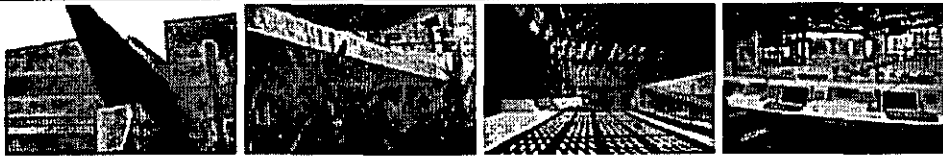


A U S T I N   C I T Y   C O U N C I L

# AGENDA



Thursday, August 24, 2006

+ Back Print

**Zoning and Neighborhood Plan Amendments  
(Public Hearings and Possible Action)  
RECOMMENDATION FOR COUNCIL ACTION**

**ITEM No. 82**

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**Subject:** C14-06-0136 - 1701 & 1703 Windoak - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1701 & 1703 Windoak Drive (Harpers Branch Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence (SF-6) district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Applicant: FS Ventures (Jim Cummings). Agent: Urban Design (Laura Touns). City Staff: Robert Heil, 974-2330

**Additional Backup Material**

(click to open)

**Staff Report**

**For More Information:**

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-06-0136

**PC. DATE:** July 25, 2006

**ADDRESS:** 1701 and 1703 Windoak Drive

**OWNER/APPLICANT:** Jim Cummings

**AGENT:** Urban Design (Laura-Toups)

**ZONING FROM:** SF-3

**TO:** SF-6-CO

**AREA:** 1.58 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of SF-6-CO zoning. The conditional overlay is as follows:

1. Residential density is limited to one single family unit per lot.
2. Impervious cover is limited to 45% (SF-3 impervious cover).

The applicant supports this conditional overlay.

### **PLANNING COMMISSION RECOMMENDATION:**

**July 25, 2006:** APPROVED STAFF'S RECOMMENDATION OF SF-6-CO ZONING;  
CONDITIONS OF:

- 40% IMPERVIOUS COVER LIMIT;
- PROHIBIT GATES ON THE DRIVEWAYS

[M.DEALEY, M.MOORE 2ND] (6-3) C.RILEY, G.STEGEMAN, P.CAVAZOS – NAY

### **DEPARTMENT COMMENTS:**

This case is related to case C14-05-0201 in which the adjoining tract was zoned from SF-3 to SF-6-CO. The applicant is now requesting rezoning of the adjoining lot to allow access through a common driveway.

The final ordinance for that case is attached as a reference. City Council approved SF-6-CO and the neighborhood and applicant signed a restrictive covenant to address issues falling outside the CO.

The site is two undeveloped single family zoned lots. The request is to rezone the lot to allow townhouse and condominium development (SF-6-CO). The conditional overlay is as follows would residential density is limited to one single family unit per lot and limit impervious cover is limited to 45% (SF-3 impervious cover).

Staff recommends approval of SF-6-CO zoning. The conditional overlay is as follows:

- Residential density is limited to one single family unit per lot.
- Impervious cover is limited to 45% (SF-3 impervious cover).

The applicant supports this conditional overlay.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3	Single Family Home
<i>North</i>	SF-3	Single Family Homes
<i>South</i>	LR, MF-3	Apartments
<i>East</i>	SF-6-CO	Residential development underway
<i>West</i>	MF-4 and CS-CO	Detention Pond and Auto Repair

**AREA STUDY:** The site falls within the Riverside Neighborhood Plan, currently underway.

**TIA:** Not Required

**WATERSHED:** Harper's Branch Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No **HILL COUNTRY ROADWAY:** No

**REGISTERED COMMUNITY ORGANIZATIONS:**

- South River City Citizens' Association
- Southeast Austin Neighborhood Alliance
- Crossing Gardenhome Owners Association
- Terrell Lane Interceptor Association
- Baron Springs/Edwards Aquifer Conservation District
- South Central Coalition
- PODER - People Organized to Defend Earth and her Resources
- Austin Neighborhoods Council
- East Riverside/Oltorf Neighborhood Planning Team

**SCHOOLS:**

Travis Height Elementary School      Fulmore Middle School      Travis High School

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>
Windoak Drive	50'	30'	Local

**CITY COUNCIL DATE:**   **ACTION:**

**August 9, 2006:**

**Postponed to August 24 at the request of staff.**

**August 24, 2006**

**ORDINANCE READINGS:**

1<sup>st</sup>

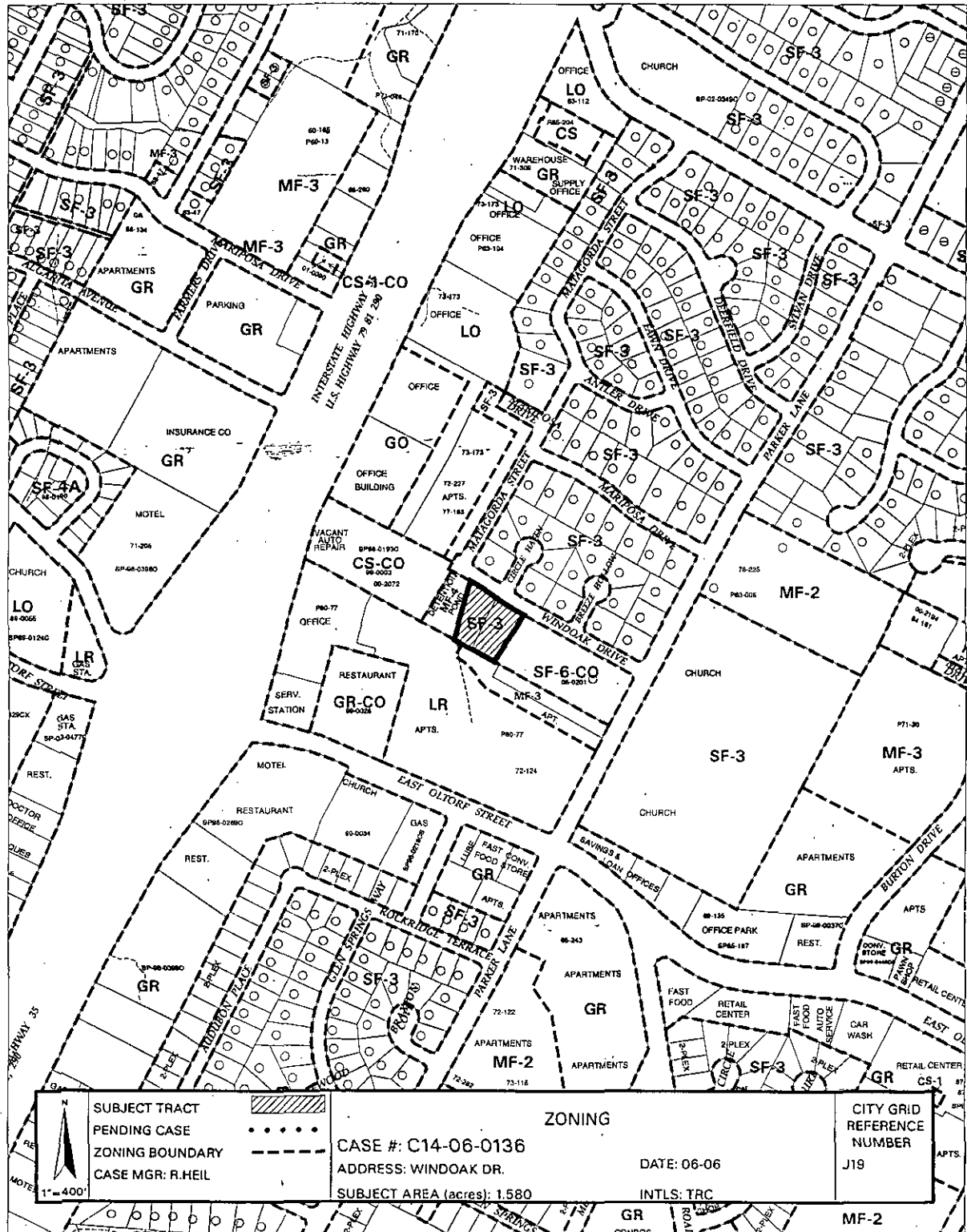
2<sup>nd</sup>

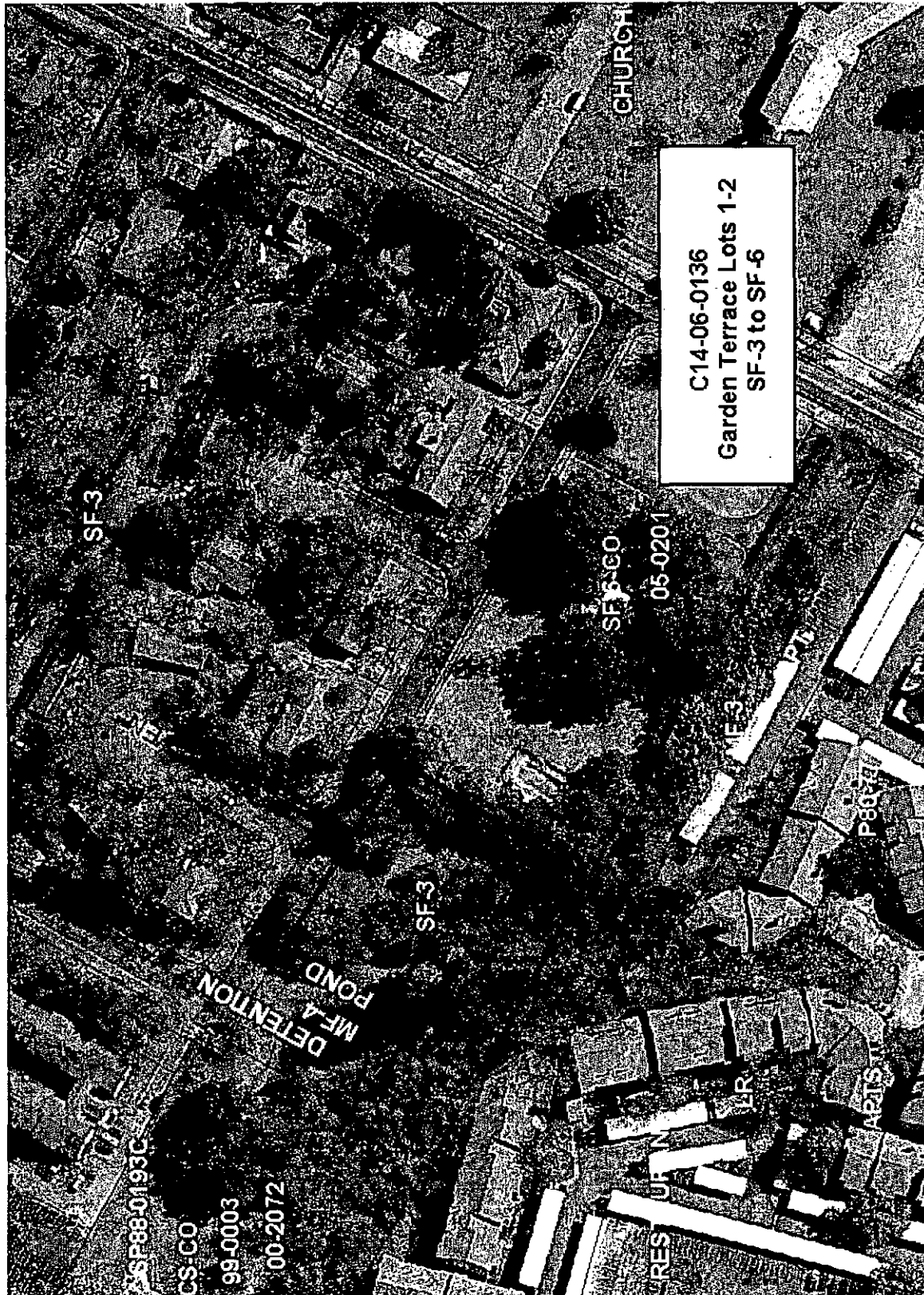
3<sup>rd</sup>

**ORDINANCE NUMBER:**

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

**PHONE:** 974-2330





## **SUMMARY STAFF RECOMMENDATION**

Staff recommends approval of SF-6-CO zoning. The conditional overlay is as follows:

- Residential density is limited to one single family unit per lot.
- Impervious cover is limited to 45% (SF-3 impervious cover).

The applicant supports this conditional overlay.

## **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

- 1. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

SF-6 zoning would provide for a transition from the multi-family uses to the south and the single family uses to the north, and would allow the completion of the SF-6 project to the east as designed. SF-3 densities and impervious covers would remain in place..

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is two undeveloped single family zoned lots. The request is to rezone the lot to allow townhouse and condominium development (SF-6-CO). The conditional overlay is as follows would residential density is limited to one single family unit per lot and limit impervious cover is limited to 45% (SF-3 impervious cover).

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Harpers Branch Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

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

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.

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

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 137 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 300 vehicle trips per day. [LDC, 25-6-113]

### **Existing Street Characteristics:**

Name	ROW	Pavement	Classification
Windoak Drive	50'	30'	Local

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City.



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2100 PARKER LANE FROM FAMILY RESIDENCE (SF-3) DISTRICT TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING 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 family residence (SF-3) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district on the property described in Zoning Case No. C14-05-0201, on file at the Neighborhood Planning and Zoning Department, as follows:

A 2.125 acre tract of land, more or less, out of the Santiago Del Valle Grant, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 2100 Parker Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. The following density regulations apply.
  - a) The maximum number of dwelling units is 20.
  - b) The maximum number of dwelling units is 10 units per acre.
  - c) The maximum number of buildings constructed on the Property is 12.
2. Vehicular access from the Property to Windoak Drive shall be by one driveway only.
3. For a residential building that faces away from Windoak Drive a five-foot wide vegetative buffer shall be provided and maintained along and adjacent to Windoak Drive. Improvements permitted within the buffer zone are limited to a driveway,

1 drainage, underground utility improvements or those improvements that may be  
2 otherwise required by the City of Austin or specifically authorized in this ordinance.  
3

4 Except as specifically restricted under this ordinance, the Property may be developed and  
5 used in accordance with the regulations established for the townhouse and condominium  
6 residence (SF-6) base district and other applicable requirements of the City Code.  
7

8 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2006.  
9

10  
11 **PASSED AND APPROVED**  
12

13 \_\_\_\_\_ §  
14 \_\_\_\_\_ §  
15 \_\_\_\_\_, 2006 §  
16

17 Will Wynn  
18 Mayor  
19

20 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
21 David Allan Smith Shirley A. Gentry  
22 City Attorney City Clerk

FIELD NOTES  
FOR

EXHIBIT A

## 2.125 ACRE TRACT

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 5, SOUTH SIDE ADDITION, A SUBDIVISION RECORDED IN VOLUME X, PAGE 576 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 2.125 ACRE TRACT OF LAND CONVEYED TO DAVID R. BELLE-ISLE BY INSTRUMENT RECORDED IN VOLUME 13234, PAGE 3221 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron pin found at the Northwest corner of said 2.125 acre tract, being at the Northeast corner of Lot 2, Block B, South Gate Terrace Section One, a subdivision recorded in Plat Book 25, Page 17 of the Plat Records of Travis County, Texas, being in the South r.o.w. line of Windoak Drive for the PLACE OF BEGINNING hereof;

THENCE along the North line of said 2.125 acre tract, being along the South r.o.w. line of Windoak Drive for the following courses:

S 58°48'23" E for a distance of 436.26 feet to a 1/2 inch iron pin found at a point of curve

Along a curve to the right whose radius is 15.00 feet, arc is 23.29 feet and whose chord bears S 14°30'28" E for a distance of 21.02 feet to a 1/2 inch iron pin found at the intersection of the South r.o.w. line of Windoak Drive and the West r.o.w. line of Parker Lane, being at the Northeast corner of said 2.125 acre tract;

THENCE along the East line of said 2.125 acre tract, being along the West r.o.w. line of Parker Lane, S 29°59'32" W for a distance of 187.10 feet to a 1/2 inch iron pipe found at the Southeast corner of said 2.125 acre tract;

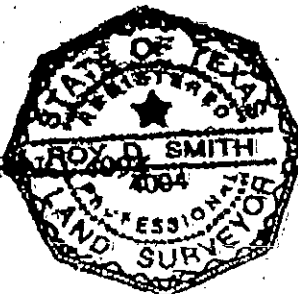
THENCE along the South line of said 2.125 acre tract, N 58°37'06" W for a distance of 470.80 feet to a 1/2 inch capped iron pin set at the Southwest corner of said 2.125 acre tract, being at the Southeast corner of said Lot 2, Block B, South Gate Terrace Section One;

THENCE along the West line of said 2.125 acre tract, N 35°38'26" E for a distance of 200.80 feet to the PLACE OF BEGINNING and containing 2.125 acres of land or 92,583 square feet of land, more or less.

SURVEYED BY:  
Roy D. Smith Surveyors, P.C.

*Roy D. Smith*  
ROY D. SMITH  
REGISTERED PROFESSIONAL SURVEYOR  
April 4, 2005

Bell-Isle Tracts





**RESTRICTIVE COVENANT**

**OWNER:** FS Ventures LP, a Texas limited partnership

**ADDRESS:** 107 Ranch Road 620, South, PMB#15-F, Austin, Texas 78734

**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:** A 2.125 acre tract of land, more or less, out of the Santiago Del Valle Grant, in Travis County, the tract being more particularly described by metes and bounds in Exhibits "A" attached and incorporated into this covenant.

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. A site plan or building permit for the Property may not be approved, released, or issued if the site plan provides for the removal of a protected tree. A protected tree is defined under Section 25-8-602 of the City Code as a tree having a circumference of 60 inches or more, measured four and one-half feet above natural grade.
2. 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.
3. 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.
4. 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.
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, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2006.

**OWNER:**

**FS Ventures LP,  
a Texas limited partnership**

By: Silverton Custom Homes, Inc.,  
a Texas corporation,  
its sole general partner

By: \_\_\_\_\_  
Jim Cummings,  
President

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 \_\_\_\_ day of \_\_\_\_\_, 2006, by Jim Cummings, President of Silverton Custom Homes, Inc., a Texas corporation; general partner of FS Ventures, LP, a Texas limited partnership, on behalf of the corporation and the partnership.

\_\_\_\_\_  
Notary Public, State of Texas

FIELD NOTES  
FOR

EXHIBIT A

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ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 5, SOUTH SIDE ADDITION, A SUBDIVISION RECORDED IN VOLUME X, PAGE 576 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 2.125 ACRE TRACT OF LAND CONVEYED TO DAVID R. BELLE-ISLE BY INSTRUMENT RECORDED IN VOLUME 13234, PAGE 3221 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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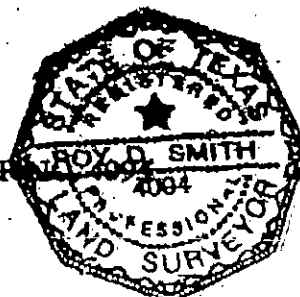
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ROY D. SMITH

REGISTERED PROFESSIONAL SURVEYOR  
April 4, 2005

Bell-Isle Tracts



**After Recording, Please Return to:**  
**City of Austin**  
**Department of Law**  
**P. O. Box 1088**  
**Austin, Texas 78767**  
**Attention: Diana Minter, Paralegal**