

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2009-0098 – Apogee Workshop

**Z.A.P. DATE:** October 20, 2009

**ADDRESS:** 9704 Swansons Ranch Road

**OWNERS & AGENT:** Jessica and Christopher Cortez

**ZONING FROM:** SF-1      **TO:** NO-MU **AREA:** 0.51 acres (22,230 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant neighborhood office – mixed use (NO-MU) combining district zoning.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

October 20, 2009: *APPROVED NO-MU DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT.*

*[S. BALDRIDGE; T. RABAGO – 2ND] (7-0)*

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The subject rezoning area consists of one platted lot that has frontage on both Swansons Ranch Road and Bilbrook Place, and is zoned single family residence – large lot (SF-1) district. The property has driveway access to Swansons Ranch Road, a local street that is developed with a mixture of single family residences and commercial uses, including two automotive repair businesses, an office, a vehicle storage use and a plumbing company. The property does not have driveway access to Bilbrook Place. Zoning maps from the late 1980s suggest that some of the commercial uses on Swansons Ranch Road were in operation prior to annexation into the City limits and therefore, are considered legal uses.

The subject property is developed with a single family residence with an office for a wood flooring company (a home occupation use), and is adjacent to a lot that contains hobby cars on the north side and a single family residence on the south side. There are four single family residences on the east side of Swansons Ranch Road, across the street from the subject property (SF-2). On Bilbrook Place to the west, there is undeveloped land and a church (LR; SF-6-CO). 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 – mixed use (NO-MU) combining district, with the intention of maintaining the residence and expanding the office

use, including a workshop area. Swansons Ranch Road contains both residential and commercial uses, and a residential/office use would be compatible with the established land use character of the street.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-1	Single family residence and home office for a wood flooring company
<i>North</i>	SF-1; SF-2	Vehicle storage; Two single family residences; Automotive repair business
<i>South</i>	SF-1; RR	One single family residence; Undeveloped
<i>East</i>	LR-CO; MF-1-CO	Office; Four single family residences; Manufactured home; Plumbing company; Transmission repair company
<i>West</i>	SF-2; SF-1; RR	Undeveloped; Church

**AREA STUDY:** N/A

**NTA:** Is required – Please refer to Attachment A

**WATERSHED:** Slaughter Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association  
 242 – Slaughter Lane Neighborhood Association  
 360 – Texas Oaks South Neighborhood Association  
 627 – Onion Creek Homeowners Association  
 645 – Swansons Ranch Road Neighborhood Association  
 742 – Austin Independent School District  
 786 – Home Builders Association of Greater Austin  
 1037 – Homeless Neighborhood Organization      1075 – League of Bicycling Voters  
 1113 – Austin Parks Foundation      1164 – Austin Southwest Association  
 1200 – Super Duper Neighborhood Objectors and Appealers Organization

**SCHOOLS:**

Casey Elementary School      Paredes Middle School      Akins High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2008-0052 – TJG – Swansons Ranch Road – 9609 Swansons Ranch Road	SF-2 to CS	To Grant GO-CO with CO for personal services use and all NO uses and dev't regs, parking to be located offsite, 150 trips per day and conditions of NTA. Encourage Applicant to petition City for no parking signs on David Moore Road	To Grant NO-CO with Restrictive Covenant for the NTA, as Commission recommended (1-15-09).
C14-95-0121 – City of Austin-City Initiated – 9702 – 9800 Block of Swansons Ranch Road	DR; SF-2 to RR; SF-1	To Grant RR; SF-1; SF-2	Approved RR; SF-1 (11-16-95).
C14-95-0122 – City of Austin-City Initiated – 9600 – 9899 Block of Swansons Ranch Road	DR; SF-2 to RR; SF-1	To Grant RR; SF-1; SF-2	Approved RR; SF-1; and Tract 1 stays SF-2 (11-16-95).
C14-99-0063 – Shirell and Lois Hipp Zoning Change – 1303 West Slaughter Lane	SF-2 to LO	To Grant LO-CO, w/conditions	Approved LO-CO with CO prohibiting access to Slaughter Lane (8-19-99).
C14-00-2098 – Blackhawk Apartments – 1200 West Slaughter Lane	SF-1 to MF-1-CO and LR-CO	To Grant MF-1-CO and LR-CO, w/conditions	Approved MF-1-CO and LR-CO, with CO for Traffic Impact Analysis; 13.24 u.p.a. (300 units); 15' vegetative buffer along David Moore Rd; list of prohibited uses (1-25-01).
C14-00-2111 – Solera 1200 Block of West Slaughter Lane	DR to MF-3	To Grant MF-2-CO w/conditions.	Approved MF-2-CO with CO for 12.18 u.p.a. and conditions of Traffic Impact

			Analysis (10-26-00).
C14-00-2189 – Wattering Acres – 1218 West Slaughter Lane	DR to W/LO	To Grant W/LO-CO w/conditions	Approved W/LO-CO with CO for 2,000 trips (1-18-01).
C14-00-2242 – Swanson's Crossing Retail – 1216-1400 West Slaughter Lane	DR to LR	To Grant LR-CO w/conditions	Approved LR-CO with CO for 2,000 trips (2- 15-01).

**RELATED CASES:**

The property is platted as Lot 4 of the Resubdivision of a Portion of Lot No. 3 Swanson's Ranchettes No. 2, recorded on February 24, 1964 (C8-63-067). Please refer to Exhibit B. The property was annexed into the City limits on November 15, 1984.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Swansons Ranch Road	60 feet	20 feet	Local	No	None exist / recommended	Rt. 10 – South 1st Street
Bilbrook Place	70 feet	40 feet	Collector	No	Wide curbs exist / recommended	No

**CITY COUNCIL DATE:** November 19, 2009

**ACTION:** Approved a Postponement request by the Applicant to December 17, 2009 (7-0).

December 17, 2009

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

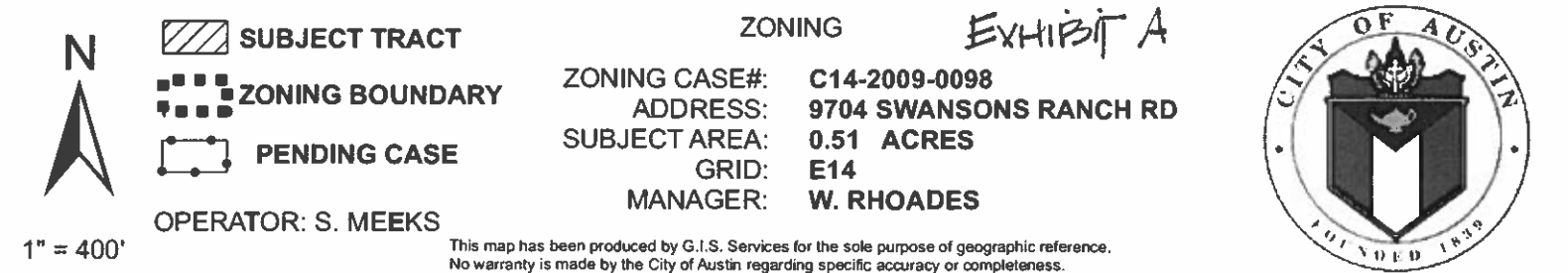
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@ci.austin.tx.us

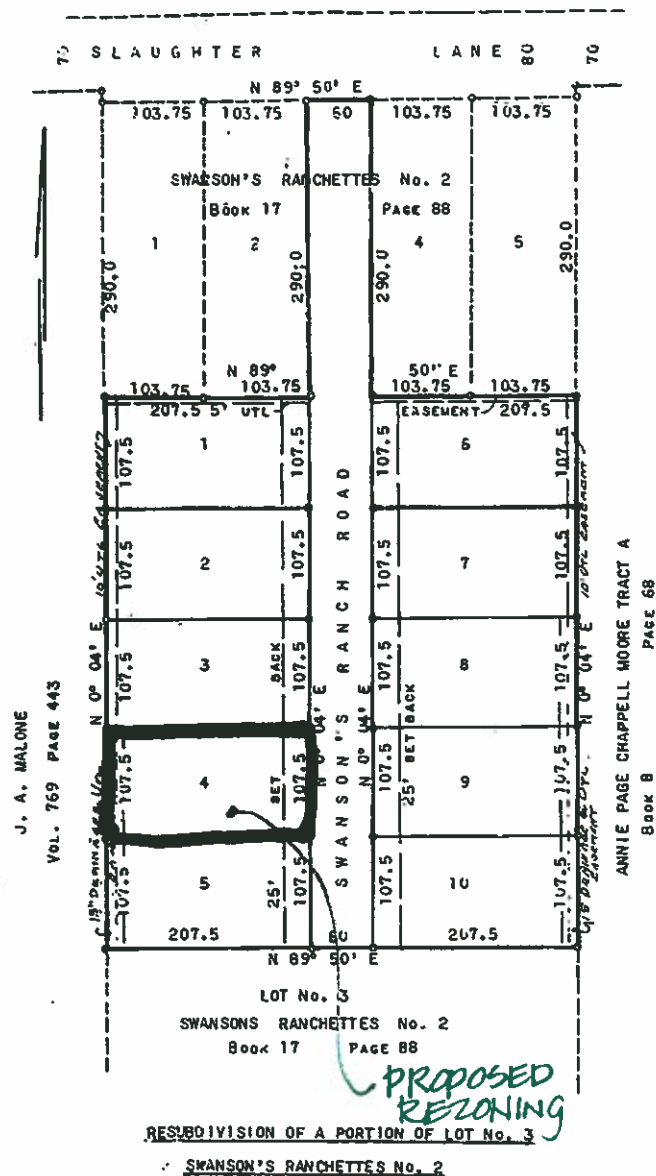
**PHONE:** 974-7719











STATE OF TEXAS::

COUNTY OF TRAVIS:: KNOW ALL MEN BY THESE PRESENTS:

THAT I, TED A. SWANSON, OWNER OF LOT No. 3 IN SWANSON'S RANCHETTES, No. 2, IN TRAVIS COUNTY, TEXAS, ACCORDING TO A PLAT OF RECORD IN BOOK 17, PAGE 88, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO ME BY DEED RECORDED IN VOL. 2405, PAGE 636, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, DO HEREBY ADOPT THIS PORTION OF SAID LOT No. 3 AS A SUBDIVISION TO BE KNOWN AS

"A RESUBDIVISION OF A PORTION OF LOT No. 3, SWANSON'S RANCHETTES No. 2"

AND DO HEREBY DEDICATE TO THE PUBLIC ALL ROADS AND EASEMENTS SHOWN HEREON.

WITNESS MY HAND ON THIS THE 8<sup>th</sup> DAY OF January,

A. O. 1964.

Ted A. Swanson  
TED A. SWANSON.

STATE OF TEXAS::

COUNTY OF TRAVIS::

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED TED A. SWANSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SIGNED TO THE FOREGOING, AND HE ACKNOWLEDGED TO ME THAT HE SIGNED IT FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 8<sup>th</sup>

DAY OF January, A. O. 1964.

Walter L. Saworth  
NOTARY PUBLIC, TRAVIS COUNTY, TEXAS

THIS IS TO CERTIFY THAT AUSTIN CITY CODE CHAPTER 23.27 OF 1954 HAS BEEN COMPLIED WITH.

JOAK RAINET, P. S. AND P. E.  
JANUARY 7, 1964

APPROVED FOR ACCEPTANCE Feb. 18, 1964

Hal M. Osborne  
HARRY M. OSBORNE, DIRECTOR OF PLANNING.

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING

COMMISSION OF THE CITY OF AUSTIN, TEXAS

February 18, 1964 David B. Barrow  
CHAIRMAN

W. L. Lewis SECRETARY

EACH HOUSE IN THIS SUBDIVISION MUST BE CONNECTED TO A SEPTIC TANK OF NOT LESS THAN 500 GAL. CAPACITY AND WITH OUTFALL LINES OF NOT LESS THAN 150 FEET IN LENGTH, CONSTRUCTED IN ACCORD WITH SPECIFICATIONS APPROVED BY THE COUNTY-CITY HEALTH AUTHORITIES AND BUILT UNDER THEIR SUPERVISION.

THE APPROVAL OF THIS PLAT BY THE COMMISSIONER'S COURT OF TRAVIS COUNTY IN NO WISE OBLIGATES THE COMMISSIONER'S COURT OR THE COUNTY TO BUILD ANY ROADS, CULVERTS, BRIDGES OR OTHER STRUCTURES. ALL SUCH CONSTRUCTION MUST BE DONE BY THE OWNER OR SUBDIVIDER UNDER THE SPECIFICATIONS APPROVED BY THE COMMISSIONER'S COURT AND UNDER THEIR SUPERVISION.

STATE OF TEXAS::

COUNTY OF TRAVIS::

I, EMILIE LIMBERG, CLERK OF THE COUNTY COURT OF SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 24

DAY OF Feby A. O. 1964, AT 3 O'CLOCK P. M., AND DUPLY RECORDED ON THE 24 DAY OF Feby A. O. 1964

AT 3 O'CLOCK, P. M., IN THE PLAT RECORDS OF SAID COUNTY, IN BOOK 19, PAGE 38.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT ON THIS THE 24<sup>th</sup> DAY OF Feb. A. O. 1964

EMILIE LIMBERG, CLERK OF THE COUNTY COURT OF TRAVIS COUNTY, TEXAS, BY James Wacker DEPUTY

EXHIBIT B  
RECORDED PLAT

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant neighborhood office – mixed use (NO-MU) combining 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.

- 2. Zoning changes should promote an orderly and compatible relationship among land uses.*

Swansons Ranch Road contains both residential and commercial uses, and a residential/office use would be compatible with the established land use character of the street.

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

The subject property is developed with a single family residence and a home office for a wood flooring company. The site is relatively flat and there appear to be no significant topographical constraints on the site.

**Impervious Cover**

The maximum impervious cover allowed by the NO-MU zoning district would be 60%, which is based on the more restrictive zoning 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 Slaughter 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. 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%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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.

### **Transportation**

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**

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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

**Compatibility and Building Standards**

Any new development is subject to compatibility standards. Along the north, south and east property line, the following standards apply:

- No structure may be built within 25 feet of the property line zoned or used as SF.
- 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 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.

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

## 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.ci.austin.tx.us/development](http://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: C14-2009-0098

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Oct. 20, 2009, Zoning & Platting Commission  
Nov. 19, 2009, City Council

Robert L. Wirt  
Your Name (please print)

☒ I am in favor  
☐ I object

9606 Swanson Ranch Rd.

Your address(es) affected by this application

Robert L. Wirt

Signature

10-Oct--09

Date

Daytime Telephone: 280-0965

Comments: I also own the property at  
1309 Slaughter Ln, it is actually on the  
corner of Slaughter and Swanson Ranch Rd.

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

City of Austin  
Planning & Development Review Department  
Wendy Rhoades  
P. O. Box 1088  
Austin, TX 78767-8810

**Rhoades, Wendy**

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**From:** Jessica Cortez [REDACTED]  
**Sent:** Monday, November 09, 2009 1:08 PM  
**To:** Rhoades, Wendy  
**Subject:** Postponement Request for Case C14-2009-0098  
**Importance:** High

Dear Mayor Leffingwell and City Council of Austin,

Re: our application for zoning change Case C14-2009-98 scheduled to be heard by the City Council on Novemebr 19, 2009. Due to personal obligations that have unexpectedly come up, Chris Cortez and I are requesting a postponement for our case until Decemebr 17, 2009.

Thank you for your consideration,

Jessica Cortez

9704 Swanson Ranch Rd

Austin, TX 78748 512-280-1229

11/9/2009