



Thursday, November 02, 2006

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

ITEM No. 54

Subject: C14-06-0018 - Berkman Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6203 Berkman Drive (Fort Branch Creek Watershed) from family residence (SF-3) district zoning to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Staff Recommendation To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Planning Commission Recommendation To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Applicant and Agent Troy Hana City Staff: Robert Heil, 974-2330.

Additional Backup Material

(click to open)

Staff Report

For More Information: Robert Heil, 974-2330.

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0018 6203 Berkman Drive **P.C. Date:** March 28, 2006
May 23, 2006
June 13, 2006
August 8, 2006
August 22, 2006
September 26, 2006

ADDRESS: 6203 Berkman Drive

OWNER/APPLICANT/AGENT: Troy Hanna

ZONING FROM: SF-3 **TO:** LR-MU **AREA:** 0.5 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the zoning request.

P.C. NEIGHBORHOOD PLANNING SUB-COMMITTEE RECOMMENDATION:

January 11, 2006: Recommended that this case be postponed until the Windsor Park Neighborhood Plan has developed a draft future land use map or until May 23 which is six months after the first neighborhood planning workshop was held in Windsor Park.

PLANNING COMMISSION RECOMMENDATION:

March 28, 2006: Postponed the case until May 23rd, to allow time for the case to be considered along with the Windsor Park Neighborhood Plan.

May 23, 2006: Postponed to June 13, at the request of the applicant.

June 13, 2006: Pulled at the request of the applicant

August 8, 2006: Postponed to August 22, 2006 at the request of staff.

August 22, 2006: Postponed to September 26, at the request of the applicant.

September 26, 2006. *APPROVED STAFF'S RECOMMENDATION FOR LR-MU ZONING [C.RILEY, M MOORE 2ND] (7-0) J REDDY, G.STEGEMAN – ABSENT*

DEPARTMENT COMMENTS:

The original rezoning request was from family residence (SF-3) to multifamily residential medium density (MF-3) district zoning. The applicant has amended the request to neighborhood commercial-mixed use (LR-MU), and the case was renotified.

The site lies within the Windsor Park Neighborhood Planning area which held its first workshop November 5, 2005. This property was discussed at a meeting of the Zoning sub-committee of the neighborhood planning team on August 11 as part of a larger discussion of land use along Berkman. This discussion was productive, but not conclusive and was continued at the next meeting on August 25. After further discussion, the zoning sub-committee of the Windsor Park neighborhood planning team decided not to support LR-MU for the site.

The site is an existing single family residence. To the south are apartments on MF-3 zoned land. To the east, behind the property are large lot single family homes with multiple accessory out-buildings. To the north is a single family house on a very large SF-3 zoned lot. Across Berkman Drive to the west are more single family homes and a church.

Compatibility standards along the north and east property lines would severely restrict the amount of land available for multi-family construction. The site is bordered by primarily single family zoning and uses.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|---------------|------------------------------------|
| <i>Site</i> | SF-3 | Single Family House |
| <i>North</i> | SF-3 and MF-3 | Single Family House and Apartments |
| <i>South</i> | MF-3 and SF-3 | Apartments and Harris Elementary |
| <i>East</i> | SF-3 | Single Family Homes |
| <i>West</i> | SF-3 | Single Family Homes and Church |

AREA STUDY: The site lies within the Windsor Park Neighborhood Planning area which held its first workshop November 5, 2005.

TIA: N/A

WATERSHED: Fort Branch Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS

- Windsor Park Neighborhood Association
- Mueller Neighborhoods Coalition
- Keep the Land
- Anberly Airport Association
- Austin Neighborhood Council
- PODER (People in Defense of Earth and her Resources)

SCHOOLS: (AISD ISD)

Harris Elementary School Pearce Middle School Reagan High School

ABUTTING STREETS:

| Name | ROW | Pavement | Classification |
|---------------|-----|----------|----------------|
| Berkman Drive | 50' | 40' | Collector |

- There are existing sidewalks along Berkman Drive
- Berkman Drive is classified in the Bicycle Plan as a Priority 1 bike route.
- Capital Metro bus service is available along Berkman Drive.

CITY COUNCIL DATE:

ACTION:

June 8, 2006

Case indefinitely postponed at the request of the applicant. (was returned to Planning Commission)

November 2, 2006:

ORDINANCE READINGS:

1st

2nd

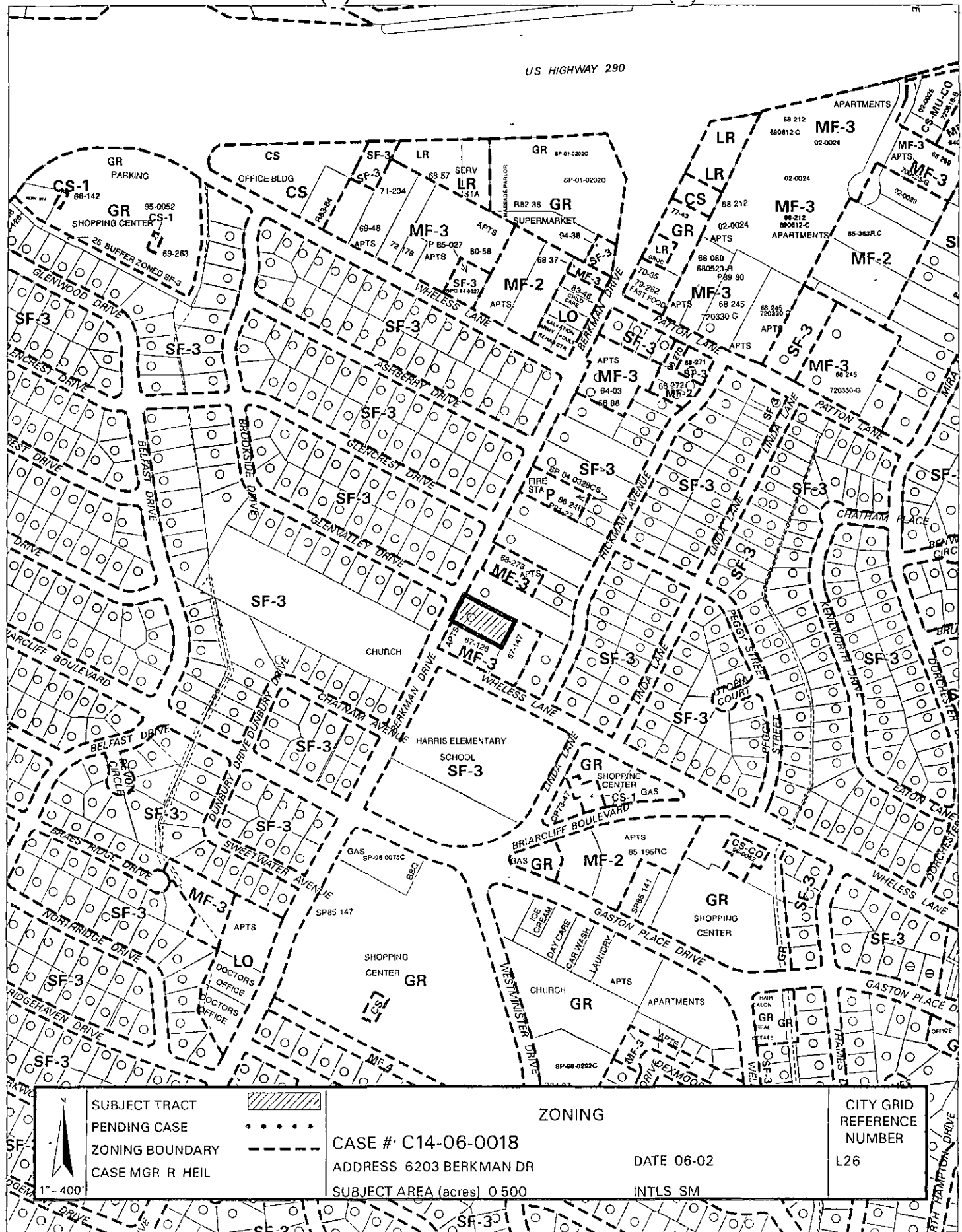
3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil
e-mail address: [robert heil@ci.austin.tx.us](mailto:robert.heil@ci.austin.tx.us)

PHONE: 974-2330

US HIGHWAY 290



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR R HEIL

CASE # C14-06-0018
 ADDRESS 6203 BERKMAN DR
 SUBJECT AREA (acres) 0.500

ZONING

DATE 06-02
 INTLS SM

CITY GRID
 REFERENCE
 NUMBER
 L26



SUMMARY STAFF RECOMMENDATION

Staff recommends approval of the zoning request.

EXISTING CONDITIONS

The site is an existing single family residence. To the south are apartments on MF-3 zoned land. To the east, behind the property are to large lot single family homes with multiple accessory out-buildings. To the north is a single family house on a very large SF-3 zoned lot. Across Berkman Drive to the west are more single family homes and a church.

Site Plan

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, such as the MF-3 which has been requested, 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.

Compatibility Standards

The site is subject to compatibility standards. Along the west and north property lines, 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.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- Additional design regulations will be enforced at the time a site plan is submitted

Transportation

Dedication of additional right-of-way may be required during the subdivision or site plan review process.

The trip generation under the requested zoning is estimated to be 120 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]

Existing Street Characteristics:

| Name | ROW | Pavement | Classification |
|---------------|-----|----------|----------------|
| Berkman Drive | 50' | 40' | Collector |

There are existing sidewalks along Berkman Drive.

Berkman Drive is classified in the Bicycle Plan as a Priority 1 bike route.

Capital Metro bus service is available along Berkman Drive.

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 utility adjustments 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. The landowner must pay the associated City fees.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Fort 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.

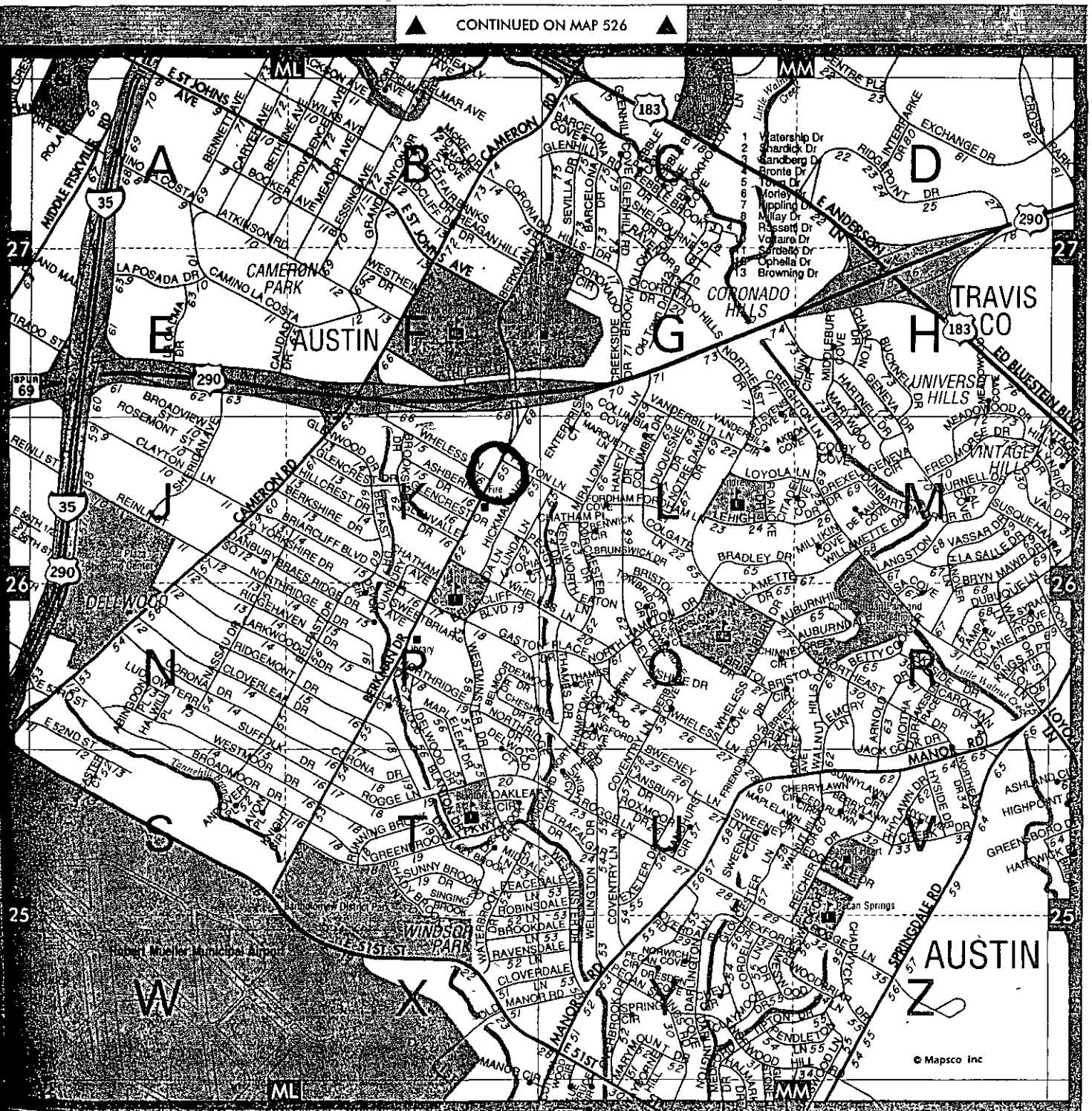
Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

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.

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

CONTINUED ON MAP 526



CONTINUED ON MAP 586

CONTINUED ON MAP 555

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CONTINUED ON MAP 557

SCALE IN MILES

MapSCO, Inc. values your opinions regarding our products. Should you have a suggestion or comment, please call us at (800) 950-1530 or (214) 521-2131.

SCALE IN FEET

~~ABC~~

March 28, 2006

James Longmire
1618 Glen Valley Drive
Austin, TX 78723
512-656-5116

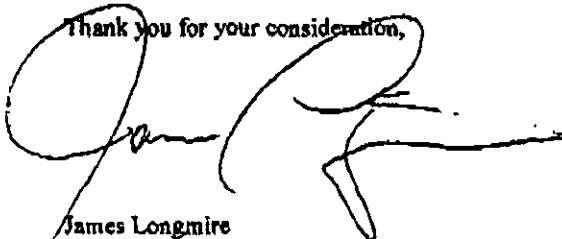
Case Number: C14-06-0018

I object to the zoning of this property to MF-3 on the following reasons:

1. This property is currently zoned SF-3 and I believe a duplex would better fit our current neighborhood situation and preserve the large pecan trees located on this property and enhance our neighborhood.
2. The two apartment complexes to either side of this property have shown numerous cases of criminal activity, and a lack of respect for the neighborhood. The trash generated by these multi family complexes detracts from the area, the shopping carts left in the sidewalks from these complexes interferes with the safe passage of the many handicapped people that live in our neighborhood. If the complexes had a better track record of good management I might be in favor of another apartment complex in the neighborhood, but as anyone can see just driving down Berkman Rd, the five complexes already here are not an asset to the neighborhood. The noise generated from the tenants also detracts from our neighborhood, horn blowing, in parking lot altercations, and the garbage trucks arriving at 3:30 am to empty the dumpsters, all are detractions from me being in favor of yet another apartment complex.
3. I have previously spoke to Mr. Hanna about his present tenants parking in the yard, and yet this activity still persists. This to me, shows that he will not be a very responsible manager of a large complex.
4. I'm not sure how the city's zoning department looks at traffic issues associated with apartment complexes, but again all one has to do is drive down Berkman Rd in the afternoon and experience the congestion from 2 pm until around 7 pm to know that we don't really need another apartment complex in the same block as the current 2 and the elementary school. I personally have witnessed one young person from the Berkman Manor apartments get hit while trying to cross the street during this time. The current complexes do not have enough "green space" for children and thus they tend to play in the parking lots and the streets, neither of which are good places.

I strongly encourage you to maintain the SF-3 zoning and help preserve the neighborhood.

Thank you for your consideration,



James Longmire

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 and the contact person listed on the notice.

Case Number: C14-06-0018

Contact: Robert Heil, (512) 974-2330

Public Hearing:

March 28, 2006 Planning Commission

James Longmire

Your Name (please print)

1618 Glen Valley Drive

Your address(es) affected by this application

[Signature]

Signature

Date

3-28-06

☐ I am in favor
☒ I object

Comments: This property is already zoned

SE-3, I believe a duplex would

be better for our neighborhood.

The two complexes on either side

of this, both have issues with crime

and poor maintenance. Mr. Heil shows

signs of decay with lack of control of this

single tenant (Cyber Park issues)

Also issues with impervious cover and

drainage on Beckman during rain storms.

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

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-06-0018

Contact: Robert Heil, (512) 974-2330

Public Hearing:

March 28, 2006 Planning Commission

Susan LaRoche

Your Name (please print)

1619 Glen Valley, 1712 Lakeless

Your address(es) affected by this application

Susan LaRoche

Signature

Date

Comments:

I would like to

3/23/06

see this neighborhood become less mixed to apartment & more family residences

☐ I am in favor of object

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

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810