

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0005

Z.A.P. DATE: February 17, 2009

ADDRESS: 12408 Tomanet Trail

APPLICANT: Duc H. Nguyen

ZONING FROM: SF-1

TO: NO

AREA: 0.28 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to deny NO, Neighborhood Office District, zoning for this site.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

2/17/09: Approved staff's recommendation to deny 'NO' district zoning (6-0, R. Evans-absent);
C. Hammond-1st, B. Baker-2nd.

DEPARTMENT COMMENTS:

The property in question is developed with a single-family residential home. The applicant is requesting NO, Neighborhood Office District, zoning because they would like to open an administrative office at this location.

The staff is recommending denial of the applicant's request because the site is located within an existing single-family neighborhood. The property fronts onto a residential street, Tomanet Trail, and is surrounded by single-family uses and SF-1 zoning to the south and east. There is an established depth of office/commercial zoning transitioning away from Parmer Lane to the south. This property is located within the North Lamar Area Study, which was adopted by the City Council on October 3, 1985. The study recommends single-family land use for this area located to the south of Parmer Lane (North Lamar Area Study-Map 4, page 16). The staff's recommendation will preserve residential housing opportunities in this area of the city.

The applicant does not agree with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-1	Single-Family House
<i>North</i>	NO	Day Care (Edward's Learning Center)
<i>South</i>	SF-1	Single-Family House
<i>East</i>	SF-1	Single-Family House
<i>West</i>	GR	Retail Shopping Center (HEB, Wendy's, Chick-Fil-A, Starbucks, Panda Express, etc.)

AREA STUDY: North Lamar Area Study

TIA: Waived

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
Austin Neighborhoods Council
Austin Northwest Association
Austin Parks Foundation
Homebuilders Association of Greater Austin
Homeless Neighborhood Association
Lamplight Village Area Neighborhood Association
League of Bicycling Voters
North Growth Corridor Alliance
River Oaks Lakes Estates Neighborhood
Scofield Farms Residents Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0097	I-RR to CS	8/01/06: Approved LR-CO zoning with the following conditions: 700 vehicle trip limit per day and 100-feet of right-of-way reservation from the centerline of Parmer Lane (9-0); K. Jackson-1 st , B.Baker-2 nd .	8/31/06: Approved LR-CO zoning on 1 st reading (7-0); J. Kim-1 st , L. Leffingwell-2 nd . 9/28/06: Approved LR-CO zoning with conditions by consent (7-0); 2 nd /3 rd readings
C14-05-0054	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0053	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0052	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0051	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-04-0201	I-RR to LR	2/01/05: Approved staff's recommendation for SF-1 zoning (9-0); J. Martinez-1 st , B.Baker-2 nd . Motion made for staff to initiate a zoning case for all properties that are zoned I-RR on Cindy Lane, Tomanet Trail and Silver Spur Streets, to SF-1	3/03/05: Approved SF-1 on 1 st reading (7-0) 4/07/05: Approved SF-1 (7-0); 2 nd /3 rd readings

		zoning (9-0); B. Baker-1 st , K. Jackson-2 nd .	
C14-04-0119	NO to LR	9/21/04: Approved staff's rec. of LR (7-0)	10/21/04: Approved LR (7-0); all 3 readings
C14-02-0135	NO to GR	9/17/02: Approved staff's rec. of GR-CO zoning by consent (7-0)	10/24/02: Granted GR-CO on all 3 readings (6-0, Dunkerley-absent)
C14-01-0184	NO to GR	1/29/02: Postponed to 2/26/02 by applicant (8-0, A.Adams-absent) 2/26/02: Approved staff's recommendation of GR-CO zoning (6-0, K. Jackson-absent; N. Spelman, D. Castaneda-left early)	4/4/02: Approved GR-CO with conditions on all 3 readings (6-0, Goodman out of room)
C14-00-2045	NO to GR	5/9/00: Approved GR-CO (6-2, JR/JM-Nay); for building footprint only for dry cleaning use; permitted 'NO' uses; no access to Tomanet Trail; 2,000 vehicle trip limit per day; limit landscape buffer between sidewalk and street; sidewalks on Tomanet Trail; building square feet not to exceed 2,000 sq. ft.	6/8/00: Approved PC rec. of GR-CO w/ conditions on 1 st reading (7-0) 10/12/00: Approved GR-CO (7-0); 2 nd /3 rd readings
C14-98-0082	NO to GR	8/4/98: Approved GR-CO w/ conditions (9-0)	9/10/98: Approved PC rec. of GR-CO w/ conditions (6-0); 1 st reading Administrative-EXPIRED 9/7/99, no 3 rd reading
C14-96-0037	NO to LR	5/7/96: Approved LR-CO subject to conditions of no more than 12 parking spaces on the site and a 300 vehicle trip per day limit (8-0)	5/23/96: Approved LR-CO subject to conditions (6-0); 1 st reading 8/8/96: Approved LR-CO subject to conditions (7-0); 2 nd /3 rd readings
C14-94-0042	NO to LO	4/26/94: Approved LO-CO (6-0); subject to ROW; medical offices as only permitted 'LO' use, permit 'NO' uses; 0.15 FAR; 'NO' development regulations	6/9/94: Approved LO-CO (5-0); 1 st reading 11/17/94: Approved LO-CO (7-0); 2 nd /3 rd readings

RELATED CASES: N/A

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Tomanet Trail	60'	40'	Collector	No	No	Yes

CITY COUNCIL DATE: March 26, 2009

ORDINANCE READINGS: 1st

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

ACTION:

2nd

3rd

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

1" = 400'

OPERATOR: S. MEEKS

ZONING

ZONING CASE#: C14-2009-0005

ADDRESS: 12408 TOMANET TRL

SUBJECT AREA: 0.28 ACRES

GRID: L35

MANAGER: C. PATTERSON



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

STAFF RECOMMENDATION

The staff's recommendation is to deny NO, Neighborhood Office District, zoning for this site.

BASIS FOR RECOMMENDATION

1. *The proposed zoning does not promote consistency and orderly planning.*

The proposed NO, Neighborhood Office District zoning will intrude into an existing single-family residential neighborhood. There is an established depth of office/commercial zoning transitioning away from Parmer Lane to the south. This property is located within the North Lamar Area Study, which recommends single-family land use for this area located to the south of Parmer Lane.

2. *The current zoning allows for a reasonable use of the property.*

The existing SF-1 zoning will preserve residential housing opportunities in this area of the city. The property fronts onto a residential street, Tomanet Trail, and is surrounded by single-family uses and SF-1 zoning to the south and east.

EXISTING CONDITIONS

Site Characteristics

The site is developed with a single-family residence. The properties to the north are utilized as day care facilities. There are established single-family homes to the south and east.

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 Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no floodplain 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.

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.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Impervious Cover

The maximum impervious cover allowed by the NO zoning district would be 60%. However, if the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% with Transfers
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Site Plan / 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.

Compatibility Standards

- a. The site is subject to compatibility standards. Along the South property line, the following standards apply:
- b. No structure may be built within 25 feet of the property line.
- c. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- e. No parking or driveways are allowed within 25 feet of the property line.
- f. A landscape area at least 15 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.
- g. 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.
- h. Additional design regulations will be enforced at the time a site plan is submitted.

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 Conditions:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Tomanet Trail	60'	40'	Collector	No	No	Yes

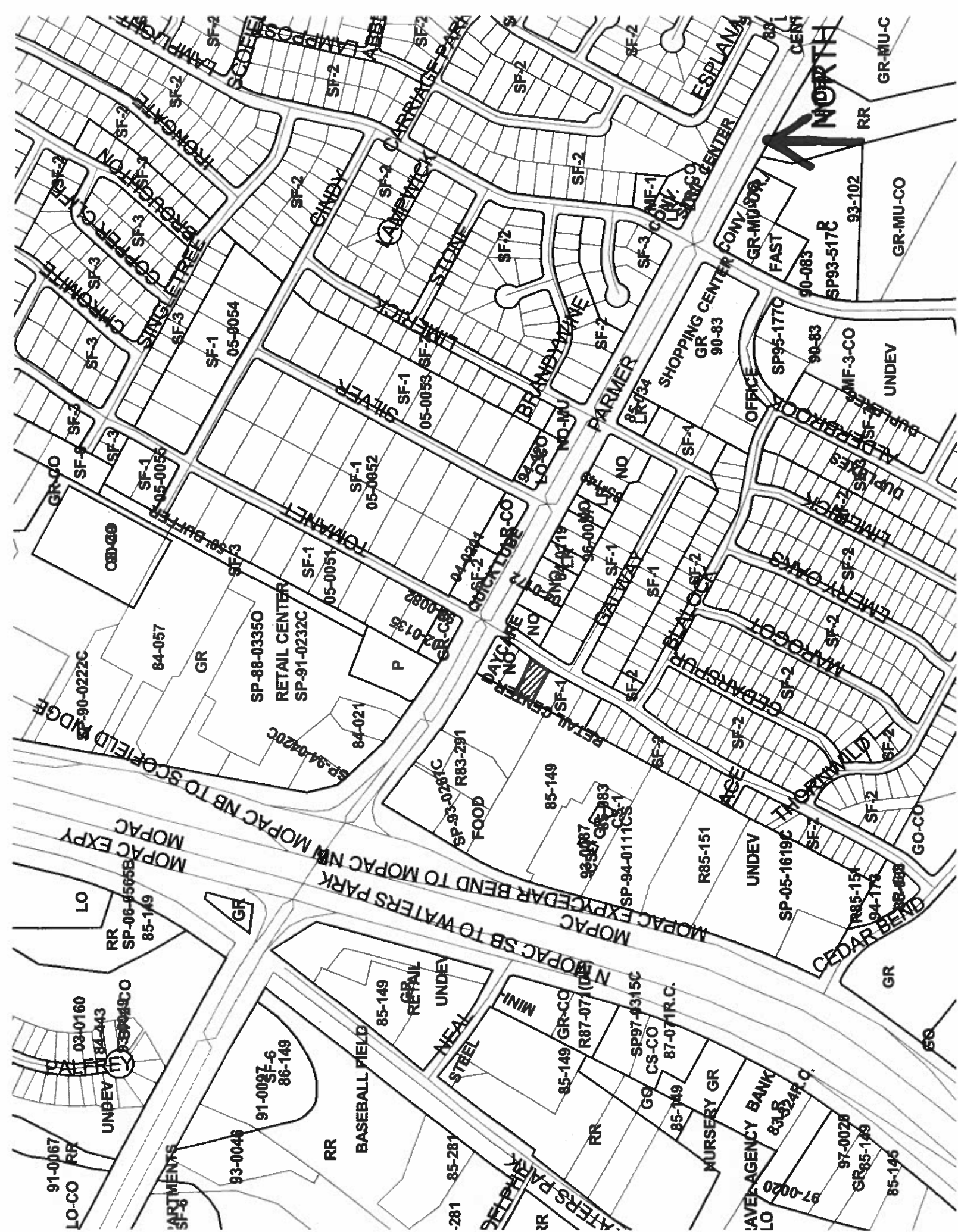
No additional right-of-way is needed at this time.

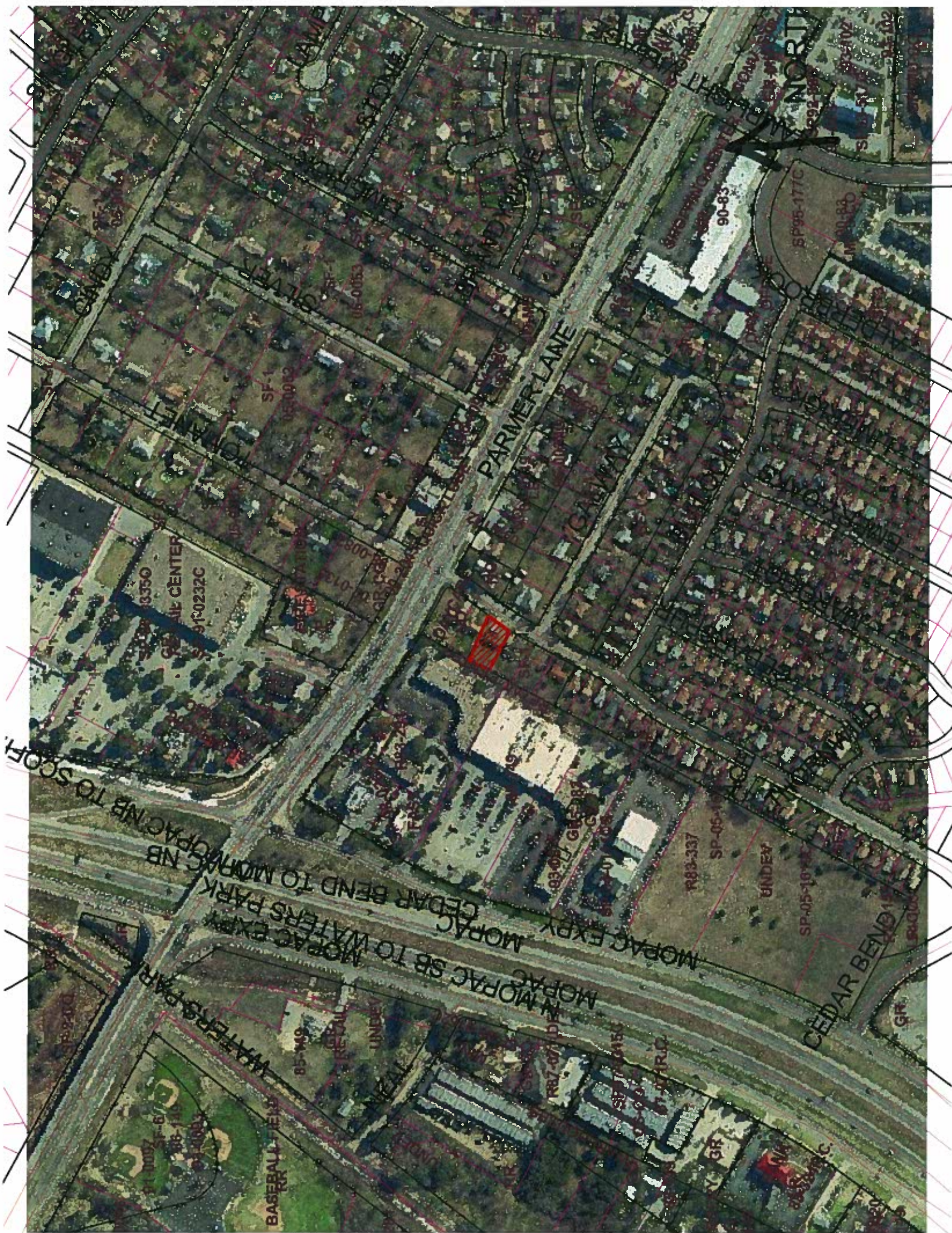
A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Water and Wastewater

City records indicate the lot is currently served by an on-site sewage facility. City wastewater is available at the property. With the change in use the landowner must connect to the centralized sewer system and properly abandon the existing septic system.

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 with the rezoning. The water and wastewater utility plan 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.





Re: case #: C14-2009-0005

We live across the street and even though this case is on Tomanet and our address is Galway as we are on the corner (2308 Galway) and the property is directly across from us. I would like to see this area remain a residential neighborhood and adding another business would just continue to change the look of the area.

There are already 3 NO zonings in this area - they are further down the street and on the corner with Parmer Lane; 2 are day care centers and one an apartment locator center. The day care centers don't have enough parking even for their own employees. The cars generate so much traffic now that the street is always very full and at the time for picking up and leaving kids it spills over so much that I have difficulty getting out of my own driveway. These NO properties were all zoned before being taken into the city. The apartment locator is very careful to park all her employees and clients either on her property or on the street in front of her own property but the others are not.

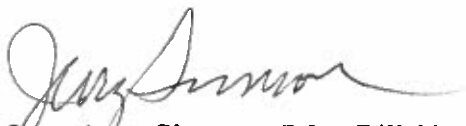
One of the day cares uses the property for some type of church or religious meeting about once a month and when this happens there are cars a long way down Tomanet and also down Galway. During these times they really block my driveway and some are even bold enough to park in my drive as I have a circle drive on Tomanet. The day care clients turn around or drive through my circle drive every day. Yes, I have spoken to the owners but it fell on deaf ears.

Another concern about the use of this street is that it is the connector street for ambulance and emergency vehicles to the hospital as Tomanet dead ends directly into the drive for the emergency entrance to the hospital. During the busy times for the day cares plus the traffic that uses this street this becomes a very congested and blocked area already.

The other properties are across from each other but this one is across from us and next to another residence. It seems if we let this one change even more will want to re-zone.

One of the neighbors talked to the man when he saw the type of remodel going on at the house and he told him that he had been assured by the city that it wouldn't be a problem. Andrew told me today that this was probably not true.

If you would like to speak to me my number is 532 5775.

A handwritten signature in cursive script, appearing to read "Jerry Anne Simpson".

Jerry Anne Simpson (Mrs. Bill Simpson)

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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.

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www.ci.austin.tx.us/development

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Case Number: C14-2009-0005

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

February 17, 2009 Zoning and Platting

Commission

☐ I am in favor
☒ I object

Debbie delaMorina
Your Name (please print)

12348 Tomant Tr Austin 78758

Your address(es) affected by this application

Sherri delaMorina
Signature

Date

2/9/09

Comments: When I bought my house 10 yrs ago I wanted to live in a residential neighborhood. I would like it to remain so. At the end of my street at Parmer, there is a pink, purple, hot pink child care center. It is an eyesore to me. PLEASE, let this remain a residential neighborhood. Weed or I will consider moving.

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

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis}

P. O. Box 1088

Austin, TX 78767-8810

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Public Hearing:

February 17, 2009 Zoning and Platting

Commission

☐ I am in favor
☒ I object

Angelo CoFino

Your Name (please print)

2302 GALWAY ST 78758 Austin TX

Your address(es) affected by this application

[Signature]

Signature

2-11-09

Date

Comments: THIS MAY AFFECT THE VALUE

OF MY HOME, IN ANY WAY

IF TRAFFIC, NEED MORE INFO, ON

THE PROPOSED ZONING CHANGE.

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

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Public Hearing:

February 17, 2009 Zoning and Platting

Commission

☐ I am in favor
☒ I object

Cody & Kimberley Welmeyer
Your Name (please print)

2309 Galway St. Austin, TX 78758

Your address(es) affected by this application

Cody Welmeyer 2-14-09
Signature Date

Comments: We are opposed to the additional
traffic and need for parking that will
result from the addition of a business in such
close proximity to our home. The street this
business would be located on already has
a considerable amount of traffic. Also, we
are concerned that any type of business could
move in, should the owners decide to sell.
If we decide to sell our home, our property value
will be affected because most people would not
want to buy a house facing a business.
If you use this form to comment, it may be returned to:

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Commission

☐ I am in favor
☒ I object

DEBORAA KAY RICHARDSON
Your Name (please print)

12406 TOMANET TRLE
Your address(es) affected by this application

Deborah K. Richardson
Signature

2-14-09
Date

Comments: I DO NOT WANT A BUSINESS BEING
RUN NEXT TO MY HOME. THERE IS NO PARKING
AVAILABLE EXCEPT ON THE STREET. TO MAKE
TRAVEL IS A VERY BUSY STREET WITH NO SIDEWALK
OR LIGHTING. THIS STREET IS A MAJOR STREET
TO SE DARTED' HAPPENS THAT ENDS THERE TAKE
SEVERAL TIMES A DAY, AND IS ALSO A MAJOR
CUT-THRU FOR TRAFFIC.

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☐ I am in favor
☒ I object

JOHN D. RICHARDSON

Your Name (please print)

12406 TOMANET TEL.

Your address(es) affected by this application

John D. Richardson

Signature

Date

2/14/09

Comments:

THIS STREET IS WAY TOO
BUSY TO HAVE ADDITIONAL RANDOM
BUSINESSES. THERE IS NO PARKING
AVAILABLE. IT IS A MAJOR STREET
WITH EXTRA TRAFFIC THAT LEAD TO
THE HOSPITAL. PEOPLE HAVE TO WALK
IN OUR YARD TO AVOID BEING HIT.
I HOPE SOMEONE TAKES A LITTLE
TIME TO DO A STUDY

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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.ci.austin.tx.us/development

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: C14-2009-0005

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

February 17, 2009 Zoning and Platting

Commission

☐ I am in favor
☒ I object

Your Name (please print)

Terry Anne Simpson (Mrs. Bill)

Your address(es) affected by this application

May, Iowa

Signature

Date

2/9/09

Comments:

See Attached note

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

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis}

P. O. Box 1088

Austin, TX 78767-8810

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.

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☒ I am in favor
☐ I object

Your Name (please print)

2811 GALWAY AUSTIN TX 78758

Your address(es) affected by this application

Signature

Date

Comments:

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City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810