ZONING CHANGE REVIEW SHEET

CASE: C14-2010-024 Mitchell Hyde Park Rezone   **P. C. DATE:** 09/28/10

ADDRESS: 209 E. 38th Street   **AREA:** 0.1795 acres

APPLICANT: Gil Liebrecht   **AGENT:** Vincent Gerard & Associates
(Vince Huebinger)

NEIGHBORHOOD PLAN AREA: Central Austin Combined

CAPITOL VIEW: No

T.I.A.: No   **HILL COUNTRY ROADWAY:** No

WATERSHED: Waller Creek   **DESIRED DEVELOPMENT ZONE:** Yes

ZONING FROM: SF-3-NCCD-NP – Family Residence, Neighborhood Conservation Combining District, Neighborhood Plan

ZONING TO: MF-3-NCCD-CO – Multi-Family Residence, Neighborhood Conservation Combining District, Conditional Overlay, Neighborhood Plan

SUMMARY STAFF RECOMMENDATION:

Staff recommends denial of MF-3-NCCD-CO – Multi-Family Residence, Neighborhood Conservation Combining District, Conditional Overlay, Neighborhood Plan.

PLANNING COMMISSION RECOMMENDATION:

DEPARTMENT COMMENTS:

This case involves an alleged triplex located on property zoned for single family residential use. There is currently a red tag on this property from Code Compliance regarding the use. This tract of land and structure has been before the Planning Commission once before in 1999. Under case number C14-99-0115 the request was for a change of zoning from SF-3 to MF-3. The staff recommendation for that case was to deny the requested MF-3 zoning. The case was heard by the Planning Commission on September 14, 1999 and the Planning Commission recommended denial of the case with a vote of nine to zero. In the eleven years that has passed since the initial zone change request, the conditions of this tract and the surrounding conditions have changed very little. Therefore, the staff recommendation is to deny Multi-Family Residence zoning.

BASIS FOR RECOMMENDATION:

Zoning should allow for reasonable use of the property.

The existing SF-3 zoning allows for single family as well as a duplex use on the property.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	SF-3-NCCD-NP	Multi-Family Residential
NORTH	SF-3-NCCD	Duplex
SOUTH	MF-3-NCCD-NP	Multi-Family Residential
EAST	SF-3-NCCD-NP	Single Family Residential
WEST	SF-3-NCCD-NP	Single Family Residential

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2010-0079	From MF-1-H-NCCD-NP to MF-1-H-NCCD-NP	Approved MF-1-H-NCCD-NP [Vote: 7-0]	Approved MF-1-NCCD-NP [Vote: 7-0]

NEIGHBORHOOD ORGANIZATION:

- Homeless Neighborhood Assn.
- North University Neighborhood Assoc.

SCHOOLS:

Lee Elementary School   Kealing Middle School   McCallum High School

ENVIRONMENTAL:

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

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

3. 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.

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

5. 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.

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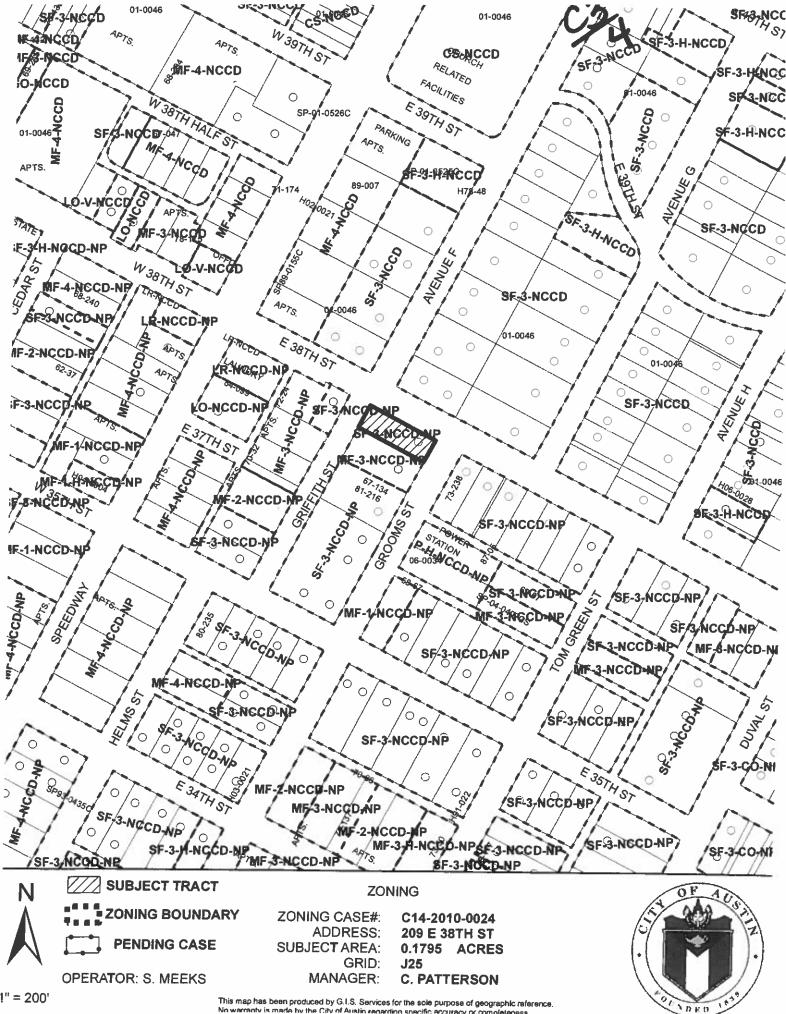
SITE PLAN:

The site may be subject to compatibility standards if the lot to the south is used as single-family. Any proposed construction would be subject to the following standards along the southern property line:
- No structure may be built within 15 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.
- A landscape area 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.
- Additional design regulations will be enforced at the time a site plan is submitted.

TRANSPORTATION:

TR1.   If the requested zoning is recommended for this site, 30 feet of right-of-way should be dedicated from the centerline of Griffith Street in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

TR2.   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]

TR3.   Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Griffith Street	50'	27	Local	No	No	No
Grooms Street	60'	37'	Collector	No	No	No

CITY COUNCIL DATE: October 28th, 2010   **ACTION:**

ORDINANCE READINGS: 1ST   2ND   3RD   **ORDINANCE NUMBER:**

CASE MANAGER: Clark Patterson Clark.patterson@ci.austin.tx.us   **PHONE:** 974-7691

Zoning map labels include:

SF-3-NCCD, MF-4-NCCD, CS-NCCD, SF-3-H-NCCD, LO-V-NCCD, MF-3-NCCD, MF-4-NCCD-NP, SF-3-NCCD-NP, MF-2-NCCD-NP, LR-NCCD-NP, LO-NCCD-NP, MF-1-NCCD-NP, MF-3-NCCD-NP, SF-3-H-NCCD-NP, SF-3-CO-NP, MF-2-NCCD, MF-1-NCCD-NP, SF-3-H-NCCD

Street labels: W 39TH ST, E 39TH ST, W 38TH HALF ST, W 38TH ST, E 38TH ST, E 37TH ST, E 35TH ST, E 34TH ST, AVENUE F, AVENUE G, AVENUE H, GRIFFITH ST, GROOMS ST, TOM GREEN ST, DUVAL ST, CEDAR ST, HELMS ST, SPEEDWAY

APTS., CHURCH RELATED FACILITIES, PARKING, POWER STATION P.H.

C74

N

1" = 200'

	SUBJECT TRACT
	ZONING BOUNDARY
	PENDING CASE

ZONING

ZONING CASE#:   C14-2010-0024
ADDRESS: 209 E 38TH ST
SUBJECT AREA: 0.1795   ACRES
GRID: J25
MANAGER: C. PATTERSON

OPERATOR: S. MEEKS

CITY OF AUSTIN
FOUNDED 1839

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