

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0136 **Z.A.P. DATE:** January 15, 2013
7507 Lazy Creek Drive

ADDRESS: 7507 Lazy Creek Drive

OWNER/ AGENT: GMS Development, LLC
(Marzia Volpe)

ZONING FROM: I-SF-2 **TO:** SF-3 **AREA:** .1503 acres (6,547.068 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant family residence (SF-3) district zoning.

ZONING & PLATTING COMMISSION RECOMMENDATION:

January 15, 2013: *MOTION TO CONTINUE TO JANUARY 29, 2013, (4-2-1) [MEEKER, COMPTON 2ND] MC DANIEL, ROJAS- NAY, SEEGER- ABSENT. REQUEST MADE BY COMMISSION FOR MEMORANDUM ON LEGAL ISSUES FROM LAW DEPARTMENT.*

January 29, 2013: *RECOMMENDED TO GRANT SF-3 ZONING AS RECOMMENDED BY STAFF (5-0-1-1) [MC DANIEL, COMPTON 2ND] BAKER- RECUSED, SEEGER- ABSENT.*

DEPARTMENT COMMENTS:

The subject property consists of a single platted lot within Northridge Park Section 2 subdivision. The property was annexed into the City limits effective December 19, 2011, and zoned interim - single family residence (I-SF-2) district. Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and A-2 (Vicinity Map).

The property is currently developed with a duplex residence, as are all the neighboring residential properties along Lazy Creek Drive. These properties are all zoned I-SF-2. In the neighborhood to the north and east, properties are zoned I-SF-2, I-SF-4A, and SF-3, with several undeveloped lots remaining in the area. North of the subject property are duplexes and then Noak Sports Complex, which are zoned I-RR. West of the duplex properties on Lazy Creek Drive are undeveloped parcels zoned SF-3, I-RR, and MF-2. Lazy Creek Drive extends south of Pecan Brook Drive to a neighborhood that is zoned SF-3 and occupied by residences and LBJ High School.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-SF-2	Duplex residence
<i>North</i>	I-RR	Duplex residences, Indoor/Outdoor sports and recreation facility

<i>South</i>	I-SF-2, SF-3	Duplex residence, Single family residence, Public secondary educational facility
<i>East</i>	I-SF-2, I-SF-4A, SF-3	Duplex residence, Single family residence
<i>West</i>	SF-3, I-RR, MF-2	Undeveloped

AREA STUDY: N / A**TIA:** N/A**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

LBJ Neighborhood Association
Bluebonnet Hills Association

SCHOOLS:

Jordan Elementary School

Garcia Middle School

LBJ High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2012-0138	I-SF-2 to SF-3	ZAP 01/15/2013:	02/14/2013:
C14-2012-0137	I-SF-2 to SF-3	ZAP 01/15/2013:	02/14/2013:
C14-2012-0135	I-SF-2 to SF-3	ZAP 01/15/2013:	02/14/2013:

RELATED CASES:

This property was annexed into the Full-Purpose Jurisdiction effective December 19, 2011.

ABUTTING STREETS:

Name	ROW	Classification
Lazy Creek Drive	70'	Collector

CITY COUNCIL DATE: February 14, 2013**ACTION:****ORDINANCE READINGS:****ORDINANCE NUMBER:**

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 974-2122

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant family residence (SF-3) district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Family residence (SF-3) district is intended for a moderate density single-family residential use on a lot that is a minimum of 5,750 square feet, and a duplex use on a lot that is a minimum of 7,000 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.

While this lot is slightly smaller than City standards for duplex development (6,547.068 square feet), it was annexed into the City with an existing duplex, and would be an existing nonconforming use. The surrounding lots are similarly developed and zoned.

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

SF-3 zoning is appropriate given the adjacent land uses and zoning classifications surrounding the subject property. Excepting the public facilities, all properties in the area are developed as duplexes, undeveloped, or zoned SF-3 or higher.

EXISTING CONDITIONS**Site Characteristics**

The subject property is currently developed with a residential duplex. 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 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 Walnut 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:

<u>Development Classification</u>	<u>% of Net Site Area</u>	<u>% with Transfers</u>
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 no flood plain within or adjacent to the project boundary.

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

No trees are located on this property. 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

TR 1. Following existing streets are abutting this parcel:

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>	<u>Daily Traffic</u>
Lazy Creek DR	70'	40'	Collector ST	NA
Crainway DR	60'	40'	Collector ST	NA

TR 2. No additional Right of Way is needed at this time.

TR 3. The 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]

TR 4. There are existing sidewalks along both sides of Lazy Creek DR.

TR 5. There are existing sidewalks along both sides of Crainway DR.

TR 6. Following table shows 2009 Bicycle Plan recommendations for the boundary street for this parcel:

<u>Street Name</u>	<u>Existing Bicycle Facility</u>	<u>Recommended Bicycle Facility</u>
Lazy Creek DR	None	None
Crainway DR	None	None

TR 7. FYI: Adjacent Pecan Brook DR, located within 1000 feet, shows existing 'Wide Curb' bicycle facility and planned 'Bike Lane' as per 2009 Bicycle plan.

TR 8. Following Capital Metro bus service routes are available within ½ mile of this parcel:
20 – Manor RD / LBJ High

Site Plan

SP 1. Site plans will be required for any new development other than single-family or duplex residential.

SP 2. Duplexes are reviewed by the residential review team, and are subject to duplex requirements. (25-2-773)

- a. Minimum lot area is 7,000 sq. ft.
- b. Minimum lot width is 50 feet.
- c. Max building cover is 40%.
- d. Max impervious cover 45%.
- e. Maximum height is 30 feet or two stories, with exceptions
- f. Not more than one required parking space may be located behind another
- g. The 2 units must have a common floor and ceiling or a common wall
- h. The 2 units must have a common roof.
- i. At least one of the units must have a front porch that faces the front street and an entry to the dwelling unit.
- j. The 2 units may not be separated by a breezeway, carport, or other open building element.

SP 3. 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.

Comprehensive Planning

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses the promotion of different types of housing:

H P1. Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.

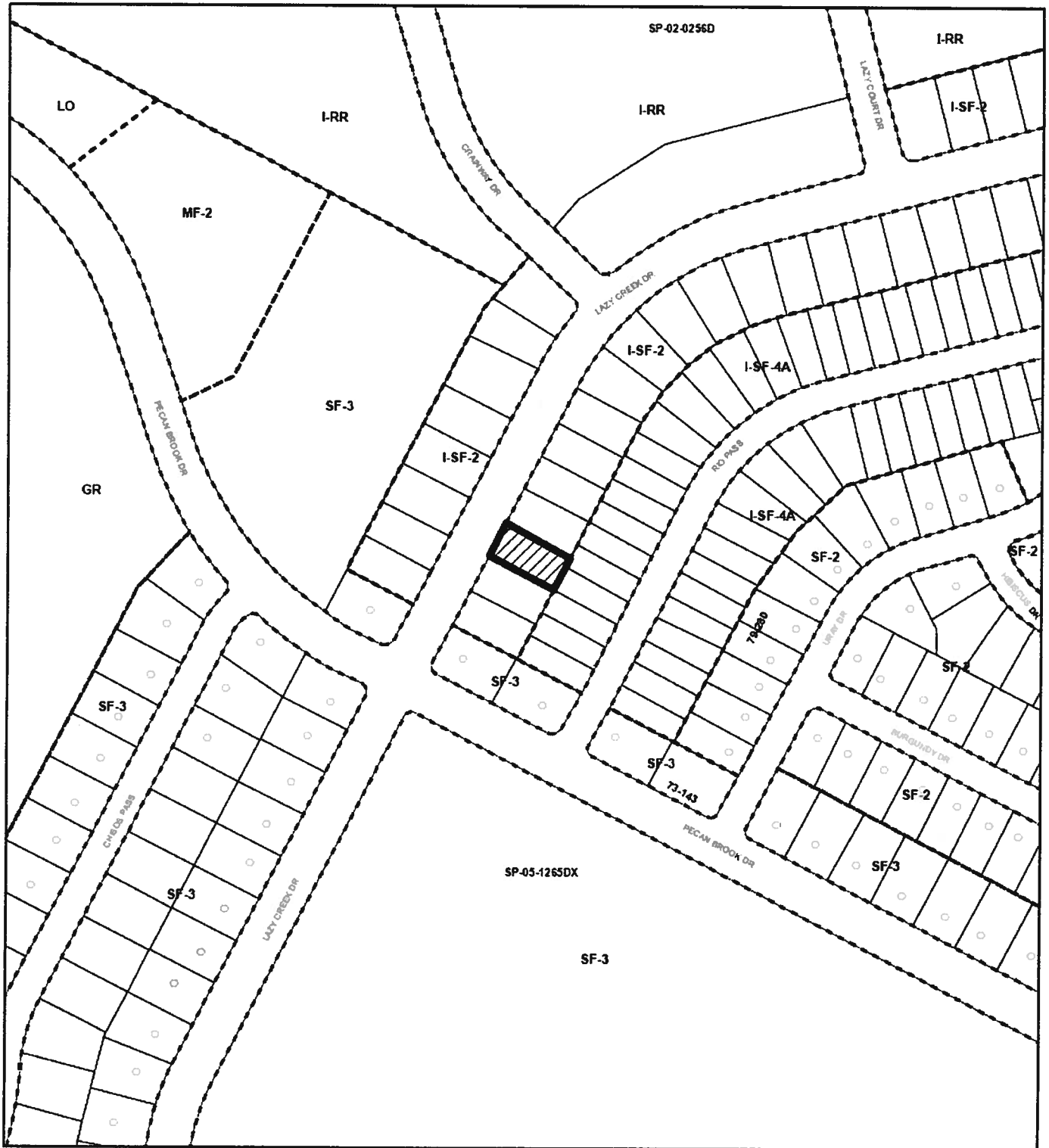
H P5. Promote a diversity of land uses throughout Austin to allow a variety of housing types including rental and ownership opportunities for singles, families with and without children, seniors, persons with disabilities, and multi-generational families.

N P1. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

The proposed zoning request is supportive of the goals and policies of the Imagine Austin Comprehensive Plan as discussed above, which encourages complete communities and a variety of housing types throughout Austin.

Water and Wastewater

FYI: The property is currently served with City of Austin water and wastewater utilities. If the property is redeveloped 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 by the proposed land use. Water and wastewater utility plans 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.



1" = 200'



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

ZONING

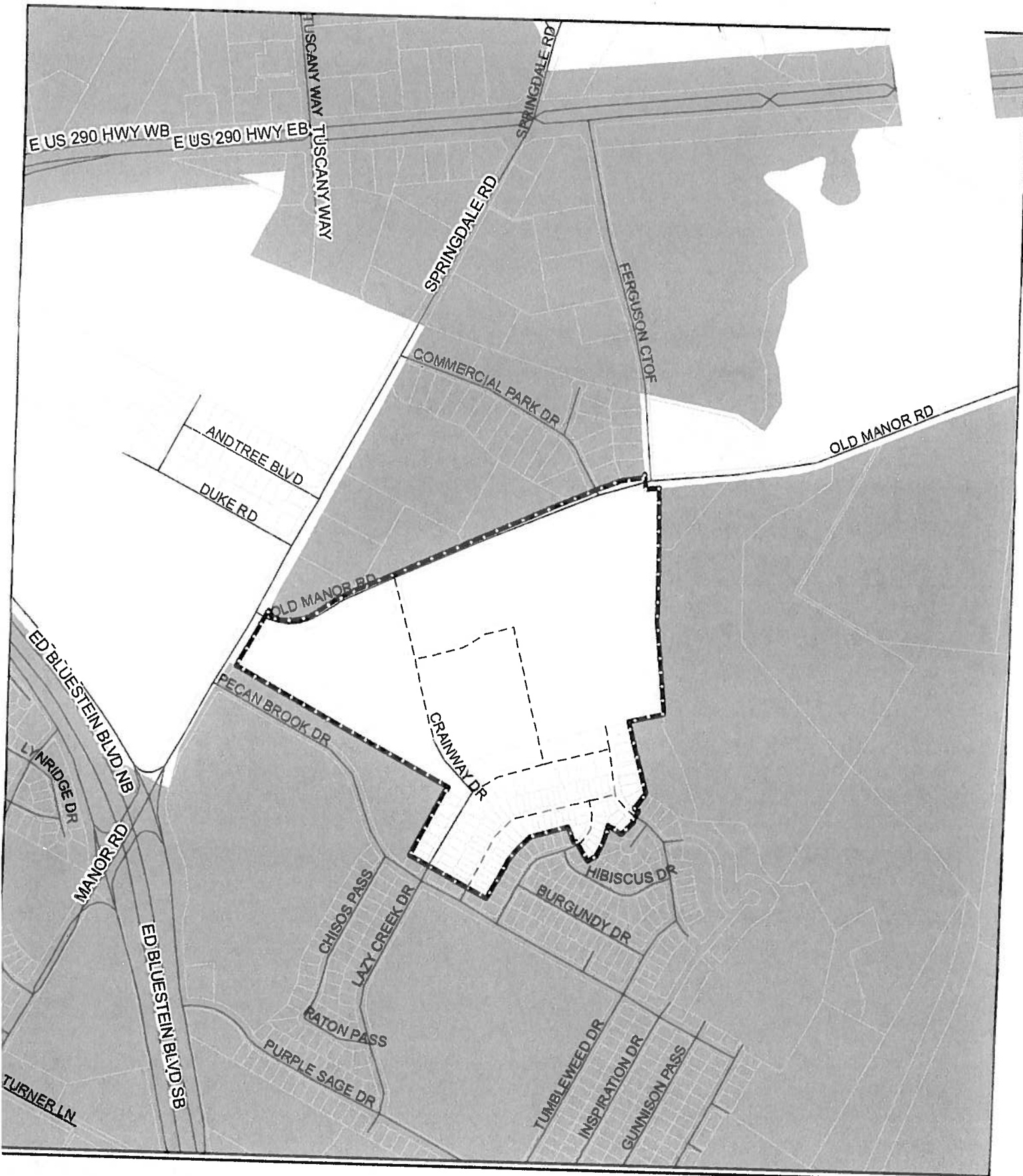
ZONING CASE#: C14-2012-0136

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







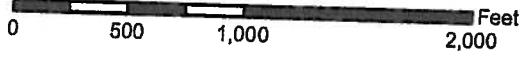
Northridge Park Section 2 Annexation Area

City of Austin PDRD
J. Chuter
August 1, 2011



Legend

- Annexation Area
- Lot Line
- Street - Built
- Street - Platted, Unbuilt



CURRENT JURISDICTION

- Austin Full Purpose
- Austin Limited Purpose
- Austin ETJ

MEMORANDUM

TO: Zoning and Platting Commission
FROM: Jacqueline Cullom, Assistant City Attorney
DATE: January 29, 2013
RE: 7507 Lazy Creek Drive

At the January 15, 2013 ZAP meeting agenda item #8 was pulled from consent for discussion and eventually continued until the January 29, 2013 meeting to allow staff time to address several issues that arose during the discussion.

The property at 7507 Lazy Creek Drive is located in the Northridge Park Section 2 Subdivision. This property was annexed by the City of Austin in 2011. The property contains a duplex on a 6,547.068 square foot lot. The City sent the property owner a letter dated December 15, 2013 informing her of the annexation and encouraged her to submit an "application for initial zoning of the property that conforms to the current use".

Newly annexed territory is not always vacant land. Many times newly annexed territory will contain an existing use that was legal when it existed in the county/extraterritorial jurisdiction prior to annexation. However, such property may not conform to the city ordinances and/or may contain a use not allowed in the zoning designation given to the property following annexation. In such cases a nonconforming use is created by the annexation.

Section 43.002 of the Texas Local Government Code, which applies to annexations that occur after September 1999, provides:

§ 43.002. Continuation of Land Use

(a) A municipality may not, after annexing an area, prohibit a person from:

- (1) Continuing to use land in the area in the manner in which the land was being used on the date the annexation proceedings were instituted if the land use was legal at the time.

This statute does contain exceptions for certain uses such as sexually-oriented businesses, public nuisances, fireworks or the discharge of firearms. These uses are given a specified amount of time to come into compliance.