

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0268

C.C. DATE: February 28, 2008

ADDRESS: 1400 Newning Avenue

OWNER/APPLICANT: Stacy Stoddard

AGENT: John Buchanan

ZONING FROM: MF-3-NCCD-NP

TO: SF-3-NCCD-NP

AREA: 0.328 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends the applicant's request to downzone the subject property to SF-3-NCCD-NP (single-family residence - neighborhood conservation combining district - neighborhood plan) combining district zoning.

PLANNING COMMISSION RECOMMENDATION:

Approved staff recommendation for SF-3-NCCD-NP (single-family residence - neighborhood conservation combining district - neighborhood plan) combining district zoning

[Vote: 8-0 - Consent; J. Reddy - 1st; M. Dealey - 2nd]

DEPARTMENT COMMENTS:

The 0.328-acre property is currently zoned MF-3-NCCD-NP (Multi-Family Residence - Medium Density - Neighborhood Conservation Combining District - Neighborhood Plan) combining district zoning. The applicant intends to downzone the property to SF-3-NCCD-NP (Single-Family Residence - Neighborhood Conservation Combining District - Neighborhood Plan) combining district zoning.

There is currently an active site-plan filed in the city (SP-2007-0317CS). The site originally included two single-family residences. The single-family residence in the back of the property was demolished to be replaced by a new one, which will be the applicant's primary residence. The rezoning application is not necessary to construct the new second residence; however, the applicant is following up on a request made by the South River City Citizens neighborhood association to downzone the property.

The co-chairs of the South River City Citizens neighborhood association signed a letter dated February 6, 2007 in support of downzoning the subject property from MF-3-NCCD-NP to SF-3-NCCD-NP.

Access to the property is taken from Newning Avenue. 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]

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-3-NCCD	Single-Family Residence
<i>North</i>	SF-3-NCCD-NP, SF-3-H-NCCD-NP, MF-2-NCCD-NP, MF-2-H-NCCD-NP, MF-3-NCCD-NP, MF-4-NCCD-NP	Single-Family Residences, Duplexes, Townhouses, Apartments
<i>South</i>	SF-3-NCCD-NP, SF-3-H-NCCD-NP, MF-3-NCCD-NP	Single-family residences
<i>East</i>	SF-3-NCCD-NP	Single-family residences
<i>West</i>	SF-3-NCCD-NP, SF-3-H-NCCD-NP, MF-2-NCCD-NP	Single-family residences, Apartments

AREA STUDY: N/A**TIA:** Waived**WATERSHED:** West Bouldin Creek**DESIRED DEVELOPMENT ZONE:** YES**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

- Austin Neighborhoods Council
- Austin Independent School District
- South Central Coalition
- South River City Citizens Association
- Barton Springs / Edwards Aquifer Conservation District
- 1124A Regal Row
- Terrell Lane Interceptor Association
- Home Builders Association of Greater Austin
- CIM
- Homeless Neighborhood Association

SCHOOLS:

- Travis Heights Elementary School
- Fulmore Middle School
- Travis High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-02-0067 (Tract 34)	MF-3 to SF-3-NCCD-NP	SF-3-NCCD-NP (Vote: 6-0)	SF-3-NCCD-NP (Vote: 7-0)
C14-02-0067 (Tract 35)	MF-3 to SF-3-NCCD-NP	SF-3-NCCD-NP (Vote: 6-0)	SF-3-NCCD-NP (Vote: 7-0)

C14-02-0067 (Tract 53)	MF-2 to SF-3- NCCD-NP	SF-3-NCCD-NP (Vote: 6-0)	SF-3-NCCD-NP (Vote: 7-0)
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RELATED CASES:

The applicant submitted a site plan for the planned development, SP-2007-0317CS.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
Newning Avenue	60'	30'	Local	1031 (COA, 05/16/01)

CITY COUNCIL DATE: Pending

ACTION: N/A

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Levinski

PHONE: 974-1384

STAFF RECOMMENDATION

Staff recommends approval of the applicant's request for SF-3-NCCD-NP (single-family residence – neighborhood combining 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. [LDC 25-2-57]

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The subject property is predominately surrounded by single-family zoned properties and uses. The request for downzoning serves to preserve the character of the neighborhood.

3. *Zoning should be consistent with approved and existing residential densities.*

Downzoning to SF-3, single-family residence, district zoning restricts development to densities similar to other single-family zoned properties throughout the neighborhood.

EXISTING CONDITIONS

Site Characteristics

The 0.328-acre site is currently developed with one single-family residence.

Impervious Cover

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

Environmental

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

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features.

Tree protection is required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Transportation

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]

There are existing sidewalks on the east side of Newning Avenue.

Capital Metro bus service (Route 9/14) is available south of the site along East Monroe Street.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
Newning Avenue	60'	30'	Local	1031 (COA, 05/16/01)

Right of Way

No additional right-of-way is needed at this time.

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.




Stormwater Detention

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 no flood plain within the project area.



ZONING

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

OPERATOR: S. MEEKS

ZONING CASE#: C14-2007-0268
 ADDRESS: 1400 NEWNING AVE
 SUBJECT AREA: 0.328 ACRES
 GRID: J20
 MANAGER: B. LEVINSKI



1" = 400'

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.



Memorandum

To: Intake Division

From: Maureen Meredith, Principal Planner *Maure*
NPZD (974-2695)

Date: December 21, 2007

Subject: 1400 Newning Avenue

The above property is located within the Greater South River City Neighborhood Plan.

The applicant proposes a zoning change from MF-3-NCCD-NP to SF-3-NCCD-NP

Current land use on FLUM: **Multifamily**

Proposed land use through proposed zoning change: **Multifamily (single family uses are allowed in multifamily land use category)**

A plan amendment will NOT be required.

Please call me if you have any questions.

Maureen

February 6, 2007

Frank Fuentes, Chairman
Board of Adjustment
P.O. Box 1088
Austin, TX 78767

RE: Case # C15-06-152, 1400 Newning Avenue

Dear BOA Members:

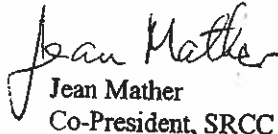
The South River City Citizens Neighborhood Association supports the requested variances for the property at 1400 Newning Avenue which are to be considered by the Board of Adjustment on February 12, 2007. These variances will allow a two family residential use of the property, with the larger home located in the back, and will allow a narrower driveway, in order to protect three large oak trees.

The property owner has agreed to comply with the NCCD requirement for a 25' vegetative buffer at the rear of the property and to subsequently down-zone this property from MF-3-NCCD to SF-3-NCCD at the next available Neighborhood Plan Amendment opportunity.

Sincerely,



Danette Chimenti
Co-President, SRCC



Jean Mather
Co-President, SRCC

February 6, 2007

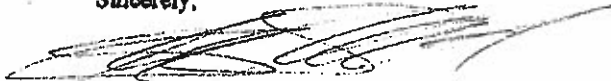
South River City Citizens
1904 Kenwood Avenue
Austin, TX. 78704

RE: 1400 Newning, Support for Downzoning from MF-3-NCCD to SF-3-NCCD

Dear SRCC:

By our signatures below, we hereby agree to support and cooperate with any efforts by the City of Austin and SRCC to downzone the property located at 1400 Newning Avenue from MF-3-NCCD to SF-3-NCCD. We understand that this downzoning will occur at the next available opportunity for submittal of a neighborhood plan amendment and that the downzoning will be done at no expense to us.

Sincerely,



Stacey R. Stoddard



John E. Buchanan



BARTLETT TREE EXPERTS

2403 W. HOWARD LANE, AUSTIN, TX 78728 • (512) 310-7545

December 17, 2007

Mrs. Stacey Stoedard
1400 Newning
Austin, Texas 78704

RE: Summary of Recommended Treatments

Dear Mrs. Stoedard,

This letter is to provide you a summary of work that has been completed or will be completed within the upcoming year to prepare the native trees on the property for the upcoming construction of the new house. On November 6, 2007, the native live oaks on the property were pruned according to the following specifications; remove dead, diseased, structurally unfit branches $\frac{1}{2}$ inch in diameter and greater, remove ball moss throughout the canopy to improve plant health and aesthetics, and raise lower branches to provide additional clearance for construction equipment. Also, on November 14, 2007 all the live oaks at the property were preventively treated for oak wilt using a macro injection process with the labeled therapeutic rate of propoconazole to minimize the spread of this disease. The last portion of work completed this year was on December 5, 2007. All trees on the property were fertilized with a slow release fertilizer using a ground injection method to minimize stress and improve overall plant health. Finally, a pest and disease management program has been implemented for the upcoming year to minimize biotic stresses. If you have any questions or concerns regarding the work performed or to be performed please feel free to contact me at 512.310.7545.

Respectfully,

Nicholas Crowther

THE F.A. BARTLETT TREE EXPERT COMPANY
SCIENTIFIC TREE CARE SINCE 1907

Corporate Office: P.O. Box 3067, Stamford, Connecticut 06905-0067 • (203) 323-1131, FAX (203) 323-1129
www.bartlett.com

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 1400 NEWNING AVENUE IN THE FAIRVIEW PARK
3 SUBDISTRICT OF THE SOUTH RIVER CITY NEIGHBORHOOD PLAN AREA
4 FROM MULTIFAMILY RESIDENCE MEDIUM DENSITY-NEIGHBORHOOD
5 CONSERVATION COMBINING DISTRICT-NEIGHBORHOOD PLAN (MF-3-
6 NCCD-NP) COMBINING DISTRICT TO FAMILY RESIDENCE
7 NEIGHBORHOOD CONSERVATION COMBINING DISTRICT-
8 NEIGHBORHOOD PLAN (SF-3-NCCD-NP) COMBINING DISTRICT.
9

10 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
11

12 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
13 change the base district from multifamily residence medium density-neighborhood
14 conservation combining district-neighborhood plan (MF-3-NCCD-NP) combining district
15 to family residence neighborhood conservation combining district-neighborhood plan (SF-
16 3-NCCD-NP) combining district on the property described in Zoning Case No. C14-2007-
17 0268, on file at the Neighborhood Planning and Zoning Department, as follows:
18

19 Lot 2, Florence E. Richey Subdivision, a subdivision in the City of Austin, Travis
20 County, Texas, according to the map or plat of record in Plat Book 50, Page 26, of
21 the Plat Records of Travis County, Texas (the "Property"),
22

23 locally known as 1400 Newning Avenue, in the City of Austin, Travis County, Texas, and
24 generally identified in the map attached as Exhibit "A".
25

26 **PART 2.** The Property is subject to Ordinance No. 860807-H and amended by Ordinance
27 No. 030717-119 that established the Fairview Park neighborhood conservation combining
28 district and is subject to Ordinance No. 20050929-Z003 that established the South River
29 City neighborhood plan combining district.
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1 **PART 3.** This ordinance takes effect on _____, 2008.
2
3

4 **PASSED AND APPROVED**
5

6 §
7 §
8 _____, 2008 § _____
9

10 Will Wynn
11 Mayor
12

13 **APPROVED:** _____ **ATTEST:** _____
14 David Allan Smith Shirley A. Gentry
15 City Attorney City Clerk

