

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2010-0057 – East Braker Duplex

**Z.A.P DATE:** June 1, 2010

**ADDRESS:** 1120 East Braker Lane

**OWNER / AGENT:** Mau and Khanh Tran, 512-825-2516

**ZONING FROM:** DR

**TO:** SF-6

**SITE AREA:** 1.91 acres

**SUMMARY STAFF RECOMMENDATION:** The staff recommendation is to grant the change from DR (Development Reserve) district zoning to SF-6 (Townhouse and Condominium Residence) district zoning.

**ISSUES:** Transportation Staff has further evaluated the need for right-of-way dedication at the zoning stage and agreed to defer the requirement to the subdivision or site plan stage.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:** On June 1, 2010, Zoning and Platting Commission *APPROVED* staff's recommendation for SF-6-CO zoning with conditions; was approved on the consent agenda by Commissioner Donna Tiemann's motion, Commissioner Sandra Baldridge seconded the motion on a vote of 7-0.

**DEPARTMENT COMMENTS:** The subject property is undeveloped and moderately vegetated. The site is located on East Braker Lane, a major arterial roadway, just west of its intersection with Dessau Road. There is an elementary school to the south, single family residences to the north and east and duplexes to the west. The applicant would like to rezone the property to construct approximately 16 condominiums on the site.

The subject tract is relatively small in size and is irregularly shaped. It also has a fairly large proportion of frontage on East Braker Lane. Given these characteristics, the flexibility of site design for SF-6 zoning would allow for a better infill project and land use than would single-family or duplex zoning. In addition, fewer driveways suggested by townhouse and condominium development will benefit the overall traffic pattern in the area.

Staff recommends the applicant's request because the proposed zoning will meet the purpose statement and intent of the requested zoning district. The townhouse and condominium residence district zoning is appropriate in proximity to the major intersection of Dessau Road and East Braker Lane. The increased residential density supports public and commercial sites at the intersection as well as arterial corridors. Additionally, the townhouse and condominium residence district zoning is compatible with the residential uses in the area.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	DR	Undeveloped
<i>North</i>	SF-2	Single-Family Residences
<i>East</i>	SF-2	Single-Family Residences
<i>South</i>	SF-2	Elementary School

<i>West</i>	SF-2	Duplexes; Single-Family Residences
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**NEIGHBORHOOD PLAN AREA:** N/A

**TIA:** Waived.

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

- Austin Neighborhood Council
- Northeast Walnut Creek Neighborhood Association
- North Growth Corridor Alliance
- Home Builders Association of Greater Austin
- League of Bicycling Voters
- Austin Parks Foundation
- Homeless Neighborhood Association
- Austin Monorail Project
- Super Duper Neighborhood Objectors and Appealers Organization
- The Real Estate Council of Austin, Inc.
- Sierra Club, Austin Regional Group

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2009-0003 11118 Dessau Rd. (Austin Chinese Church)	SF-2, PUD & SF-6 to LO	3/10/09: Apvd LO-CO w/conds by consent (9-0)	4/3/2009: Apvd LO-CO (7-0); 1st rdg  4/30/2009: Apvd Ord. 20090430-047 for LO-CO by consent (7-0); 2nd/3rd rdgs
C814-86-032 11118 Dessau Rd. (Austin Chinese Church Portable Classroom Bldg. AKA – Collinwood PUD)	SF-2 to PUD	1/6/87: Disapproved (8-0)	7/2/87 Apvd PUD (6-0), 2ND/3RD RDGS
C14-93-0015 11118 Dessau Rd. (Austin Chinese Church Addition)	PUD to GO	5/11/93: Approved SF-6 (5-3)	6/3/93: Approved SF-6 (6-0); 1 <sup>st</sup> reading only  8/12/93: Approved SF-6 (5-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-03-0097 1101 E. Braker Ln. (Buckner Retirement Services)	MF-3-CO to GO	8/12/03: Approved staff's alt rec. of GO-CO with conditions (9-0)	9/25/03: Approved GO-CO (7-0); all 3 rdgs.

C14-2008-0012 1101 E. Braker Ln. (Buckner Zoning)	MF-3-CO to GO-CO	2/19/08: Apvd staff rec of GO-CO by consent (5-0)	4/10/2008: Apvd Ord. 20080410-067 for GO-CO (7-0); all 3 rdgs
C14-2007-0190 1015 E. Braker Ln. (Braker Lane Commercial)	LO and LR to GR-CO	12/18/07: Apvd staff rec of GR-CO by consent (8-0)	1/17/2008: Apvd Ord. 20080117-039 for GR-CO (7-0); all 3 rdgs

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
E. Braker Lane	90'	MAD 6	Arterial	Yes	485	Yes

**CITY COUNCIL DATE:**

June 24, 2010

**ACTION:**

The public hearing was closed and the first reading of the ordinance for townhouse and condominium residence (SF-6) district zoning with conditions was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

July 29, 2010

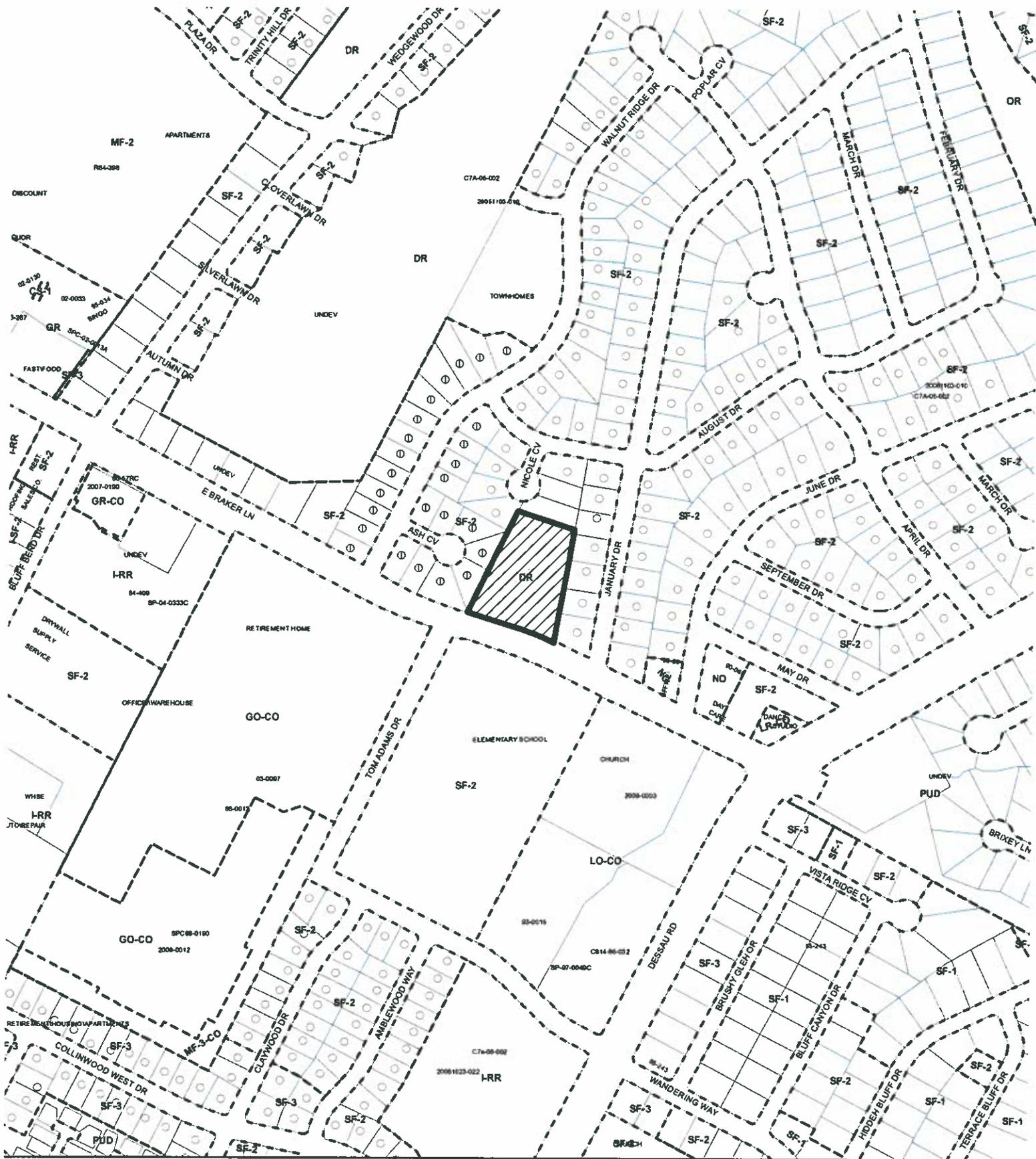
**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Joi Harden

**PHONE:** 974-2122

**E-MAIL:** [joi.harden@ci.austin.tx.us](mailto:joi.harden@ci.austin.tx.us)



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

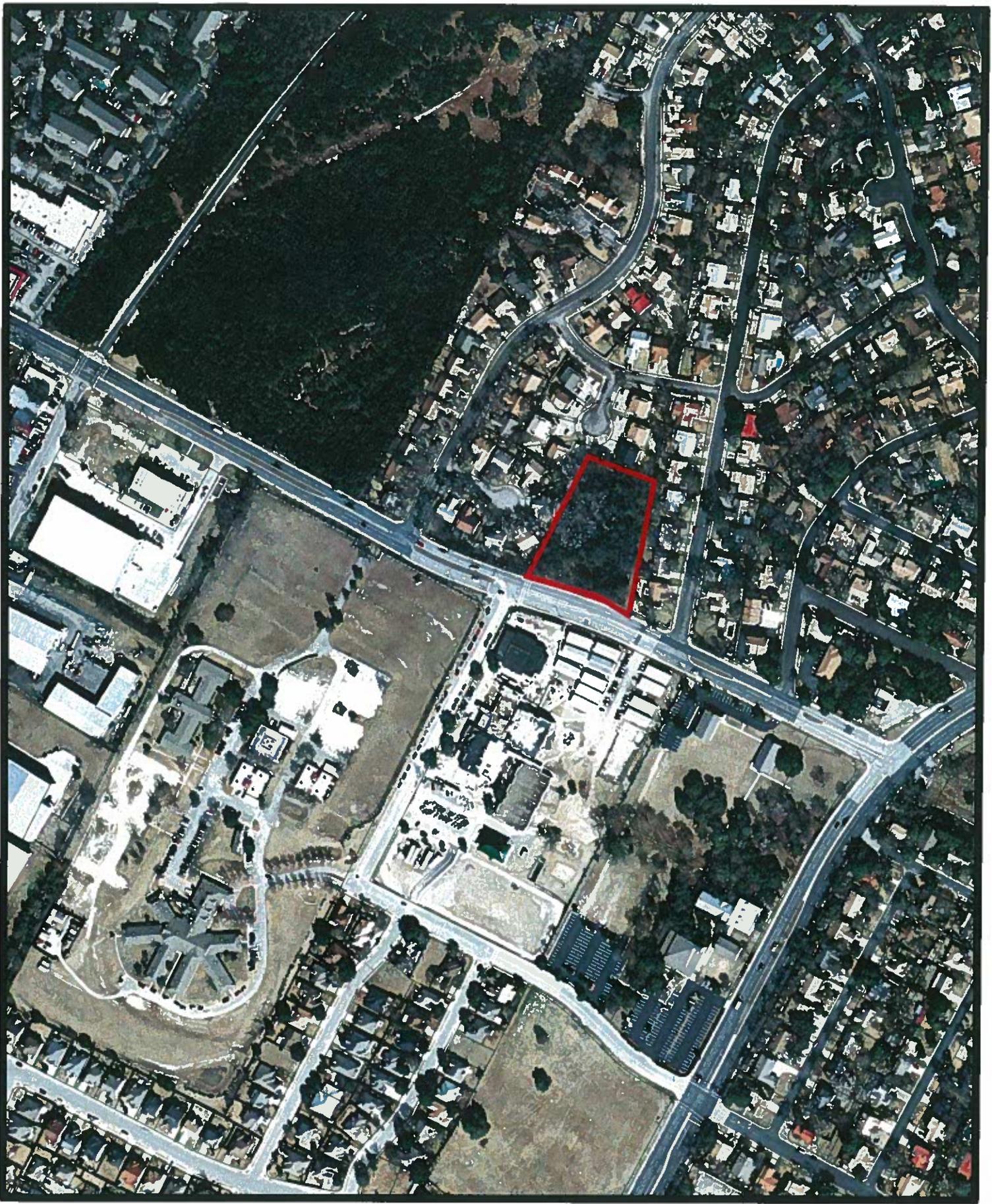
**ZONING**

ZONING CASE#: C14-2010-0057  
 ADDRESS: 1120 E BRAKER LN  
 SUBJECT AREA: 1.91 ACRES  
 GRID: M31  
 MANAGER: J. HARDEN



1" = 400'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**C14-2010-0057 1120 E. Braker Ln.  
From Development Reserve (DR) to  
Townhouse and Condominium Residence  
(SF-6) District Zoning**



## SUMMARY STAFF RECOMMENDATION

The staff recommendation is to grant the change from DR (Development Reserve) district zoning to SF-6 (Townhouse and Condominium Residence) district zoning.

## BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Townhouse and Condominium Residence district is intended as an area for moderate density single family, duplex, two family, townhouse, and condominium use. SF-6 is appropriate in selected areas where transition from single-family to multifamily use is appropriate.

The proposed condominiums will provide a transition from the single-family to the elementary school located to the south.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

The proposed SF-6 zoning will allow for reasonable use of the site while maintaining the character of the surrounding area. The townhouse and condominium residence district zoning is appropriate in proximity to the major intersection of Dessau Road and East Braker Lane. The increased residential density supports public and commercial sites at the intersection as well as arterial corridors. Additionally, the townhouse and condominium residence district zoning is compatible with the residential in the area.

## EXISTING CONDITIONS

### Site Characteristics

The site under consideration is undeveloped. The property is relatively flat and sparsely to moderately vegetated. There is an elementary school to the south, single family residences to the north and east and duplexes to the west.

### Impervious Cover

The maximum impervious cover allowed by the SF-6 zoning district would be 55%, which is a consistent figure between the zoning and watershed 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 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 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%

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 pre-existing approvals that preempt current water quality or Code requirements.

### **Transportation**

The Austin Metropolitan Area Transportation Plan calls for 140 feet of right-of-way for Braker Lane. If the requested zoning is granted for this site, then 70 feet of right-of-way from the existing centerline should be dedicated for Braker Lane according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]. **NOTE:** This requirement has been deferred to the subdivision or site plan phase, whichever comes first.

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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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**

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 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**

- a. The site is subject to compatibility standards. Along all property line, the following standards apply:
- b. No structure may be built within 25 feet of the property line.
- c. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- e. No parking or driveways are allowed within 25 feet of the property line.
- f. A landscape area at least 15 feet wide is required along 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.
- g. 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.
- h. 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.
- i. Additional design regulations will be enforced at the time a site plan is submitted.

## 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](http://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: C14-2010-0057

Contact: Joi Harden, 512-974-2122

Public Hearing: June 1, 2010, Zoning & Platting Commission  
June 24, 2010, City Council

I am in favor  
 I object

Your Name (please print)

RON & MARILYN SHIPES

Your address(es) affected by this application

1301 September Dr 5/23/10

Signature

Daytime Telephone: 512-974-0821

Date

Comments: There is a large facility for Amigos just across the road from this property, therefore they will be competing for access to Biber's base. We already have extra traffic in the morning and afternoon from commuters to and from downtown to avoid I-35.

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

City of Austin  
Planning & Development Review Department  
Joi Harden

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

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Case Number: C14-2010-0057

Contact: Joi Harden, 512-974-2122

Public Hearing: June 1, 2010, Zoning & Platting Commission  
June 24, 2010, City Council

Amy Bollinger  
Your Name (please print)

I am in favor  
 I object

11301 Nicole Cove #A Austin TX 78753  
Your address(es) affected by this application

Amy Bollinger 5/27/10  
Signature Date

Daytime Telephone: 512-558-2583

Comments: I just had a baby on 5/3/10. I'm trying to enjoy my time home plus I enjoy having some trees to look at there's a bunch of wild cats & raccoons in their woods. There will they go I you take away all the trees then you have nothing. Thank you

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

City of Austin  
Planning & Development Review Department  
Joi Harden

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