

ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0041 (Fort Dessau- GR)

Z.A.P. DATE: May 21, 2013
June 18, 2013

ADDRESS: 1602 Fish Lane

OWNER/APPLICANT: John C. & Dana Fish

AGENT: Land Strategies, Inc.
(Paul W. Linehan)

ZONING FROM: SF-2-CO

TO: GR*
MF-3

AREA: 1.9432 acres

*On April 29, 2013, the applicant sent the staff a letter asking to amend their rezoning request to the MF-3 district (Please see Amended Zoning Request Letter – Attachment A).

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant MF-3, Multi-family Residence-Medium Density District, zoning.

ZONING AND PLATTING COMMISSION:

5/21/13: Continued to June 18, 2013 by the Zoning and Platting Commission (5-0, C. Banks and J. Meeker-absent)

6/18/13: Approved staff's recommendation of MF-3 zoning by consent (6-0, C. Banks-absent); P. Seeger-1st, R. McDaniel-2nd.

ISSUES:

At the May 21, 2013 Zoning and Platting Commission meeting, some of the Commissioners inquired about the historical significance of the house on the site under consideration. The applicant has provided information regarding the background of this structure for the Commission's review (Please see Fort Dessau Historical Memo – Attachment B).

DEPARTMENT COMMENTS:

The property in question is currently utilized as a ranch with a farmhouse. The single-family residence on this site has historic designation and is considered a homestead. The property was annexed by the City of Austin on December 31, 2003 (annexation case: C7A-03-013). The applicant requested permanent zoning on this site in 2004 (previous zoning case: C14-04-0056). The original 145-acre Fish Tract site includes part of the Harris Branch tributary/floodplain, which traverses this portion of the property from the northwest to the southeast. The applicant is requesting to rezone the existing single-family residence to MF-3 so that it can be redeveloped as a community recreation use through a conditional use permit that will provide services to the proposed multi-family residential development to the north, south, east and west.

The staff recommends the applicant's request to rezone a portion of the original tract to the MF-3 district because the proposed multifamily zoning will be combined with the existing MF-3 zoned

tracts to the north and south to encourage a variety of housing opportunities in this area of the city. The proposed rezoning will allow the applicant to seek a conditional use permit to redevelop the existing structure on the site into a community center to provide services to new residential development surrounding this parcel in the future.

The applicant agrees with staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2-CO	Single-Family Residence/ Ranch
<i>North</i>	SF-2-CO	Undeveloped Land
<i>South</i>	MF-3	Undeveloped Land
<i>East</i>	MF-3	Undeveloped Land
<i>West</i>	MF-3	Undeveloped Land

AREA STUDY: N/A

TIA: Waived

WATERSHED: Harris Branch

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation
 Austin Monorail Project
 Beyond2ndNature
 Bike Austin
 Homeless Neighborhood Association
 North Growth Corridor Alliance
 Pflugerville Independent School District
 SELTEXAS
 Sierra Club, Austin Regional Group
 The Real Estate Council of Austin

SCHOOLS:

Copperfield Elementary School
 Pflugerville Middle School
 Dobie Middle School
 Lanier High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0103 (Del Cerro: 13700 Dessau Road)	GR-MU, GR, SF-2-CO to MF-3	8/21/07: Approved staff's recommendation of MF-3 zoning by consent (7-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd .	9/27/07: Approved MF-3 zoning by consent (5-0); all 3 readings
C14-06-0098 (Harris Ridge: 13809 Harris Ridge Boulevard)	LI-CO to Tract 1: SF-6 and Tract 2: LI	11/21/06: Approved staff's recommendation of SF-6-CO zoning for Tract 1, with following conditions: 1) Changed setback requirement to a 45-foot building setback from the southern property line along proposed Tract 2; 2) Added requirement for an 8-foot masonry fence along the southern property line along proposed Tract 2; 3) Included a 25-foot vegetative buffer along the western property line bordering single family development in the County; 4) Approved staff's recommendation for LI zoning for Tract 2, adding a conditional overlay for the following: Establish a 78-foot building setback from the northern property line along proposed Tract 1; 5) Include the TIA recommendations for Tracts 1 and 2 as provided in Attachment D in a public restrictive covenant. Vote: (9-0); K. Jackson-1 st , B. Baker-2 nd .	12/07/06: Approved SF-6-CO zoning for Tract 1 and LI-CO zoning for Tract 2 (7-0); 1 st reading 6/29/07: Approved SF-6-CO zoning for Tract 1 and LI-CO zoning for Tract 2, with conditions (7-0); 2nd/3rd readings
C14-04-0139 (Howard Lane Industrial Park: 1100 East Howard Lane)	I-RR to LI	11/2/04: Approved staff's recommendation of LI-CO zoning with added condition of no Adult Oriented Businesses, by consent (9-0)	12/02/04: Approved LI-CO, with a CO for 2,000 vtpd limit and prohibiting Adult Oriented Businesses, (7-0); all 3 readings
C14-04-0127 (Wright Subdivision Dessau Road Zoning Change: 1624 East Howard Lane)	GR-CO to GR	10/19/04: Approved staff's recommendation of GR-CO zoning, with CO to prohibit Adult Oriented Businesses and a public RC encompassing the TIA recommendations, by consent (9-0)	11/18/04: Granted GR-CO (7-0); all 3 readings
C14-04-0056 (Fish Tract: 13600-14224 Dessau Road)	I-RR to SF-2, SF-6, MF-3 and CS	11/02/04: Approved staff's recommendation of : Tract 1, Block A: GR-MU Tract 2, Block A: GR Tract 3, Block A: GR Tract 4, Block A: GR	12/16/04: Granted SF-2-CO, SF-6, MF-3, LR-MU, GR and GR-MU on all 3 readings (7-0)

		Tract 5, Block A: GR Tract 6, Block A: SF-2-CO (The conditional overlay includes a 100-foot vegetative buffer with a sound barrier fence along the western boundary of this tract to create a physical separation from the commercial/mixed use development proposed on Tract 1, Block A.) Tract 7, Block A: LR-MU Tract 8, Block A: MF-3 Tract 9, Block A: SF-6 Tract 10, Block A: LR Tract 1, Block B: GR-MU Tract 2, Block B: GR-MU In addition, require a public restrictive covenant to encompass the Transportation Impact Analysis Recommendations, by consent (9-0)	
C14-00-2101 (Harris Ridge Rezoning: Harris Glenn Drive At Howard Lane)	DR to CS	8/1/00: Approved staff rec. w/ condition of no Adult Oriented Businesses (8-0)	9/28/00: Approved GR-CO w/ conditions on TR 1 & 2 (7-0); all 3 readings

RELATED CASES: C7A-03-013 Annexation case
 C14-2007-0103, C14-04-0056 Previous zoning cases

ABUTTING STREETS:

NAME	ROW	PAVMENT	CLASSIFICATION	DAILY TRAFFIC
Howard Lane	Varies	Varies	Major Arterial	N/A
Harrisglenn Boulevard	Varies	Varies	Collector	N/A
Dessau Road	120'	2@30'	Major Arterial	N/A

CITY COUNCIL DATE: June 6, 2013

ACTION: Postponed to September 26, 2013 at the applicant's request (7-0);
 B. Spelman-1st, S. Cole-2nd.

September 26, 2013

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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

$$1'' = 400'$$



STAFF RECOMMENDATION

The staff's recommendation is to grant MF-3, Multi-family Residence-Medium Density District, zoning.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be 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. *Zoning should allow for reasonable use of the property.*

MF-3 zoning will allow the applicant to redevelop the single-family residence/homestead on the site into a community recreation center through a conditional use permit that will provide services to the proposed multi-family residential development to the north, south, east and west on the old Fish Tract site.

EXISTING CONDITIONS

Site Characteristics

The subject tract is currently used as a single-family homestead/or ranch. The site consists of a single-family residence, outbuildings and undeveloped land.

Comprehensive Planning

The subject property is not within the boundaries of a neighborhood planning area. It is located approximately one third of a mile north of the intersection of E Howard Lane and Dessau Road, two identified activity corridors on the Imagine Austin Comprehensive Plan's Growth Concept Map. It is approximately 1.9 acres in size and is currently in use as a farm. Additional farmland and vacant land surround the property on all sides.

The applicant is proposing a commercial "amenity center" land use on the site, and is requesting a zoning change from MF-3 and SF-2-CO to GR Community Commercial. The Growth Concept Map in the Imagine Austin Comprehensive Plan (IACP) identifies this property as being located partially within a Neighborhood Center. The IACP defines Neighborhood Centers as *"the smallest and least intense of the three types of activity centers outlined in the Growth Concept Map. Of the three, these will have a more local focus. Businesses and services—doctors and dentists, shops, branch libraries, dry cleaners, hair salons, coffee shops, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods."*

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses commercial development:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **HN P11.** Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

Based on (1) the subject property being located partially within a neighborhood center near the intersection of Dessau Road and Howard Lane; (2) the paucity of community commercial uses in the area and prevalence of residential subdivisions; and (3) the Imagine Austin policies referenced above, staff believes that the proposed zoning change from MF-3 and SF-2-CO to GR is supported by the Imagine Austin Comprehensive Plan.

This property is also situated within the boundaries of the Barton Springs Contributing Zone, which is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and “contribute” water to the aquifer. *One of the Land Use and Transportation policies, LUT P21 (p. 102), clarifies the intent, “Ensure that redevelopment in the Edwards Aquifer’s recharge and contributing zones maintains the quantity and quality of recharge of the aquifer.”* The IACP supports redevelopment over the contributing zones of the Edwards and Barton Springs Aquifer but also requires that ‘state-of-the-art development practices’ be utilized, which respects the context of these environmentally sensitive lands. Therefore while staff believes the proposed zone change is supportive the IACP’s vision of creating a compact and connected city of complete communities, IACP requires that the property be redeveloped in a fashion that supports maintenance of the quantity and quality of recharge of the aquifer.

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 Harris Branch Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City’s Land Development Code.

According to floodplain maps there is a floodplain adjacent to the project boundary. Based upon the close proximity of floodplain, 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.

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 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.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

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:

<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%

Note: The most restrictive impervious cover limit applies.

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.

Site Plan

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

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

Access to Fish Lane is prohibited until the roadway is improved to collector street standards.

The traffic impact analysis for this site was waived because a TIA was prepared for the zoning case C14-04-0056. An addendum may be required at time of site plan.

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Dessau	140	MAD 4	Arterial	No	No	Yes
Fish Lane	70	20	Collector	No	No	No

Water and Wastewater

FYI: 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 by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

LAND STRATEGIES INC.

Attachment A

PAUL LINEHAN & ASSOCIATES

April 29, 2013

Attn: Sherri Sirwaitis
City of Austin
Neighborhood Planning & Zoning
505 Barton Springs Road, 5th Floor
Austin, Texas 78704


Re: Fort Dessau (C14-2013-0041)
Amended Zoning Request

Dear Sherri:

Land Strategies, Inc., on behalf of the landowner, respectfully submit this amendment to the zoning change request for the Fort Dessau project, located at 1602 Fish Lane, in the full-purpose jurisdiction of the City of Austin, Travis County, Texas. The original zoning request was for GR (Community Commercial) zoning on 1.94 acres, to accommodate a proposed amenity center for the single-family subdivision the parcel abuts. The 1.94 acres was comprised of approximately 1.4203 acres of SF-2-CO zoning and approximately 0.52 acres of MF-3 zoning. After further discussion with you, we have determined that the proposed amenity center can be supported with MF-3 (Multifamily Residence Medium Density) zoning. Therefore, this amended zoning request is specific to the 1.4203 acres of land currently zoned SF-2-CO, as reflected on the amended zoning application submitted to you.

Please feel free to contact me should you have any questions or need more information.

Best regards,



Paul W. Linehan, ASLA
President

PWL:enw

cc: Kevin Pape
cc: Richard Maier
cc: John C. Fish

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DEVELOPMENT / PLANNING CONSULTANTS & LANDSCAPE ARCHITECTURE

1010 LAND CREEK COVE, SUITE 100 • AUSTIN, TEXAS 78746 • (512) 328-6050 • FAX: (512) 328-6172

PAUL LINEHAN & ASSOCIATES

June 12, 2013

Planning Commissioner, Betty Baker
Planning Commissioner, Patricia Seeger
Planning Commissioner, Cynthia Banks
Planning Commissioner, Jason Meeker

Planning Commissioner, Gabriel Rojas
Planning Commissioner, Sean Compton
Planning Commissioner, Rahm McDaniel

Re: Fort Dessau, C14-2013-0041
Historical Information

Dear Commissioners:

Land Strategies, Inc. represents the property owners and developer of the Fort Dessau property, located at 1602 Fish Lane, in the full-purpose jurisdiction of the City of Austin, Travis County, Texas, in the above referenced zoning case. The ±1.42-acre property is currently zoned SF-2-CO, and we have requested to rezone the property to MF-3, which is in keeping with the current zoning of the immediately surrounding property. The property in question includes an existing house, which is proposed to be used as an amenity center for the residential subdivision currently in review by City of Austin staff, case number C8-2013-0058.

The zoning case was originally heard at Planning & Zoning Commission on May 21, 2013, wherein it was postponed to June 18, 2013, in order to review the historical significance of the subject property. The following information is provided as a general chronology of the property.

Chronology of the Property and Existing House. The Fort Dessau property, located at 1602 Fish Lane, is a family property. The property was previously owned by Janet Long Fish, the daughter of Walter E. Long. The property is currently owned by John Fish (son of Janet Long Fish) and his wife, Dana. In the 1970s, the house was discussed at the Historical Landmark Commission. However, due to an addition made in the 1920s, it was determined that any historical significance of the house was negated. Additionally, in the 1980s, the house was again expanded to add a kitchen and bedrooms. With the number of major structural changes to the house over the last 30 years or so, we do not feel the house currently has any historical significance, and therefore, it should not be required to have any historical designation or undergo review by the Historical Landmark Commission.

Upcoming Meetings / Public Hearings. I will meet with Steve Sadowsky (Historic Preservation Officer) on Tuesday, June 18, 2013, to discuss the historical designation of the property. That same day, the zoning case will be presented for discussion and approval at Planning & Zoning Commission. It is my understanding that Mr. Sadowsky can provide an update to the Commission on his findings from our meeting earlier that day.

In short, I do not believe that the Fort Dessau property should have any historical designation, or undergo any Historical Landmark Commission review, due to the multitude of changes the

existing house has undergone since the 1920s. Again, it had been reviewed by the Historical Landmark Commission in the 1970s and was determined at that time not to be registered as a historical landmark. I greatly appreciate your review of the information provided above, and look forward to your approval on June 18, 2013 at the Planning & Zoning Commission meeting. We believe that rezoning this site to MF-3 will allow for this building to act as an amenity area for the residential subdivision.

Please feel free to contact me with any questions or should you require additional information.

Best regards,

A handwritten signature in black ink, appearing to read 'Paul W. Linehan', with a stylized, flowing script.

Paul W. Linehan, ASLA
President

PWL:enw

cc: Sherri Sirwaitis, City of Austin Neighborhood Planning & Zoning Dept.
cc: Kevin Pape, DR Horton
cc: John C. & Dana Fish, Property Owners