

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2014-0051  
12<sup>th</sup> and Navasota

**P.C. DATE:** May 13, 2014  
April 22, 2014

**ADDRESS:** 1194, 1196, and 1198 Navasota Street

**AREA:** 0.2046 acres

**OWNER:** 12<sup>th</sup> and Waller, LP (Edward Butler)

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

**FROM:** CS-MU-CO-NCCD-NP

**TO:** CS-MU-CO-NCCD-NP, to change a condition of zoning

**NEIGHBORHOOD PLAN AREA:** Central East Austin

**TIA:** N/A

**WATERSHED:** Waller Creek

**SCENIC ROADWAY:** No

**CAPITOL VIEW CORRIDOR:** No

**DESIRED DEVELOPMENT ZONE:** Yes

**SUMMARY STAFF RECOMMENDATION:**

Staff supports the rezoning request, which includes the following modifications to the existing zoning regulations:

1. Air conditioning equipment and pad are permitted within required yards; and
2. The rear lot setback adjacent to Waller Street shall be 10 feet (reduced from 15 feet).

No other modification of the existing general commercial services-mixed use-conditional overlay-neighborhood conservation combining district-neighborhood plan (CS-MU-CO-NCCD-NP) combining district zoning is proposed.

**PLANNING COMMISSION RECOMMENDATION:**

May 13, 2014:

April 22, 2014: *TO GRANT POSTPONEMENT TO MAY 13, 2014, AS REQUESTED BY STAFF, ON CONSENT.*  
9-0 (ANDERSON-1<sup>ST</sup>, J. STEVENS-2<sup>ND</sup>)

**ISSUES:**

The proposed rezoning tracts are part of block that was previously owned by the City of Austin. The properties were offered for sale through a Request for Bids (RFB) in September, 2012 for development as an affordable housing project. Information included in the bid packet provided by the City included incorrect information regarding rear yard requirements along Waller Street (5 feet instead of 15 feet). The subsequent property appraisal also assumed the incorrect rear yard setback. The current property owner was not made aware of the correct requirements until building permits were submitted for review. The proposed rezoning seeks to address these issues.

The Applicant is also pursuing a resolution of the setback through the Board of Adjustment (BOA) process. The issue was scheduled for consideration at the April 14, 2014, but was postponed to May 12, 2014, due to notification issues. An informal update from the May 12, 2014, BOA meeting will be provided at the May 13, 2014, Planning Commission meeting if the setback issues remain unresolved.

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**DEPARTMENT COMMENTS:**

The proposed rezoning tracts are Lots 1 through 3 of a block of 5 lots. The block is bounded by Waller Street to the west, Navasota Street to the east, 12<sup>th</sup> Street to the north and Catalpa Street to the south. Lots 1 through 3 are located in Subdistrict Three of the East 12<sup>th</sup> Street Neighborhood Conservation Combining District (NCCD); Lots 4 and 5 are not. The lots are all slightly less than 3,000 square feet each, and the block is planned to be developed with five detached single-family homes. The proposed rezoning tracts are zoned CS-MU-CO-NCCD-NP, while Lots 4 and 5 are zoned CS-MU-CO-NP. Across Navasota to the east are residential properties zoned SF-3-NCCD-NP, and across Waller to the west are properties zoned CS-MU-H-NCCD-NP, CS-MU-NCCD-NP, and SF-3-NP. Across 12<sup>th</sup> Street to the north are properties zoned CS-MU-NCCD-NP. *Please refer to Exhibits A and B (Zoning Map and Aerial View).*

The proposed rezoning tracts are part of the Anderson Hill Subdivision, platted in 2004 (City File #C8-04-0068.0A.SH). Since the lots have both front and rear yard street frontage, they are considered through lots. In accordance with Section 25-2-515 of City Code, a rear yard of a through lot must comply with the minimum requirements applicable to a front yard. The East 12<sup>th</sup> Street NCCD establishes a 15-foot front yard for these properties, and a five-foot rear yard. However, the NCCD zoning ordinance does not address through lots. In fact, these five lots are the only through lots in the NCCD. It is City policy that a NCCD zoning ordinance generally supersedes City Code, but when the NCCD is silent on a regulatory issue, City Code prevails.

For the subject tracts, this would result in both a 15-foot front and rear yard setback. Since each of the five lots is roughly 72-feet deep, this would result in 41.67% of each lot being included in the front or rear yard areas. *Please refer to Exhibit C (Property Survey).*

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
Site	CS-MU-CO-NCCD-NP	Undeveloped
North	CS-MU-NCCD-NP	Undeveloped (Food Truck Court)
South	CS-MU-CO-NP	Undeveloped
East	SF-3-NCCD-NP	Single family residences
West	CS-MU-H-NCCD-NP, SF-3-NP	Single family residences, Connelly-Yerwood House, Undeveloped

**ROADWAYS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
12 <sup>th</sup> Street	58'	43'	Minor Arterial	Yes	Yes	Yes
Navasota Street	50'	30'	Collector	Yes	Yes	Yes
Waller Street	34'	25'	Local	Yes	No	Yes

**STAFF RECOMMENDATION:**

Staff recommends the proposed rezoning request to allow air conditioning equipment and pad within required yards; and to reduce the rear lot setback adjacent to Waller Street from 15 feet to 10 feet. The rear yard setback is based on through lot requirements, which are not consistent with the requirements and character of the East 12<sup>th</sup> Street NCCD, which establishes a 5-foot rear yard and promotes density. Additionally, the property owner purchased the property to develop affordable housing in accordance with City goals, but based their purchase and design decisions on inaccurate information from both the City and the property appraiser.

*Zoning should allow for a reasonable use of the property.*

The subject lots are each less than 3,000 square feet; to lose 41.67% of developable area to front or rear yard areas alone would make development of the lots extremely challenging.

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*The proposed rezoning should satisfy a real public need and not provide special privilege to the owner.*  
Since there are no other through lots in the East 12<sup>th</sup> Street NCCD, there are no similarly situated lots. This block has been planned by the City for affordable housing development, which is a significant goal of redevelopment in this area.

**NEIGHBORHOOD ORGANIZATIONS:**

- Del Valle Community Coalition
- East Austin Conservancy
- PODER
- Swede Hill Neighborhood Association
- Robertson Hill Neighborhood Coalition
- Austin Neighborhood Council
- Anderson Hill Homeowners Association
- Waller Creek Conservancy
- E. 12<sup>th</sup> Street Business/Property Owners Association
- Preservation Austin
- United East Austin Coalition
- OCEAN
- Robertson Hill Neighborhood Association
- Friends of the Emma Barrientos MACC

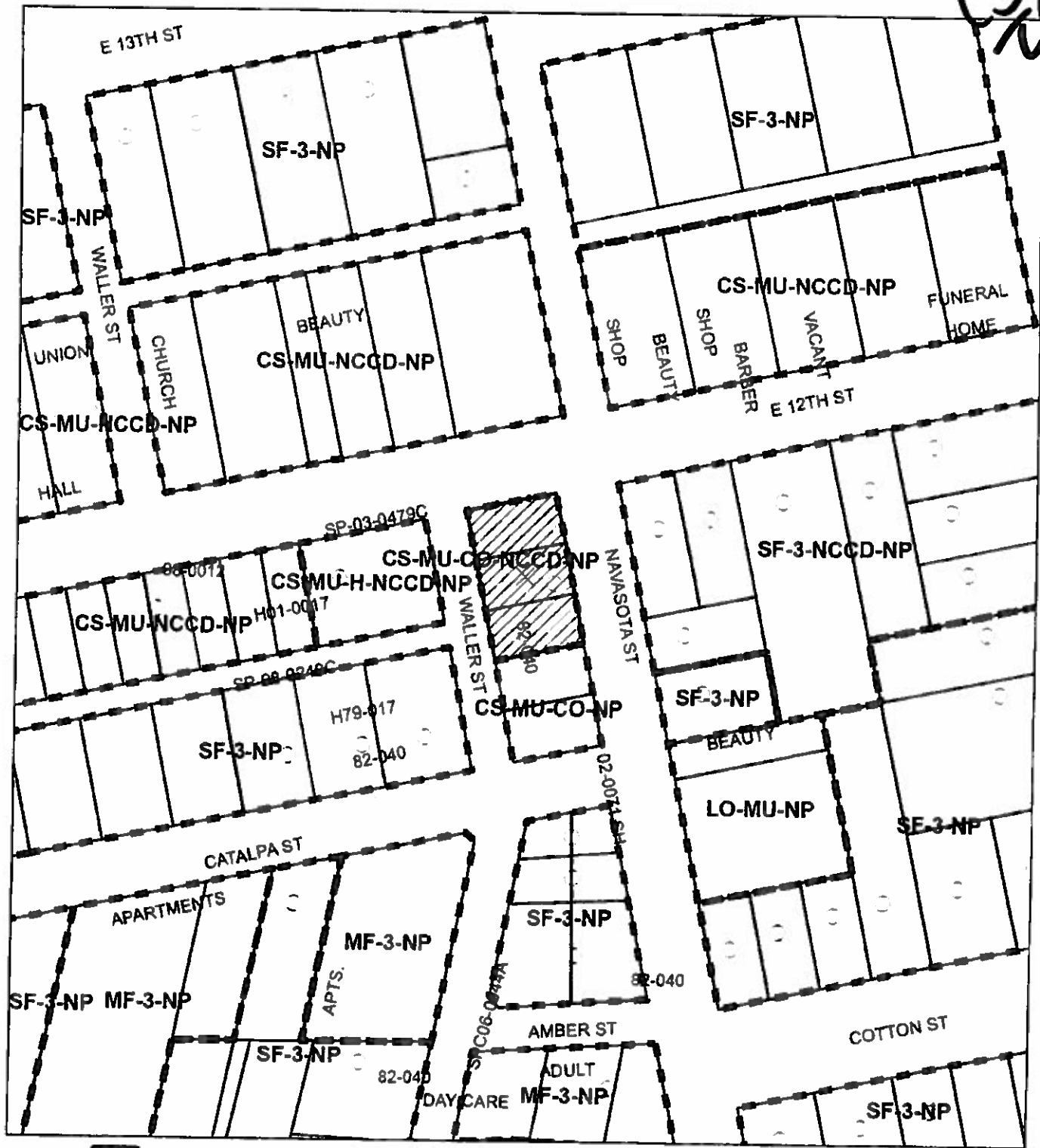
**CITY COUNCIL DATE/ACTION:**





**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

C3  
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-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING CASE**  
C14-2014-0051



1" = 100'

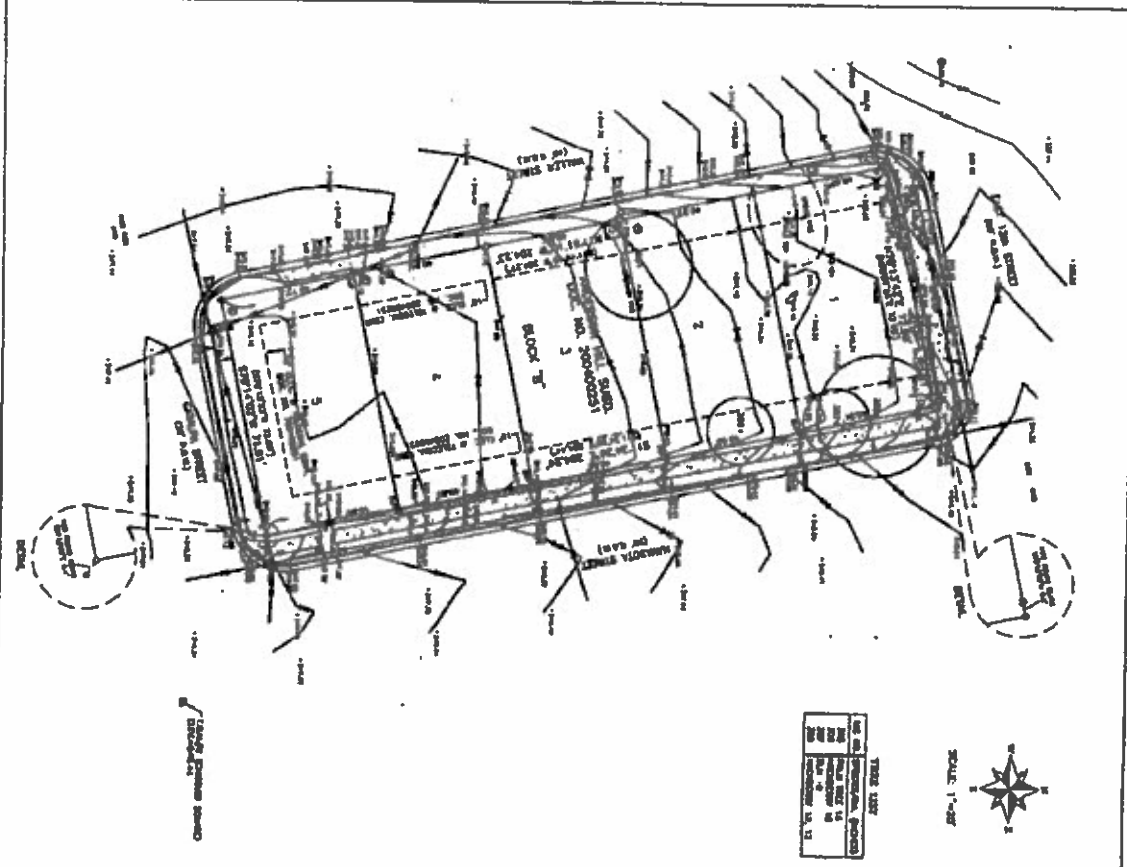
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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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**GENERAL NOTES:**

1. THIS SURVEY WAS MADE BY THE SURVEYOR IN THE FIELD AND THE RESULTS THEREOF ARE SET FORTH IN THIS PLAT. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL SURFACE OF THE LAND AND THAT THE SAME IS NOT SUBJECT TO ANY OTHER SURVEY OR INTEREST. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER SURVEY OR INTEREST IN THE LAND AND HAS THEREFORE MADE THIS PLAT WITHOUT ANY KNOWLEDGE OF ANY SUCH SURVEY OR INTEREST.

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<b>SHEET</b> 1 1	<b>LAND TITLE SURVEY</b>	PLAT NO. 1 1000.00 1000.00 1000.00 1000.00	<b>EAST 12TH AND WALLER STREET</b>	<b>GR SURVEYING, LLC</b> 1000.00 1000.00 1000.00 1000.00	LOT 14, BLK 8, AMERICAN HILL SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREON, RECORDED IN BOOK 100, PAGE 100, OFFICIAL PUBLIC RECORDS, WINDY COUNTY, TEXAS
		1000.00 1000.00 1000.00 1000.00			

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**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: C14-2014-0051  
Contact: Heather Chaffin, 512-974-2122  
Public Hearing: May 13, 2014, Planning Commission  
June 12, 2014, City Council

Betty Stanbn Mc Murray  
Your Name (please print) \_\_\_\_\_  
1198 San Bernard St 78702  
Your address(es) affected by this application

I am in favor of object

Betty Stanbn Mc Murray 5-1-2014  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
Daytime Telephone: 512-4787175

Comments: We dont need any more commercial or office developments. We THE RESIDENTS have more than enough in this area.

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

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### INFORMACIÓN DE AUDIENCIA PÚBLICA

Esta petición de zonificación / rezonificación será repasada y acción será tomada de acuerdo a dos audiencias públicas: ante la Comisión de Usos Urbanos y el cabildo municipal. Aunque solicitantes y/o su(s) agente(s) se les requiere atender la audiencia pública, usted no esta bajo requisito de atender. De todos modos, si usted atiende la audiencia pública, tendrá la oportunidad de hablar a FAVOR o EN CONTRA al proposito desarrollo urbano o cambio de zonificación. Usted también puede contactar a una organización de protección al medio ambiente u organización de vecinos que haya expresado interés en la aplicación teniendo implicaciones a su propiedad.

Durante la audiencia pública, la comisión podría postergar o continuar audiencia del caso en una fecha futura, o puede evaluar la recomendación de los oficiales municipales y las del público al mismo tiempo mandando su recomendación al cabildo municipal. Si la comisión anuncia una fecha y hora específica para postergar o continuar discusión, y no se extiende más de 60 días, no tendrá obligación de otra notificación pública.

El cabildo municipal, durante su audiencia pública, puede otorgar o negar una petición de zonificación, rezonificar el terreno a una clasificación de zonificación menos intensiva que lo que es pedida. En ningún caso se otorgara una clasificación de zonificación más intensiva de la petición.

Para otorgar un desarrollo de usos urbanos mixtos, el cabildo municipal puede agregar la designación USO MIXTO (MU) DISTRITO COMBINADO, *Mixed-use (MU) Combining District*, a ciertos usos urbanos de comercio. La designación MU- Distrito Combinado simplemente permite usos urbanos residenciales en adición a los usos ya permitidos el los siete distritos con zonificación para comercio. Como resultado, la designación MU- Distrito Combinado, otorga la combinación de oficinas, comercio, y usos urbanos residenciales en el mismo sitio.

Para más información acerca del proceso de desarrollo urbano de la ciudad de Austin, por favor visite nuestra página de la Internet: [www.austintexas.gov](http://www.austintexas.gov)

Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes o durante la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial.

Numero de caso: C14-2014-0051  
Persona designada: Heather Chaffin, 512-974-2122  
Audiencia Publica: Apr 22, 2014, Planning Commission  
May 15, 2014, City Council

Su nombre (en letra de molde) \_\_\_\_\_  
 I am in favor  
 I object

Su domicilio(s) afectado(s) por esta solicitud \_\_\_\_\_

Daytime Telephone: 512 457 0273 \_\_\_\_\_  
Firma \_\_\_\_\_ Fecha \_\_\_\_\_

Comments: *Building 5 homes on that narrow lot does not allow any room for parking. Homeowners' or guests' vehicles. While I support any project that adds more residences to our neighborhood, adding too many cars parked along narrow streets such as Waller affects our neighborhood negatively. Please consider a revised plan that allows ample off-street parking. Thanks!*

Si usted usa esta forma para proveer comentarios, puede retornarlos :  
City of Austin  
Planning & Development Review Department  
Heather Chaffin  
P. O. Box 1088  
Austin, TX 78767-8810



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Public Hearing: Apr 22, 2014, Planning Commission  
May 15, 2014, City Council

I am in favor  
 I object

Betty Staton McMurray  
Your Name (please print)  
1198 San Bernard St,  
Your address(es) affected by this application

Betty Staton McMurray  
Signature  
4-12-2014  
Date

Daytime Telephone: 512-4787176

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

If you use this form to comment, it may be returned to:  
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Planning & Development Review Department  
Heather Chaffin  
P. O. Box 1088  
Austin, TX 78767-8810