

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2009-0039 – Danziger 2

**P.C. DATE:** June 23, 2009

**ADDRESS:** 2305 Bluebonnet Lane

**OWNER/APPLICANT:** Allen Danziger

**AGENT:** Jim Bennett

**ZONING FROM:** LO

**TO:** MF-3-CO

**AREA** 0.288 acres (12,545.28 ft<sup>2</sup>)

**SUMMARY STAFF RECOMMENDATION:** Staff recommends the approval of MF-3-CO (Multifamily Medium Density-Conditional Overlay) district zoning with the following conditions: the density on the property will be limited to the existing 7 units, and the vehicle trips allowed per day will not exceed 200. Any future development will be limited to the lesser site development standards between LO (Limited Office) and MF-3 district zoning standards for building coverage (50%) and impervious cover (65%).

**PLANNING COMMISSION RECOMMENDATION:** Recommended on consent (6/23/09; 9-0)

**DEPARTMENT COMMENTS:** This property is developed with 2 multi-family structures with a total of 7 units. The property is zoned LO (Limited Office), therefore the buildings are considered a non-conforming use. The applicant seeks to rezone the property to MF-3-CO in order to bring the property into zoning compliance. No additional development is planned. The vehicle trips per day allocated to the 7 existing units is calculated at 192. The applicant has agreed to limit the number of trips to 200 through the conditional overlay.

**ISSUES:** This property was issued a citation for an illegal use for having residential units under Limited Office district zoning, and for remodel construction completed without permits.

The applicant is requesting this rezoning to rectify the outstanding illegal use issues.

**EXISTING ZONING AND LAND USES:**

|              | <b>ZONING</b> | <b>LAND USES</b> |
|--------------|---------------|------------------|
| <i>Site</i>  | LO            | Multi-family     |
| <i>North</i> | CS            | Service Station  |
| <i>South</i> | SF-3          | Single Family    |
| <i>East</i>  | LO            | Office           |
| <i>West</i>  | MF-3-CO       | Multi-family     |

**NEIGHBORHOOD PLAN:** N/A

**TIA:** Waived

**WATERSHED:** West Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** Yes – South Lamar at La Case Drive Capitol View Corridor

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

Save Our Springs Alliance  
Austin Neighborhoods council  
South Lamar Neighborhood Association  
Goodrich Neighborhood Association  
Austin Parks foundation  
Zilker Neighborhood Association

**SCHOOLS:**

Zilker Elementary School  
O'Henry Middle School  
Austin High School

**CASE HISTORY:**

| <b>NUMBER</b> | <b>REQUEST</b>                    | <b>COMMISSION</b> | <b>COUNCIL</b>                                 |
|---------------|-----------------------------------|-------------------|------------------------------------------------|
| C14-76-036    | From "A"- Residence to "O" Office | N/A               | 1/13/77 -- Approved 3 <sup>rd</sup><br>Reading |

## **BASIS FOR RECOMMENDATION**

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.

*The property is adjacent to 3 MF-3 zoned properties to the north.*

Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

*The property follows a pattern of decreasing density away from the core transit corridor, Lamar Boulevard. The residential zoning of the property is a transition from the commercial located on the corridor.*

Zoning should allow for reasonable use of the property.

*The existing use of the property is residential. The applicant is rezoning to achieve compliance with zoning categories.*

## **EXISTING CONDITIONS**

### **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.

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 rim rock, 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.

### **Water and Wastewater**

If 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**

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:**

| Name          | ROW | Pavement | Classification | Sidewalks | Bike Route | Bus Routes |
|---------------|-----|----------|----------------|-----------|------------|------------|
| Bluebonnet Ln | 60' | 40'      | Collector      | Yes       | No         | Yes        |

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

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

### **SITE PLAN**

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

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

This site is within the South Lamar at La Casa Dr. Capitol View Corridor. A Capital View Corridor Review will be required. The site plan must show the limits of the view corridor on the plan. The site plan must also show a cross-section of the building with the base elevation and maximum height allowed within the corridor.

An application for a Capitol View Corridor Height Determination must be submitted to Intake and an application fee paid. For more information, contact the Development Assistance Center at 974-6370.

In MF-3 base zoning, the minimum site area for each dwelling unit is:

- a. 1,200 sq. ft. for an efficiency dwelling unit
- b. 1,500 sq. ft. for a one bedroom dwelling unit
- c. 1,800 sq. ft. for a dwelling unit with two or more bedrooms

In MF-3 base zoning, the minimum open space for each dwelling unit is 150 sq. ft

**CITY COUNCIL DATE:** July 23, 2009

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

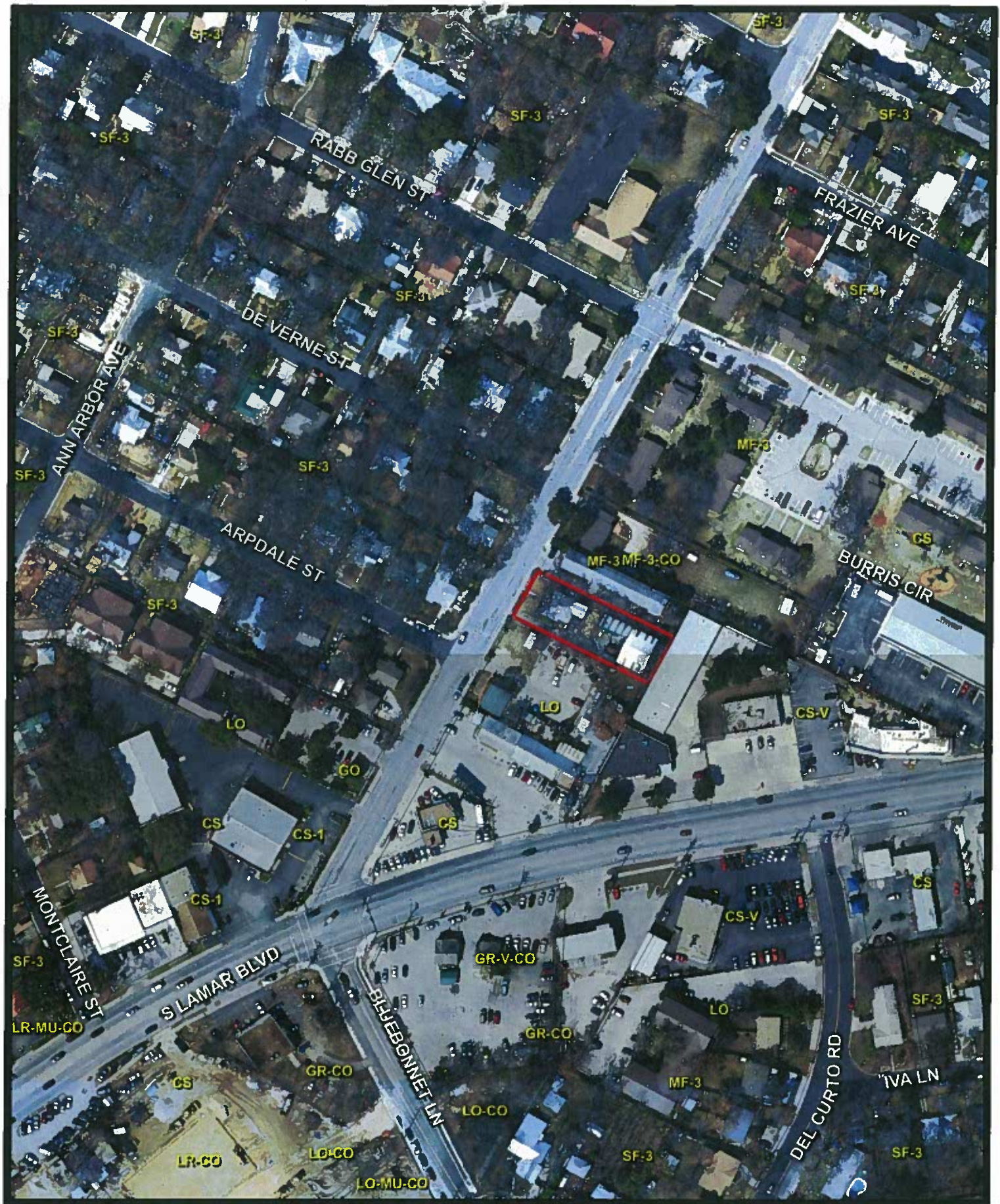
**ORDINANCE NUMBER:**

**CASE MANAGER:** Stephen Rye

**PHONE:** 974-7604

[stephen.rye@ci.austin.tx.us](mailto:stephen.rye@ci.austin.tx.us)





**C14-2009-0039 2305 Bluebonnet Lane**  
**From Limited Office (LO) to MF-3-CO (Multi-family Medium**  
**Density - Conditional Overlay) District Zoning**

# **Zilker Neighborhood Association**

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June 18, 2009

Planning Commission  
City of Austin Watershed Protection and  
Development Review Dept.  
505 Barton Springs Road  
Austin, TX 78704

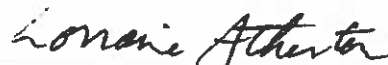
Re: Rezoning request C14-2009-0039, 2305 Bluebonnet Lane

Dear Planning Commissioners:

The executive committee of the Zilker Neighborhood Association supports the intent of the rezoning request at 2305 Bluebonnet to resolve the inconsistencies between the Limited Office district and the current use as multifamily residences. We therefore support a rezoning to Multifamily-3 with a conditional overlay limiting the property to 7 units, 200 vehicle trips per day, 50% building coverage, and 65% impervious cover. The intent of the conditional overlay would be to limit development on the site to the existing conditions, while bringing it into compliance with city code, and the executive committee is willing to work with the owner to achieve that end.

Thank you for your attention.

Sincerely yours,



Lorraine Atherton  
Co-president, ZNA