



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-1
AGENDA DATE: Thu 10/28/2004
PAGE: 1 of 1

SUBJECT: C14-04-0130 - Oriens Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4901-5425 East 51st Street (Little Walnut Creek and Walnut Creek Watersheds) from townhouse & condominium residence-neighborhood plan (SF-6-NP) combining district zoning to single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning. Planning Commission Recommendation: To grant single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning. Applicant: Solar Star Realty (Bill Welch). Agent: Bury & Partner (Jim Gallegos). City Staff: Robert Heil, 974-2330.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET**CASE:** C14-04-0130 (Oriens Park – 1 of 3)**P.C. DATE:** September 14, 2004**ADDRESS:** 4901-5425 E 51st Street**OWNER/APPLICANT:** Solar Star Realty (Bill Welch)**AGENT:** Bury & Partners
(Jim Gallegos)**ZONING FROM:** SF-6-NP**TO:** SF4-A-NP**AREA:** 9.120 acres**SUMMARY STAFF RECOMMENDATION:**

Staff supports the requested change from Townhouse and Condominium Residence-Neighborhood Plan (SF-6-NP) combining district and to Single Family Residence-Small Lot (SF-4A-NP) district zoning.

PLANNING COMMISSION RECOMMENDATION:

September 14, 2004: Planning Commission recommended change from Tow Townhouse and Condominium Residence-Neighborhood Plan (SF-6-NP) combining district and to Single Family Residence-Small Lot (SF-4A-NP) district zoning. Vote: 6-0. Consent.

DEPARTMENT COMMENTS:

The subject area consists of one vacant tract currently zoned Townhouse and Condominium Residence (SF-6-NP). The site fronts E. 51st street and Eastern Parkway, which has been platted but not constructed. The adjacent tracts are also vacant, and are zoned SF-6 to the south, west and north. The vacant tracts to the east are zoned SF-6-NP and CS-MU-CO-NP. Please see Exhibits A (Zoning Map) and B (Aerial View).

Two of the adjacent tracts to the south and east are also being brought forth as separate cases by the same owner for rezoning to SF-4A-NP.

The applicant is proposing SF-4A-NP zoning for the construction of single family residences on lots of approximately 3600 square feet. The applicant has also stated his intention to vacate the existing subdivision on this and the related two tracts.

Staff supports the requested change to SF-4A-NP Single Family Residence (Small Lot).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-6-NP	Vacant
<i>North</i>	SF-6-NP	Vacant
<i>South</i>	SF-6-NP	Vacant
<i>East</i>	SF-6-NP and CS-MU-CO-NP	Vacant
<i>West</i>	SF-6-NP	Vacant

AREA STUDY: East MLK Combined Neighborhood Plan **TIA:** N/A

WATERSHED: Walnut & Little Walnut

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED NEIGHBORHOOD ORGANIZATIONS:

- JJ Seabrook Neighborhood Association
- Mueller Neighborhood Coalition
- Pecan Springs – Springdale Neighborhood Association
- Windsor Park Neighborhood Association

SCHOOLS: (AISD)

Pecan Springs Elementary

Pearce Middle

Reagan High

CASE HISTORIES:

There are no recent case on the property.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
East 51 st Street	90'	2@24'	Arterial
Eastern Parkway	100'	Not constructed	Collector

- There are no existing sidewalks along this portion of E 51st.
- No additional right-of-way is needed at this time.
- Capital Metro bus service is not available within 1/4 mile of this property.

CITY COUNCIL DATE: 10/28/04

ACTION:

ORDINANCE READINGS: 1st

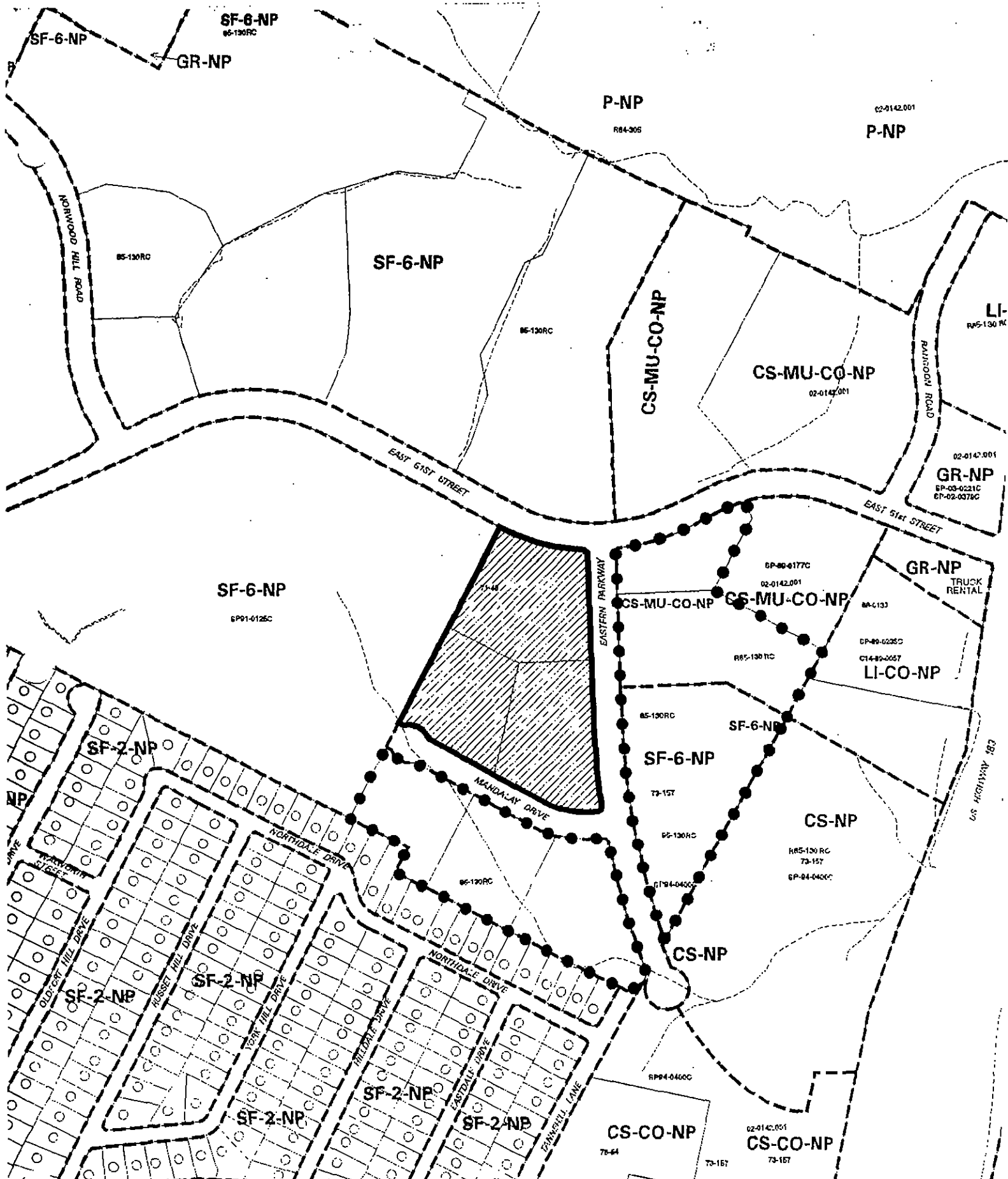
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil
e-mail address: robert.heil@ci.austin.tx.us

PHONE: 974-2330

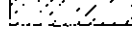


SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: R. HEIL



ZONING

CASE #: C14-04-0130

ADDRESS: 4901-5425 BLK E 51ST ST

SUBJECT AREA (acres): 9.120

DATE: 04-08

INTLS: SM

CITY GRID
REFERENCE
NUMBER

M24

1"=400'

CS-CO-NP

C14-04-0130

Exhibit B



SUMMARY STAFF RECOMMENDATION

C14-04-0130

Staff supports the requested change from Townhouse and Condominium Residence-Neighborhood Plan (SF-6-NP) combining district and to Single Family Residence-Small Lot (SF-4A-NP) district zoning.

BACKGROUND

The subject area consists of one vacant tract currently zoned Townhouse and Condominium Residence (SF-6-NP). The site fronts E. 51st street and Eastern Parkway, which has been platted but not constructed. The adjacent tracts are also vacant, and are zoned SF-6 to the south, west and north. The vacant tracts to the east are zoned SF-6-NP and CS-MU-CO-NP. Please see Exhibits A (Zoning Map) and B (Aerial View).

Two of the adjacent tracts to the south and east are also being brought forth as separate cases by the same owner for rezoning to SF-4A-NP.

The applicant is proposing SF-4A-NP zoning for the construction of single family residences on lots of approximately 3600 square feet. The applicant has also stated his intention to vacate the existing subdivision on this and the related two tracts.

Staff supports the requested change to SF-4A-NP Single Family Residence (Small Lot).

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning changes should be consistent with an adopted area study or neighborhood plan.*

The development of small lot residential uses on this tract is constant with the East MLK Combined Neighborhood Plan.

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

SF-4A Single Family Residence (Small Lot) is intended as an area for moderate density single family residence use, with a minimum lot size of 3,600 square feet. In appropriate location, small lot single-family use is permitted under standards which maintain single-family neighborhood characteristics.

EXISTING CONDITIONS**Site Characteristics**

The site is currently vacant. There appear to be no significant topographical constraints on the site.

Impervious Cover

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The majority of the site lies in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land

Development Code. Under current watershed regulations, development or redevelopment on this part of the 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%

A small portion of this site also appears to lie within the Little Walnut Creek Watershed, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class, therefore the zoning district impervious cover limits applies. *The exact position of this watershed boundary must be verified at the site planning stage via analysis of the topography and drainage patterns of the site.*

Environmental

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

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 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.

Transportation

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

The trip generation under the requested zoning is estimated to be 1,058 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]

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

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
East 51 st Street	90'	2@24'	Arterial
Eastern Parkway	100'	Not constructed	Collector

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 relocation, or utility 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 of Austin utility design criteria and specifications.

The landowner must pay all required water and wastewater utility tap permit, impact, construction inspection, and utility plan review fees.

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.

Compatibility Standards

The site is subject to compatibility standards. Along the north, south & east property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

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

MEETING SUMMARY

DRAFT- Pending PC Approval

CITY PLANNING COMMISSION

September 14, 2004

One Texas Center

505 Barton Springs Road

Conference Room 325

CALL TO ORDER – 6:00 P.M. **COMMENCE 6:10PM; ADJOURN ~11:30PM**

_____ John-Michael Cortez

_____ Matthew Moore, Secretary

_____ Cid Galindo

_____ Jay Reddy

_____ Matt Hollon, Asst. Secretary

_____ Chris Riley, Chair

_____ Cynthia Medlin, Vice-Chair

_____ Dave Sullivan, Parliamentarian

A. REGULAR AGENDA

EXECUTIVE SESSION (No public discussion)

The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Planning Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

NO SPEAKERS

APPROVAL OF MINUTES

2. Approval of minutes from August 10, 2004 and August 24, 2004.

MOTION: APPROVE BY CONSENT

VOTE: 6-0 (DS-1st, JMC-2nd; JR, MH, DS-ARRIVED LATE)

DISCUSSION AND ACTION

MEETING SUMMARY

DRAFT- Pending PC Approval

Ms. Edgemon said because they too have many illegal uses. They too need GR zoning. Car sales and repair are a big problem.

Commissioner Hollon asked what the precedent/policy is regarding illegal uses. Ms. Walsh said that an amnesty Certificate of Occupancy can be granted if proof of business operating for many years.

Commissioner Sullivan wondered if the case was postponed if it was possible for the owner to receive the amnesty CO. Commissioner Hollon said it would give time too to allow the neighborhood planning meeting to occur. Mr. Bennett said that he has no problem with restrictive covenant to limit the number of cars that can be sold- like four at a time.

MOTION: POSTPONE TO SEPTEMBER 28, 2004 (KEEP PUBLIC HEARING OPEN)

VOTE: 8-0 (DS-1st, JMC-2nd)

Commissioner Sullivan said he was in favor of mixed-use. Commissioner Cortez said that he does not like auto uses, but does not want to put people out of business.

6. Rezoning: C14-04-0130 - Oriens Park
Location: 4901-5425 E. 51st Street, Walnut & Little Walnut Watershed, Pecan Springs/Springdale NPA
Owner/Applicant: Solar Star Realty (Bill Welch)
Agent: Bury & Partners (Jim Gallegos)
Request: SF-6-NP to SF-4A-NP
Staff Rec.: **RECOMMENDED**
Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
Neighborhood Planning and Zoning

MOTION: APPROVE BY CONSENT

VOTE: 6-0 (DS-1st, JMC-2nd; JR, MH, DS- ARRIVED LATE)

7. Rezoning: C14-04-0131 - Oriens Park
Location: 4901-5425 E. 51st Street, Walnut & Little Walnut Watershed, Pecan Springs/Springdale NPA
Owner/Applicant: Solar Star Realty (Bill Welch)
Agent: Bury & Partners (Jim Gallegos)
Request: SF-6-NP to SF-4A-NP
Staff Rec.: **RECOMMENDED**
Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
Neighborhood Planning and Zoning

MOTION: APPROVE BY CONSENT

VOTE: 6-0 (DS-1st, JMC-2nd; JR, MH, DS- ARRIVED LATE)