

ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0097

Z.A.P. DATE: August 3, 2010
September 7, 2010

ADDRESS: 11777 Jollyville Road

OWNER/APPLICANT: Diane Hraban

AGENT: Thrower Design (Ron Thrower)

ZONING FROM: SF-2

TO: LO

AREA: 0.335 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is for NO-MU-CO, Neighborhood Office-Mixed Use-Conditional Overlay district, zoning. The conditional overlay will limit development on the site to less than to less than 2,000 vehicle trips per day and will limit the site to a maximum of two (2) residential units.

In addition, the staff would recommend that the conditions of the Neighborhood Traffic Analysis (NTA) be adopted through a public restrictive covenant (Please see NTA Memorandum-Attachment B).

ZONING AND PLATTING COMMISSION:

8/03/10: Postponed to September 7, 2010 at the neighborhood's request (5-1, S. Baldrige-No, T. Rabago-absent); P. Seeger-1st, D. Tiemann-2nd.

9/07/10: Pending

ISSUES:

On April 23, 2008, two complaints were filed with the City of Austin Code Enforcement Division citing that the applicant was in the process of making an illegal curb cut and pouring a driveway onto Jollyville Road and that he was building a parking lot at the location within a residential area. The owner of the property was cited by the City of Austin Code Enforcement division. The illegal driveway connection was removed and the curb area along Jollyville Road was replaced.

DEPARTMENT COMMENTS:

The property in question is currently developed with a single-family residence and that fronts onto Highland Oaks Trail. The applicant is requesting LO, Limited Office District, zoning because he would like to convert the existing structure into a medical office use (Please see letter from agent-Attachment A).

The staff recommends NO-MU zoning for this site because the property meets the intent/purpose statement of the Neighborhood Office-Mixed Use District. This tract of land is situated at the entrance to a single-family residential neighborhood and is located adjacent to SF-2 zoning to the north, east and west. Neighborhood Office-Mixed Use zoning will allow for a reasonable use of the property as it will permit low intensity office uses that will serve the surrounding residential areas.

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

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Single-Family Residence
<i>North</i>	SF-3	Single-Family Residences
<i>South</i>	LO	Office (Foxglove Executive Suites)
<i>East</i>	SF-2	Single-Family Residences
<i>West</i>	SF-2	Single-Family Residences

AREA STUDY: U.S. 183/Jollyville Road Area Study

(This Area Study designates the property in question for single-family district uses. The U.S. 183 Study was approved by the City Council in November of 1978. The Area Study recommended that a 120-foot deep strip of land along Jollyville Road be zoned "O" Office zoning (which was converted to LO, Limited Office, in 1985) and that a 200 foot strip of land along the west side of Jollyville Road be zoned "A" Residence (which was converted to SF-3, Family Residence, in 1985). The policy of a 120-foot strip buffer of LO zoning along the east side of Jollyville Road has been consistently applied to date. The policy of SF-3 on the west side of Jollyville Road was never approved or implemented, and today the west side of Jollyville Road is primarily zoned office and multi-family, with the majority of office zoning being LO zoning. The recommendation for a 120-foot strip of LO zoning along the eastern portion of Jollyville Road was incorporated into the Jollyville Road Study, which was adopted in 1984).

TIA: Not required

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

REGISTERED NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
Austin Monorail Project
Austin Parks Foundation
Bull Creek Foundation
Homebuilders Association of Greater Austin
Homeless Neighborhood Association
League of Bicycling Voters
Long Canyon Homeowners Association
North Oaks Neighborhood Association
Raintree Estates
Sierra Club, Austin Regional Group
Spicewood Springs Road Tunnel Coalition
Super Duper Neighborhood Objectors and Appealers Organization
The Real Estate Council of Austin

SCHOOLS:

North Oaks Elementary School
 Canyon Vista Middle School
 Anderson High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0151	SF-2 to GR-MU* *Amended by the applicant to LO-MU at the ZAP meeting	9/02/08: Recommended denial of LO-MU zoning (6-1, K. Jackson-No); T. Rabago-1 st , J. Gohil-2 nd .	12/08/08: Denied LO-MU zoning (6-1, W. Wynn-Nay)
C14-2007-0148	SF-2, LO to LO	10/02/07: Approved staff's recommendation for LO-CO zoning with 35' height limit (6-0, C. Hammond, B. Baker-absent); J. Shieh-1 st , K. Jackson-2 nd .	11/08/07: Approved LO-CO zoning (7-0); all 3 readings
C14-2007-0123	SF-2 to GR-MU* The applicant amended their rezoning request to LR-MU-CO	10/02/07: Approved staff's recommendation for LO-MU-CO zoning (6-0, B. Baker, C. Hammond-absent); K. Jackson-1 st , T. Rabago-2 nd .	11/08/07: Approved ZAP recommendation of LO-MU-CO zoning (6-1, J. Kim-No) 11/29/07: Approved LO-MU-CO zoning by consent (5-0, J. Kim, M. Martinez-off dais)
C14-2007-0082	LO, LR to GR-MU	7/17/07: Approved staff's recommendation of GR-MU-CO zoning with added prohibition of Automotive Sales, Automotive Rentals, Automotive Repair, Automotive Washing (of any type) and Pawn Shops uses (8-0)	8/23/07: Approved GR-MU-CO zoning on all 3 readings (7-0)
C14-2007-0081	LR-CO to Tract 1: LO, Tract 2: GR-MU	7/17/07: Approved staff's recommendation of LO-CO zoning for Tract 1 and GR-MU-CO zoning for Tract 2 with added prohibition of Automotive Sales, Automotive Rentals, Automotive Repair, Automotive Washing (of any type) and Pawn Shops uses (8-0)	8/23/07: Approved LO-CO and GR-MU-CO zoning on all 3 readings (7-0)
C14-06-0172	LO to Tract 1(1.570 acres): GR-MU (for 866 to 896 ft above sea level) and MF-6 (for 896 to 986 ft above sea level)	10/17/06: Approved GR-MU-CO zoning on Tract 1 for an area 866 to 896 ft above sea level and MF-6-CO zoning for an area 896 to 926 ft above sea level; with conditions of a 60-foot height limit and 2,000 vehicle trip limit and approved LO-MU-CO zoning on Tract 2; with	1/25/07: Approved GR-MU-CO for Tract 1 and LO-CO for Tract 2 (6-0); all 3 readings

	Tract 2 (0.424 acres): LO-MU (an area 120 ft in depth on the site from the property line along Jollyville Road)	conditions of 2,000 vehicle trip limit, limit site to 'LO' district uses and residential accessory uses (prohibiting dwelling units). Vote: 9-0; K. Jackson-1 st , J. Martinez-2 nd . 1/09/07: Approved staff rec. of GR-MU-CO zoning for Tract 1 and LO-CO zoning for Tract 2, with a 2,000 vehicle trip limit per tract (6-0, B. Baker, S. Hale, J. Martinez-absent); J. Pinnelli-1 st , C. Hammond-2 nd .	
C14-06-0013	GR, SF-2 to MF-6* *On 4/27/06, the agent requested to amend the case to allow for a 65 foot strip of SF-3 zoning along the southeast property line.	5/02/06: Motion to approve MF-6-CO zoning, with a 60 foot height limit, and SF-3 zoning for an area 65 feet from the southeastern property line (5-3, B. Baker, M. Hawthorne, C. Hammond-No, J. Martinez-absent); K. Jackson-1 st , B. Baker-2 nd . Motion made to rescind and reconsider previous action (8-0, J. Martinez-absent); K. Jackson-1 st , B. Baker-2 nd . Motion to deny the applicant's request for MF-6 zoning (6-2, J. Gohil, S. Hale-No, J. Martinez-absent); K. Jackson-1 st , J. Pinnelli-2 nd .	6/22/06: Case withdrawn by applicant
C14-02-0088	LO to LR-CO	6/18/02: Approved staff's recommendation of LR-CO zoning, by consent (8-0, A. Adams-absent)	7/18/02: Approved LR-CO, prohibiting the following uses as offered by the applicant: Restaurant (Drive-in, Fast Food), Service Station, Counseling Services, Guidance Services, and Safety Services(7-0); all 3 readings
C14-01-0160	LO to GO	Withdrawn by applicant on 12/14/01	N/A
C14-99-0040	SF-2 to GO	4/06/99: Approved staff rec. of LO (9-0)	5/06/99: Approved PC rec. of LO (6-0); all 3 readings
C14-97-0118	SF-2 to SF-3	10/07/97: Approved staff's rec. of SF-3 (8-0)	11/06/97: Approved PC rec. of SF-3 (7-0); all 3 readings
C14-97-0067	LO, SF-2 to LO	7/22/97: Approved staff rec. of LO by consent (8-0)	8/21/97: Approved LO (5-0); all 3 readings
C14-93-0141	SF-2 to GR	11/16/93: Approved LO and GR-CO: On Tract 2 - General Retail Sales (General and Convenience) uses shall be a max FAR of 13,269 sq. ft.; Restaurant (Drive-in, Fast Food) use shall be a max FAR of	12/02/93: Approved LO and GR-CO (7-0); all 3 readings

		3,163 sq. ft.; Restaurant (General) use shall be a max FAR of 9,735 sq. ft.; Food Sales use shall be a max FAR of 11,259 sq. ft.; Financial Services use shall be a max FAR of 11,500 sq. ft.	
C14-93-0070	LO to LI-PDA	7/20/93: Approved LI-PDA (9-0)	8/05/93: Approved LI-PDA (6-0); 1 st reading 12/16/93: Approved LI-PDA 6-0); 2 nd /3 rd readings

RELATED CASES: C14-2008-0151 (Previous rezoning case - Bary Chiropractic rezoning)

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Jollyville Road	100'	60'	Arterial	No	392, 982, 983	Priority 1
Highland Oaks Trail	50'	30'	Local	No	No	No

CITY COUNCIL DATE: August 26, 2010

ACTION:

ORDINANCE READINGS: 1st

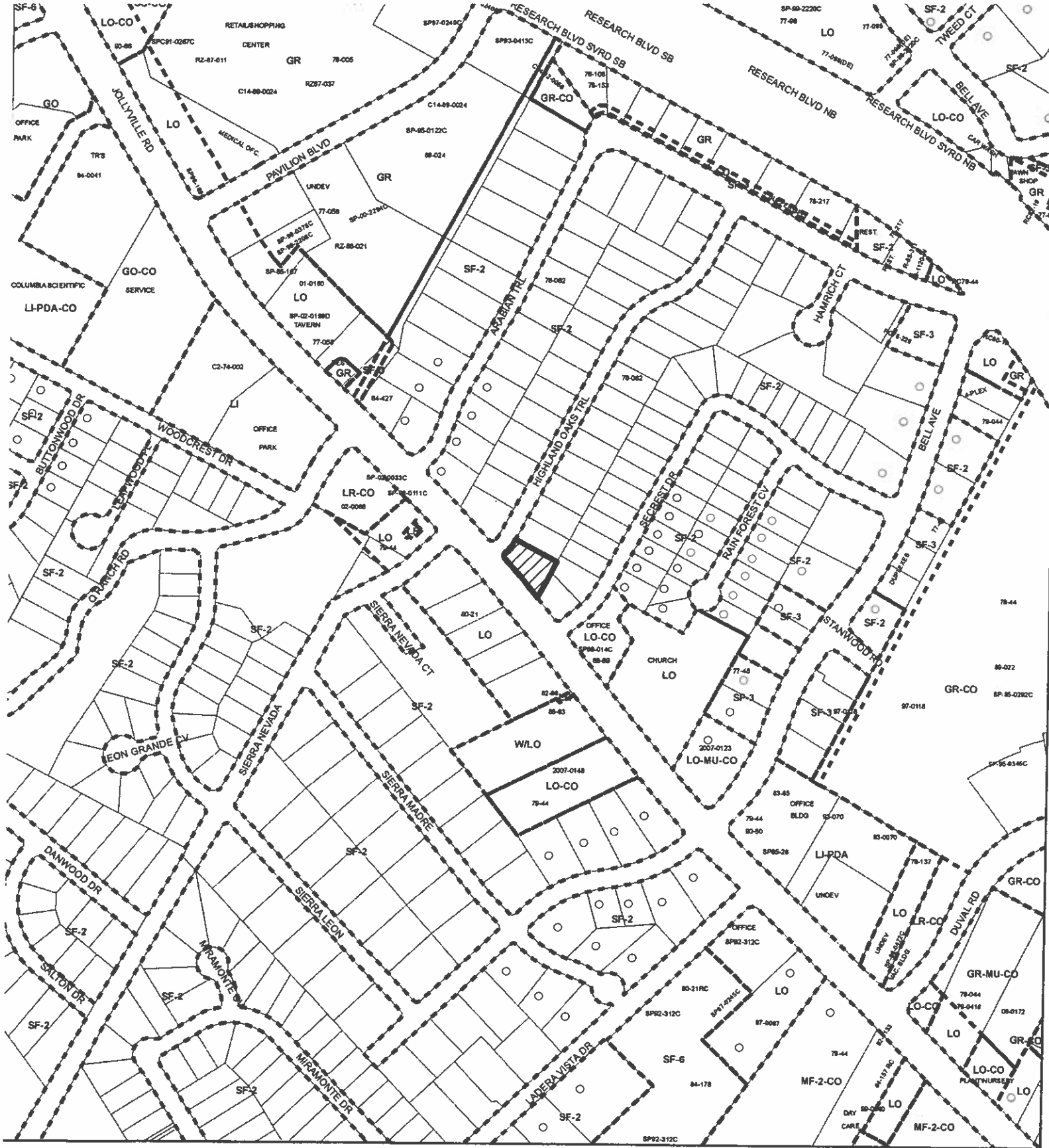
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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



ZONING

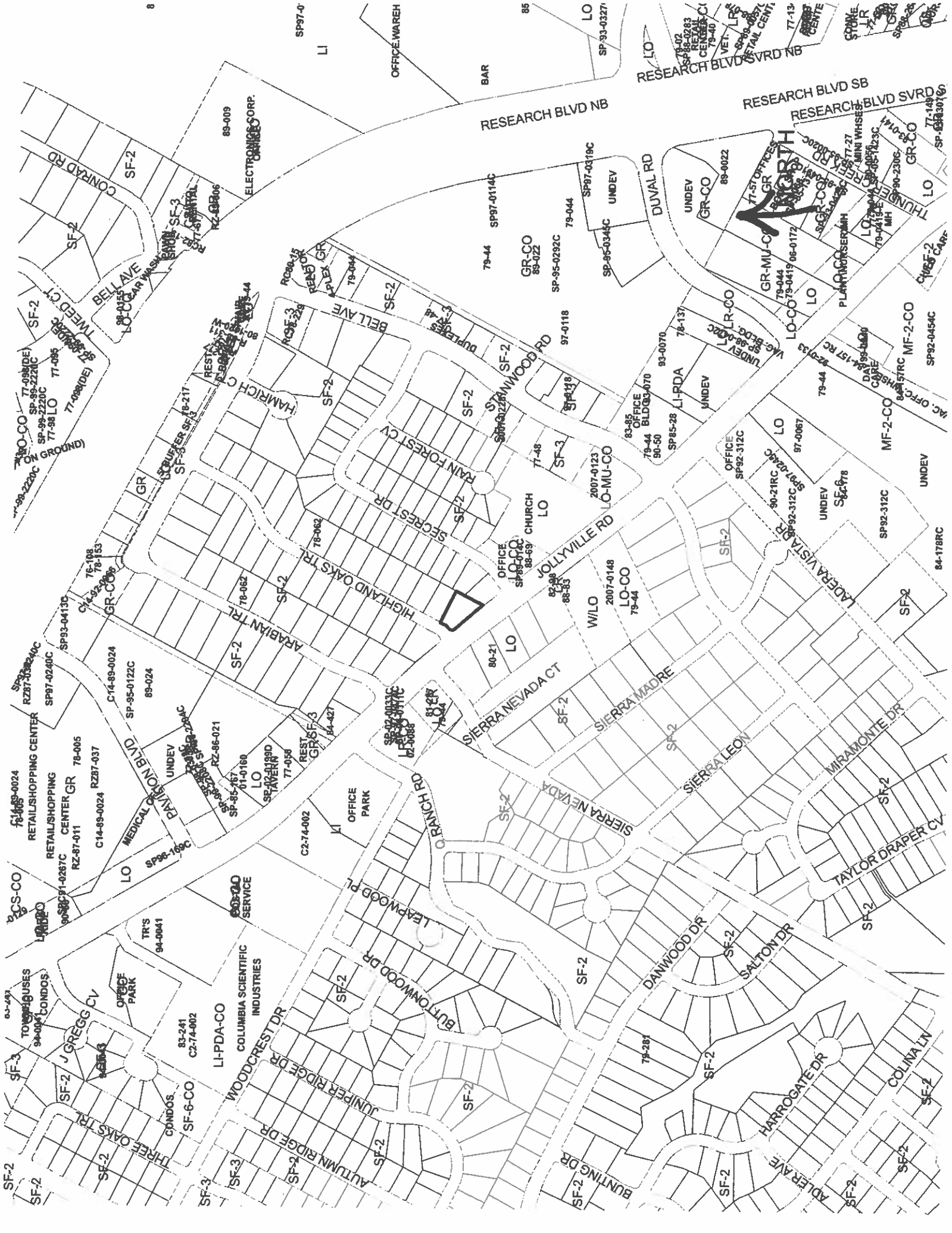
ZONING CASE#: C14-2010-0097
 LOCATION: 11777 JOLLYVILLE RD
 SUBJECT AREA: 0.335 ACRES
 GRID: H35
 MANAGER: SHERRI SIRWAITIS

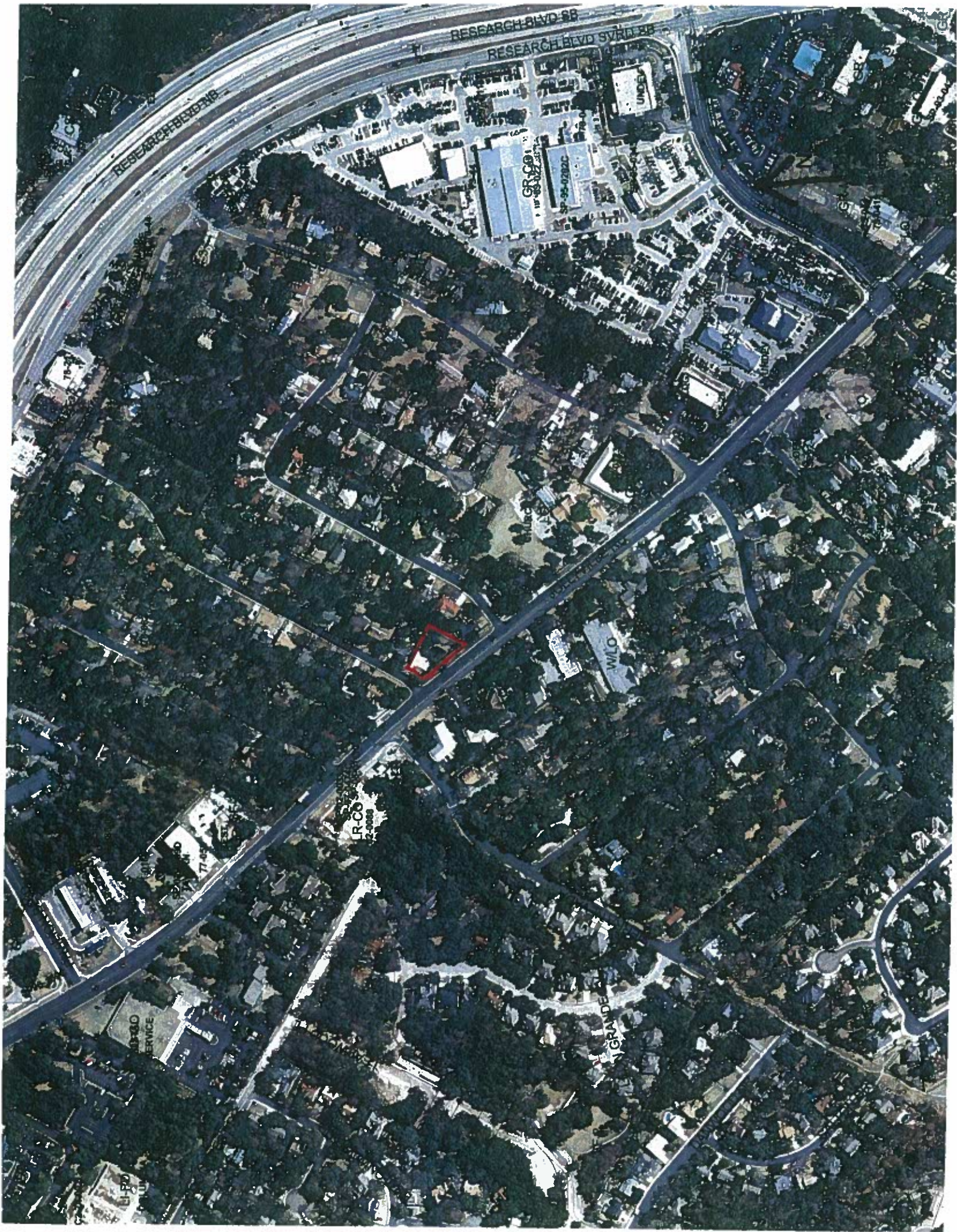


- N
- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1' = 400'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





RESEARCH BLVD SB

RESEARCH BLVD SYRIA RD

GR-CO

WLO

GR-CO

GRANDE

GRAND SERVICE

STAFF RECOMMENDATION

The staff's recommendation is for NO-MU-CO, Neighborhood Office-Mixed Use-Conditional Overlay district, zoning. The conditional overlay will limit development on the site to less than to less than 2,000 vehicle trips per day and will limit the site to a maximum of two (2) residential units.

In addition, the staff would recommend that the conditions of the Neighborhood Traffic Analysis (NTA) be adopted through a public restrictive covenant (Please see NTA Memorandum-Attachment A).

BASIS FOR RECOMMENDATION

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

Neighborhood office (NO) district is the designation for a small office use that serves neighborhood or community needs, is located in or adjacent to a residential neighborhood and on a collector street that has a width of 40 feet or more, and does not unreasonably affect traffic. An office in an NO district may contain not more than one use. Site development regulations applicable to an NO district use are designed to preserve compatibility with existing neighborhoods through renovation and modernization of existing structures.

The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

2. *The proposed zoning should promote consistency and orderly planning.*

NO-MU zoning will promote consistency and orderly planning at this location because it will permit the existing residential structure to be redeveloped with an administrative office use that will be compatible with the single family neighborhood located to the north, east and west.

3. *The proposed zoning should allow for a reasonable use of the property.*

Neighborhood Office-Mixed Use zoning will allow for a reasonable use of the property as it will permit low intensity office uses that will serve the surrounding residential areas.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently developed with a single-family residence that fronts onto Highland Oaks Trail. In 2008, the owner of the property paved over the majority of the backyard and put in a driveway access to Jollyville Road. He was cited by the City of Austin Code Enforcement division and removed a portion of the paved area connecting the property to Jollyville Road.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Environmental

The site is not located over the Edward's 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.

Several trees will likely be impacted with any 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 LO zoning district would be 70%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

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%

Site Plan/Compatibility Standards

This tract is already developed and a change of use within the existing structure would not trigger compatibility development regulations. However, any new construction on this site would be subject to compatibility development regulations due to the existing SF-2 zoned property to the north and east, and would be subject to the following requirements:

- 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 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.
 - 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.

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

No additional right-of-way is needed for Jollyville Road 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]

A Neighborhood Traffic Analysis was conducted for the original zoning request under case number C14-2008-0151. Please see results of the staff memo dated July 25, 2008. LDC, Sec. 25-6-114.

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Jollyville Road	100'	60'	Arterial	No	392, 982, 983	Priority 1
Highland Oaks Trail	50'	30'	Local	No	No	No

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. 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.

Thrower Design

4608-A South Lamar Boulevard
Austin, Texas 78745
(512) 476-4456 • Fax (512) 476-4454

July 26, 2010

Ms. Sherri Sirwatis
Planning & Development Review
City of Austin
P.O. Box 1088
Austin, Texas 78767

RE: 11777 Jollyville Road - C14-2010-0097

Dear Sherri,

I wanted to give you some additional information regarding the rezoning request for the above referenced property. This information should aid in the endeavor to modify some of the conditions associated with the rezoning and potentially set the record straight to anyone that wishes to inquire about the rezoning so that you have the best information available to answer any questions that anyone may raise. I will enumerate the various items below.

- 1) The request is to allow for medical office use. As such the requested rezoning was for "LO", Limited Office, which is the minimum zoning necessary to allow for this use. I had mentioned in the past that we will modify the request to "LO-MU", to allow for Mixed-use overlay. The "MU" designation can be overlaid on the zoning, but is not necessary. The anticipated development for any residential component would be for 1 residence which is allowed as an accessory use under the requested commercial zoning anyway. So, the addition of the "MU" designation is not necessary for the single unit.
- 2) The deed restrictions have been modified to allow for medical office use as well as administrative office, professional office and art gallery. The medical office use is the only use that requires "LO" zoning. As such, the request can be easily conditioned to permit medical office use as the only allowable "LO" use, and, all other "NO", Neighborhood Office, uses are permitted. The modified Deed Restrictions were provided to you earlier and were signed by 16 of the 29 property owners subject to the Deed

Restrictions. This represents more than 50% of the lot owners necessary to make the change.

- 3) The existing house is to be converted to commercial use, other than a residence that may be included. The existing home is not anticipated to be razed and is targeted for occupancy for medical office use. The remodeling and site improvements that had occurred under the previous ownership, with all proper city permits, is geared to have the customer entrance towards Jollyville Road. A potential condition of rezoning would to include a provision of no more than 1 story development and to limit the commercial development to the existing +/-1,900 s.f. of habitable space, which would allow for the inclusion of the current garage space.
- 4) Driveways – A driveway to the existing residential structure from Highland Oaks Trail already exists and is planned to be retained, but for doctor use only. All of the customer traffic will use Jollyville Road when that driveway is repermited once the use is changed to commercial. To reinforce this, the plan is to place a “No Parking Zone” along the Highland Oaks Trail frontage of the property. Additionally, upon the change of use, a commercial sign can be placed along Jollyville Road which would reinforce that entrance for the customers.
- 5) Traffic generated by converting the existing residential structure to medical office use would yield a a very low amount of traffic. The NTA wrongfully assumes –
 - a) That the development would entail 15,124 s.f. of medical office use. In actuality the amount of medical office use is proposed to be limited to +/-1,900 s.f.. In a linear format, the vehicle trips would be 51 trips per day which is an increase of 27 vehicle trips per day over the existing use.
 - b) A site visit would clearly show that 97% of the traffic would ultimately use Jollyville Road and 3% would use the existing driveway located on Highland Oaks Trail. The NTA has these reversed. As such, the trips to Jollyville Road would be 49 trips per day and the trips to Highland Oaks Trail would be 2 vehicle trips per day.
 - c) A dedication of additional right-of-way along Highland Oaks Trail is unnecessary as the actual vehicular trips to Highland Oaks trail is reduced from the existing conditions.

It is important to reemphasize and repeat the relevant matters associated with the previous owners attempt at rezoning the property as these items are still relevant for this current case. These include the following:

- 1) All improvements to the property went through all proper channels for approval. All improvements have been inspected and are in conformance with the City of Austin. No illegal development has occurred.
- 2) All trees greater than 8" have been retained on the property. No trees were removed for the improvements associated with the permitted development.
- 3) The existing structure is to be retained.
- 4) Jollyville Road has changed significantly since this house was first constructed. Jollyville Road was 2 lanes of travel. Current conditions are 5 lanes of travel.
- 5) This segment of Jollyville Road is now listed by the City of Austin as a Future Core Transit Corridor. It has always been a desire for Core Transit Corridors not to contain single-family residences. These corridors are specific to guide commercial development along the corridors that Austin wishes to have as commercial development.

I am hopeful that this letter helps to guide the process and set the record straight in regards to the rezoning request. A rezoning of the land while keeping the existing structure is in keeping with the desires of the neighborhood, the desires of the City of Austin, and, the desires of the landowner.

Should you have any questions, please contact me at my office.

Sincerely,

A handwritten signature in cursive script that reads "A. Ron Thrower".

A. Ron Thrower



**FIRST AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR HIGHLAND OAKS, SECTION TWO (2)**

This FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR HIGHLAND OAKS, SECTION TWO (2) (the "Amendment") is made by the undersigned owners of lots in Highland Oaks, Section Two (2) (the "Owners"). All capitalized terms used, but not otherwise defined herein, shall have the same meanings as those set forth under the Original Declaration (defined below).

RECITALS

1. The undersigned Owners own lots in the Highland Oaks, Section Two subdivision recorded in Volume 51, Page 26, Plat Records of Travis County, Texas ("Subdivision").
2. Development Associates, Inc. originally filed of record that certain Declaration of Covenants, Conditions, and Restrictions, dated January 28, 1971, filed in Volume 4052, Page 574 of the Real Property Records of Travis County, Texas (the "Original Declaration"), which imposed certain restrictions and granted certain rights on the lots in the Subdivision.
3. The Original Declaration provides a process by which the Original Declaration may be amended "by a majority of the then owners of the lots."
4. The undersigned Owners desire to amend the Original Declaration.
5. The undersigned Owners are the owners of more than fifty percent of the lots in the Subdivision.

NOW, THEREFORE, pursuant to Paragraph D-1 of the Original Declaration, the undersigned Owners, who in combination are the owners of more than a majority of the lots within the Subdivision hereby amend the Original Declaration as set forth below:

- A. The language in Paragraph A-1 of the Original Declaration is hereby deleted in its entirety and replaced with the following:

"FULLY PROTECTED AREA. Except as provided in this First Amendment to the Original Declaration, the residential covenants in Part "B" in their entirety shall apply to all of HIGHLAND OAKS SECTION TWO (2), according to the plat of record in Volume 51, Page 26, Plat Records of Travis County, Texas."

- B. Paragraph B-1 of the Original Declaration is hereby amended by adding a new paragraph that reads as follows:

"B-1. LAND USE AND BUILDING TYPES. Notwithstanding any other provision in the Original Declaration, Lot 1, Block B of HIGHLAND OAKS SECTION TWO (2) may be used for the purposes of constructing, re-constructing, operating, and maintaining a business limited to medical offices, administrative offices, or other professional business office or art gallery, as such terms are defined in Chapter 25-2 of the Austin City Code in effect as of the Effective Date of the First Amendment to Original said lot being referred to herein as a "Commercial Lot".

- C. Paragraph B-4 of the Original Declaration is hereby amended by adding a new paragraph that reads as follows:

"Notwithstanding any other provision in Paragraph B-4, the building set back lines do not apply to the Commercial Lot along Jollyville Road."

- D. Paragraph B-9 of the Original Declaration is hereby amended by adding a new paragraph that reads as follows:

"The sign restrictions set forth in Paragraph B-9 shall not apply to the Commercial Lot along Jollyville Road or facing Jollyville Road, but shall apply to the Commercial Lot along Highland Oaks Trail. All commercial signs shall comply with City of Austin sign regulations."

- E. This First Amendment to the Original Declaration shall be effective when signed by a majority of the owners of lots in the Subdivision and recorded in the Official Public Records of Travis County, Texas.

- F. Except as expressly amended by this First Amendment, all of the terms, covenants, conditions, and restrictions contained in the Original Declaration shall remain in full force and effect.

Lot 1 Block B:


Garrett Bary

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

The foregoing instrument was ACKNOWLEDGED before me, a Notary Public, this 15th day of December 2008, by Garrett Bary.




Notary Public in and for the State of Texas



MEMORANDUM

TO: Sherri Sirwaitis, Case Manager
CC: Members of the City Council

FROM: Shandrian Jarvis, Transportation Planner
DATE: July 25, 2008 (rev. 07/06/2010)
SUBJECT: Neighborhood Traffic Analysis for Jollyville Road and Highland Oaks Trail
 Zoning Case # C14-2010-0097 (resubmittal of C14-2008-0151)

The transportation section has performed a Neighborhood Traffic Impact Analysis for the above referenced case and offers the following comments.

The 0.34-acre tract is located in northwest Austin at the intersection of Jollyville Road and Highland Oaks Trail. The site is currently zoned Single Family Residence (SF-2) and the existing use is residential. The site is surrounded by single-family residential use on three sides. Limited office uses are located west of the tract, across Jollyville Road. The zoning request is for Limited Office (LO) and Mixed Use (MU). In order to get a more accurate analysis of the impact of the site on Jollyville Road and Highland Oaks Trail, the neighborhood traffic analysis incorporates the entire site that will consist of approximately 15,124 square feet of medical office use.

Roadways

The tract proposes access to Jollyville Road and Highland Oaks Trail.

A driveway from Jollyville Road to the site is currently under construction. Jollyville Road is classified as a four lane divided major arterial. The roadway has approximately 100 feet of right-of-way and 60 feet of pavement. Jollyville Road is in the bicycle plan as a Priority 1 route from Research Boulevard to Mesa Drive.

Highland Oaks Trail would provide primary access to the site and is located on the north side. It is classified as a local street since at least 50 percent of its frontage is zoned for SF-2 or more restrictive uses. Highland Oaks Trail has a right-of-way width of 50 feet and a pavement width of 30 feet. The street is not identified in the Bicycle Plan and it is not identified as a route in the Capital Metro transit system.

Trip Generation and Traffic Analysis

Based on the Institute of Transportation Engineer's publication Trip Generation, the proposed 15,124 square feet of medical office use would generate approximately 403 vehicle trips per day, a net increase of 379 vpd over the existing use. However, for purposes of this analysis, an

overall trip limit of 2,000 vpd is assumed to be generated by the site since the applicant has agreed to limit trips from the site to less than 2,000 vpd.

Table 1 represents the expected distribution of the 403 trips:

Table 1.	
Street	Traffic Distribution by Percent
Jollyville Road	97%
Highland Oaks Trail	3%

Table 2 represents a breakdown of existing traffic on Jollyville Road and Highland Oaks Trail, proposed site traffic, total traffic after development and percentage increase in traffic on Jollyville Road and Highland Oaks Trail. In order to provide a more conservative analysis no traffic was assumed to be removed from Jollyville Road or Highland Oaks Trail.

Table 2.				
Street	Existing Traffic (vpd)	Proposed New Site Traffic to each Roadway ¹	Overall Traffic	Percentage Increase in Traffic
Jollyville Road	11,040 ²	1,940	12,980	18%
Highland Oaks Trail	238 ³	60	298	25%

1. Note: Adjusted for traffic generated by the existing use

2. Source: Travis County Saturation Counts- 2005. Texas Department of Transportation. http://www.campotexas.org/programs_rd_traffic_counts.php

3. Source: GRAM Traffic Counting, Inc. August 6, 2008.

It is assumed that approximately 97 percent (1,940 vpd) of the site traffic would access the property from the Jollyville Road entrance. Approximately three percent (60 vpd) would turn right onto Highland Oaks Trail to access Arabian Trail. Under this scenario, traffic on Jollyville Road would increase by approximately 18 percent. Traffic on Highland Oaks Trail would increase by approximately 25 percent from the site driveway east to Arabian Trail.

According to Section 25-6-116 of the Land Development Code, streets which are between 30 and 40 feet in width are considered to be operating at an undesirable traffic level if the average daily traffic volume for such roadways exceeds 1,800 vehicles per day. In its current configuration, Highland Oaks Trail operates at acceptable levels for this portion of the roadway.

Recommendations/Conclusions

1. In order to minimize traffic on surrounding streets, the intensity and uses for this rezoning should be limited to less than 2,000 unadjusted vehicle trips per day. Development of this property should also be limited to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in this neighborhood traffic analysis, including traffic distribution, roadway conditions, and other traffic related characteristics.
2. If the requested zoning is recommended for this site, 30 feet of right of way should be dedicated from the centerline of Highland Oaks Trail in accordance with the Transportation Criteria Manual to accommodate traffic anticipated to be generated by

this site. LDC, 25-6-55; TCM, Tables 1-7, 1-12. If the additional right of way is not provided, access should be prohibited from the site to Highland Oaks Trail.

3. All driveways would need to comply with current City of Austin Type II Commercial Driveway standards and would need to meet minimum requirements for driveway width, throat length, driveway spacing, offset, and curb return radii. The owner will be responsible for obtaining permit approval for the driveways prior to site plan approval.

If you have any questions or require additional information, please contact me at 974-2628.

Shandrian Jarvis
Senior Planner ~ Transportation Review
Planning and Development Review Department

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

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: C14-2010-0097

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Aug. 3, 2010, Zoning & Platting Commission

Aug. 26, 2010, City Council

Beth & Mike Falls

Your Name (please print)

5831 Secrest Drive

Your address(es) affected by this application

Beth Falls

Signature

Date

Daytime Telephone: 512-921-7079

Comments:

There is a well-established, thriving residential neighborhood with some houses dating back 50 years. Rezoning to LO will directly impact home values in a negative way as well as diminish residential land value. This neighborhood combines original owners young families with small children and first-time homebuyers. Residents deserve to maintain the integrity of our neighborhood and its boundaries.

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2010-0097

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Aug. 3, 2010, Zoning & Platting Commission

Aug. 26, 2010, City Council

Thomas A. Chlenoff

Susan L. Chlenoff

Your Name (please print)

11813 Highland Oaks Trail Austin, TX 78759

Your address(es) affected by this application

Monahill Chlenoff

Susan L. Chlenoff

Signature

07/29/10

Date

Daytime Telephone: (512) 914-4447

Comments: As residents of Highland Oaks Trail for almost 38

years, we have seen many changes in the area with the

expansion of the City of Austin. Our neighborhood has benefited

a single family - oriented not an area that is becoming of the

diversity of the residents to keep it so. In the spring of

2004 the zoning and planning commission and the City Council

was informed by voters to keep our neighborhood residential

(as the city's own Valley View Land Study intended). We

applied those decisions. It is our understanding that the

city council was not aware of the rezoning change in the same

city that applied the rezoning in 2008-2009 rezoning plan.

We see no justification for rezoning from single family

residence to any other designation.

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810