

**ZONING CHANGE REVIEW SHEET**

C5  
1

**CASE:** C14-2014-0006 **P.C. DATE:** February 25, 2014  
Ulit Avenue Rezoning - 1805 & 1807 Ulit Avenue

**ADDRESS:** 1805 & 1807 Ulit Avenue **AREA:** 0.262 acres

**OWNER:** BDB Ventures, LLC (Shawn Breedlove)

**AGENT:** City of Austin, Planning & Development Review Department (Jerry Rusthoven)

**FROM:** P-NP **TO:** SF-3-NP

**NEIGHBORHOOD PLAN AREA:** Chestnut **TIA:** N/A

**WATERSHED:** Boggy Creek **SCENIC ROADWAY:** No

**CAPITOL VIEW CORRIDOR:** No **DESIRED DEVELOPMENT ZONE:** Yes

**SUMMARY STAFF RECOMMENDATION:**

Staff recommendation is to approve Family residence-neighborhood plan (SF-3-NP) combining district zoning.

**PLANNING COMMISSION RECOMMENDATION:**

February 25, 2014:

**ISSUES:**

This is a City-initiated rezoning request, filed by the Planning and Development Review Department, and has been filed concurrent with the associated Neighborhood Plan Amendment (NPA-2014-0003.01). The rezoning request is for two lots located on the east side of Ulit Avenue, slightly south of East Martin Luther King, Jr., Boulevard. Please refer to Exhibits A and B (Zoning Map and Aerial View). The lots, 1805 & 1807 Ulit Avenue, were previously owned by the church located immediately north of the lots at 1809 Ulit Avenue. The rezoning tract were used as a parking area for the church, but were sold to the current owner, BDB Ventures, LLC, in August 2013. All three lots-- the church and the two lots sold to BDB Ventures, LLC-- are zoned P-NP. It appears that the rezoning tract was purchased and building permits were processed for two single family residences under the incorrect understanding that the lots were zoned SF-3-NP. This included processing errors by City of Austin Staff. When the error was discovered, the City delayed issuance of the residential building permits until the zoning issues could be addressed.

**DEPARTMENT COMMENTS:**

As stated above, the rezoning tract includes two lots on the east side of Ulit Avenue, slightly south of East Martin Luther King, Jr., Boulevard that are zoned P-NP. The lots, 1805 & 1807 Ulit Avenue, were previously owned by the church located immediately north of the lots at 1809 Ulit Avenue, which is also zoned P-NP. The lots have been used as parking in the past, with dirt and asphalt areas. South and east of the property are single family residences zoned SF-3-NP. North of the church is a SF-3-NP property at the corner of Ulit Avenue and East Martin Luther King, Jr., Boulevard that is currently being developed with single family residences. Across Ulit Avenue to the west are several lots zoned SF-3-NP that are occupied by single family and duplex residences. Also located across Ulit Avenue is another church property that is zoned P-NP.

C5  
2

Zoning in this area was completed as part of the Chestnut Neighborhood Plan development process. At that time all civic uses, such as churches, were designated P-NP. Similarly, the future land use map (FLUM) developed with the neighborhood plan assigned Civic land use designations for all such properties.

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Ulit Avenue	50'	27'	Local	Yes, east side	Routes no. 18, 464, & 465 on E. MLK	N/A

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	P-NP	Parking lot / Undeveloped
<i>North</i>	P-NP, SF-3-NP	Religious assembly, single family residences
<i>South</i>	SF-3-NP	Single family residences
<i>East</i>	SF-3-NP	Single family residences
<i>West</i>	P-NP, SF-3-NP	Religious assembly, single family residences

**NEIGHBORHOOD ORGANIZATIONS:**

- Del Valle Community Coalition
- PODER
- East Austin Conservancy
- Chestnut Addition Neighborhood Association
- Chestnut Commons HOA
- Chestnut Neighborhood Revitalization Corporation
- Chestnut Neighborhood Plan Contact Team
- United East Austin Coalition
- African American Cultural Heritage District
- Preservation Austin
- Rosewood Neighborhood Contact Team
- Austin Heights Neighborhood Association
- Friends of Chestnut Neighborhood Planning Contact Team

**CITY COUNCIL DATE:** March 20, 2014

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Heather Chaffin  
e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

**PHONE:** 974-2122

CS  
/3**STAFF RECOMMENDATION:**

Staff recommends SF-3-NP zoning for the two lots. The proposed rezoning addresses processing errors made by City Staff. It will also allow a private property owner to move forward with development of single family residences in a neighborhood that is predominately single family residential. P-NP is not suitable for property owned and used by a non-civic entity.

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

The property owner plans to build single family residences on the lots, which is the intent of SF-3-NP.

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

The proposed rezoning will also allow development of single family residences in a neighborhood that is predominately single family residential.

**SITE PLAN**

SP 1 This property is within the Chestnut Neighborhood Plan. Additional review for compliance with the Neighborhood Plan will be done at permit application submittal.

SP 2 This site will be subject to Subchapter F Residential Design Standards upon rezoning.

**TRANSPORTATION**

TR1. 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]

TR2. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on Ulit Avenue.

TR3. Capital Metro bus service (route no. 18, 464, and 465) is available along E. Martin Luther King Jr. Blvd. north of the site.

**ENVIRONMENTAL**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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 no floodplain within or 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. 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.

**WATER UTILITY**

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.



5/15

**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:

[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: C14-2014-0006  
Contact: Heather Chaffin, 512-974-2122  
Public Hearing: Feb 25, 2014, Planning Commission  
March 20, 2014, City Council

*Edna O'Rhambo*

Your Name (please print)

1812 Miriam Ave 78702

Your address(es) affected by this application

*Edna O'Rhambo*

Signature

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

Date

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I am in favor  
 Object

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

City of Austin  
Planning & Development Review Department  
Heather Chaffin  
P. O. Box 1088  
Austin, TX 78767-8810