

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2010-0039 – Newning Avenue Townhomes

REQUEST: SF-3-NP to SF-5-NP

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 1307 Newning Avenue from SF-3-NP to SF-5-NP zoning.

The Ordinance reflects those conditions imposed by Council on 1st reading.

Conditions met as follows:

- Maximum density to one dwelling unit per subdivided lot of 9,000 square feet
- Maximum impervious cover of 45%

PROPERTY OWNER: Shamrock Builders (Brenda Reese)

AGENT: Brenda Reese

ISSUES: The South River City Citizens Neighborhood Association voted against the rezoning and neighborhood future land use map amendment.

PDR staff has recently reviewed the Fairview Park zoning ordinances and associated maps and have determined that the initial zoning category for the 1307 Newning property should have been listed as SF-3-NP, and not SF-3-NCCD-NP as previously stated. The property owners opted out of the NCCD and were not included in the original ordinance or subsequent amendments.

A petition has been submitted against this rezoning request, and is currently in the process of validation.

DATE OF FIRST READING/VOTE: 6/24/10 – Approved 1st reading (5-1); Morrison – nay;
Cole off the dais.

CITY COUNCIL DATE: 7/29/10 – 2nd/3rd reading

ASSIGNED STAFF: Stephen Rye

PHONE: 974-7604

E-MAIL: stephen.rye@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-2010- 0039- Newning Avenue Townhomes

P.C DATE: May 11, 2010

ADDRESS: 1307 Newning Avenue

OWNER/APPLICANT: Shamrock Builders (Brenda Reese)

AGENT: Brenda Reese

ZONING FROM: SF-3-NP

TO: SF-5-NP

AREA: 0.46 acres (18,992 sq. ft.)

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of SF-5-CO-NCCD-NP (Urban Family Residence-Conditional Overlay-Neighborhood Conservation Combining District-Neighborhood Plan) district zoning. The conditional overlay will limit the maximum density to one dwelling unit per subdivided lot of 9,000 square feet, and limit the impervious cover to the SF-3 standard of 45%.

NEIGHBORHOOD PLANNING STAFF RECOMMENDATION: Staff recommends approval of amending the South River City Combined Neighborhood Plan to allow for High Density Single Family Future Land Use Map amendment.

PLANNING COMMISSION RECOMMENDATION: The motion to deny staff's recommendation for higher density single-family was approved by Commissioner Danette Chimenti's motion, Commissioner Kathyne Tovo seconded the motion on a vote of 8-0; Commissioner Jay Reddy was absent.

CITY COUNCIL 1st READING: 6/24/10 - The motion to approve staff's recommendation for higher density single-family was approved by Council member Shade's motion, Council member Martinez seconded the motion on a vote of 5-1 with Council member Morrison voting no and Council member Cole off the dias.

DEPARTMENT COMMENTS: The property is currently zoned SF-3-NCCD-NP and developed with a duplex residential structure. The owners of the property seek to convert the existing duplex into two townhome units. To be able to do so, the owners must rezone the property to SF-5-NCCD-NP in order to subdivide the existing duplex lot into a 2-lot Townhouse Subdivision as a Townhouse Residential Use. This will allow for the individual lots and their dwelling units to be sold independently without the need for a condominium regime. No additional construction or subdivision is planned for the property, and the owners have agreed to limit the density to the existing one dwelling unit per subdivided lot, and to limit the impervious cover to SF-3 standards (45%).

ISSUES: The South River City Citizens Neighborhood Association voted against the rezoning and neighborhood future land use map amendment.

PDR staff has recently reviewed the Fairview Park zoning ordinances and associated maps and have determined that the initial zoning category for the 1307 Newning property should have been listed as SF-3-NP, and not SF-3-NCCD-NP as previously stated. The property owners opted out of the NCCD and were not included in the original ordinance or subsequent amendments.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NNCD-NP	Duplex
<i>North</i>	MF-4-NCCD-NP	Multifamily
<i>South</i>	SF-3-NCCD-NP	Single Family
<i>East</i>	SF-3-NCCD-NP	Single Family
<i>West</i>	MF-2-H-NCCD-NP	Multifamily

NEIGHBORHOOD PLAN: South River City Neighborhood Plan

TIA: Waived

WATERSHED: Blunn Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

South River City Citizens
South Central Coalition
Austin Neighborhoods Council
Bouldin Creek Neighborhood Association
Terrell Lane Interceptor Association
Barton Springs/Edwards Aquifer Conservation District

SCHOOLS:

Galindo Elementary School
Fulmore Middle School
Travis High School

CASE HISTORIES

NUMBER	REQUEST	COMMISSION	COUNCIL
NPA-05-0022	Greater South River City Combined Neighborhood Plan	9/13/2005; APVD	9/29/2005; APVD
C14-05-0139	Greater South River City Combined Neighborhood Plan	9/13/2005; APVD STAFF REC 8-1, MM-NO)	9/29/05; APVD SO RIVER CITY NPCD (6-0)

BASIS FOR RECOMMENDATION

1. ***Zoning should allow for reasonable use of the property.***

The recommended zoning will limit the density and site development regulations to single family standards while expanding urban family residence options.

2. ***Zoning changes should promote a balance of intensities and densities.***

The recommended zoning will promote a transition and compatibility with adjacent and nearby zoning districts, land uses, and development intensities, and will be consistent with approved and existing densities.

EXISTING CONDITIONS

Environmental

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

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.

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

If 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.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

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]

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Newning Avenue	70	27	Collector	No	No	NO

CITY COUNCIL DATE: June 10, 2010
June 24, 2010
July 29, 2010

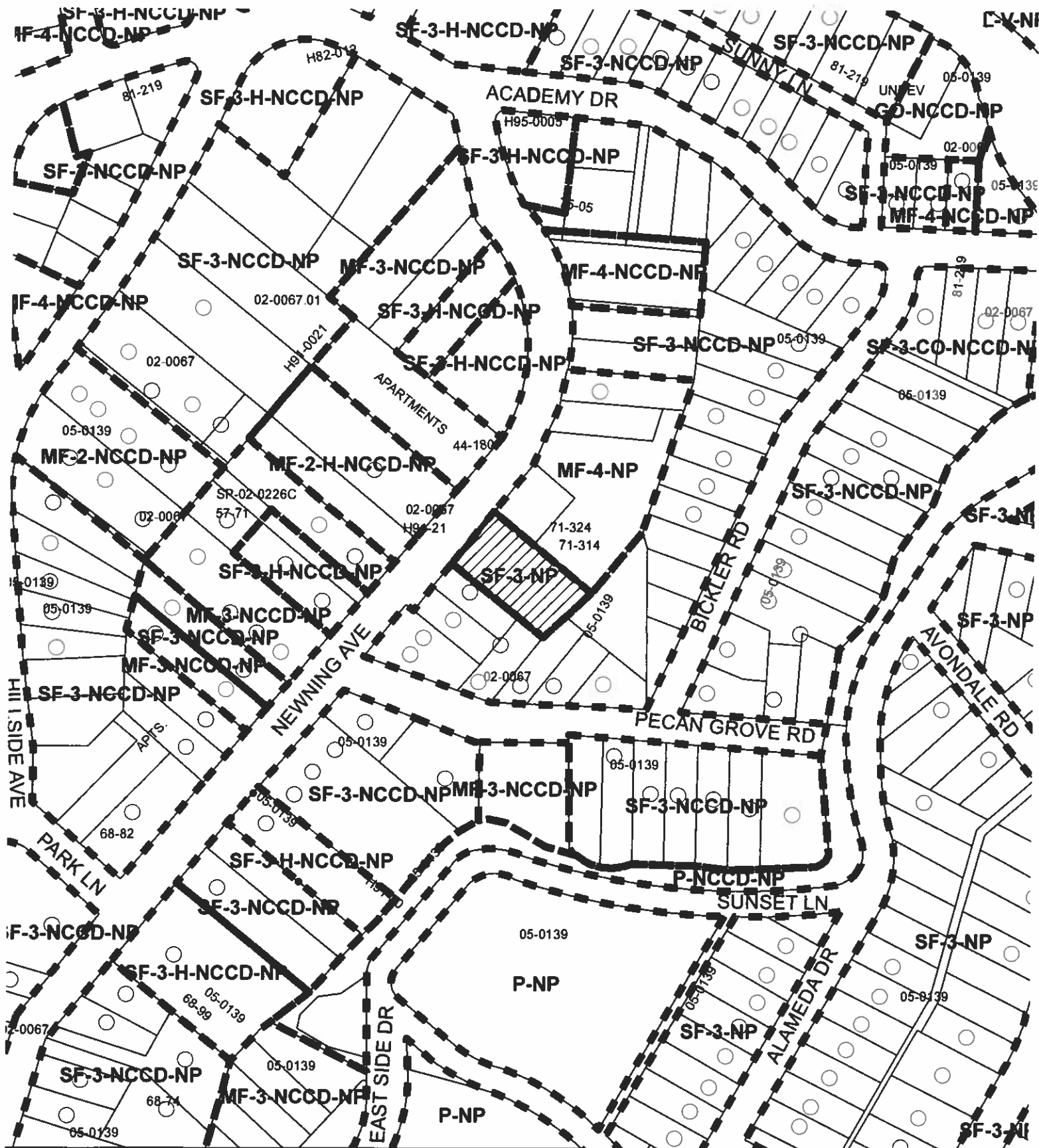
ACTION: postponed by applicant
Approved 1st reading

ORDINANCE READINGS: 1st 6/24/10 2nd 7/29/2010 3rd

ORDINANCE NUMBER:




CASE MANAGER: Stephen Rye

PHONE: 974-7604
stephen.rye@ci.austin.tx.us



ZONING



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING CASE#: C14-2010-0039
 LOCATION: 1307 NEWNING AVE
 SUBJECT AREA: 0.460 ACRES
 GRID: J20
 MANAGER: STEPHEN RYE



1" = 200'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



City of Austin

Founded by Congress, Republic of Texas, 1839
Planning and Development Review Department
P.O. Box 1088, Austin, Texas 78767

March 31, 2010

Ms. Brenda Reese

Re: 1307 Newning Avenue

To Whom It May Concern:

The property located at 1307 Newning Avenue [*Lot 41B, Fairview Park*], is currently zoned SF-3-NCCD-NP and developed with a duplex residential structure that was permitted on 10/08/2007. Although municipalities in Texas cannot restrict or regulate condominium ownership regimes, the current lending environment has made it difficult for buyers to secure mortgage loans for the purchase of a condominium unit in condominium developments with fewer than four units. Section 25-2-233 of the City of Austin Land Development Code [LDC] provides a mechanism by which one can subdivide existing duplex lots into a *Single-Family Attached Residential Subdivision*. However, LDC Section 25-2-233(B) only permits *Single-Family Attached* residential use on unplatted land, vacant platted duplex lots, or platted lots developed with a duplex before 03/01/1987, so this is not an option for the subject tract because the lot is neither vacant nor developed with a duplex prior to that date.

The only means by which the existing duplex and duplex lot can be subdivided into two separate lots, with each lot containing a single dwelling unit that may be conveyed fee-simple to subsequent buyers, is by subdividing the lot as a 2-lot *Townhouse Subdivision* as a *Townhouse Residential* use. *Townhouse Residential* use is not a permitted use in the current zoning district, so the first step in converting the existing duplex into two townhouse units, is to rezoning the property to an SF-5 or less restrictive residential zoning district. Once the property is rezoned, a 2-lot townhouse subdivision in compliance with LDC Section 25-4-231 and 25-2-775 can be approved, allowing the individual lots and their dwelling units to be sold independently without the need for a condominium regime.

If you have any questions regarding applicable regulations, you may contact the Development Assistance Center at 974-6370.

Sincerely,

Christopher Johnson
Development Assistance Center Manager

Rye, Stephen

From: Sarah Campbell [sarahecampbell@earthlink.net]
Sent: Thursday, April 15, 2010 5:53 PM
To: Rye, Stephen
Cc: Jean Mather; Teresa Griffin; Terry Franz
Subject: C14-2010-0039 Zoning Change Request at 1307 Newning Ave

Stephen,

See below that SRCC has voted unanimously against this zoning change request.
Thank you,
Sarah

Begin forwarded message:

From: Sarah Campbell <sarahecampbell@earthlink.net>
Date: April 7, 2010 2:09:36 PM CDT
To: Maureen Meredith <Maureen.Meredith@ci.austin.tx.us>, "Stephen
Stephen.Rye@ci.austin.tx.us" <Stephen.Rye@ci.austin.tx.us>
Cc: Jean Mather <jmather531@aol.com>, Terry Franz <tmfranz@airmail.net>, Teresa Griffin
<teresalgriffin@hotmail.com>, brendaereese@aol.com, Sam Martin <smart4@austin.rr.com>
Subject: NPA-2010-0022.01 Neighborhood Plan Amendment & Rezoning

On Monday, April 5, 2010, during our regularly scheduled monthly meeting, the South River City Citizens (SRCC) Neighborhood Association reviewed this case. We heard from the applicant and from our own Zoning & Planning Standing Committee before rendering a unanimous vote AGAINST this rezoning and NP Amendment request.

We appreciate your most serious consideration of our input.

Sincerely,

Sarah Campbell, President
SRCC

4/28/2010

