

ZONING CHANGE REVIEW SHEET

CASE: C14-2010- 0126 – Melridge Terrace

P.C DATE: October 26, 2010

ADDRESS: 1303 Robert E. Lee Road

OWNER/APPLICANT: Melridge Terrace, LP (Ryan Diepenbrock)

AGENT: Melridge Terrace, LP (Ryan Diepenbrock)

ZONING FROM: SF-3

TO: SF-6 -CO

AREA: 1.58 acres (68,824 ft²)

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of SF-6 (Townhouse and Condominium) district zoning.

PLANNING COMMISSION RECOMMENDATION: The motion to approve staff's recommendation with added conditions:

- 14 unit maximum;
- Detached unit construction, 2 story maximum;
- 3 star green builder rating minimum
- 50% maximum impervious cover
- Retain vegetative buffer along Robert E Lee
- Drainage into Town Lake, not Barton Creek, and provide on-site stormwater management controls to ensure downstream off-site flows are at or below the current undeveloped condition flow rates.

Was approved by Commissioner Danette Chimenti's motion, Commissioner Mandy Dealey second the motion on a vote of 7-0; Commissioners Richard Hatfield and Dave Anderson were absent.

DEPARTMENT COMMENTS: This 1.58 acres property is currently undeveloped. A subdivision request for the property has been approved (C8-2009-0025.0A) to subdivide the lot into 6 lots. The applicant seeks to develop the property with a 14-detached unit condominium regime. The Zilker Neighborhood Association and the applicant have agreed to the following limitations on the proposed development:

14 unit maximum

Detached unit construction, 2 story maximum

3 star green builder rating minimum

50% maximum impervious cover

Retain vegetative buffer along Robert E Lee

Drainage into Town Lake, not Barton Creek, and provide on-site stormwater management controls to ensure downstream off-site flows are at or below the current undeveloped condition flow rates.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Single Family
<i>North</i>	SF-3	Single Family
<i>South</i>	SF-3	Single Family
<i>East</i>	SF-6	Condominium
<i>West</i>	SF-3	Single Family

NEIGHBORHOOD PLAN: N/A**TIA:** Waived**WATERSHED:** Town Lake**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

Homeless Neighborhood Association
Home Builders Association of Greater Austin
Save Our Springs Alliance
Austin Neighborhoods Council
League of Bicycling Voters
Zilker Neighborhood Association
Barton Springs/Edwards Aquifer Conservation District

SCHOOLS: Zilker Elementary School
O'Henry Middle School
Austin High School

CASE HISTORIES

NUMBER	REQUEST	COMMISSION	COUNCIL
C8-2009-0025.0A	6- lot Subdivision	Approved (7-0); 1/22/2010	N/A

BASIS FOR RECOMMENDATION***1. Zoning changes should promote a balance of intensities and densities.***

The recommended zoning will promote a transition between adjacent and nearby zoning districts, and the detached single family construction technique will promote the existing single family character of the surrounding neighborhood.

2. Granting of the request should result in an equal treatment of similarly situated properties.

The zoning request will be compatible with the adjacent property to the west.

EXISTING CONDITIONS

Environmental

1. According to current maps, this site lies in the Edwards Aquifer Recharge Zone. This site lies on, or very close to, the divide between the Barton Creek (Barton Springs Zone) and the Town Lake (Urban) watersheds, which fall within the drinking water protection zone and desired development zone, respectively. A geological and / or topographical analysis of the site may be needed to determine the exact boundaries of the aforementioned watersheds and zones.
2. 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.
3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
4. At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code regulations.
5. According to flood plain maps, there is no flood plain within the project area.
6. The site is located within the endangered species survey area.

Following are the comments for each watershed classification:

Urban

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

Barton Springs Zone

- a. Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone, 20% impervious cover in the Barton Creek watershed and 25% impervious cover in the Contributing zone. This tract lies in the recharge zone.
- b. Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

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	Classification	Sidewalks	Bike Route	Capital Metro
Robert E Lee	56'	36'	Collector	No	Yes	Yes
Melridge Place	82'	36'	Local	No	Yes	Yes

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

The site is subject to compatibility standards. Along the North property line, the following standards apply:

- No structure may be built within __ 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 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.
- 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.

CITY COUNCIL DATE: November 18, 2010

ACTION:

ORDINANCE READINGS: 1st

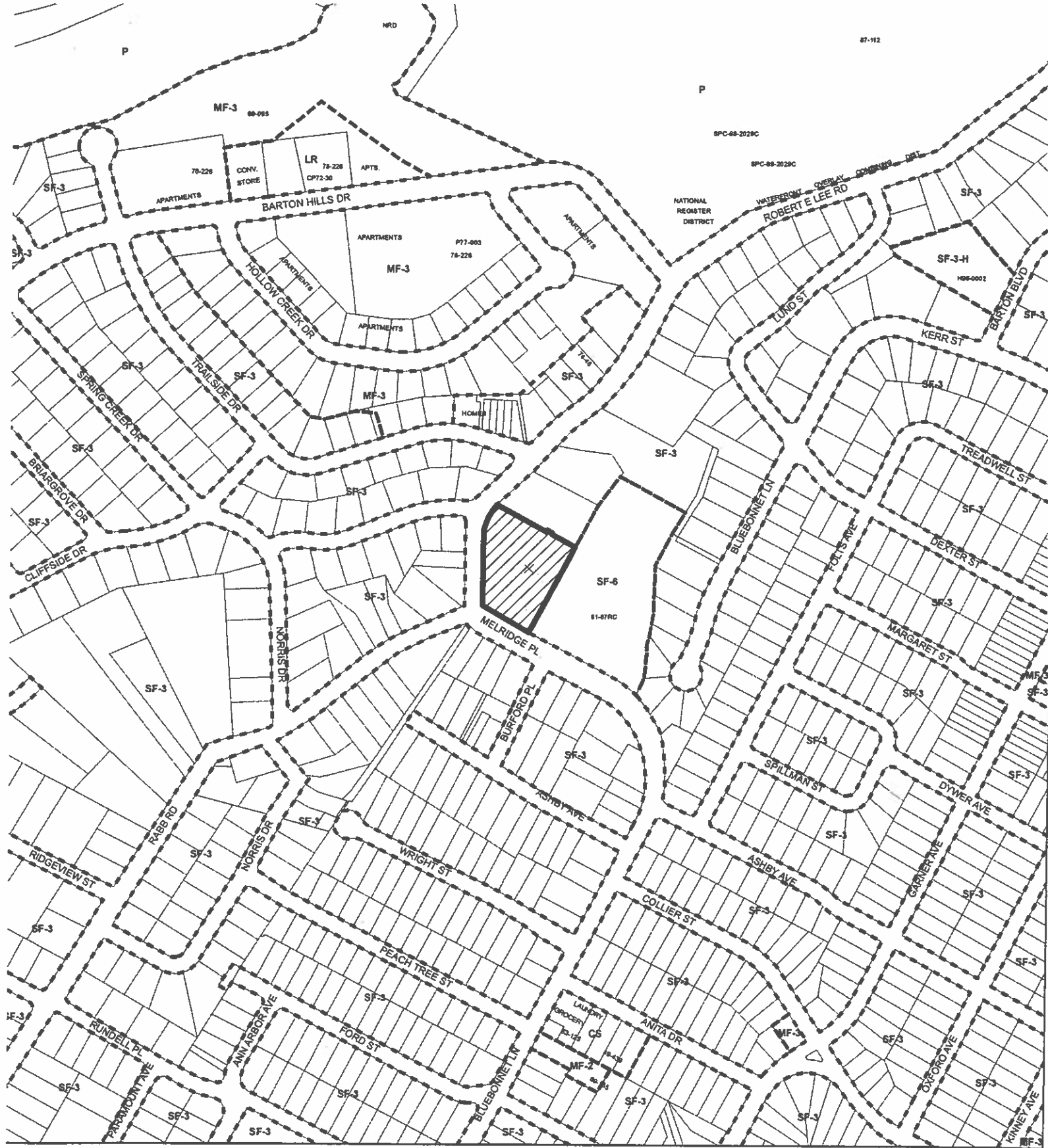
2nd

3rd





ORDINANCE NUMBER:

CASE MANAGER: Stephen Rye

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



ZONING

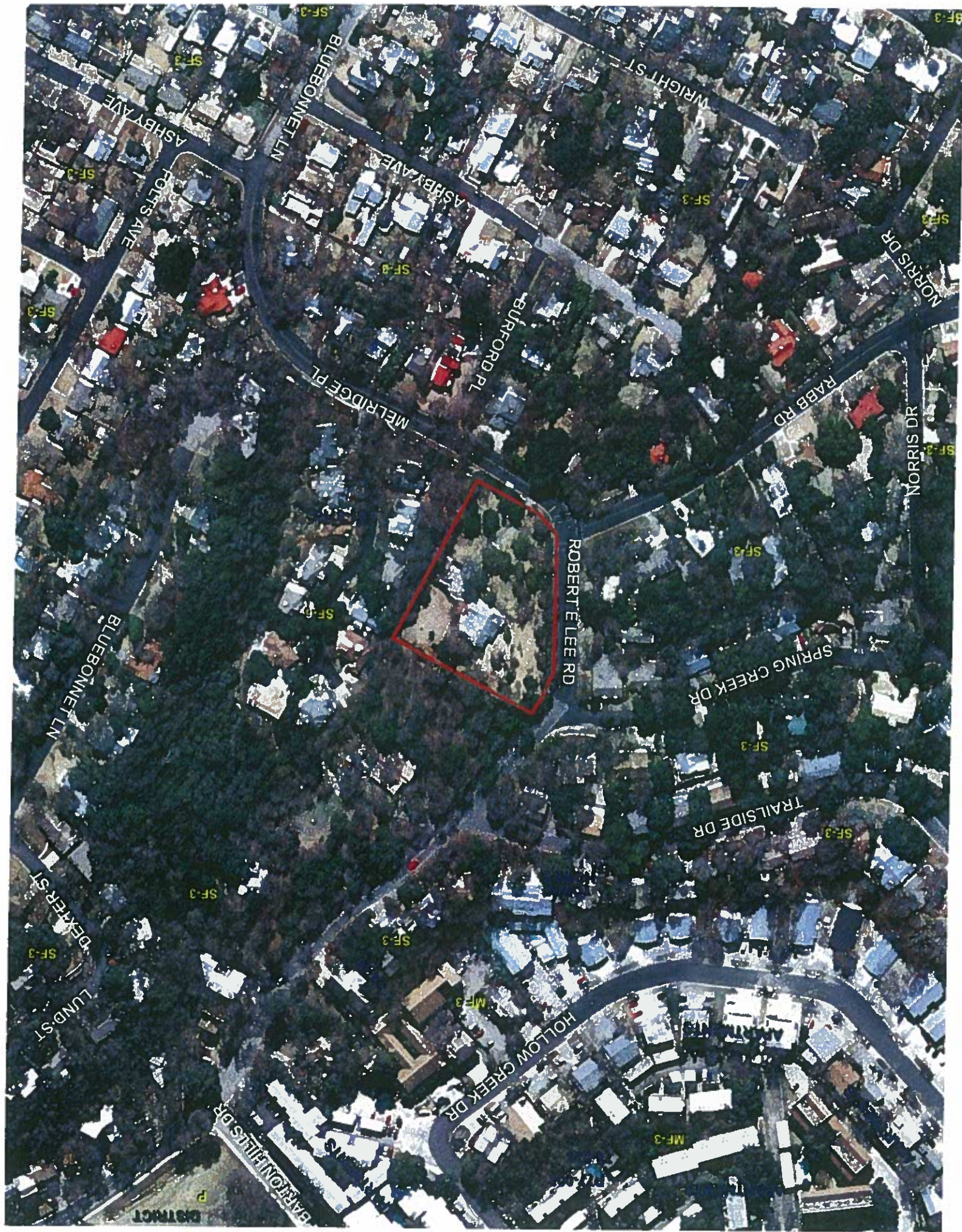

 SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY

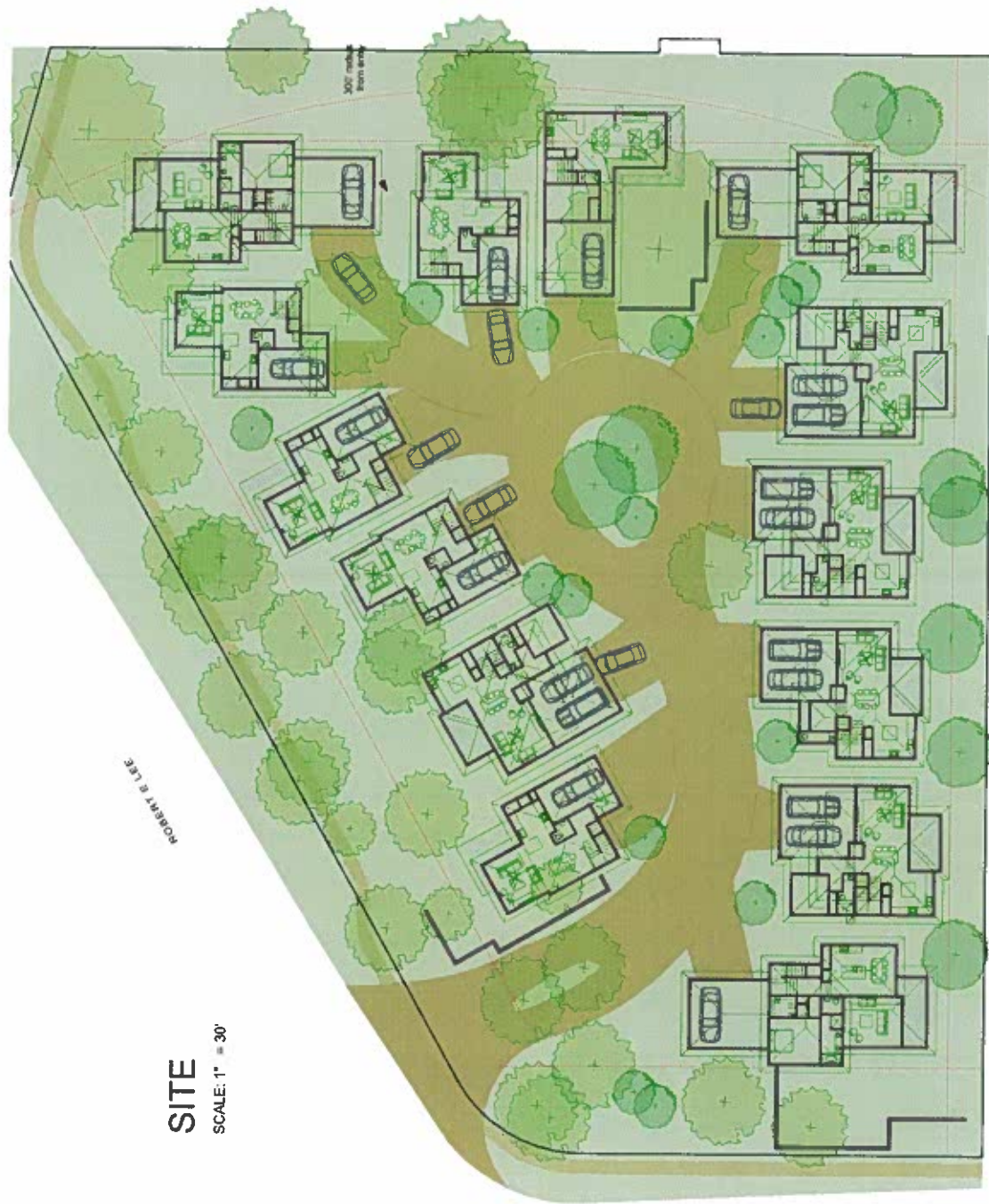
ZONING CASE#: C14-2010-0126
 LOCATION: 1303 ROBERT E LEE RD
 SUBJECT AREA: 1.58 ACRES
 GRID: G21
 MANAGER: STEVEN RYE



1' = 400'

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.





SITE

SCALE: 1" = 30'

ROBERT & LEE

MELRIDGE

30' setback from entry

dement harris design
Architects / Planning

David Harris, AIA
512.297.4206
www.dement-harris.com

Proposed Development

Melridge Terrace

Austin, Texas

September 8, 2010

1

for review only
not for construction



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: C14-2010-0126

Contact: Stephen Rye, 512-974-7604

Public Hearing: Oct. 26, 2010, Planning Commission

Nov. 18, 2010, City Council

Tom & JULIE HUDONAL

Your Name (please print)

2129 MELINDA'S PLACE, 78704

Your address(es) affected by this application

Julie Hudonal

Signature

10/19/10

Date

Daytime Telephone: _____

Comments: DO NOT WANT DOWLEX, TOWNHOUSE OR CONDOSE ONLY SINGLE FAMILY RESIDENT UNITS. MODERATE TO HIGH DENSITY ISN'T FAVORABLE TO OUR NEIGHBORHOOD. THIS CORNEL HAS A LOT OF TRAFFIC/PEDISTRIANS AS IT IS AND WE CERTAINLY DON'T WANT MORE DENSITY

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

City of Austin

Planning & Development Review Department

Stephen Rye

P. O. Box 1088

Austin, TX 78767-8810

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Contact: Stephen Rye, 512-974-7604

Public Hearing: Oct. 26, 2010, Planning Commission

Nov. 18, 2010, City Council

☒ I am in favor
☐ I object

Your Name (p) Jesse Gutierrez & Carolyn Mann

Austin, TX 78704-2035

Your address(es) affected by this application

10-16-2010

Date

Signature

Daytime Telephone: [REDACTED]

Comments: Our preferred use of this property would be a park for the use of Barton Hills & Zilker Neighborhoods; however, if that is not possible, the only economically feasible alternative is multi-family (or a very wealthy homeowner.) We would prefer more families enjoying our wonderful neighborhood!

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

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Planning & Development Review Department

Stephen Rye

P. O. Box 1088

Austin, TX 78767-8810

Jesse M. Gutierrez

PUBLIC HEARING INFORMATION

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Case Number: C14-2010-0126

Contact: Stephen Rye, 512-974-7604

Public Hearing: Oct. 26, 2010, Planning Commission

Nov. 18, 2010, City Council

ROBERT STONECIPHER

Your Name (please print)

2104 ASHBY AVENUE, AUSTIN, TX, 78704

Your address(es) affected by this application

10/18/10

Date

Signature

Daytime Telephone: 512-443-8002

-ONLY- AUSTIN

Comments: 1. PRINCIPAL CONCERN ONTO MZ-4-10-02, ~~AND~~ INTERESTED IN RESIDENTIAL STREET 2. ROBERT & CEE-ANASTASIA'S USCTY COUSINS 3. ONLY ONE WHOLE FAMILY HOME IN AREA ARE DWELLERS 4. DANGER SPACES WASTED AND PLANTING? 5. IF NOT PROBABLY A SENIOR MUSTANG AND ONE MISTAKE SHOULD BE FACILITATE ADOTAGE. ENVIRONMENTAL IMPACT STATEMENT NEEDED POSSIBLY, MASSIVE RENTOFF GIVEN HILLTOP WORTH SENIOR TRACT. 6. NOT AN AREA FOR WHOLE SNEC-FAMILY TO WHOLE USE APPROPRIATE

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

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Planning & Development Review Department

Stephen Rye

P. O. Box 1088

Austin, TX 78767-8810

6 WHY NOT

SF-5, WALK

IS 41424 ALSO

DANGER FOR

TRUCK ROAD

AS WELL

Zilker Neighborhood Association

2009 Arpdale • Austin, TX 78704 • 512-447-7681

January 6, 2010

Regarding C8-2009-0025.0A, Melridge Terrace subdivision

Dear Planning Commissioners:

At a meeting on January 4, 2010, the executive committee of the Zilker Neighborhood Association voted to oppose the on-site stormwater detention waiver included in the Melridge Terrace subdivision, scheduled for your January 12 agenda. This continues the position taken by ZNA when a subdivision proposal for this site was first presented to the executive committee early in 2009. The property occupies the top of a steep hill that drains into the Zilker Skyline condos on the east and into the residences along Robert E. Lee on the west. Our experience with detention waivers on much gentler terrain has been disastrous for the downstream neighbors, and so we must oppose any such waivers on this very difficult and sensitive site.

After reviewing the subdivision currently before the Planning Commission, the ZNA executive committee has also decided to oppose the subdivision itself, because the peculiar arrangement of the lots in conflict with the layout of the joint access driveway negates the "flag lot" concept. The ZNA officers appreciate that the Planning Commission is reviewing the ordinances regarding flag lots, and I would be happy to discuss how flag-lot issues apply to this sensitive and difficult site, from the neighborhood's perspective, with any of you before the hearing. In addition, ZNA objects to the dead-end termination of a proposed sidewalk on private property above street level. This site occupies a critical position for access to Barton Springs Pool and Zilker Park, and it demands a better sidewalk solution for pedestrians and cyclists.

At the same meeting, the ZNA executive committee voted to support, in principle, a proposal to rezone this property to SF5, which would allow more flexibility in the design of a more appropriate project and would assure coordination of the actual build-out of the final project. ZNA would expect such a proposal to 1. result in total impervious cover of less than 50%, 2. preserve the existing, iconic landscape character of the property within the neighborhood (i.e., trees and limestone outcrops), 3. meet two-story height limits for structures, 4. include no more than 14 housing units, 5. and provide on-site stormwater detention, with no waivers. I've included this information simply to make it clear that ZNA is not opposed to the more intense development of this prominent site, and that subdividing it into unwieldy single-family lots is not the only option available to the applicant.

We realize that the Planning Commission's authority is somewhat constrained in subdivision cases, but we urge you to deny the detention waiver on this sensitive, hilltop site and at least to consider that the subdivision as currently drawn violates the intent of the flag-lot regulations.

Thank you for granting the postponement of this case from your December meeting. It allowed us to give this landmark site the attention that it deserves.

Sincerely yours,

Lorraine Atherton, on behalf of the
ZNA Executive Committee

Rye, Stephen

From: Jayne Cotten [jayne@jaynecotten.com]
Sent: Monday, October 18, 2010 9:11 PM
To: Rye, Stephen
Subject: CASE NUMBER: C14-2010-0126

Follow Up Flag: Follow up
Flag Status: Red

Hi, Stephen.

We spoke on the phone in June about the proposed development and zoning variance at 1303 Robert E Lee. I am the property owner at 1404 Rabb Road and am very much concerned with the proposed variance.

If I understand correctly, the zoning proposed changes from SF-3 to SF-6. In my humble opinion, the associated increase in traffic is not appropriate for that already congested intersection. During construction and since the 3 duplexes were built at the corner of Melridge Place, the increase in traffic has further complicated things for pedestrians, cyclists, city bus riders and for children on the school bus line. The proposed variance will make the situation exponentially worse.

It is also my understanding that there is no plan for a traffic study before voting on zoning change approval. Is that really true? If so, the City of Austin is not doing its due diligence by skipping this very important process. For those on the Planning Commission who do not live in this neighborhood, the approval of this variance without proper study is just another day in the office. For us, the people who own property, rent here, walk and ride bikes to the Springs, shopping, work and to school multiple times of day, it is our lifestyle. Our quality of life will be impacted negatively by this zoning variance and we wish for our neighborhood to remain safe for everyone be it afoot or on two, four or more wheels.

If I were in town for the Planning Commission on October 26th, I would be there with plenty to say in support of NOT approving a variance for this property, especially not without a traffic study. Is there anything that I can do via email that will act as my proxy there?

Thank you very much for your time.

Yours truly,
Jayne Cotten
512-415-7770

Rye, Stephen

From: Ryan Diepenbrock - PSW Real Estate [mailto:ryan@pswrealestate.com]
Sent: Monday, October 25, 2010 11:59 AM
To: 'Zilker NA'; 'Anthony Siela'; Rye, Stephen
Cc: znaexcom@yahogroups.com
Subject: RE: Rezoning of 1303 Robt. E. Lee
Follow Up Flag: Follow up
Flag Status: Red

Stephen,

We are in agreement with these conditions and want to make sure they get appropriately put into our zoning request for Tuesday's planning commission meeting.

Thanks again,
Ryan

From: Zilker NA [mailto:ZilkerNA@austin.rr.com]
Sent: Friday, October 22, 2010 6:40 PM
To: 'Anthony Siela'; 'Ryan Diepenbrock'; 'Ryan Diepenbrock'; 'Rye, Stephen'
Cc: znaexcom@yahogroups.com
Subject: Rezoning of 1303 Robt. E. Lee

Hello, Anthony, Ryan, and Mr. Rye.

Please accept our apologies for our delayed response on the rezoning case at 1303 Robt. E. Lee. The executive committee of the Zilker Neighborhood Association supports the proposed rezoning to SF6 with the following conditions:

1. Limit total impervious cover to less than 50%
2. Preserve the existing, iconic landscape character of the property (i.e., trees and limestone outcrops)
3. Limit structures to two-story height
4. Limit housing to 14 detached units
5. Provide appropriate on-site stormwater management controls to ensure downstream off site flows are at or below the current undeveloped condition flow rates.
6. No sidewalk waivers. This site occupies a critical position for access to Barton Springs Pool and Zilker Park, and the additional traffic generated by this project will require sidewalk and bike lane improvements.
7. Locate driveway at the intersection with Rabb. No other driveways cut into the limestone outcrop on Robt. E. Lee.

We have not had a chance to determine the best ways to achieve these goals (through conditional overlays or otherwise), but we are confident that it can be worked out by the time the case goes to City Council. We will have someone at the Planning Commission hearing to affirm our support for moving forward with the project. Thank you for your patience.

Sincerely,
Lorraine Atherton, on behalf of the ZNA executive committee

10/26/2010

Rye, Stephen

From: Zilker NA [ZilkerNA@austin.rr.com]
Sent: Friday, October 22, 2010 6:40 PM
To: 'Anthony Siela'; 'Ryan Diepenbrock'; 'Ryan Diepenbrock'; Rye, Stephen
Cc: znaexcom@yahoogleups.com
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10/25/2010