

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0077

Z.A.P. DATE: May 20, 2008

ADDRESS: 13405 Lyndhurst Street

OWNER/APPLICANT: Spicewood Springs Congregation of Jehovahs Witness (Terry Polston)

AGENT: Kari Blachly

ZONING FROM: I-RR

TO: MF-3*

AREA: 3.15 acres

*On May 14, 2008, the staff received a letter from the applicant asking to amend their zoning request from MF-3 to SF-6. The applicant's letter is included as Attachment A to this report. The staff has not had an opportunity to review the applicant's amended request.

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant MF-3-CO, Multifamily Residence-Medium Density-Conditional Overlay District, zoning for this property. The conditional overlay will limit the site to a maximum of 26 residential units per acre, will require that a structure within 50 feet of the property line adjacent to the single-family residential uses to the south may not exceed a height greater than 30 feet above ground level, and will require a 15 foot wide undisturbed vegetative buffer along the southern property line to create a visual screen between this site and the residential uses to the south.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

5/20/08: Recommended SF-6-CO zoning, with conditions (7-0, J. Martinez-absent):

- 1) Limit the site to a maximum of thirty (30) residential units;
- 2) Prohibit the following non-residential and non-civic uses:
 - Special Use Historic
 - Urban Farm
- 3) Require a fifteen (15) wide vegetative buffer along the southern property line to create a visual screen between the property in question and the residential uses to the south.

DEPARTMENT COMMENTS:

The property in question is developed with a religious assembly use (Spicewood Springs Congregation of Jehovah's Witness). The applicant is requesting permanent MF-3 zoning to expand the existing use on the site.

The staff recommends MF-3-CO zoning for this tract of land because the proposed zoning is consistent with surrounding land use patterns as there is existing MF-3-CO zoning to the west of the site, across Lyndhurst Street. MF-3-CO zoning will create a transition in the intensity of uses along Lyndhurst Street away from North F.M. 620 to the south, adjacent to the existing single-family neighborhood. The staff is proposing the same conditions on this site that were approved in the MF-3-CO zoning case to the west (case C14-98-0237).

The applicant agrees with the Zoning and Platting Commission's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Religious Assembly (Spicewood Springs Congregation of Jehovahs Witness)
<i>North</i>	I-SF-2	Undeveloped
<i>South</i>	I-RR, County	Fourplex, Single-Family Residences
<i>East</i>	I-RR	Public Primary Educational Facility (Forest North Elementary School)
<i>West</i>	MF-3-CO	Undeveloped

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

- 454 - Neighborhood Association of SW Williamson County
- 485 - Riviera Springs Community Development Association
- 604 - Davis Springs Homeowners Association
- 701 - Avery Ranch Neighborhood Association
- 786 - Home Builders Association of Greater Austin
- 1037 - Homeless Neighborhood Association
- 1048 - Austin Northwest Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0010	GR-CO to GR	2/19/08: Postponed to March 18, 2008 by the applicant (5-0, K. Jackson-not arrived yet, T. Rabago/ J. Martinez-absent); J.Gohil-1 st , J. Shieh-2 nd . 3/18/08: Case withdrawn by the applicant	N/A
C14-06-0003	MF-3-CO to GR	3/07/06: Motion to approve GR-CO district zoning with conditions of a 2,000 vehicle trip limit, limit GR district uses to Personal Improvement Services & Medical Office (not exceeding 5,000 sq. ft. of gross floor area); allow Neighborhood Office uses with the exception of the following: Counseling Services, Group Home I & II, &	4/06/06: The case was withdrawn by the applicant

		<p>Residential Treatment. *With the recommendation that before Council action, the applicant will have a private restrictive covenant restricting the Personal Improvement Services use to cheerleading, ballet and gymnastics activities. Vote: (4-5, S. Hale, B. Baker, J. Martinez, M. Hawthorne, and J. Pinnelli-Nay); K. Jackson-1st, C. Hammond-2nd.</p> <p>Therefore, the staff's recommendation to deny the applicant's requests for GR-CO zoning is carried forward to the City Council.</p>	
C14-02-0160	I-SF-2 to GR	<p>12/11/01: Approved NO-CO zoning (8-0, A. Adams-off dias), with conditions of:</p> <p>1) Limited site to driveway and drainage use, no habitable structures on the site. 2) Require chain link fencing along the southern property line with 15' vegetative buffer strip behind it. (Chain link fence would be all the way across the south property line, vegetative buffer would go along the southern property line from the existing pond west, across the entire property line, except where the existing pond is). 3) Include the conditions set out in Mike Lyday's Environmental Memorandum dated December 10, 2001.</p>	<p>12/12/02: Granted GR-CO -- Subject to dedication of 75 feet of ROW and resolution of the 200 feet of ROW reservation from the future center line of FM-620 (7-0); 1st reading.</p> <p>12/12/03: Administrative- Case expired per Section 25-2-249(B), no 3rd reading occurred.</p>
C14-01-0161	SF-2 to GR	<p>12/11/01: Approved NO-CO zoning with conditions of:</p> <ol style="list-style-type: none"> 1) Limit site to driveway and drainage use, no habitable structures on the site. 2) Require chain link fencing along the southern property line with 15' vegetative buffer strip behind it. (Chain link fence would be all the way across the 	<p>2/7/02: Approved GR-CO with conditions agreed to between the neighborhood and applicant, 1st reading(5-0, Goodman/Griffith-off dias)</p> <p>4/25/02: Approved NO-CO as recommended by recommended by ZAP Commission, excluding the condition that there be no habitable structures on the site and adding the following: (1) A 25 ft. wide vegetative buffer along the south</p>

		<p>south property line, vegetative buffer would go along the southern property line from the existing pond west, across the entire property line, except where the existing pond is).</p> <p>3) Include the conditions set out in Mike Lyday's Environmental Memorandum dated December 10, 2001.</p> <p>(Vote: 8-0, A. Adams-Off dias)</p>	<p>property line, drainage, underground utilities are allowed, (2) The noise level of mechanical equipment shall not exceed 50 decibels, (3) Limit impervious cover to 60%; 2nd Reading only (7-0)</p> <p>5/23/02: Approved NO-CO (7-0); 3rd reading</p>
C14-98-0237	I-RR to MF-3	<p>Approved staff's rec. of MF-3-CO, with conditions of: max of 26 dwelling units per acre, structures within 50 feet of the Forest North Estates Subdivision Phase IV-D may not exceed 30-feet in height, a 25-foot building setback and a 15-foot wide vegetative buffer from the property line adjacent to the Forest North Estates Subdivision Phase IV-D, and ROW dedication is required (9-0)</p>	<p>Approved PC rec. of MF-3-CO w/ conditions (7-0); 1st reading</p> <p>Approved MF-3-CO w/ conditions (6-0); deleted parkland dedication requirement; 2nd/3rd readings</p>
C14-96-0101	<p>TR1: GO, LR to GR</p> <p>TR2: LR-LO to MF-3-CO</p> <p>TR3: DR to GR</p>	<p>Approved staff's alternate rec. of GR (TR 1&3), Mf-3-CO (TR2), RR (9-0)</p>	<p>Approved PC rec. of GR (1&3); MF-3-CO (portion of TR2); RR (balance of TR2) w/conditions (6-0); all 3 readings</p>
C14-95-0164	LR to CS-1	<p>1/16/96: Approved GR-CO for entire tract, excluding recommended CS-1-CO, and resolve with property owner a voluntary set of development standards for area not within City limits (5-2-1)</p>	<p>3/07/96: Approved GR-CO subject to conditions (4-0); 1st reading</p> <p>4/25/96: Approved GR-CO (TR1) and CS-1-CO (TR2) subject to conditions (5-0); 2nd/3rd readings</p>
C14-95-0163	GR-CO to CS-1	<p>12/12/95: Approved GR-CO & RR w/ conditions (8-0)</p>	<p>3/07/96: Approved GR-CO subject to conditions (4-0); 1st reading</p> <p>4/25/96: Approved GR-CO (TR1); RR (TR2) w/ additional conditions (5-0); 2nd/ 3rd readings</p>

RELATED CASES: N/A

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Lyndhurst Street	60'	22'	Collector	Not available

CITY COUNCIL DATE: June 18, 2008

ACTION: Re-noticed for the July 24, 2008 City Council meeting to comply with Ordinance No. 20080515-033.

July 24, 2008

ACTION:

ORDINANCE READINGS: 1st

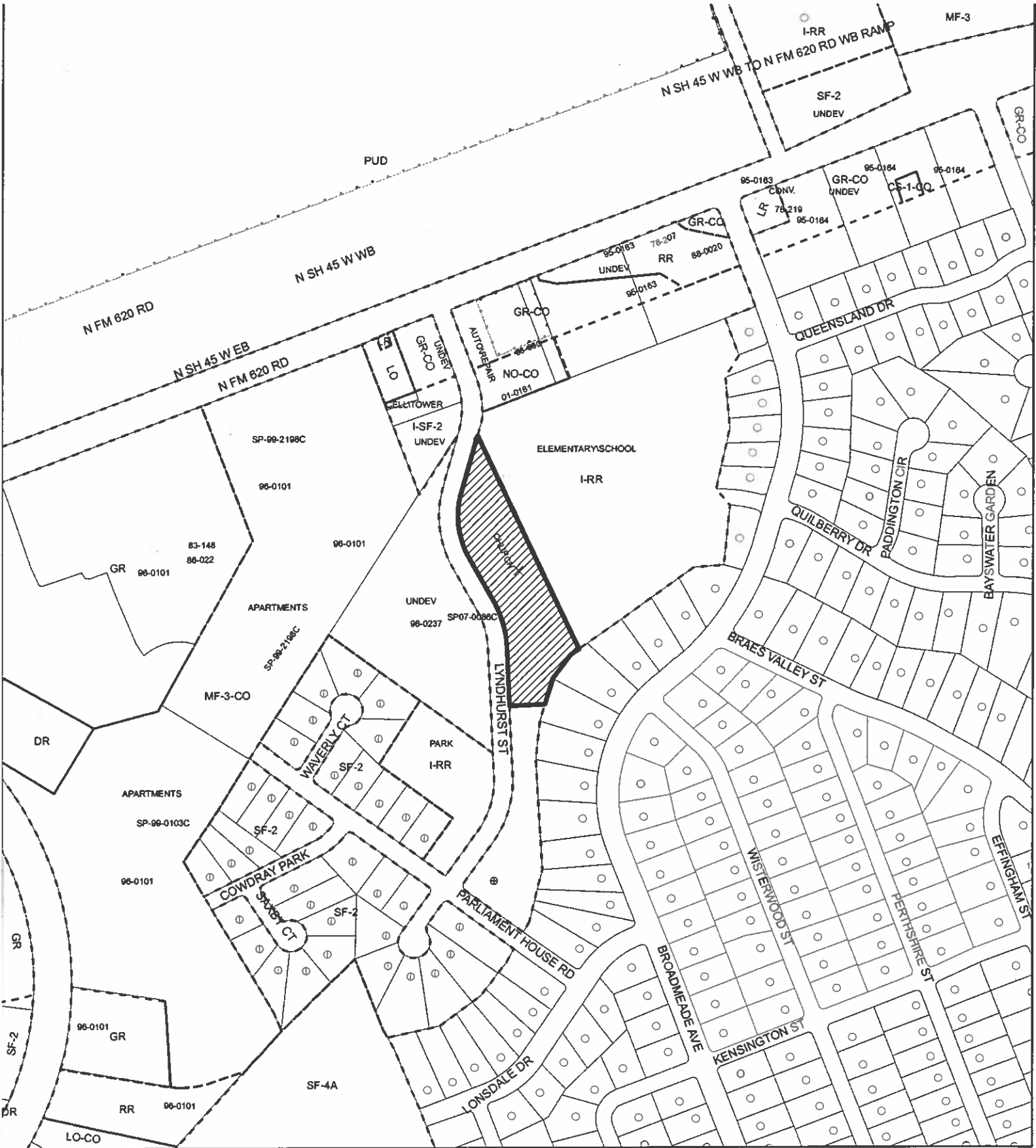
2nd

3rd




ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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



ZONING

-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

ZONING CASE#: C14-2008-0077
ADDRESS: 13405 LYNDHURST ST
SUBJECT AREA: 3.15 ACRES
GRID: G39
MANAGER: S. SIRWAITIS

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.

1" = 400'

STAFF RECOMMENDATION

The staff's recommendation is to grant MF-3-CO, Multifamily Residence-Medium Density-Conditional Overlay District, zoning for this property. The conditional overlay will limit the site to a maximum of 26 residential units per acre, will require that a structure within 50 feet of the property line adjacent to the single-family residential uses to the south may not exceed a height greater than 30 feet above ground level, and will require a 15 foot wide undisturbed vegetative buffer along the southern property line to create a visual screen between this site and the residential uses to the south.

BASIS FOR RECOMMENDATION

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

Multifamily residence medium density (MF-3) district is the designation for multifamily use with a maximum density of up to 36 units per acre, depending on unit size. An MF-3 district designation may be applied to a use in a multifamily residential area located near supporting transportation and commercial facilities in a centrally located area or in an area for which medium density multifamily use is desired.

2. *The proposed zoning promotes consistency and orderly planning.*

The proposed zoning is consistent with surrounding land use patterns as there is existing MF-3-CO zoning to the west of the site, across Lyndhurst Street. MF-3-CO zoning will create a transition in the intensity of uses along Lyndhurst Street away from the commercial and office uses permitted along North F.M. 620 to the north to the single-family residential uses developed to the south.

EXISTING CONDITIONS

Site Characteristics

The site is currently developed with a religious assembly use (Spicewood Springs Congregation of Jehovahs Witness). There is floodplain along the southern portion of this tract of land. The property to the north and west is undeveloped. To the east there is an elementary school. The land to the south is developed with a four-plex residence and a single-family residential neighborhood.

Environmental

The site is located over the North Edward's Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the Lake Creek Watershed, 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 a floodplain within the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.

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

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.

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.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species in conjunction with subdivision and/or site plan process.

Impervious Cover

The maximum impervious cover allowed by the MF-3 zoning district would be 65%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% NSA with Transfers
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

Site Plan Comments

No comments received.

This property is subject to Compatibility Standards.

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

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
Lyndhurst Street	60'	22'	Collector	Not available

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

This site is within the area covered by State legislation (S.B. 1396), which went into effect September 1, 1995. Under this legislation, the City may not "deny, limit, delay, or condition the use of development of land...because of traffic or traffic operations that would result from the proposed use or development of the land." A traffic impact analysis is not required for any development within this area, and traffic issues may not be considered in the approval of the application. Right-of-way dedication, however, may still be required.

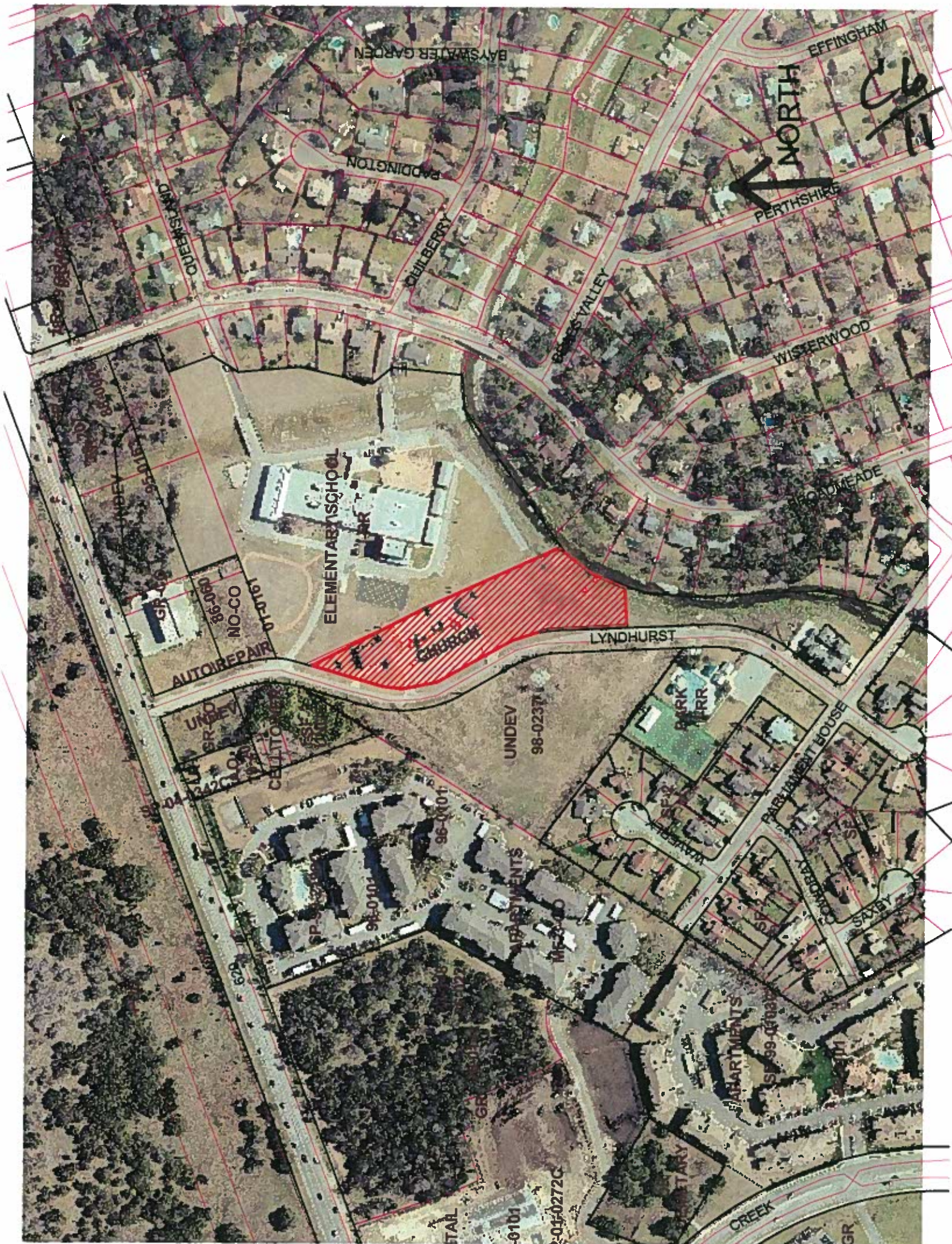
There are no existing sidewalks along Lyndhurst Street.

Lyndhurst Street is not classified in the Bicycle Plan as a bike route.

Capital Metro bus service is not available within 1/4 mile of this property.

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.



**Kari Blachly
710 Wayside Drive
Austin, Texas 78703**

May 14, 2008

Ms. Sherri Sirwaitis
City of Austin – NPZD
505 Barton Springs Road
Austin, TX 78704

RE: C14-2008-0077
Spicewood Kingdom Hall

Ms. Sirwaitis:

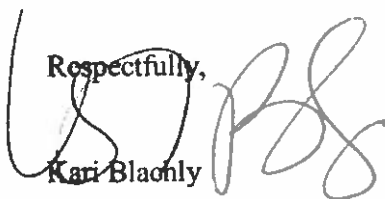
Please allow this letter to serve as a formal request to amend our zoning change request from I-RR to MF-3 to I-RR to SF-6. This case is being reviewed under case number C14-08-0077 for the Spicewood Kingdom Hall, located at 13405 Lyndhurst, Austin TX 78729.

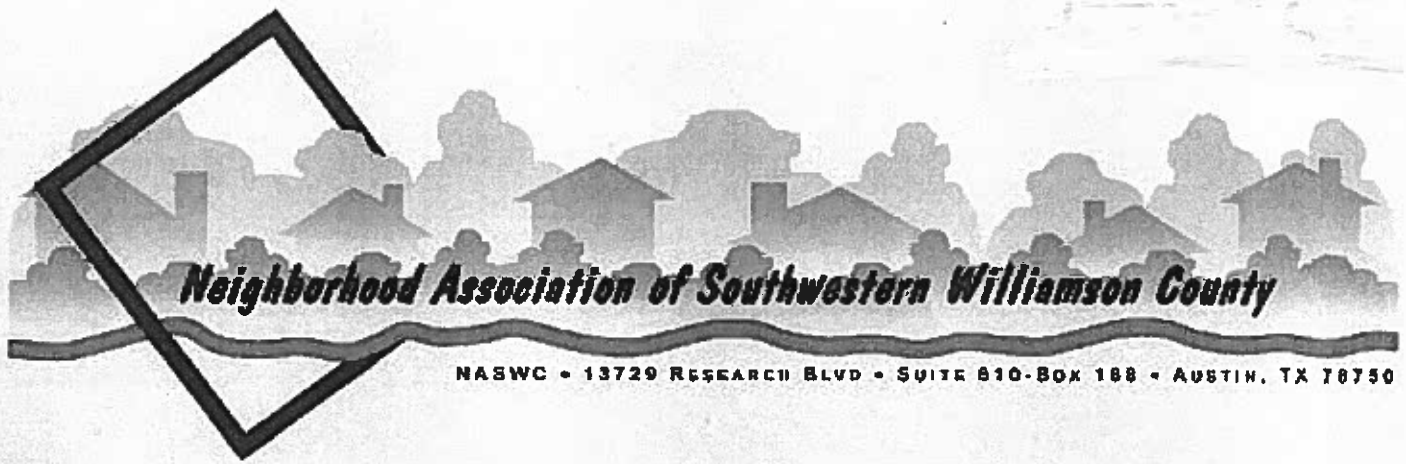
This request is the result of meetings with the neighborhood association and the compromise we reached at those meetings.

Thank you for your assistance with this request. Please feel free to contact me at (512) 289-0010 with any questions or comments you may have.

Respectfully,

Kari Blachly

A handwritten signature in dark ink, appearing to be 'Kari Blachly', written over the printed name.



May 20, 2008

Ms. Sherri Sirwaitis
City of Austin - Neighborhood Planning & Zoning Department
P.O. Box 1088
Austin, TX 78767-1088

Re: File Number C14-2008-0077, 13405 Lyndhurst Drive

Dear Ms. Sirwaitis,

Kari Blachly, agent for the property, contacted NASWC Zoning Committee to discuss the church's plans for expansion and the subsequent need for rezoning to allow for the building addition.

We are currently in the process of writing Restrictive Covenants to complement the proposed SF-6 Townhouse and Condominium Residence zoning and encourage uses that would be compatible with the single-family residences near the property.

The Zoning Committee of NASWC is in support of the Applicant's request for SF-6 zoning of the property located at 13405 Lyndhurst Drive, contingent upon the completion and filing of the Restrictive Covenants.

Please contact me (phone 258-2008) if you have any questions or comments.

Sincerely yours,

Cathy Mandell
Chair, NASWC Zoning Committee

Sirwaitis, Sherri

From: Skinner, Susan (HRW-ATX) [Susan.Skinner@hrw.com]
Sent: Wednesday, June 18, 2008 2:25 PM
To: Sirwaitis, Sherri
Cc: susaneskinner@yahoo.com
Subject: RE: Zoning: C14-2008-0077 - Spicewood Kingdom Hall

Hi Ms. Sirwaitis,

I just left a voicemail for you and thought that I would follow up via email as well. I received an additional notice of public hearing that is to be held this afternoon beginning at 4:00 PM. I had planned to attend but unfortunately am not able to because of a work related issue.

Since my last correspondence, my opinion has not faltered. I do not believe that this property should be approved for re-zoning. To do so opens a door that would allow further big development within the Forest North neighborhood. I am also concerned that this property will change from a church to a townhome/condominium community. This small property sits directly beside an elementary school and I do not believe the property to be large enough to house several units. The townhomes built across the street from the church are a very good example of building on too small of a lot. There is very little space allotted for landscaping. Instead of the warm community feel Forest North embodies, the newly built townhomes have the look of an urban environment. To continue to build these types of structures within this neighborhood is a detriment to Forest North.

This further effects me because I happen to live so close to these properties. Tenants of the newly built townhomes – and the ones proposed to be built – have a direct view of my backyard. Even with a fence, tenants living on the second floor can see into my private area. To allow more buildings like this would be a huge detriment to the community.

Please do not let Forest North further develop in this way. I have the utmost respect for a land owners right to do as he/she feels right. But I also believe that the best choices must be made for the entire community. This property was never designed to hold more than single residences.

Can you please note my concern of this issue within the meeting notes for this zoning application?

Thank you so much for your time and please let me know if you have any questions.
Best regards,
Susan Skinner

13404 Broadmeade Ave.
Austin, TX 78729
512-431-1492

Alternate email address: susaneskinner@yahoo.com

From: Skinner, Susan (HRW-ATX)
Sent: Monday, May 19, 2008 2:41 PM
To: 'sherri.sirwaitis@ci.austin.tx.us'
Cc: susaneskinner@yahoo.com
Subject: Zoning: C14-2008-0077 - Spicewood Kingdom Hall

Hello Ms. Sirwaitis,

I am writing in regards to a zoning issue that is to be discussed at tomorrow's Planning and Zoning meeting. I received a notice in the mail this past Thursday that there is a meeting to be held tomorrow. Due to a work related issue, I am unable to attend but would like to let it be known that I am very much against rezoning of this land to allow the construction of multi-unit dwellings. Based upon the information I received, I do not believe there

6/23/2008

to be enough land available to house a 36 unit structure without serious compromise to aesthetics of my neighborhood. A group of town homes have recently been built on the land directly across the street from the standing congregation hall of the Jehovahs Witness. There is little to no room for landscaping and is generally an eyesore. I am concerned that the proposed apartment building as well does not allow enough room for any sort of landscaping or lawn. I spoke with a local realtor and she indicated that my property value will drop as a result of these buildings. I fear that any further construction of apartments or town homes on these lots will further decrease my investment. I also do not like the idea of these large buildings being constructed so close to an existing elementary school. I do not think that it creates a safe environment for children to walk home in.

Can you please note my concern of this issue within the meeting notes for this zoning application?

Thank you so much for your time and please let me know if you have any questions.

Best regards,
Susan Skinner

13404 Broadmeade Ave.
Austin, TX 78729
512-431-1492

Alternate email address: susanskinner@yahoo.com

6. Zoning: C14-2008-0077 - Spicewood Kingdom Hall

Location: 13405 Lyndhurst Street, Lake Creek Watershed

Owner/Applicant: Spicewood Springs Congregation of Jehovahs Witness (Terry Polston)

Agent: Kari Blachly

Request: I-RR to MF-3

Staff Rec.: **Recommendation of MF-3-CO**

Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us

Neighborhood Planning and Zoning

Houghton Mifflin Harcourt
Production Dept.
10801 N. Mopac #3
Austin, TX 78759

Phone: 512-721-7309

Fax: 512-721-7300

Email: susan.skinner@harcourt.com

Sirwaitis, Sherri

From: Whitworth, Doug
Sent: Monday, June 16, 2008 9:02 AM
To: Sirwaitis, Sherri
Subject: input on the pioneer hill development

Sherri,

Our neighborhood association would like a bit more time to provide input on the Pioneer Hill development by DR Horton. We are scheduled to have a neighborhood association meeting to weigh in on the issue on July 1st or July 8th (pending approval for our meeting location) and should be able to give you more definitive feedback after that. Richard Maier of DR Horton will be presenting the plans for the 671 unit development at the meeting.

Thanks,

Doug Whitworth
President, Windsor Hills Neighborhood Association

p.s. call me on my cell phone at 699-8553 if you have any questions

6/23/2008