

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0031 – The Moore Redbird Project

P.C. DATE: April 14, 2009

ADDRESS: 313 Red Bird Lane

OWNER & APPLICANT: Leslie M. Moore

ZONING FROM: SF-2-NP

TO: SF-3-NP

AREA: 0.48 acres
(20,908 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant family residence – neighborhood plan (SF-3-NP) combining district zoning.

If the requested zoning is recommended for this site, 28 feet of right-of-way should be dedicated from the centerline of Red Bird Lane in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site.

PLANNING COMMISSION RECOMMENDATION:

April 14, 2009: *APPROVED SF-3-NP DISTRICT ZONING WITH CONDITIONS OF RIGHT-OF-WAY DEDICATION ON RED BIRD LANE.*

[J. REDDY; P. HUI – 2ND] (8-0) D. ANDERSON – ABSENT

ISSUES:

A valid petition of 52.98% has been filed by the adjacent property owners in opposition to this rezoning request. In addition, six comment response forms from adjacent residents in opposition to SF-3-NP district zoning are attached.

DEPARTMENT COMMENTS:

The subject property located on Red Bird Lane is developed with one single family residence, and zoned single family residence – neighborhood plan (SF-2-NP) combining district. There is a two-family residence adjacent to the east (SF-3-NP), one single family residence to the west (SF-2-NP), single family residences and a two-family residence to the north (SF-2-NP; SF-3-NP) and a single family residence, child care facility and beauty salon located on West Stassney Lane to the south (GO-MU-NP).

The Applicant has requested a zoning change to the family residence – neighborhood plan (SF-3-NP) district in order to resubdivide the property into two duplex lots, for a total of four units. Staff recommends the Applicant's request as SF-3 zoning is compatible with the mix of existing residential zoning and housing types in this neighborhood.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2-NP	Single family residence
<i>North</i>	SF-2-NP; SF-3-NP	Single family residence; Two family residence
<i>South</i>	GO-MU-NP	Child care; Beauty salon
<i>East</i>	SF-3-NP	Two family residence; Single family residence; Manufactured home
<i>West</i>	SF-2-NP	Single family residence; Undeveloped

AREA STUDY: N/A**TIA:** Is not required**WATERSHED:** Williamson Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association
 300 – Terrell Lane Interceptor Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 511 – Austin Neighborhoods Council
 627 – Onion Creek Homeowners Association 742 – Austin Independent School District
 786 – Home Builders Association of Greater Austin
 1037 – Homeless Neighborhood Association 1075 – League of Bicycling Voters
 1108 – Perry Grid 644 1113 – Austin Parks Foundation
 1164 – Austin Southwest Association 1168 – E-mail Notification Test Group
 1173 – South Congress Combined Neighborhood Plan Contact Team

SCHOOLS:

Pleasant Hill Elementary School Bedichek Middle School Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0106.02 – West Congress NPA Rezoning – 404-414 West Stassney Lane	SF-3-NP to GO- MU-CO-NP	To Grant	Approved GO-MU- CO-NP with CO specifying that if property is developed for non-residential uses then access from Hummingbird shall be by a limited-function driveway that allows right-turn out only (11-

			right-turn out only (11-14-05).
C14-00-2115 – Mockingbird – 205 & 207 Mockingbird Lane	SF-2 to SF-4A	To Grant	Approved SF-4A (2-15-01).

RELATED CASES:

The rezonings associated with the West Congress Neighborhood Plan Area were approved by Council on August 18, 2005 (C14-05-0106). The base district of the subject property did not change, and the NP combining district was added. This property is located within the Pleasant Hill Subdistrict. Within this Subdistrict, single family residential, duplex residential, and two family residence uses are subject to the front porch setback as set forth in Section 25-2-1602 and garage placement restrictions as set forth in Section 25-2-1604 of the Code. Secondary apartment special use is also permitted in residential districts of the Pleasant Hill Subdistrict as set forth in Sections 25-2-1462 and 25-2-1463 of the Code (C14-05-0106 - Ordinance 20051006-036).

The subject zoning area is platted as Lot 7, Block 2 of the Pleasant Hill Addition, a subdivision recorded in November 1937 (C8-1937-1514). Please refer to Exhibit B.

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Red Bird Lane	50 feet	20 feet	Local	No	No	No

CITY COUNCIL DATE: May 14, 2009

ACTION: Approved a Postponement request by the Neighborhood to May 21, 2009 (7-0).

May 21, 2009

Approved a Postponement request by the Staff to June 11, 2009 (7-0).

June 11, 2009

ORDINANCE READINGS: 1st

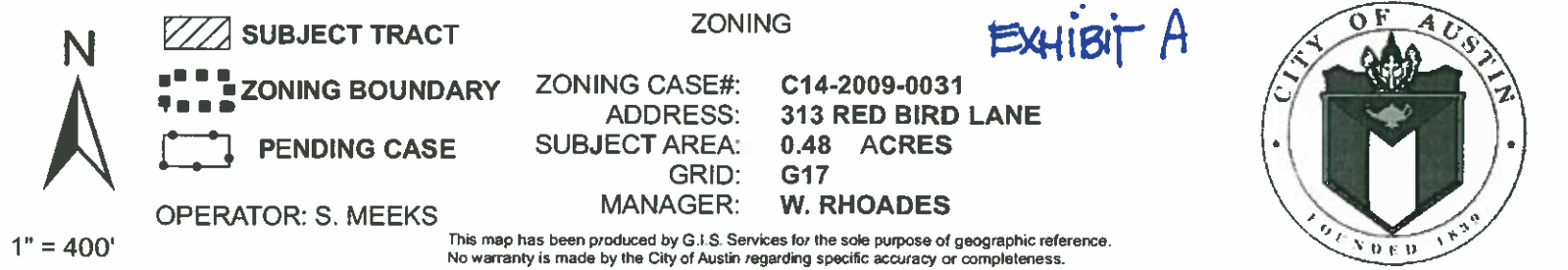
2nd

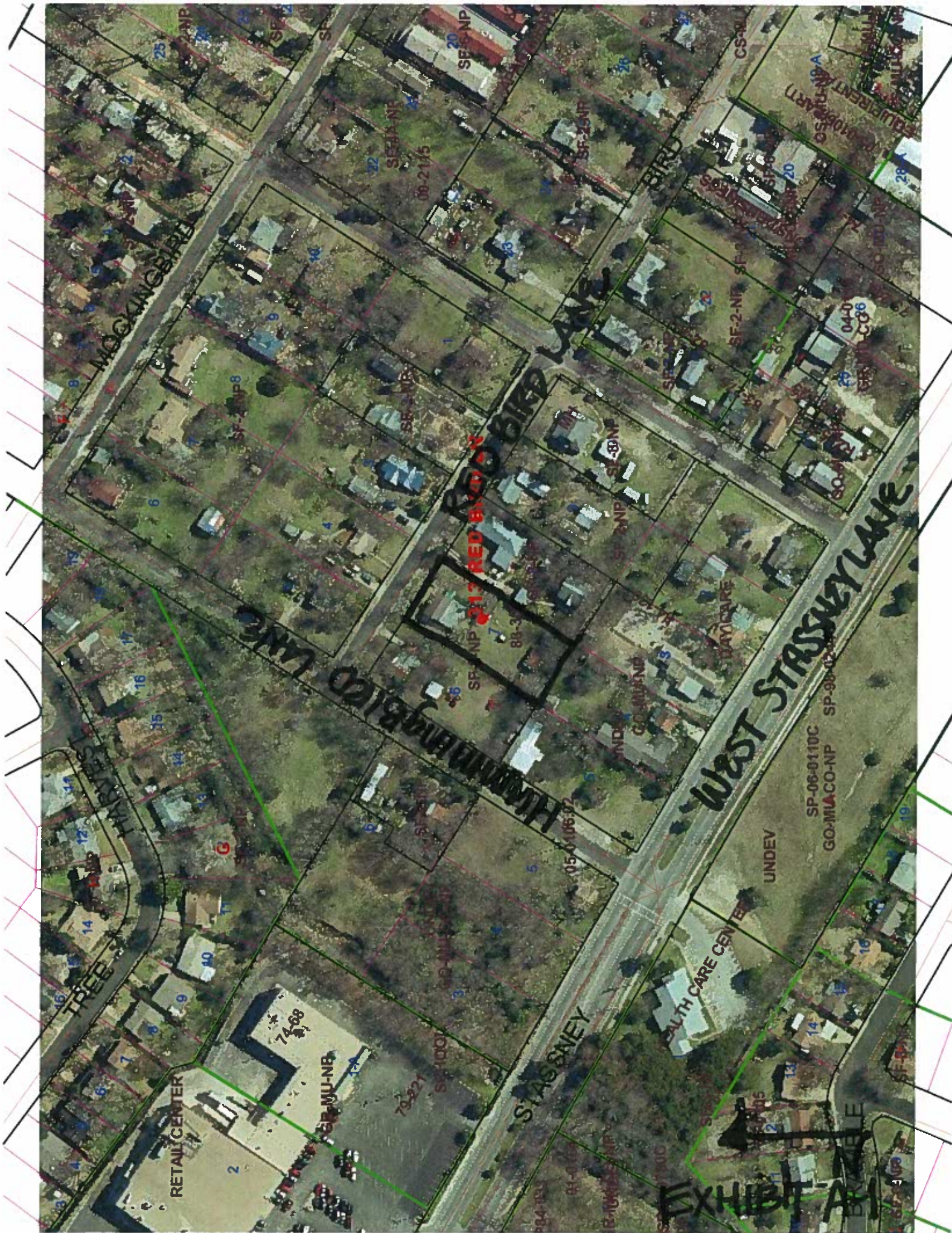
3rd

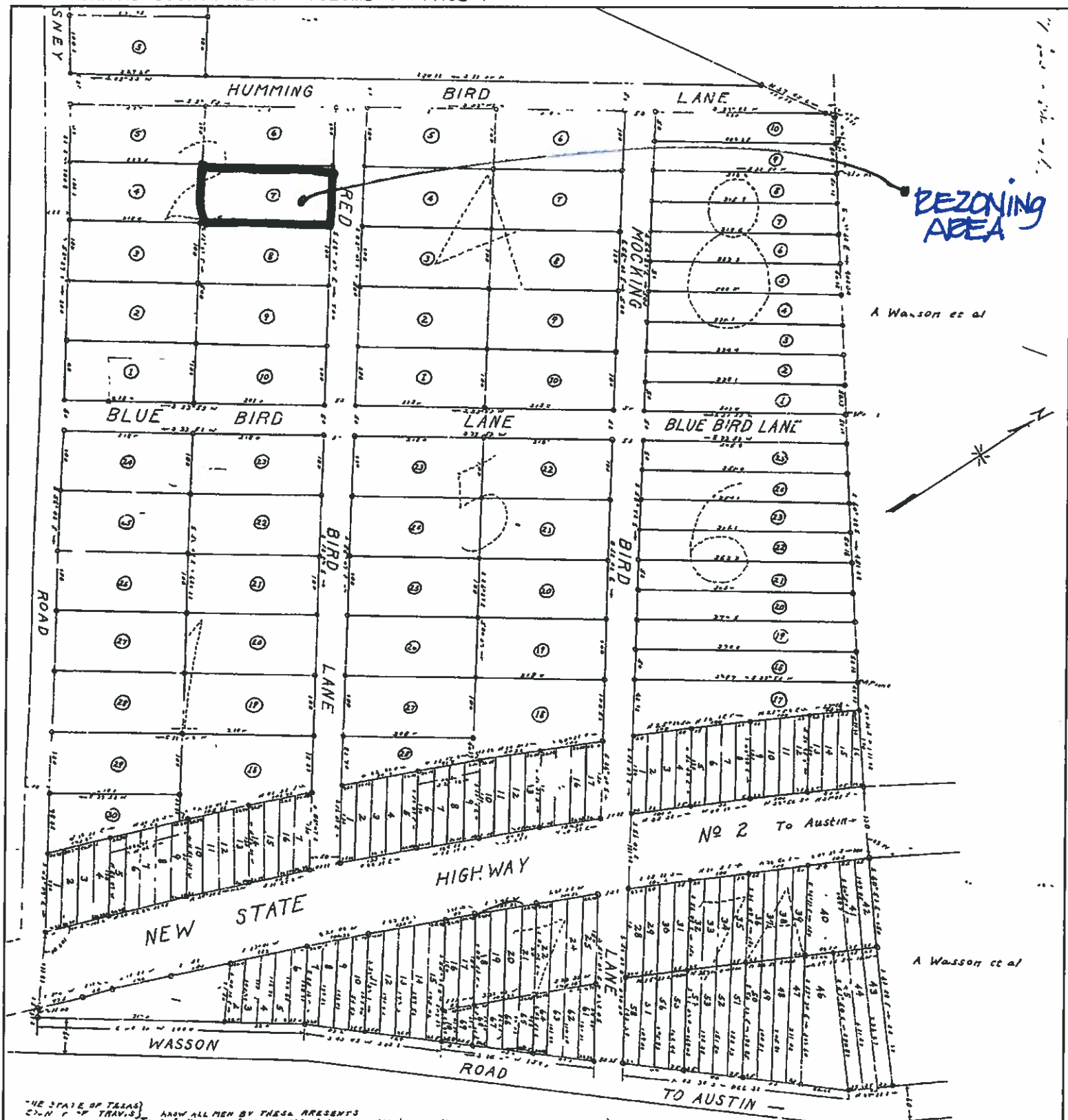
ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719





[illegible][illegible]

PLEASANT HILL ADDITION

[illegible]

RECOMMENDED FOR APPROVAL
October 22 1937
J. Mathew
CHIEF ENGINEER AUSTIN VEGAS

APPROVED BY CITY PLAN COMMISSION
October 22 1917

W.F. Hughes
Catherine Stacy
J.M. Ramsey

EXHIBIT B
RECORDED PLAT

SUMMARY STAFF RECOMMENDATION:

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If the requested zoning is recommended for this site, 28 feet of right-of-way should be dedicated from the centerline of Red Bird Lane in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The family residence (SF-3) zoning district is intended as an area for moderate density single family residential use, with a minimum lot size of 5,750 square feet. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

Staff recommends the Applicant's request as SF-3 zoning is compatible with the mix of existing residential zoning and housing types in this neighborhood.

EXISTING CONDITIONS**Site Characteristics**

The subject property is developed with one single family residence. The site is relatively flat and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the SF-3-NP zoning district would be 45%, which is based on the more restrictive zoning regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is a floodplain adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding 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.

Transportation

If the requested zoning is recommended for this site, 28 feet of right-of-way should be dedicated from the centerline of Red Bird Lane in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. FYI- Currently, there is 25 feet of right-of-way available on Red Bird Lane. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

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]

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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments

required. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.

Site Plan and Compatibility Standards

Rezoning from SF-2 to SF-3 does not trigger the application of compatibility standards.

The applicable building standards are outlined below:

Breakdown by square footage for living area/garage/patio/porch is required on duplex residential site plans.

Setbacks for duplex residential:

- Anything that juts more than 5 feet into a setback must be fireproofed. Standard side setback is 5 feet with a maximum allowable 2 foot overhang. The overhang cannot have any openings, soffit vents, windows, etc.
- Setbacks between buildings is 10 feet (5 feet on each side). Any encroachment into this setback must be fireproofed.
- Nothing can encroach into a 2 foot setback.

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: C14-2009-0031

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

April 14, 2009 Planning Commission

May 14, 2009 City Council

☐ I am in favor
☒ I object

Joe M. Donaldson
Your Name (please print)

305 W. Mockingbird La.
Your address(es) affected by this application

Joe M. Donaldson
Signature

4-9-09
Date

Comments: 1. SF 3 would allow four living units when the historic use for this property has been one single family home.
2. This change would violate the recently accepted neighborhood plan.
3. Under the current SF 2, the developer could build two single family houses - a more reasonable density increase for this area.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades}

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2009-0031

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

April 14, 2009 Planning Commission

May 14, 2009 City Council

Andrea McCartney

Your Name (please print)

309 Red Bird Ln

Your address(es) affected by this application

Andrea McCartney

Signature

Date

4/13/09

Comments:

Property owner wants to get this zoning so she/she can re-subdivide & put 2 duplexes up. Duplexes are not in character with this single family neighborhood.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades}

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

fax 512-974-7719 email wendy.rhoades@ci.austin.tx.us

fax 714-6057

e-mail wendy.rhoades@austin.tx.us

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Case Number: C14-2009-0031
Contact: Wendy Rhoades, (512) 974-7719
Public Hearing: April 14, 2009 Planning Commission May 14, 2009 City Council

I am in favor
I object

ANDREA R. HENDRIX
Your Name (please print)

306 RED BIRD LANE, AUSTIN 78745
Your address(es) affected by this application

Signature
Date 4/14/09

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning and Zoning Department
Wendy Rhoades}
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2009-0031

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

April 14, 2009 Planning Commission

May 14, 2009 City Council

☐ I am in favor
☒ I object

ANN E. HARRIS

Your Name (please print)

307 RED BIRD LN. AUSTIN, TX 78745

Your address(es) affected by this application

Ann Harris

Signature

April 13 2009

Date

Comments: I object to the requested zoning change due to the potential for a development density which would be out of character and disruptive to our neighborhood. I am also concerned with the danger of increased traffic, for our children and pedestrians.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades}

P. O. Box 1088

Austin, TX 78767-8810

fax 714-6057

email wendy.rhoades@austin.tx.us

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Case Number: C14-2009-0031
Contact: Wendy Rhoades, (512) 974-7719
Public Hearing: April 14, 2009 Planning Commission May 14, 2009 City Council
I am in favor
I object

William Hendrix
Your Name (please print)

300 Red Bird Ln 78745

Your address(es) affected by this application

Signature Date 2/13/2009

Comments:

If you use this form to comment, it may be returned to: City of Austin Neighborhood Planning and Zoning Department Wendy Rhoades P. O. Box 1088 Austin, TX 78767-8810

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Case Number: C14-2009-0031

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

April 14, 2009 Planning Commission

May 14, 2009 City Council

☐ I am in favor
☒ I object

Rachael McDaniel (Shaw)

Your Name (please print)

309 W. Mockingbird Ln, Austin

Your address(es) affected by this application

Rachael McDaniel

Signature

Date

Comments: BUILDING MULTI-FAMILY
(2 duplexes at one address) WILL
INCREASE TRAFFIC, DISRUPT NEIGH-
BORS' PRIVACY AND CHANGE
THE CHARACTER OF THE NEIGHBORHOOD.
FURTHER, AFFECTED BY THE PROPERTY
OWNER REGARDING HIS PLANS TO BUILD
TWO DUPLEXES (4 non-owner tenants).

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

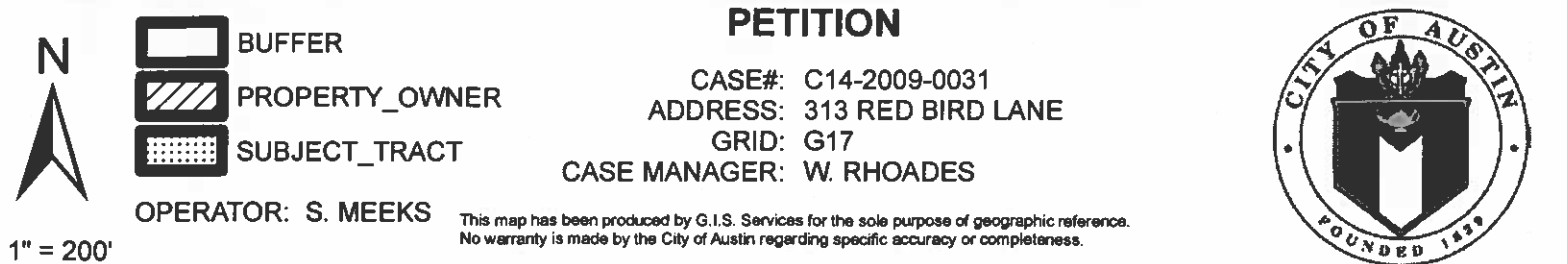
City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades}

P. O. Box 1088

Austin, TX 78767-8810



PETITION

Case Number:

C14-2009-0031

Date:

May 12, 2009

313 RED BIRD LANE

Total Area Within 200' of Subject Tract

251,881.74

1	<u>0415080307</u>	<u>HENDRIX KENNETH D</u>	<u>9274.40</u>	<u>3.68%</u>
		<u>HENDRIX EVAN A &</u>		
2	<u>0415080308</u>	<u>ANDREA R</u>	<u>16637.01</u>	<u>6.61%</u>
3	<u>0415080309</u>	<u>FIELDS DOUGLAS J</u>	<u>17897.29</u>	<u>7.11%</u>
4	<u>0415080310</u>	<u>HORNER RICHARD</u>	<u>15719.26</u>	<u>6.24%</u>
		<u>DICKERSON</u>		
5	<u>0416090102</u>	<u>ELIZABETH ANNE</u>	<u>5527.59</u>	<u>2.19%</u>
		<u>MCCARTNEY ANDREA</u>		
6	<u>0416090203</u>	<u>LIGGETT</u>	<u>24646.66</u>	<u>9.79%</u>
7	<u>0416090204</u>	<u>HARRIS ANN E</u>	<u>24021.82</u>	<u>9.54%</u>
		<u>PINHEIRO LUIS</u>		
8	<u>0416090210</u>	<u>ALBERTO</u>	<u>19734.03</u>	<u>7.83%</u>
9				<u>0.00%</u>
10				<u>0.00%</u>
11				<u>0.00%</u>
12				<u>0.00%</u>
13				<u>0.00%</u>
14				<u>0.00%</u>
15				<u>0.00%</u>
16				<u>0.00%</u>
17				<u>0.00%</u>
18				<u>0.00%</u>
19				<u>0.00%</u>
20				<u>0.00%</u>
21				<u>0.00%</u>
22				<u>0.00%</u>
23				<u>0.00%</u>
24				<u>0.00%</u>
25				<u>0.00%</u>
26				<u>0.00%</u>
27				<u>0.00%</u>

Validated By:

Total Area of Petitioner:

Total %

Stacy Meeks

133,458.05

52.98%

Wendy Rhoades

P E T I T I O N

Date: 5/10/09

File Number: C14-2009-0031

Address of

Rezoning Request: 313 Red Bird Ln.

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF2.

The reason for opposing the zoning change is to preserve and protect current land use consistent with the most recent adoption of the South Congress Neighborhood Plan. Current SF3 in this neighborhood consists of two single family homes, not duplexes, with the owners living on the property. The applicant's plan for two duplexes with four families is an unacceptable increase in the density of this area.

Under SF2 either one home or two single family (if subdivided) homes could be built, allowing for significant increase in the value of the property and enhancing the neighborhood.

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
Andrea McCartney	Andrea McCartney	309 Red Bird Ln
Mary Kay Hendrix	Mary Kay Hendrix	304 Red Bird Lane
Reagan Terrier	Reagan Terrier	307 Red Bird Lane
Elizabeth A. Dickerson	Elizabeth A. Dickerson	5504 Humming Bird Lane
Kachael Horner	Kachael Horner	314 Red Bird Lane
Andrea Hendrix	Andrea Hendrix	306 Red Bird Lane
GARY MCINTYRE	GARY MCINTYRE	5501 Humming Bird Lane
Michelle C. Waldron	Michelle C. Waldron	5505 Hummingbird Ln 78145

Date: 5/11/09

Contact Name: Andrea McCartney

Phone Number: 925-5214

445-5915

P E T I T I O N

Date: 5/10/09

File Number: C14-2009-0031

Address of

Rezoning Request: 313 Red Bird Ln.

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF2.

The reason for opposing the zoning change is to preserve and protect current land use consistent with the most recent adoption of the South Congress Neighborhood Plan. Current SF3 in this neighborhood consists of two single family homes, not duplexes, with the owners living on the property. The applicant's plan for two duplexes with four families is an unacceptable increase in the density of this area.

Under SF2 either one home or two single family (if subdivided) homes could be built, allowing for significant increase in the value of the property and enhancing the neighborhood.

Signature

Printed Name _____

Address

Am Harris

Ann Harris

Address
307 Red Bird Lane

Kenneth D. Hendrix

KENNETH D. HENDRIX

304 RED BIRD LANE

Augustus J. Field

DOUGLAS J FIELDS

310 Red BIRD CLAY

Geo. W. Kane

Luis Pinheiro

312 West Shawsbury Lane

Richard H. Hume

751 CHARD HORNER

314 Red Bird LNV

Date:

5/13/09

Contact Name:

Andrea McCartney
925 5214

Phone Number:

925 5214

Please add this to the already submitted petition. Some of the people who signed the 1st one were not on TCAD & their spouses had to sign this one.

Rhoades, Wendy

From: Andrea [Andrea@quorumreport.com]
Sent: Wednesday, May 13, 2009 10:24 AM
To: Rhoades, Wendy
Subject: RE: Petition results

Dear Wendy,

We, the neighborhood of the Bird Streets, request to postpone the hearing until May 21st for Case C14-2009-0031, 313 Red Bird Lane. Can you please let me know by email if this request has been honored?

Thank you,
Andrea

-----Original Message-----

From: Rhoades, Wendy [mailto:Wendy.Rhoades@ci.austin.tx.us]
Sent: Wednesday, May 13, 2009 10:07 AM
To: andrea@quorumreport.com
Subject: FW: Petition results

Here are the petition results and map, for your information.

Wendy

-----Original Message-----

From: mfp@ci.austin.tx.us [mailto:mfp@ci.austin.tx.us]
Sent: Wednesday, May 13, 2009 4:12 AM
To: Rhoades, Wendy
Subject: Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF

WorkCentre Location: machine location not set Device Name: OTC05Nocona

For more information on Xerox products and solutions, please visit
<http://www.xerox.com>