

C3  
1

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2010- 0140 – Parker Lane

**P.C. DATE:** January 25, 2011 (postponed by neighborhood)  
February 22, 2011 (postponed by staff)  
March 8, 2011

**ADDRESS:** 1406-1506 Parker Lane

**OWNER/APPLICANT:** Ryan Diepenbrock

**AGENT:** Ryan Diepenbrock

**ZONING FROM:** SF-3-NP **TO:** SF-6-CO-NP

**AREA:** 0.957 acres (41,686 ft<sup>2</sup>)

**SUMMARY STAFF RECOMMENDATION:** Staff recommends approval of SF-6-CO-NP (Townhouse and Condominium-Conditional Overlay-Neighborhood Plan) combining district zoning, with conditions. The conditional overlay will include the following site development standards on the property to limit the maximum height to 30 feet or two stories.

A public restrictive covenant will address drainage issues as agreed to by the applicant, staff, and adjacent neighbors:

- All site drainage shall be conveyed away from the rear property line in a manner to insure little to no runoff into the SF-3 property to the west. Developer will also create a small, natural berm along or near the rear property line.

The applicant will also address items including drainage, privacy fencing, garbage receptacle placement and tree mitigation and placement by a restrictive covenant.

**DEPARTMENT COMMENTS:** This 0.957 acre tract is currently developed with four single family structures on 4 platted lots. The applicant seeks to rezone the property for the development of a detached condominium regime. Staff supports the request with the conditions as outlined above.

**NEIGHBORHOOD PLANNING STAFF RECOMMENDATION:** The Neighborhood Planning staff have recommended that the Future Land Use Map of the East Riverside/Oltorf Combined Neighborhood Plan be amended to change from Single Family to Higher Density Single Family land use category.

**ISSUES:** Planning and Watershed Staff has met with the applicant and neighborhood regarding concerns about stormwater drainage problems in this area. The applicant has agreed to convey the site's stormwater into an existing drainage easement for detention located near the property.

The applicant has agreed to not seek a stormwater detention waiver in conjunction with this rezoning application. Further, the applicant has agreed to enter into a public restrictive covenant with the City of Austin to ensure that the developer shall be required to convey all site drainage away from the rear

C3/2

property line and shall construct a natural water detention berm along the rear property line to prevent runoff from encroaching upon the single family properties to the west.

**EXISTING ZONING AND LAND USES:**

	<b>FLUM</b>	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	Single-Family	SF-3-NP	Single Family Homes
<i>North</i>	Higher-Density Single-Family	MF-2-CO-NP (CO – restricts property to a maximum of 12 units total).	Townhomes/Condos
<i>South</i>	Higher Density Single-Family	MF-2-NP	Townhomes
<i>East</i>	None	MF-3-NP	Apartments
<i>West</i>	Single-Family	SF-3-NP	Single Family Homes

**NEIGHBORHOOD PLAN:** The property lies within the East Riverside - Oltorf Combined Neighborhood Plan adopted November 16, 2006.

**TIA:** 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]

**WATERSHED:** Town Lake

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**REGISTERED COMMUNITY ORGANIZATIONS:**

- Southeast Coalition
- Barton Springs/ Edwards Aquifer Conservation Dist.
- Home Builders Association of Greater Austin
- Southeast Austin Neighborhood Alliance
- Southeast Austin Trails & Greenbelt Alliance
- South River City Citizens Assn.
- East Riverside/Oltorf & Montopolis Neighborhood Planning Team-COA Liaison
- Austin Neighborhoods Council
- South Central Coalition
- Homeless Neighborhood Organization
- Austin Parks Foundation
- PODER People Organized in Defense of Earth & Her Resources
- East Riverside / Oltorf Neighborhood Plan Contact

**SCHOOLS: (AISD)**

- Sanchez Elementary School
- Martin Middle School
- Travis High School

C3  
/3

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-03-0077 1400 – 1404 Parker Lane	From SF-3 to MF-3	8/12/2003 ZAP APVD MF-2 W/SF-6 DEV REGS (5-4, CJ/JC/JG/JD-NO)	10/9/2003 Council APVD MF-2- CO (7-0); 2ND/3RD RDG
C14-06-0188 1406 – 1506 Parker Lane (Subject Tract)	From SF-3 to MF-4	2/13/2007 PC approved staff's recommendation to deny MF-4 zoning (9-0)	6/21/2007 Withdrawn by applicant

**BASIS FOR RECOMMENDATION**

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

The purpose statement for the SF-6 zoning district states, “ *townhouse and condominium residence district (SF-6) district is intended as an area for moderate density single family, duplex, two family, townhouse, and condominium use. SF-6 is appropriate in selected areas where a transition for single-family to multifamily use is appropriate.* ”

The subject tract is nearby an established single family neighborhood and nearby existing low to moderate density multifamily development. The property is also in the desired development zone and in the central city, areas where a reasonable increase in density is desirable.

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

The SF-6 zoning would provide as a transition of zoning district intensity and uses between the MF-3 and SF-3 district zoning and uses to the east and to the west of the subject tract.

**EXISTING CONDITIONS**

**Environmental**

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

C3  
/4

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.

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.

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**

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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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:

C3/5

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Parker Lane	64'	35'	Collector	No	No	Yes

**Site Plan:**

The site is subject to compatibility standards. Along all property lines adjacent to single family (particularly to the west), the following standards will apply with any future development:

- 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.
- 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.

New development may be subject to Subchapter E: Design Standards and Mixed Use. If the site is over 5 acres, Section 2.3 Connectivity and Section 2.7 Private Common Open Space and Pedestrian Amenities would be applicable. Section 2.5 Lighting is applicable to any proposed development. Additional comments will be made when the site plan is submitted.

**CITY COUNCIL DATE:** March 3, 2011  
March 24, 2011

**ACTION:** Postponed by staff

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Stephen Rye

**PHONE:** 974-7604  
[stephen.rye@ci.austin.tx.us](mailto:stephen.rye@ci.austin.tx.us)









**Rye, Stephen**C3  
/8

**From:** Mark Terranella [REDACTED]@austin.rr.com]  
**Sent:** Sunday, October 24, 2010 2:27 PM  
**To:** Meredith, Maureen; Rye, Stephen  
**Cc:** David Alan; Joe Eifler  
**Subject:** Further HOME OWNER OPPOSITION TO (FILE # C14-2010-0140 & NPA-2010-0021.02) REZONING 1406-1506 PARKER LANE

Dear Maureen and Stephen,

The email below sent during the current applicant's second rezoning case still applies for his third application. In fact, we experienced over the curb flooding again this summer on 6/29/2010. The applicant's proposal to build 12 separate home on his .98 acres is too dense and would greatly increase the impervious cover in an area that directs water down hill onto our neighborhood. Over development of his Parker Ln. lots will add to our problem with flooding. We have attempted to compromise with this developer on multiple occasions but he continues to propose overly dense projects for his property.

Please recommend a denial of his proposed up zoning.

Mark Terranella and Lucy Petrucelli ( Austin home owners/tax-payers since 1976)  
 1702 Elmhurst Dr  
 Austin, TX. 78741

**From:** [REDACTED]@austin.rr.com [mailto:[REDACTED]@austin.rr.com]  
**Sent:** Wednesday, November 19, 2008 4:19 PM  
**To:** sully.jumpnet@sbcglobal.net; pcavazos\_planning@yahoo.com; jay\_reddy@dell.com; tracy.atkins@gmail.com; paulahui16@yahoo.com; Saundra\_Kirk@sbcglobal.net; chris@brandocular.com; clint\_small@hotmail.com; amdealey@aol.com  
**Cc:** Jacob Browning; Harden, Joi  
**Subject:** Further HOME OWNER OPPOSITION TO (FILE # C14-2008-0162 & NPA-2008-0021.1) REZONING 1406-1506 PARKER LANE

Re: HOME OWNER OPPOSITION TO (FILE # C14-2008-0162 & NPA-2008-0021.01) REZONING 1406-1506 PARKER LANE

Dear Planning Commission Member:

Please consider this email as further support of our position opposing any rezoning of 1406-1506 Parker Ln. until adequate infrastructure exists to support new development, especially in the affected watershed area.

Please consider the results of our attempts to have the current drainage problems addressed by the City of Austin. On 2/1/07 the Watershed Protection (WP) Department of the City was asked to assess the cause of the recent flooding of our storm sewers. After investigating the cause of our drainage problems, we have been advised that the current system of storm sewers and other drainage serving the Elmhurst Dr. and Parker Ln. watershed is inadequate to handle the runoff from a significant rain storm. We are told that the solution to our drainage problems is too large and expensive a project for WP to fix without CIP (capital improvement project) funding. We have been added to a list of CIP projects that WP maintains while awaiting funding to correct various drainage problem in neighborhoods around Austin.

10/25/2010



C3  
/9

John Beachy of the Watershed Engineering Division was our contact at WP. He reviewed the first email that I sent to the Planning Commissioners (dated 11/19/08) with pictures of our 1/13/07 flooding and reported that our assessment of our drainage problem and its causes were consistent with his division's assessment, i.e., there is too much runoff water in a downpour for the current drainage system to handle. We were advised that there is no CIP money available now or in the foreseeable future to correct our drainage problems. We were also advised that we home owners need to do whatever it takes to protect our properties from flooding, including digging drainage ditches and putting up barriers to redirect the runoff water. We were told that, because we had presented pictures of runoff waters rising above curb level, our situation was a priority concern for WP. However, we did not receive any estimate of when our drainage problem will be corrected. And finally, we were told that WP could not determine exactly where the flooding runoff waters from Elmhurst Dr. and the Parker Ln. lots went, other than to the low area at the base of the hill. WP's storm sewer maps do not show a drain at the base of the hill that would allow the runoff water into the storm sewer system.

From our perspective as home owners, additional development in the affected watershed area must include addressing the existing flooding problems in order to be considered responsible growth. Most of the home owners in the affected area of Elmhurst Dr. have lived here well over 20 years, and we have considerable investments in our homes. We are aware that the recently approved segment of the City's Neighborhood Planning Map designates the involved Parker Ln. lots as SF-3 zoning in order to maintain a balance of zoning in this area. We are also fully aware of the City's interest in increasing the housing density in our inner city area and only ask that this be done responsibly to protect the interests of existing property owners' as well as those of developers and their investors. Our greatest fear is that inadequately planned development will cause our homes' property values to fall and lower the quality of life in our neighborhood.

Sincerely,

Mark Terranella and Lucy Petrucelli ( Austin home owners/tax-payers since 1976)  
1702 Elmhurst Dr.  
Austin, TX. 78741

10/25/2010

C3  
/10

**Rye, Stephen**

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**From:** Mark Terranella [redacted@austin.rr.com]  
**Sent:** Sunday, October 24, 2010 3:06 PM  
**To:** Meredith, Maureen; Rye, Stephen  
**Cc:** David Alan; Joe Eifler  
**Subject:** HOME OWNER OPPOSITION TO (FILE # C14-2010-0140 & NPA-2010-0021.02) REZONING 1406-1506 PARKER LANE - FLOODING ON ELMHURST DR. 6/29/2010  
**Attachments:** IMG\_3881.jpg; IMG\_3882.jpg; IMG\_3884.jpg; IMG\_3885.jpg; IMG\_3887.jpg; IMG\_3886.jpg

Maureen and Stephen,

We are sending a few more shots of the 6/29/10 flood on Elmhurst Dr. just to document that event for your files. The pictures are taken from my front yard and show the front yard and street flooding at 1700 Elmhurst, the home of David and Paula Smuck.

Pictures IMG 3887& 8886 show the over whelmed French drain that protects my home from water coming down the hill from behind my house. This water comes primarily from the Parker Ln. lots that are being considered for up zoning.

This area of town has significant soil and drainage problems, which will be exacerbated by more impervious cover if additional multi-family units are built. We and our neighbors fear more problems will develop with any new multi-family units developed on Parker Ln.. We have been frustrated in our efforts to get help from the city with our drainage problems and have received absolutely no assistance. We fear that with more development, we'll be left to deal with any resultant problems on our own.

We cannot support a 12 home project on the applicant's .98 acres. The project is too dense. We have met with this applicant over 20 times and he refuses to propose a reasonably sized project for his property.

Please recommend a denial of his up zoning request.

Mark Terranella and Lucy Petrucelli ( Austin home owners/tax-payers since 1976)  
1702 Elmhurst Dr.  
Austin, TX. 78741

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C3  
/4





2/3/12





C3  
13





C3/14





C3  
15





C3  
16

