ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0158 – 7211 Albert Road

Z.A.P. DATE: January 19, 2010

Zoning Change

February 16, 2010

ADDRESS: 7211 Albert Road

OWNER/APPLICANT: Chester C. Young

AGENT: Damon Young

ZONING FROM: DR

TO: SF-2, **AREA:** 2.0016 acres

amended to SF-1

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant single family residence standard lot (SF-2) district zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

January 19, 2010: CONTINUED TO 2-16-10 (COMMISSION)
[S. BALDRIDGE; D. TIEMANN – 2ND] (7-0)

February 16, 2010: TO GRANT SF-1 DISTRICT ZONING; BY CONSENT [P. SEEGER; T. RABAGO - 2ND] (7-0)

ISSUES:

Several comment forms in opposition to the proposed rezoning have been received and are attached at the back of the Staff packet.

DEPARTMENT COMMENTS:

The subject property is developed with one single family residence, is located on Albert Road, one tract south of its intersection with Matthews Lane and has been zoned development reserve (DR) since its annexation into the City limits in November 1984. The property is surrounded by one to two acre sized tracts zoned DR to the south, single family residences on tracts of varying sizes to the west (SF-2; DR), an undeveloped property zoned SF-1-CO (and proposed for SF-2 zoning) to the north, and single family residences within the Elm Wood Estates subdivision to the east (SF-2). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant has amended his request to single family residence large lot (SF-1) district zoning in order to further subdivide the property. SF-1 zoning is compatible with the single family residential character south of Matthews Lane, with the adjacent properties to the east and west which have SF-2 zoning, and the tract to the north for which SF-2 zoning is being sought.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES	
Site	DR	One single family residence	
North	SF-1-CO	Undeveloped	
South	DR	Single family residences on one and two acre lots	
East	SF-2	Single family residences within the Elm Wood Estates subdivision	
West	SF-2	Single family residences	

AREA STUDY: N/A

TIA: Is not required

WATERSHEDS: South Boggy Creek;

DESIRED DEVELOPMENT ZONE: Yes

Williamson Creek

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association

511 - Austin Neighborhoods Council

627 - Onion Creek Homeowners Association

742 - Austin Independent School District

786 - Home Builders Association of Greater Austin

1037 - Homeless Neighborhood Association 1075 - League of Bicycling Voters

1113 – Austin Parks Foundation

1200 - Super Duper Neighborhood Objectors and Appealers Organization

1224 – Austin Monorail Project

1228 - Sierra Group, Austin Regional Group

1236 - The Real Estate Council of Austin, Inc.

SCHOOLS:

Casey Elementary School

Bedichek Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2009-0157 -	SF-1-CO to SF-2	To Deny SF-2-CO.	Scheduled for 2-25-10.
Albert Road -			
7201-7207 Albert			
Road; 1305-1407			
Matthews Lane			
C14-00-2171 -	DR to SF-3	To Grant SF-3	Approved SF-2 (11-2-
1103 Matthews			00).
Lane			-
C14-96-0117 –	LO and CS to	To Grant SF-6-CO	Approved SF-6-CO
Security Village –	SF-6		with the CO

West William		prohibiting access to
Cannon Drive at		Matthews Lane (12-5-
Woodhue Drive		96).

RELATED CASES:

The rezoning area consists of acreage out of Lot 1 of the H. A. and J. G. Fitzhugh subdivision, (C8-1894-1107).

There are no subdivision or site plan applications approved or in process on the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
Albert Road	50 feet	16 feet	Local	Not Available

There are no existing sidewalks along Albert Road.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not existing or proposed on Albert Road.

Capital Metro bus service (route nos. 333 and 484) is available along William Cannon Drive.

CITY COUNCIL DATE: February 11, 2010

ACTION: Approved a Postponement request by the Staff to 2-25-10 (6-0, Cole off the dais).

February 25, 2010

ORDINANCE READINGS: 1st

2nd

3rd

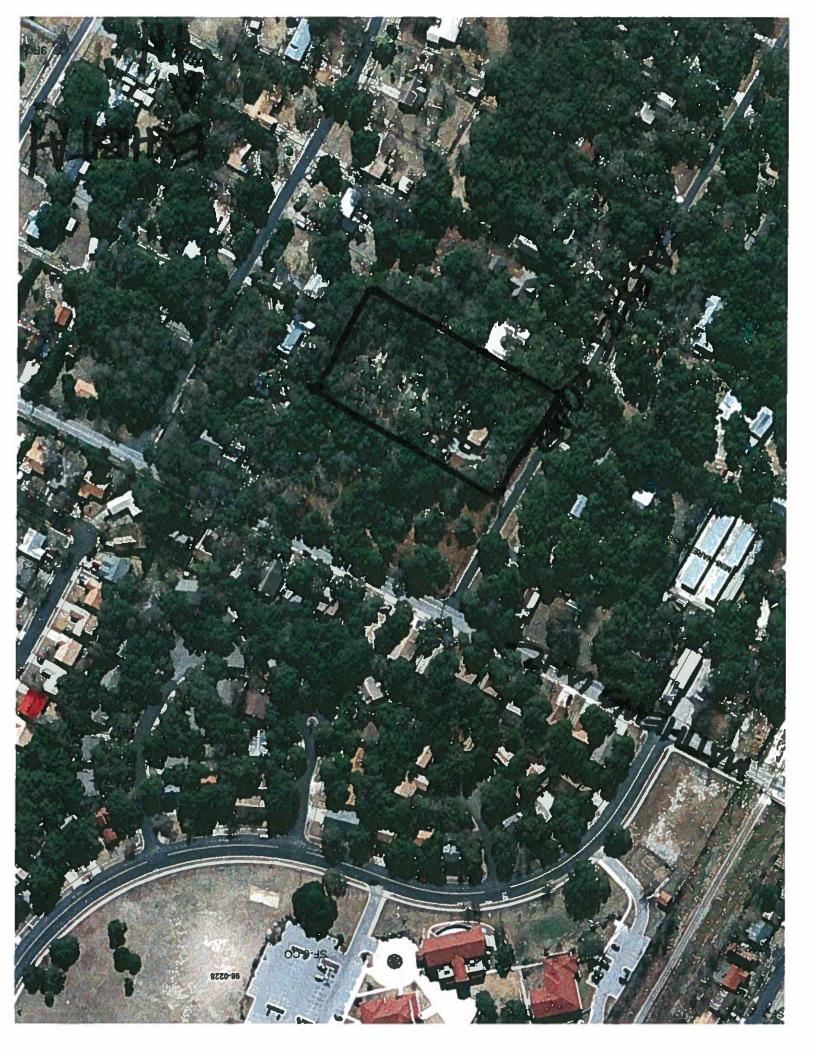
ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades

e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719





SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant single family residence standard lot (SF-2) district zoning.

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 an orderly and compatible relationship among land uses.

SF-1 zoning is compatible with the single family residential character south of Matthews Lane, with the adjacent properties to the east and west which have SF-2 zoning, and the tract to the north for which SF-2 zoning is being sought.

EXISTING CONDITIONS

Site Characteristics

The subject lot is undeveloped and relatively flat, with moderate vegetative cover. 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 45%, which is based on the more restrictive zoning regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Williamson Creek Watershed and the South Boggy Creek Watershed of the Colorado River Basin, which are classified as Suburban Watersheds by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% with Transfers
Single-Family	50%	60%
(minimum lot size 5750 sq. ft.)		
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding 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 preexisting approvals that preempt current water quality or Code requirements.

Transportation

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

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 of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and

impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Site Plan and Compatibility Standards

Rezoning from DR to SF-2 does not trigger the application of compatibility standards.

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

M I am in favor comments should include the board or commission's name, the scheduled Written comments must be submitted to the board or commission (or the date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your □ I object Date Public Hearing: Jan. 19, 2010, Zoning & Platting Commission Hay June Base 7206 Elm Forcest Rd. Dushin Tx If you use this form to comment, it may be returned to: Feb. 11, 2010, City Council Contact: Wendy Rhoades, 512-974-7719 Planning & Development Review Department Your address(es) affected by this application 442.4370 Case Number: C14-2009-0158 Signature June W. Bell Your Name (please print) Austin, TX 78767-8810 listed on the notice. Daytime Telephone: Wendy Rhoades City of Austin P. O. Box 1088 Comments:

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.

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Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

City of Austin

Austin, TX 78767-8810

www.ci.austin.tx.us/development

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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: C14-2009-0158
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: Jan. 19, 2010, Zoning & Platting Commission
Feb. 11, 2010, City Council

ROSALIE ERLUND Your Name (please print)

I am in favor

7210 FOREST WOOD RD

Your address(es) affected by this application

Kossliv Elund

Signature

01-11-10

Date

Daytime Telephone: 442-7430

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If you use this form to comment, it may be returned to: City of Austin Planning & Development Review Department Wendy Rhoades

P. O. Box 1088 Austin, TX 78767-8810

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Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

City of Austin

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because SF-2 could potentially the subduide by the city heading access for whith seconder, out of control, which would roult in a loss ☐ I am in favor comments should include the board or commission's name, the scheduled of pindacy, pracely day, an increase in Extrem gianth to though our property. Written comments must be submitted to the board or commission (or the date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your Comments: Life object to the zoning change our property being further disturbed (VI object Public Hearing: Jan. 19, 2010, Zoning & Platting Commission property taxagand the passibility of 7200 Forest Now Rd. Austra Daytime Telephone: 512, 217, (0942) Feb. 11, 2010, City Council Cape and Bridget Lewith Contact: Wendy Rhoades, 512-974-7719 Your address(es) affected by this application Case Number: C14-2009-0158 Bcheine Signature isted on the notice.

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January 14, 2010

To: Zoning and Platting Commission, City of Austin

Betty Baker, Chair

Teresa Rabago, Secretary Donna Tiemann, Vice Chair

Sandra Baldridge Cynthia Banks Gregory Bourgeois Patricia Seeger

From: Sharon Sanders

7305 Albert Rd, 78745 512-852-4256 (work)

Re: Case Number C14-2009-0158

Contact Wendy Rhoades

Public Hearing Jan. 19, 2010, Zoning & Platting Commission

Feb. 11, 2010, City Council

Project: Location 7211 Albert Rd

Owner Chester Young
Applicant Damon Young

Proposal Zoning change from DR to SF-2

I object to this zoning change.

I would like to start by saying that I am disappointed in our neighbors at 7211 Albert Road for wanting to change their property into multiple single-family homes. When they bought the property several years ago, on more than one occasion they told me how they loved the natural setting and all of the private space and how they had looked for such a place for a long time.

I want to emphasize that this is a residential neighborhood. Nearly everyone has one to four acres on Albert Road and those who live on Elm Forest have very large lots. This makes our neighborhood unique for those who live there—and a good selling point whenever that time is needed. Adding more housing to the area affects the value of existing properties. More recently the resident of 7211 Albert Road told us they didn't care about the neighbors and they would do whatever they wanted with their property.

Building more houses will greatly affect the wildlife we treasure. Yes, the deer are pests and I would like to see them move out of town. But the raccoons, opossums, the helpful garden snakes, squirrels, hawks, several species of owls, two kinds of woodpeckers, and countless other birds live on our property and those adjacent properties (including 7211 Albert Road) would soon be gone. Flocks of birds come into our neighborhood during migration. We even have occasional fox sightings. The rabbits and road runners have left long ago because of the increased human density. This neighborhood has thousands of trees that provide food and shelter to the wildlife that remain. I would hate to see that change.

C14-2009-0158 January 14, 2010 Sharon Sanders Page 2

The necessity of having one or more water retention ponds also concerns me. During the rainy season the mosquito population will increase tremendously—adding a health risk for everyone.

Adding homes will certainly increase traffic on Albert Road and Matthews Lane. We have a much enjoyed quiet neighborhood; and nearly everyone respects each other and their privacy. Adding more private housing or business-related housing would take away our serenity. Housing the elderly would mean frequent ambulance arrivals and other disturbances that would increase traffic in and out of the property.

On a more personal note, our neighbors at 7211 Albert Road are big dreamers and will start a project and not follow through or will not look at the total picture before starting. They leave a lot of stuff lying around and their property has an unkempt appearance. Looking at their track record for the past three years, I don't foresee that they will change. The upkeep on more houses will be more than they can handle.

My suggestions for the residents at 7211 Albert Road—add an apartment to their existing home for their parents. When we built our home over twenty years ago, we included an apartment in our floor plan for a set of parents who lived with us. Now that they are no longer here, that portion of the house has been remodeled and merged into our single-family floor plan. The utilities have always been common.

I truly hope these neighbors have looked deeply at this idea of building homes for the elderly. It is an expensive endeavor. Continuous permits, licensing, fire inspections, health inspections, wheel chair and walker accessible outside and inside; especially the bathrooms, sprinkler systems, fire alarms, cleaning and maintenance services, laundering facilities; licensed cooks, dietitians, regulated food storage and cooking appliances, transportation for doctors, stores, pharmacies; and hair care, food deliveries, parking for residents, staff, and visitors, ambulance accessible, specialized heating and cooling systems, multiple phone, computer, and TV hook-ups; special drainage and runoff, subdividing for eventual sale, proper fencing on all sides. I am pretty certain the existing neighbors will demand privacy fences. That would be a must for us—the list is endless.

Please vote in opposition to this zoning change. Based on the Applicant's low regard for neighborhood values, neither SF-2 nor SF-1 would be appropriate.

Thank you for your consideration.

Sharon Sanders

Sharon K. Sanders 7305 Albert Road

Austin, Texas 78745

512-443-9032 (home)

512-852-4256 (work)

January 14, 2010

To: Zoning and Platting Commission, City of Austin

Betty Baker, Chair

Teresa Rabago, Secretary Donna Tiemann, Vice Chair

Sandra Baldridge Cynthia Banks Gregory Bourgeois Patricia Seeger

From: Kent Sanders

7305 Albert Rd, 78745 512-440-2143 (work)

Re: Case Number C14-2009-0158

Contact Wendy Rhoades

Public Hearing Jan. 19, 2010, Zoning & Platting Commission

Feb. 11, 2010, City Council

Project: Location 7211 Albert Rd

Owner Chester Young Applicant Damon Young

Proposal Zoning change from DR to SF-2

I object to this zoning change.

My wife and I have lived on Albert Road since the early 1980's. Our one-acre lot (actually, 520 sq-ft less) is the 3rd lot on the left side of Albert Rd, south of Matthews Lane. We share over 400 feet of property boundary with Chester Young's property. His is the 2rd lot south of Matthews Lane.

The "core" of Albert Road consists of properties just under an acre to over 4 acres. By my count, 10 out of 18 lots are 2 acres or more in size. All have houses with a minimum 75 foot set-back and are more or less centered within the frontage length. Chester Young's property is not an exception.

The owners within the Albert neighborhood, with exceptions, value their own privacy and respect their neighbor's right of privacy. We tend to not be overly social among ourselves. We both need and use the space and nature to recharge our proverbial batteries to address other aspects of our lives.

In my opinion, the very low house density along Albert needs to be protected. The narrow but deep lots imply limited road frontage and longer common boundaries among neighbors. With many one and two acre lots, an SF-1 designation is insufficient protection against those wanting to capitalize through subdivision at the expense of his neighbor.

C14-2009-0158 January 14, 2010 Kent Sanders Page 2

A more ideal designation for the Albert neighborhood is RR (Rural Residence). Unfortunately, our current designation is DR (Development Reserve) and we have little opportunity to change it until our "greater neighborhood" pursues Neighborhood Planning. Without that Plan in place we must challenge each and every issue assaulting privacy and quality of life. And Albert Road has characteristics that have changed little over the last 60 years—probably even unique to South Austin. Therefore, well worth preserving.

Chester Young does not, to my knowledge, live at 7211 Albert Rd. His son Damon and Damon's family do live there. Based on my respectful watch as Damon's neighbor, he has made some needed upgrades to the house and created a small back yard out of a virtual jungle of vegetation acquired on purchase of the property.

This past summer during the drought Damon rented a small bobcat and over a month with hired labor cleared the back of the lot—perhaps 210 feet wide by 275 feet deep. Trees, shrubs, weeds, grasses all gone. Just dirt and less than great looking trees remain. Before, there was this big wooded area across the property line. Now we see the fence on the opposite side of his lot and a couple more neighbors along Elm Forest.

Then it got quiet. Damon was not talking. In December surveyors left red ribbons everywhere and tagged many of his trees in front. A few more days and zoning notices start showing up in mail boxes for two adjacent properties. Both properties are seeking SF-2 designations. Now Damon is refusing to talk to anyone—especially not to Kent.

On Sunday evening January 10 Damon met with Kent and another neighbor. Damon admitted he does not know what he is going to do. He knows only that he needs to change his "zoning from DR to do anything." He said he intends to build as many single family homes on his property as the city will permit. It is his property and neighbors do not matter.

In a different conversation with another neighbor, Damon mentioned "an assisted living support group." In yet a different conversation he said he wanted to build a "house for his Dad and another for 5 or 6 other elderly men."

Based on the above incomplete, evasive statements, Damon may intend to build a minimum of two more single-family homes on his 2-acre lot and retain ownership for some period of years. And he knows it is a problem for the guy C14-2009-0158 January 14, 2010 Kent Sanders Page 3

on the opposite side of the 400+ foot property line. Unfortunately, the other guy does not know the whole story.

Commission members—please accept my apologies for the hearsay content and narrative style of this protest. I have been unable to identify a more appropriate way to present the few known facts.

<u>Please vote in opposition to this zoning change.</u> Based on the applicant's low regard for neighborhood values, neither SF-2 nor SF-1 would be appropriate.

Thank you for your consideration.

Kent E. Sanders

7305 Albert Rd, Austin, TX 78745

512-440-2143 (work)

Rhoades, Wendy

From: Damon Young [ddpin() | Damon Young

Sent: Friday, February 12, 2010 12:37 AM

To: Rhoades, Wendy

Subject: Re: FW: 02-16-10 ZAP agenda

Hi Wendy,

I apologize for the delay in sending you this. I have been snowed with work and other commitments. If you could attach the following statement to my packet and ammend the Zoning request to SF1, I would appreciate it. If its too late, I would be happy to orally present the request at the hearing. Just let me know. Thanks for all your help on this, I really appreciate it.

Damon

To Zoning Board,

We wanted to re-zone our property at 7211 Albert Rd. to a conforming status. Our current DR zoning is non-conforming and the property does not meet the requirements of the Code's DR designation. I visited the city planning and zoning offices to inquire what would be a legal and conforming zoning supported by the city. I was told that a SF2 status would be a proper usage and request. I filled out the paperwork and submitted the fees to obtain that recommended change.

The neighborhood objections to my SF2 request took me by surprise. My neighbors and community mean a great deal to me.

We love our city and our neighborhood. We want to step forward and do what we can to restore the sense of community we have always felt here. So we are changing our request from SF2 to SF1 in the hope that it will help build a more positive atmosphere with my neighbors and community.

Best Regards, Damon Young

--- On Thu, 2/11/10, Rhoades, Wendy < Wendy. Rhoades@ci.austin.tx.us > wrote:

From: Rhoades, Wendy < Wendy. Rhoades@ci.austin.tx.us>

Subject: FW: 02-16-10 ZAP agenda

To: "Brent Hammond" <

Date: Thursday, February 11, 2010, 9:55 AM

Brent, Damon,

Here is the ZAP agenda for next Tuesday the 16th.

WR.