

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: Oak Hill Combined Neighborhood Plan

CASE#: NPA-2010-0025.01

PC DATE: February 22, 2011
January 25, 2011

ADDRESS/ES: 9726 Circle Drive

SITE AREA: 3.003 acres

APPLICANT/OWNER: RKC Partnership One, L.L.C. (Randy Herzog)

AGENT: Texas Engineering Solutions, L.L.C. (Hank Smith)

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Neighborhood Mixed Use **To:** Commercial

Base District Zoning Change

Related Zoning Case: C14-2010-0175 (SR)
From: RR-NP **To:** W/LO-CO-NP

NEIGHBORHOOD PLAN ADOPTION DATE: December 11, 2008

PLANNING COMMISSION RECOMMENDATION: On February 22, 2011, the Planning Commission approved the future land use map change on the property from Neighborhood Mixed Use to Commercial on the consent agenda with Commissioner Chimenti's motion and Commissioner Dealey's second on a vote of 9 to 0.

STAFF RECOMMENDATION: Recommended

BASIS FOR STAFF'S RECOMMENDATION: The plan amendment request supports the following Goals, Objectives, and Recommendations:

CHAPTER 6: LAND USE AND DEVELOPMENT

6.A. Provide opportunities for high-quality new development and redevelopment.

6A.1

Ensure quality of new construction and renovations.

6.A.1a—Bring back businesses that have left the Oak Hill area (example: loss of Alberston’s store).

6.A.1b—Businesses that redevelop should meet Development Code standards and should meet the goals and objectives of the Oak Hill Combined Plan.

6.A.1c—Find ways to attract quality development in Oak Hill, such as Escarpment Village. Development should be innovative, mixed use, walkable, and transit oriented.

6.B. Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment.

6.B.1

Encourage zoning to be compatible with existing and neighboring land uses and seek optimal and most appropriate use of land.

6.B.1a—Rework zoning to allow/support the vision of the Oak Hill Neighborhood Plan.

6.B.1b—Cluster higher density development in appropriate areas, striving to balance the interests of all stakeholders while taking into consideration environmental concerns.

6.B.2

Provide business and residential expansion without creating urban sprawl.

6.B.2a—Provide support of targeted development, which are areas with existing infrastructure at commercial nodes.

6.C. Create a mix of uses in existing corridors of commercial development that will provide a diversity of local services convenient to neighborhoods and establish commercial “nodes” (concentrated activity areas) at strategic locations.

6.E. Encourage locally-owned businesses to locate in the Oak Hill area and find ways for local businesses and employers to prosper.

6.E.1

Oak Hill stakeholders desire more small-scale businesses with less strip commercial establishments

6.E.1a—Explore opportunities to replace anchor tenants with new tenants who can attract customers to support local small businesses.

6.E.1c—Create a small business incubator for the Oak Hill area, to help foster the creation of locally-owned and operated businesses in the planning area.

6.E.1d—Finds ways to attract businesses that will enhance services available to the community.

Staff Analysis: During the planning process, people who lived along Thomas Springs Road were particularly interested in keeping the businesses in this area low-intensity because they felt both Thomas Springs Road and Circle Drive could not handle large trucks nor the large amount of cut-through traffic generated by drivers who use these roads to access U.S. Hwy 290 West. Given this, the proposed zoning change to Warehouse/Limited Office and the future land use map change to Commercial could be compatible because the uses would be limited through a conditional overlay (see Background section) and because the plan goals support locally-owned businesses.

BACKGROUND: The case was filed outside of the February open filing period for approved neighborhood plans located on the east side of I.H.-35. The Oak Hill Planning Contact supported the application to be filed out-of-cycle, in addition to supporting the proposed zoning change and plan amendment request.

The property is zoned RR-NP (Rural Residential – Neighborhood Plan). The owner proposes to rezone the property to W/LO-CO-NP (Warehouse/Limited Office – Conditional Overlay – Neighborhood Plan) to operate his pool supply business, called Elite Pools of Austin. See copy of the owner's website at the back of this report.

The attached letter from the Planning Contact Team supports the proposed zoning and FLUM change with Conditional Overlay which allows only the following uses:

- Administrative and Business Office
- Art Gallery
- Building Maintenance Services
- Business Support Services
- Religious Assembly
- Safety Services

The applicant/agent states that the City “red-tagged” the owner for having a commercial garage on the property, although it is more likely that the owner was cited for operating a commercial business on residentially zoned property. Staff attempted to find the citation from Code Enforcement, but was not successful.

The Oak Hill Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on December 11, 2008. The Oak Hill Combined Neighborhood Planning area is located in southwest Austin and is bound by MOPAC (Loop 1) on the east, Thomas Spring Road Circle Drive on the west, Southwest Parkway and Travis Country neighborhood on the north, and Convict Hill, Davis Lane, and Granada Hills neighborhood on the south.

PUBLIC MEETINGS: The plan amendment meeting was held on December 1, 2010. Eight-eight notices were mailed to property owners, utility account holders, and neighborhood organization registered on the Community Registry, in addition to members of the Oak Hill Planning Contact Team. Sixteen people attended the meeting.

The applicant's agent, Hank Smith, explained that the property owner obtained a permit from the City of Austin to construct a large detached garage, but was later "red-tagged" by Code Enforcement for having a commercial structure on a residential lot. He said the zoning change to Warehouse/Limited Office is needed for the property owner to operate his pool supply business.

It appeared that no one from the immediate neighborhood was at the meeting. No questions were asked and the Planning Contact Team members in attendance voted to amend the original letter of support to correct typographical errors. The revised letter of support is submitted with this report.

CITY COUNCIL DATE: March 3, 2011 **ACTION:** Pending

CASE MANAGER: Maureen Meredith, Senior Planner **PHONE:** 974-2695

EMAIL: Maureen.meredith@ci.austin.tx.us

Brian Reis, Chair
Bill Schultz, Vice-Chair
Jackie Waters, Secretary



Date: December 10, 2010

To: Planning Commission and City Council members

Re: 9726 Circle Drive
Austin, TX
Owner: Randy Herzog
Owner's Representative: Hank Smith
NPA-2010-0025.01 and C14-2010-0175

On December 1, 2010, the Oak Hill Neighborhood Contact Team held a meeting in accordance with our bylaws to discuss the applicant's proposed future land use amendment and zoning change for the property located at 9726 Circle Drive. The applicant has requested a change in land use from Neighborhood Mixed Use to Commercial and a change in zoning from Rural Residential (RR) to Warehouse/Limited Office (W/LO). Several members of the contact team attended the community meeting held early that evening and heard the request.

The OHNPCT voted to support the zoning category of W/LO for this property as long as the allowed uses are limited to ONLY:

Administrative and Business Office
Art Gallery
Building Maintenance Services
Business Support Services
Religious Assembly
Safety Services

And the conditional use of:

Construction Sales and Services

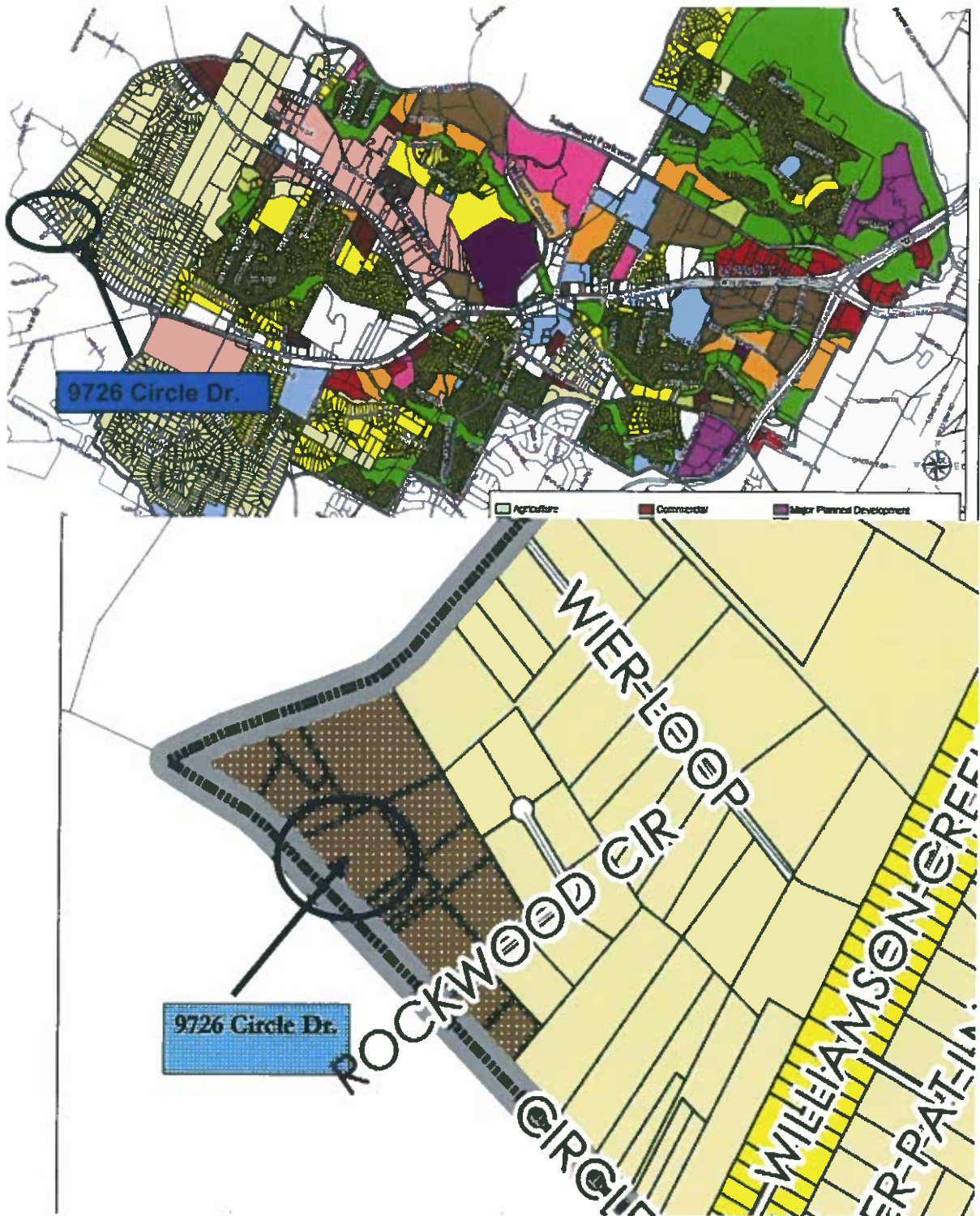
Sincerely,

A handwritten signature in blue ink that reads "Brian Reis".

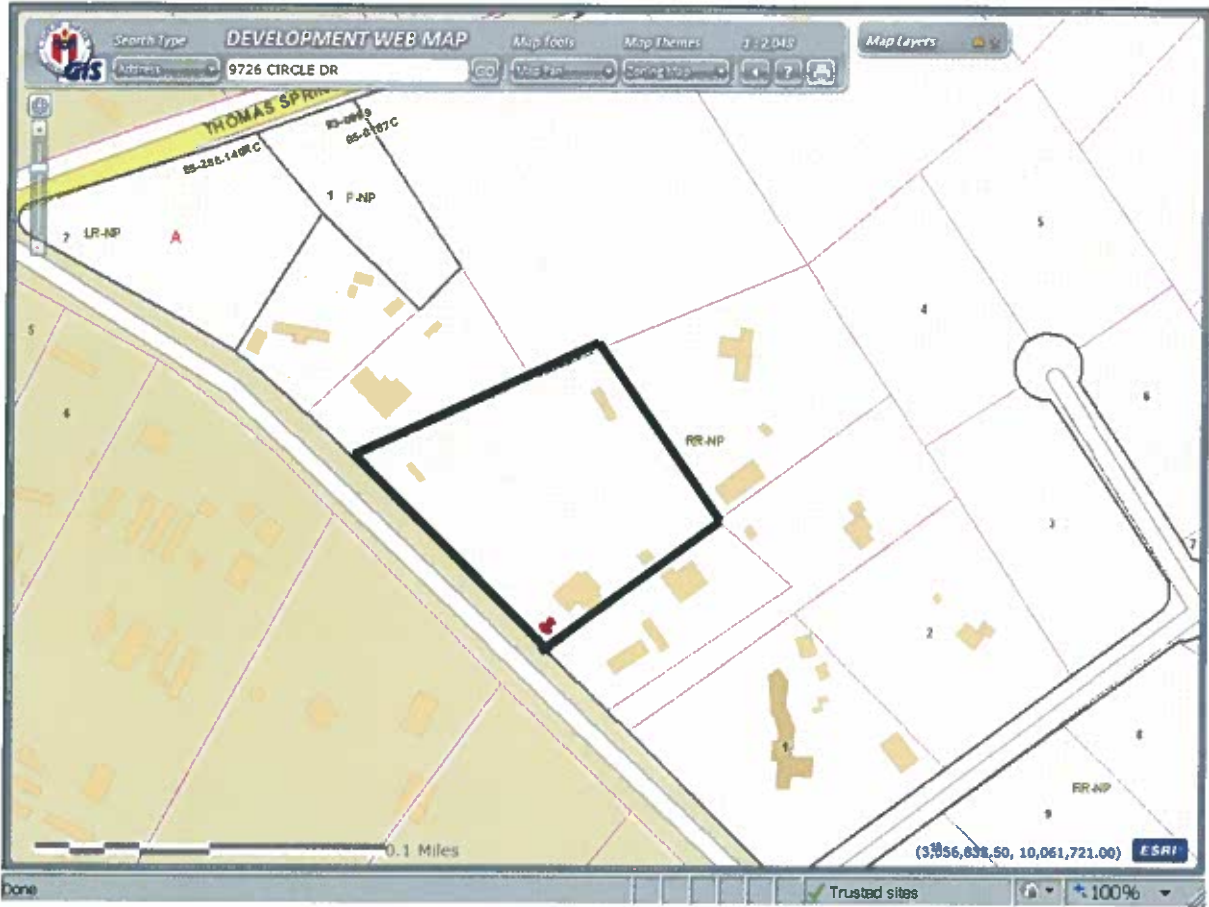
Brian Reis
Chair, OHNPCT

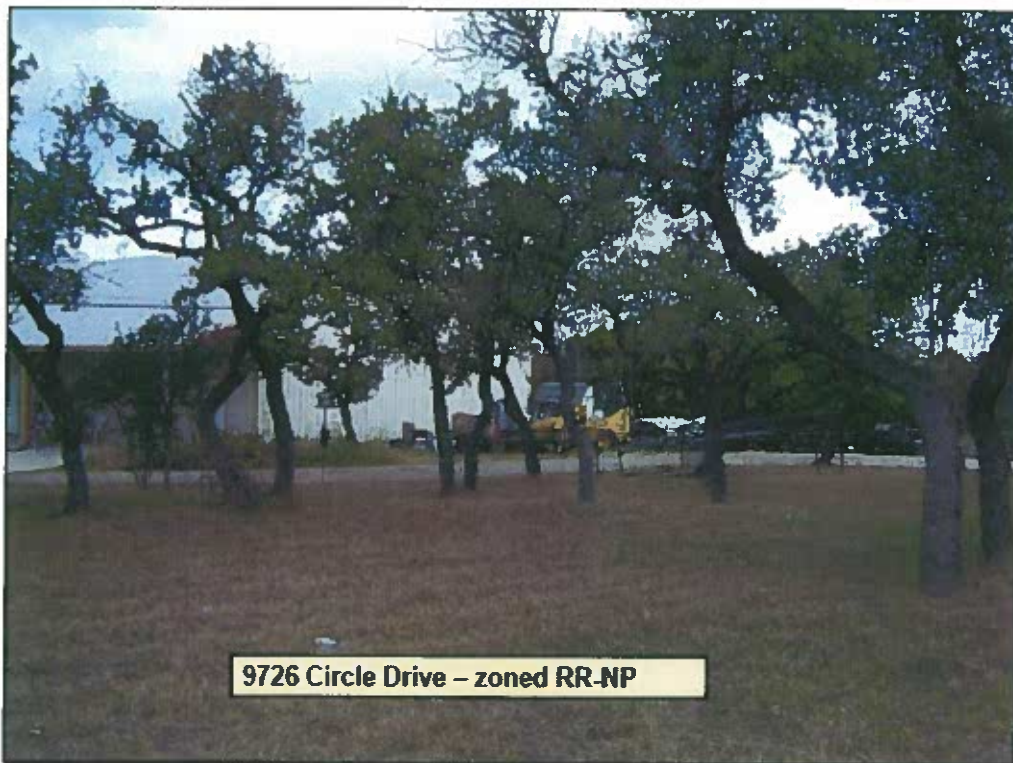
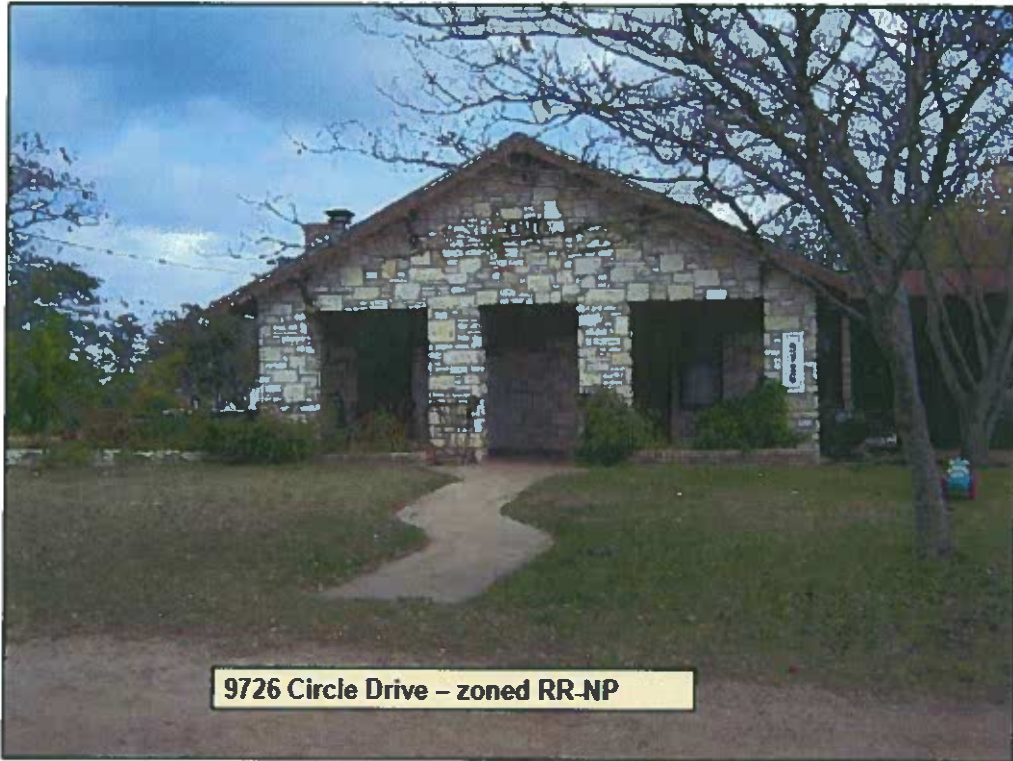
Cc: Bill Schultz
Jackie Waters

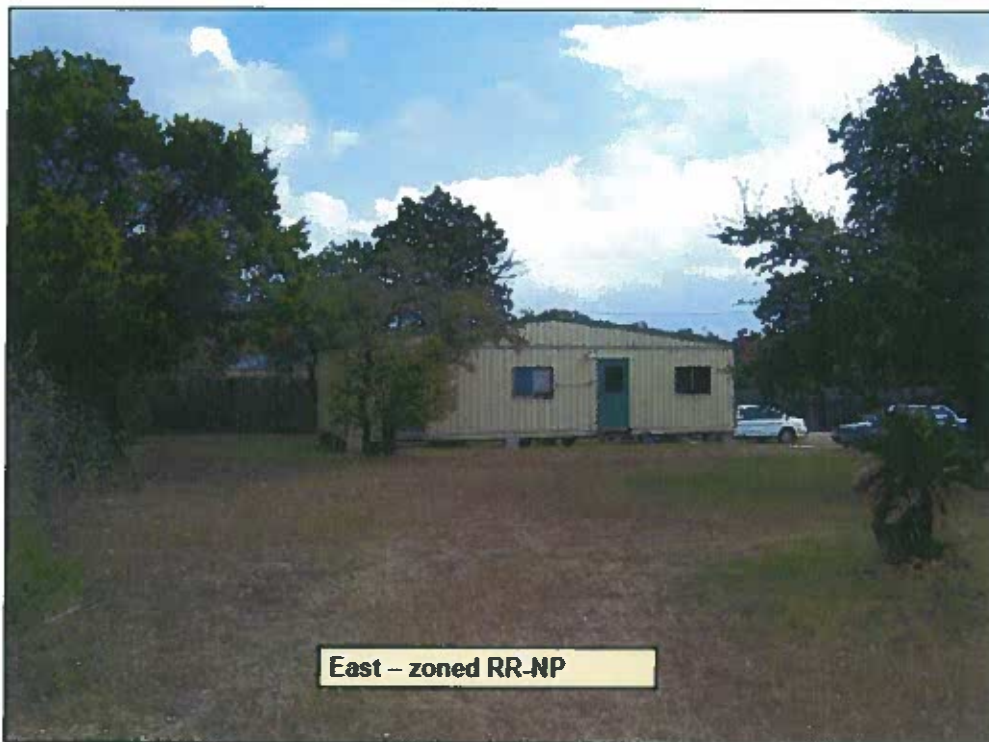
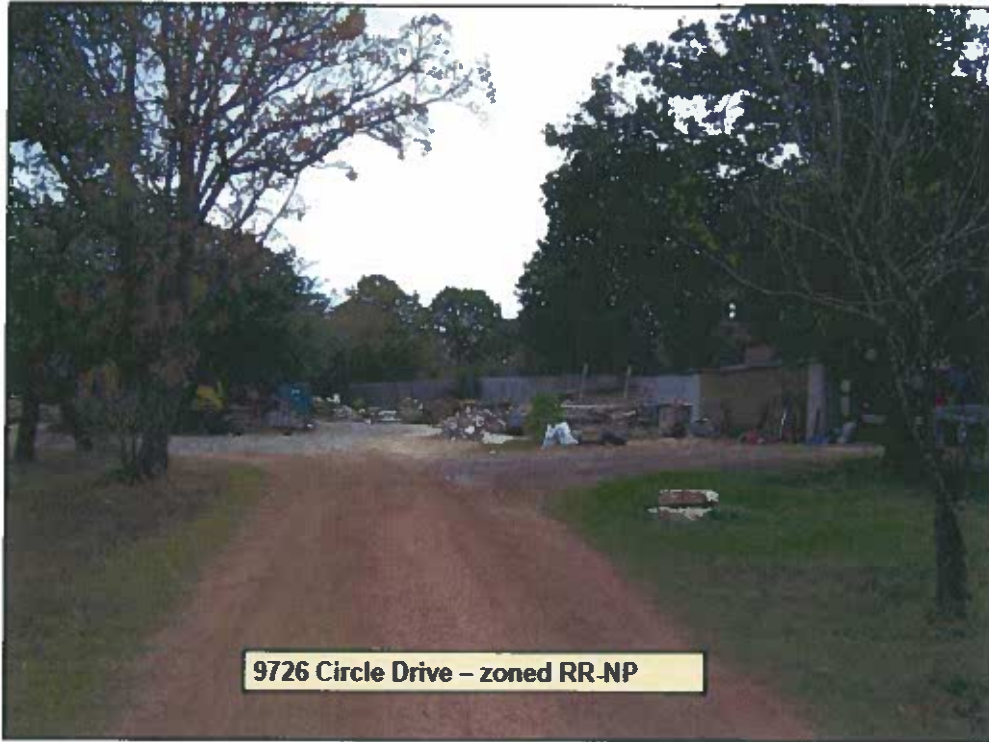
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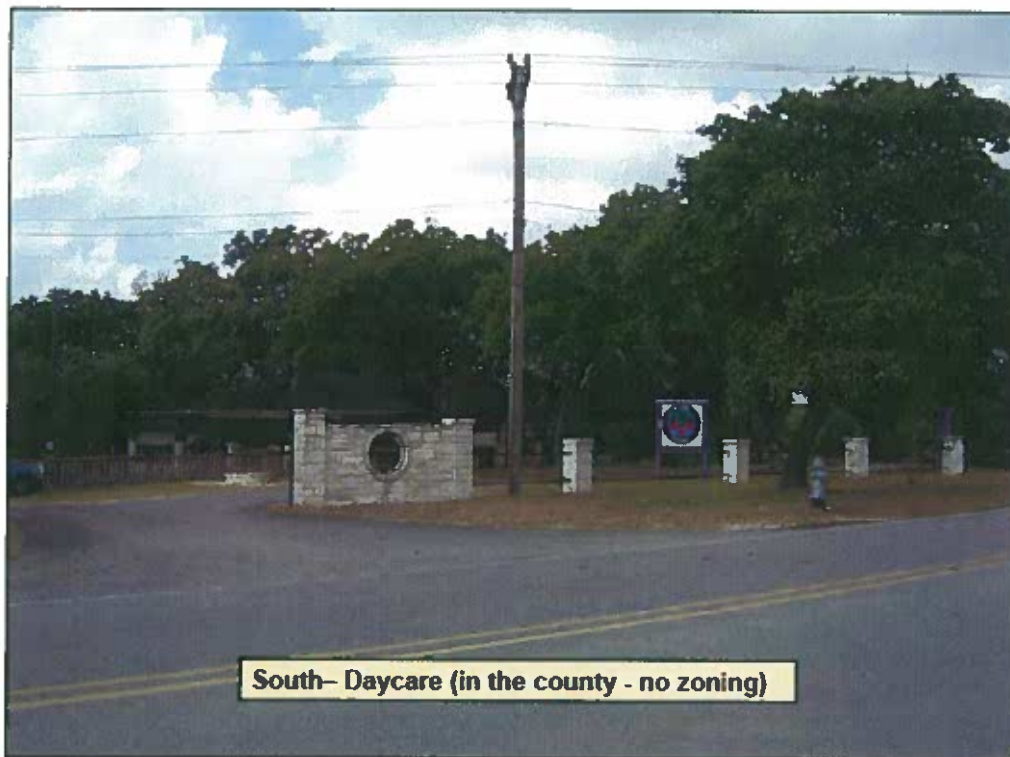


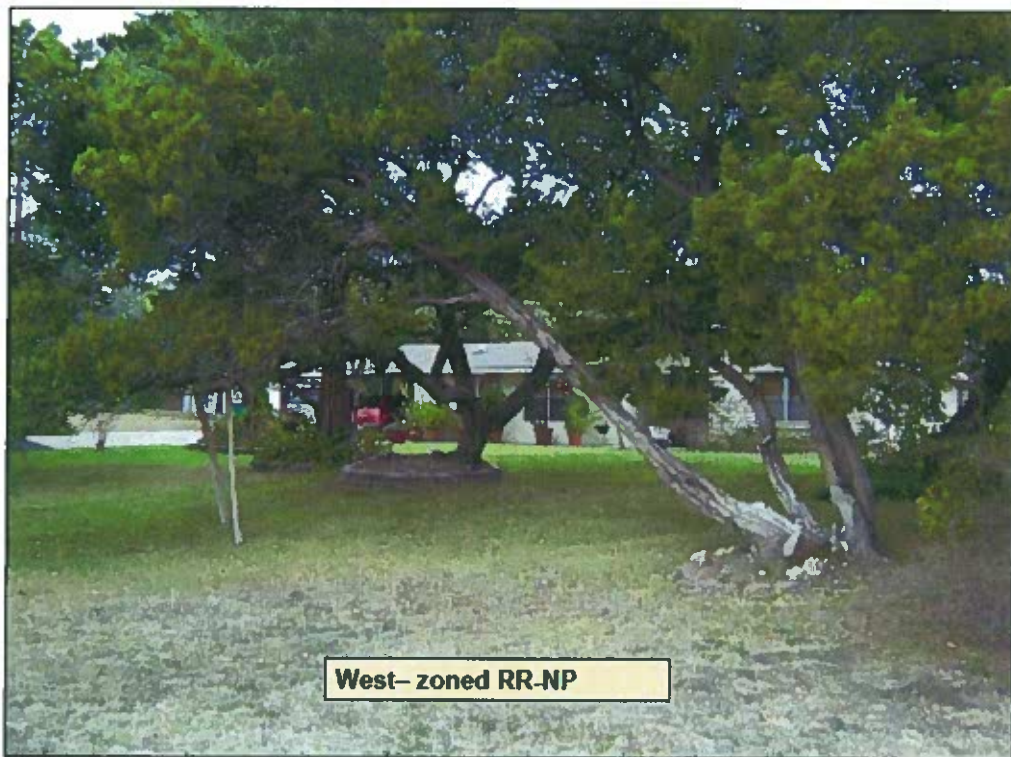
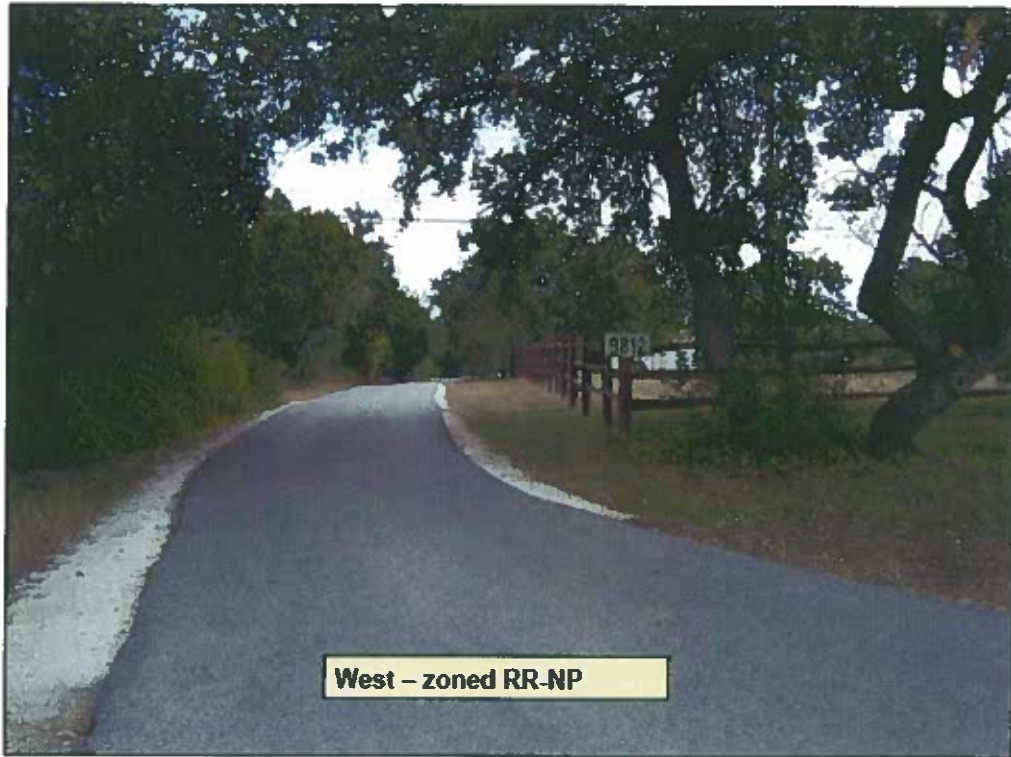


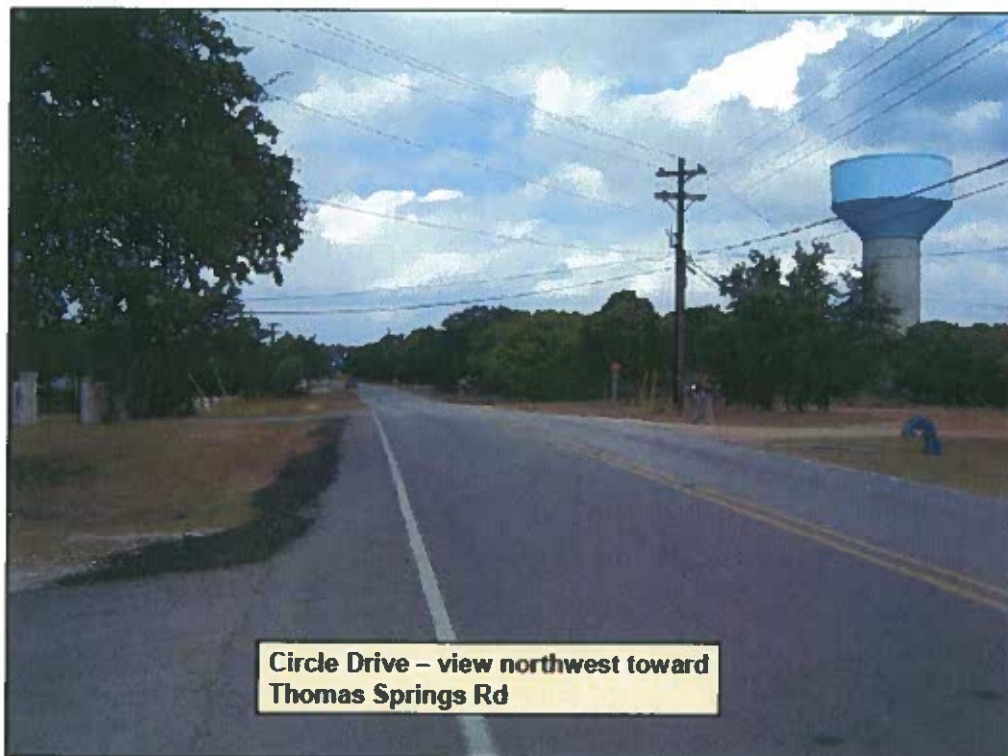
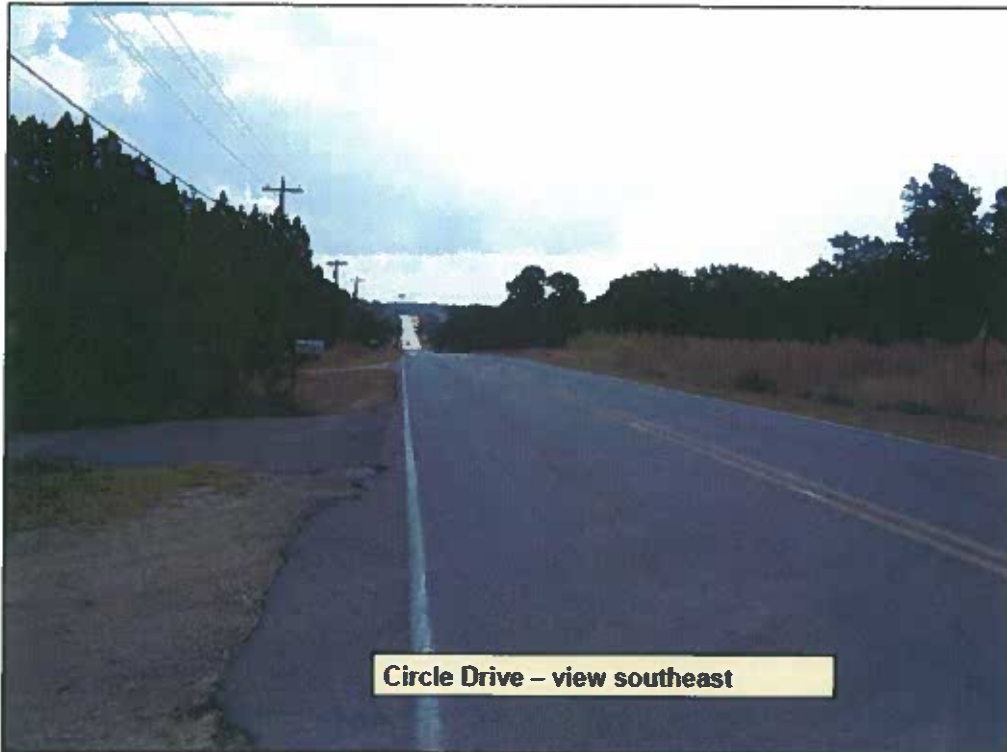














Website for the property owner's Pool Business located at 9726 Circle Drive, on property currently zoned RR-NP (Rural Residential – Neighborhood Plan)