

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0067

PC Date: June 26, 2007
July 10, 2007
July 24, 2007

ADDRESS: 3608 Clawson

OWNER/APPLICANT: Clarita Riccobono, Richard Roberts, James Barnett

AGENT: Jay Dupont and Brad Schubert

ZONING FROM: SF-3

TO: MF-2-CO

AREA: 2.223 acres

STAFF RECOMMENDATION:

Staff alternatively recommends approval of townhouse and condominium residence (SF-6) district zoning.

PLANNING COMMISSION RECOMMENDATION:

June 26, 2007: Postponed to July 10 at the request of staff.

July 10, 2007: Postponed to July 24 at the request of the neighborhood.

July 24, 2007:

DEPARTMENT COMMENTS:

This site is three lots zoned family residence (SF-3). The request is to rezone these lots to multi-family residence low density – conditional overlay (MF-2-CO) combining district zoning. The conditional overlay would limit the development to no more than 300 daily vehicle trips.

Staff's alternatively recommends approval of townhouse and condominium residence (SF-6) district zoning. The conditional overlay would not be needed as the SF-6 limit on development is already below the proposed 300 daily vehicle trips.

Staff initial recommendation was the approval of MF-2-CO zoning, as is reflected in the Planning Commission agenda. However, after further consideration of additional information, the recommendation has been revised, to SF-6.

The staff recommendation was revised based on new information regarding two aspects of the surrounding neighborhood - restrictive covenants on two pieces of nearby property and the status of the preliminary draft of the future land use map of the South Lamar neighborhood plan.

A small piece of property immediately to the north of the subject tract has a restrictive

covenant which prohibits it from being developed with multi-family uses, despite the MF-2 zoning. Additionally, the properties to the south on 3906 Clawson has a restrictive covenant which mandates any multi-family use take access only to Valley View Road, not Clawson.

The South Lamar Combined neighborhood plan process is set to resume after a hiatus of several months. A preliminary draft of the future land use map from August of 2006 called for single family use on much of Clawson, including this tract. This preliminary draft also called for single family uses on several properties with multi-family zoning.

Multi-family residential uses are assumed to generate 6.6 daily vehicle trips. By limiting this development to a maximum of 300 daily vehicle trips, the project would be limited to a maximum of approximately 45 multi-family residential units. This represents a density of roughly 20 units per acre.

Townhouse uses can be typically built out with a maximum of roughly 12.4 units per acres. Assuming maximum build out of the site, SF-6 zoning could result in roughly 27 residential units.

SF-3 zoning requires a minimum site area of 5750 square feet, or 7000 square feet for the construction of a duplex. If re-subdivided into 7000 square foot lots, the properties could be developed an estimated 13 lots or 26 residential units in 13 duplexes, with one additional residential unit, for a total of roughly 27 units.

It is important to note that these rough approximations of ultimate build out do not take into account site constraints, actual project layout, drainage requirements, or other limitations to full build out.

The site is bordered on the north and west by apartments on MF-2 zoned land. The property immediately to the south is also zoned MF-2, although it is developed with a single family home. Further south on Clawson is a mix of MF-2, SF-3, SF-6 and SF-3 zoning, with a variety of land uses ranging in intensity from apartments to undeveloped. Across Clawson to the east are duplexes on SF-3 zoned land, and an undeveloped SF-6 tract.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Single Family Homes
<i>North</i>	MF-2	Apartments
<i>South</i>	MF-2	Single Family Homes
<i>East</i>	SF-3 and SF-6	Duplexes and Undeveloped
<i>West</i>	MF-2	Apartments

AREA STUDY: This property lies within the pending South Lamar Neighborhood Plan Area.

TIA: 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 will not be required because this site because the applicant has agreed to limit development to a level that will generate no more than 300 daily vehicle trips.

WATERSHED: West Bouldin Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED COMMUNITY ORGANIZATIONS:

- South Lamar Neighborhood Association
- South Central Coalition
- Austin Neighborhoods Council
- Barton Oaks Neighborhood Association
- Barton Springs / Edwards Aquifer Conservation District
- Austin Independent School District
- Home Builders Association of Greater Austin

SCHOOLS:

Joslin Elementary School Covington Middle School Crockett High School

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
Clawson Road	Varies	Approx. 25'	Collector	No	No	No

CITY COUNCIL DATE:

ACTION:

ORDINANCE READINGS:

1st

2nd

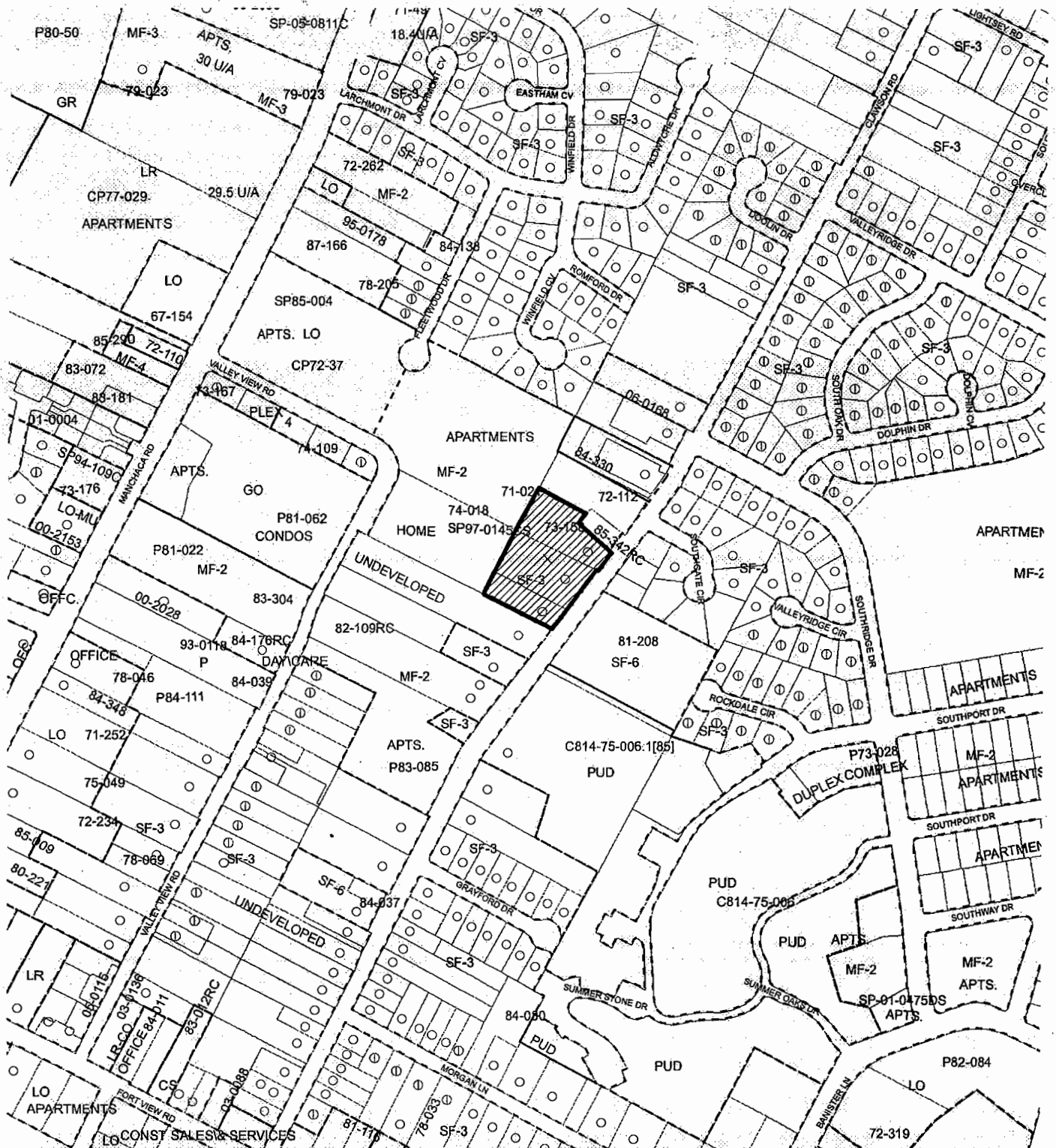
3rd

ORDINANCE NUMBER:

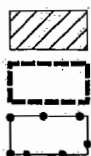
CASE MANAGER: Robert Heil

PHONE: 974-2330

e-mail address: robert.heil@ci.austin.tx.us



ZONING



Subject Tract

Zoning Boundary

Pending Cases

ZONING CASE#: C14-2007-0067
ADDRESS: 3608 CLAWSON RD
SUBJECT AREA: 2.223
GRID: G19
MANAGER: R. HEIL



1" = 400'

OPERATOR: SM

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.

SUMMARY STAFF RECOMMENDATION

Staff alternatively recommends approval of townhouse and condominium residence (SF-6) district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

The property is surrounded on three sides with property zoned MF-2. However, the property to the west fronts on the much larger Manchaca Blvd. Additionally, the owner of the MF-2 zoned property to the south as stated his intent to downzone his property to SF-2 through the neighborhood plan. The property most closely resembles the SF-6 zoned property across Clawson and would provide a transition of densities from the multi-family uses to the north and the single-family uses to the south.

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

Townhouse and condominium residence district (SF-6) is the designation for a moderated density single condominium use. An Sf-6 district designation may be applied to a use in an area with large lots that have access to streets other than minor residential streets. An FS-6 district may be used as a transition between a single family and multi family residential use.

Transportation

A Neighborhood Traffic Analysis will not be required because this site because the applicant has agreed to limit development to a level that will generate no more than 300 daily vehicle trips.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
Clawson Road	Varies	Approx. 25'	Collector	No	No	No

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district

impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Site Plan

The site is subject to compatibility standards. Compatibility standards are applicable to all property adjoining or across the street from a lot zoned or sued as SF-5 or more restrictive, or within 540 feet from a lot zoned SF-5 or more restrictive. This property is located across the street from SF-3 properties.

Along the east property line, the following standards apply:

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the SF property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the SF property line.

Additional design regulations will be enforced at the time a site plan is submitted, including landscaping areas, required screening, and exterior lighting (as described in Subchapter E: Design Standards).

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 relocation, and abandonment 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.

Dear Commissioners, Council Members and City Staff:

The current pace of city growth has increased the need for a greater number of residences. In the central area this has translated to increasing the density of homes, yet with such a diverse and limited amount of real estate in central Austin, locating a suitable site for higher density developments is difficult. In South Austin, we feel we have found a suitable site for a moderate density development. The area is primarily mixed residential consisting of duplexes, condo-duplexes, apartment complexes, PUD, and a few single family homes.

The site is approximately 2.3 acres consisting of 3 lots and zoned as SF-3. Directly at its borders are multi-family zoned (MF-2) properties. Across the street is an SF-6 zoned property, a high density PUD, and SF-3 zoned duplex-condos. We feel that the SF-3 zoning is not appropriate for its location locked within MF-2 zoned properties and hence, are seeking to rezone the property to MF-2 to bring the property to consistent zoning with its neighbors. We are planning to develop the property as a moderate density unified development rather than subdividing the site as we believe it presents a much better product to the neighborhood and future residences. By developing the 3 lots together and sharing resources, there is less impact upon the neighborhood.

First of all, we can have much safer access. Due to the sloping topography midway of the lots, the entrance into and out of the development will be from two access points connected by a shared drive. This limits the number of driveways onto Clawson, locates them at safer points on the road, cues up those exiting the development, and prevents backing up onto Clawson. This also allows mail services to be consolidated to a single mail station, rather than each individual home with mailboxes on Clawson.

With the flexibility of a single development, with the zoning designation we are requesting, we are able to limit the impact on the site. We can place the drive and residences where we need in order to preserve trees and topography. The shared drive also limits the impervious cover since by subdividing and developing flag lots, there would be a multitude of driveways extending to Clawson Drive. The site would further be protected through City requirements. An approved Site Development Plan from the COA will be required. This would also address water detention and water quality with an approved and engineered system. In addition, the character of the site would be preserved through a required Landscape Plan which would mitigate the tree removal process.

In South Austin, it isn't unusual to find a large, modern home next to quaint traditional homes. By developing a single project, we can avoid this by maintaining the integrity of the designs. The palette of materials, scale, colors, and landscape can be kept together in a single composition for the entire site.

The efficiency of a single development also increases the affordability of the neighborhood. Central Austin homes prices have skyrocketed leaving many families renting or moving out to the suburbs. We feel that by building a multi-unit development, sharing resources, and through economy of scale we can keep cost down and help increase home ownership.

In our effort to offset the potential of future traffic problems in the area, we are willing to restrict our development with a conditional overlay to limit the trips to 300 per day across the entire 3 lots. As we enter into the design phase we will adjust the scale of the project to maintain the trip limitation. Our adjacent neighbors do not have this limitation...we hope that any future development would follow us in our considerations.

We have had the opportunity to meet with the South Lamar Neighborhood Association on a few occasions and presented our ideas. It is with regret that we have not come to any agreements with them. There has been some positive support from neighbors who have approached us with vocal support citing an increase of their property values. Others were looking for direction as to what they could do with their own large properties.

We are residents of central Austin and understand the issues facing us as citizens. We share the concerns and vision of the future of the city. We respectfully request your assistance and advice with this case.

Sincerely,

Brad Schubert, Jay Dupont, and Jim Barnett

**BILL CORSBIE, P.C.
3708 CLAWSON ROAD
AUSTIN, TEXAS 78704-7802**

Attorney and Counselor at Law

Board Certified: Administrative Law Texas Board of Legal Specialization

WEBSITE <http://hometown.aol.com/bilcorsbie/myhomepage/index.html>

PHONE 512/443-3199

FAX 512/443-9807

E-MAIL bilcorsbie@aol.com

June 1, 2007

Mr. Robert Heil
CITY OF AUSTIN
NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT
505 Barton Springs Road, 5th Floor
Austin, TX 78704

re: Case Number C14-2007-0067

Dear Mr. Heil,

This letter is a follow-up to the voice mail I left with for you today at 974-2330. I have contacted you in response to a letter dated May 31, 2007, copy attached. My home/residence is on the 2 acre lot that I own due south of the 2.223 acre tract at 3608 Clawson Road that has requested a zoning change from SF-3 to MF-3. My home is a frame house build in the 1930's by a Mr. Overall, who died here. I bought the property from his estate in 1974, and have lived here ever since. In the 1970's, I had several dairy goats here with me on the property. I have an office in what was Mr. Overall's workshop/garage, but it is just for phones, files, and computers, no one comes here on business.

I am opposed to the requested zoning change. I have two major concerns, traffic, and flooding.

Regarding traffic, Clawson Road is very hilly and narrow, and it is not appropriate to allow re-zoning that will generate more traffic.

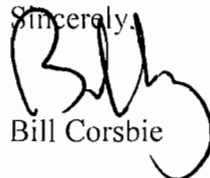
Regarding flooding, the subject tract is up-hill from my property, and I am very concerning about any development there increasing the stormwater flow across my property. The tract immediately north of me now has a duplex. That should not be changed in my opinion.

Please enter my opposition to this matter in the City's records, and provide me constitutionally appropriate due process for communicating my concerns to the appropriate decision makers. I would appreciate it if my opposition could be noted under PROCESS AND NOTES on the enclosed page from the City's web page.

Your attention to this matter is appreciated. Please contact me by phone or email regarding how I should proceed in making my opposition known, and please let me know

whenever this matter will be considered by the Land Use Commission and the City Council.

Sincerely,


Bill Corsbie

BC/wp

enc.

xc w/enc.

Ms. Diana Minter

CITY OF AUSTIN

LEGAL DEPARTMENT

P.O. Box 1088

Austin, Texas 78767-8865

✓ Ms. Sue Welch

CITY OF AUSTIN

LAND USE REVIEW

505 Barton Springs Road, 4th Floor

Austin, TX 78704

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: C14-2007-0067

Contact: Robert Heil, (512) 974-2330

Public Hearing:

June 26, 2007 Planning Commission

☐ I am in favor
☒ I object

Dave Blevins
Your Name (please print)

1801 Lightsey Rd
Your address(es) affected by this application

Dave Blevins 6/17/07
Signature Date

Comments:

Much too dense.

Dave Blevins

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

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2007-0067

Contact: Robert Heil, (512) 974-2330

Public Hearing:

June 26, 2007 Planning Commission

☐ I am in favor
☒ I object

Bernard J. Natho
Your Name (please print)

1601-B SavinGate Circle
Your address(es) affected by this application

Bernard J. Natho
Signature

6-18-2007
Date

Comments: MU-2 will increase traffic on
Clawson Rd, which is a 2-lane road. Also the location
on Clawson has very limited visibility making
very dangerous for anyone or traffic accessing Clawson.

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

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2007-0067

Contact: Robert Heil, (512) 974-2330

Public Hearing:

June 26, 2007 Planning Commission

Dan Berczki

Your Name (please print)

3212 Clawson Rd.

Your address(es) affected by this application

[Signature]

Signature

7.2.07

Date

Comments:

With the lot in question being greater than two acres, the zoning change could potentially add 50 units to Clawson Rd. Clawson already has too much traffic, adding those units will only worsen the existing problem.

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

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

Walsh, Wendy

From: Guernsey, Greg
Sent: Wednesday, July 18, 2007 8:50 AM
To: Walsh, Wendy; Rusthoven, Jerry
Cc: Arzola, Sylvia
Subject: FW: C14-2007-0067 - Clawson - Postponement Request

FYI

From: Jim Barnett [mailto:james.barnett@kla-tencor.com]
Sent: Tuesday, July 10, 2007 1:32 PM
To: Heil, Robert
Cc: Guernsey, Greg; jay@jsquarearch.com; Brad Schubert
Subject: RE: C14-2007-0067 - Clawson - Postponement Request

Mr. Heil,

The owners of the property involved in case C14-2007-0067 object to a postponement at this late date. We have tried our best to work with the SLNA over the last 5 months to negotiate a compromise without success. After our presentation at their neighborhood meeting in June the members of the executive committee present made it clear that they were unwilling to negotiate. The Planning Commission meeting is not the final vote, so if the SLNA is willing to change its position and negotiate, there is still plenty of time before the City Council Vote. Another delay at this stage will only increase our carry costs on the property and disrupt the personal agendas of everyone involved. In addition, the reasons given by SLNA for the delay are not relevant for zoning - they relate to later steps in the development process.

Regards,

Jim Barnett
 512/751-0329

From: Oscar Lipchak [mailto:olipchak@austin.rr.com]
Sent: Tuesday, July 10, 2007 9:06 AM
To: Robert. Heil
Cc: Greg. Guernsey; Oscar V Lipchak; jay@jsquarearch.com; Jim Barnett
Subject: C14-2007-0067 - Clawson - Postponement Request

Robert, thank you for meeting with us to discuss the Clawson project on Monday, 9July2007 - it was an informative discussion.

Please consider this email SLNA's request for a 4-week postponement of case C14-2007-0067. We thought about requesting only 2-weeks but, we are considering taking this issue/case to the neighborhood as a whole and would like to have the time to do so if we so decide. Furthermore, SLNA representatives met with staff handling this case (that's you Robert) and it is SLNA's understanding that Mr. Heil will be out of office for Planning Commission meeting held 2 weeks from now. Since Robert was the only staff member at our meeting, was the only one to hear SLNA's position and concerns, SLNA would like to postpone case until the staff member assigned to this case can be present.

Also, and more importantly, the developer in this case made a presentation to the neighborhood as a whole and at that meeting, developer agreed to send to SLNA a copy of the tree survey they had had done and also agreed to prepare a conceptual depiction of what could be built under the existing SF-3 zoning. SLNA has yet to receive these materials that developer agreed to furnish.

7/18/2007

An additional reason for requesting 4-weeks is because of the change in staff's recommendation for this project coming so close to the date for the hearing at planning commission -- we understand the developer in this case was informed of the change in staff's recommendation on 9July2007.

Again, Robert, thank you for your time, patience and attention during our neighborhood representative's meeting with you.

Please feel free to call me with any questions or additional information you may require.

Sincerely, oscar 444-3173

7/18/2007