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ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0126
Guidone Rezoning

P.C. DATE: November 8, 2011

ADDRESS: 813 E. 13th Street

AREA: 0.2262 acres
(9,853 square feet)

OWNER: Roger Easley

AGENT: Land Answers, Inc.
(Jim Witliff)

ZONING FROM: LR-NP

TO: SF-3-NP

AREA STUDY: N/A

TIA: Is not required

WATERSHEDS: Waller Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD PLAN AREA: Central East Austin

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant family residence-neighborhood plan (SF-3-NP) district zoning. The subject property is located in the Central East Austin Neighborhood Plan area and the rezoning will not require a neighborhood plan amendment.

PLANNING COMMISSION RECOMMENDATION:

November 8, 2011:

DEPARTMENT COMMENTS:

The subject property is zoned neighborhood commercial-neighborhood plan (LR-NP) district. The property has a curb cut on 13th Street but currently takes access through a rear alley. The property contains an occupied residential structure. A separate residential structure was previously demolished on the subject property, due to severe deterioration. A demolition permit has been issued for the remaining structure as well. The property to the west is a beauty salon/day spa. To the north and east of the subject property is a mix of single family and multifamily uses. Across the alley to the south are a motel and a vacant commercial building. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes family residence-neighborhood plan (SF-3-NP) district zoning. This classification would match the current use, and allow the planned redevelopment of the property with two residential units.

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A 49-inch Live Oak tree will affect the redevelopment of the subject property, and the Applicant filed a Tree Ordinance Review Application in May 2011 to determine the best course of action. City of Austin Heritage Tree Arborist Mr. Keith Mars recommended that the Critical Root Zone of this tree be protected by obtaining a waiver from the 25-foot front yard setback that would normally be required by SF-3 zoning. The Board of Adjustment waiver of this front yard setback (reducing the front yard setback from 25 feet to 8 feet) is a subsequent step in the development process.

The applicant has provided two letters of support for this application. The first is from the Swede Hill Neighborhood Association, and the second is a petition signed by 27 neighbors. Both letters support the rezoning to SF-3-NP, and the reduction of the front yard setback to preserve the Heritage Tree. Please refer to Exhibits A-2 (Neighborhood Letter) and A-3 (Neighborhood Petition).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-NP	Residential
<i>North</i>	MF-4-NP, MF-4-H-NP	Residential, Multifamily
<i>South</i>	CS-MU-NCCD-NP	Motel
<i>East</i>	MF-4-NP, SF-3-NP	Residential
<i>West</i>	CS-CO-MU-NP	Personal Services, Office

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0209	E. 12 th Street NCCD (Subdistrict 1 includes motel property to south and recommends "New 'Residential-scaled' office buildings" southeast of subject property.)	Approved with staff recommended vegetative buffer requirement on Subdistrict 1 & 2, (6-0).	Approved Ord. 20080228-087 (7-0)
C14-01-0148.003	LR to CS-CO-MU-NP (811 E. 13th)	Approved CS-CO-MU-NP, (9-0)	Approved CS-CO-MU-NP (7-0)
SP-95-0301A	Administratively approved motel south of site	Not applicable	Not applicable

RELATED CASES:

The subject property is located in the Central East Austin Neighborhood Plan area and the rezoning will not require a neighborhood plan amendment.

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Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
E. 13th Street	77'	30'	Collector	No	No	No

NEIGHBORHOOD ORGANIZATIONS:**PODER**

Lower Waller Creek

Anderson Hill Homeowners Association

Downtown Austin Neighborhood Association

Swede Hill Neighborhood Association

African American Cultural Heritage District Business Association

United East Austin Coalition

Downtown Austin Neighborhood Coalition

Robertson Hill Neighborhood Association

Organization of Central East Austin Neighborhoods

Swede Hill Lofts HOA

SCHOOLS:

Blackshear Elementary School Kealing Middle School Eastside Memorial HS at Johnston

CITY COUNCIL DATE: December 8, 2011**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Heather Chaffin
e-mail: heather.chaffin@austintexas.gov**PHONE:** 974-2122

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SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant family residence-neighborhood plan (SF-3-NP) district zoning. The subject property is located in the Central East Austin Neighborhood Plan area and the rezoning will not require a neighborhood plan amendment.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The existing and proposed use of two residential units on the property is consistent with SF-3 zoning.

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

The proposed zoning will allow uses that match uses to the north and east of the property.

Site Plan:

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.

Environmental:

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

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

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.

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

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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.

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

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]

Water/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 proposed land use. 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.

CM EXHIBIT A-1



OFF.

UNDER

ES-NCCD-

ES-MU-NCCD-NP

ES-MU-NCCD-NP

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October 6, 2011

Jim Wittliff
Land Answers, Inc.
3606 Winfield Cove
Austin, TX. 78704

RE: Letter of Support for proposed rezoning and BOA variance for 813 E. 13th Street

Dear Mr. Wittliff:

Based on the presentations that you made to the Swede Hill Neighborhood Association on June 7th and September 6th, 2011, and based on the petitions that you provided for the referenced rezoning and setback variance requests, which was signed by a total of 27 surrounding residents, Swede Hill N.A. voted unanimously on October 4th to also support your requests, and to issue this letter for your use in the Planning Commission, City Council and Board of Adjustment public hearings. We appreciate your willingness to meet with us proactively on these applications.

This letter will support a rezoning from LR-NP to SF-3-NP, to allow the property owner to construct a Two Family Residential Use on the property, and a Board of Adjustment variance request to reduce the front building setback line for an SF-3 use from 25 feet to eight feet, in order to preserve the 49 inch diameter Live Oak tree on the property.

Sincerely,



William Mindr, President
Swede Hill Neighborhood Association
1000 E. 15th Street, Austin 78702
512-657-6697
swedehillna@gmail.com

LETTER OF REZONING AND SETBACK VARIANCE SUPPORT

Attn: Swede Hill Neighborhood Association
 City of Austin Zoning Review Staff
 City of Austin Planning Commission
 Austin City Council
 City of Austin Board of Adjustment

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To Whom It May Concern:

We are neighbors living within 200 feet of 813 and 813 ½ East 13th Street. This property is also known as the Eastern 64.2 feet of Lot 29; Outlot 41, Division B, Original City of Austin. By our signatures below, we wish to register our opinions and support as follows:

1. This 9,626 sq. ft. property is currently developed as an SF-3 – Family Residence land use, and until recently, this property was used as a Two Family Residential use. Recently, one of the two existing residences on this property was demolished, due to severe deterioration. The remaining residence at 813 ½ E. 13th Street currently also has an approved demolition permit. The adopted Future Land Use Map for the Central Ease Austin Neighborhood Planning Area, which includes this property, calls for the future land use of this tract to be Single-Family. WE, THE SURROUNDING NEIGHBORS STRONGLY PREFER THAT THE FUTURE REDEVELOPMENT OF THIS PROPERTY REMAIN RESIDENTIAL.
2. Although the adopted Neighborhood Plan's Future Land Use Map calls for this property to be used as a Single-Family land use, the adopted Neighborhood Plan currently has the property commercially zoned as LR-NP. The LR-NP category does not allow this property to be redeveloped as a Two Family Residential Land Use. Therefore, we are requesting your support to allow this property to be rezoned from LR-NP to SF-3-NP, per the wishes of Mr. Roger Easley, the current property owner, and Mr. Ray Guidone, the proposed buyer, both of whom wish for the property to be redeveloped as a Two Family Residential land use, rather than as a commercial land use, in accordance with our wishes.
3. The property contains a beautiful 49 inch diameter Live Oak tree near the front center portion of this lot. The current property owner, the proposed buyer, and we the surrounding property owners all agree that this tree should be protected and preserved. The current property owner filed a Tree Ordinance Review Application with the City of Austin's Heritage Tree Arborist, Mr. Keith Mars, in May 2011. Mr. Mars laid out tree protection criteria associated with the redevelopment of this tract, which the current property owner and the proposed buyer are in agreement with. In order to protect the Critical Root Zone of this tree, it will be necessary to obtain a front yard setback variance for the residential redevelopment of this property. AS NEIGHBORS, WE URGE YOU TO SUPPORT AND APPROVE A BOARD OF ADJUSTMENT FRONT SETBACK VARIANCE, TO

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REDUCE THE REQUIRED FRONT SETBACK FROM 25 FEET TO EIGHT FEET. We recommend approval of this setback variance for the following reasons:

- The existing residence at 813 1/2 E. 13th St. already has a front setback of zero feet, and the recently demolished residence at 813 E. 13th St. had a front setback of eight feet. These reduced front setbacks were used to protect the 49 inch Live Oak tree.
- If this property is developed commercially (under the existing LR-NP zoning), a front setback of zero feet will be required, per the City's Commercial Design Standards ordinance. However, if the property is rezoned to SF-3-NP, a 25 foot front setback will be required. Since our goals are to assure that the redevelopment of this site remains residential, and to protect the 49 inch Live Oak tree, we are urging your support of this front setback variance, to allow the proposed buyer to redevelop this tract as a Two Family Residential use. Because the owner must first rezone the property prior to requesting a Board of Adjustment front setback variance, we are urging you to support both the rezoning and the setback variance request, in order to allow the property owner and the neighborhood to redevelop this tract in a mutually-agreed and mutually beneficial manner.

Thank you for your consideration of our goals and objectives.

Sincerely,

James Morris
Signature

Address: 1000 E. 13th Ave. 78702

James Morris
Printed Name

S. Marie Baker
Signature

Address: 807 E. 14th St. 78702

S. Marie Baker
Printed Name

Ricky Moura
Signature

Address: 806 1/2 E. 13th St. 78702

Ricky Moura
Printed Name

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Kelvin
Signature

Address: 807 EAST 14th Unit 305

KELVIN GOWER
Printed Name

T Ruff
Signature

Address: 817 E. 13th St.

Todd Ruff
Printed Name

Andrew Roberts
Signature

Address: 902 E 13th St

ANDREW ROBERTS
Printed Name

Chris Kesner
Signature

Address: 1667 E. 14th St

CHRIS KESNER
Printed Name

Colt Golden
Signature

Address: 807 E 14th St

COLT GOLDEN
Printed Name

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Bruce Sheehan
Signature

Address: 903 E. 14th

Bruce Sheehan
Printed Name

Charles E. Reckson
Signature

Address: 1305 WALLER ST #B

CHARLES RECKSON
Printed Name

Sean Ryan
Signature

Address: 810 E 13th ST

Sean Ryan
Printed Name

Gretchen Burk
Signature

Address: 1206 Olander St.

Gretchen Burk
Printed Name

Stephan Humphrey
Signature
Stephan Humphrey
Printed Name

Address: 1009 E. 14th ~ 70702

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Myra Kaplan

Signature

Address: 909 E 13th St

Myra Kaplan

Printed Name

Delorain Grant

Signature

Address: 906 E 13th St

Delorain Grant

Printed Name

Ann del Llano

Signature

Address: 907 E. 13th

Ann del Llano

Printed Name

Ellen Rinard

Signature

Address: 808 E 13th

Ellen Rinard

Printed Name

Adam Barr

Signature

Address: 807 E 14th St

Adam Barr

Printed Name

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John

Signature

Address: 1305 A Walker St.

Steve McLean

Printed Name

R. S. S.

Signature

Address: 1001 E 13 St

Robert Seidenberg

Printed Name

Wendell Harte

Signature

Address: 1001 E 13th St

Wm. Fred Harte

Printed Name

R. Cole

Signature

Address: 1006 E. 13th

Richard Cole

Printed Name

Stefanie

Signature

Address: 1000 E 13th St

Stefanie Lindquist

Printed Name

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Rick Antoine
Signature

Address: 901 E. 13th St.

RICK ANTOINE
Printed Name

[Signature]
Signature

Address: 817 East 13th street

Ronnie R. Meadoza
Printed Name

[Signature]
Signature

Address: 813 1/2 E. 13th

ROGER EASLEY
Printed Name

[Signature]
Signature

Address: 806 1/2 E. 13th

Gabriel Alvarez
Printed Name

Signature

Address: _____

Printed Name