

SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2014-0165 -- 2712 & 2800 Del Curto Rezoning

DISTRICT: 5

REQUEST:

Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2712 & 2800 Del Curto Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning, with conditions.

DEPARTMENT COMMENTS: No conditions were added by Council.

OWNER / APPLICANT: Jett Abram, LLC (Sarah Lahmers)

AGENT: Thrower Design (Ron Thrower)

DATE OF FIRST READING: First Reading approved on March 5, 2015. Vote: 9-0.

CITY COUNCIL HEARING DATE: May 14, 2015

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin

e-mail: heather.chaffin@austintexas.gov

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0165
2712 & 2800 Del Curto Rezoning

P.C. DATE: February 10, 2015
January 27, 2015, January 13, 2015,
December 9, 2014

DISTRICT: 5

ADDRESS: 2712 & 2800 Del Curto Road

AREA: 2.08 acres

OWNER: Jett Abram, LLC (Sarah Lahmers)

APPLICANT: Thrower Design (Ron Thrower)

FROM: SF-3; Family Residence

TO: SF-6; Townhouse and Condominium Residence

NEIGHBORHOOD PLAN AREA: South Lamar Combined Neighborhood Planning Area

WATERSHED: West Bouldin Creek (Urban)

TIA: Not Required

SUMMARY STAFF RECOMMENDATION:

To grant SF-6, Townhouse and Condominium Residence, district zoning, with conditions. The condition is that the owner, prior to third reading of a rezoning ordinance, dedicate right-of-way for Del Curto up to a width of 30' from the current centerline.

PLANNING COMMISSION RECOMMENDATION:

February 10, 2015: *To grant SF-6-CO rezoning as recommended by Staff with additional conditions as follows:*

1. *Maximum number of residential dwelling units is 15.*
2. *Interim drainage regulations established by City Ordinance No. 20141211-200 shall be applied to any development on the property. This condition shall extend beyond the expiration date identified in the ordinance, and apply to the property for the duration of this zoning ordinance.*
3. *Parking requirements are calculated as follows:*
 - A. *Required parking shall be calculated at 0.5 spaces above minimum code requirements for each unit.*
 - B. *For impervious cover between 48% and 53%, additional on-site parking shall be required at 1 space for every 1% increase in impervious cover beyond 48%.*
 - C. *For impervious cover between 53% and 55%, additional on-site parking shall be required at 1.5 spaces for every 1% increase in impervious cover.*
4. *Tandem parking spaces are not allowed to be counted as required parking.*
5. *The northern 1/2 of the property is limited to a maximum height of 32' and 2-stories.*
(S. Oliver- 1st, J. Nortey- 2nd) 7-0-1(Abstaining: J. Stevens).

January 27, 2015: *Postponed at the request of South Lamar Neighborhood Association and the Applicant until February 10, 2015 (Consent Motion: J. Stevens; Second: R. Hatfield) 7-0-2(Absent: D. Chimenti, L. Varghese).*

January 13, 2015: *Postponed at the request of Staff until January 27, 2015 (Consent Motion: J. Stevens; Second: R. Hatfield) 8-0-1 (Absent: S. Oliver).*

December 9, 2014: *Postponed at the Joint Request of the South Lamar Neighborhood Association and the Applicant until January 13, 2015 (Consent Motion: R. Hatfield; Second: J. Stevens) 5-0-4 (Absent: A. Hernandez, J. Nortey, S. Oliver, and B. Roark).*

ISSUES:

The Applicant and Neighborhood Association have been discussing several items related to the development, ranging from parking to drainage retention and treatment. The parties have reached agreements related to several of these issues, and prepared a list that both parties support (*see Exhibit A*). These conditions are supported by Staff, and are included in the Planning Commission recommendation.

DEPARTMENT COMMENTS:

The subject tract is located on the western side of Del Curto Road, opposite the terminus of Cinnamon Path (*see Exhibits B and C*). Commercial uses and religious assembly abut the tract to the west. A mixed use-condominium residential project lies to the south and stretches westward toward Manchaca and Lamar; condominium residential also lies to the south and east along Del Curto. Single-family residential lies both to the north and east, north of Cinnamon Path. The Del Curto Neighborhood Park, through which an unnamed creek runs, is less than 100 feet away to the south.

The current request would allow for redevelopment of the site with a condominium residential use. The property is currently three parcels; two smaller lots along Del Curto, and a larger lot with a flag down the middle. Although a site plan or subdivision has not been submitted for review, it is anticipated by staff that the property would be redeveloped with more than the three existing residences.

Correspondence regarding the application has been attached (*please see Exhibit D*).

ABUTTING STREETS & TRANSIT:

Street Name	ROW Width	Pavement Width	Classification	Bicycle Route/Plan	Bus Service	Sidewalks
Del Curto	Varies	22' – 26'	Collector	Yes, No. 25	Yes (1)	No (2)

(1) Bus service is not available on Del Curto, but is along Manchaca and South Lamar. It is approximately 1700 feet to the intersection of Lamar and Bluebonnet. Bike and pedestrian trails to be developed on the City park property immediately to the south of the subject tract, and the mixed-use development at the intersection of South Lamar, Manchaca, and Lightsey Road, would provide access to bus service within 1200 feet.

(2) Sidewalks do not exist on this property. Sidewalks are expected to be installed during the time of subdivision or site plan construction for projects to the south and east.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3	Single-family Residential
North	SF-3	Single-family Residential; Duplex & Townhouse Residential
East	SF-3; SF-5; SF-6	Single-family and Condominium Residential
South	SF-6	Mixed Use Retail-Condominium Residential (Cielo, under construction)
West	CS-V; GR-CO	Mixed Use (Cielo); Professional Offices and Mini-Storage

SCHOOLS:

Zilker Elementary

O Henry Middle School

Austin High School

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:

South Central Coalition
 The Village at Kinney Court
 South Lamar Neighborhood Assn.
 Perry Grid 614
 The Real Estate Council of Austin, Inc.
 SEL Texas
 Friends of the Emma Barrientos MACC

Austin Neighborhoods Council
 Austin Independent School District
 Bike Austin
 Sierra Club, Austin Regional Group
 Austin Heritage Tree Foundation
 Preservation Austin
 Friends of Larry Monroe

ZONING CASE HISTORIES IN THE AREA:

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
2608 Del Curto C14-06-0189	SF-3 to SF-5-CO	Recommended 10/24/2006	Approved 11/30/2006; CO limits # of units & imp cover
2711-2715 Lamar, 2803-2901 Manchaca & 2806-3000 Del Curto C14-2007-0083	CS-CO & SF-3 to GR & SF-6-CO	Recommended 11/27/2007	Approved 12/13/2007; CO limits access and uses
3000 Del Curto C14-2010-0075 (City Initiated)	SF-3-CO to P-CO	Recommended 06/22/2010	Approved 07/29/2010; CO requires trail
2807 Manchaca C14-2012-0020	GR to GR-CO	Recommended 03/13/2012	Approved 03/22/2012; CO clarifies V site dev standards
2807 Del Curto C14-2009-0159	SF-3 to SF-6-CO	Recommended 06/22/2010	Approved 06/24/2010; CO limits vpd and specifies site dev stnds.
2811 Del Curto C14-2007-0233	SF-3 to SF-5-CO	Recommended 01/15/2008	Approved 02/14/2008; CO limits # of units, building size, height, other site dev stnds.
2905 Del Curto & 1814 Lightsey C14-2012-0032	SF-3 to SF-6-CO	Recommended 09/25/2012	Approved 02/14/2013; CO limits trips, access, # of units and unit type

Properties along South Lamar, including the property immediately adjacent to the west of the subject tract, were granted Vertical Mixed Use Building (V) combining district zoning in June 2008 (C14-2008-0019), as part of the neighborhood opt-in process.

CITY COUNCIL ACTION:

April 16, 2015:

March 5, 2015: The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning, with conditions was approved on consent on Council Member Pool's motion, Council Member Houston's second on a 9-0 vote. Council Members Kitchen and Zimmerman were off the dais.

ORDINANCE READINGS:

1st - March 5, 2015

2nd & 3rd - May 14, 2015

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin

PHONE: 512-974-2122

e-mail address: heather.chaffin@austintexas.gov

SUMMARY STAFF RECOMMENDATION

To grant SF-6, Townhouse and Condominium Residence, district zoning, with conditions. The condition is that the owner, prior to third reading of a rezoning ordinance, dedicate right-of-way for Del Curto up to a width of 30' from the current centerline.

BACKGROUND/PURPOSE STATEMENTS

The current base zoning is family residence (SF-3), which 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 or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated as an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.

The proposed base zoning of townhouse and condominium residence (SF-6) district is the designation for a moderate density single family, duplex, two-family, townhouse, and condominium use that is not subject to the spacing and location requirements for townhouse and condominium use in an SF-5 district. An SF-6 district designation may be applied to a use in an area with large lots that have access to streets other than minor residential streets. An SF-6 district may be used as a transition between a single family and multifamily residential use.

BASIS FOR RECOMMENDATION

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character;

The property is surrounded on three sides by residential uses, including single-family, condominium residential, and condominium-retail mixed-use. As a district, townhouse and condominium residence is compatible with these residential uses, and also promotes a single-family character that matches the surrounding neighborhood.

The majority of the western boundary abuts a CS-V zoned tract currently used for single-story professional offices and mini-storage. If at some point that property redevelops under a vertical mixed use scenario, the requested SF-6 would remain compatible with any new residential component.

Granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city; and,

Granting a request for zoning should result in an equal treatment of similarly situated properties;

Residential infill is happening throughout the City. SF-6 zoning helps to facilitate such infill in a manner that promotes detached housing units, and common open spaces. SF-6 has been requested and granted throughout the City. Indeed, it has been granted to 4 tracts along this stretch of Del Curto (along with a couple of SF-5 tracts). With one exception these rezonings have occurred since 2006; the exception is the SF-6 at 2601 Del Curto, which was granted in 1982.

SF-6 is an appropriate zoning district at this location, and is consistent with the zoning recently granted to properties elsewhere along Del Curto Road.

There has been discussion recently at Planning Commission regarding the proposed Lightsey 2 subdivision, which is located south of Lightsey Road, east of its intersection with Del Curto. That subdivision proposes dividing 4 acres into 16 residential lots, under existing SF-3 zoning. The concerns

raised by neighborhood stakeholders regarding that application were primarily site-specific environmental issues and transportation related, although recent concerns have also included City staff and procedural issues. The Planning Commission is scheduled to reconsider its recommendation of subdivision approval, based on potentially new information, at its meeting on December 9, 2014 – the same night this rezoning case is scheduled. While resolution of the concerns surrounding that case may be ongoing and its disposition by the Commission unknown, this current application is a rezoning. Staff is of the opinion that the land use represented and permitted under SF-6, condominium residential, is appropriate at this location, despite the concerns voiced over a specific project at a different location in the area.

Staff is also aware of the more global but just as pressing issue of adequate drainage and transportation infrastructure in the South Lamar neighborhood. With the recent adoption of the South Lamar Neighborhood Mitigation Plan on November 20, 2014, the City Council has formally recognized that this neighborhood is in need of improved infrastructure for transportation and drainage. Development regulations to help ensure that infill and urban development or redevelopment does not adversely affect the built and natural environments for the area are proposed. While some of this will likely be formalized city-wide in CodeNext, interim development regulations for the South Lamar neighborhood are also proposed. While it might be the case that adding additional residential units to the area only exacerbates the challenges, this does not preclude staff from recognizing that the proposed land use is appropriate and reasonable.

Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan; and,

The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.

The South Lamar Combined Neighborhood Plan effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in developing the staff recommendation. The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP), identifies South Lamar Boulevard as an Activity Corridor characterized with High Capacity Transit. From this property to the intersection of Lamar and Manchaca is less than 800 feet. Though this property is not individually identified in the IACP, staff is of the opinion that additional development, whether office, residential, or office-mixed use, would be a welcome and contributing component to the Activity envisioned along nearby South Lamar Boulevard.

EXISTING SITE CHARACTERISTICS AND REVIEW COMMENTS

Site Characteristics

The subject tract consists of 3 lots platted in 1963 and 1973; a single-family residence is located on each lot. The property slopes from west to east, towards Del Curto, falling about 50 feet over a distance of 616 feet. The site contains many trees, not just at the Del Curto and south property line, but nearly the western third of the site is treed. It is unknown if any of these trees are protected under City ordinances. In addition to the existing residential structures, there appears to be an electrical and water/wastewater easement running along the southern property line. In sum, redevelopment of the site should not be unduly constrained by environmental features or existing improvements.

PDRD Comprehensive Planning Review (10/07/2014) (KF)

The zoning case is located on the west side of Del Curto Road, in the S. Lamar Neighborhood Planning Area, which does not have an adopted neighborhood plan. The two properties combined are approximately 2 acres in size and each lot contains a single family house. Surrounding land uses includes residential housing in all four directions, including condos. There appears to have been a church to the south but it now looks like a condo. The proposed use is townhouse/condo.

Imagine Austin

The comparative scale of this site relative to other residential uses in this area, as well as the site not being located along an Activity Corridor or within an Activity Center, falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed residential rezoning.

PDRD Environmental Review (10/13/2014) MM)

1. COA GIS indicates this site is not located over the Edwards Aquifer Recharge Zone. However, the site is located approximately 400 feet from the Recharge Zone boundary. A geologic study might be necessary to more accurately determine the Recharge Zone status of this property. 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. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is a floodplain and a Critical Water Quality Zone immediately adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. 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 512-974-1876. 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. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

PDRD Site Plan Review (10/29/2014) (RA)

1. Site plans will be required for any new development other than single-family or duplex residential.
2. FYI- This site is in the South Lamar Neighborhood Plan. Additional comments will be made during time of site plan submittal.
3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
4. 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.

The site is subject to compatibility standards. Along the north 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.
- A landscape area at least 25 feet wide 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.

PDRD Transportation Review (11/17/2014) (IN)

1. If the requested zoning is granted for this site, 30 feet of right-of-way should be dedicated from the centerline of Del Curto Road 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.
2. 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].
3. Del Curto Road is classified in the Bicycle Plan as Bike Route No. 25.
4. Capital Metro bus service is not available along Del Curto Road.
5. There are no existing sidewalks along Del Curto Road.
6. The Neighborhood Connectivity Division of the Public Works Dept. may provide additional comments regarding mobility enhancement and pedestrian facilities.

NOTE: No comment for this zoning case for connectivity (10/17/2014). (RA)

7. Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Del Curto Road	Varies	22'-26'	Collector	2,670

Water Utility Review (10/03/2014) (NK)

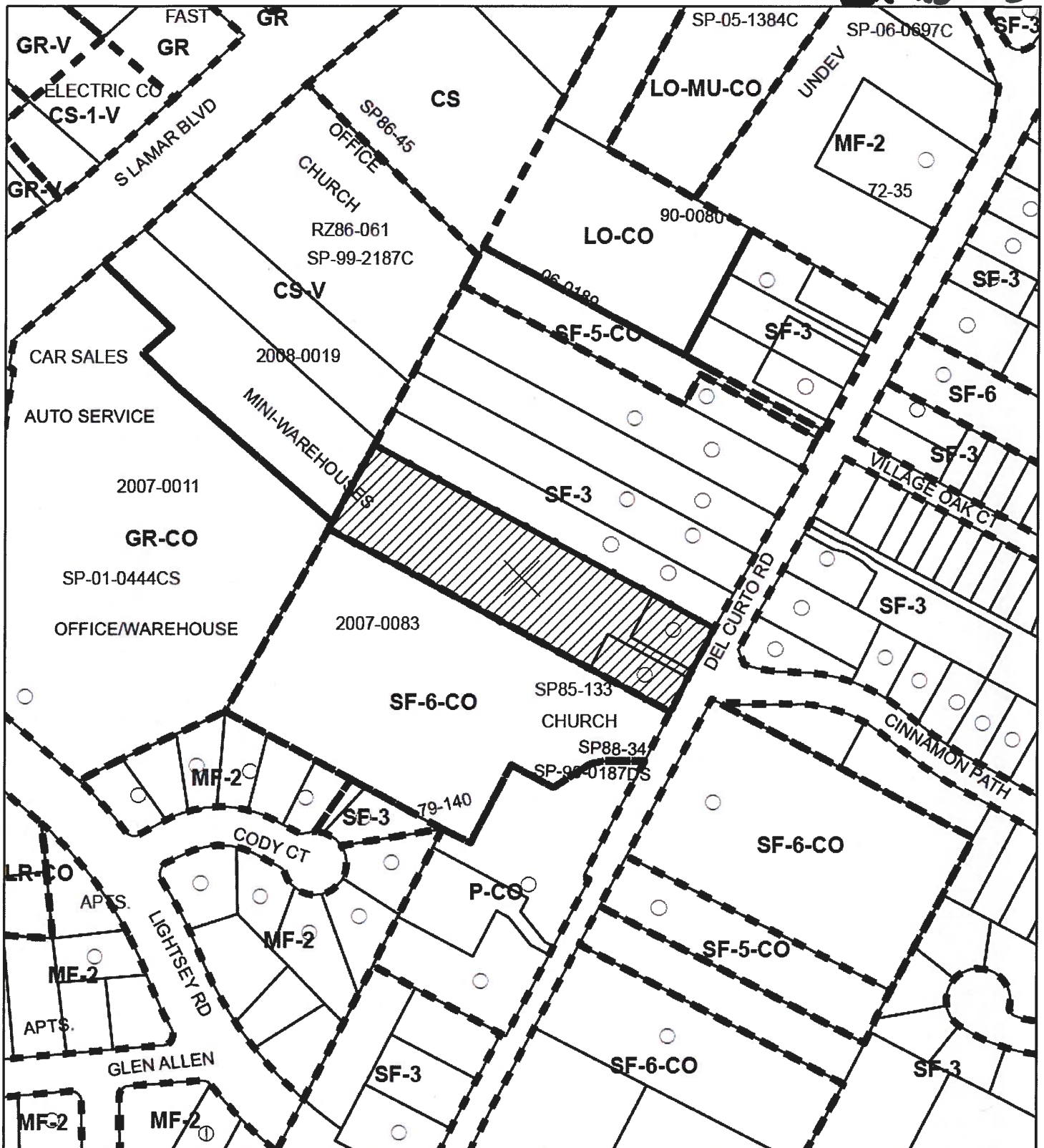
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. There are wastewater capacity limitations in this area. 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 and suitability for operation and maintenance. 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.




Del Curto Rezoning – C14-2014-0165

Agreement of conditions between Applicant and South Lamar Neighborhood Association

- 1) Rezone property from SF-3 to SF-6.
- 2) Limit development to maximum of 15 units.
- 3) South Lamar Mitigation Plan from Resolution 20141211-200 remains in perpetual effect for the redevelopment of the property.
- 4) Parking standards are as follows:
 - a) Required parking is calculated at 0.5 spaces above minimum code requirements for every unit.
 - b) For impervious cover between 48% and 53%, extra on-site parking is required at 1 space for every 1% increase in impervious cover beyond 48%.
 - c) For impervious cover between 53% and 55%, extra on-site parking is required at 1.5 spaces for every 1% increase in impervious cover.
 - d) Tandem parking spaces are not allowed to be counted as required parking.
- 5) The northern ½ of the property is limited to a maximum height of 32' and 2-stories.

EXHIBIT B



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING CASE
C14-2014-0165



1" = 200'

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.

Zoning Map

C14-2014-0165 / 2712 & 2800 Del Curto Rezoning **Exhibit**



SUBJECT TRACT
(approx 2.08 acres)

Imagery: January 2012



Aerial & Zoning

0 100 200 400 Feet

1 inch = 200 feet

1811

A

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:
<http://www.austintexas.gov/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: C14-2014-0165

Contact: Lee Heckman, 512-974-7604

Public Hearing: Dec 9, 2014, Planning Commission

Jan 29, 2015, City Council

Gest + Sherren Harter

Your Name (please print)

1811 Village Oak

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: 512 800 5888

512

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Comments: The south lamar corridor has been

minimized with development in the past

4 years. It can not sustain more density.

Del Curto road if a narrow road that has a

dangerous curve nearby. There are no

storm drains nor sidewalks. There's a

park next door. There's no street parking

within 250 ft of this address so

where will people park for this dense

development? Perhaps street parking at the

City of Austin Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

12/1/14

And what about the trees?