



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-11
AGENDA DATE: Thu 01/27/2005
PAGE: 1 of 1

SUBJECT: C14-04-0145 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1209 Kinney Avenue (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to multi-family residence low density-conditional overlay (MF-2-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence low density-conditional overlay (MF-2-CO) combining district zoning. Applicant: Shirley & Volma Overton. Agent: Jim Bennett. City Staff: Robert Heil, 974-2330.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET**CASE:** C14-04-0145 (Overton 1)**City Council Date:** January 27, 2005**ADDRESS:** 1209 Kinney Avenue**OWNER/APPLICANT:** Shirley & Volma Overton**AGENT:** Jim Bennett**ZONING FROM:** SF-3**TO:** MF-3**AREA:** 1.002 acres**SUMMARY STAFF RECOMMENDATION:**

Staff supports the requested change from Family Residence (SF-3) to Multi-Family Residence (MF-3).

ZONING AND PLATTING COMMISSION RECOMMENDATION:

October 19, 2004: Postponed until November 16, 2004.

November 16, 2004: Alternative Recommendation MF-2-CO. The conditional overlay would restrict the development to 13 units, require 7 additional parking spaces and limit the height of buildings on Kinney Avenue to two stories. (The applicant agreed to the alternative recommendation). Vote 7-2 (Commissioners Hammond and Whaley Hawthorne opposed.)

DEPARTMENT COMMENTS:

The applicant agrees with the Zoning and Platting Commission's recommendation.

The site is currently zoned SF-3 and has been developed with a single family residence. The lots along the east side of Kinney Avenue are very deep (414') and the back of the property is relatively undeveloped.

To the east of the subject tract is MF-5 zoned land, part of a multi-family development centered on Lamar Square Drive. (See Exhibit A - Zoning Map) Lots on the west side of Kinney Avenue have been zoned and developed as single-family houses. The lots along the east side of Kinney Avenue have been developed with a mix of single and multi-family uses. Multi-family projects are currently under construction on the lots just to the north of the subject tract. This construction is not reflected on the most recent aerial photograph available, but has been noted on Exhibit B, 2003 Aerial Photograph.

A small corner of the subject tract is covered by a Capital View Corridor (Exhibit C).

This property is located in the proposed Zilker Neighborhood Planning Area.

MF-3 zoning on the subject tract would provide a transition from the MF-5 zoning to the east, and the single family neighborhood to the west.

The granting of MF-3 zoning for the subject tract is consistent with the MF-3 zoning granted to the similarly situated tracts immediately to the north of the subject tract.

Negotiations between the applicant and some members of the neighborhood resulted in a compromise recommendation of MF-2-CO, with the conditional overlay restricting the development to 13 units, requiring 7 additional parking spaces and limiting the height of buildings on Kinney Avenue to two stories. The Zoning and Platting Commission Recommended this alternative with a vote of 7-2.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Single Family Residence
<i>North</i>	MF-3	Apartments (Condominiums – under construction)
<i>South</i>	SF-3	Single Family Residence
<i>East</i>	MF-5	Apartments
<i>West</i>	SF-3	Single Family Residence

AREA STUDY: Proposed Zilker Neighborhood Planning Area **TIA:** N/A

WATERSHED: West Bouldin Creek **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: Yes **HILL COUNTRY ROADWAY:** No

REGISTERED NEIGHBORHOOD ORGANIZATIONS:

- Zilker Neighborhood Association (107)
- Barton Springs / Edwards Aquifer Conservation District (428)
- South Central Coalition (498)
- Austin Neighborhoods Council (411)
- Save our Springs Alliance (943)

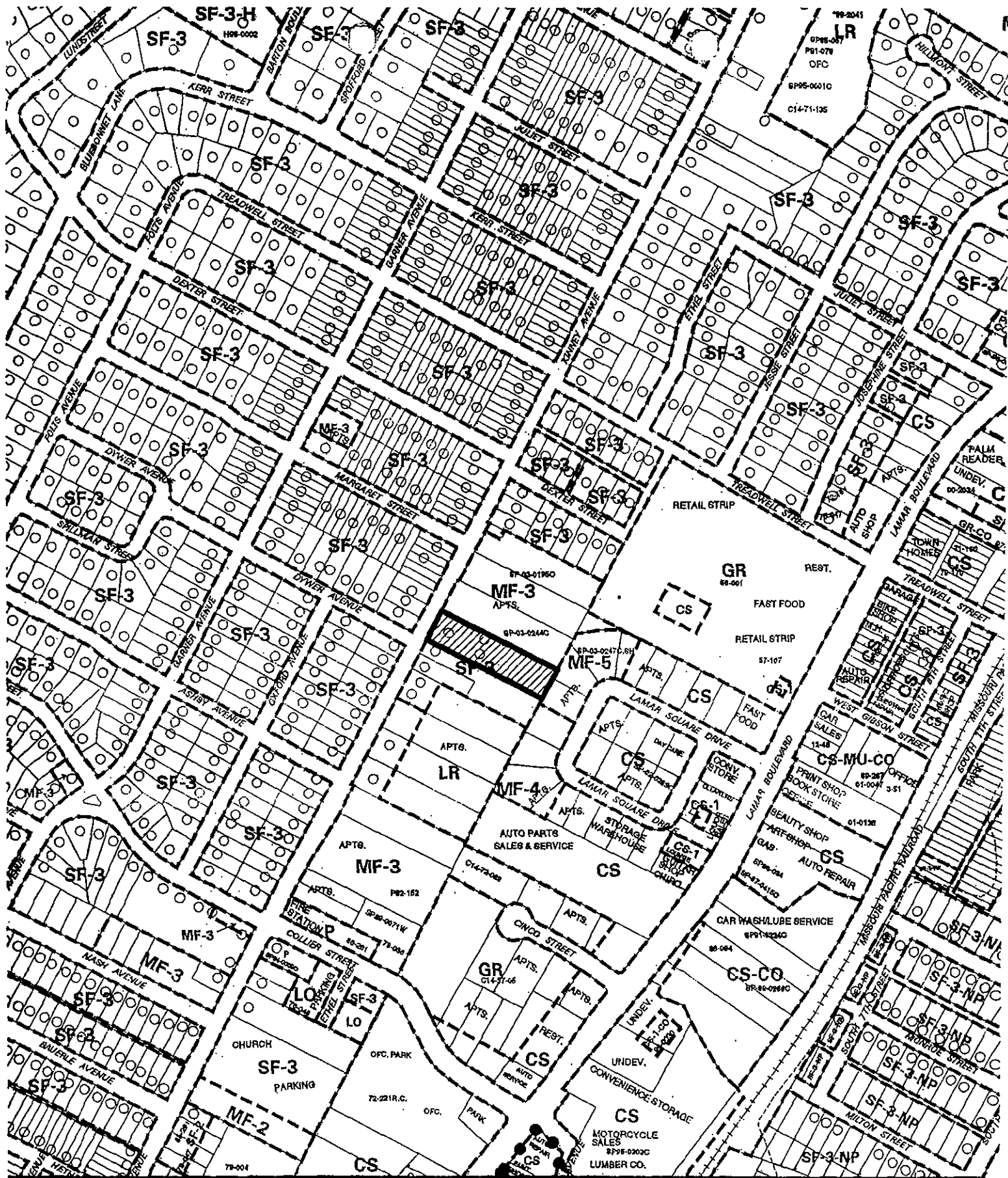
SCHOOLS: (AISD)

Zilker Springs Elementary School O. Henry Middle School Austin High School

CASE HISTORIES:

There are no recent zoning case histories on this property.

There is a site plan currently approved for this property (SP- 03-0244C is on lots 6&7) which provides for 34,934 square feet of single family and condo uses, along with associated parking and drainage facilities.



 = 400'	SUBJECT TRACT 	ZONING EXHIBIT A		CITY GRID REFERENCE NUMBER H21
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-04-0145 ADDRESS: 1209 KINNEY AVE SUBJECT AREA (acres): 1.002	DATE: 04-09 INTLS: SM	
	CASE MGR: R. HEIL			



RETAIL ST

REARVIEW

ENTER STREET

MARGARET STREET

SP-03-0195C

MF-3

APTS

SP-03-0195C

LAMAR SQUARE DRIVE

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MF-3

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SP-3

AVENUE

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SUMMARY STAFF RECOMMENDATION**C14-04-0145**

Staff supports the requested change from Single Family Residence (SF-3) to Multi-Family Residence (MF-3).

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses and development intensities.*

MF-3 zoning on the subject tract would provide a transition from the MF-5 zoning to the east, and the single family neighborhood to the west.

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

The granting of MF-3 zoning for the subject tract is consistent with the MF-3 zoning granted to the similarly situated tracts immediately to the north of the subject tract.

EXISTING CONDITIONS**Site Characteristics**

The site is currently zoned SF-3 and has been developed with a single family residence. The lots along the east side of Kinney Avenue are very deep (414') and the back of the property is relatively undeveloped.

To the east of the subject tract is MF-5 zoned land, part of a multi-family development centered on Lamar Square Drive. (See Exhibit A - Zoning Map) Lots on the west side of Kinney Avenue have been zoned and developed as single-family houses. The lots along the east side of Kinney Avenue have been developed with a mix of single and multi-family uses. Multi-family projects are currently under construction on the lots just to the north of the subject tract. This construction is not reflected on the most recent aerial photograph available, but has been noted on Exhibit B, 2003 Aerial Photograph.

Site Plan

This site is within the South Lamar at La Casa Drive Capitol View Corridor. Height restrictions will be strictly enforced within the corridor at the time a site plan is submitted.

There is a site plan currently approved for this property (SP- 03-0244C is on lots 6&7) which provides for 34,934 square feet of single family and condo uses, along with associated parking and drainage facilities.

Compatibility Standards

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

- No structure may be built within 25 feet of the south 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 (also along the west).
- No parking or driveways are allowed within 25 feet of 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.

Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

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

The trip generation under the requested zoning is estimated to be 240 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
Kinney Avenue	70'	Varies	Collector

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin utility design criteria and specifications.

The landowner must pay all required water and wastewater utility tap permit, impact, construction inspection, and utility plan review fees.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin 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. Impervious cover is not

limited in this watershed class. 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.

According to flood plain maps, there is no flood plain within the project area.

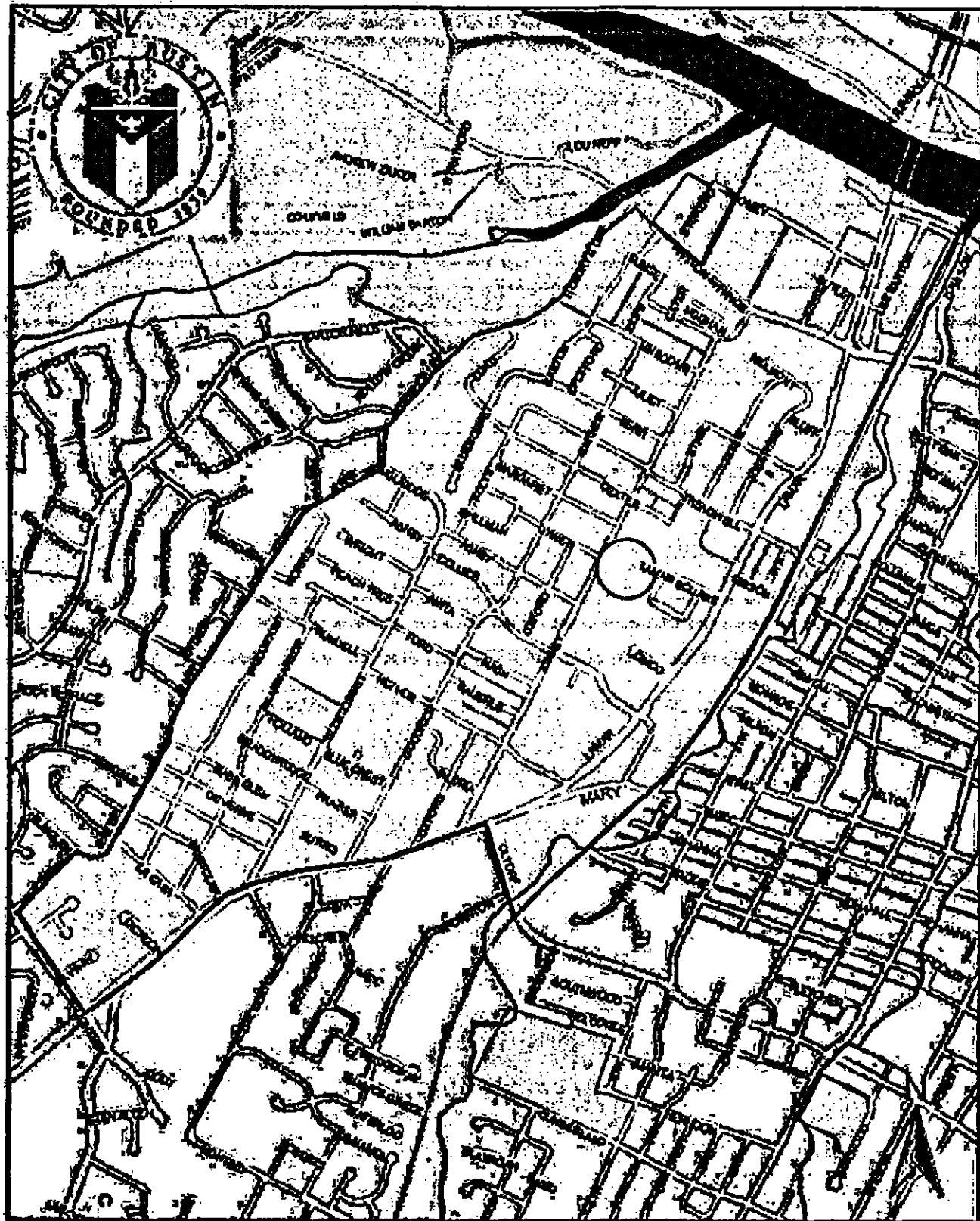
At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

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.

Environmental - 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.



Zilker Neighborhood Planning Area

Neighborhood Planning
PECSD

January 16, 2001

0.3

0

0.3

0.6

Miles



**CITY ZONING AND PLATTING
COMMISSION**

November 16, 2004 [ANNOTATED]

One Texas Center

505 Barton Springs Road

Conference Room 325

CALL TO ORDER – 6:00 P.M.

COMMENCED: 6:15 P.M.

ADJOURNED: 8:10 P.M.

_____ Betty Baker - Chair

_____ John Philip Donisi

_____ Jay Gohil

_____ Clarke Hammond - Secretary

_____ Melissa Whaley Hawthorne- Assist. Sec.

_____ Keith Jackson - Parliamentarian

_____ Joseph Martinez – Vice-Chair

_____ Janis Pinnelli

_____ Teresa Rabago

CONDUCT OF PUBLIC HEARINGS

1. Chair announces request.
2. Staff presents a summary of the case.
3. Chair calls on those FAVORING the request.
4. Applicant's presentation (5 minutes).
5. Others favoring the request (3 minutes).
6. Chair calls on those OPPOSING the request.
7. Primary presentation (5 minutes).
8. Others opposing the request (3 minutes).
9. Applicant is given opportunity to answer objections stated. (3 minutes)
10. Staff summation and questions from the Commission.
11. The public hearing on a zoning case may be closed and no further testimony is taken from the public.
12. If the public hearing is closed, the Commission shall make a recommendation to the City Council within 14 days or the case will be forwarded to the City Council without a recommendation. (Section 25-2-282).

All of the following items may be acted upon by one motion. The Commission does not consider items earlier than the time stated on the agenda; "Other Business" items can be taken at any time. After the posted time, the Commission Chairperson may announce the item and, if there is no opposition, the item may be taken "by consent" for approval without discussion.

CITIZENS WISHING TO SPEAK BEFORE THE COMMISSION MUST REGISTER BY SIGNING A LIST AT THE ENTRANCE (RED BOOK).

Any interested party aggrieved by a decision of the Zoning & Platting Commission on a Hill Country Site Plan, Conditional Use Permit, Replacement Site Plan, or a Preliminary Subdivision Plan with an environmental variance may only appeal the Commission's decision to the City Council. The notice of appeal must be submitted in writing on a form provided by the Director of Neighborhood Planning & Zoning Department within fourteen (14) days following the decision of the Zoning & Platting Commission.

4. **Rezoning:** **C14-04-0145 - Overton 1**
Location: 1209 Kinney Avenue, West Bouldin Creek Watershed, Postponed from 10-19-04 (Neighborhood)
Owner/Applicant: Shirley and Volma Overton
Agent: Jim Bennett Consulting (Jim Bennett)
Request: SF-3 to MF-3
Staff Rec.: **Recommended**
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

APPROVED MF-2-CO ZONING; WITH 13 UNITS ONLY; REQUIRE ADDITIONAL 7 PARKING SPACES; 2 STORY MAXIMUM HEIGHT LIMIT FOR THE FRONT 2 BUILDINGS FACING KINNEY AVENUE.
[K.J; J.M 2ND] (7-2) C.H; M.W – NAY

5. **Rezoning:** **C14-04-0150 - Neighbor's Stop & Go**
Location: 6008 Manchaca Road, Williamson Creek Watershed, Postponed from 11-02-04 (Neighborhood)
Owner/Applicant: Anthony R. Bertucci
Agent: N/A
Request: LO to CS
Staff Rec.: **Not Recommended**
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

POSTPONED TO 1/18/05 (APPLICANT)
[J.M; J.G 2ND] (9-0)

6. **Rezoning:** **C14-04-0134 - Kingdom Hall Zoning 2**
Location: 801 West St. Elmo Road, Williamson Creek Watershed
Owner/Applicant: Westlake Congregation of Jehovah's Witnesses
Agent: Crocker Consultants (Sarah Crocker)
Request: SF-3 to LO-MU-CO
Staff Rec.: **Alternate recommendation: LO-MU-CO, with conditions**
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

APPROVED STAFF'S RECOMMENDATION OF LO-MU-CO ZONING WITH CONDITIONS; ALSO PROHIBITING ALL TYPES OF MEDICAL USES; FURTHER RESTRICTING USES TO ONLY PERMITTED LO USES.
[J.M; J.D 2ND] (9-0)

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

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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: C14-04-0145

Contact: Robert Heil, (512) 974-2330

Public Hearing:

October 19, 2004 Zoning and Platting Commission

Richard Coons Jr.

Your Name (please print)

1205 B Kinney Ave. AS, TX 78704

Your address(es) affected by this application

Richard Coons Jr.

Signature

Date

Daytime Telephone: 512 657-4405

Comments:

Good, responsible in-fill development.

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: C14-04-0145

Contact: Robert Heil, (512) 974-2330

Public Hearing:

October 19, 2004 Zoning and Planning Commission

Kelly Stewart

Your Name (please print)

1307 Kinney Ave #110

Your address(es) affected by this application

Kelly Stewart

Signature

10/18/04

Date

Daytime Telephone: 512-443-7949

Comments: For vehicular congestion, unsafe driving conditions on Kinney Ave ruins aesthetics & character of the Zilker neighborhood. It is also becoming very dangerous to walk or ride a bike down Kinney, due to too many cars parked in the street. These new condos (The Ivy, Kinney Lofts) are not even done yet, its only going to get worse.

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: C14-04-0145

Contact: Robert Heil, (512) 974-2330

Public Hearing:

October 19, 2004 Zoning and Platting Commission

Laura Lane
Your Name (please print)

☐ I am in favor
☒ I object

1307 Kinney Ave #109 78704

Your address(es) affected by this application

Laura Lane 10/18/04
Signature Date

Daytime Telephone: 4584276

Comments: I object to the rezoning of 1307 Kinney Ave. Kinney is a neighborhood street. Every time I have walked, jogged, or bike my street, I have encountered 5-10 neighbors jogging to Town Lake, walking to the local restaurants or shops. Adding a significant increase in auto traffic not only endangers the safety of pedestrians but the character of the neighborhood. It should be noted that due to visible conditions, much of this pedestrian traffic occurs in the street. Often near the corner since cars are parked on both sides of Kinney Ave. Increased vehicle traffic is a danger to the community.

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0145

Contact: Robert Heil, (512) 974-2330

Public Hearing:

October 19, 2004 Zoning and Platting Commission

CHARLES WILLIS

Your Name (please print)

1303 Kinney Ave

Your address(es) affected by this application

AUSTIN, TX 78704

Signature

Date

Daytime Telephone: 917.348.1708

Comments: I purchased my home for my daughter (she is 8) and I because of the good mix of single family homes & multi-family units - a good mix; an old neighborhood with a good cultural mix. Now I find it is turning into a high density multi-unit area with high priced condos, convertible BMWs, etc - this is so Austin - not Westlake. Keep it child friendly - an old multicultural so Austin neighborhood. I want to keep

If you use this form to comment, it may be returned to: Living here!
City of Austin
Neighborhood Planning and Zoning Department
Robert Heil
P. O. Box 1088
Austin, TX 78767-8810

IT is my; my daughter's home!

CC WILLIS



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Case Number: C14-04-0145

Contact: Robert Heil, (512) 974-2330

Public Hearing:

October 19, 2004 Zoning and Platting Commission

Mary K. Barber

Your Name (please print)

1307 Kinney Ave #136

Your address(es) affected by this application

Mary K Barber

Signature

10/30/04

Date

Daytime Telephone: 326-2444

Comments: The street view of the new condos on the adjacent lot (same developer) does not match the character of the neighborhood. The "wall of glass" is unsightly. Also 3 stories is way too tall for this area of town. The parking for the existing new condos is inadequate. With only 5 units complete, there are now cars parked on both sides of Kinney for a solid stretch in front. This limits the traffic on Kinney to one lane at a time. If you use this form to comment, it may be returned to: which is

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

dangerous and inconvenient

Re: Rezoning: C14-04-0145 - Overton 1

The Ashton Green HOA consists of 62 modest, individually owned condominiums at 1307 Kinney Ave. Our property is about 100 feet south of the edge of the lot requesting the zoning change. Our land overlooks the lot in question, and several units are in jeopardy of going from a back yard of greenbelt like area to being towered over by a wall of concrete and stucco.

Our association is largely owner occupied, with many long time owner/residents, many of whom bought our property because of the unique, urban, quiet, green oasis of the Zilker neighborhood. We enjoy biking to work, taking evening walks along the sidewalks, opening our windows in the mild season, and knowing our neighbors. We are active in our neighborhood and in our community and enjoy the high quality of life that we have built for ourselves.

We have a strong desire to maintain the value of our property along with the very qualities of our neighborhood that attracted us to buy property here in the first place. As such, we strongly support the lowest zoning possible for all of the land in our neighborhood, and most especially for the lots within close proximity of our property.

When the Ashton Green Condominiums were built in 1984, the developer worked with Zilker neighbors to make sure that our complex didn't detract from the character of the neighborhood. One of the conditions that was agreed was that the buildings nearest the street would be only one story, and the rest of the buildings are no more than two. Because of this design, from the street it is not obvious that a multi family development exists, tucked back in behind the single family houses on the street. We would like to ask that the Zoning Commission continue restrictions like those placed on us in order to preserve the quality of life that we have enjoyed and to protect all of the nearby property owners.

Over the past year, we have seen the character of this neighborhood we love irrevocably changed. Three new condo complexes have been in various stages of construction. This is radically changing the appearance of the main artery of our neighborhood, Kinney Avenue, as well as the dynamics of our neighborhood. It has added traffic and congestion. It has also aesthetically changed the feel of the mostly single family residential street.

The main concerns of our association with the original proposal are the vehicular congestion/unsafe driving conditions, light pollution, noise pollution, drainage/flooding potential, and neighborhood compatibility. To elaborate more on each of these:

**** Vehicular Congestion/ Unsafe Driving Conditions on Kinney Ave:** Street side parking on Kinney Ave. is causing congestion and making traveling down the street challenging and unsafe, and it will only get worse as construction continues. There are only 5 occupied units of the 50+ under construction in the two new developments. Even though the part of the new development that is occupied include garages with each unit, the parking is still not adequate. Residents as well as their visitors are parking on Kinney. Even with a mere 10% of them occupied, there are already cars parked on both sides of Kinney on the weekends and the evenings (in addition to the construction workers who park there during the day and create hazards.) This presents a major problem, because Kinney Ave. is not wide enough to allow cars parked on both sides of the street and still allow two lanes of street traffic. Thus, a car must pull over to yield to traffic in the other

(such as Crepe Myrtle and Wax Leaf Myrtles) and trees (such as Elm, Pecan and Live Oak) of a quantity that would provide optimum benefit for the purposes intended.

We realize that this zoning case is important because it is changing the allowable uses of this plot of land forever. We are also very concerned because the decision regarding this parcel could be used as a precedent for every other parcel of land in our neighborhood, including the one strip of land that remains as a buffer between us and the lot in question. For these reasons, we are imploring the Zoning and Planning commission to be mindful of the neighbors and the neighborhood when making this critical decision.

The unconditional rezoning of 1209 Kinney would allow 36 units to be built on that one acre lot. This would be bad for the current residents as well as all future residents of this neighborhood. Ashton Green HOA is opposed this rezoning on the grounds of the precedent that it would set and the drastic change in our environment that would result. We are requesting that the city ensure that the problems we have identified are resolved before taking any irrevocable action on this matter.

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: C14-04-0145

Contact: Robert Heil, (512) 974-2330

Public Hearing:

October 19, 2004 Zoning and Platting Commission

Kelly Stewart

Your Name (please print)

1307 Kinney Ave #110

Your address(es) affected by this application

Kelly Stewart

Signature

10/18/04

Date

Daytime Telephone: 512-443-7949

Comments: for vehicular congestion, unsafe driving conditions on Kinney Ave ruins aesthetics + character of the Zilker Neighborhood. It is also becoming very dangerous to walk or ride a bike down Kinney, due to too many cars parked in the street. These new condos (The Ivy, Kinney Lofts) are not even done yet, its only going to get worse.

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

4. **Rezoning:** C14-04-0145 - Overton 1
Location: 1209 Kinney Avenue, West Bouldin Creek Watershed, Postponed from 10-19-04 (Neighborhood)
Owner/Applicant: Shirley and Volma Overton
Agent: Jim Bennett Consulting (Jim Bennett)
Request: SF-3 to MF-3
Staff Rec.: **Recommended**
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
Neighborhood Planning and Zoning Department

***APPROVED MF-2-CO ZONING; WITH 13 UNITS ONLY; REQUIRE ADDITIONAL 7 PARKING SPACES; 2 STORY MAXIMUM HEIGHT LIMIT FOR THE FRONT 2 BUILDINGS FACING KINNEY AVENUE.
[K.J; J.M 2ND] (7-2) C.H; M.W – NAY***

5. **Rezoning:** C14-04-0150 - Neighbor's Stop & Go
Location: 6008 Manchaca Road, Williamson Creek Watershed, Postponed from 11-02-04 (Neighborhood)
Owner/Applicant: Anthony R. Bertucci
Agent: N/A
Request: LO to CS
Staff Rec.: **Not Recommended**
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department

***POSTPONED TO 1/18/05 (APPLICANT)
[J.M; J.G 2ND] (9-0)***

6. **Rezoning:** C14-04-0134 - Kingdom Hall Zoning 2
Location: 801 West St. Elmo Road, Williamson Creek Watershed
Owner/Applicant: Westlake Congregation of Jehovah's Witnesses
Agent: Crocker Consultants (Sarah Crocker)
Request: SF-3 to LO-MU-CO
Staff Rec.: **Alternate recommendation: LO-MU-CO, with conditions**
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department

***APPROVED STAFF'S RECOMMENDATION OF LO-MU-CO ZONING WITH CONDITIONS; ALSO PROHIBITING ALL TYPES OF MEDICAL USES; FURTHER RESTRICTING USES TO ONLY PERMITTED LO USES.
[J.M; J.D 2ND] (9-0)***

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 1209 KINNEY AVENUE FROM FAMILY
3 RESIDENCE (SF-3) DISTRICT TO MULTIFAMILY RESIDENCE LOW
4 DENSITY-CONDITIONAL OVERLAY (MF-2-CO) COMBINING DISTRICT.

5
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

7
8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from family residence (SF-3) district to multifamily residence low
10 density-conditional overlay (MF-2-CO) combining district on the property described in
11 Zoning Case No. C14-04-0145, on file at the Neighborhood Planning and Zoning
12 Department, as follows:

13
14 Lot 6, J.W. Templer Subdivision, a subdivision in the City of Austin, Travis
15 County, Texas, according to the map or plat of record in Plat Book 3, Page 188, of
16 the Plat Records of Travis County, Texas, (the "Property")

17
18 locally known as 1209 Kinney Avenue, in the City of Austin, Travis County, Texas, and
19 generally identified in the map attached as Exhibit "A".

20
21 **PART 2.** The Property within the boundaries of the conditional overlay combining district
22 established by this ordinance is subject to the following conditions:

- 23
24 1. The maximum number of residential units is thirteen units.
25
26 2. A building or structure constructed along Kinney Avenue may not exceed a height of
27 30 feet from ground level.
28
29 3. A building or structure constructed along Kinney Avenue may not exceed a height of
30 two stories.
31
32 4. The off-street parking requirement for a multifamily residential use of the Property
33 shall be increased by seven off-street parking spaces.
34

35 Except as specifically restricted under this ordinance, the Property may be developed and
36 used in accordance with the regulations established for the multifamily residence low
37 density (MF-2) base district and other applicable requirements of the City Code.

1
2 **PART 3.** This ordinance takes effect on _____, 2005.
3

4
5 **PASSED AND APPROVED**
6

7
8
9 _____, 2005

§
§
§

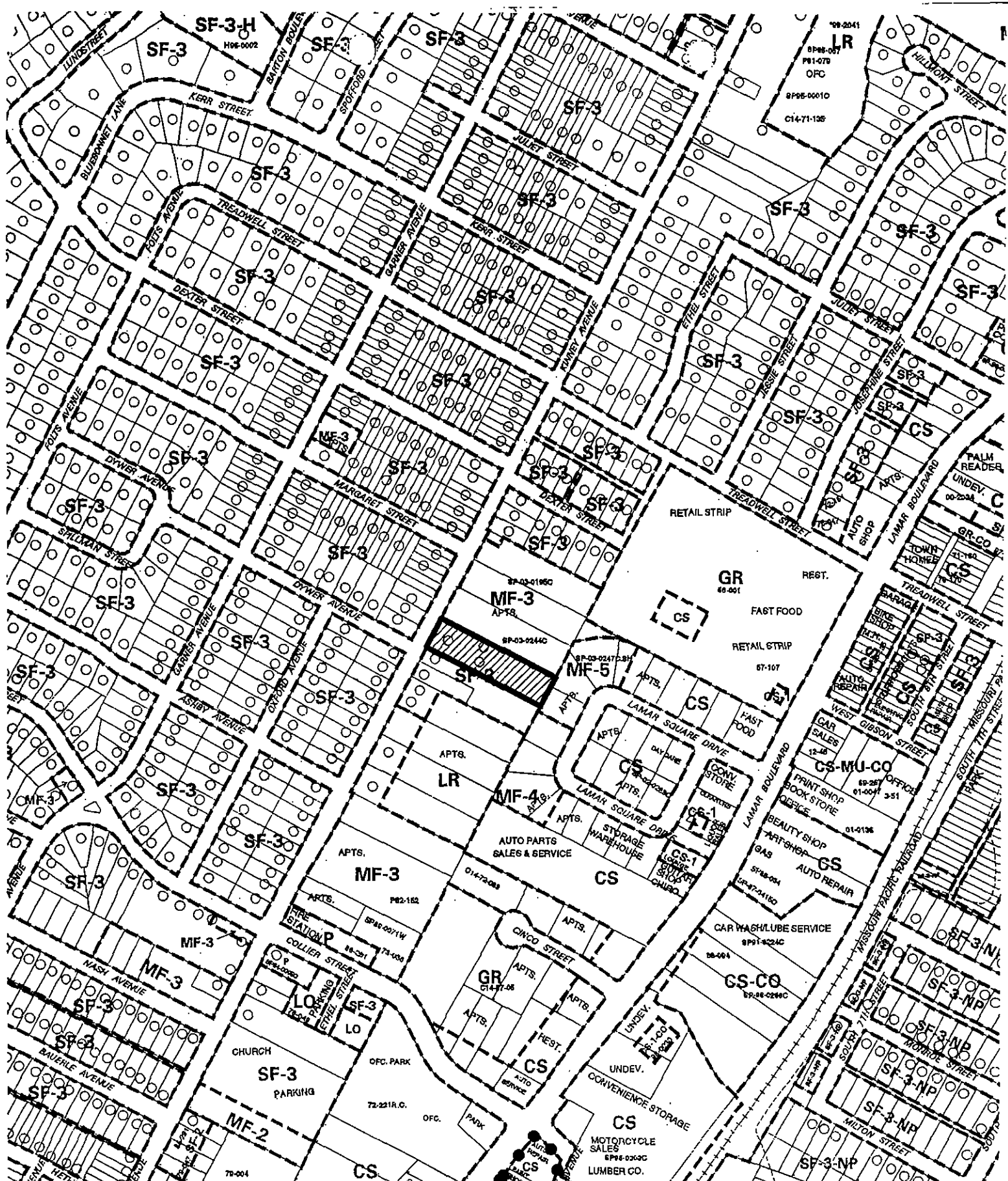
Will Wynn
Mayor

10
11
12
13
14 **APPROVED:** _____

ATTEST _____

15 David Allan Smith
16 City Attorney

Shirley A. Brown
City Clerk



=400'

SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: R. HEIL



CASE #: C14-04-0145

ADDRESS: 1209 KINNEY AVE

SUBJECT AREA (acres): 1.002

ZONING EXHIBIT A

DATE: 04-09

INTLS: SM

CITY GRID
REFERENCE
NUMBER

H21