

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0023 – 6.11 acre tract –  
Westgate & Davis Lane

**Z.A.P. DATE:** May 7, 2013

**ADDRESS:** 2901 Davis Lane

**OWNER:** Susan Parker Leigh

**AGENT:** Bleyl & Associates  
(Vincent G. Huebinger)

**ZONING FROM:** RR

**TO:** SF-6

**AREA:** 6.110 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant townhouse and condominium residence – conditional overlay (SF-6-CO) combining district zoning. The Conditional Overlay limits development to less than 2,000 vehicle trips per day.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

May 7, 2013: *APPROVED SF-6-CO DISTRICT ZONING AS STAFF RECOMMENDED, WITH ADDITIONAL CONDITIONAL OVERLAYS THAT PROHIBIT VEHICULAR ACCESS TO KENTISH DRIVE AND WESTGATE BOULEVARD, AND REQUIRE PEDESTRIAN ACCESS TO KENTISH DRIVE.*

*[G. ROJAS; P. SEEGER – 2ND] (5-2) B. BAKER; J. MEEKER – NAY*

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The subject property is located at the southeast corner of Davis Lane and the newly extended segment of Westgate Boulevard, is undeveloped and zoned rural residence (RR) district. There is a service station and single family residences within the Cherry Creek Section 9-F subdivision to the north (LR; SF-2), single family residences and a reservoir within the Pheasant Run Section 1-A subdivision to the east (SF-2; RR), an AISD elementary school to the south (RR) and detached condominiums to the west (SF-6-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone property to the townhouse and condominium residence (SF-6) district in order to build approximately 32 units. Access is proposed to be limited to Davis Lane. Staff recommends the Applicant's request, given: the surrounding area includes single family residences and condominium uses, and SF-6 zoning would be compatible with the established character of the area; and 2) it is located in proximity to supporting office, commercial and civic uses.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	RR	Undeveloped
<i>North</i>	LR-CO; SF-2	Service station; Single family residences
<i>South</i>	RR	AISD Elementary School
<i>East</i>	SF-2; SF-3	Single family residences; Reservoir
<i>West</i>	SF-6-CO	Condominiums

**AREA STUDY:** N/A**TIA:** Is not required

**WATERSHEDS:** South Boggy Creek; **DESIRED DEVELOPMENT ZONE:** No  
Slaughter Creek – Barton Springs Zone –  
Contributing Zone

**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

12 – Brodie Lane Homeowners Association  
 217 – Tanglewood Forest Neighborhood Association  
 511 – Austin Neighborhoods Council      627 – Onion Creek Homeowners Association  
 742 – Austin Independent School District  
 943 – Save Our Springs Alliance      997 – Tanglewood Oaks Owners Association  
 1037 – Homeless Neighborhood Organization      1075 – Bike Austin  
 1134 – Oak Parke / Brodie Wild Preservation Group, Inc.  
 1200 – Super Duper Neighborhood Objectors and Appealers Organization  
 1228 – Sierra Club, Austin Regional Group      1224 – Austin Monorail Project  
 1236 – The Real Estate Council of Austin, Inc.      1228 – Sierra Club, Austin Regional Group  
 1340 – Austin Heritage Tree Foundation      1363 – SEL Texas

**SCHOOLS:**

Cowan Elementary School      Covington Middle School      Bowie High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-07-0014 – Cameron Condo – 2903 Cameron Loop	RR to SF-6	To Grant SF-6-CO w/CO limited to 85 units and vehicular access to Cameron Loop limited to emergency use only; RC for conds. of the Neighborhood Traffic	Approved as Commission recommended (6-21- 2007).

		Analysis	
C14-05-0151 – Flex 15 – 8420 Longview Rd.	RR to MF-3	To Grant MF-1-CO with the CO for 1,000 trips, 8 u.p.a., driveway egress from the Property to Longview shall be right-out, driveway access to Cameron shall be emergency only, hooded/shielded lighting required within 25 feet of all property lines, height is limited to 2 stories or 28 feet. RC for the conditions of the Neighborhood Traffic Analysis	Approved SF-6-CO with CO for 130 units, and Restrictive Covenant for the NTA (11-5-2006).
C14-03-0157 – Harris Ranch – SE corner of Davis and Brodie Lanes	DR; RR to GR; MF-2; SF-6, as amended	To Grant GR-CO for 8.04 acres and SF-2 for the remainder; RC for the Traffic Impact Analysis	Approved GR-CO w/CO prohibiting auto-related uses, guidance services, pawn shop services and drive-in services (Tract 1); SF-6-CO w/CO limiting the number of units to 350 (Tract 2); RC for the TIA (9-30-2004).
C14-99-0033 – Westgate & Cameron Loop	SF-3 to SF-6	To Grant SF-6 for Tract 1 and RR for Tract 2, with conditions.	Approved SF-6-CO for Tract 1 with the CO for a 75 foot wide buffer zone along the east property line, and a maximum of 96 dwelling units; RR for Tract 2 (8-19-1999).
C14-97-0155 – Southland Oaks MUD – Cameron Loop at Davis Lane	I-RR & I-SF-2 to RR; SF-1; SF-2; SF-3; SF-4; SF- 5; SF-6; MF-1; MF-2; MF-3; MF-4; LR; GR; P	To Grant staff recommendation of RR; SF-1 through SF-6; MF-1 through MF-4; LR; GR; CS; P with conditions	Approved PC recommendation of SF-2; SF-3; MF-2-CO; LR-CO (CO is requires the extension of Westgate Boulevard prior to approval of a site plan or issuance of a building permit); P

			(7-9-1998).
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**RELATED CASES:**

There are no subdivision or site plan applications approved or in process on the subject property.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	ADT
Westgate Boulevard	114 feet	MAD-4	Arterial	11,864
Davis Lane	Varies	Varies	Arterial	5,168
Kentish Drive	90 feet	Varies	Local	N/A

- Davis Lane is classified in the Bicycle Plan as Bike Route No. 84. Westgate Blvd. is classified in the Bicycle Plan as Bike Route No. 943.
- Capital Metro bus service is not available along Davis Lane, Westgate Blvd., and Kentish Drive.
- There are existing sidewalks along Westgate Blvd. However, there are no sidewalks along Davis Lane and Kentish Drive.

**CITY COUNCIL DATE:** May 23, 2013

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

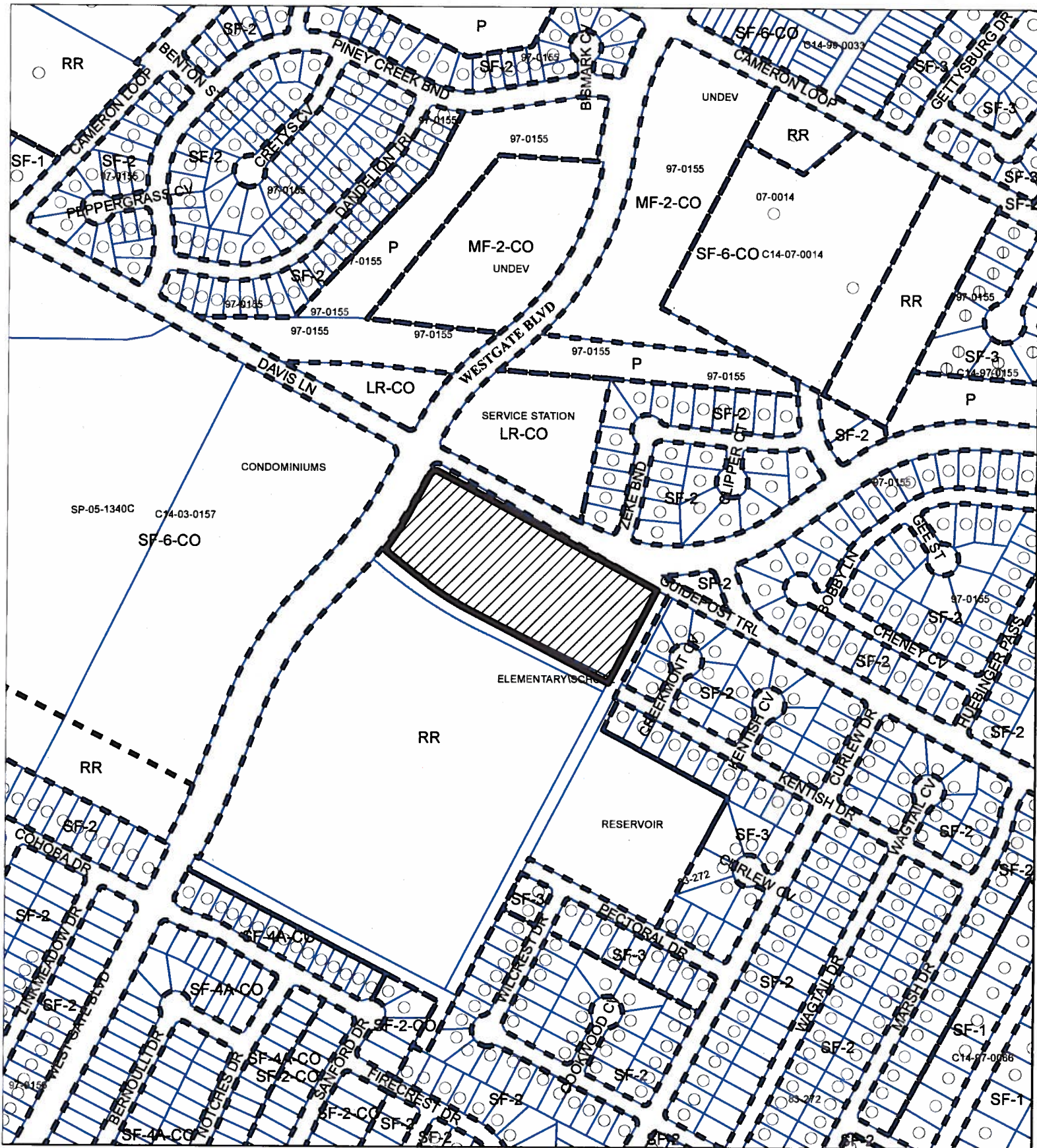
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@austintexas.gov




**PHONE:** 974-7719



## ZONING

EXHIBIT A

ZONING CASE#: C14-2013-0023

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







SF-2

SF-2

SF-2

SF-2

P

MF-2-CO

MF-2-CO

SF-6-CO

RR

LR-CO

LR-CO

SF-2

SF-2

SF-6-CO

SF-2

SF-2

SF-2

SF-2

SF-3

SF-2

SF-3

SF-4A-CO

RR

RR

Exhibit A  
Noen!



**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant townhouse and condominium residence – conditional overlay (SF-6-CO) combining district zoning. The Conditional Overlay limits development to less than 2,000 vehicle trips per day.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

The townhouse and condominium residence (SF-6) district, is intended as an area for moderate density single family, duplex, two-family, townhouse and condominium use.

- 2. Zoning changes should promote an orderly and compatible relationship among land uses.*

Staff recommends the Applicant's request, given: the surrounding area includes single family residences and condominium uses, and SF-6 zoning would be compatible with the established character of the area; and 2) it is located in proximity to supporting office, commercial and civic uses.

**EXISTING CONDITIONS****Site Characteristics**

The subject property is undeveloped and is generally flat.

**Impervious Cover**

The maximum impervious cover allowed on the property is 25 percent within the boundaries of the Contributing Zone. This figure is based on the more restrictive watershed regulations. Within the South Boggy Creek Watershed, The maximum impervious cover allowed by the SF-6 zoning district would be 55%, which is a consistent figure between the zoning and watershed regulations.

**Comprehensive Planning**

This zoning case is located on 6 acre vacant lot to the south of Davis Lane and is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes a single family subdivision and vacant land to the north off Davis Lane, a single family subdivision to the east, vacant land to the west on Westgate Blvd., and a school to the south on Kentish Drive. The developer wants to build townhouse/condos on the property.

The property is located within the boundaries of the Barton Creek Contributing Zone, as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan (IACP). An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow

downstream into the recharge zone and “contribute” water to the aquifer. However, the overall goal of the IACP is to achieve ‘*complete communities*’ across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. Page 107 of the IACP states, “*While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas. New commercial, office, larger apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its context. It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city. It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city. Not all land within the city limits will be developed. Some may remain or enter into agricultural production; continue as single-family houses, duplexes, and apartments; or become part of the planned open space network. The Growth Concept Map not only guides where Austin may accommodate new residents and jobs but also reflects the community intent to direct growth away from environmentally sensitive areas including, but not limited to, the recharge and contributing zones of the Barton Springs segment of the Edwards Aquifer, and to protect the character of neighborhoods by directing growth to areas identified by small area plans.*”

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses the promotion of a variety of housing types:

- **LUT P22** Protect Austin’s natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space.
- **H P1.** Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin’s diverse population.
- **H P5.** Promote a diversity of land uses throughout Austin to allow a variety of housing types including rental and ownership opportunities for singles, families with and without children, seniors, persons with disabilities, and multi-generational families.
- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on the property being located adjacent to two residential subdivisions, and the Imagine Austin policies referenced above that supports a variety of housing types throughout Austin, staff believes that the proposed residential use is consistent with the Imagine Austin Comprehensive Plan as long as environmental ordinances to protect the Barton Creek Aquifer are enforced.



### **Environmental**

According to current maps, this property lies in the Edwards Aquifer Contributing Zone. This property lines on or very close to the divide between the Slaughter Creek Watershed (Barton Springs Zone, Drinking Water Protection Zone) and the South Boggy Creek Watershed (Suburban, Desired Development Zone). A geological and / or topographical analysis of the site may be needed to determine the exact boundaries of the aforementioned watersheds and zones.

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.

According to floodplain maps there is no floodplain within or adjacent to the project boundary.

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.

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

The site is not located within the endangered species survey area.

Following are the comments for each watershed classification:

#### **Suburban**

Under 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>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

**Barton Springs Zone**

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. A portion of this tract lies in the Contributing Zone.

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.

**Transportation**

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].

**Water and Wastewater**

FYI: 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 proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans 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.

**Site Plan and Compatibility Standards**

Site plans will be required for any new development other than single-family or duplex residential.

Compliance with Subchapter E will be required at Site Plan. A 12-foot sidewalk consisting of a 7-foot planting zone adjacent to the curb followed by a 5-foot clear zone is required on both Guidepost Trail and Westgate Boulevard.

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.

While property located adjacent to single family residences triggers a front setback of 25-feet, for this lot, the "front" is considered Westgate Boulevard. The adjacent SF property is

not fronting the same street, hence there is a 25 foot setback on the west side, but not the north side.

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

- 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.
- 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.



## PUBLIC HEARING INFORMATION

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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.

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**Case Number: C14-2013-0023**

**Contact: Wendy Rhoades, 512-974-7719**

**Public Hearing: May 7, 2013, Zoning and Planning Commission**

**May 23, 2013, City Council**

Wendy Rhoades  
Your Name (please print)

3101 Davis Lane 6003 78745  
#

affected by this application  
Your address(es)

[Signature]  
Signature

5-2-13  
Date

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

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

City of Austin

Planning & Development Review Department

**Wendy Rhoades**

P. O. Box 1088

Austin, TX 78767-8810

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**Contact: Wendy Rhoades, 512-974-7719**

**Public Hearing: May 7, 2013, Zoning and Planning Commission**

**May 23, 2013, City Council**

Donna Levine

*Your Name (please print)*

3601 DAVIS LA.

*Your address(es) affected by this application*

Donna Levine

*Signature*

4/28/13

*Date*

(512) 939-0687

*Daytime Telephone*

*Comments: I object to building  
more condos/trunkhouses  
because the area is already  
overcrowded add to that several  
crowded roads on elementary  
school and a busy intersection  
with to stop light and up  
have a disaster in the making.  
I can't believe I moved to TX for  
wide open spaces.*

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

City of Austin

Planning & Development Review Department

**Wendy Rhoades**

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2013-0023

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: May 7, 2013, Zoning and Platting Commission  
May 23, 2013, City Council

Mark McGann

Your Name (please print)

2921 Zeke Bend 78745

Your address(es) affected by this application

Mark McGann

Signature

☐ I am in favor  
☒ I object

5/1/13

Date

Daytime Telephone: 703-859-9406

Comments: If this is not already a done deal and this hearing just for show, why, during the recent repaving of Davis Lane was the section of Davis Lane in front of the property in question the only portion left untouched?

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-0888



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**Contact: Wendy Rhoades, 512-974-7719**

**Public Hearing: May 7, 2013, Zoning and Platting Commission  
May 23, 2013, City Council**

*Chris Hawkins*  
Your Name (please print)

☐ I am in favor  
☒ I object

*2201 Brodie Ln / #5002*  
Your address(es) affected by this application

*[Signature]*  
Signature

*4-29-13*  
Date

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Austin, TX 78767-8810

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Contact: Wendy Rhoades, 512-974-7719

Public Hearing: May 7, 2013, Zoning and Planning Commission

May 23, 2013, City Council

*Kathryn Rhoades*  
Your Name (please print)

☐ I am in favor  
☒ I object

2811 Kentish Dr. Austin 78748

Your address(es) affected by this application

*Kathryn Rhoades*  
Signature

5-7-13

Date

Daytime Telephone: 512-656-0762

Comments: *I am against the proposed zoning. The infrastructure is not in place to support increased traffic. Davis Lane is too narrow for City of Austin buses to travel & Kentish & Westgate do not provide proper ingress & egress. Additionally, area has since annexed 29 years ago that haven't been provided sewer connections, so the City needs to fix problems before allowing new development.*

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

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Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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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.austintexas.gov](http://www.austintexas.gov)

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: C14-2013-0023

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: May 7, 2013, Zoning and Platting Commission  
May 23, 2013, City Council

Kay Graves

Your Name (please print)

2811 Kentish Dr. Austin 78748

Your address(es) affected by this application

Kay Graves

Signature

5-7-13

Date

Daytime Telephone: 512-656-0712

Comments: I am against the proposed zoning. The infrastructure is not in place to support increased traffic. Davis Lane is too narrow for City of Austin lanes to travel at Kentish & Westgate, do not provide proper ingress or egress. Additionally area has homes annexed 29 years ago that haven't been provided sewer connections so the City needs to fix problems before allowing new development.

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810