

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

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NEIGHORHOOD PLAN: Holly Neighborhood Plan

CASE#: NPA-2011-0010.01 **DATE FILED:** December 16, 2011 (out-of-cycle)

PC DATE: February 14, 2012

ADDRESS/ES: 2601, 2603, 2605, 2607, 2609, 2611, 2613, 2615,
and 2617 Canterbury Street

SITE AREA: Approx. 1.5 acres

APPLICANT: City of Austin, Planning & Development Review Department

<u>OWNERS:</u>	BAYER, ALISSA & SHON	(2601 CANTERBURY ST)
	PARDO, DEBBIE ANN	(2603 CANTERBURY ST)
	MELVIN, ELIZABETH A	(2605 CANTERBURY ST)
	VICTOR-MCCAWLEY, CHRIS	(2607 CANTERBURY ST)
	ADDINGTON, PAUL	(2609 CANTERBURY ST)
	JUAREZ, OFELIA	(2611 CANTERBURY ST)
	BUMPER ONE LLC,	(2613 CANTERBURY ST)
	TIDRICK ANDREW ROBESON	(2615 & 2617 CANTERBURY ST)

AGENT: City of Austin, Planning & Development Review Department
(Maureen Meredith, Senior Planner)

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Recreation/Open Space

To: Single Family

Base District Zoning Change

Related Zoning Case: C14-2011-0166 (HC)

From: P-NP

To: SF-3-NP

NEIGHBORHOOD PLAN ADOPTION DATE: December 13, 2001

PLANNING COMMISSION RECOMMENDATION: Pending

STAFF RECOMMENDATION: Recommended

BASIS FOR STAFF'S RECOMMENDATION: This plan amendment change is to correct an error made on the future land use map due to a property ownership error that has now been corrected. Since the City of Austin is not the owner of the properties, staff sees no reason to not support the change from Recreation/Open Space to Single Family. C7/2

BACKGROUND: In 2011, a property owner at 2607 Canterbury Street submitted a subdivision plat for their property during which it was discovered that the City of Austin does not own the property that is currently zoned P-NP (Public-Neighborhood Plan). Once the error was confirmed by the City, the item was placed on August 10, 2011 Planning Commission agenda for discussion. Subsequently, the Planning Commission then directed City staff to initiate a plan amendment and zoning case.

Please see the zoning case report related to this case for more information.

Based on this error, this plan amendment application is to change the future land use on the property from Recreation/Open Space to Single Family. The zoning request is to change the zoning from P-NP (Public-Neighborhood Plan) to SF-3-NP (Family Residence-Neighborhood Plan).

The Holly Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on December 13, 2001. The boundaries of the planning area are generally bounded by East 7th Street on the north; Pleasant Valley on the east, Town Lake on the south, and Chicon Street on the west.

PUBLIC MEETINGS: The ordinance-required plan amendment meeting was held on January 30, 2012. One hundred fifty-nine notices were mailed to property and utility account holders located within 500 feet of the property, in addition to the neighborhood and environmental organizations registered on the City's Community Registry. Seven people attended the meeting including three city staff members.

Heather Chaffin, zoning planner, gave a presentation outlining the issues presented in the letter sent to properties owners. See letter on page three. After the presentation, the following questions were asked:

Q. Why would the City NOT do this?

A. This came up as an amended plat for 2607 Canterbury Street. When the survey showed the error the agent presented this to City staff and the Planning Commission initiated the plan amendment and zoning change applications to correct it.

Q. Would the Planning Commission and City Council deny it?

A. We checked with the Parks Department to see if maybe they would want the land, but they did not. We cleared everything with the Legal Department and with the Real Estate Division.

Q. Have the Council members been advised of this?

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A. Not yet.

Q. What is the status of the man-made peninsula? Was this part of the original plat? Who owns it?

A. It is shown on the plat, but it's not part of the original lots.

Q. The Waterfront Overlay prohibits building a home within this area because it was thought to be owned by the City of Austin. Would the City consider revising the Waterfront Overlay Ordinance?

A. Yes. This might be something they would consider amending.

Q. What controls the setbacks on the property after the change?

A. The primary and secondary setback would be set by the Waterfront Overlay.

Q. Would City staff ask the Waterfront Overlay Board to initiate the code amendment?

A. No, but you can by attending a Waterfront Overlay meeting and requesting it for consideration.

Q. What is the downside of this?

A. We don't see one. The zoning is incorrect so we are fixing it.

Q. We have one full lot and the back half of another lot. How do we fix this?

A. You could replat the two lots into one.

Q. Does the rezoning affect the plat?

A. No.

Q. Will we get a copy of the ordinances?

A. Yes.

The Holly Neighborhood Planning Area does not have a planning contact team, so no recommendation has been submitted by a planning contact team representing the area.

At the plan amendment meeting on January 30, 2012, attendees submitted forms provided by staff stating their support for the plan amendment and zoning change applications. These are provided at the end of this report.

CITY COUNCIL DATE: March 8, 2012

ACTION: Pending

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

EMAIL: Maureen.meredith@austintexas.gov

Letter sent to property owners



City of Austin

Founded by Congress, Republic of Texas, 1839
Planning and Development Review Department
One Texas Center, 505 Barton Springs Road, 5th Floor
P.O. Box 1088, Austin, Texas 78767

December 7, 2011

Alissa and Shon Bayer
100 East 51st Street, No. 4
Austin, TX 78751

SUBJECT: 2601 Canterbury Street, Austin, TX
Property Rezoning

Dear Property Owner,

Your property located at 2601 Canterbury Street is part of a larger area that was originally platted in 1916. The plat for your property shows that your lot extends from Canterbury Street to the water's edge of the Colorado River, but does not show an actual measurement for the depth of each lot. Instead, the plat used a "hatched line" area that City of Austin surveyors have indicated was a common symbol for the water's edge during this time period.

In 1945, the City of Austin received a land patent, defined as evidence of rights, title, and/or interest of land, for "all lands in the Colorado River within the city limits of the City of Austin, including the bed and banks thereof, and islands therein." It appears that the language of the land patent was misconstrued to mean that all of the area below the bluff line (bed and banks) was now owned by the City of Austin.

Furthermore, based on this land patent, the City of Austin Parks Department inadvertently designated the area at the top of the bluff as parkland along Lady Bird Lake on May 2, 1985 (Ordinance No. 850502-U, Tract N17). As a result, a portion of your property was rezoned from family residence (SF-3) to public (P) district on December 4, 1986. Please see the attached exhibit for boundary information (Attachment A).

The City of Austin is now seeking to correct this zoning classification, by rezoning the portion of your lot that is zoned P to the original SF-3 designation. The City also seeks to amend the Holly Neighborhood Plan's future land use map (FLUM), which shows the land as recreation/open space, instead of single family use. The Holly Neighborhood Plan added the -NP to the property's zoning designation. Since these are City-initiated rezoning and neighborhood plan amendment (NPA) requests, the City of Austin is responsible for filing the cases, including the processing fees.

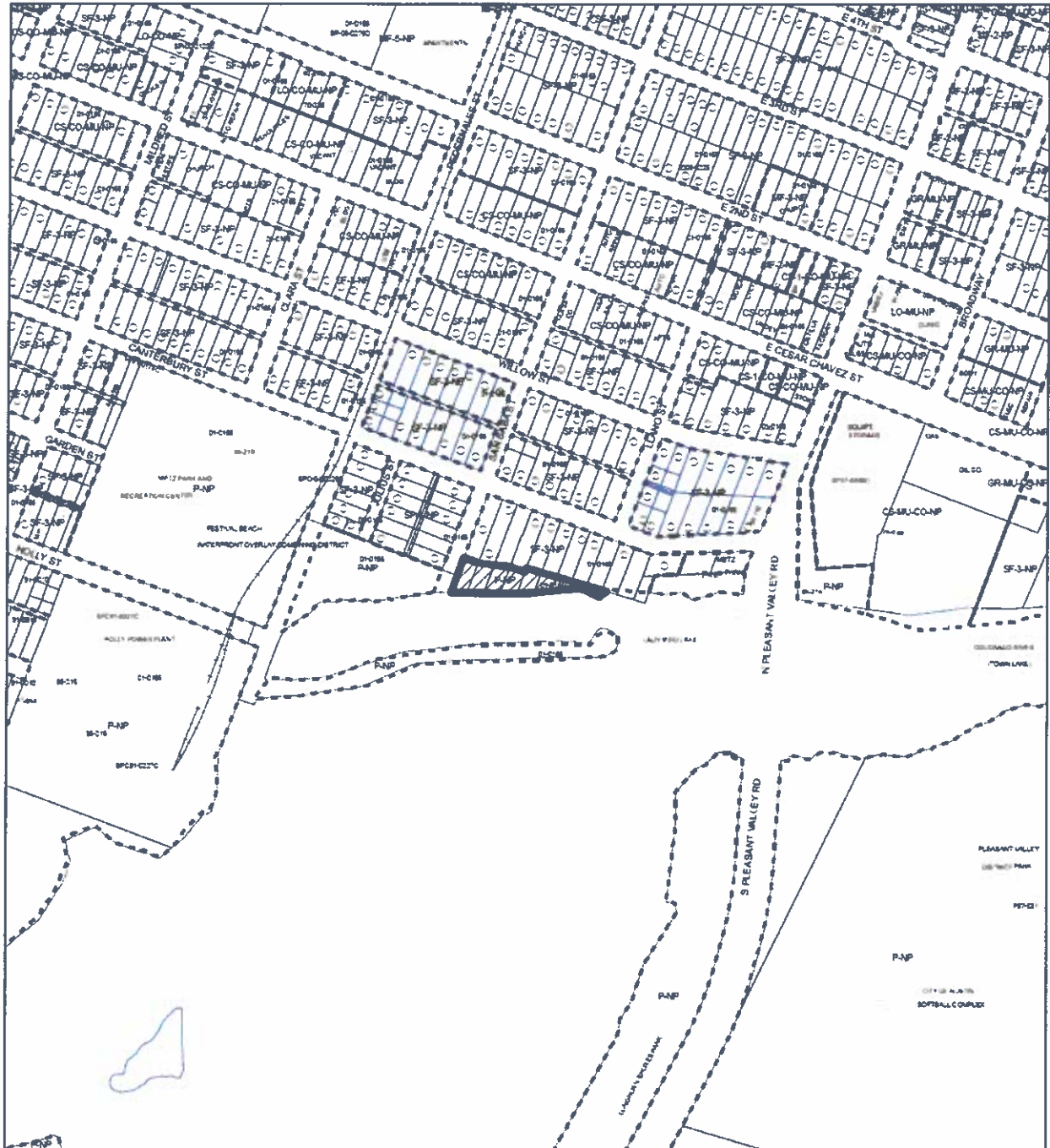
You will soon receive a notice in the mail regarding the proposed rezoning and NPA for your property. City staff will also hold a meeting with property owners and adjacent residents regarding the NPA, with zoning staff in attendance. A subsequent notice will provide the date and location of the Planning Commission and City Council hearings regarding this matter, where you will have the opportunity to speak to the Commission and/or Council regarding the proposed rezoning. If you would like to provide written comment, the notice will also instruct you on how to do this.




If you have any questions or would like to set up a meeting to further discuss this issue, please contact me at 974-2122, or e-mail: heather.chaffin@austintexas.gov.

Sincerely,

Heather Chaffin
Senior Planner
Zoning Review
Planning and Development Review Department

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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NEIGHBORHOOD PLAN AMENDMENT

NPA CASE#: NPA-2011-0010.01

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.



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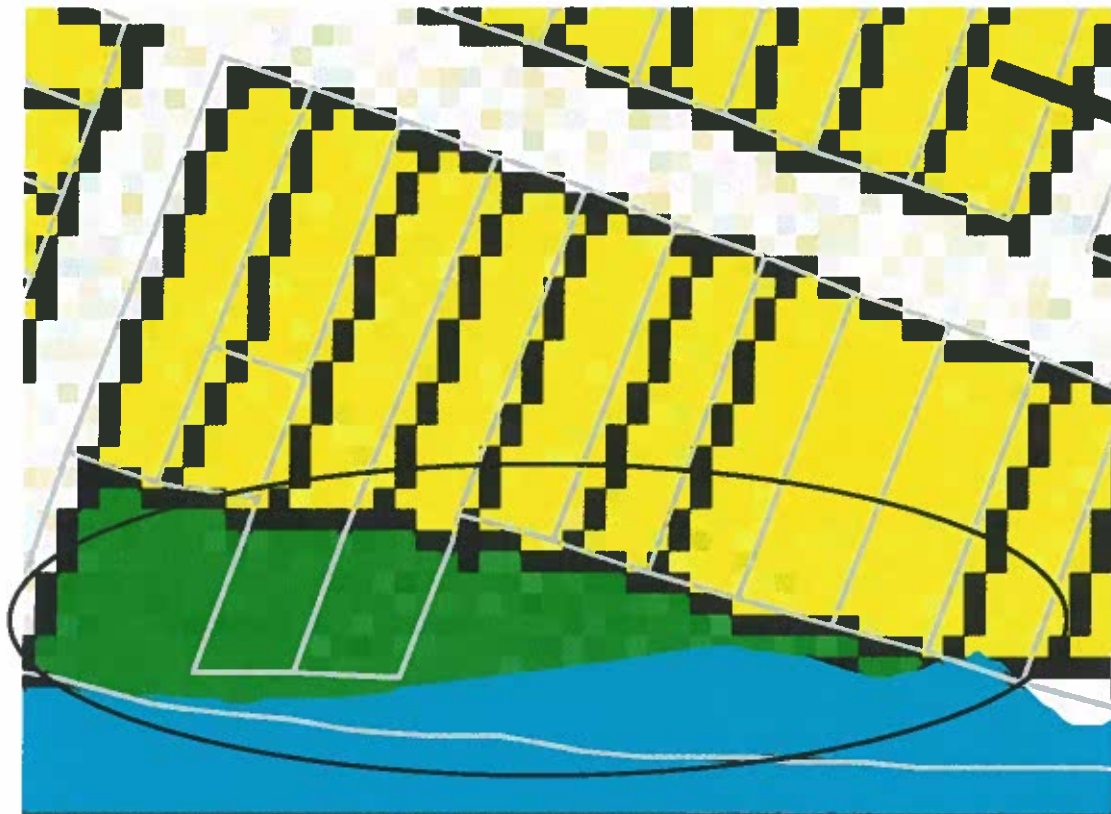
Holly Neighborhood Planning Area Future Land Use Map

City of Austin
PDOD
November 28, 2001
Updated: May 12, 2011

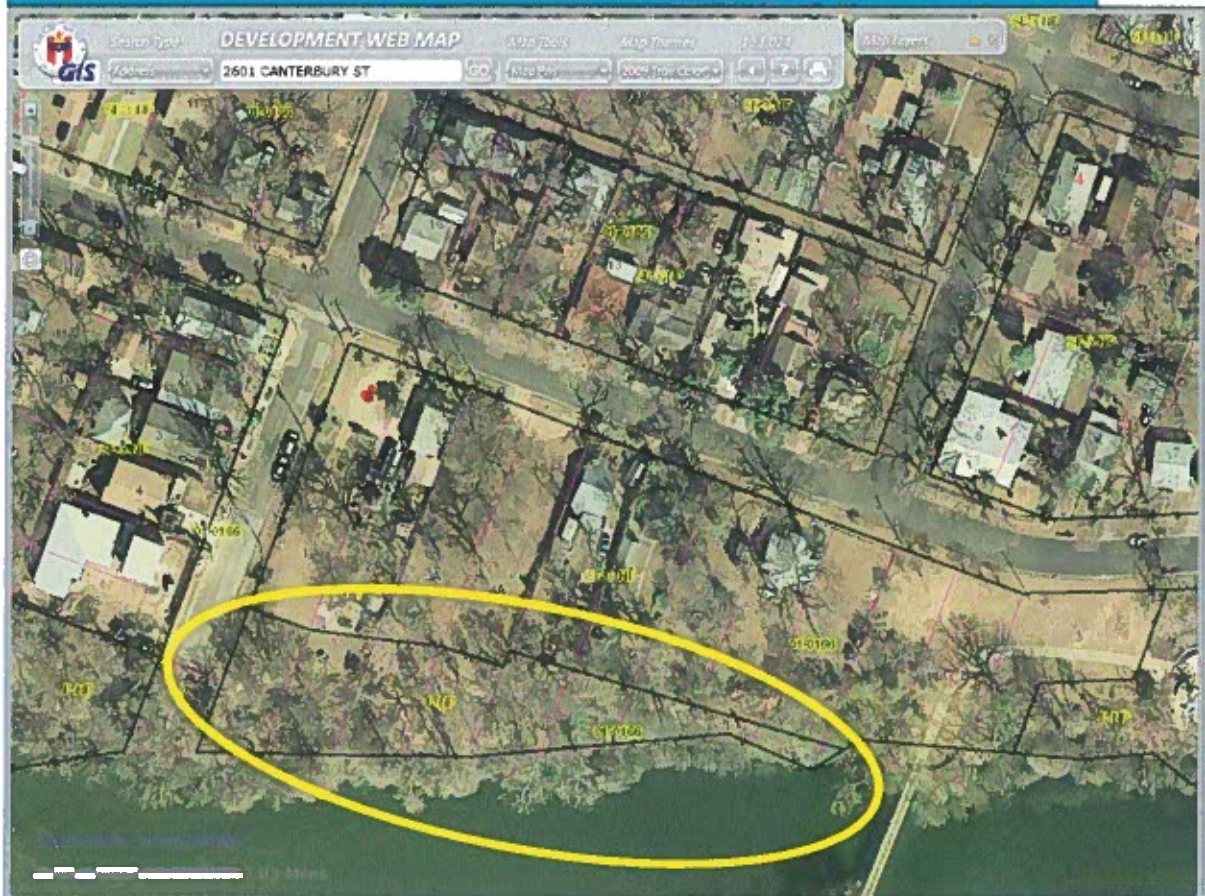
A comprehensive plan shall not
constitute zoning regulations or
establish zoning district boundaries.



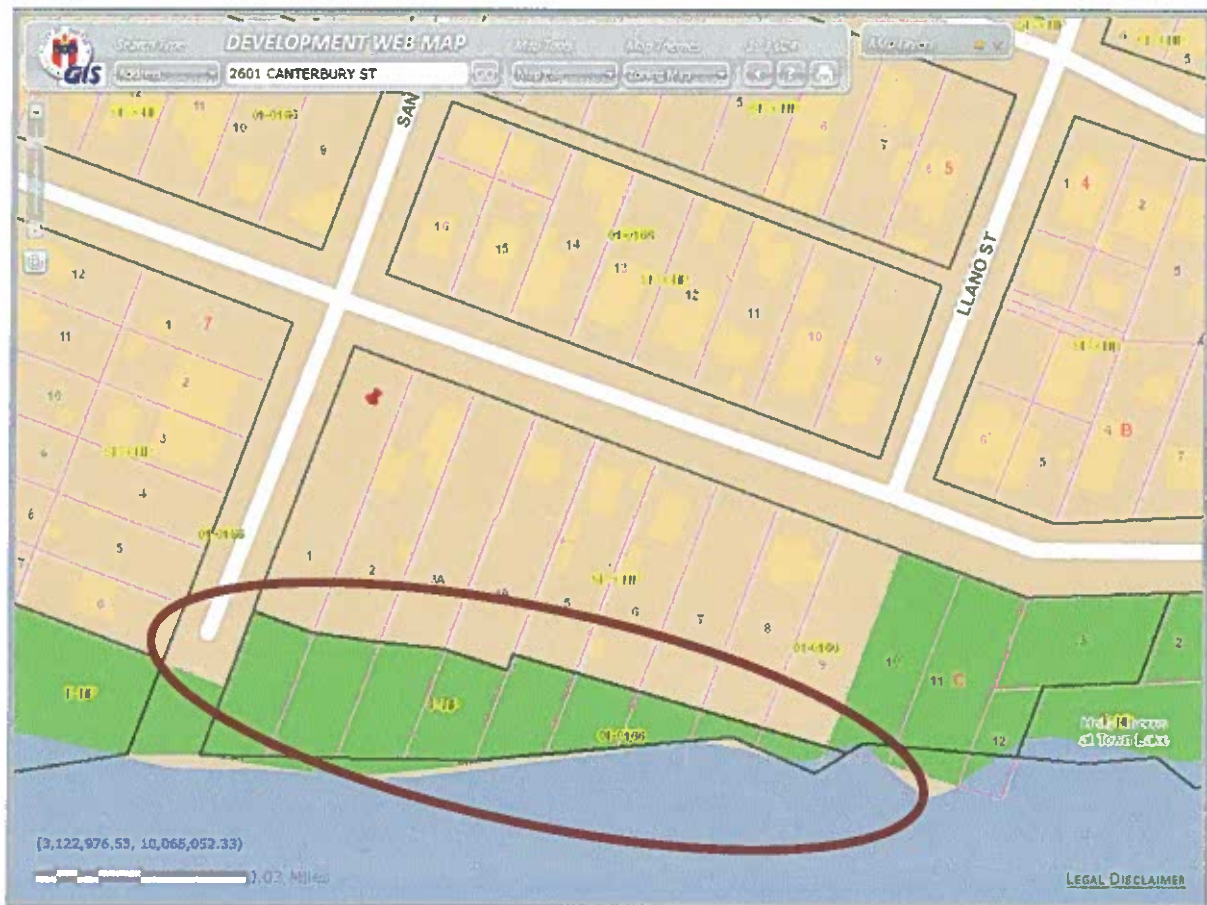
FLUM Categories	
Single-Family	Office
Multifamily	Industry
Commercial	Civic
Mixed Use	Recreation & Open Space
	Specific Regulating District



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C7/a



View of southern property lines from San Saba Street

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Holly Neighborhood Plan
NPA-2011-0010.01 – Canterbury Properties

Proposed Plan Amendment:

From: Recreation /Open Space to Single Family

Proposed Zoning change:

From: P-NP (Public-Neighborhood Plan) to SF-3-NP (Family Residence-Neighborhood Plan)

Please check one:

☒ I live or own property within 500 ft. of the proposed plan amendment and/or zoning change application.

☐ I do not live or own property with 500 feet of the proposed plan amendment/zoning change; however, I live within the Holly Neighborhood Planning Area.

☐ Other _____

I am (please check one):

☐ Opposed to the plan amendment and/or zoning change application

☒ In Favor of the plan amendment and/or zoning change application

Comments: _____

(Optional)

Name: Shon Bayer
Address: 106 E 51st #4, Austin, TX 78751
Phone: 512 850 4415

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☒ Other I AM AN ARCHITECT INVOLVED IN THE LOT OWNED BY TOM DOWNING

I am (please check one):

☐ Opposed to the plan amendment and/or zoning change application

☒ In Favor of the plan amendment and/or zoning change application

Comments: _____

(Optional)

Name: R. BURTON BALDRIDGE BALDRIDGE ARCHITECTS
Address: 22 720 A SOUTH LAMAR, AUSTIN TX 78704
Phone: 512 656 7386

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Holly Neighborhood Plan
NPA-2011-0010.01 – Canterbury Properties

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☐ Other _____

I am (please check one):

☐ Opposed to the plan amendment and/or zoning change application

☒ In Favor of the plan amendment and/or zoning change application

Comments: _____

(Optional)

Name: _____

Address: _____

Phone: _____

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Holly Neighborhood Plan
NPA-2011-0010.01 – Canterbury Properties

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☐ Other _____

I am (please check one):

☐ Opposed to the plan amendment and/or zoning change application

☒ In Favor of the plan amendment and/or zoning change application

Comments: _____

(Optional)

Name: Alissa Bayer
Address: 2601 1/2 26031 (back) Canterbury
Phone: 415-533-6232

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Holly Neighborhood Plan
NPA-2011-0010.01 - Canterbury Properties

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☐ Other _____

I am (please check one):

☐ Opposed to the plan amendment and/or zoning change application

☒ In Favor of the plan amendment and/or zoning change application

Comments: _____

(Optional)

Name: TOM DUNNING
Address: _____
Phone: _____