

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2007-0104

**Z.A.P. DATE:** September 18, 2007

**ADDRESS:** 8405 Furness Street

**APPLICANT:** City of Austin – Neighborhood Planning and Zoning Department

**AGENT:** City of Austin – Neighborhood Planning and Zoning Department (Sherri Sirwaitis)

**ZONING FROM:** SF-3

**TO:** SF-6

**AREA:** 6.194 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff recommendation is to deny the SF-6, Townhouse & Condominium Residence District, zoning.

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

9/18/07: Approved SF-6-CO zoning with conditions of 45% impervious cover, 35-feet maximum height limit, and 19 residential unit limit (6-1, B. Baker-absent, C. Hammond-No); K. Jackson-1<sup>st</sup>, T. Rabago-2<sup>nd</sup>.

### **ISSUES:**

The owner of the property, Cameron Park Investments, Ltd., has filed a petition in opposition to the proposed rezoning of the property. The staff is currently in the process of verifying this petition.

### **DEPARTMENT COMMENTS:**

The property in question is undeveloped. The site slopes to the north and moderately vegetated. There is 100-year floodplain covering the northern portion of the property (See Aerial Map – Attachment A).

On April 17, 2007, a subdivision case for this property was brought before the Zoning and Platting Commission for approval (Case C8-96-0159.01 – Attachment B). The preliminary plan proposed nineteen duplex lots, one drainage easement and a one park lot for this site. A discussion concerning the proposed land use ensued and then the Commission directed the staff to initiate a rezoning case for the property from SF-3, Family Residence District, zoning to SF-6, Townhouse & Condominium Residence District, zoning.

The staff recommends denial of the proposed SF-6 zoning because the existing zoning is appropriate for this site. The property is located across from existing single-family residences (zoned SF-3) that face Furness Street. The current zoning of the site will allow for single-family or duplex development that is consistent with the single-family residential neighborhood to the west and the SF-3 zoning adjacent to this site to the south, east and west.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3	Undeveloped
<i>North</i>	MF-3-CO	Floodplain (Little Walnut Creek), Multi-family
<i>South</i>	SF-3	Hart Elementary School
<i>East</i>	IP-CO, SF-3	Undeveloped
<i>West</i>	SF-3	Single-Family Residential Neighborhood

**AREA STUDY:** N/A**TIA:** Waived**WATERSHED:** Little Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

32 - Heritage Hills Neighborhood Association  
 114 - North Growth Corridor Alliance  
 342 - Edward Joseph Developments, Ltd.  
 511 - Austin Neighborhoods Council  
 643 - North East Action Group  
 742 - Austin Independent School District  
 937 - Taking Action, Inc.

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-05-0094	SF-3 to GR-CO	8/16/05: Denied staff recommendation for GR-CO zoning (8-0, K. Jackson-absent)	11/17/05: Case withdrawn by the applicant/agent. (The case was pulled from agenda and no action was required.)
C14-01-0100	GR to CS	11/27/01: Approved GR-CO w/ conditions (8-0)	1/10/02: Approved GR-CO (6-0); all 3 readings
C14-99-0058	P to LI	6/8/99: Approved staff rec. of LI (6-0)	7/15/99: Approved PC rec. of LI (6-0)
C14-95-0137	I-SF-3 to GR	11/28/95: Approved GR-CO and LO-CO (5-2)	12/14/95: Approved GR-CO and LO-CO (1 <sup>st</sup> east 100 feet) subject to conditions (6-0); 1 <sup>st</sup> reading  3/07/96: Approved GR-CO (TR1) and LO-CO (TR2) subject to conditions (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** C8-96-0159.01 (Preliminary Plan)

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION
Furness Street	64'	44'	Residential Collector

**CITY COUNCIL DATE:** October 18, 2007

**ACTION:**

**ORDINANCE READINGS:** 1st

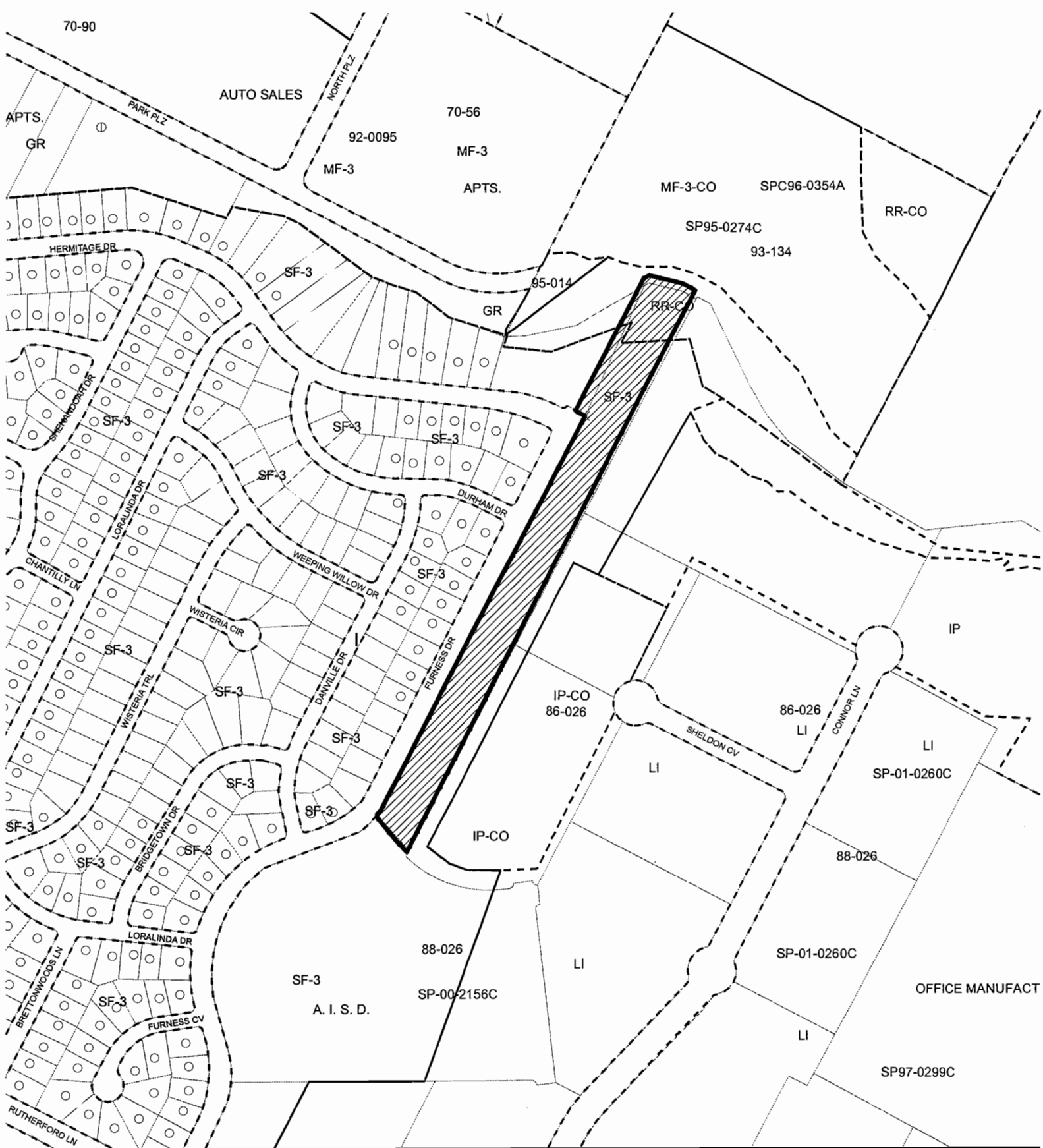
2<sup>nd</sup>

3<sup>rd</sup>

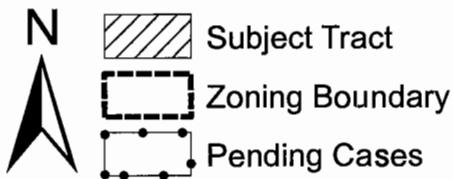
**ORDINANCE NUMBER:** N/A

**CASE MANAGER:** Sherri Sirwaitis

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



# ZONING



**ZONING CASE#:** C14-2007-0104  
**ADDRESS:** 8405 FURNESS DR  
**SUBJECT AREA:** 6.194 ACRES  
**GRID:** M29  
**MANAGER:** S. SIRWAITIS



1" = 400' OPERATOR: S MEEKS

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.

## **STAFF RECOMMENDATION**

The staff recommendation is to deny the SF-6, Townhouse & Condominium Residence District, zoning.

## **BASIS FOR RECOMMENDATION**

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

Family residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated as an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.

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

The proposed rezoning to SF-6 is not consistent with the adjacent residential zoning and uses. The current SF-3 zoning will allow for single-family or duplex development that is compatible with the single-family residential neighborhood to the west and the SF-3 zoning adjacent to this site to the south, east and west.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site under consideration is undeveloped. The property slopes to the north and moderately vegetated. There is 100-year floodplain covering the northern portion of the property (See Aerial Map – Attachment A). There are single-family homes, facing Furness Street, to the west of the site. To the north, there is a creek bed/floodplain (Little Walnut Creek). To the south, there is a school (A.I.S.D. - Hart Elementary School) and the property to the east is undeveloped.

### **Impervious Cover**

The maximum impervious cover allowed by the SF-6 zoning district would be 55%. However, because the Watershed impervious cover is more restrictive than the GR zoning district's allowable impervious cover, the impervious cover on this site could be limited by the watershed ordinance.

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut 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 Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

### **Environmental**

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 sq. ft. 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 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.

### **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]

a.) This is a City of Austin initiated zoning application.

There are no existing sidewalks along Rutherford Lane and Furness Drive on this property. Sidewalks do exist along portions of Rutherford Lane (north and south side) and Furness Drive (east side in front of Hart Elementary School).

Capital Metro bus service is available along Rutherford Lane with the Dellwood No. 161.

Existing Street Characteristics:

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>	<u>Daily Traffic</u>
Rutherford Lane	80'	48'	Primary Collector	8,942 (10/15/04)
Furness Drive	60'	40'	Residential Collector	N/A

### **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. 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.

### **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.

### **Compatibility Standards**

Site plans will be required for any new development other than single-family or duplex residential.

The site is subject to compatibility standards. Along the east, west and south property line, the following standards apply:

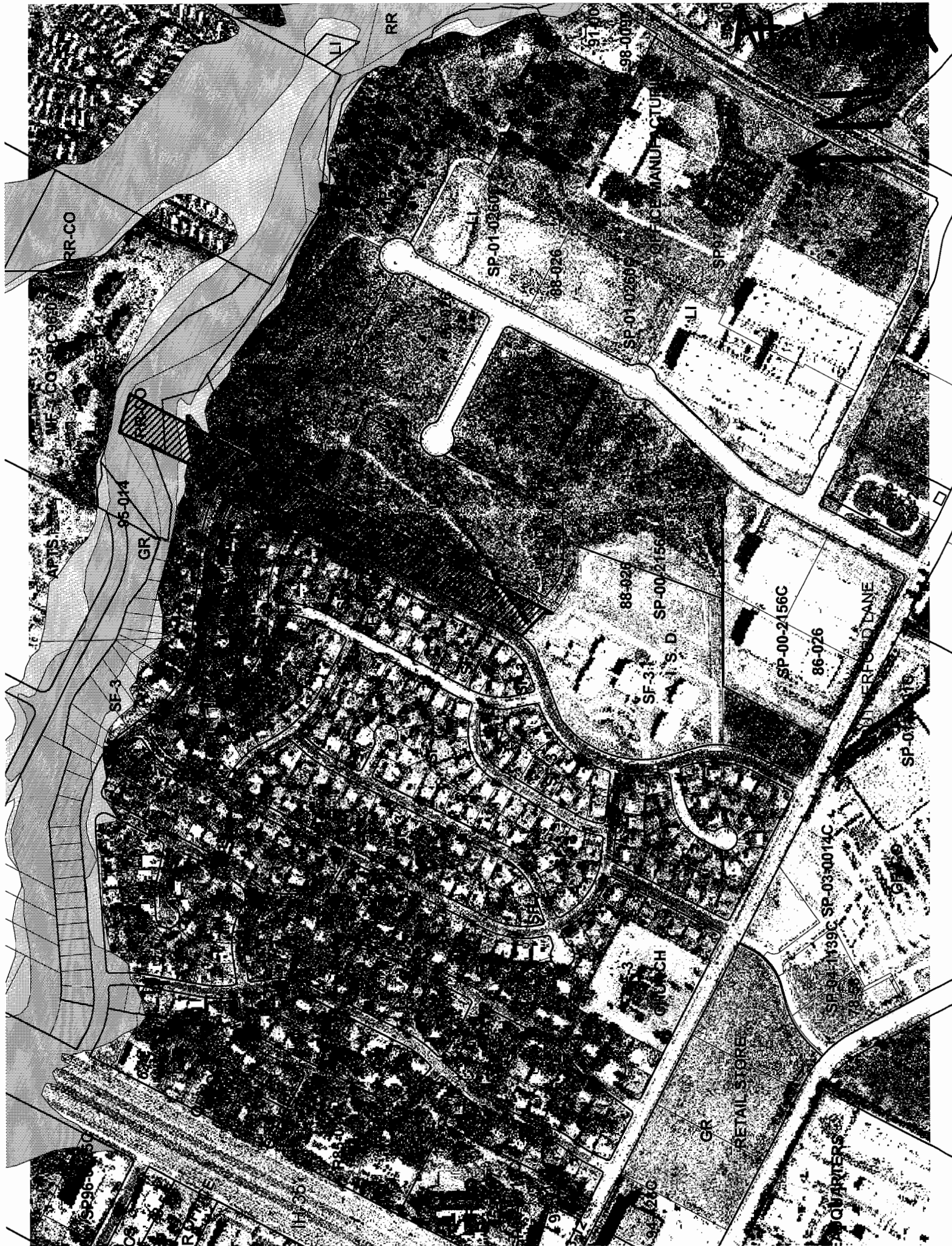
- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- 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.

- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.









## 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: C14-200-0104**

**Contact:** Sherri Sirwaitis (512) 974-3057

**Public Hearing:**

September 18, 2007 Zoning and Platting

Commission

☐ I am in favor  
☒ I object

CAROL BERRY  
Your Name (please print)

1102 Durham Dr. Austin TX 78733  
Your address(es) affected by this application

Carol Berry 9/10/07  
Signature Date

Comments: The idea of condos & townhouses in the former preserve @ Furness from Rotenford to the creek is appalling. Almost instantly we will lose property value & peace of mind & gain traffic problems, density problems, crime, drug use, crowding problems, road abuse etc. I strongly object.

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

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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**Case Number:** C14-2007-0087

**Contact:** Sherri Sirwaitis, (512) 974-3057

**Public Hearing:**

October 11, 2007 City Council

☐ I am in favor  
☒ I object

**DR. HUMAYUN KHAN**

Your Name (please print)

1000 CASSAT CV, AUSTIN TX 78753

Your address(es) affected by this application

09/29/07

Signature

Date

Comments: This project will be destructive

to the residential neighborhood.

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

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810



neighborhood will be impacted in three ways:

1. The neighborhood will lose its current single family characteristics and potentially deteriorating to another high crime neighborhood similar to Rundberg area;
2. Traffic will increase on Furness Drive where the school is located;
3. The park land promised previously by the developer will be taken away and replaced with 7 duplexes.

If we want to preserve a family oriented neighborhood and prevent the crimes to spread from Rundberg to Rutherford, we must not allow higher density zoning change. We really should encourage single family residences instead, to protect the failing northeast neighborhoods from further deterioration. I hope you share my view and vote against the request.

Thank you.

Sincerely,

Ping Chu

10/2/2007