

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2009-0155 – Villa Court

**P.C DATE:** January 26, 2010

**ADDRESS:** 3505 Villa Court

**OWNER/APPLICANT:** 11 NCREO, LLC (Jadon Newman)

**AGENT:** PSW Real Estate, LLC (Ryan Diepenbrock)

**ZONING FROM:** SF-3      **TO:** SF-6-CO

**AREA:** 1.42 acres (61,855 sq. ft.)

**SUMMARY STAFF RECOMMENDATION:** Staff recommends SF-6-CO (Townhouse and Condominium/Conditional Overlay). The conditional overlay offered by the applicant and supported by staff will limit the density of the project to a maximum of 13 detached dwelling units, 2 story maximum height limit, 47% impervious cover limit, and a 3-star green builder level. 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.

**PLANNING COMMISSION RECOMMENDATION:** 1/26/10 – Approved staff recommendation of SF-6-CO with conditions on consent (9-0).

**DEPARTMENT COMMENTS:** The 1.42 acre tract is currently undeveloped. The applicant seeks to rezone the property to SF-6-CO in order to develop a maximum of 13 detached condominium units. A tract to the East of the property was rezoned in 2005 and limited to SF-6-CO and limited to a 10 unit/acre density, 55% impervious cover limit and restricted access to Cardinal Lane (C14-05-0024). The rezoning request for the subject property will be compatible with these density and site development regulations. The conditional overlay offered by the applicant and supported by staff will limit the density of the project to a maximum of 13 detached dwelling units, 2 story maximum height limit, 47% impervious cover limit, and a 3-star green builder level.

**ISSUES:** The Galindo Neighborhood Association has agreed to support the rezoning request with the following conditions:

- The structures constructed will all be single family, detached residences
- The structures will have a 2 story maximum height
- All structures are constructed to be Austin Energy Green Star Level 3 or better certified
- There will be a 25' setback around the perimeter of the property
- There will be a maximum of 47% impervious cover on the property
- No variances to zoning or city code will be requested by the owner
- The owner will provide \$5,000 to the Neighborhood Association for appropriate neighborhood improvements. These improvements will be mutually agreed upon by the Association and the owner.

Staff will include the restrictions on height, Green-building, detached structures, setback and impervious cover into the conditional overlay on the property. The limitation on variances and the request for neighborhood improvement funding will be achieved via private agreement between the neighborhood association and the applicant.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3	Undeveloped
<i>North</i>	SF-3	Single Family
<i>South</i>	SF-3	Single Family
<i>East</i>	SF-3/SF-6-CO	Single Family/Undeveloped
<i>West</i>	SF4-A	Single Family Small Lot

**NEIGHBORHOOD PLAN:** Galindo Neighborhood Planning Area / South Lamar Combined

**TIA:** Waived

**WATERSHED:** West Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

South Central Coalition  
Galindo Elementary Neighborhood Association  
Austin Neighborhoods Council

**SCHOOLS:**

Galindo Elementary School  
Fulmore Middle School  
Travis High School

**CASE HISTORIES**

<b>NUMBER</b>	<b>REQUEST</b>	<b>YEAR</b>
N/A		

**RELATED CASES**

<b>NUMBER</b>	<b>REQUEST</b>	<b>YEAR</b>
C14-05-0224	SF-3 to SF-6-CO	2005

## **BASIS FOR RECOMMENDATION**

### ***1. Granting of the request should result in an equal treatment of similarly situated properties.***

The recommended zoning is consistent in density and site development criteria to a property to the East of the tract.

### ***2. Zoning changes should promote a balance of intensities and densities.***

The recommended zoning will promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

## **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.

Numerous 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:**

Additional right of way may be required at subdivision or site plan phase.

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 street characteristics:

Name	ROW	Paving	Classification	Sidewalk	Capital Metro	Bike Route
Villa Court	50 ft.	28 ft.	Local	Yes	Yes, within ¼ mile	No

**Site Plan:**

The site is subject to compatibility standards. Along the north, south and eastern property lines, 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.

**CITY COUNCIL DATE:** 2/25/10

**ACTION:**

**ORDINANCE READINGS:** 1st

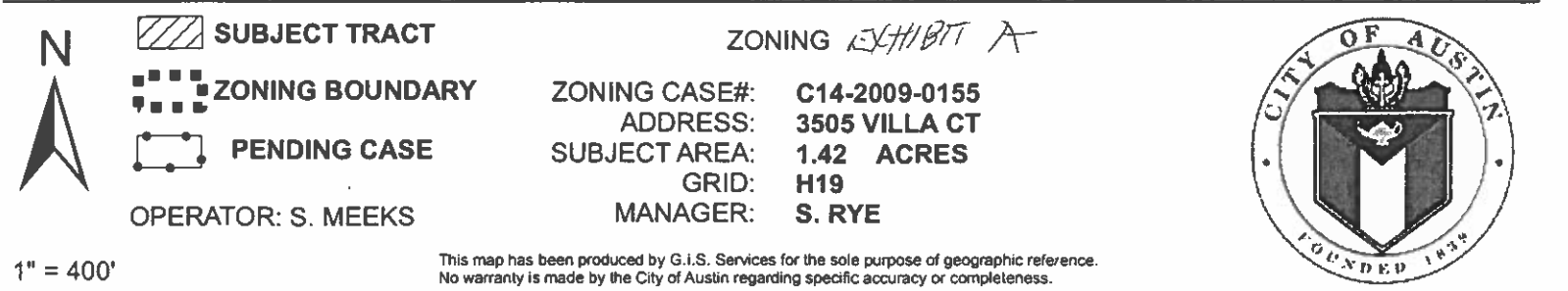
2<sup>nd</sup>

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)



## 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: C14-2009-0155

Contact: Stephen Rye, (512) 974-7604

Public Hearing: Jan. 26, 2010, Planning Commission  
Feb. 25, 2010, City Council

Annick Barton

Your Name (please print)

3604 S. 2nd St.

Your address(es) affected by this application

Annick Barton

Signature

Daytime Telephone: 572-779-8777

Date

1/23/10

☐ I am in favor  
☒ I object

Comments:

This type of housing is more likely to result in a more transient population and more rental homes. Over the long term, keeping this housing adequately maintained is difficult. Denser living conditions will also lead to more traffic in our neighborhoods. Overall, the quality of living in the neighborhood will be degraded.

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

City of Austin

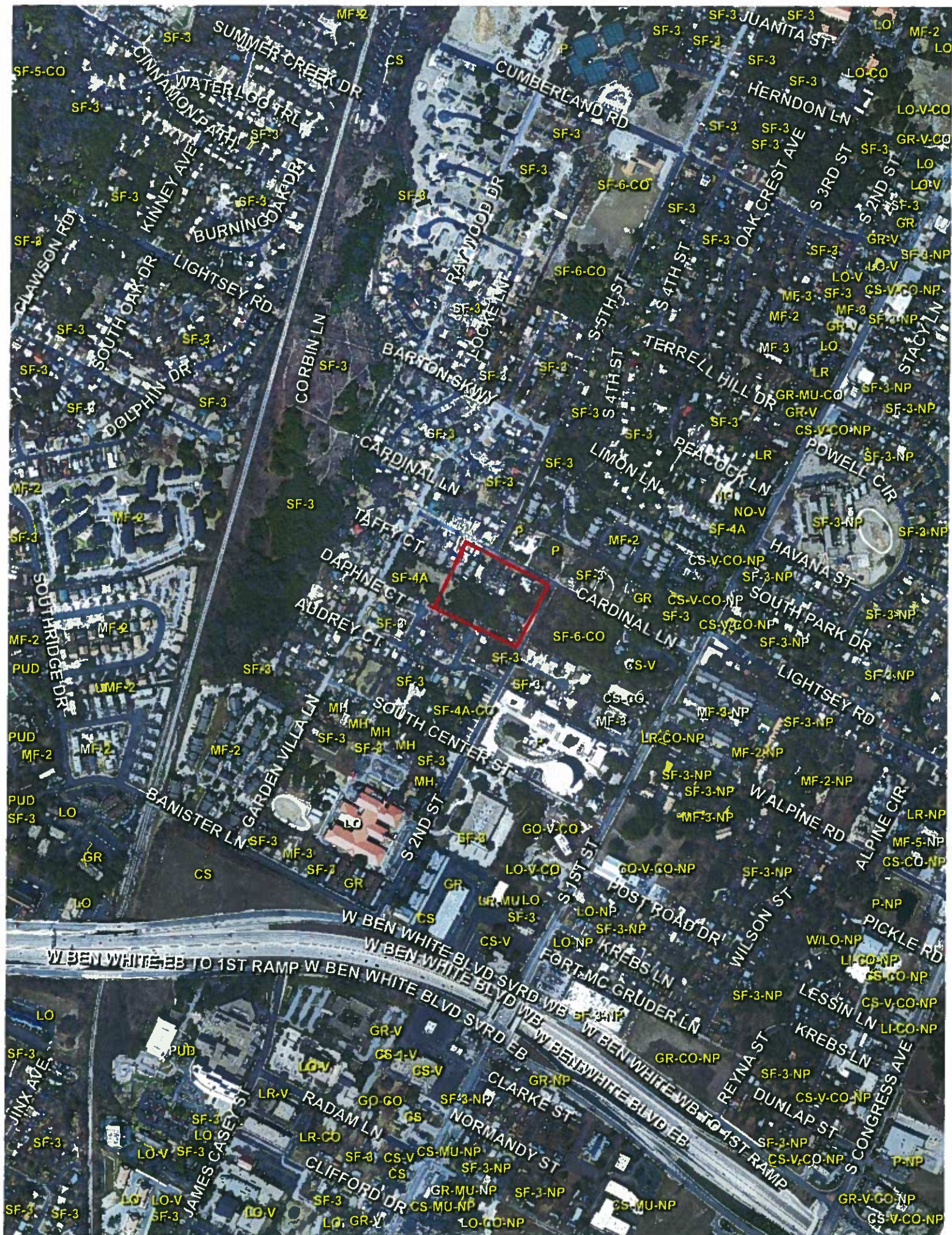
Planning & Development Review Department

Stephen Rye

P. O. Box 1088

Austin, TX 78767-8810







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**Galindo** Neighborhood Association  
Elementary www.main.org/gena/

**A Motion concerning re-zoning for "Villa Court" development**

At the January 2010 general meeting of the Association, the following motion was approved by the membership:

The Galindo Elementary Neighborhood Association (*the Association*) will support a requested zoning change for the "Villa Court" development as requested by PSW Real Estate (*the Owner*). This support is dependent upon the following conditions:


- 1) The structures constructed will all be single family, detached residences.
- 2) The structures will have a 2 story maximum height.
- 3) All structures are constructed to be Austin Energy Green Star Level 3 or better certified.
- 4) There will be a 25' setback around the perimeter of the property.
- 5) There will be a maximum of 47% impervious cover on the property.
- 6) No variances to zoning or city code will be requested by the Owner
- 7) The Owner provide \$5,000 to the Association for appropriate neighborhood improvements. These improvements will be mutually agreed upon by Association and Owner.

If any of the above conditions are not listed in the Owner's re-zoning request, these issues will be included in a Restrictive Covenant that will be mutually agreed upon by both the Association and the Owner.

Any expense incurred in the drafting of the Restrictive Covenant will be incurred by the Owner.

Executed this 26<sup>th</sup> day of January, 2010

By:



Marshall Davis, President  
Galindo Elementary Neighborhood Association