

Zoning Ordinance Approval

CITY OF AUSTIN

RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: 48

AGENDA DATE: Thu 04/22/2004

PAGE: 1 of 1

SUBJECT: C14-03-0165 - Shaid Zoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3206 West Slaughter Lane (Slaughter Creek Watershed -Barton Springs Zone) from interim-rural residence (I-RR) district zoning to townhouse & condominium residence (SF-6) district zoning. First reading on February 5, 2004. Vote: 6-1, Slusher nay. Second Reading on March 25, 2004. Vote: 6-1, Slusher nay. Conditions met as follows: Restrictive Covenant incorporates the conditions accepted by City Council at second ordinance reading. Applicant: Orrin Shaid and Orrin Shaid III. Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guemsey

THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-03-0165

REQUEST: Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3206 West Slaughter Lane (Slaughter Creek Watershed-Barton Springs Zone) from interim-rural residence (I-RR) district zoning to townhouse & condominium residence (SF-6) district zoning. The Restrictive Covenant provides that at the time a site plan is submitted, it will include an Integrated Pest Management (IPM) Plan and a landscape plan for the use of native and adapted plant materials.

DEPARTMENT COMMENTS:

On Wednesday, April 14, 2004, Mr. Pat Murphy, the City's Environmental Officer inspected the site with the applicant and his engineer. Mr. Murphy's inspection revealed a significant Critical Environmental Feature (CEF) in the form of an 18" in diameter vent hole in the ground along the west side of the property, about halfway between the front and rear property lines. The hole was expelling air and would trigger a 150-foot setback requirement from any future development. This setback would significantly impact the applicant's proposed residential project as contemplated at this time. Mr. Murphy also inspected the proposed creek crossings and determined that two creek crossings could be utilized, in light of the CEF discovery.

The applicant's representative and her engineer had a joint meeting with Zoning and Watershed Protection staff on April 7, 2004 to discuss development issues on the property. The applicant would like to maintain two creek crossings: one to enter the property and one to provide access to its northern portion. The applicant has discussed the use of a freestanding bridge (in lieu of a box culvert which has a concrete-lined bottom) in order to maintain the natural stream course, and agrees not to build residential units in the 100-year flood plain.

The applicant has provided two conceptual plans showing flood plain constraints and residential development of the property. The first plan shows development which may occur by way of the recorded 1978 plat and the second shows development which may occur with the application of SOS regulations. Please refer to Attachment A, following the Zoning Map.

The applicant has entered into a Restrictive Covenant with the City that provides that at the time a site plan is submitted, it will include an Integrated Pest Management (IPM) Plan and a landscape plan for the use of native and adapted plant materials.

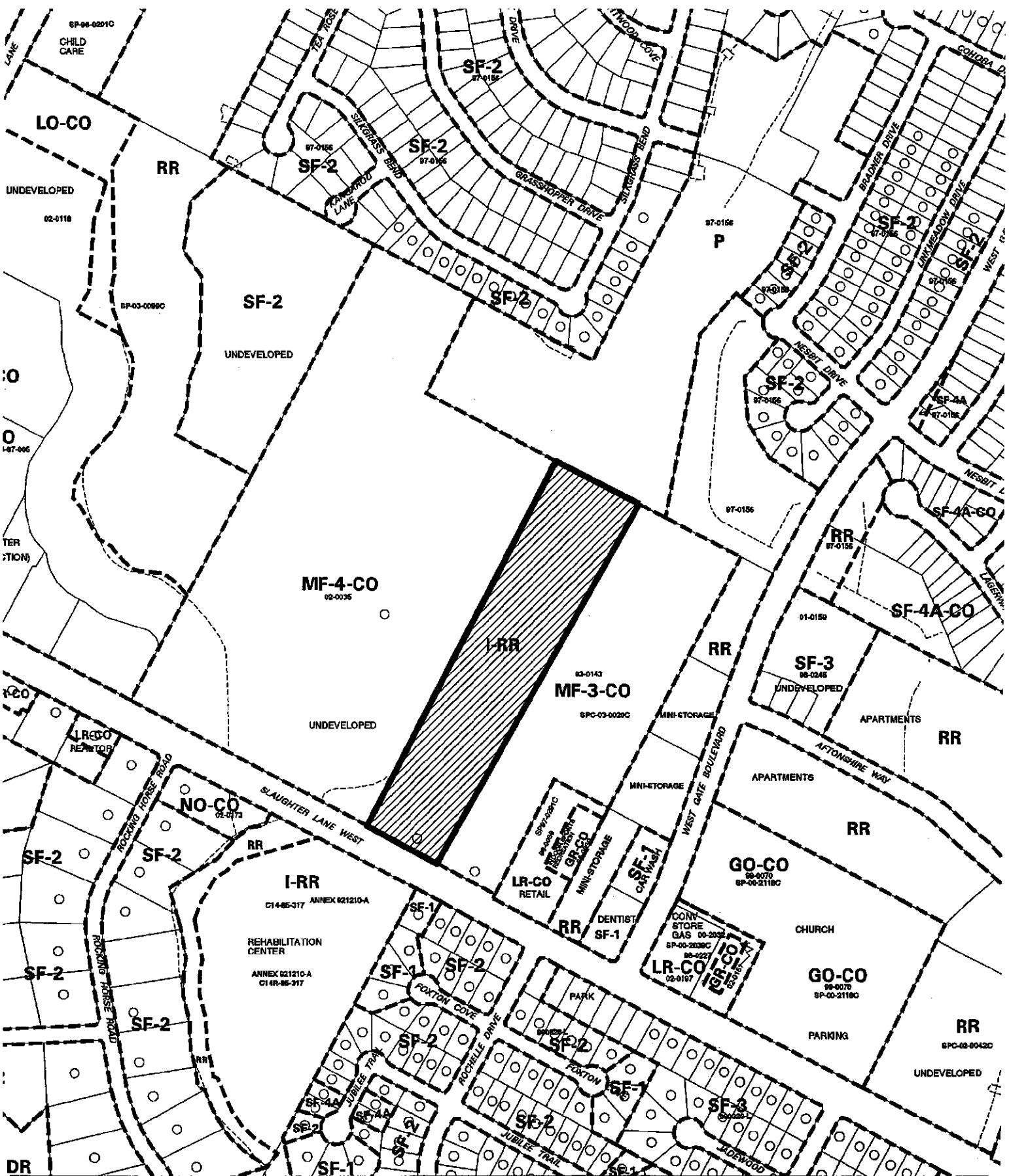
OWNER/APPLICANT: Orrin Shaid and Orrin Shaid III

AGENT: Crocker Consultants (Sarah Crocker)

DATE OF FIRST READING: February 5, 2004, approved SF-6 district zoning, on 1st Reading
(6-1, D.S. – Nay).

DATE OF SECOND READING: March 25, 2004, approved SF-6 district zoning, on 2nd Reading.
Applicant will continue negotiations with the Watershed Protection and Development Review staff.
(6-1, D.S. – Nay).

CITY COUNCIL HEARING DATE: April 22, 2004



 1" = 400'	SUBJECT TRACT		Exhibit A ZONING CASE #: C14-03-0165 ADDRESS: 3206 W SLAUGHTER LANE SUBJECT AREA (acres): 8.900 INTLS: SM	CITY GRID REFERENCE NUMBER D15
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: W. WALSH			
			DATE: 04-01	

Thrower Design

701 Brazos Street, Suite 300A • Austin, Texas • 78701
(512) 476-4456 • Fax (512) 476-4454

February 3, 2004

Ms. Sarah Crocker
Crocker Consultants
809 South Lamar Blvd.
Austin, Texas 78704

RE: Shaid Zoning
C14-03-0165

Dear Ms. Crocker,

We have been asked to prepare two Concept Plans for the above referenced property to identify a reasonable yield of the property utilizing old rules under one scenario and S.O.S. compliance under another scenario.

The flood plain is a large limiting factor in the development of the site. A flood plain analysis was prepared by Chris McComb, P.E., which identified the existing flood plain and a modified flood plain incorporating channel improvements. Other limiting site development factors are the limited frontage for the property at 257', as well as the extensive tree coverage.

Concept Plan 1 is based on the application of older rules governing the development of the property. The modified flood plain and channel improvements which created larger pockets for development. A single driveway from Slaughter Lane serves the entire development of 24 townhome units. These townhome units are 4-units combined into single buildings with a total of 6 building proposed for development. The existing home is retained and can be converted to a clubhouse / common area for the residents of the site.

Concept Plan 2 is based on the current rules, being the S.O.S. rules, governing the development of the property. The site appears to be wholly or partially within the Recharge Zone of the Edward's Aquifer and as such we have only accounted for 15% allowable impervious cover for the entire site as if it were entirely within the recharge zone. The waterway is defined as a minor tributary and the Critical Water Quality Zone

L A N D P L A N N E R S

attachment a

and Water Quality Transition Zone greatly impact the site. As you can see on the attached plan the limited amount of uplands would only allow 5,100 s.f. of development prior to the perimeter roadway deduction required by Code. These deductions reduce the allowable impervious cover of the site to 0 s.f., (The actual computed deduction causes the allowable s.f. to be -1,750 s.f., which is not possible so we rounded this to zero).

I trust that this meets your needs and should you have any questions, please call me at my office.

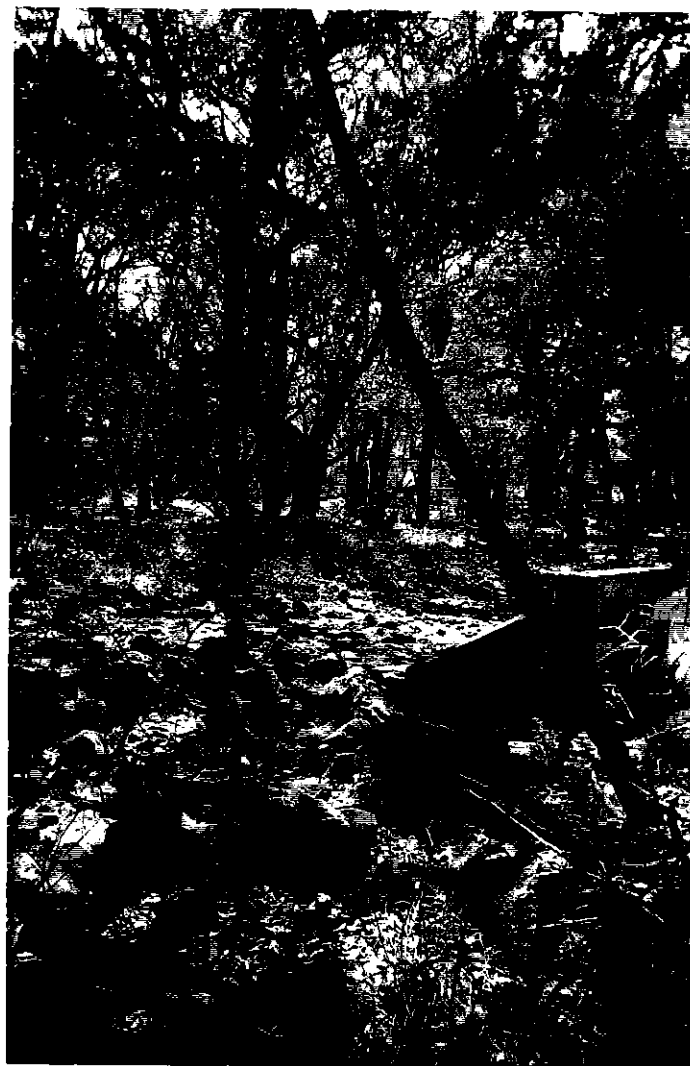
Sincerely,

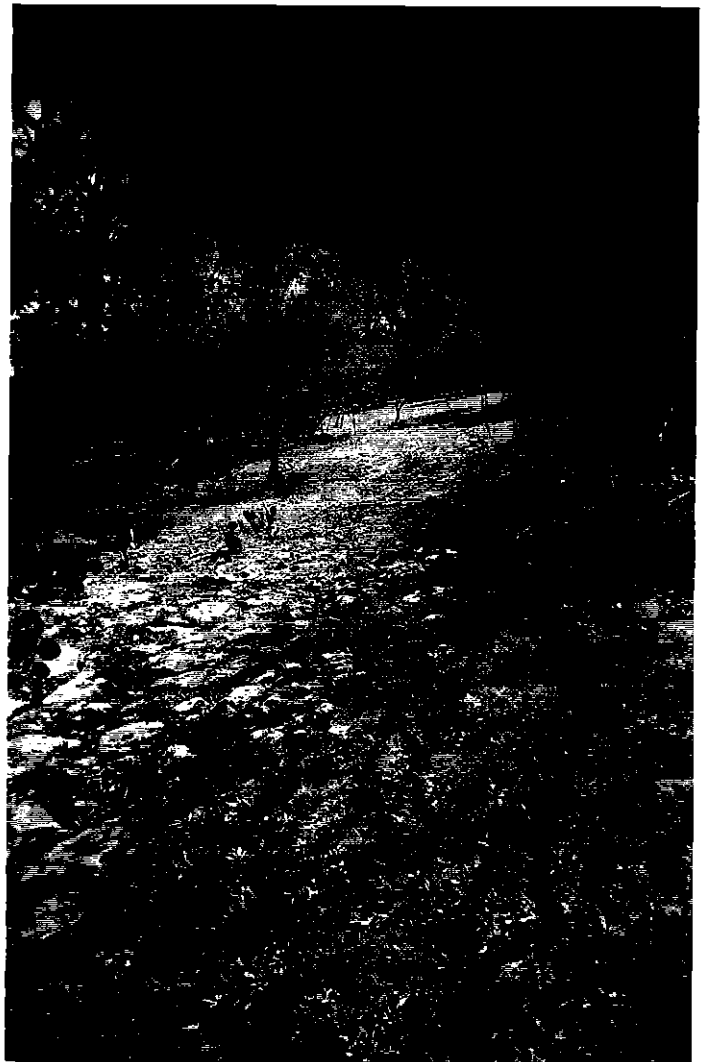
A. Ron Thrower
(original sent without signature via email)

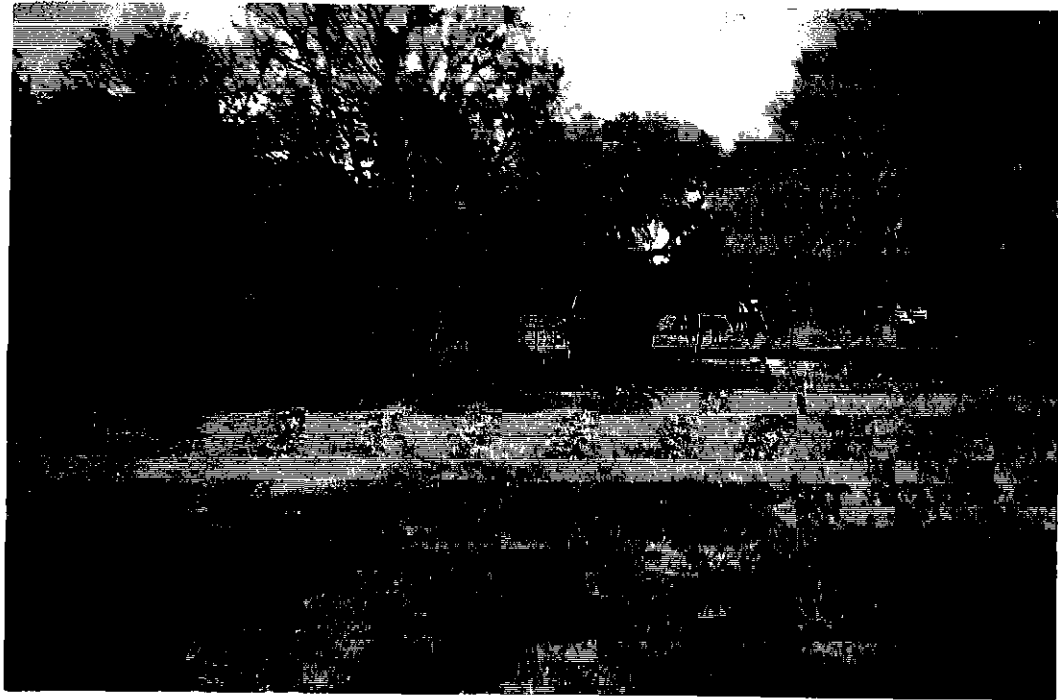
A TITLE SURVEY OF 8.881 ACRES, BEING ALL OF LOT 1, TRIM ADDITION, A SUBDIVISION OF RECORD IN VOLUME 101, PAGE 261 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, LANE AND SURVEY A 8.882 ACRES TRACT OF LAND DESCRIBED IN VOLUME 100, PAGE 211 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS;

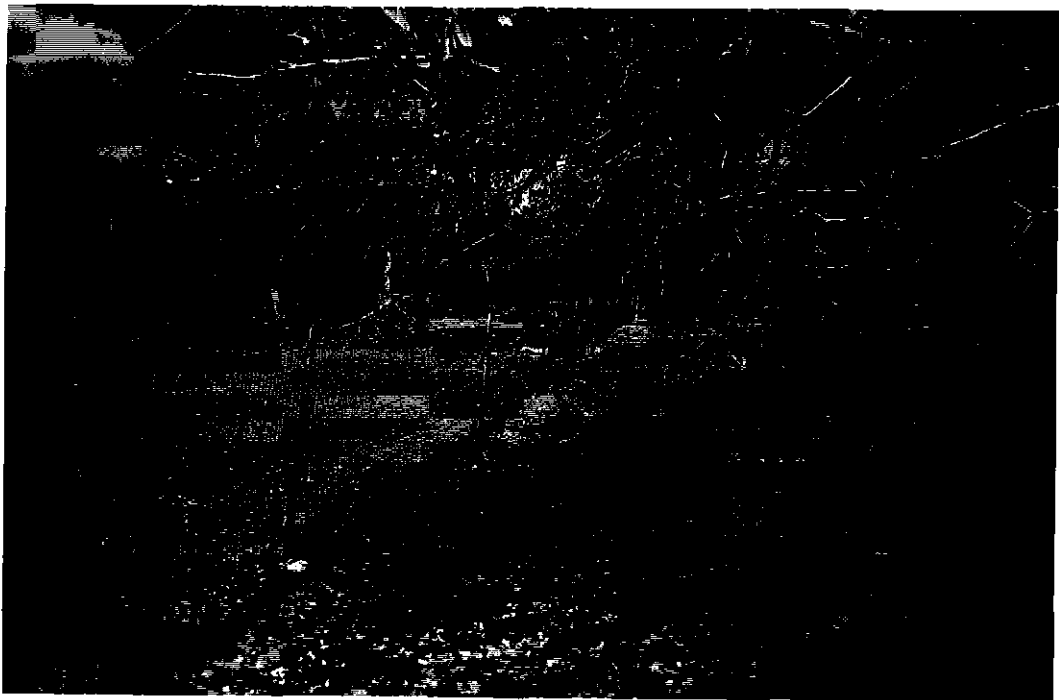
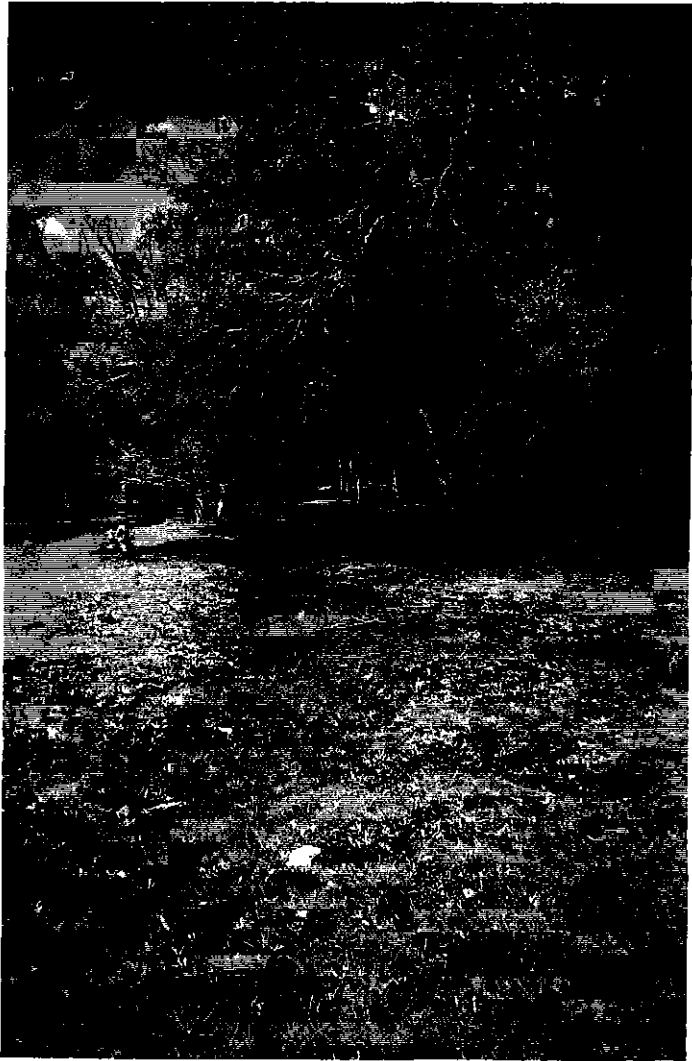
A PORTION OF WHICH IS CONVEYED TO DEAN DEAN JR. BY WARRANTY DEED DATED JULY 2, 1981, OF RECORD IN INSTRUMENT NO. 20234889 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND A PORTION OF WHICH IS CONVEYED TO DEAN AND HENRY A. DEAN BY GENERAL WARRANTY DEED DATED JANUARY 24, 1980, OF RECORD IN INSTRUMENT NO. 20000000 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

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ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 3206 WEST SLAUGHTER LANE AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO TOWNHOUSE AND CONDOMINIUM RESIDENCE (SF-6) DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from interim rural residence (I-RR) district to townhouse and condominium residence (SF-6) district on the property described in Zoning Case No.C14-03-0165, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot A, Trian Addition Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 76, Page 331, of the Plat Records of Travis County, Texas,

locally known as 3206 West Slaughter Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

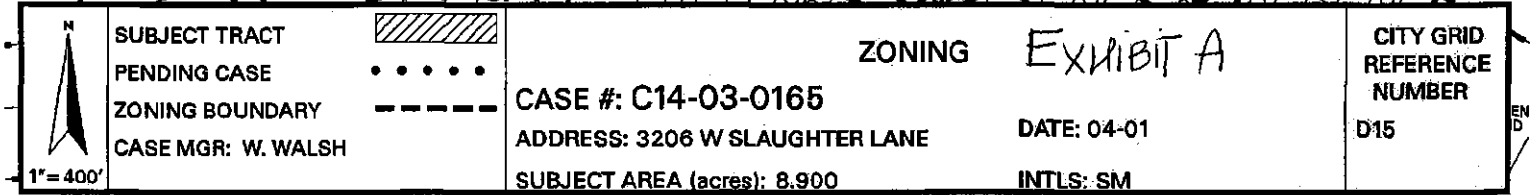
PART 2. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

_____, 2004 §
 §
 §

Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A. Brown
City Attorney City Clerk



RESTRICTIVE COVENANT

OWNER: Orrin Shaid and Orrin Shaid III

ADDRESS: 3206 West Slaughter Lane, Austin, TX 78748

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lot A, Trian Addition Subdivision, a subdivision in the City of Austin, Travis County, according to the map or plat of record, in Plat Book 76, Page 331, of the Plat Records of Travis County, Texas.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval.
2. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.
3. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "A". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "B", may not be included.
4. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
5. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.

6. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
7. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 3 day of March, 2004.

OWNER:

Orrin Shaid

Orrin Shaid

Orrin Shaid III

Orrin Shaid III

APPROVED AS TO FORM:

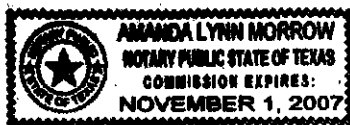
Assistant City Attorney
City of Austin

THE STATE OF TEXAS

COUNTY OF TRAVIS


§

This instrument was acknowledged before me on this the 3 day of March, 2004, by Orrin Shaid.



Amanda Lynn Morrow
Notary Public, State of Texas

COUNTY OF TRAVIS

 LISA LOZANO
NOTARY PUBLIC
State of Texas
Comm. Exp. 04-04-2006

Lisa Lewis
Notary Public, State of Texas

Page 3 of 3

EXHIBIT A

Grow Green Native and Adapted Landscape Plants

Trees

Ash, Texas *Fraxinus texensis*
Arizona Cypress *Cupressus arizonica*
Big Tooth Maple *Acer grandidentatum*
Cypress, Bald *Taxodium distichum*
Cypress, Montezuma *Taxodium mucronatum*
Elm, Cedar *Ulmus crassifolia*
Elm, Lacebark *Ulmus parvifolia*
Honey Mesquite *Prosopis glandulosa*
Oak, Bur *Quercus macrocarpa*
Oak, Chinquapin *Quercus muhlenbergii*
Oak, Southern Live *Quercus virginiana*

Oak, Escarpment Live *Quercus fusiformis*
Oak, Lacey *Quercus glaucoides*
Oak, Monterey (Mexican White) *Quercus polymorpha*
Oak, Shumard *Quercus shumardii*
Oak, Texas Red *Quercus texana* (*Quercus buckleyi*)
Pecan *Carya illinoensis*
Soapberry *Sapindus drummondii*

Small Trees/Large Shrubs

Anacacho Orchit Tree *Bauhinia congesta*
Buckeye, Mexican *Ungnadia speciosa*
Buckeye, Rec *Aesculus pavia*
Carolina Buckthorn *Rhamnus caroliniana*
Cherry Laurel *Prunus caroliniana*
Crape Myrtle *Lagerstroemia indica*
Desert Willow *Chilopsis linearis*
Dogwood, Roughleaf *Cornus drummondii*
Escarpment Black Cherry *Prunus serotina* var. *eximia*
Eve's Necklace *Sophora affinis*
Goldenball Leadtree *Leucaena retusa*
Holly, Possumhaw *Ilex decidua*
Holly, Yaupon *Ilex vomitoria*
Mountain Laurel, Texas *Sophora secundiflora*

Persimmon, Texas *Diospyros texana*
Pistachio, Texas *Pistacia texana*
Plum, Mexican *Prunus mexicana*
Pomegranate *Punica granatum*
Redbud, Mexican *Cercis canadensis* 'mexicana'
Redbud, Texas *Cercis canadensis* var. 'texensis'
Retama Jerusalem Thorn *Parkinsonia aculeata*
Senna, Flowering *Cassia corymbosa*
Smoke Tree, American *Cotinus obovatus*
Sumac, Flameleaf *Rhus lanceolata*
Viburnum, Rusty Blackhaw *Viburnum rufidulum*
Viburnum, Sandankwa *Viburnum suspensum*

Shrubs

- Abelia, Glossy *Abelia grandiflora*
 Agarita *Berberis trifoliata*
 Agave (Century Plant) *Agave* sp.
 American Beartyberry *Callicarpa americana*
 Artemisia *Artemisia* 'Powis Castle'
 Barbados Cherry *Malpighia glabra*
 Barberry, Japanese *Berberis thunbergii* 'Atropurpurea'
 Basket Grass (Sacahuista) *Nolina texana*
 Black Dalea *Dalea frutescens*
 Bush Germander *Teucrium fruticans*
 Butterfly Bush *Buddleja davidii*
 Butterfly Bush, Woolly *Buddleja marrubifolia*
 Coralberry *Symphoricarpos orbiculatus*
 Cotoneaster *Cotoneaster* sp.
 Eleagnus *Eleagnus pungens*
 Esperanza/Yellow Bells *Tecoma stans*
 Flame Acanthus *Anisacanthus quadrifidus* var. *wrightii*
 Fragrant Mimosa *Mimosa borealis*
 Holly, Burford *Ilex cornuta* 'Burfordii'
 Holly, Dwarf Chinese *Ilex cornuta* 'Rotunda nana'
 Holly, Dwarf Yaupon *Ilex vomitoria* 'Nana'
 Jasmine, Primrose *Jasminum mesnyi*
 Kidneywood *Eysenhardtia texana*
 Lantana, Native *Lantana horrida*
 Mistflower, Blue (Blue Boneset) *Eupatorium coelestinum*
 Mistflower, White (Shrubby White Boneset) *Ageratina havanense*
 Mock Orange *Philadelphus coronarius*
 Nandina *Nandina domestica* 'Compacta nana' 'Gulf Stream'
 Oleander *Nerium oleander*
 Palmetto *Sabal minor*
 Prickly Pear *Opuntia engelmannii* var. *lindheimeri*
 Rose, Belinda's Dream *Rosa* 'Belinda's Dream'
 Rose, Lamarne *Rosa* 'Lamarne'
 Rose, Livin' Easy *Rosa* 'Livin' Easy'
 Rose, Marie Pavie *Rosa* 'Marie Pavie'
 Rose, Martha Gonzales *Rosa* 'Martha Gonzales'
 Rose, Mutabilis *Rosa* 'Mutabilis'
 Rose, Nearly Wild *Rosa* 'Nearly Wild'
 Rose, Old Blush *Rosa* 'Old Blush'
 Rose, Perle d'or *Rosa* 'Perle d'or'
 Rock Rose *Pavonia lasiopetala*
 Rosemary *Rosmarinus officinalis*
 Sage, Mountain *Salvia regia*
 Sage, Texas (Cenizo) *Leucophyllum frutescens*
 Senna, Lindheimer *Cassia lindheimeriana*
 Southern Wax Myrtle *Myrica cerifera*
 Sumac, Evergreen *Rhus virens*
 Sumac, Fragrant (Aromatic) *Rhus aromatica*
 Texas Sotol *Dasylirion texanum*
 Turk's Cap *Malvaviscus arboreus*
 Yucca, Paleleaf *Yucca pallida*
 Yucca, Red *Hesperaloe parviflora*
 Yucca, softleaf *Yucca recurvifolia*
 Yucca, Twistleaf *Yucca rupicola*

Perennials

- Black-eyed Susan *Rudbeckia hirta*
 Bulbine *B. frutescens* or *caulescens*
 Bush Morning Glory *Ipomoea fistulosa*
 Butterfly Weed *Asclepias tuberosa*
 Butterfly Weed 'Mexican' *Asclepias curassivica*
 Cast Iron Plant *Aspidistra elatior*
 Chile Pequin *Capsicum annuum*
 Cigar Plant *Cuphea micropetala*
 Columbine, Red *Aquilegia canadensis*
 Columbine, Yellow *Aquilegia chrysantha* 'Texas Gold'
 Coreopsis *Coreopsis lanceolata*
 Daisy, Blackfoot *Melampodium leucanthum*
 Daisy, Copper Canyon *Tagetes lemmonii*
 Damiantia *Crysactina mexicana*
 Fall Aster *Aster oblongifolius*
 Fern, River *Thelypteris kunthii*
 Firebush *Hamelia patens*
 Gaura *Gaura lindeheimeri*
 Gayfeather *Liatris mucronata*
 Gregg Dalea *Dalea greggii*
 Hibiscus, Perennial *Hibiscus moscheutos*, *Hibiscus coccineus*
 Honeysuckle, Mexican *Justicia spicigera*
 Hymenoxys (Four Nerve Daisy) *Tetranneuris scaposa*
 Indigo Spires *Salvia 'Indigo Spires'*
 Iris, Bearded *Iris albicans*
 Iris, Butterfly/Bicolor (African) *Dietes sp.*
 Lamb's Ear *Stachys byzantina*
 Lantana *Lantana x hybrida* (many varieties)
 Lantana, Trailing *Lantana montevidensis*
 Marigold, Mexican Mint *Tagetes lucida*
 Obedient Plant, Fall *Physostegia virginiana*
 Oregano, Mexican *Poliomintha longiflora*
 Penstemon *Penstemon sp.*
 Phlox, Fragrant *Phlox pilosa*
 Pink Skullcap *Scutellaria suffrutescens*
 Plumbago *Plumbago auriculata*
 Poinciana, Red Bird of Paradise, Pride of Barbados
Caesalpinia pulcherrima
 Primrose, Missouri *Oenothera macrocarpa*
 Purple Coneflower *Echinacea purpurea*
 Ruellia *Ruellia brittoniana*
 Sage, Cedar *Salvia roemeriana*
 Sage, Jerusalem *Phlomis fruticosa*
 Sage, Majestic *Salvia guaranitica*
 Sage, Mealy Blue *Salvia farinacea*
 Sage, Mexican Bush *Salvia leucantha*
 Sage, Penstemon, Big Red Sage *Salvia penstemonoides*
 Sage, Russian *Perovskia atricplifolia*
 Sage, Scarlet or 'Tropical' *Salvia coccinea*
 Salvia, Gregg (Cherry Sage) *Salvia greggii*
 Shrimp Plant *Justicia brandegeana*
 Texas Betony *Stachys coccinea*
 Verbena, Prairie *Verbena bipinnatifida*
 Yarrow *Achillea millefolium*
 Zexmenia *Wedelia texana*

Ornamental Grasses

Bluestem, Big *Andropogon gerardii*
 Bluestem, Bushy *Andropogon*
glomeratus
 Bluestem, Little *Schizachyrium*
scoparium
 Fountain Grass, Dwarf *Pennisetum*
alopecuroides
 Indian Grass *Sorghastrum nutans*
 Inland Sea Oats *Chasmanthium*
latifolium

Mexican Feathergrass (Wiregrass) *Stipa*
tenuissima
 Muhly, Bamboo *Muhlenbergia dumosa*
 Muhly, Big *Muhlenbergia lindheimeri*
 Muhly, Deer *Muhlenbergia rigens*
 Muhly, Gulf *Muhlenbergia capillaris*
 Muhly, Seep *Muhlenbergia reverchonii*
 Sideoats Grama *Bouteloua curtipendula*
 Wild Rye *Elymus canadensis*

Vines

Asian Jasmine *Trachelospermum*
asiaticum
 Carolina Jessamine *Gelsemium*
sempervirens
 Coral Vine *Antigonon leptopus*
 Crossvine *Bignonia capreolata*
 Fig Vine *Ficus pumila*

Honeysuckle, Coral *Lonicera*
sempervirens
 Lady Banksia Rose *Rosa banksiae*
 Passion Vine *Passiflora incarnata*
 Trumpet Vine *Campsis radicans*
 Virginia Creeper *Parthenocissus*
quinquefolia

Groundcover

Aztec Grass *Ophiopogon japonicus*
 Frogfruit *Phyla incisa*
 Horserb *Calypocarpus vialis*
 Leadwort *Plumbago Ceratostigma*
plumbaginoides
 Liriope *Liriope muscari*
 Monkey Grass (Mondo Grass)
Ophiopogon japonicus
 Oregano *Origanum vulgare*
 Periwinkle, Littleleaf *Vinca minor*
 Pigeonberry *Rivina humilis*

Purple Heart *Secreasea pallida*
 Santolina (Lavender Cotton) *Santolina*
chamaecyparissus
 Sedge, Berkeley *Carex tumulicola*
 Sedge, Meadow *Carex perdentata*
 Sedge, Texas *Carex texensis*
 Sedum (Stonedrop) *Sedum nuttallianum*
 Silver Ponyfoot *Dichondra argentea*
 Woolly Stemodia *Stemodia lanata*
(Stemodia tomentosa)

Turf Grasses

Bermuda 'Tif 419', 'Sahara', 'Baby',
 'Common'
 Buffalo '609', 'Stampede', 'Prairie'
 St. Augustine 'Baby', 'Common',
 'Raleigh', 'Delmar'

Zoysia, Fine Leaf 'Matrella', 'Emerald',
 'Zorro'
 Zoysia, Coarse Leaf 'Japonica', 'Jamur',
 'El Toro', 'Palisade'

EXHIBIT B

Invasive Species/Problem Plants

PLANTS TO AVOID

INVASIVES

(Plants that are non-native to the Central Texas ecosystem and tend to out-compete native species)

Do Not Plant

(Travel by seeds, berries, and spores so can be transported long distances. They have already invaded preserves and greenbelts):

- Arizona Ash
- Chinaberry
- Chinese Pistache
- Chinese Tallow
- Chinese Privet
- Elephant Ear
- Holly Fern
- Japanese Honeysuckle
- Ligustrum, Wax Leaf
- Mimosa
- Mulberry, Paper
- Nandina (large, berrying varieties)
- Photinia, Chinese
- Pyracantha
- Tamarisk
- Tree of Heaven

Do Not Plant Near

Parks/Preserves/Greenbelts

(travel by runners, rhizomes, and stems so only invade neighboring areas):

- Bamboo
- English Ivy
- Vinca (Periwinkle)

PROBLEM TREES AND SHRUBS

(Typically fast-growing, highly adaptable, but often have weak wood and are short-lived. Most are susceptible to insect and disease problems.)

- Arizona Ash
- Azalea (not adapted to Austin soils)
- Boxelder
- Camellia
- Chinaberry
- Chinese Privet
- Chinese Tallow
- Cottonwood
- Ligustrum
- Lombardy Poplar
- Mimosa
- Mulberry, Paper
- Photinia, Chinese
- Siberian Elm
- Silver Maple
- Sweetgum
- Sycamore
- Tree of Heaven

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0165

Z.P.C. DATE: December 2, 2003
December 16, 2003

ADDRESS: 3206 West Slaughter Lane

OWNER AND APPLICANT: Orrin Shaid &
Orrin Shaid III

AGENT: Crocker Consultants
(Sarah Crocker)

ZONING FROM: I-RR

TO: SF-6

AREA: 8.900 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant townhouse and condominium residence (SF-6) district zoning.

ZONING & PLATTING COMMISSION RECOMMENDATION:

December 2, 2003: *POSTPONED TO 12/16/03 DUE TO NOTIFICATION PROBLEMS (STAFF)*
[J.M; J.G 2ND] (9-0)

December 16, 2003: *APPROVED STAFF'S RECOMMENDATION OF SF-6 ZONING; BY*
CONSENT.
[J.M; J.G 2ND] (8-0) C.H – ABSENT

ISSUES:

On Wednesday, April 14, 2004, Mr. Pat Murphy, the City's Environmental Officer inspected the site with the applicant and his engineer. Mr. Murphy's inspection revealed a significant Critical Environmental Feature (CEF) in the form of an 18" in diameter vent hole in the ground along the west side of the property, about halfway between the front and rear property lines. The hole was expelling air and would trigger a 150-foot setback requirement from any future development. This setback would significantly impact the applicant's proposed residential project as contemplated at this time. Mr. Murphy also inspected the proposed creek crossings and determined that two creek crossings could be utilized, in light of the CEF discovery.

The applicant's representative and her engineer had a joint meeting with Zoning and Watershed Protection staff on April 7, 2004 to discuss development issues on the property. The applicant would like to maintain two creek crossings: one to enter the property and one to provide access to its northern portion. The applicant has discussed the use of a freestanding bridge (in lieu of a box culvert which has a concrete-lined bottom) in order to maintain the natural stream course, and agrees not to build residential units in the 100-year flood plain.

The applicant has provided two conceptual plans showing flood plain constraints and residential development of the property. The first plan shows development which may occur by way of the recorded 1978 plat and the second shows development which may occur with the application of SOS regulations. Please refer to Attachment A, following the Zoning Map.

The applicant has entered into a Restrictive Covenant with the City that provides that at the time a site plan is submitted, it will include an Integrated Pest Management (IPM) Plan and a landscape plan for the use of native and adapted plant materials.

DEPARTMENT COMMENTS:

The subject property consists of one single family residence and otherwise undeveloped acreage on one platted lot, and is zoned interim – rural residence (I-RR) district. Access is taken to Slaughter Lane, an improved, 6- lane major arterial roadway. Please refer to Exhibits A and A-1.

The applicant proposes to rezone the property to the townhouse and condominium residence (SF-6) district and develop the property with townhouse / condominium uses.

This segment of West Slaughter Lane between West Gate Boulevard and Brodie Lane is in transition from undeveloped property and single family residences on large lots to multi-family residential (MF-4-CO) and commercial zoning (GR-CO, LR-CO) and development. The MF-4-CO property adjacent to the west as well as the proposed MF-3-CO property adjacent to the east have been approved with conditions including SF-6 density and uses. The applicant's request for SF-6 zoning is appropriate along West Slaughter Lane and will further diversify the range of housing choices available in the general area. Townhouse / condominiums are compatible with the surrounding zoning and development which includes a shopping center with a grocery store, bank, restaurant and other retail uses, proposed multi-family to the west, and proposed convalescent services facility to the east.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	One single family residence; Undeveloped
<i>North</i>	P; RR; SF-2	Single family residences; Drainage area; Undeveloped
<i>South</i>	NO-CO; RR; I-RR; SF-1; SF-2; SF-3	Single family residence; Undeveloped; Rehabilitation center; Neighborhood park
<i>East</i>	MF-3-CO; LR-CO; GR-CO; RR; SF-1; GO-CO; SF-3	Single family residence proposed for Convalescent Services; Administrative and business office; Personal improvement services – athletic facility; Convenience storage; Medical office; Auto washing; Service station with auto washing; Church; Apartments; Undeveloped
<i>West</i>	MF-4-CO; GR-CO; RR	Undeveloped; Shopping center with food sales, financial services and restaurants

AREA STUDY: N/A**TIA:** Is not required**WATERSHED:** Slaughter Creek – Barton Springs Zone **DESIRED DEVELOPMENT ZONE:** No**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

217 – Tanglewood Forest Neighborhood Association	384 – Save Barton Creek Association
385 – Barton Springs Coalition	405 – Residents of Oak Parke
428 – Barton Springs / Edwards Aquifer Conservation District	
465 – Cherry Creek on Brodie Neighborhood Assn.	511 – Austin Neighborhoods Council
918 – Davis Hills Estate HOA	943 – Save Our Springs Alliance
959 – Villages Neighborhood Association	

SCHOOLS:

Kocurek Elementary School

Bailey Middle School

Bowie High School

CASE HISTORIES:

NUMBER	REQUEST	ZONING AND PLATTING COMMISSION / PLANNING COMMISSION	CITY COUNCIL
C14-03-0143	I-RR to MF-3-CO	To Grant MF-3-CO with CO to include Convalescent Services as the only permitted MF-3 use and all other SF-6 uses.	Approved MF-3-CO as recommended by the Zoning and Platting Commission (12-11-03).
C14-02-0173	DR to GR	To Grant NO-CO with conditions of no additional impervious cover and prohibit access from Rocking Horse Road.	Approved NO-CO as recommended by ZAP and a Restrictive Covenant for IPM Plan and use of native / adapted plant materials (7-17-03)
C14-02-0118	LO-CO to GR	To Grant GR-CO with list of prohibited uses and 2,000 trips per day	Approved GR-CO as recommended by ZAP (7-31-03)
C14-02-0035	I-RR to MF-4	To Grant MF-4-CO with conditions: Restrict development to MF-3 development standards, except height – limit of 45 feet; SF-6 density; 2,000 vehicle trips per day; 300 foot wide buffer along the north property line.	Approved MF-4-CO with Conditional Overlay restricting development to MF-3 standards with exception of a 45' height limit; SF-6 density; 2,000 trips; 300' wide vegetative buffer along north property line, adjacent to adjoining residential district, with limited improvements allowed. A Restrictive Covenant requires the use of native plants and an IPM Plan. (11-21-02).
C14-02-0151	LR-CO to GR-CO	To GR-CO with CO limiting property to vehicle trips to 300 per day	Approved GR-CO, as recommended by ZAP (12-5-02)
C14-02-0197	LR-CO to LR-CO	To Grant LR-CO with CO for 2,700 trips per	Approved LR-CO as recommended by ZAP

		day and one term sign	(2-6-03)
C14-01-0159	LO-CO to SF-3	To Grant SF-3	Approved SF-3 (1-10-02)
C14-00-2032	LR-CO to LR-CO	To Grant LR-CO w/conds.	Approved LR-CO w/conds. (4-20-00)
C14-99-0070	I-RR to GO	To Grant GO-CO w/conds.	Approved GO-CO w/conds.(12-2-99)
C14-97-0156	I-RR and I-SF-2 to RR; SF-1; SF-2; SF-3; SF-4; SF-6; GR; P	To Grant RR; SF-2; SF- 4A; LO; LR; and P	Approved RR; SF-2; SF- 4A; LO; P w/conds. (6-25-98)
C14-96-0039	I-RR to GR; LR	To Grant GR-CO on Tract 1; LR-CO on Tract 2	Approved as per PC recommendation (5-23-96)

RELATED CASES:

The subject property was annexed into the City limits on December 31, 1992 (Ordinance Number 921210-A) and assigned I-RR district zoning.

The property is platted as Lot A of Trian Addition, recorded in May 1978 (C8s-78-073). Please refer to Exhibit B.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
West Slaughter Lane	100 feet	2 @ 32 feet	Arterial	24,750 (1998)

** There is a funded Capital Improvement Project to widen the Slaughter / Brodie Lanes intersection by adding left-turn lanes.

There are no sidewalks along this portion of Slaughter Lane.

Capital Metro bus service is not available within 1/4 mile of this property.

Slaughter Lane between Brodie Lane and Manchaca Road is classified in the Bicycle Plan as a Priority 1 bike route (Route #86).

<u>CITY COUNCIL DATE:</u>	January 15, 2004	<u>ACTION:</u> Approved postponement request by the Applicant to 2-5-04 (6-0, McCracken off the dais)
	February 5, 2004	Approved SF-6 district zoning on 1 st Reading (6-1, D.S – Nay)
	March 4, 2004	Approved postponement request by the Applicant to 3-25-04 (6-0, McCracken off the dais)
	March 25, 2004	Approved SF-6 district zoning on 2 nd

Reading. Applicant will continue negotiations with Watershed Protection and Development Review Department staff. (6-1, D.S – Nay)

April 15, 2004

Approved postponement request by the Staff to 4-22-04 to continue working with the Applicant (7-0)

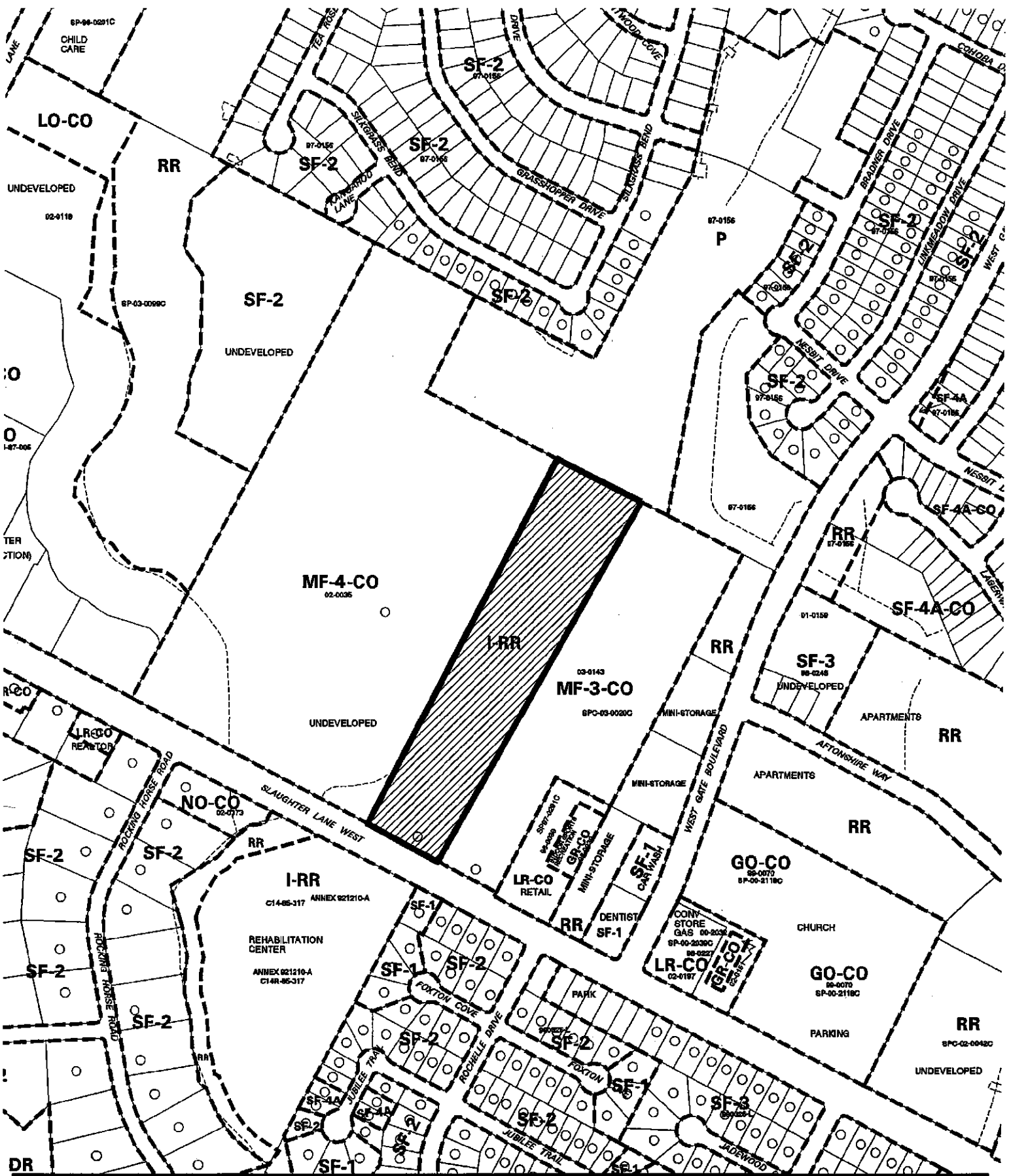
April 22, 2004

ORDINANCE READINGS: 1st February 5, 2004 2nd March 25, 2004 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



 1" = 400'	SUBJECT TRACT		ZONING Exhibit A		CITY GRID REFERENCE NUMBER D15
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-03-0165 ADDRESS: 3206 W SLAUGHTER LANE SUBJECT AREA (acres): 8.900	DATE: 04-01 INTLS: SM	
	CASE MGR: W. WALSH				

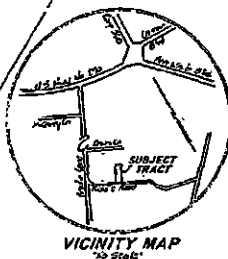


TRIAN ADDITION

John P. Andrews
161 1052 Pg 559
same plat

SCALE 1"=100'

LEGEND
- Iron An found



STATE OF TEXAS
COUNTY OF TRAVIS
KNOW ALL MEN BY THESE PRESENTS:
THAT WE, NATHAN AND VIRGINIA LISON, OWNERS OF 8.86 ACRES OF LAND OUT OF THE THEODORE BASSILL LEASE IN TRAVIS COUNTY, TEXAS, AS CONVEYED TO US BY DEED RECORDED IN VOLUME 1022, PAGE 364 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, DO HEREBY SUBDIVIDE SAID TRACT OF LAND IN ACCORDANCE WITH THE PLAT AS SHOWN HEREON, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED TO BE KNOWN AS TRIAN ADDITION AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS AS SHOWN HEREON.
WITNESS OUR HANDS THIS 2nd DAY OF May, 1978, A.D.

STATE OF TEXAS
COUNTY OF TRAVIS
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED NATHAN AND VIRGINIA LISON, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 2nd DAY OF May, 1978, A.D.
APPROVED FOR ACCEPTANCE MAY 9, 1978, A.D.
DIRECTOR OF PLANNING & RECORDS & MAPS
JAMES G. VIEG

ACCEPTED AND AUTHORIZED FOR RECORD BY THE CITY PLANNING COMMISSION, CITY OF AUSTIN, TEXAS, THIS 9TH DAY OF MAY, 1978, A.D.
CHAIRMAN: Reginald A. Sanchez
SECRETARY: James G. Vieg

STATE OF TEXAS
COUNTY OF TRAVIS
I, DORIS SHROPSHIRE, CLERK OF THE COUNTY COURT, WITHIN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICITY WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK OF THE COUNTY COURT OF TRAVIS COUNTY, TEXAS, AND DULY RECORDED ON THE 31 DAY OF May, 1978, A.D. AT 10:00 O'CLOCK P.M. IN THE PLAT RECORDS OF SAID COUNTY, IN PLAT BOOK 76, PAGE 331.
WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTY, THE DATE LAST WRITTEN ABOVE.

STATE OF TEXAS
COUNTY OF TRAVIS
I, DORIS SHROPSHIRE, COUNTY CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT ON THE 30th DAY OF May, 1978, A.D., THE COMMISSIONERS' COURT OF TRAVIS COUNTY, TEXAS, PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT AND THAT SAID ORDER HAS BEEN ENTERED IN THE MINUTES OF SAID COURT IN BOOK 31, PAGE 314.
WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTY THIS 31st DAY OF May, 1978, A.D.

FILED FOR RECORD ON THE 31 DAY OF May, 1978, A.D.
DORIS SHROPSHIRE, CLERK COUNTY COURT, TRAVIS COUNTY, TEXAS
DEPUTY: James G. Vieg
DORIS SHROPSHIRE, CLERK COUNTY COURT, TRAVIS COUNTY, TEXAS
DEPUTY: James G. Vieg

IN APPROVING THIS PLAT BY THE COMMISSIONERS' COURT OF TRAVIS COUNTY, TEXAS, IT IS UNDERSTOOD THAT THE BUILDING OF ALL STREETS, ROADS OR OTHER PUBLIC THOROUGHFARES OR ANY BRIDGES OR CULVERTS NECESSARY TO BE PLACED ON SUCH ROADS, STREETS OR OTHER PUBLIC THOROUGHFARES SHALL BE THE RESPONSIBILITY OF THE OWNER AND/OR DEVELOPER OF THE TRACT OF LAND COVERED BY THIS PLAT AND IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONERS' COURT OF TRAVIS COUNTY, TEXAS, AND SAID COURT ASSURES NO OBLIGATION TO BUILD ANY OF THE STREETS, ROADS OR OTHER PUBLIC THOROUGHFARES OR ANY BRIDGES OR CULVERTS IN CONNECTION THEREWITH.
THAT THE ACCEPTANCE FOR MAINTENANCE BY TRAVIS COUNTY, TEXAS, OF THE ROADS OR STREETS IN REAL-ESTATE SUBDIVISIONS DOES NOT OBLIGATE THE COUNTY TO INSTALL STREET MARKING SIGNS, AS THIS IS CONSIDERED TO BE A PART OF THE DEVELOPER'S OBLIGATION, BUT THAT EXISTING SIGNS FOR TRAFFIC CONTROL SUCH AS FOR SPEED LIMITS AND STOP AND YIELD SIGNS, SHALL REMAIN THE RESPONSIBILITY OF THE COUNTY.

I, W. HARVEY SMITH, AN AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH CHAPTER 41-27 OF THE AUSTIN CITY CODE; IS TRUE AND CORRECT; AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY-MADE UNDER MY SUPERVISION OR THE CLOSE.

W. HARVEY SMITH
REGISTERED PUBLIC SURVEYOR NO. 725
1214 WEST 12th STREET - AUSTIN, TEXAS 78703
MARCH 3, 1978

HEALTH DEPARTMENT RESTRICTIONS:
No structure in this subdivision shall be occupied until connected to an individual sewage disposal system which has been approved by the Austin-Travis County Health Department.
No structure in this subdivision shall be occupied until connected to a potable water supply from an individual well or an approved public water supply with adequate quantity for family use and operation of an approved septic tank system.
This subdivision is approved for individual water wells. No well may be installed within 150' of a septic system nor may a septic system be installed within 150' of a well.
NOTE: This subdivision is restricted to single family residences only until a public sewer system is available.
Such restrictions are enforceable by the Austin-Travis County Health Department and/or the lot owner or developer.
This subdivision has been accepted for development for septic tank use and private water wells by the Austin-Travis County Health Department.
W. HARVEY SMITH, R.S.
HEALTH OFFICER
DATE 5-1-78
RECEIVED
MAY 3 1978
PLANNING DEPT.
CRS-78-073

EXHIBIT B
RECORDED PLAT

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant townhouse and condominium residence (SF-6) district zoning.

BACKGROUND

The subject property consists of one single family residence and otherwise undeveloped acreage on one platted lot, and is zoned interim – rural residence (I-RR) district. Access is taken to Slaughter Lane, an improved, 6- lane major arterial roadway.

The applicant proposes to rezone the property to the townhouse and condominium residence (SF-6) district and develop the property with townhouse / condominium uses.

This segment of West Slaughter Lane between West Gate Boulevard and Brodie Lane is in transition from undeveloped property and single family residences on large lots to multi-family residential (MF-4-CO) and commercial zoning (GR-CO, LR-CO) and development. The MF-4-CO property adjacent to the west as well as the proposed MF-3-CO property adjacent to the east have been approved with conditions including SF-6 density and uses. The applicant's request for SF-6 zoning is appropriate along West Slaughter Lane and will further diversify the range of housing choices available in the general area. Townhouse / condominiums are compatible with the surrounding zoning and development which includes a shopping center with a grocery store, bank, restaurant and other retail uses, proposed multi-family to the west, and proposed convalescent services facility to the east.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The SF-6, Townhouse and Condominium Residence District, is intended as an area for moderate density single family, duplex, two-family, townhouse and condominium use. The applicant intends to develop the property with a condominium project consisting of detached units.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

This segment of West Slaughter Lane between West Gate Boulevard and Brodie Lane is in transition from undeveloped property and single family residences on large lots to multi-family residential (MF-4-CO) and commercial zoning (GR-CO, LR-CO) and development. The MF-4-CO property adjacent to the west as well as the proposed MF-3-CO property adjacent to the east have been approved with conditions including SF-6 density and uses. The applicant's request for SF-6 zoning is appropriate along West Slaughter Lane and will further diversify the range of housing choices available in the general area. Townhouse / condominiums are compatible with the surrounding zoning and development which includes a shopping center with a grocery store, bank, restaurant and other retail uses, proposed multi-family to the west, and proposed convalescent services facility to the east.

EXISTING CONDITIONS

Site Characteristics

The site consists of one single family residence and otherwise undeveloped acreage. The property slopes towards an unnamed tributary of Slaughter Creek, extending southwest to northeast through the west boundary.

Impervious Cover

The maximum impervious cover allowed by the SF-6 zoning district would be 15% within the Barton Springs Zone by way of the more restrictive watershed regulations.

Environmental

Based on City maps, all or a portion of this site is located over the Edward's Aquifer Recharge Zone. The site is in the Slaughter Creek of the Colorado River Basin. Any portion of the site that is within either the Recharge or Contributing Zone of the Edwards Aquifer is classified as a Barton Springs Zone (BSZ) watershed. Project applications at the time of this report are subject to the SOS Ordinance which allows 15% impervious cover in the recharge zone and 25% impervious cover in the contributing zone.

A determination of whether development of this property qualifies as a project in process and subject to the rules or regulations in effect at the time the original permit application was filed for development of this site, has not yet been made. The determination is made at the time of subdivision / site plan application.

According to flood plain maps, there is no flood plain within the project location.

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

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

Water Quality

The location of the boundary between the Recharge Zone and the suburban zone is important in determining how development on this site will occur. A geologic assessment will need to be completed and reviewed prior to initiating design of the site. Once the boundary is determined, then the water quality system can be established based on the regulations for each classification of watershed. Water quality systems in the Barton Springs Zone are typically designed for non-degradation. This is typically achieved by the use of retention ponds where the captured volume is spread over the site by the use of re-irrigation systems or infiltration systems.

Transportation

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

The trip generation under the requested zoning is estimated to be 774 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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]

TPSD Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility adjustments, or relocation are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

Compatibility Standards

The site is subject to compatibility standards. Along portions of the north and south property lines, the following standards apply:

- No structure may be built within 25 feet of the property line zoned RR or SF-2.
- 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.
- Slaughter Lane is a scenic roadway.

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

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0165-WW

Zoning & Platting Commission Hearing Date: December 16, 2003

Name (please print) CURT STEFKA, Max JAMES, BOB PITTMAN

Address 3107 - 3111 SLAUGHTER LANE WEST

☒ I am in favor

(Estoy de acuerdo)

☐ I object

(No estoy de acuerdo)

WE REPRESENT THE ONE STORY AND TWO STORY
OFFICE ACROSS SLAUGHTER LN.

280-1094

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0165-WW

Zoning & Platting Commission Hearing Date: December 2, 2003

Name (please print)

Heidi + Chris Wolff

Address

3108 Foxton Cove

☐ I am in favor

(Estoy de acuerdo)

☒ I object

(No estoy de acuerdo)

We have enough traffic to contend with. no need to add more!

Strongly

Can't get out of our sub division easily as it is

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0165-WW

Zoning & Platting Commission Hearing Date: December 16, 2003

Name (please print)

Heidi + Chris Wolff

Address

3108 Foxton Cove 78748

☐ I am in favor

(Estoy de acuerdo)

☒ I object

(No estoy de acuerdo)

We have enough traffic already!

Strongly

Can't even get out of our sub division without the fear of being hit. (No Traffic light)

SUBSTANDARD LOT INFORMATION

Definitions:

Substandard Lot means a lot or tract recorded by deed or plat that does not comply with current area, width, or depth requirements, but that complied with the requirements in effect when it was placed on record.

City of Austin Land Development Code:

Section 25-2-943 **SUBSTANDARD LOT**

- (A) A substandard lot may be used for a non residential use that is permitted in the zoning district in which the lot is located if, except for minimum lot area, the use and development complies with the requirements of this title.
- (B) A substandard lot may be used for a residential use that is permitted in the zoning district in which the lot is located if the lot complies with the requirements of this subsection.
 - (1) A substandard lot recorded in the county real property records before March 15, 1946 must:
 - (a) have an area of not less than 4,000 square feet; and
 - (b) be not less than 33 feet wide at the street or at the building line, or have access to a street by an easement that is:
 - (i) not less than ten feet wide if it serves one lot, or not less than 18 feet wide if it serves more than one lot;
 - (ii) not more than 150 feet in length; and
 - (iii) maintained for access by the property owner.
 - (2) A substandard lot recorded in the county real property records after March 14, 1946 must:
 - (a) have and area of not less than 5,570 square feet; and
 - (c) be not less than 50 feet wide.
- C If a substandard lot is used with one or more contiguous lots for a single use or unified development, the requirements of this chapter apply to the aggregation of lots as if the aggregation were a single lot.

TOM, PLEASE SEND THIS TO ME. WE HAVE TO TALK. I'M NOT SURE IF WHAT I SAID BEFORE WAS RIGHT

QUESTION: Can a MF-4 use be placed on a substandard lot recorded after March 15, 1946 if the lot is less than 8000 square feet?

ANSWER: Yes, under Section 25-2-943, a multifamily residential use may be placed on a substandard lot that was recorded after March 15, 1946 if the lot is at least 5750 square feet and the development meets all other current use and site development regulations.

Under Section 25-2-21 (110) a substandard lot is defined as a lot or tract recorded by deed or plat that does not comply with current area, width, or depth requirements, but that complied with the requirements in effect when it was placed on record. Section 25-2-943 allows a use to be placed on a substandard lot under certain conditions.

Under Section 25-2-943(A), a substandard lot may be used for a nonresidential use that is permitted in the zoning district in which the use is located if, except for minimum lot size, the use and site development standards meet current Code requirements. For example, the current Code requirement for minimum lot width for a CS zoning district is 5750 square feet. Under Section 25-2-943(A), however, a developer could use a 4000 square foot substandard lot for a use allowed in CS if the development meets all of the other use and site development standards currently applicable to the use.

Section 25-2-943(B) addresses residential uses. The section allows a substandard lot to be used for a residential use permitted in the zoning district in which the lot is located under certain conditions. Unlike the requirements for nonresidential uses, the Code places minimum lot size and lot width requirements on substandard lots used for residential uses. If the lot was recorded in the county real property records before March 15, 1946, then a substandard lot may be used if it has an area of not less than 4000 square feet and either has a lot width of not less than 33 feet or has access to a street. For a substandard lot recorded in the county real property records after March 15, 1946, the lot must have an area of not less than 5750 square feet and must not be less than 50 feet wide.

Based on Section 25-2-943(B), a MF-4 use can be placed on a substandard lot recorded after March 15, 1946 if the lot is at least 5750 square feet and is 50 feet wide. The lot does not have to be 8000 square feet as required under current Code. The development does, however, have to comply with all other use and site development regulations, including setbacks and site area per unit requirements.