ADMINISTRATIVE SITE PLAN PERMIT
APPEAL TO CITY COUNCIL
REVIEW SHEET

CASE NUMBER: SP-2008-0091D **COUNCIL HEARING DATE:** January 29, 2009

ADDRESS: 328 Heartwood Drive

SITE AREA: 0.22 acres

PROJECT NAME: 328 Heartwood

NEIGHBORHOOD PLAN: West Congress

APPLICANT: Ruben Rodriguez
328 Heartwood Drive
Austin, TX 78745

AGENT: King Engineering Associates, Inc. (Aaron Googins)
2211 S IH-35, Suite 200
Austin, TX 78741

CASE MANAGER: Chris Yanez Telephone: 974-1810 chris.yanez@ci.austin.tx.us
George Zapalac Telephone: 974-2725 george.zapalac@ci.austin.tx.us

PROPOSED DEVELOPMENT:
In 2005 the applicant began constructing a retaining wall and fence up to 13.5 feet in height and added backfill inside the Critical Water Quality Zone and inside the 25-year and 100-year floodplain without permits. A wrought-iron fence attached to 5-foot concrete pillars has been placed on top of the 8.5-foot retaining wall, resulting in a total height of 13.5 feet from the ground to the top of the pillars. After a notice of violation was issued, the site plan was filed in 2008 to obtain approval for this construction and the associated environmental variances. This site plan was disapproved by staff and is being appealed to City Council by the applicant.

SUMMARY STAFF RECOMMENDATION:
Staff recommends denial of the appeal and upholding administrative disapproval of the site plan. The site plan does not comply with all requirements of the Land Development Code.

EXISTING ZONING: SF-3 (Single Family Residence).
EXIST. USE: Single Family Residence
PROJECT INFORMATION: 0.22 acres.
MAX. HEIGHT (ZONING): 35 feet
PROPOSED BLDG. CVRG: N/A
PROPOSED IMP. CVRG: N/A

NEIGHBORHOOD ORGNIZATIONS:
026—Far South Austin Community Assn.
428—Barton Springs/Edwards Aquifer Conservation District.
511—Austin Neighborhoods Council
627—Onion Creek Homeowners Assn.
300—Terrell Lane Interceptor Assn.
742—Austin Independent School District
786—Home Builders Association of Greater Austin
1075—League of Bicycling Voters
1108—Perry Grid 644
1113—Austin Parks Foundation
1037—Homeless Neighborhood Assn.

T.I.A.: N/A
CAPITOL VIEW: N/A
WATERSHED: Williamson Creek (Suburban)
APPLICABLE WATERSHED ORDINANCE: Comprehensive Watershed Ordinance (Suburban)

BOARD AND COMMISSION ACTION:
August 13, 2007: Board of Adjustments denied variance for a retaining wall and fence greater than 6 feet in height. Vote: 4-3
September 10, 2008: Environmental Board recommended approval of the environmental variances. Vote: 4-1-0-1.
September 23, 2008: Planning Commission approved staff's recommendation to deny environmental variances. Vote: 7-0-1
October 28, 2008: Planning Commission approved staff's recommendation to deny an appeal of administrative disapproval of a site plan. Vote: 6-2-1

SUMMARY COMMENTS ON SITE PLAN:

Land Use:
The property is developed with a single-family residence. The applicant has added fill over 4 feet and erected a retaining wall inside the 25-year and 100-year flood plain and inside the Critical Water Quality Zone of Williamson Creek. The Board of Adjustment denied a variance to construct a retaining wall and fence more than 6 feet in height on August 13, 2007.

Environmental: This site is located in the Williamson Creek Watershed and subject to comprehensive watershed regulations. The site is not located over the Edward's Aquifer Recharge Zone. Environmental variances for development in a critical water quality zone (Section 25-8-392) and fill over 4 feet (Section 25-8-342) were not recommended by staff. The variances were recommended by the Environmental Board on September 10, 2008, but were denied by the Planning Commission on September 23, 2008. Because these variances were denied, City staff administratively disapproved the site plan.

A direct appeal to City Council of the denial of environmental variances is not allowed by the Land Development Code. However, appeal of an administrative disapproval of the site plan can be made to the Planning Commission and City Council. The Planning Commission denied this appeal on October 28, 2008, and the applicant then appealed to the City Council.

In addition to consideration of the site plan appeal, action by the City Council on a floodplain variance is also required. A variance from the Board of Adjustment is also needed because the wall and fence exceeds 6 feet in height.

Transportation: N/A

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3	Single-Family Residence
North	P-NP	Creek, Floodplain
South	ROW then SF-3	Heartwood Dr, then Single-Family Residence
East	SF-3	Single-Family Residence
West	SF-3	Single-Family Residence