept Map.

The following text, goals, objectives and recommendations are taken from the OHCNP:

**Goal 4.A:** Preserve and enhance environmental resources including watersheds, air quality, and wildlife corridors. (p 36)

**Objective: 4.A.1** Preserve the water quality of area aquifers, streams, rivers, and springs and protect endangered species dependent on the quality of those water resources.

**Goal 4.B.** Provide opportunities for high-quality new development and redevelopment. (p 37)

**Objective 4.B.1:** Minimize the ecological footprint of development in the Oak Hill planning area to help achieve environmental goals, particularly the preservation of water quality.

**Goal 6.A.** Provide opportunities for high-quality new development and redevelopment.

**Objective 6A.1:** Ensure quality of new construction and renovations. (p 66)

**Goal 6.B.** Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment. (p 66)

**Objective 6.B.1:** Encourage zoning to be compatible with existing and neighboring land uses and seek optimal and most appropriate use of land activity areas) at strategic locations. (p 66)

**Goal 6.C:** Create a mix of uses in existing corridors of commercial development that will provide a diversity of local services convenient to neighborhoods and establish commercial “nodes” (concentrated) (p 67)

**Goal 6.E:** Encourage locally-owned businesses to locate in the Oak Hill area and find ways for local businesses and employers to prosper. (p 67)

**Objective 6.E.1:** Oak Hill stakeholders desire more small-scale businesses with less strip commercial establishments

**Objective 7.B.1a**—Community members want to see FM 1826 from U.S. Highway 290 to Slaughter widened from a two lane to a four lane divided with sidewalks and bicycle lanes. They feel that this improvement would accommodate the increasing pedestrian and vehicular traffic caused by the school, hospital and many residential communities located along FM 1826 (pg 109)

The Oak Hill Combined Neighborhood Plan Future Land Use Map designates this portion of FM 1826 as 'Mixed Use/Office' and the goals and objectives taken from this plan appear to support office mixed use in this portion of the planning area as long as environmental considerations are enforced.

### **Imagine Austin**

The property is also located within the boundaries of the Barton Springs Contributing Zone, as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan (IACP). An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and "contribute" water to the aquifer.

### **Conclusion:**

While the Oak Hill Combined Neighborhood Plan is supportive of this proposed use, the comparative scale of this site falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning, just as long as environmental ordinances are enforced.

### **Environmental**

This site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the SOS Ordinance that allows 25% impervious cover (net site area) in the contributing zone.

According to floodplain maps there is no floodplain within or adjacent to the project location. However, City of Austin GIS shows a Water Quality Transition Zone and a Critical Water Quality Zone within the project location. Development is not permitted in the Critical Water Quality Zone and the Water Quality Transition Zone of this watershed except as listed in LDC 25-8 Article 7, Division 1 and LDC 25-8 Article 12.

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

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 512-974-1876. 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 requires water quality control with increased capture volume and control of the 2 year storm on site. Runoff from the site is required to comply with pollutant load restrictions as specified in Land Development Code.

### **Transportation**

*The Applicant has secured the approval of TXDOT to defer the right-of-way requirements addressed below the time of site plan:*

The Austin Metropolitan Area Transportation Plan calls for a total of 200 feet of right-of-way for FM 1826. If the requested zoning is granted, then 75 feet of right-of-way should be dedicated and 25 feet of right-of-way reserved from the existing centerline of FM 1826 in accordance with the Transportation Plan [LDC, Sec. 25-6-51 and 25-6-55].

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 [LDC, 25-6-117].

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: FM 1826 serves route no. 426 with an existing Shared Lane and recommended Wide Curb.

Eric Dusza with Public Works Department may have additional comments regarding multi-modal enhancements and facilities.

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water utilities and an On-Site Sewage Facility approved by the City of Austin. 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.



Wastewater service is not currently available to the subject tract, and a Service Extension Request will be required if service is desired. Please contact Phillip Jaeger at 512-972-0232 for more information pertaining to the Service Extension Request process and submittal requirements.

### **Compatibility Standards**

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

The site is subject to compatibility standards. Along the north and south property line, 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.

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

FYI - This site is located in the Oak Hill Combined Neighborhood Planning Area. Please see the City's website <http://www.austintexas.gov/departments/neighborhood-planning> for a copy of the recommended design guidelines.



## MEMORANDUM

**To:** Bryan Moore  
Consort, Inc.

**From:** Gary Morris

**Subject:** Subdivision Review

**Project:** Blackbeard Subdivision  
8517 FM1826  
Travis County  
FM1826

June 2, 2014

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This section of FM1826 is planned to be upgraded. Currently there is approximately 80-ft of right of way. To upgrade the roadway a total of 150-ft of right of way will be required. Currently the state does not have approved plans or funding available to upgrade the roadway. It is recommended that right of way be dedicated, reserved or the development set back to allow future expansion of the roadway.

Gary Morris  
Permit Coordinator  
Austin District Permit Office  
832-7112

received  
6-2-14

## Rhoades, Wendy

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**From:** Gutshall, Caleb  
**Sent:** Friday, June 06, 2014 3:32 PM  
**To:** Rhoades, Wendy  
**Subject:** RE: Right of Way Dedication on FM 1826

Great! Thanks, Wendy.

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**From:** Rhoades, Wendy  
**Sent:** Friday, June 06, 2014 3:32 PM  
**To:** Gutshall, Caleb  
**Subject:** RE: Right of Way Dedication on FM 1826

I will update the Staff report in a couple of places (Issues section on p. 1, TR comments in later pages) to note that reservation/dedication of r-o-w will be required at site plan stage.

WR

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**From:** Gutshall, Caleb  
**Sent:** Friday, June 06, 2014 3:20 PM  
**To:** Rhoades, Wendy  
**Subject:** RE: Right of Way Dedication on FM 1826

If TxDOT is okay with moving the ROW dedication to site plan, then we are on board as it is their ROW. Will the ROW site plan requirement be included in the staff report for the zoning case? My fear is that at time of site plan, the applicant (if it's one who didn't work on the zoning case) will say "well why didn't you request this at zoning? If you didn't ask for it then, then we shouldn't have to dedicate it now." It happens a lot. I just want to make sure there's record that it was agreed that the ROW will be dedicated at time of site plan.

Thanks for your help with this!

Caleb

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**From:** Rhoades, Wendy  
**Sent:** Friday, June 06, 2014 3:11 PM  
**To:** Gutshall, Caleb  
**Subject:** FW: Right of Way Dedication on FM 1826

FYI

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**From:** Enrique Serna [<mailto:eserna@consortinc.com>]  
**Sent:** Friday, June 06, 2014 1:18 PM  
**To:** Rhoades, Wendy  
**Subject:** FW: Right of Way Dedication on FM 1826

Wendy,

Here is TxDOT's response. They have no objections to move the dedication of the ROW to the site plan stage.

Thanks,

Enrique



Enrique Serna, RLA, LEED GA  
1646 E. Cesar Chavez St.  
Austin, Texas 78702  
T.B.P.E. Firm No. F-859  
[eserna@consortinc.com](mailto:eserna@consortinc.com)  
512-469-0500 ext. 31

**From:** Ben Turner  
**Sent:** Friday, June 6, 2014 1:03 PM  
**To:** Enrique Serna  
**Subject:** FW: Right of Way Dedication on FM 1826

**From:** Gary Morris [<mailto:Gary.Morris@txdot.gov>]  
**Sent:** Friday, June 06, 2014 12:03 PM  
**To:** Ben Turner  
**Subject:** RE: Right of Way Dedication on FM 1826

TxDOT acknowledges your proposal and has no objections.

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**From:** Ben Turner [<mailto:bturner@consortinc.com>]  
**Sent:** Friday, June 06, 2014 10:52 AM  
**To:** Gary Morris  
**Subject:** Right of Way Dedication on FM 1826

Gary

As we have discussed we are moving quickly along on rezoning the parcel of land at 8515 FM 1826 (C14-2014-0023) which will allow a private school. We have agreed with the City of Austin to dedicate additional right of way as we move through the site development process if this appropriate. In fact we are beginning to move through that design currently. The dedication of the additional right of way through the site plan process should be complete during this calendar year. I understand neither you or the Texas Department of Transportation require the dedication, but have agreed with the City of Austin to do so. If this timing is acceptable to you I would appreciate your acknowledgement.

Best

Ben



Ben Turner  
1646 E. Cesar Chavez  
Austin, Texas 78702