



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-2
AGENDA DATE: Thu 08/26/2004
PAGE: 1 of 1

SUBJECT: C14-04-0087 - Scenic Brook Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Scenic Brook Drive at Thunderbird Road (Williamson Creek Watershed-Barton Springs Zone) from neighborhood office (NO) district zoning to single family residence standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence standard lot (SF-2) district zoning. Applicant: Distinctive Forms, Inc. (Bradley Bohls). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0087

Z.P.C. DATE: July 20, 2004

ADDRESS: Scenic Brook Drive at Thunderbird Road

OWNER AND APPLICANT: Distinctive Forms, Inc. (Bradley Bohls)

ZONING FROM: NO

TO: SF-2

AREA: 0.860 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant single family residence (SF-2) district zoning.

ZONING & PLATTING COMMISSION RECOMMENDATION:

July 20, 2004: *APPROVED SF-2 DISTRICT ZONING, BY CONSENT*
[J.M, J.G 2nd] (8-0) J.P - ABSENT

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject rezoning area consists of two undeveloped, platted lots out of the West Oaks Section Three subdivision. Both lots carry neighborhood office (NO) district zoning with access for the southern lot available from Scenic Brook Drive, while the northern lot is situated at the corner of Scenic Brook and Thunderbird Road. The lots are surrounded by undeveloped land and single family residences on large lots (zoned LR; LO; SF-2; SF-1). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Oak Hill Area Study, completed in October 1985, as well as neighborhood input resulted in a recommendation of single family residence large lot (SF-1) district zoning for both lots. Please refer to Exhibits B, C and D. The original property owner requested neighborhood commercial (LR) district zoning on the southern lot, and in February 1987, both lots were rezoned to the neighborhood office (NO) district. A Restrictive Covenant accompanied the NO rezoning and limited the number of curb cuts to one on each legally subdivided lot on Scenic Brook Drive; 65% impervious cover; a maximum floor-to-area ratio to 0.25 to 1; and established site development and subdivision regulations of the Williamson Creek watershed. Please refer to Exhibit E. The lots have not developed with NO uses as originally envisioned and the new property owner requests a rezoning to the single family residence (SF-2) district, so that two single family residences may be constructed.

SF-2 zoning is appropriate in the context of the adjacent SF-2 and SF-1 zoning on this block of Scenic Brook and Thunderbird, its corresponding character, and the Oak Hill Study which originally recommended low density residences for this property. If SF-2 zoning is granted, impervious cover would be limited to 25%, in accordance with the more restrictive watershed regulations.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	NO	Undeveloped
<i>North</i>	SF-1; CS	Single family residences; Air conditioning / heating services
<i>South</i>	SF-2; LR; LO	Single family residences; Undeveloped
<i>East</i>	SF-1; SF-2	Single family residences; Undeveloped
<i>West</i>	DR; LR; LO; SF-1	Undeveloped; Single family residences

AREA STUDY: Oak Hill (October 1985)**TIA:** Is not required**WATERSHED:** Williamson Creek –
Barton Springs Zone**DESIRED DEVELOPMENT ZONE:** No**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**384 – Save Barton Creek Association
459 – Wynnrock Area Neighborhood Association

385 – Barton Springs Coalition

SCHOOLS:

Oak Hill Elementary School Covington Middle School Bowie High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-02-0095	GR to SF-3	To Grant SF-2	Approved SF-2 (8-8-02)
C14-01-0076	GR to SF-3	To Grant SF-3	Approved SF-3 (8-9-01)
C14-85-288.073RC	RR to GR	To Grant GR w/a Restrictive Covenant for Tracts 1, 2 and 3	Approved PC recommendation (2-19-87)

RELATED CASES:

The two lots are platted as Lots 12 and 13 of West Oaks Section Three subdivision. There is a Restrictive Covenant on the property, provided as Exhibit B.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION
Scenic Brook Drive	50 feet	30 feet	Local
Thunderbird Road	50 feet	30 feet	Local

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

CITY COUNCIL DATE: August 26, 2004

ACTION:

ORDINANCE READINGS: 1st

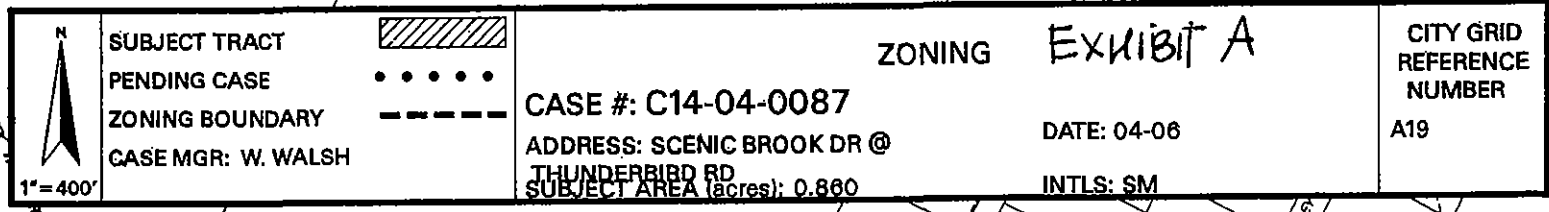
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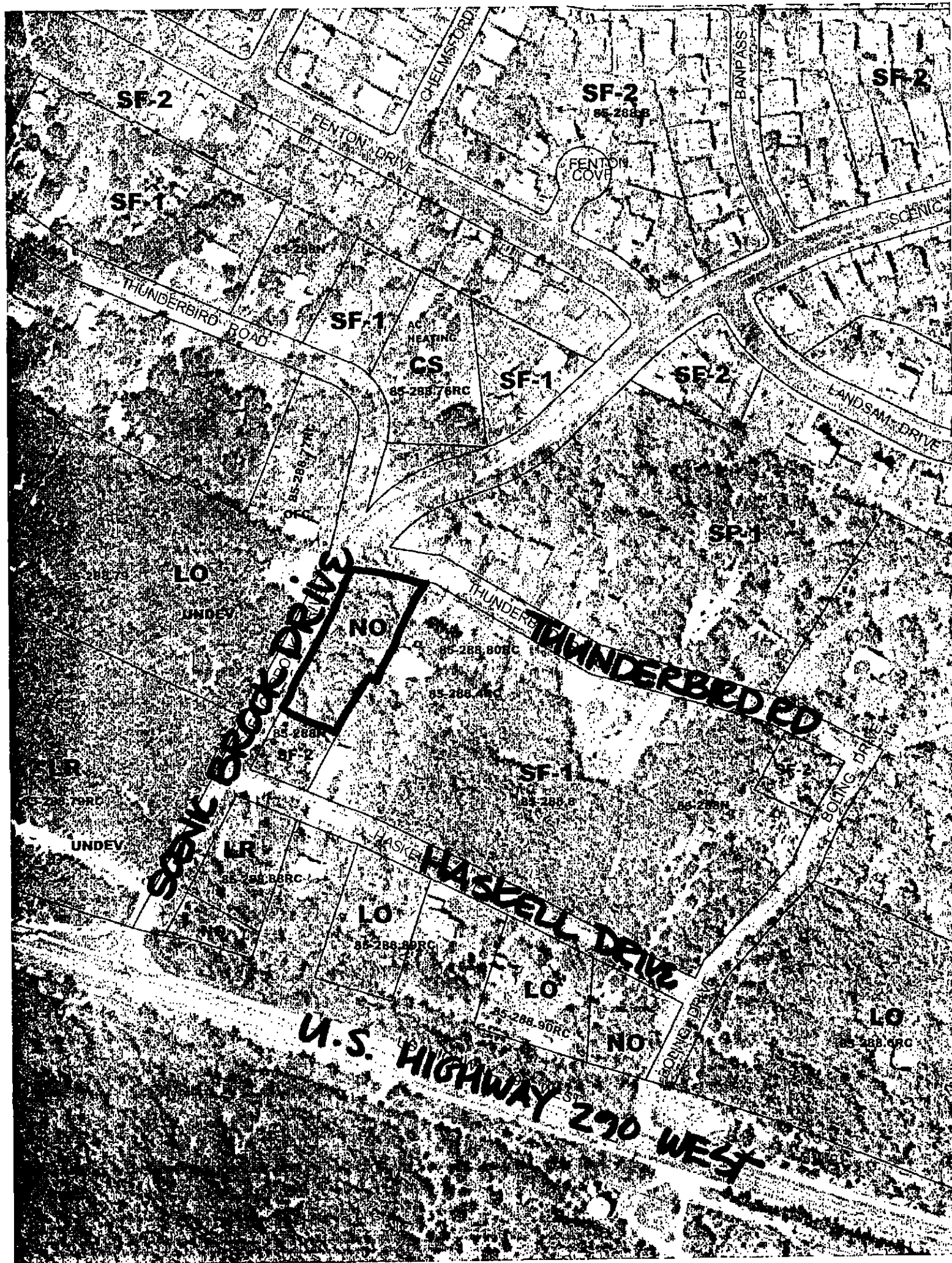
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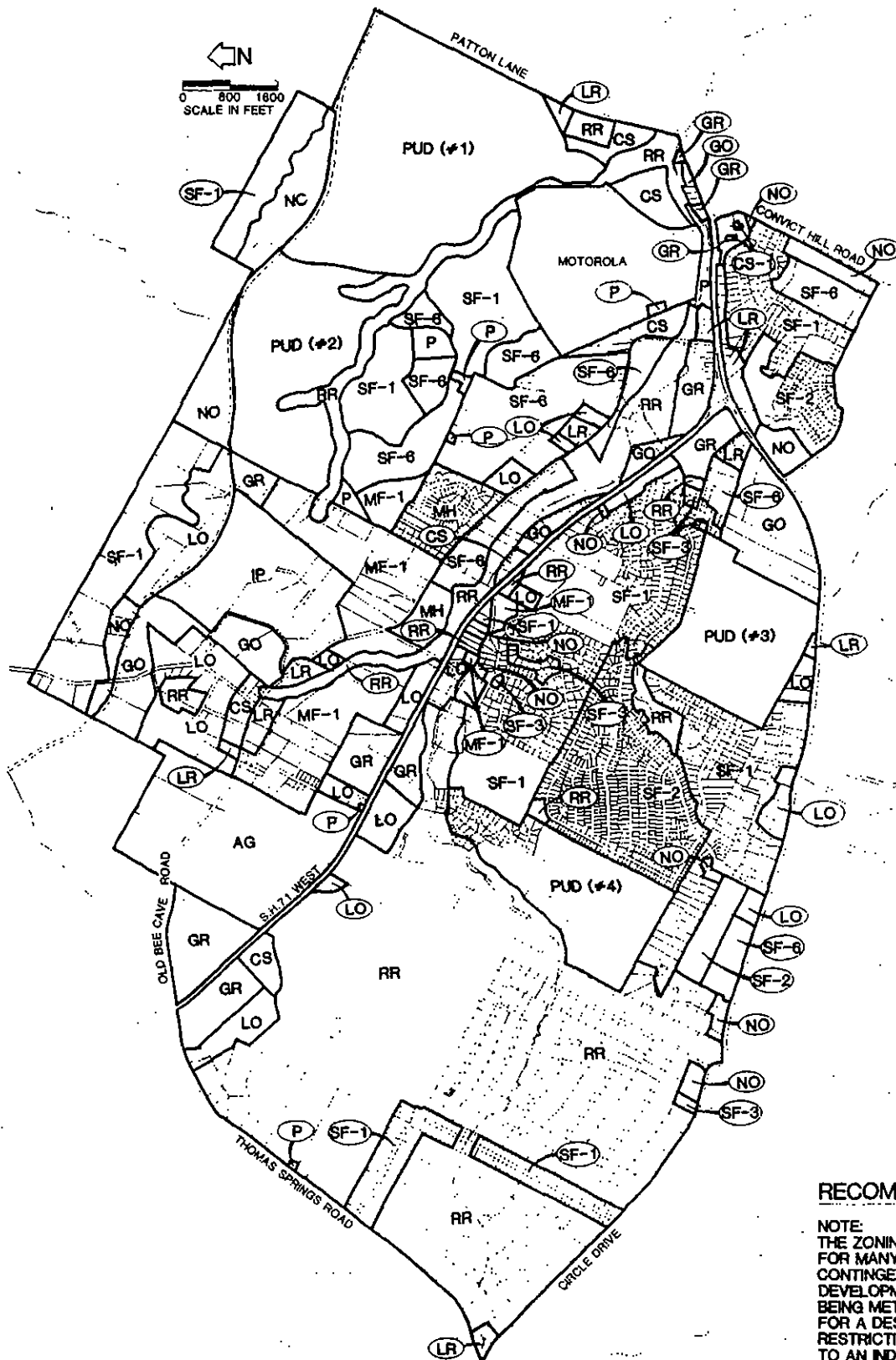
ORDINANCE NUMBER:

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

PHONE: 974-7719



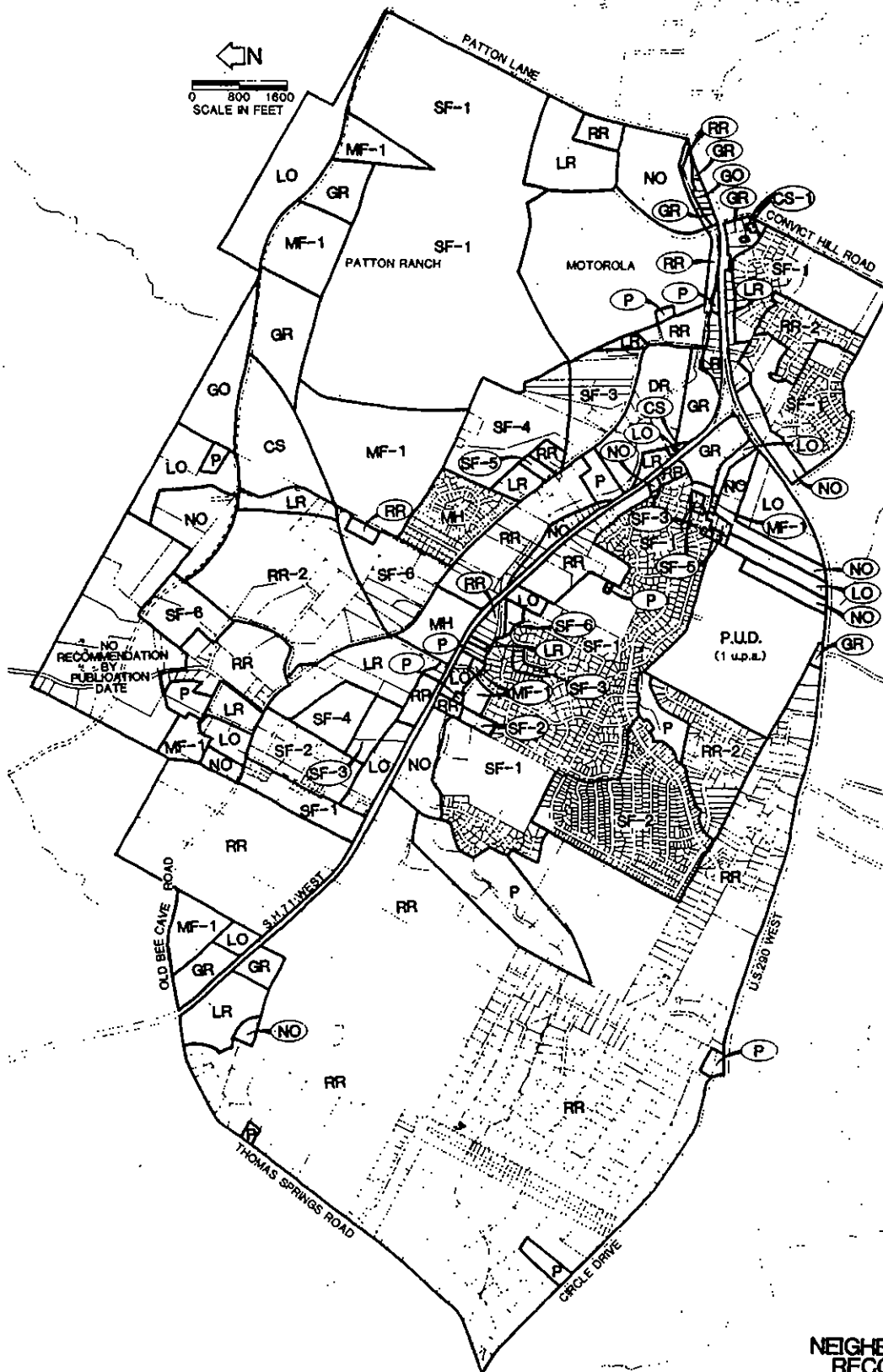




**MAP 4
RECOMMENDED ZONING**

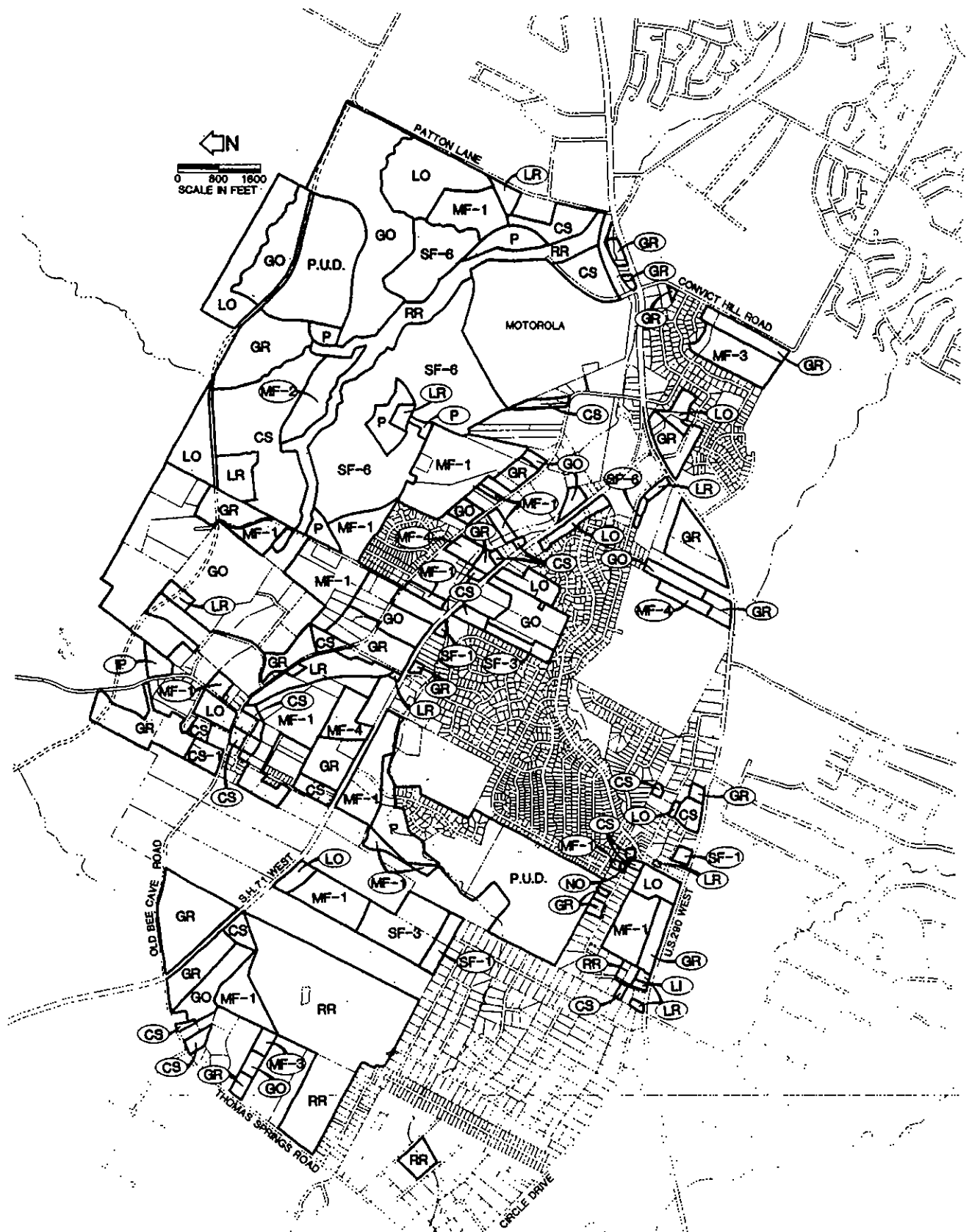
NOTE:
THE ZONING RECOMMENDATIONS
FOR MANY PROPERTIES ARE
CONTINGENT ON CERTAIN
DEVELOPMENT RESTRICTIONS
BEING MET. SEE THE TEXT
FOR A DESCRIPTION OF
RESTRICTIONS THAT MAY APPLY
TO AN INDIVIDUAL PROPERTY.

EXHIBIT B
RECOMMENDED ZONING
OF 1985 OAK HILL AREA STUDY



MAP 6
NEIGHBORHOOD ZONING
RECOMMENDATIONS

EXHIBIT C
NEIGHBORHOOD RECOMMENDED
ZONING OF 1905 OAK HILL
AREA STUDY



MAP 7
PROPERTY OWNERS'
ZONING REQUESTS

EXHIBIT D
PROPERTY OWNER
REQUESTED ZONINGS WITHIN
1985 OAK HILL AREA STUDY

4 22 3241

Zoning Case No. C14-85-288.4 and C14-85-288.80

RESTRICTIVE COVENANT

8:34 AM 8988

5.00 INC
2 2 05/04/8
.99-000
6317.85-CHH

THE STATE OF TEXAS §
COUNTY OF TRAVIS § KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Billy D. Young is the owner of the following described property ("Property") located in Travis County, Texas:

Lots Twelve (12) and Thirteen (13), West Oak Section Three (3), a subdivision in Travis county, Texas, according to the map or plat of said subdivision of record in Plat Book 19, Page 61, Plat Records of Travis County, Texas; and,

WHEREAS, the City of Austin, Texas, and the Owner of the Property have agreed that the Property should be impressed with certain covenants and restrictions running with the land, and desire to set forth such agreement in writing;

NOW, THEREFORE, in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration paid by the City of Austin in hand to the Owner, the receipt and sufficiency of which is acknowledged, the Owner does hereby impress upon the Property, the following covenants and conditions which shall be considered to be covenants running with the land, and which shall be binding on the Owner, his heirs, personal representatives, successors and assigns, as follows:

1. The maximum number of curb cuts on the Property where it fronts on Scenic Brook Drive shall be one per legally subdivided lot.

2. Maximum impervious coverage of the Property shall be 65 percent.

3. The Property shall be limited to a maximum of .25 to 1.0 floor to area ratio as defined by Section 1212 of Chapter 13-2A of the Austin City Code of 1981, as amended (herein "The Austin City Code").

4. If subdivision occurs, development of the Property shall be in compliance with Sections 9-10-171 through 9-10-230 and Sections 13-3-401 through 13-3-475 of the Austin City Code, which regulate site development and subdivisions in the Williamson Creek Watershed.

5. If any person or entity shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, 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.

3. If any part of this agreement or covenant shall be 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.

REAL PROPERTY RECORDS
Travis County, Texas

10229 0963

EXHIBIT E
RECORDED
RESTRICTIVE
COVENANT

4. If at any time the City of Austin, its successors or assigns, 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.

5. 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, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owner(s) of the Property at the time of such modification, amendment or termination.

EXECUTED this the 6th day of February, 1987.

Billy D. Young
Billy D. Young

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 6th day of Feb., 1987, by Billy D. Young.

Marilyn A. Pickwell
Notary Public, State of Texas

MARILYN A. PICKWELL
Printed Name of Notary Public

My Commission Expires: 12-28-90

NOTARY SEAL

FILED

1987 MAY -4 PM 3:54

COUNTY CLERK
TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on
the date and at the time stamped herein by me and
was duly RECORDED, in the Volume and Page of the
named RECORDS of Travis County, Texas on

MAY 4 1987



COUNTY CLERK
TRAVIS COUNTY, TEXAS

AFTER RECORDING, PLEASE RETURN TO

CITY OF AUSTIN
DEPT. OF LAW
P. O. BOX 1088
AUSTIN, TEXAS 78767-8828

10229 0964

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant single family residence (SF-2) district zoning.

BACKGROUND

The subject rezoning area consists of two undeveloped, platted lots out of the West Oaks Section Three subdivision. Both lots carry neighborhood office (NO) district zoning with access for the southern lot available from Scenic Brook Drive, while the northern lot is situated at the corner of Scenic Brook and Thunderbird Road. The lots are surrounded by undeveloped land and single family residences on large lots (zoned LR; LO; SF-2; SF-1).

The Oak Hill Area Study, completed in October 1985, as well as neighborhood input resulted in a recommendation of single family residence large lot (SF-1) district zoning for both lots. The original property owner requested neighborhood commercial (LR) district zoning on the southern lot, and in February 1987, both lots were rezoned to the neighborhood office (NO) district. A Restrictive Covenant accompanied the NO rezoning and limited the number of curb cuts to one on each legally subdivided lot on Scenic Brook Drive; 65% impervious cover; a maximum floor-to-area ratio to 0.25 to 1; and established site development and subdivision regulations of the Williamson Creek watershed. The lots have not developed with NO uses as originally envisioned and the new property owner requests a rezoning to the single family residence (SF-2) district, so that two single family residences may be constructed.

SF-2 zoning is appropriate in the context of the adjacent SF-2 and SF-1 zoning on this block of Scenic Brook and Thunderbird, its corresponding character, and the Oak Hill Study which originally recommended low density residences for this property. If SF-2 zoning is granted, impervious cover would be limited to 25%, in accordance with the more restrictive watershed regulations.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The single family residence standard lot (SF-2) district is intended for a moderate density single-family residential use on a lot that is a minimum of 5,750 square feet. This district is appropriate for existing single-family neighborhoods having moderate sized lots or to new development of single-family housing areas with minimum land requirements.

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

SF-2 zoning is appropriate in the context of the adjacent SF-2 and SF-1 zoning on this block of Scenic Brook and Thunderbird, its corresponding character, and the Oak Hill Study which originally recommended low density residences for this property. If SF-2 zoning is granted, impervious cover would be limited to 25%, in accordance with the more restrictive watershed regulations.

EXISTING CONDITIONS**Site Characteristics**

The two lots are undeveloped. There appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the SF-2 zoning district would be 25%, which is based on the more restrictive watershed regulations, as described below.

Environmental

This site is not located over the Edward's Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which 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 25% impervious cover in the Edwards Aquifer Contributing Zone.

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.

At this time, site specific information is unavailable regarding existing trees and 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 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.

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 rezoning 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.

Transportation

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

The trip generation under the requested zoning is estimated to be 62 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]

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or system upgrades, or utility location, or adjustment 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 utility design criteria.

Compatibility Standards

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

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

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT SCENIC BROOK DRIVE AT THUNDERBIRD ROAD
3 FROM NEIGHBORHOOD OFFICE (NO) DISTRICT TO SINGLE FAMILY
4 RESIDENCE STANDARD LOT (SF-2) DISTRICT.
5

6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
7

8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from neighborhood office (NO) district to single family residence
10 standard lot (SF-2) district on the property described in Zoning Case No. C14-04-0087, on
11 file at the Neighborhood Planning and Zoning Department as follows:
12

13 Lots 12 and 13, West Oak Section Three Subdivision, a subdivision in the City of
14 Austin, Travis County, Texas, according to the map or plat of record in Plat Book
15 19, Page 61, of the Plat Records of Travis County, Texas,
16

17 locally known as Scenic Brook Drive at Thunderbird Road, in the City of Austin, Travis
18 County, Texas, and generally identified in the map attached as Exhibit "A".
19

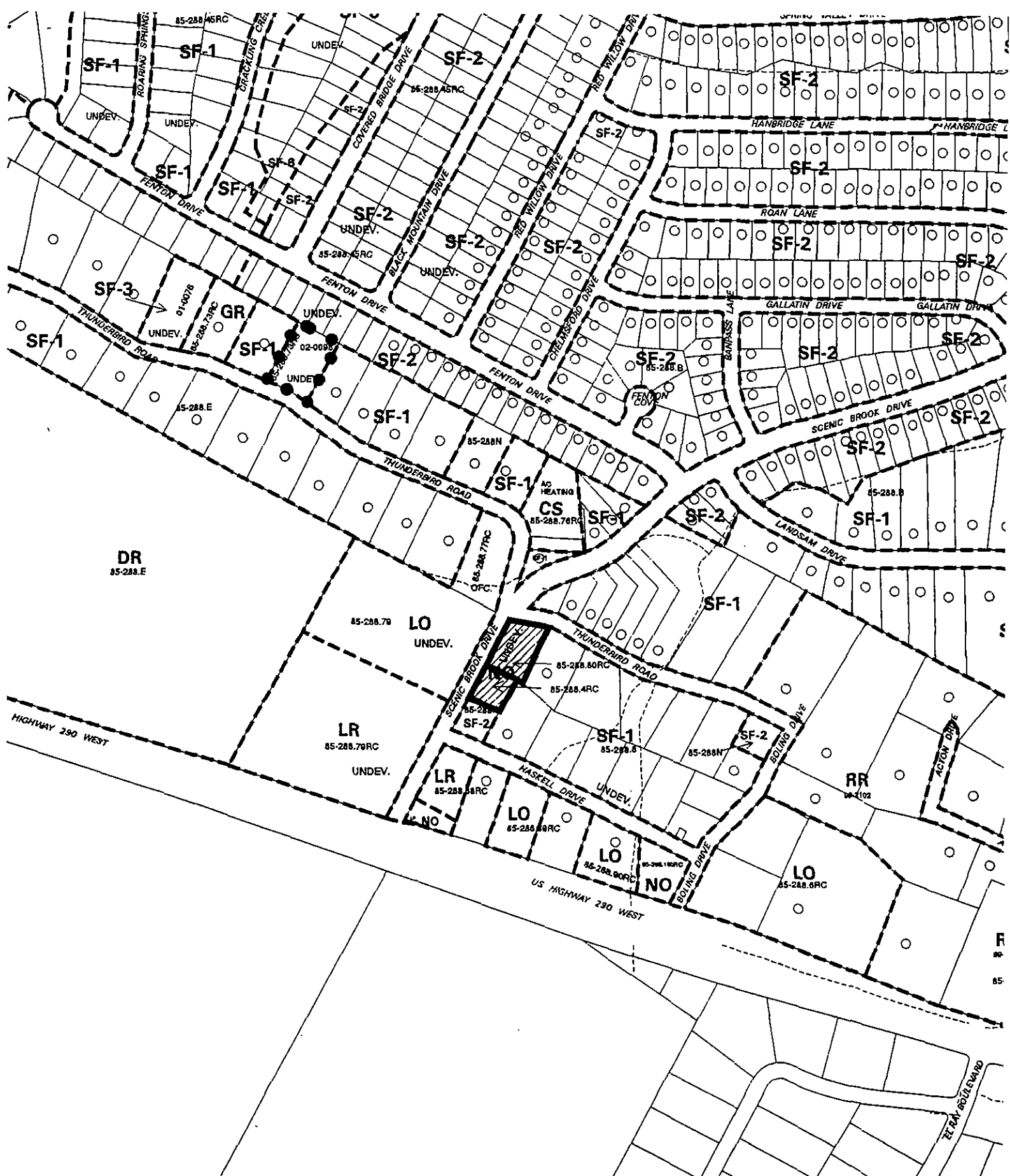
20 **PART 2.** This ordinance takes effect on _____, 2004.
21





22
23 **PASSED AND APPROVED**
24

25 §
26 §
27 _____, 2004 § _____
28

29 Will Wynn
30 Mayor
31

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



 1" = 400'	SUBJECT TRACT		ZONING EXHIBIT A CASE #: C14-04-0087 ADDRESS: SCENIC BROOK DR @ THUNDERBIRD RD SUBJECT AREA (acres): 0.860	DATE: 04-06 INTLS: SM	CITY GRID REFERENCE NUMBER A19
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: W. WALSH				