

C8/1

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0039 – 4100 Banister

P.C. DATE: May 12, 2015
May 26, 2015

ADDRESS: 4006 & 4100 Banister Lane

DISTRICT AREA: 5

OWNER/APPLICANT: Gossett Jones Homes (Matt Jones)

AGENT: Gossett Jones Homes (Peter Pevoto)

ZONING FROM: SF-3 **TO:** MF-3 **AREA:** 1.873 acres (81,582 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

Staff recommends multifamily residence medium density – conditional overlay (MF-3-CO) combined district zoning. The conditional overlay will limit vehicle trips to 2,000 per day.

COMMISSION RECOMMENDATION:

May 12, 2015; Approved the Applicant’s request for postponement to May 26, 2015 [R. Hatfield / J. Northey] (8-0).

May 26, 2015;

DEPARTMENT COMMENTS:

The subject properties consist of two lots that total 1.87 acres. Each lot is developed with a small single-family residential structure and a detached garage/shed structure. Both of the residential structures were built in the 1940’s and are situated to face Banister Lane. The properties each have driveway access from Banister Lane.

The Applicant is requesting MF-3 district zoning so that the combined lots can be developed with a multi-family project consisting of no more than 36 units per acre.

The subject property is mostly surrounded by multi-family and office developments with the exception of the single-family residential lots to the south, on Morgan Lane. The single family developments front Morgan Lane and back up to the subject property. The applicant is aware of compatibility requirements to the single-family properties. In reviewing the zoning request, Staff considered the density of existing multifamily developments in close proximity to the subject property. The section of Oak Run Apartments that is adjacent to the subject property has an approved density of 20 units per acre. The Four Park Place Apartment Homes, located on the opposite (east side) of Banister Lane and along the railroad track, has an approved density of 28 units per acre. Since the subject properties are surrounded by densities similar to what the applicant is proposing for this site, Staff is recommending MF-3 district zoning.

ISSUES: None at this time.

C8/2

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3	2 residential homes
North	PUD	Oak Run Apartments
South	SF-3	single family homes
East	GR and GR-MU-CO	office building and transitional housing
West	PUD	Oak Run Apartments

NEIGHBORHOOD PLANNING AREA: South Lamar of the South Lamar Combined Neighborhood Planning Area

TIA or NTA: Not required

WATERSHED: West Bouldin Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District	742
Austin Heritage Tree Foundation	1340
Perry Grid 614	1107
Friends of Emma Barrientos MACC	1447
Sierra Club, Austin Regional Group	1228
Austin Neighborhoods Council	511
South Central Coalition	498
The Real Estate Council of Austin, Inc.	1236
SEL Texas	1363
Preservation Austin	1424
South Lamar Neighborhood Assn.	926
Austin Parks Foundation	1113

SCHOOLS: Galindo Elementary, Fulmore Middle, Travis High

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-72-319 – Charles Wolf Estate & K.R.T., Inc., 4003-4017 Banister Lane	SF-3 (A) and MF-3 (B) to LO (O)		12/20/1973 – Apvd LO (O) district zoning.
C814-75-006 – Oak Run	SF-3 and MF-3 to PUD		4/1/1976 – Apvd PUD district zoning.

CS/3

Rezoning, 3706 – 3804 Southridge Drive			
C14-86-128 – Two Park Place, 4009 Banister Lane	LO to GR	7/1/1986 – Rcmdd GR for bldg. footprint and LO for the remainder of property.	12/18/1986 – Apvd GR district zoning.
C14-05- 0197.SH – Ramada Inn South, 1212 W Ben White Boulevard	LO, GO, GR to GR-MU	3/28/2006 – Rcmdd GR-MU.	4/27/2006 – Apvd GR-MU-CO combined district zoning; CO: limit trips to 2,000 per day. Prohibits Automotive rentals, automotive sales, pawn shop services, automotive repair services, automotive washing (of any type), and service station.
C14-2008- 0082 – 1403 Morgan, 1403 and 1503 Morgan Lane	Tract 1: SF-3 to GO & Tract 2: LO to GO	5/27/2015 – Rcmdd NO-MU-CO for Tract 1 and GO-CO for Tract 2. TRACT 1 CO: prohibit bed and breakfast (groups 1 &2), RC to rollback zoning to SF-3 if current use ceases for 90 days. TRACT 2 CO: prohibits vehicular access to Morgan Lane and the following uses: Bed & Breakfast (group 1 & 2), administrative and business office, art gallery, art workshop, business or trade school, business support services, commercial off-street parking, medical offices, personal services, printing and publishing, professional office, restaurant (limited), software development, special use historic, urban farm, club or lodge, college university services, communication service facilities, community recreation (private & public), congregate living, convalescent services, counseling services, cultural services, guidance services, hospital services, private primary and secondary educational facilities, public primary and secondary educational facilities, residential treatment, and safety services.	8/21/2008 – Apvd Tract 1: NO- MU-CO and Tract 2: GO-CO. Tract 1: prohibit bed and breakfast (groups 1 &2), RC to rollback zoning to SF-3. Tract 2: prohibits vehicular access to Morgan Lane and the following uses: Bed & Breakfast (group 1 & 2), administrative and business office, art gallery, art workshop, business or trade school, business support services, commercial off- street parking, medical offices (exceeding and not exceeding 5000 sq. ft.), personal services, printing and publishing, professional office, restaurant (limited), software development, special use historic, urban farm, club or lodge, college university services, communication service facilities, community recreation (private & public), congregate living, convalescent services, counseling services, cultural services, guidance services, hospital services, private primary and secondary educational facilities, public primary educational facilities, residential treatment, and safety services.

C8/4

<p>C14-2010-0005 – Athena School Hausmann, 1405 & 1409 Morgan Lane</p>	<p>SF-3 to GO-CO</p>	<p>2/9/2010 – Rcmdd NO-CO for Tract 1 and GO-CO for Tract 2. Tract 1 & 2 CO: vehicle trips limited to 2,000 per day.</p>	<p>3/11/2010 – Apvd NO-CO for Tract 1 and GO-CO for Tract 2. TRACT 1 CO: vehicular access to Morgan Lane is prohibited; a visual and sound buffer is required along Morgan Lane; bldg. height is restricted to 25 feet or one story; prohibited uses include bed and breakfast (group 1 & 2), administrative & business offices, art workshop, software development, counseling services, public primary educational facilities, art gallery, professional office, urban farm, family home, group home (class I, limited), safety services, public secondary educational facilities. TRACT 2 CO: vehicular access to Morgan Lane is prohibited; a visual and sound buffer is required along Morgan Lane; prohibits uses: bed and breakfast (group 1 & 2), administrative & business offices, art workshop, software development, counseling services, public primary educational facilities, art gallery, professional office, urban farm, family home, group home (class I & class II), safety services, public secondary educational facilities, business support services, medical offices (exceeding & not exceeding 5,000 sq. ft.), business or trade school, communication services, personal services, convalescent services, cultural services, hospital services (limited), private secondary educational facilities, printing & publishing, congregate living, guidance services, local utility services.</p>
--	----------------------	--	---

RELATED CASES:

The southern tract of land in this zoning case is platted as the North One-half (163.88 FT) of Lots 17 & 18, Less the East 10.6 FT AV of the Resubdivision of a portion of Lots 17 & 18 of the Banister Heights Subdivision, recorded on September 22, 1952 (C8-1952-2075). Please refer to "Exhibit A".

CS/5

The northern tract of land in this zoning case consists of 0.96 acres of un-platted property.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Banister Lane	70'	41'	Collector	5,510

CITY COUNCIL DATE:

ACTION:

June 11, 2015:

ORDINANCE READINGS: 1st

2nd

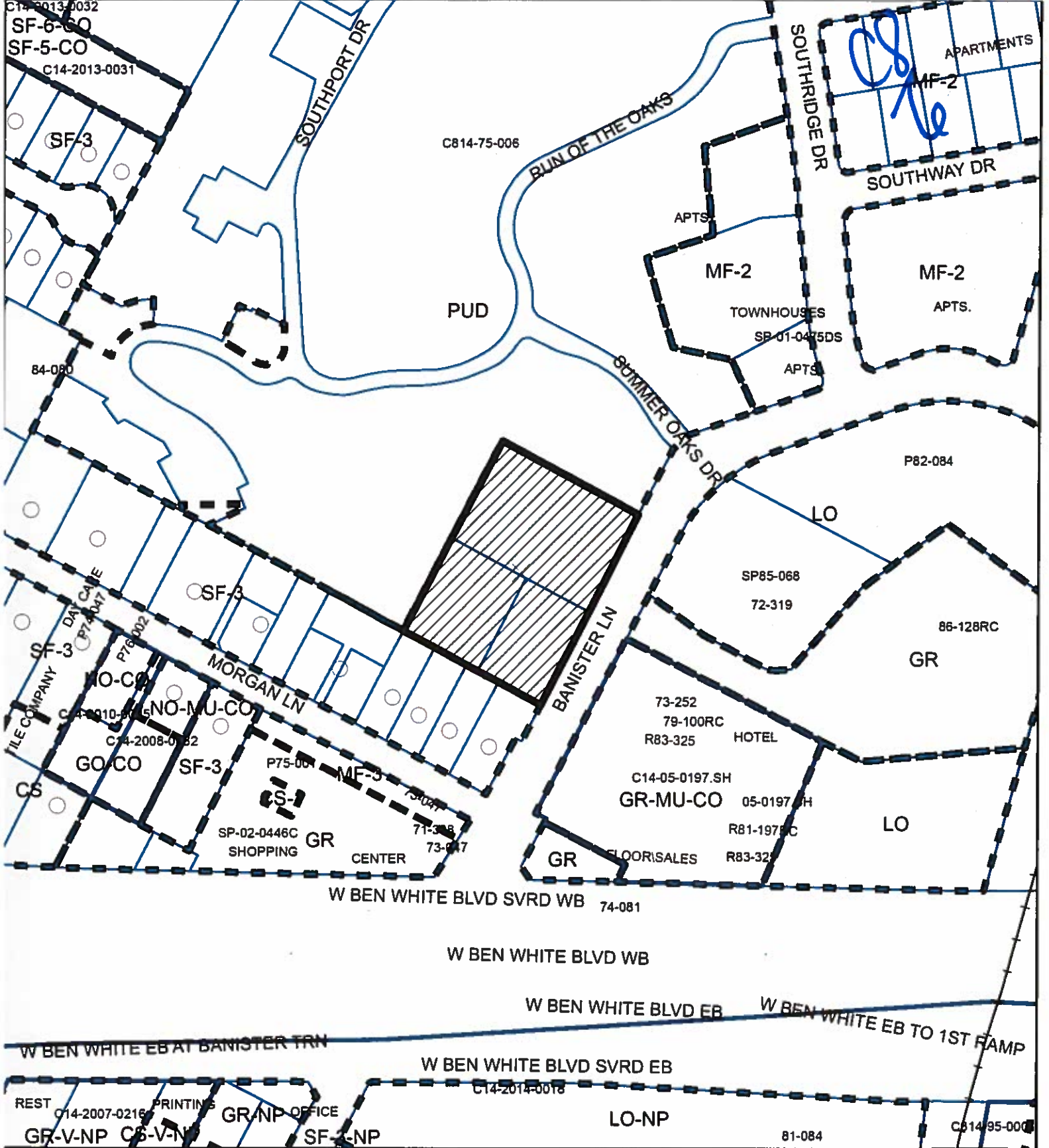
3rd

ORDINANCE NUMBER:

CASE MANAGER: Tori Haase

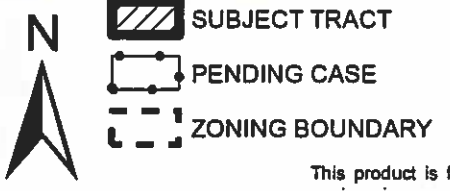
PHONE: 512-974-7691

EMAIL: tori.haase@austintexas.gov



ZONING - EXHIBIT A

Zoning Case: C14-2015-0039



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.



1" = 200'

CS



1' = 400'



Subject Property

AERIAL MAP - EXHIBIT B

ZONING CASE#: C14-2014-0039
 ZONING CHANGE: SF-3 to MF-3
 LOCATION: 4006 & 4100 Banister Lane
 SUBJECT AREA: 1.873 ACRES
 MANAGER: TORI HAASE



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

CS/4

STAFF RECOMMENDATION

Staff recommends multifamily residence medium density – conditional overlay (MF-3-CO) combined district zoning. The conditional overlay will limit vehicle trips to 2,000 per day.

BASIS FOR RECOMMENDATION

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

The MF-3 zoning district is intended to accommodate multifamily use with a maximum density of up to 36 units per acre. This district is appropriate for multifamily residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas, and in other selected areas where medium density multifamily use is desirable.

The subject properties are located on Banister Lane which is classified as a collector road that has a fair amount of travel by personal vehicles, bus transit, pedestrians and cyclists. There is a Capital Metro Bus Stop located directly across the street from the subject properties. The proposed development for this collective site includes up to 36 residential units per acre.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The subject properties are surrounded by a mixture of residential uses. The zoning change of MF-3 will promote compatibility by allowing additional residential development in close proximity to existing residential development.

3. *Zoning should be consistent with approved and existing residential densities.*

The maximum density of the MF-3 zoning is very similar to the existing densities of multifamily development in this area. The Oak Run Apartments to the north and west of the subject properties have a density of 20 units per acre. The Four Park Place Apartment Homes across the street and just north of the subject properties have a density of 28 units per acre. MF-3 district zoning allows for up to 36 units per acre. These densities are within close range of each other and are appropriate for this area on Banister Lane and closely located to Ben White Boulevard.

EXISTING CONDITIONS

Site Characteristics

The subject properties consist of two lots that total 1.87 acres. Each lot is developed with a small single-family residential structure and a detached garage/shed structure for a total of 4 structures. Both of the residential structures were built in the 1940's and are situated to face Banister Lane and have a very large setback from the road. The properties each have driveway access from Banister Lane. The remainder of the property is undeveloped and has numerous trees, shrubs and foliage towards the rear of the properties and at the dividing line between the two subject properties. According to topographical maps there is a 10 foot difference between the highest elevation and the lowest elevation on the site.

Impervious Cover

The maximum impervious cover allowed by the MF-3 district zoning would be 65%.

CS/9

Comprehensive Planning

This property is located within the boundaries of the South Lamar Neighborhood Planning area, which does not have an adopted neighborhood plan.

Imagine Austin

The property is located just outside the boundaries of an 'Activity Centers for Redevelopment in Sensitive Environmental Areas' as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan (IACP) but is not located within the Edwards Aquifer Recharge Zone.

Analyzing the comparative scale of the site relative to other nearby office and residential uses, and the project area not being located along an existing Activity Corridor or within an Activity Center as identified on the Imagine Austin Growth Concept Map, this case falls below the scope of Imagine Austin, which is broad in scope and consequently the plan is neutral on the proposed rezoning.

Environmental – Mike McDougal, 512-974-6380

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

Zoning district impervious cover limits apply in the Urban Watershed classification.

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

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

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.

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.

Transportation – Ivan Naranjo, 512-974-7649

No additional right-of-way is needed at this time.

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]



There are existing sidewalks along Banister Lane.

Capital Metro bus service (Route No. 5) is available along Banister Lane.

Banister Lane is classified in the Bicycle Plan as Bike Route No. 31.

The Public Works Dept. may provide additional comments regarding mobility enhancement and bicycle/pedestrian facilities.

Water and Wastewater – Bradley Barron, 512-972-0078

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 and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

Storm Water 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 storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

Site Plan and Compatibility Standards – Scott Grantham, 512-974-2942

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

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 south 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.

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

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: C14-2015-0039
Contact: Tori Haase, 512-974-7691
Public Hearing: May 12, 2015, Planning Commission
June 11, 2015, City Council

CAROL WILSON
Your Name (please print)

4106 BANISTER LANE
Your address(es) affected by this application

Carol Wilson
Signature

4-27-15
Date

I am in favor
 I object

Daytime Telephone: _____

Comments: _____

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

City of Austin
Planning & Zoning Department-5th Floor
Tori Haase
P. O. Box 1088
Austin, TX 78767-8810

Haase, Victoria [Tori]

Subject: FW: C14-2015-0039

CS/13

-----Original Message-----

From: cwilson
Sent: Thursday, May 07, 2015 4:54 PM
To: Haase, Victoria [Tori]
Subject: C14-2015-0039

Dear Tori:

I misplaced the official form you sent asking for input into C14-2015-0039, so I hope these comments in favor of rezoning 4100 and 4006 Banister Lane from MF-2 to MF-3 will suffice. Also, when I looked up the case number online, the only address listed was 4100 Banister. The application for rezoning to MF-3 pertains to both properties as reflected on the map.

4100 and 4006, located 3.9 miles from downtown Austin, meet the requirements for MF-3 zoning. Several features, such as: bus stops, bike lanes, and sidewalks, provide easy accessibility to many areas of Austin. A bus stop is located on one corner of each property. Residents will be able to bike, walk, or bus to downtown Austin, the nearby hospital, medical clinics, West Gate Mall, Central Market, Randall's, Target, Walmart, and other nearby commercial facilities. Traffic congestion and pollution will probably decrease because residents will be able to live in the area without depending on cars for transportation. Proximity to downtown Austin, transportation facilities, and employment opportunities make 4100 and 4006 ideal properties for MF-3 zoning.

Thank you for considering rezoning input and informing me of the important meetings on May 12 and June 11. If you have any questions, please contact me at 210-842-1914.

Respectfully,

Carol Wilson
4006 Banister Lane
C14-2015-0039

Mailing address:
6806 N. Vandiver Rd.
San Antonio, Texas 78209

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: C14-2015-0039
 Contact: Tori Haase, 512-974-7691
 Public Hearing: May 12, 2015, Planning Commission
 June 11, 2015, City Council

Alexa Erik Loken
 Your Name (please print)

1400 Morgan Ln AFX
 Your address(es) affected by this application

I am in favor
 I object

[Signature]
 Signature

408.656.0363
 Daytime Telephone:

4/25/15
 Date

Comments: Austin needs more moderate-high density housing & would be happy to have it in our neighborhood.

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

City of Austin
 Planning & Zoning Department-5th Floor
 Tori Haase
 P. O. Box 1088
 Austin, TX 78767-8810

[Handwritten initials: CH / 74]