

Zoning Ordinance Approval

CITY OF AUSTIN

RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 133

AGENDA DATE: Thu 06/23/2005

PAGE: 1 of 1

SUBJECT: C14-04-0197 - 11833 Buckner Road - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11833 Buckner Road (Lake Travis Watershed) from development reserve (DR) district zoning to family residence (SF-3) district zoning. First reading on May 12, 2005. Vote: 7-0. Applicant/Agent: Patricia King Sigg. City Staff: Glenn Rhoades, 974-2775.

**REQUESTING
DEPARTMENT:**

Neighborhood Planning
and Zoning

DIRECTOR'S

AUTHORIZATION: Alice Glasco

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0197

REQUEST:

Approve second and third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11833 Buckner Road from development reserve (DR) district zoning to family residence (SF-3) district zoning. First Reading on May 12, 2005. Vote: 7-0. Conditions met as follows: No conditions were imposed at first reading.

DEPARTMENT COMMENTS:

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

SF-3 – Family residence district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots.

The proposed change meets the purpose statement set forth in the Land Development Code. The property is an area where there are other single family homes and would be compatible with what is existing in the immediate vicinity.

The proposed zoning should promote consistency, and orderly planning.

Buckner Road has a mixture of uses, from single-family, office, warehousing, storage, auto repair and what appears to be auto salvage at the end of the road. It is because of the mixture of uses on this road that staff recommended SF-3 instead of SF-2. It is not a predominantly single-family area and the option for a mixture of housing would be desirable at this location

The proposed zoning should allow for a reasonable use of the property.

Given the mixed character of the area, staff believes that the proposed change to SF-3 is a fair and reasonable use of the site.

APPLICANT/AGENT: Patricia King Sigg

DATE OF FIRST READING/VOTE:

May 12, 2005 – Approved SF-3, family residence (Vote: 7-0).

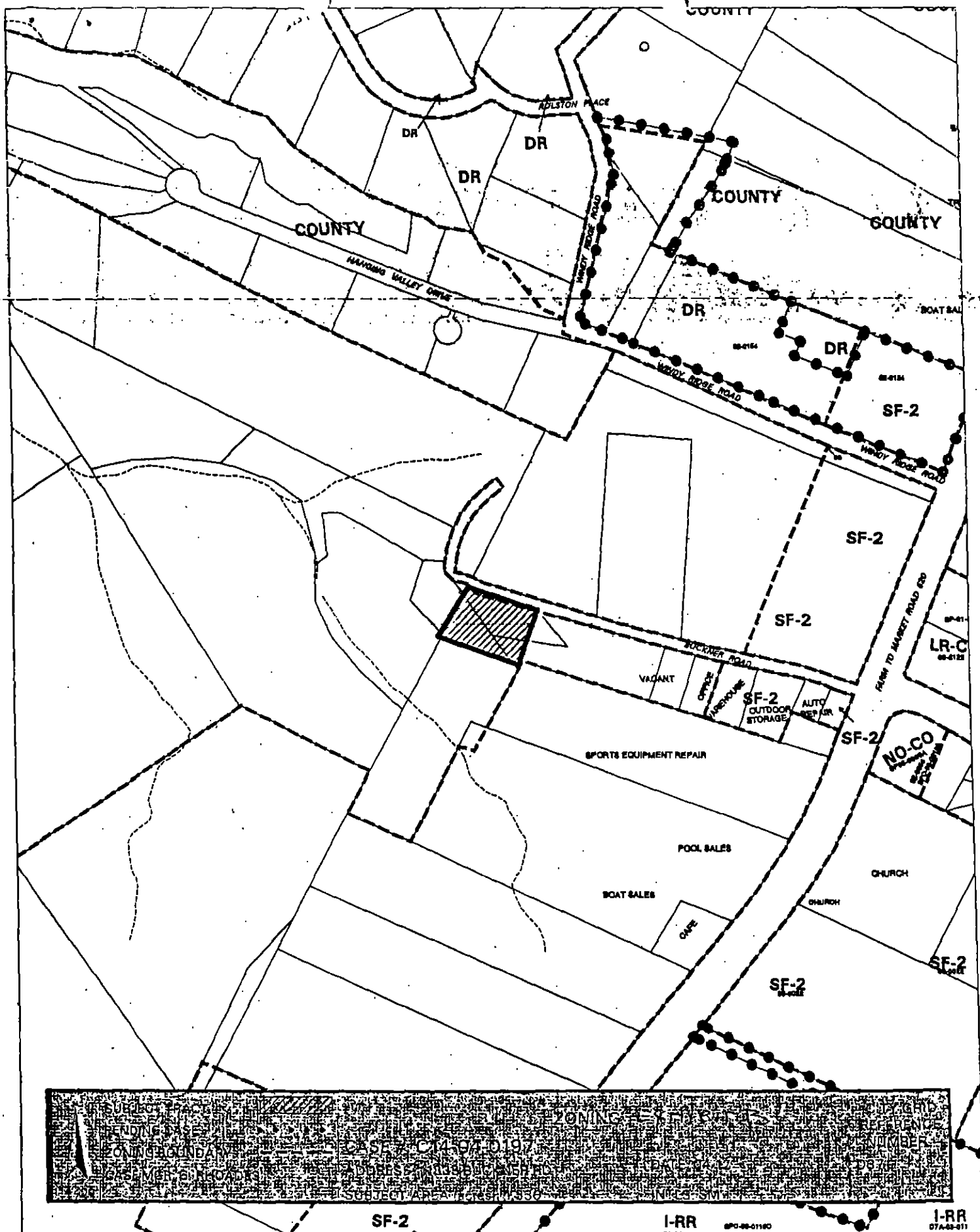
CITY COUNCIL DATE:

May 12, 2005 – Approved on first reading.

June 23, 2005 -

ASSIGNED STAFF: Glenn Rhoades

PHONE: 974-2775
glenn.rhoades@ci.austin.tx.us



SF-2

I-RR

07A-48-011

I-RR
07A-48-011

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 11833 BUCKNER ROAD FROM DEVELOPMENT
3 RESERVE (DR) DISTRICT TO FAMILY RESIDENCE (SF-3) DISTRICT
4

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

6
7 PART 1. The zoning map established by Section 25-2-101 of the City Code is amended to
8 change the base district from development reserve (DR) district to family residence (SF-3)
9 district on the property described in Zoning Case No. C1404-0197, on file at the
10 Neighborhood Planning and Zoning Department, as follows:

11 A 1.33 acre tract of land, more or less, out of the A.B. Livingston Survey No. 455,
12 the tract of land being more particularly described by metes and bounds in Exhibit
13 "A" incorporated into this ordinance (the "Property"),
14

15
16 locally known as 11833 Buckner Road in the City of Austin, Travis County, Texas, and
17 generally identified in the map attached as Exhibit "B".
18

19 PART 2. This ordinance takes effect on _____, 2005.
20

21
22 PASSED AND APPROVED
23

24
25
26
27 Will Wynn
28 Mayor
29

30
31 APPROVED: _____

32 David Allan Smith
33 City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk

1.33 Acre Tract
A.E. LIVINGSTON SURVEY, NO. 455
Travis County, Texas

FN 02017
JOB NO. 568-001
January 09, 2002

EXHIBIT A
METES AND BOUNDS DESCRIPTION

BEING A 1.33 ACRE TRACT OF LAND SITUATE, LYING, AND BEING IN THE STATE OF TEXAS, COUNTY OF TRAVIS, LOCATED IN THE A.E. LIVINGSTON SURVEY, NO. 455, AND BEING A PORTION OF A THAT CERTAIN 33.83 ACRE TRACT OF LAND DESCRIBED IN DEED TO J.T. REID, AS RECORDED IN VOLUME 2245, PAGE 317, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


BEGINNING at an Iron Pipe found, said pipe being the southeasterly corner of the herein described 1.33 acre tract, described in deed to Courtney B. and Charlotte Waters, as recorded in Volume 9213, Page 345, of the Real Property Records of Travis County, and being the southwesterly corner of that certain 1.249 acre tract described in deed to Larry L. Read, as recorded in document TR1999070590, of the Official Records of Travis County, Texas, and also being the northwesterly corner of that certain 9.391 acre tract described in deed to Jaas 2, Inc., as recorded in Volume 1198, Page 841, of the said Deed Records of Travis County, Texas;

THENCE, N 70° 10' 36" W, (N 70° 10' 39" W, record) along the southerly line of said 1.33 acre Waters tract, and along the northerly line of that certain 5.00 acre tract described in deed to Bobby T. Burnett, et al., as recorded in Volume 2114, Page 925, of the said Deed Records of Travis County, Texas, a distance of 302.27 feet (302.27 feet, record) to a TE Haynie Capped Iron Rod set;

THENCE, N 31° 49' 55" E, (N 31° 49' 48" E, record) departing the northerly line of said 5.00 acre Burnett tract, and along the westerly line of said 1.33 acre Waters tract, and along the easterly line of that certain 0.727 acre tract described in deed to Phillip and Cindy Smith, as recorded in Volume 8218, Page 488, of the said Deed Records of Travis County, Texas, a distance of 208.28 feet (208.28 feet, record) to a TE Haynie Capped Iron Rod set, said point being in the southerly right-of-way of Buckner Road (50' R.O.W.),

THENCE, S 71° 12' 55" E, (S 71° 13' 00" E, record) along the southerly right-of-way of said Buckner Road, and along the northerly line of said 1.33 acre Waters tract, a distance of 258.00 feet (258.00 feet, record) to a TE Haynie Capped Iron Rod set;

THENCE, S 19° 33' 18" W, (S 19° 33' 15" W, record) departing the southerly right-of-way of said Buckner Road, and along the easterly line of said 1.33 acre Waters tract, and along the westerly line of said 1.249 acre Read tract, a distance of 208.40 feet (208.40 feet, record) to the **POINT OF BEGINNING**, containing 1.33 acres of land, being in accordance with SURVEY PLAT, 02017 prepared from an on the ground survey performed under my supervision in the month of December, 2002. The bearing reference is NAD 83 Texas State Plane Coordinates, Central Zone


Ray D. Weger, R.P.L.S. 4711



01/09/03
Date

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0197

Z.A.P. DATE: January 4, 2005
January 18, 2005
February 1, 2005
March 1, 2005
March 15, 2005
March 29, 2005

ADDRESS: 11833 Buckner Road

C.C. DATE: April 28, 2005
May 12, 2005
June 23, 2005

OWNER/AGENT: Patricia King Sigg

ZONING FROM: DR

TO: CS
Amended to SF-3 on
January 3, 2005

AREA: 1.33 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends the proposed change to family residence (SF-3) district zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

January 4, 2005 – Postponed at the request of staff to January 18, 2005 (Vote: 9-0).

January 18, 2005 – Approved family residence (SF-3) district zoning by consent (Vote: 7-0, M. Whaley-Hawthorn and J. Martinez – absent).

February 1, 2005 – The case was brought back at the request of Commission to rescind and reconsider the action to approve. Staff re-notified for the March 1, 2005 hearing.

March 1, 2005 – The case was postponed by Commission until the March 15, 2005 hearing. Staff has sent another notice.

March 15, 2005 – Due to a posting error all cases for the March 22, 2005 hearing were postponed and had new notification.

March 29, 2005 – Approved single family residence standard lot (SF-2) district zoning (Vote: 9-0).

ISSUES:

The applicant does not agree with the Commission's recommendation.

This case was considered at the January 18, 2005 Commission hearing and was approved by consent. However, there were interested parties at the hearing who arrived late due to the change in venue. Commission has requested that the case be brought back to rescind and reconsider the case at the February 1, 2005 hearing.

The property owner originally requested general commercial services (CS) district zoning in order to develop the property with a restaurant. Staff could not recommend CS or any other commercial zoning. After speaking in with applicant on January 3, 2005, they agreed to amend the request to SF-3.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	Undeveloped
<i>North</i>	DR	Single Family
<i>South</i>	County	Sporting Equipment
<i>East</i>	DR	Single Family
<i>West</i>	DR	Single Family

AREA STUDY: N/A**TIA:** N/A**WATERSHED:** Lake Travis**DESIRED DEVELOPMENT ZONE:** No**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

#275 – Volente Neighborhood Association

#654 – The Parke HOA

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-02-0154	SF-2 and DR to CS	Approved W/LO-CO. The CO limits trips to 2,000 per day, provide vegetative buffers along the southern and eastern property lines, prohibit access on western property line, only 2 access points on southern property line, restrict semi-trucks over 3 axles (Vote: 7-1, J. Pinelli – nay).	Approved GR-CO for first 700 feet from RM 620 and RR for the remainder of the property on 1 st reading (3/25/03) and 2 nd reading on (3/20/04). It will go back for 3 rd on 1/28/05. The vote was 7-0.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Route
Buckner Rd	45'	24'	Local	No	No	No

CITY COUNCIL DATE: April 28, 2005**ACTION:** Postponed at the request of C.C. (Vote: 5-0, W. Wynn and B. McCracken – off dais).

May 12, 2005

Approved SF-3 (Vote: 7-0).

ORDINANCE READINGS: 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Glenn Rhoades**PHONE:** 974-2775



City of Austin

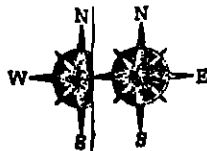
Case C14-04-0197

Subdivision
Base
Center Line

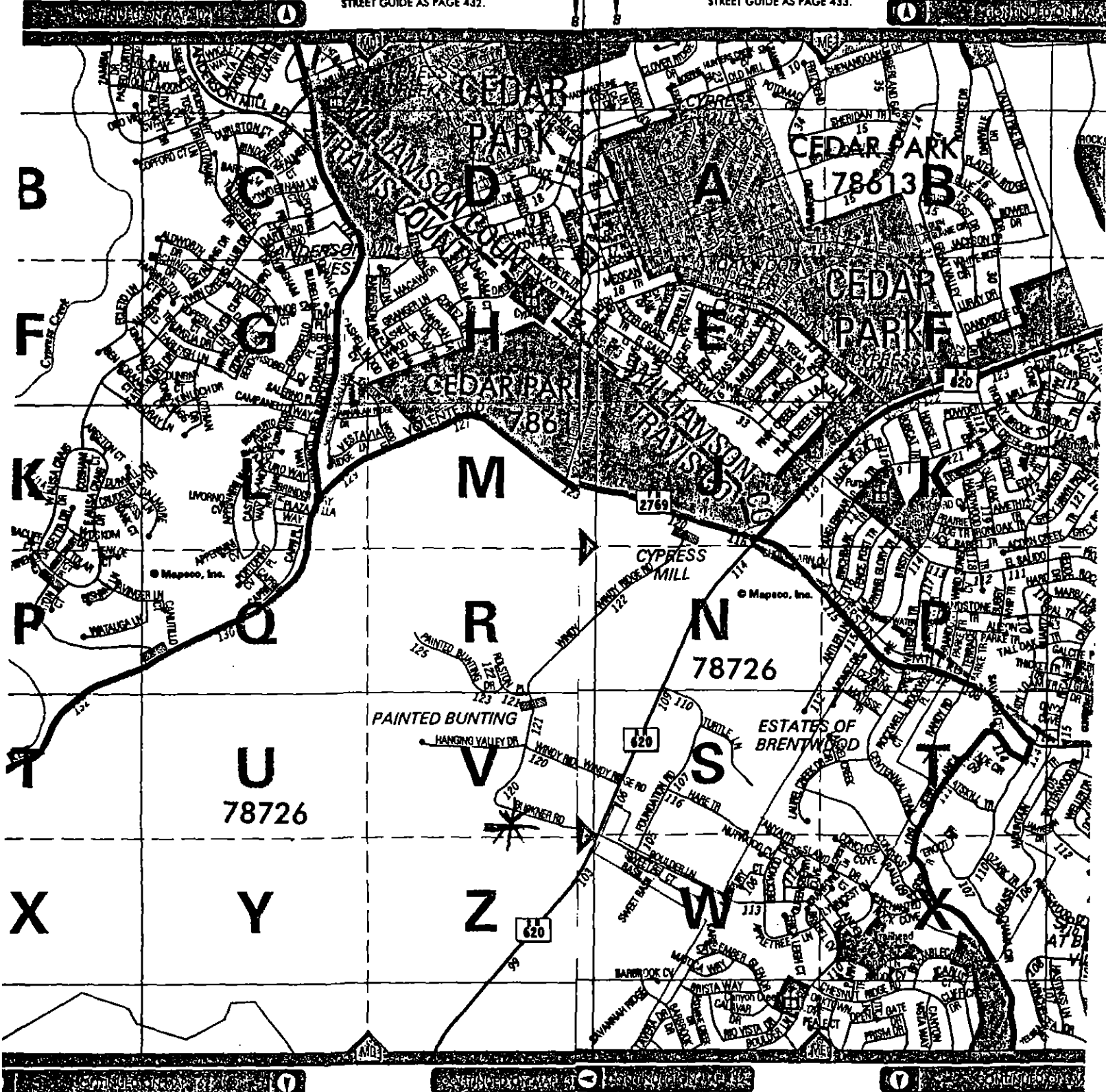


This map has been produced by the City of Austin as a working staff map and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness. Reproduction is not permitted without prior written permission from Watershed Protection & Development Review, City of Austin.

THIS PAGE ALSO APPEARS IN THE
MAPSCO WILLIAMSON COUNTY
STREET GUIDE AS PAGE 432.



THIS PAGE ALSO APPEARS IN THE
MAPSCO WILLIAMSON COUNTY
STREET GUIDE AS PAGE 433.



STAFF RECOMMENDATION

Staff recommends the proposed change to family residence (SF-3) district zoning.

BASIS FOR RECOMMENDATION

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

SF-3 – Family residence district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots.

The proposed change meets the purpose statement set forth in the Land Development Code. The property is an area where there are other single family homes and would be compatible with what is existing in the immediate vicinity.

The proposed zoning should promote consistency, and orderly planning.

Buckner Road has a mixture of uses, from single-family, office, warehousing, storage, auto repair and what appears to be auto salvage at the end of the road. It is because of the mixture of uses on this road that staff recommended SF-3 instead of SF-2. It is not a predominantly single-family area and the option for a mixture of housing would be desirable at this location

The proposed zoning should allow for a reasonable use of the property.

Given the mixed character of the area, staff believes that the proposed change to SF-3 is a fair and reasonable use of the site.

EXISTING CONDITIONS

Site Characteristics

The site is currently undeveloped.

Transportation

Additional ROW for Buckner Road will be required at the time of subdivision or site plan submittal.

The trip generation under the requested zoning is estimated to be 7,473 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 waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117] (The applicant has amended the application to SF-3 and the traffic count will need to be amended).

Impervious Cover

The site is located over the North Edward's Aquifer Recharge Zone. The site is in the Lake Travis Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by

Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone. Under the 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>% NSA with Transfers</i>	<i>Allowable Density</i>
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

Environmental

Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain, and must have a minimum lot size of 2 acres.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

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, 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.

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.

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 requirements.

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

There is no City water and wastewater main at the site. The landowner must provide written evidence that the site has an approved water supply and sufficient means of wastewater disposal adequate for the land use.

Compatibility Standards

It appears from aerial photos that there is some existing single-family residential development to the west of this site. If that is the case, then the following Compatibility Development Regulations will apply along the western property line:

- No structure may be built within 25 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.
 - 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.

A. REGULAR AGENDA

EXECUTIVE SESSION (No public discussion)

The Zoning & Platting Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Zoning & Platting Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

NO SPEAKERS.



APPROVAL OF MINUTES

2. Approval of minutes from March 1, 2005.

APPROVED MINUTES BY CONSENT.

[J.M; J.G 2ND] (9-0)

DISCUSSION AND ACTION ON ZONING CASES

- 
3. **Zoning:** C14-04-0197 - Buckner
Location: 11833 Buckner Road, Lake Travis Watershed
Owner/Applicant: Patricia King Sigg
Prev. Postponed on 01/04/05 to 1/18/05 (by staff); Approved SF-3 on 1/18/05; Approved to rescind & reconsider on 02/01/05 (by ZAP);
Postponements Postponed on 03/01/05 to 03/15/05 (ZAP); rescheduled from 3/15/05 to 3/29/05 (staff)
Request: DR to SF-3
Staff Rec.: **RECOMMENDED**
**Staff:** Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us
Neighborhood Planning and Zoning Department

APPROVED SF-2 ZONING.

[K.J; T.R 2ND] (9-0)