

A U S T I N C I T Y C O U N C I L

AGENDA



Thursday, November 02, 2006

+ Back Print

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

ITEM No. 43

Subject: C14-06-0127 - Rezoning Rundberg - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 101 East Rundberg Lane (Little Walnut Creek Watershed) from family residence (SF-3) district zoning to limited office-mixed use (LO-MU) combining district zoning. Staff Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Applicant and Agent, Cahn (Chris) Tran, City Staff Jorge E. Rousselin, 974-2975.

Additional Backup Material

(click to open)

Staff Report

For More Information: Jorge E. Rousselin, 974-2975.

ZONING REVIEW SHEET**CASE:** C14-06-0127**Z.A.P. DATE:** July 18, 2006
August 1, 2006
September 5, 2006
October 3, 2006**ADDRESS:** 101 East Rundberg Lane**OWNER / APPLICANT:** Cahn (Chris) Tran**REZONING FROM:** SF-3 (Family residence) district**TO:** LO-MU (Neighborhood office – mixed use) combining district**AREA:** 0.160 Acres (6,969.6 sq. ft.)**ISSUES:**

On August 14, 2006 the applicant updated the rezoning request to LO-MU

ZONING AND PLATTING COMMISSION RECOMMENDATION:*October 3, 2006****APPROVED STAFF'S RECOMMENDATION FOR LO-MU-CO ZONING; BY CONSENT.
[J.MARTINEZ, J.GOHIL 2ND] (7-0) K.JACKSON, J.PINNELLI – ABSENT*****SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the rezoning from SF-3 (Family residence) district to LO-MU-CO (Neighborhood office – mixed use-conditional overlay) combining district. The recommended conditional overlay shall prohibit the following land uses:

- Communications services,
- Convalescent services
- Cultural services,
- Medical offices (exceeding 5,000 sq. ft. gross floor area), and
- Medical offices (not exceeding 5,000 sq. ft. gross floor area)

The Staff recommendation is based on the following considerations:

- 1) The proposed land uses are compatible with existing residential and office uses and will not infringe on the residential character of the established neighborhood,
- 2) The mixed use overlay will allow for maintaining the residential character of the site, and
- 3.) The proposed office and residence fronts on a major arterial, and
- 4) The recommended conditional overlay will address potential adverse land use impacts to the surrounding properties

DEPARTMENT COMMENTS:

The subject rezoning area consists of a 0.160 acre (6,969.6 sq. ft.) site developed with a single-family residence zoned SF-3 and accessed via a driveway off East Rundberg Lane. The applicant proposes to rezone the property to NO-MU to redevelop the property into an office and residence.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Single-family residence
<i>North</i>	SF-3	Single-family residence
<i>South</i>	SF-3	Single-family residence
<i>East</i>	SF-3	Single-family residence
<i>West</i>	SF-3	Single-family residence

AREA STUDY: N/A**TIA:** N/A (See Transportation comments)**WATERSHED:** Little Walnut**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

28--Georgian Acres Neighborhood Assn.

742--Austin Independent School District

114--North Growth Corridor Alliance

937--Taking Action Inc.

511--Austin Neighborhoods Council

SCHOOLS:

Austin Independent School District

- Barrington Elementary School
- Webb Middle School
- Lanier High School

RELATED CASES: N/A**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0185	CS to CS-1	01/28/03. DENIED STAFF REC OF CS-1-CO (5-1, JC-NO)	WITHDRAWN
C14-04-0143	SF-3 to LR	10/19/04. APVD GO-CO (9-0), ONLY ALLOWABLE GO USE IS PERSONAL SVCS & PERMITTED NO USES	11/04/04 APVD GR-CO (7-0), 1ST RDG 12/02/04 APVD GO-CO (7-0), 2ND/3RD RDGS
C14-04-0188	SF-3 to LO	01/04/05 APVD LO W/NO USES BY CONSENT (9-0)	01/27/05 APVD LO-CO (6-0), 1ST RDG 02/17/05 APVD LO-CO, 2ND/3RD RDGS

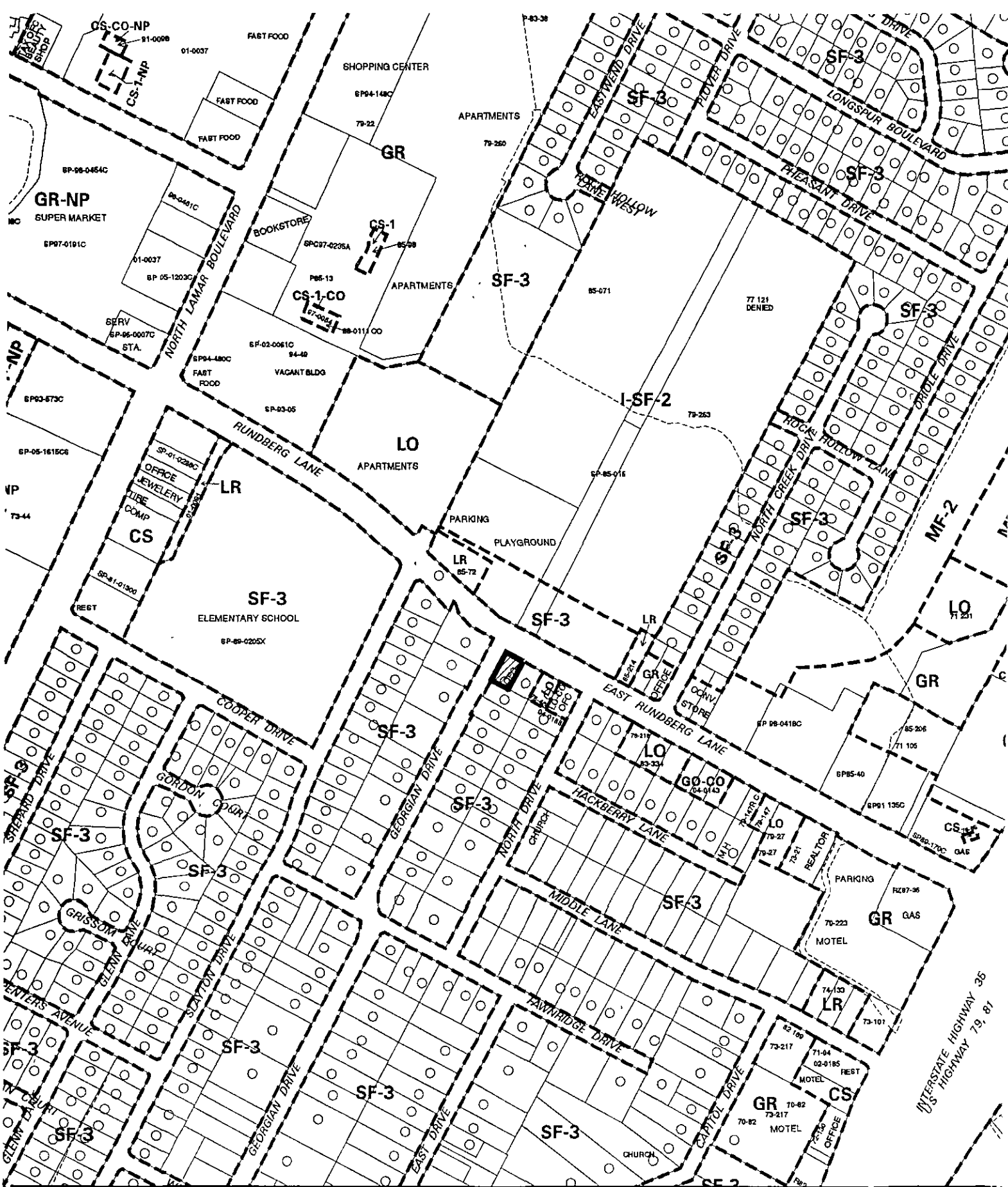
ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Rundberg Lane	95'	Varies	Arterial	Yes	Yes	Priority 1
Georgian Drive	60'	40'	Collector	Yes	Yes	Priority 1

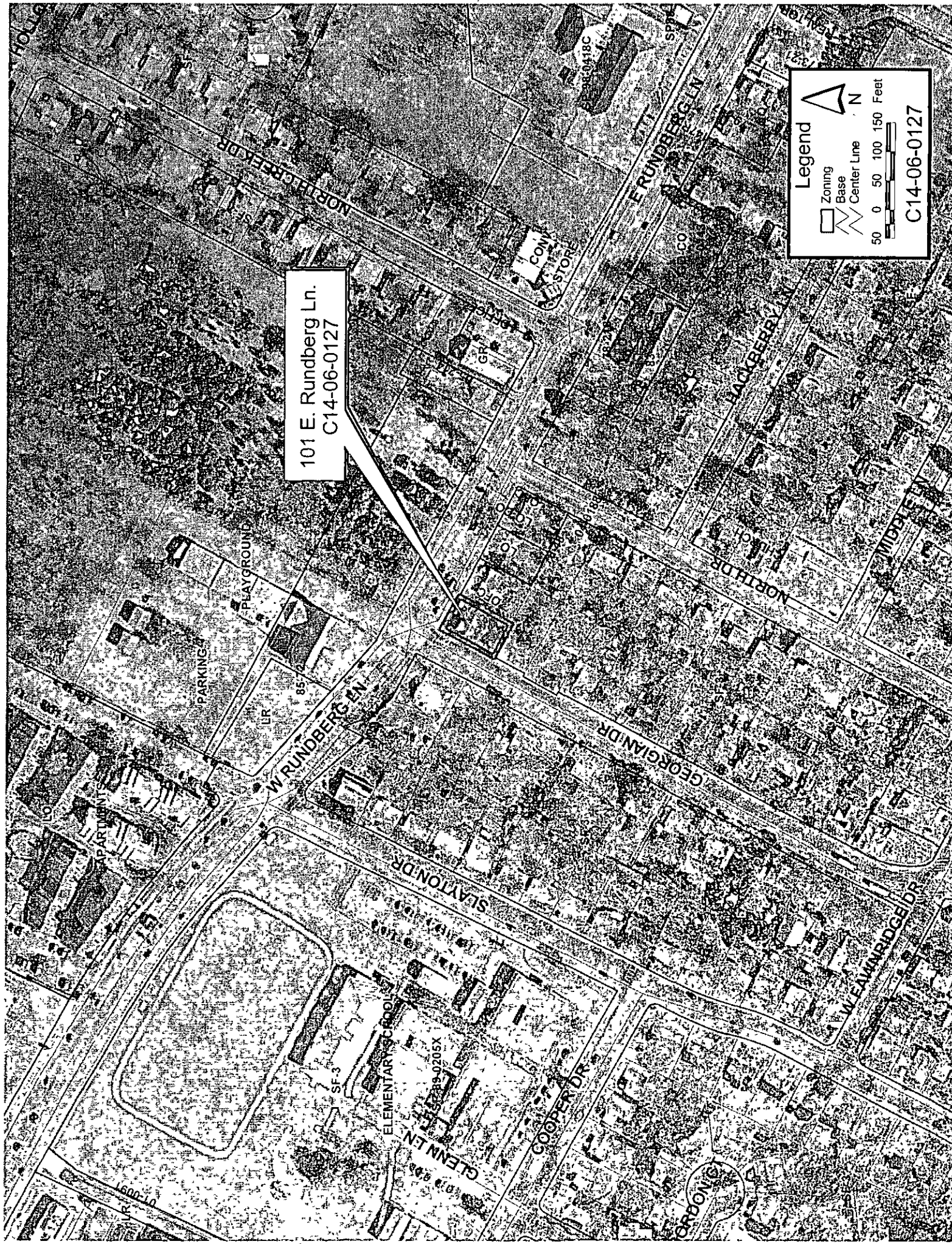
CITY COUNCIL DATE

November 2, 2006

ACTION:**ORDINANCE READINGS:** 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** jorge.rousselin@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR J ROUSSELIN	ZONING CASE #: C14-06-0127 ADDRESS 101 E RUNDBERG LN SUBJECT AREA (acres) 0.160	DATE 06-06 INTLS SM	CITY GRID REFERENCE NUMBER L30
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101 E. Rundberg Ln.
C14-06-0127

Legend

- Zoning
- Base
- Center Line

50 0 50 100 150 Feet

C14-06-0127

STAFF RECOMMENDATION

Staff recommends approval of the rezoning from SF-3 (Family residence) district to LO-MU-CO (Neighborhood office – mixed use-conditional overlay) combining district. The recommended conditional overlay shall prohibit the following land uses

- Communications services;
- Convalescent services
- Cultural services,
- Medical offices (exceeding 5,000 sq. ft. gross floor area), and
- Medical offices (not exceeding 5,000 sq. ft. gross floor area)

The Staff recommendation is based on the following considerations:

- 1.) The proposed land uses are compatible with existing residential and office uses and will not infringe on the residential character of the established neighborhood;
- 2.) The mixed use overlay will allow for maintaining the residential character of the site; and
- 3.) The proposed office and residence fronts on a major arterial, and
- 4.) The recommended conditional overlay will address potential adverse land use impacts to the surrounding properties

BASIS FOR RECOMMENDATION

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

Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

The property meets the purpose statement set forth in the Land Development Code. The proposed uses are compatible to the existing residential neighborhood and is located adjacent to a major arterial.

2. *The proposed zoning should promote consistency, and orderly planning.*

Other properties in the immediate vicinity are zoned for office uses. The MU designation will allow for a residential option on the site and to maintain the residential character.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of a 0.160 acre (6,969.6 sq. ft.) site developed with a single-family residence zoned SF-3 and accessed via a driveway off East Rundberg Lane.

Transportation

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

2. The trip generation under the requested zoning is estimated to be 76 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).
3. 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]

Environmental and Impervious Cover

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut 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.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. 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.
4. According to flood plain maps, there is no flood plain within the project area.
5. 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.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

1. The landowner intends to serve the site with City of Austin water and wastewater utilities.
2. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and utility relocation.
3. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility.
4. The plan must be in accordance with the City design criteria.
5. The landowner must pay the associated and applicable City fees.

Site Plan and Compatibility Standards

1. This site will be subject to compatibility requirements for properties that are zoned and/or used for single family
2. Based on the lot width of 70 feet, any buildings must be set back from the abutting single family-zoned or used property, 11' minimum setback for driveways.
- 3 The height of any structure will be limited to 2 stories

August 14, 2006

Jorge Rousselin
CITY OF AUSTIN
Planning and Zoning
P. O. Box 1088
Austin, Texas 78767

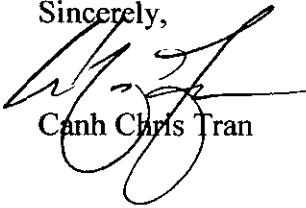
Re: C14-06-127 Rezoning 101 E. Rundberg Lane

Dear Mr. Rousselin,

Please withdraw my application for this property from SF-3 to NO-MU. However, I would like to resubmit and/or change it from SF-3 to LO-MU.

Thank you for time on this application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Canh Chris Tran', written over a circular stamp or seal.

Canh Chris Tran

August 14, 2006

City of Austin Neighborhood Planning and Zoning Department
P.O. Box 1088
Austin, Texas 78767

To Whom It May Concern:

I am submitting this application for the re-zoning of my property at 101 E. Rundberg Lane, Austin, Texas 78753. It is a single-story house that is currently zoned SF-3. There are four houses on my block. Two of my neighbors properties have been re-zoned to LO. With such a designation, they are not only occupied, but also are serving the community of East Rundberg Lane on a professional level. Please accept my request that my property follow suit and be re-zoned to LO.

My property and my next door neighbor's house (SF-3) are currently both vacant. Despite our efforts, my neighbor and I have not been able to lease our houses for several months. My neighbor's property has been broken into several times. It has been a hub of drug activity and prostitution. As a result, I've found used needles, condoms, and all sorts of drug paraphernalia on my yard. I have on several occasions witnessed shady dealings that I can only assume are drug-related, on the street in front of our properties. After several unfortunate incidents, my neighbor boarded up her house and roped off the front yard. I have attached a photo of this property. She is now trying desperately to sell the house.

I have grown up in Austin and spent over 20 years in this part of the city. It is home to me and driving through the streets brings back a sense of nostalgia of my childhood. I work in the area and want to help it flourish. Since buying my property, I've invested both time and money in restoring the house to its current condition. It is frustrating to see the things going on next door that threaten to bring down our neighborhood's ability to thrive.

Though the Austin Police Department has made efforts to stop the criminal activity in Northeast Austin, it will take a concerted effort on the part of the community to help clean up our neighborhoods. I am doing my best to patrol my property and keep it from becoming a place where prostitutes and drug dealers come to play and conduct business. I am confident that if the property is occupied, it will surely be a great deterrence to crime. There are opportunities for me to have the house occupied if we can have it re-zoned to LO-MU. Possible tenants that have expressed interest in this property include a chiropractic office, an insurance agency, and a law office. All such businesses would bring in a steady stream of traffic that would be regular and add to security patrols for our neighborhood.

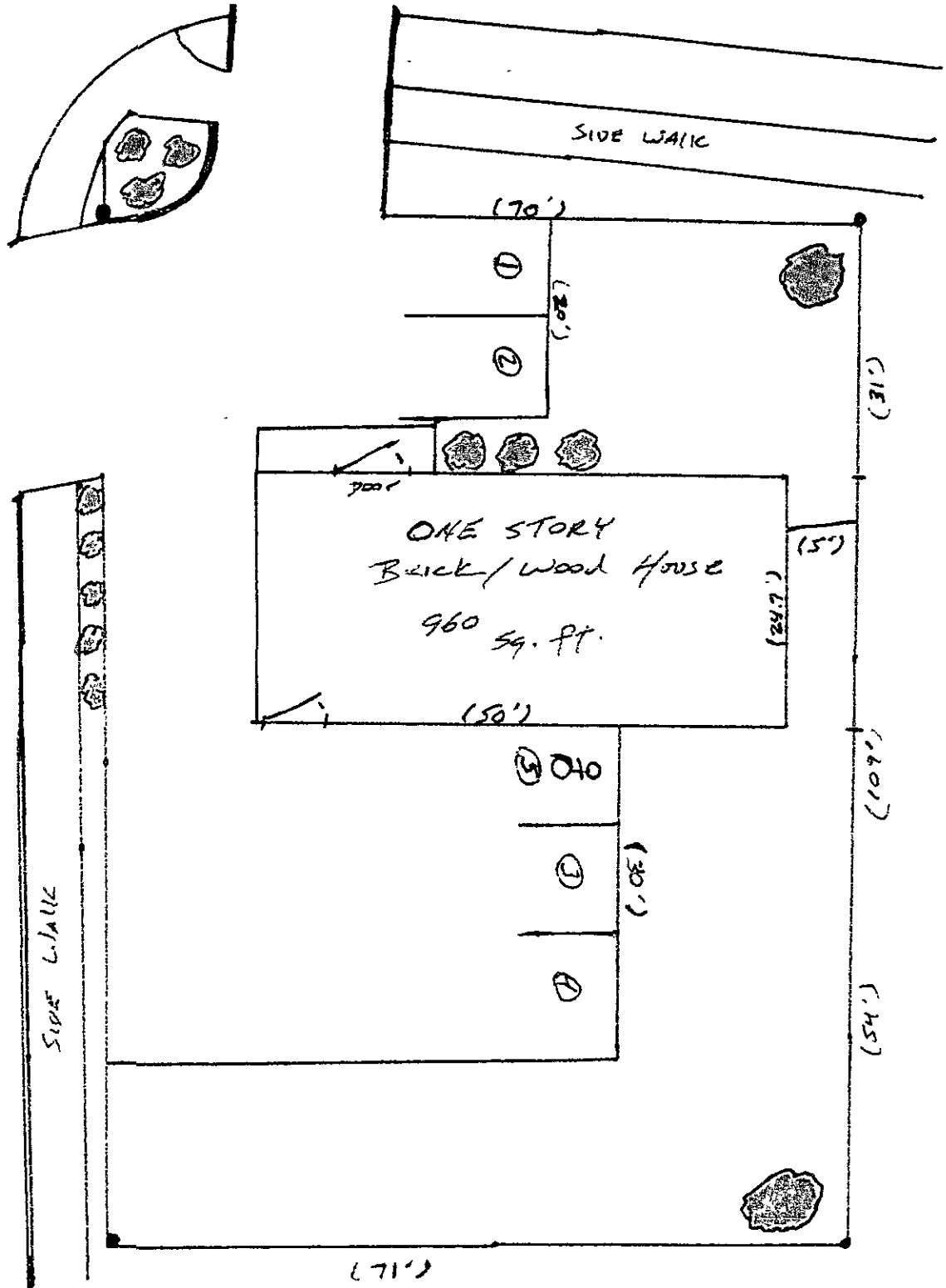
Thank you for your time and consideration in this matter. I would greatly appreciate your support of my application for the re-zoning of my property from SF-3 to LO-MU.

Sincerely,

A handwritten signature in black ink, appearing to read 'Canh Chris Tran', written over the printed name.

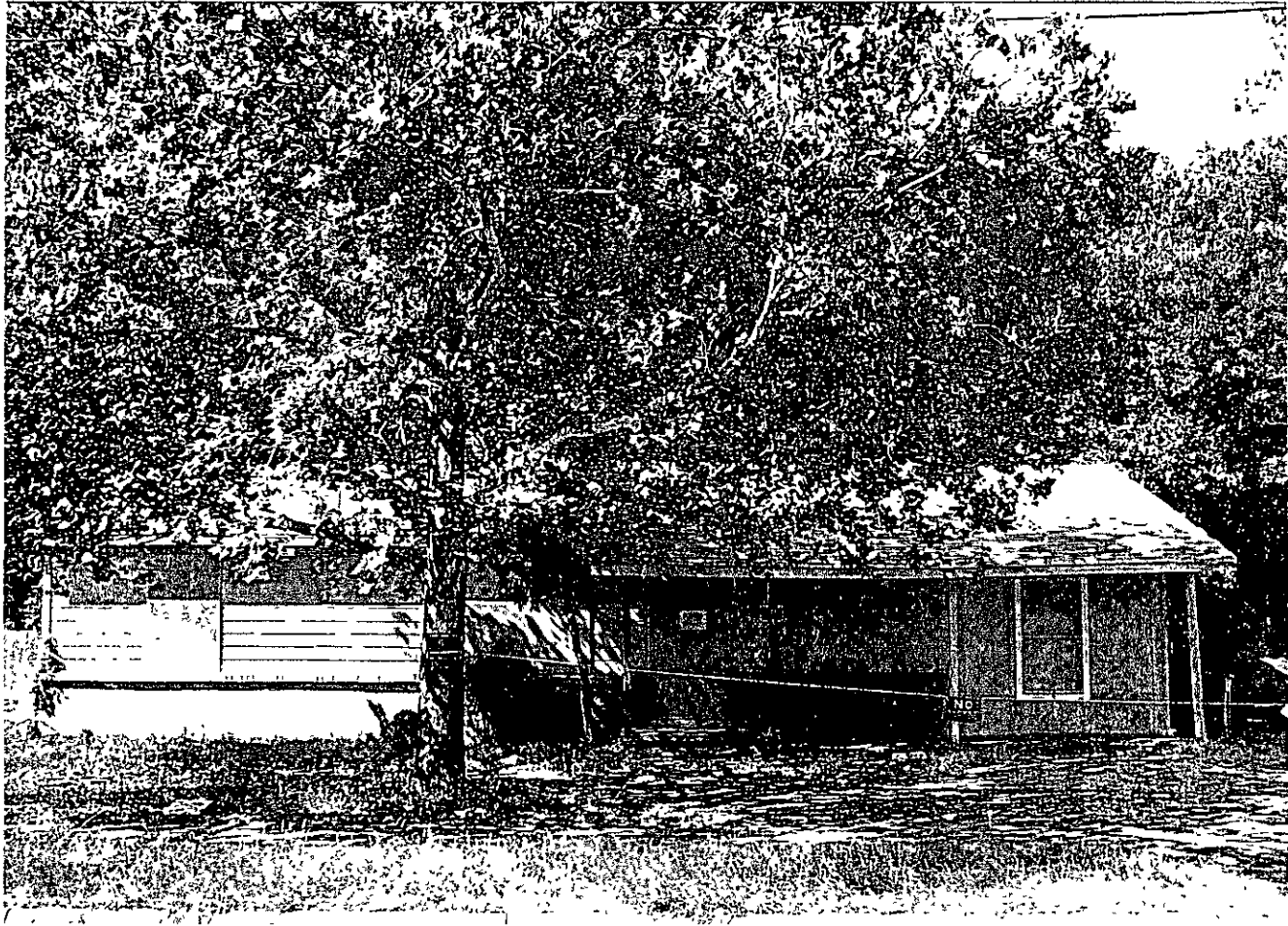
Canh Chris Tran
101 East Rundberg Lane
Austin, Texas 78753

EAST RUNDBERG LN.



Protected
Parking Spaces

Canh (Chris) Tran
101 E. Rundberg Ln
(512) 626-5226
SF-3 to LO-MU



PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number of the person listed on the notice.

RECEIVED

JUL 11 2006

Case Number: C14-06-0127

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

Neighborhood Planning & Zoning

July 18, 2006 Zoning and Platting Commission

Stephen Mills

Your Name (please print)

9306 Georgian Drive

Your address(es) affected by this application

Stephen Mills

Signature

Date

7/8/06



Comments

The property has been appropriately upgraded to accommodate the proposed use. I recommend the rezoning request be approved. Thank you.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

August 31, 2006

Jorge F. Rousselin
City of Austin
Neighborhood Planning and Zoning Dept.

RECEIVED

AUG 31 2006

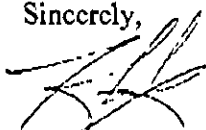
Re: C14-06-0127 101 E. Rundberg

Neighborhood Planning & Zoning

Dear Mr. Rousselin,

Please reset my commission hearing date to October 3, 2006. Thank you for your attention to my application.

Sincerely,


Chris Tran