

ZONING CHANGE REVIEW SHEET

CASE: C14-2016-0001 – Ramirez .69

Z.A.P. DATE: April 19, 2016

ADDRESS: 10000 Rocking Horse Road

DISTRICT AREA: 5

OWNER: Rosa Imelda Ramirez

AGENT: Bennett Consulting
(Rodney Bennett)

ZONING FROM: SF-2 **TO:** NO, as amended **AREA:** 0.69 acres
(30,056 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood office (NO) district zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

April 19, 2016: *APPROVED NO DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT*

[S. HARRIS; B. GREENBERG – 2ND] (11-0)

ISSUES:

The Applicant reached a signed agreement for the redevelopment of the subject property with representatives of the Palomino Park Home Owners Association. Please refer to attached correspondence at the back of the Staff report.

DEPARTMENT COMMENTS:

The subject lot is developed with a one-story, 2,645 square foot single family residence located at the southwest corner of West Slaughter Lane and Rocking Horse Road, and is zoned single family residence – standard lot (SF-2) district. As information, the plat shows a 50-foot wide building setback along Slaughter Lane for this lot. There is an existing driveway from Slaughter Lane, although the Rocking Horse frontage which does not have curb and gutter has also functioned as a parking and driveway area. There is an office directly across Rocking Horse Road to the east (NO-CO), and the remainder of the street has SF-2 zoning and contains single family residences on large lots in the Palomino Park subdivision (DR; SF-2). There are offices (insurance, financial services, medical) and neighborhood commercial uses (beauty salon, general retail sales) along Slaughter Lane to the west (LR-CO; LO-CO; LO). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The Applicant proposes to rezone the lot to the neighborhood office (NO) district and convert the existing residence into a tax preparation office. The Applicant has indicated to staff that he would like to take driveway access to West Slaughter Lane, rather than Rocking Horse

Road. Because the Applicant does not desire to take access to Rocking Horse, a Neighborhood Traffic Analysis was not performed. Please refer to the conceptual site plan provided as Exhibit C.

Staff supports NO zoning for the proposed re-use of the property in the context of frontage on an arterial street, consistency with the office zoning across Rocking Horse Road, and an office use is compatible with the established land use character of properties that have Slaughter Lane frontage and are adjacent to single family residences interior to the subdivision.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Single family residence
<i>North</i>	GR-CO; MF-4-CO	Restaurants; Detention/water quality pond; Apartments
<i>South</i>	DR; SF-2	Single family residences in Palomino Park Section Three
<i>East</i>	NO-CO; NO; SF-2	Office; Private primary educational facility; Single family residences in Palomino Park Section Three
<i>West</i>	LR-CO; LO-CO; LO	Administrative and professional offices; Personal Improvement services; General retail sales

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Slaughter Creek – Barton Springs Zone – Recharge Zone

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

217 – Tanglewood Forest Neighborhood Association 384 – Save Barton Creek Association
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District 943 – Save Our Springs Alliance
 1214 – Bauerle Ranch Homeowner's Association
 1228 – Sierra Club, Austin Regional Group 1340 – Austin Heritage Tree Foundation
 1363 – SEL Texas 1424 – Preservation Austin
 1447 – Friends of the Emma Barrientos MACC 1528 – Bike Austin
 1530 – Friends of Austin Neighborhoods

SCHOOLS:

Baranoff Elementary School

Bailey Middle School

Bowie High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2013-0065 – Parkside Community School – 3207 W Slaughter Ln	RR; I-RR to NO	To Grant	Apvd (8-22-2013).
C14-05-0150 – Slaughter Lane Multifamily – 3226 W Slaughter Ln	MF-4-CO to MF-4-CO to change conditions of zoning, being an increase the height and reduction of the density	To Grant MF-4-CO w/changes to the previous CO being a reduction of the zoning impervious cover to 15% and the density to 6.2 dwelling units per acre, and allowing up to 60 feet in height	Apvd MF-4-CO for 7.25 acres as ZAP recommended, plus a two-star Green Building rating for buildings over 45' tall and a 646' setback from adjacent residentially zoned property (8-9-2006).
C14-03-0165 – Shaid Zoning – 3206 W Slaughter Ln	I-RR to SF-6	To Grant	Apvd (4-22-2004).
C14-02-0173 – Tristan – 10003 Rocking Horse Rd	DR to GR	To Grant NO-CO w/ conditions of no additional impervious cover; prohibit access to Rocking Horse Rd	Apvd NO-CO w/CO establishing the maximum impervious cover at 21.9% and prohibiting access to Rocking Horse Rd (7-17-2003).
C14-02-0102 – 3401 Joint Venture – 3305 to 3415 W Slaughter Ln	I-SF-2; SF-2 to LO-MU-CO; LR, as amended	To Grant LR-MU-CO w/list of prohibited uses, 2,000 trips and 8 driveway cuts.	Apvd LO-CO for Tracts 1 and 2 and LR-CO for Tract 3 (3-27-2003).

RELATED CASES:

The subject property was annexed into the City limits on December 31, 1992 (Ordinance Number 921210-A).

The property is platted as Lot 7, Palomino Park Section Three, a subdivision recorded in February 1966 (C8-66-008). There are no site plan cases on the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
West Slaughter Lane	114 feet	85 feet	Arterial	Yes	Yes, shared bike lane	No
Rocking Horse Road	50 feet	21 feet	Local	No	No	No

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for Slaughter Lane.

CITY COUNCIL DATE: May 12, 2016

ACTION:

ORDINANCE READINGS: 1st

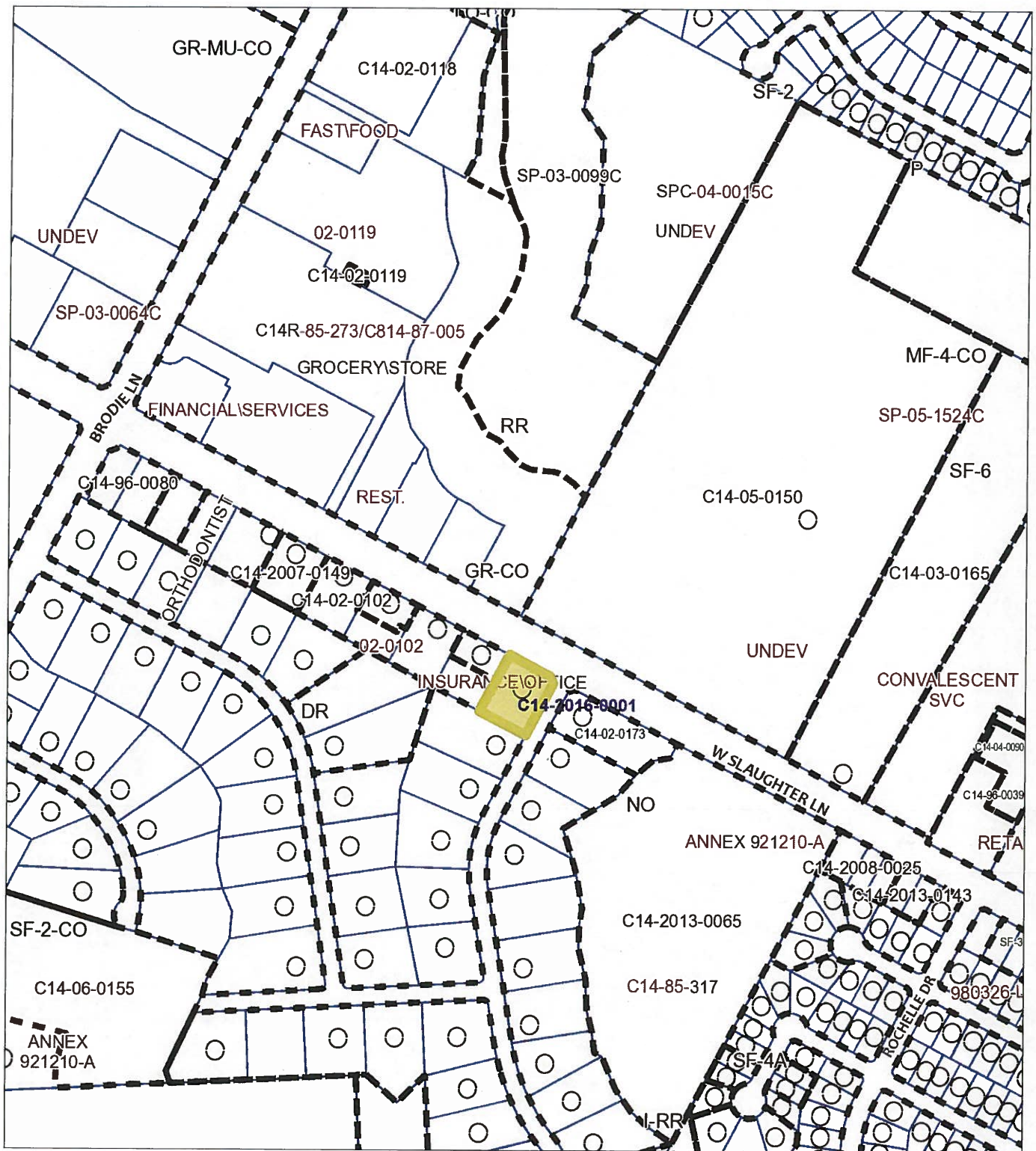
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 512-974-7719



- Subject Tract
- Pending Case
- Zoning Boundary
- Railroads

200 400
Feet

1" = 400'

ZONING

ZONING CASE#: C14-2016-0001

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



GR-MU-CO

BRODIE LN

CS-1-CO

LO-CO

SF-2

RR

GR-CO

GR-CO

LO

W SLAUGHTER LN

LO-CO

MF-4-CO

LR-CO

SF-2

LR-CO

LO-CO

LR-CO

DR

NO-CO

SF-2

SF-2

SF-2

NO

SF-1

SF-2-CO

EWING RD
NORTH



800-99-87

GENERAL NOTES:

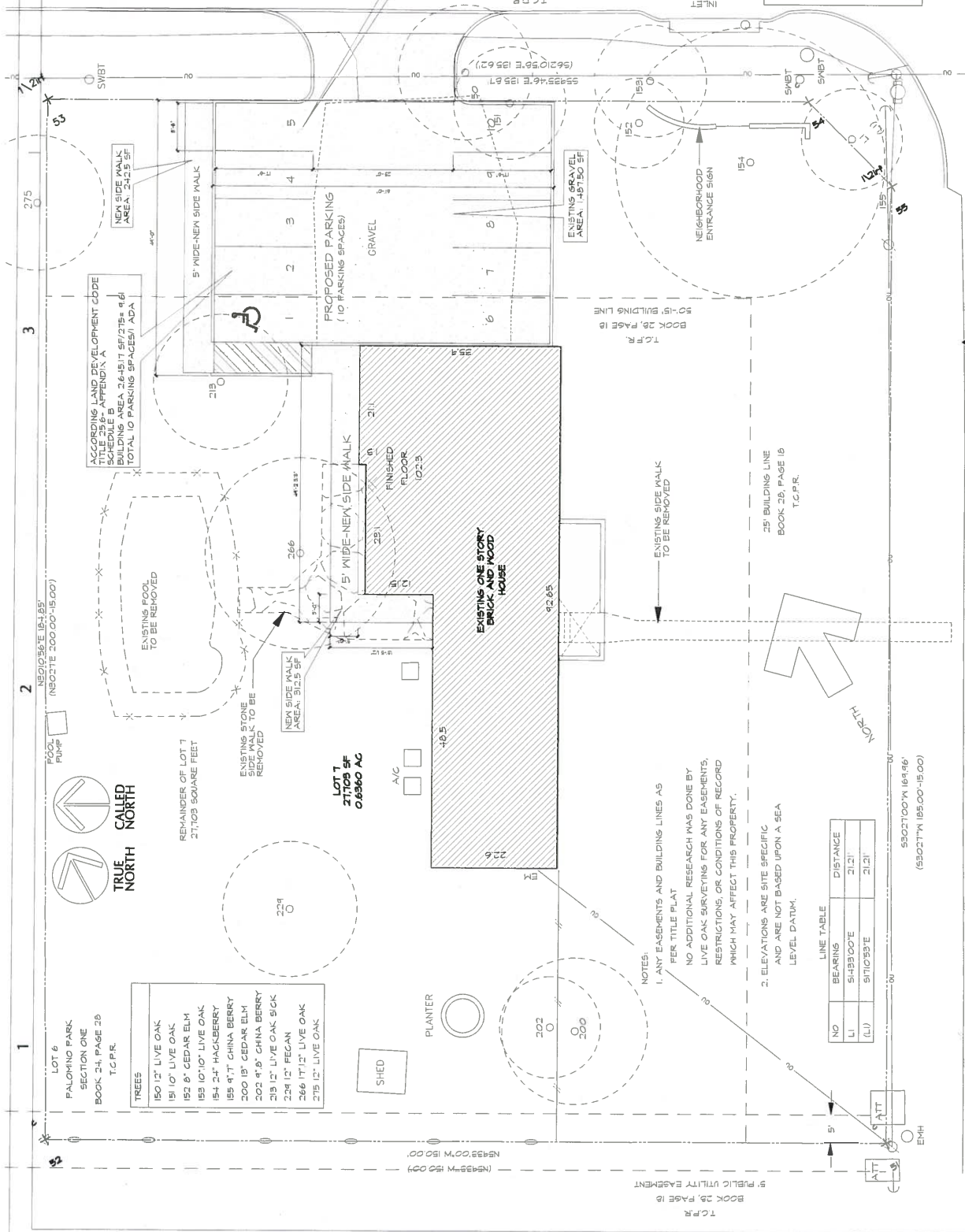
1. ALL ELEVATIONS ARE IN FEET UNLESS OTHERWISE NOTED.
2. ALL ELEVATIONS ARE BASED UPON THE 1985 US NAD 83 DATUM.
3. ALL ELEVATIONS ARE BASED UPON THE 1985 US NAD 83 DATUM.
4. ALL ELEVATIONS ARE BASED UPON THE 1985 US NAD 83 DATUM.
5. ALL ELEVATIONS ARE BASED UPON THE 1985 US NAD 83 DATUM.
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NOT FOR CONSTRUCTION

AREA BREAKDOWN

LOT AREA	27,103.0 SF
EXISTING BUILDING	2,648.17 SF
EXISTING PARKING (GRAVEL)	1,481.50 SF
NEW SIDE WALK	955.0 SF
NEW PARKING LOT	482.50 SF
AC PAD	16.0 SF
IMPERVIOUS COVER	5,665.17 SF
% IMPERVIOUS COVER	20.55%

**PRELIMINARY SITE PLAN
 CONCEPTUAL DESIGN PHASE**



1 SITE PLAN-EXISTING & PROPOSED

ROCKING HORSE BOOK 2B, PAGE 1B
 T.C.P.R.
 (50' RIGHT-OF-WAY)
 ELEV=100.00'

EXHIBIT C
 CONCEPTUAL
 PLAN

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood office (NO) 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 neighborhood office (NO) district is intended for offices predominantly serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods. Offices in the NO district would typically locate on collector streets with a minimum of 40 feet of pavement width, and would not unduly affect traffic in the area. The NO district is designed to accommodate small, single-use offices and to encourage and preserve compatibility with existing neighborhoods through renovation and modernization of existing structures.

This property has frontage on West Slaughter Lane.

2. *Zoning changes should promote compatibility with adjacent and nearby land uses.*
3. *The proposed zoning should allow for a reasonable use of the property.*

Staff supports NO zoning for the proposed re-use of the property in the context of frontage on an arterial street, consistency with the office zoning across Rocking Horse Road, and an office use is compatible with the established land use character of properties have Slaughter Lane frontage and are adjacent to single family residences interior to the subdivision.

EXISTING CONDITIONS**Site Characteristics**

The subject property contains one single family residence and generally slopes to the east. There is an existing driveway with a gravel parking area that accesses West Slaughter Lane.

Impervious Cover

The maximum impervious cover allowed by the NO zoning district would be 15%, which is based on the more restrictive watershed regulations. However, the 15% impervious cover limit does not apply to development on a single platted lot if it existed on November 1, 1991 and the development is either: 1) construction, renovation, additions to, repair, or development of a single family structure used exclusively for residential purposes and construction of improvements incidental to that residential use, or 2) development of a maximum 8,000 square feet of impervious cover, including impervious cover existing before and after development (excerpts from LDC, 25-2-516, *Application to Existing Tracts, Platted Lots, and Public Schools*).

The impervious cover shown on the Concept Plan is 5,688 square feet or 20.53 percent.

Comprehensive Planning

This rezoning case is located on the southwest corner of W. Slaughter Lane and Rocking Horse Road, on a 0.69 acre parcel that contains a small one story house. The subject property is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes undeveloped land to the north, single family houses to the south and east, and an insurance office that is operating out of a converted house to the west. The proposed use is an office.

The site is located a half a mile from the nearest Cap Metro stop and a sidewalk is located along this portion of W. Slaughter Lane.

Imagine Austin

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies this section of **W. Slaughter Lane as an Activity Corridor**. Activity corridors are intended to allow people to reside, work, shop, access services, recreate, and hang out without traveling far distances. They are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. This property is also situated over the Barton Springs Zone and the Edwards Aquifer Recharge Zone, as identified by the City of Austin Development Web Map. *One of the Land Use and Transportation policies, LUT P21 (p. 102), clarifies the intent, “Ensure that redevelopment in the Edwards Aquifer’s recharge and contributing zones maintains the quantity and quality of recharge of the aquifer.”* The IACP supports redevelopment over the recharge and contributing zones of the Edwards and Barton Springs Aquifer but also requires that ‘state-of-the-art development practices’ be utilized, which respects the context of environmentally sensitive land.

Conclusion: Although Imagine Austin identifies this property as being located along an ‘**Activity Corridor**,’ identified for activities and uses that allow people to live, work, shop, and play, based on the small scale of this site relative to other office and commercial uses in this area, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed rezoning. However, due to the site’s location over the Edwards Aquifer, which is an environmentally sensitive area, there will be during the site planning stage if this property is redeveloped, an environmental review to determine if any critical environmental features are located on the site. If any are located on the site, mitigation and setbacks necessitated by the land development code will be required.

Environmental

This site is located over the Edwards Aquifer Recharge Zone. The site is in the Slaughter 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.

According to COA GIS, there is a Water Quality Transition Zone located along the eastern property boundary. Development within the Water Quality Transition Zone is limited per LDC 25-8.

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.

Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

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.

The site is subject to compatibility standards. Along the south, west and east property lines, 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 triggering property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the triggering property line.
- For a structure more than 300 feet but not more than 540 feet from the property line, a structure may attain a height of 60 feet plus one foot for each four feet if distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- 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.

- 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.

Transportation

Additional right-of-way may be required at the time of site plan.

A Neighborhood Traffic Analysis will be required at the time of site plan if triggered per LDC 25-6-114.

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. 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.

AGREEMENT FOR REDEVELOPMENT
OF 1000 ROCKING HORSE

We the owners "Owner" of 10000 Rocking Horse Road and the neighbors living in Palomino Park Subdivision "Neighbors" agree to the following terms in order for the property known as 10000 Rocking Horse Road (Lot 7 Section 3 of Palomino Park Subdivision) to be redeveloped with a Neighborhood Office zoning commercial use:

1. A decorative wood privacy fence shall be constructed along the southern property line with pickets on both sides, trimming along the top and without dimensional gapping. See exhibit A
2. A new monument for Palomino Park will be constructed at the South East corner in front of the new fence in order to indicate the beginning of the residential area of Palomino Park. This sign shall not be smaller than the existing sign. Furthermore, the sign shall be constructed of like materials and may incorporate the existing lettering.
3. Fence and Monument design or plan will be shared with Neighbors prior to final zoning approval at City Council.
4. Commercial use will not begin at the property until Fence and Monument commitments have been completed.
5. Fence and Monument construction will be done at the cost of Owner and will be maintained by Owner or future owner of 10000 Rocking Horse Road at their cost. In the event of sale this agreement will survive and be disclosed to and conveyed to future owners.
6. Vehicle access shall be from Slaughter Lane.
7. Tire stops and or vegetation shall be placed in a manner prohibiting vehicular access to the yard area and Rocking Horse Road through the lot.
8. The side walk to Rocking Horse Road shall be removed.
9. Although street parking is not restricted at this time in this area, it will be discouraged to guests by Owner and Owner's employees either verbally or with a sign inside the building.

Signature of Owner: _____

Printed Name: Rosa Imelda Ramirez (Present at Notary)

Signature of Neighborhood Representative: _____

Printed Name: _____

Sworn and subscribed before me this 19 day of April, 2016

Signature of Notary: _____

My commission expires June 4, 2016

AGREEMENT FOR REDEVELOPMENT
OF 1000 ROCKING HORSE

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Signature of Owner: _____

Printed Name: _____

Signature of Neighborhood Representative: _____

Printed Name: Shannon Martinez

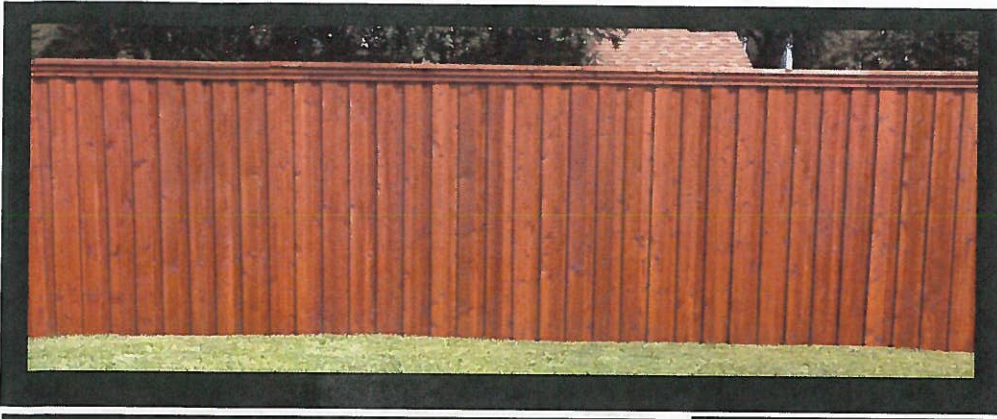
Sworn and subscribed before me this ____ day of _____, 20__

Signature of Notary: _____

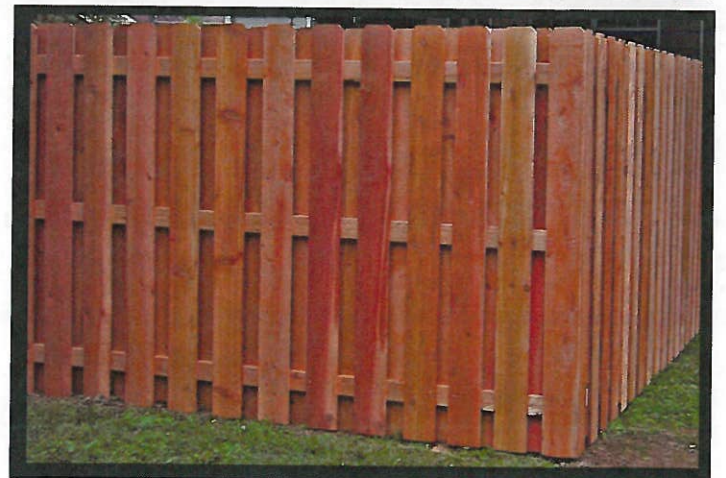
My commission expires _____

Exhibit A

Privacy Fencing
Examples of acceptable
fencing to be constructed



Privacy Fencing
Examples of
unacceptable fencing



PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2016-0001

Contact: Wendy Rhoades, 512-974-7719

Public Hearings: April 19, 2016, Zoning and Platting Commission

May 12, 2016, City Council

Mary Caldwell, President, Fredrickson Enterprises, Inc

☒ I am in favor
☐ I object

3328 W. Slaughter Lane #5000

Your address(es) affected by this application W Slaughter Lane

Mary Caldwell

Signature

Date

4/16/2016

Daytime Telephone: _____

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810