

**NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**

C5/1

**NEIGHBORHOOD PLAN:** Central Austin Combined Neighborhood Plan

**CASE#:** NPA-2014-0019.01

**DATE FILED:** February 27, 2014

**PROJECT NAME:** Commodore Perry Estate

**PC DATE:** July 22, 2014

**ADDRESS:** 710 East 41<sup>st</sup> Street (portion of)

**SITE AREA:** Approximately 3.325 acres

**OWNER/APPLICANT:** Perry Estates, L.L.C.

**AGENT:** Michelle Rogerson Lynch

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Civic

**To:** Higher Density Single Family

**Base District Zoning Change**

**Related Zoning Case:** C14-2014-0063

**From:** SF-3-CO-NP

**To:** SF-6-CO-NP

**NEIGHBORHOOD PLAN ADOPTION DATE:** August 26, 2004

**PLANNING COMMISSION RECOMMENDATION:**

**STAFF RECOMMENDATION:** Recommended.

**BASIS FOR STAFF'S RECOMMENDATION:** The proposed change in the future land use map from Civic to Higher Density Single Family to build nine single family homes, does not conflict with the plan because it provides housing choices, would provide a transition between the commercial land use to the east and the single family land use to the west and it respects the environmental constraints on the property.

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## Vision and Goals

### Vision

The Central Austin Neighborhood Plan shall preserve the historical character and integrity of single-family neighborhoods. It shall allow multifamily development and redevelopment in appropriate areas to reflect the historical nature and residential character of the neighborhood. The plan will address the needs of a diverse, pedestrian-oriented community and provide safe parks and attractive open spaces. The plan will foster and create compatible density in areas that are appropriate for student housing; new development will be appropriately oriented and scaled relative to its neighborhood in the combined planning area.

## Top Ten Priorities

The top ten priorities for the Central Austin Combined Neighborhood Plan were determined by the results of the Final Survey and the Final Workshop.

8. New houses should be of a similar scale and massing as the existing houses.

## Goal One

### Preserve the integrity and character of the single-family neighborhoods

**Objective 1.1:** Rezone property as needed to ensure that new development is compatible with the desired residential character of each neighborhood.

**Objective 1.2:** New single-family construction in residential areas should complement, reflect, and respect the vernacular building traditions of single-family houses in the area.

Recommendation 3

The scale and massing of new houses should be consistent with the vernacular building traditions.

Recommendation 4

Design tools should be applied where needed to promote new development that is in character with existing single-family houses.

Cb/3

### **Hancock Neighborhood**

Like most others in the Central Austin Combined Neighborhood Planning Area, residents of the Hancock neighborhood strongly desire the preservation of the integrity and quality of life in their existing single-family residential neighborhoods. They recognize that the various parts of Hancock significantly differ in character from one another but feel that the mixture of historic estate homes with more modest bungalows and cottages is part of what makes Hancock distinctive. Neighbors take pride in the historic sites - the Hancock golf course itself, the Perry mansion at the corner of Red River St. and 41<sup>st</sup> St., "Inshallah" on 43<sup>rd</sup> St. at Waller Creek, and the many fine homes along Park Boulevard, Duval, Greenway, 32<sup>nd</sup>, 35<sup>th</sup>, and 37<sup>th</sup> Streets—but they are equally proud of the smaller-scale properties and subdivisions that provide diversity, more affordable housing, and, at times, a more human scale.

**Objective 1.11:** Preserve the traditional single-family land use in the Hancock Neighborhood.

### **LAND USE DESCRIPTIONS**

#### ***Existing Land Use***

**Civic** - Any site for public or semi-public facilities, including governmental offices, police and fire facilities, hospitals, and public and private schools. Includes major religious facilities and other religious activities that are of a different type and scale than surrounding uses.

#### **Purpose**

1. Allow flexibility in development for major, multi-functional institutional uses that serve the greater community;
2. Manage the expansion of major institutional uses to prevent unnecessary impacts on established neighborhood areas;
3. Preserve the availability of sites for civic facilities to ensure that facilities are adequate for population growth;
4. Promote Civic uses that are accessible and useable for the neighborhood resident and maintain stability of types of public uses in the neighborhood;
5. May include housing facilities that are accessory to a civic use, such as student dormitories; and
6. Recognize suitable areas for public uses, such as hospitals and schools that will minimize the impacts to residential areas.

### **Application**

1. Any school, whether public or private;
2. Any campus-oriented civic facility, including all hospitals, colleges and universities, and major government administration facilities;
3. Any use that is always public in nature, such as fire and police stations, libraries, and museums;
4. Civic uses in a neighborhood setting that are of a significantly different scale than surrounding non-civic uses;
5. An existing civic use that is likely or encouraged to redevelop into a different land use should NOT be designated as civic; and
6. Civic uses that are permitted throughout the city, such as day care centers and religious assembly, should not be limited to only the civic land use designation.

### ***Proposed Land Use:***

**Higher Density Single Family** - Single-family housing, generally up to 15 units per acre, which includes townhouses and condominiums as well as traditional small-lot single family.

### **Purpose**

1. Provide options for the development of higher-density, owner-occupied housing in urban areas; and
2. Encourage a mixture of moderate intensity residential on residential corridors.

### **Application**

1. Appropriate to manage development on major corridors that are primarily residential in nature, and
2. Can be used to provide a buffer between high-density commercial and low-density residential areas.
3. Applied to existing or proposed mobile home parks.

### ***IMAGINE AUSTIN PLANNING PRINCIPLES***

1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.

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- ***The predominate housing type in the area is single family homes on medium-size lots, in addition to apartments. The proposed small-scale residential development provides a different housing-type than what exists in the area to date. The property is near public transportation, a popular shopping center (Hancock Center), and is across the street from a public park and golf course.***
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
    - ***The property is not located within an activity center or corridor, but there are nine bus routes along Red River Street, within the Hancock shopping center and along I.H.-35, which is walking distance from the property.***
  3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
    - ***The proposed nine single family homes are off a busy major arterial with public transportation, near shopping and a short distance from a regional center as shown on the Imagine Austin Growth Concept map.***
  4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
    - ***This project will expand the housing choices by providing a single family home-option that is different from what is currently available in the immediate area.***
  5. Ensure harmonious transitions between adjacent land uses and development intensities.
    - ***The proposed Higher Density Single Family land use provides a buffer between the Mixed Use land use to the east and the Single Family land use to the west.***
  6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
    - ***The proposed development will not be built within the adjacent creek floodplain and will leave two-thirds of the property undeveloped.***
  7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
    - ***Of the three acre site, only a small portion will have development, the rest will be left undeveloped.***
  8. Protect, preserve and promote historically and culturally significant areas.
    - ***The Commodore Perry Estate home located directly to the east was part of a zoning case in 2013 when it was approved for a Historic Landmark designation.***
  9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.

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- *The proposed new development of nine houses is across the street from a public park, a public golf course and is within walking distance to a shopping center.*
10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
- *Not applicable.*
11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
- *Not applicable.*
12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
- *Not applicable.*

**BACKGROUND:** The plan amendment application was filed on February 27, 2014, which is in-cycle for City Council-approved neighborhood planning areas located on the west side of I.H.-35.

The applicant proposes to change the land use on the future land use map from Civic to Higher Density Single Family to build nine single family dwelling units in a cluster development. The property is 3.335 acres in size but is largely covered by flood plain. Approximately one acre will be used for the housing development; the rest of land will remain open space. See map on page 14.

The applicant proposes to change the zoning from SF-3-CO-NP to SF-6-CO-NP. Please see the associated zoning case C14-2014-0063 for more information on the zoning change request.

**PUBLIC MEETINGS:** The ordinance-required plan amendment meeting was held on May 21, 2014. One hundred and seventy-two meeting notices were mailed to property owners, utility account holders, neighborhood organizations and environmental groups registered on the community registry. Eight people attended the meeting including three people associated with applicant's agent and one city staff person.

After staff gave an overview of the plan amendment process, the applicant's agent, Michele Lynch, gave a presentation outlining the proposal, namely that due to the flood plain issues, there will be no more than nine dwelling units, ten feet apart from each other (no shared walls) on approximately one acres that can be developed out of the 3.325 acres. She said the nine dwelling units would have been the maximum that could have been built under SF-3 zoning given the environmental constraints. After her presentation (part of which is at back of report), the following questions were asked:

Q. Can you give us an example of what he will build to something similar in Austin?

A. Not really because he hasn't developed anything in Austin. I will try to find something similar and present it to you later.

Q. Do you know how many 1, 2, and 3 bedrooms will be offered in the condos?

A. We don't know at this time, but 1,800 square feet would be about the average size.

*Note: The applicant's agent had been meeting with the neighborhood association, surrounding property owners, and the planning contact team for over a year. As a result, turnout to the meeting was low, and those in attendance ask few questions after the agent's presentation.*

The Central Austin Combined Neighborhood Planning Contact Team and the Hancock Neighborhood Association supports the plan amendment and zoning change requests. Both letters are provided in this report.

**CITY COUNCIL DATE:** August 7, 2014

**ACTION:**

**CASE MANAGER:** Maureen Meredith

**PHONE:** (512) 974-2695

**EMAIL:** Maureen.meredith@austintexas.gov

Letter from the CANPAC Planning Contact Team

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X

**From:** Adam Stephens  
**Sent:** Monday, June 30, 2014 11:19 AM  
**To:** Meredith, Maureen  
**Cc:** Lin Team; Walter Wukasch  
**Subject:** Perry tract

To Whom it may concern:

At its regular meeting on June 16, 2014, the Plan Team for the Central Austin Combined Neighborhoods Planning Area voted unanimously to support the Rezoning Application and Neighborhood Plan Amendment covering Tract 3, submitted by the owner of the Perry Estate property at 710 East 41<sup>st</sup> Street as described below:

**NPA CASE NUMBER: NPA-2014-0019.01**

**ZONING CASE NUMBER: C14-2014-0063**

The applicant has requested a change in the future land use map (FLUM) from **CIVIC** to **HIGHER DENSITY SINGLE FAMILY**.

The applicant has requested a change in zoning from **SF-3-CO-NP (Family Residence—Conditional Overlay—Neighborhood Plan)** to **SF-6-CO-NP (Townhouse & Condominium Residence—Conditional Overlay—Neighborhood Plan)** for single family residential, condominium residential and surface parking.

Sincerely,  
Adam Stephens, Chair



**Letter from the Hancock Neighborhood Association**

C5/a

**From:** Palaima, Carolyn P  
**Sent:** Monday, June 30, 2014 3:17 PM  
**To:** Heckman, Lee  
**Subject:** Perry Tract 3 - Hancock Neighborhood Association Support

Dear Mr. Heckman:

With reference to:

**NPA CASE NUMBER: NPA-2014-0019.01**

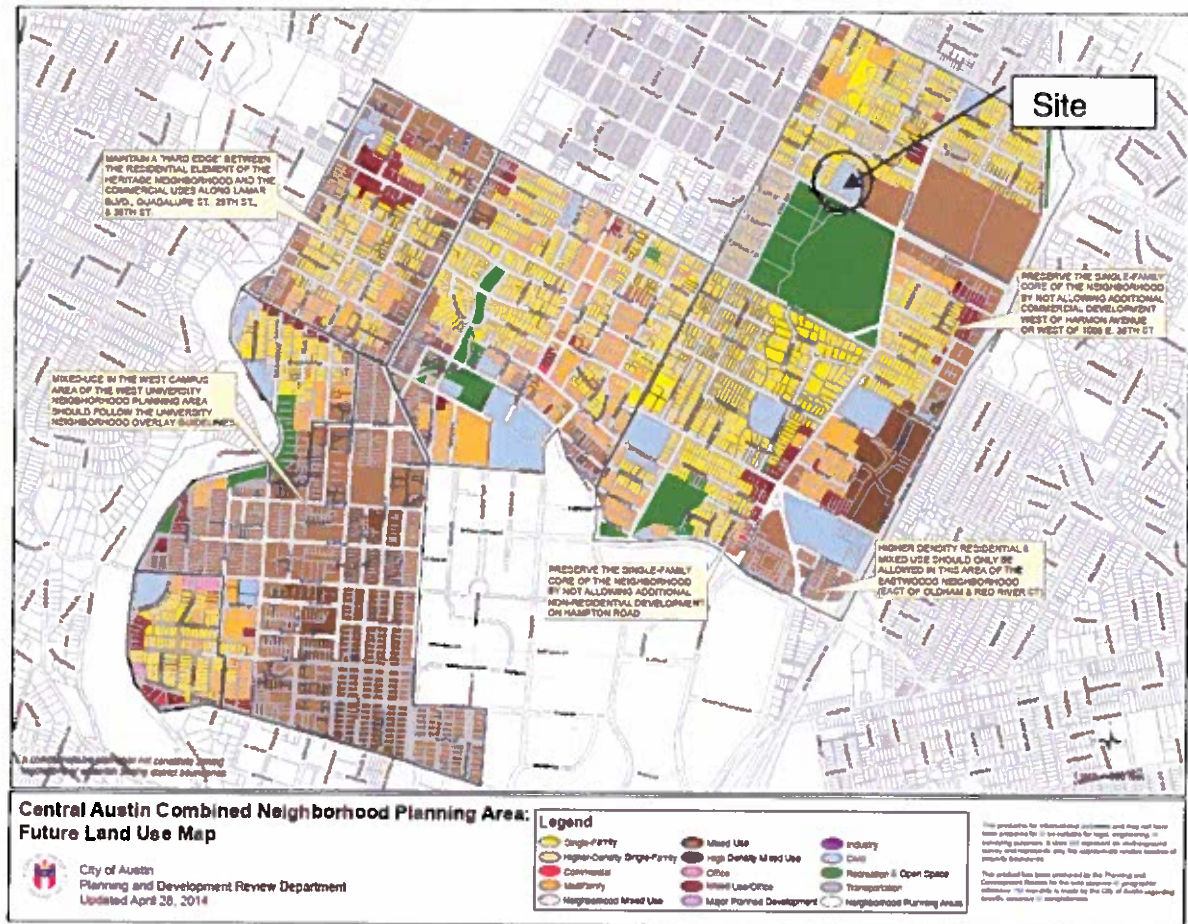
**ZONING CASE NUMBER: C14-2014-0063**

At a special meeting of the Hancock Neighborhood Association held June 11, 2014, the HNA membership voted to support the following for Tract 3 of the Perry Estate located at 710 E. 41st:

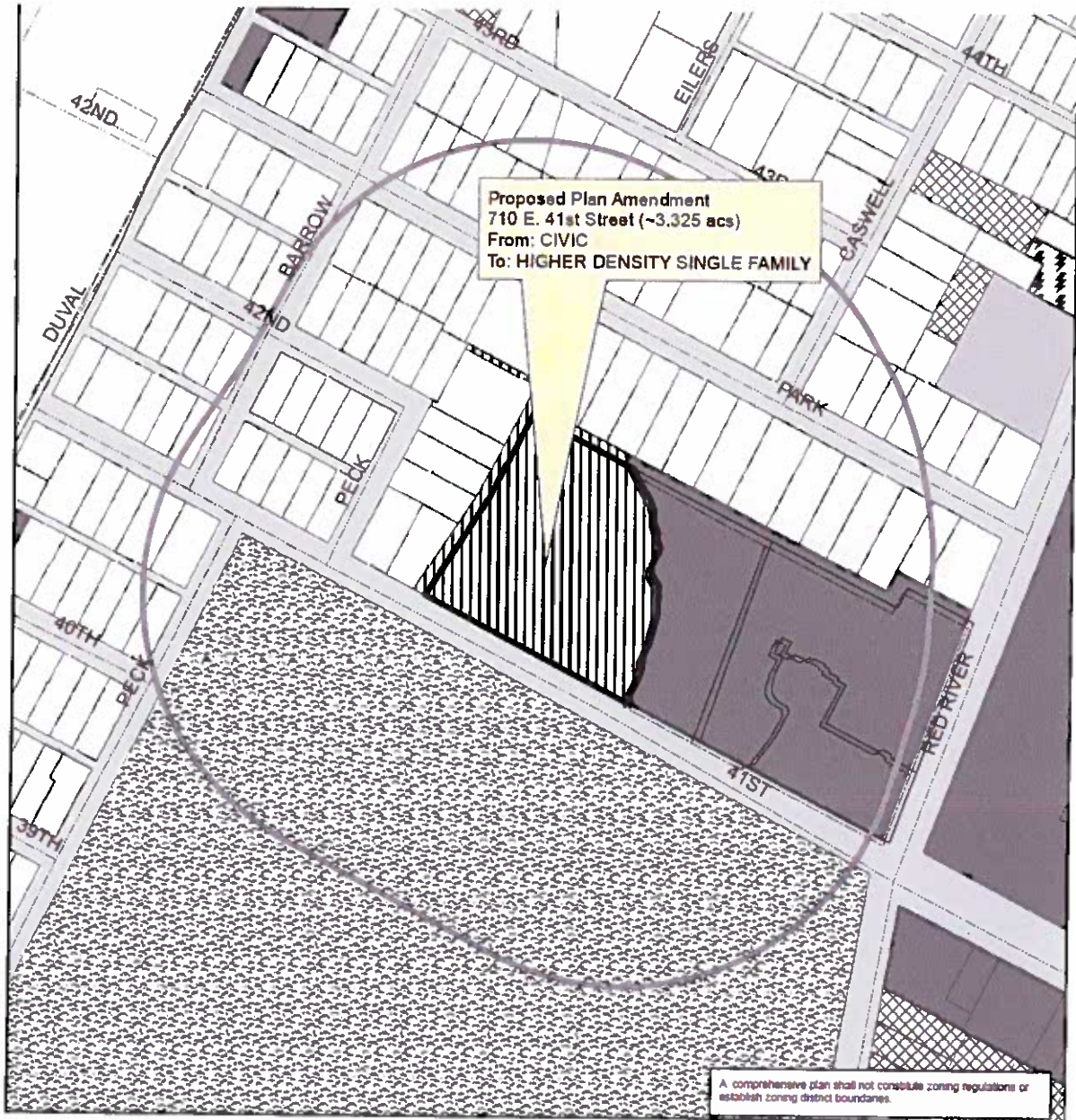
A change in the future land use map (FLUM) from **CIVIC** to **HIGHER DENSITY SINGLE FAMILY**.  
A change in zoning from **SF-3-CO-NP (Family ResidenceConditional OverlayNeighborhood Plan)** to **SF-6-CO-NP (Townhouse & Condominium ResidenceConditional OverlayNeighborhood Plan)** for single family residential, condominium residential and surface parking.

Thank you,  
Carolyn Palaima

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## Central Austin Combined Neighborhood Plan NPA-2014-0019.01

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City of Austin  
Planning and Development Review Department  
Created on May 9, 2014\_M Meredith

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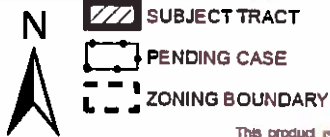
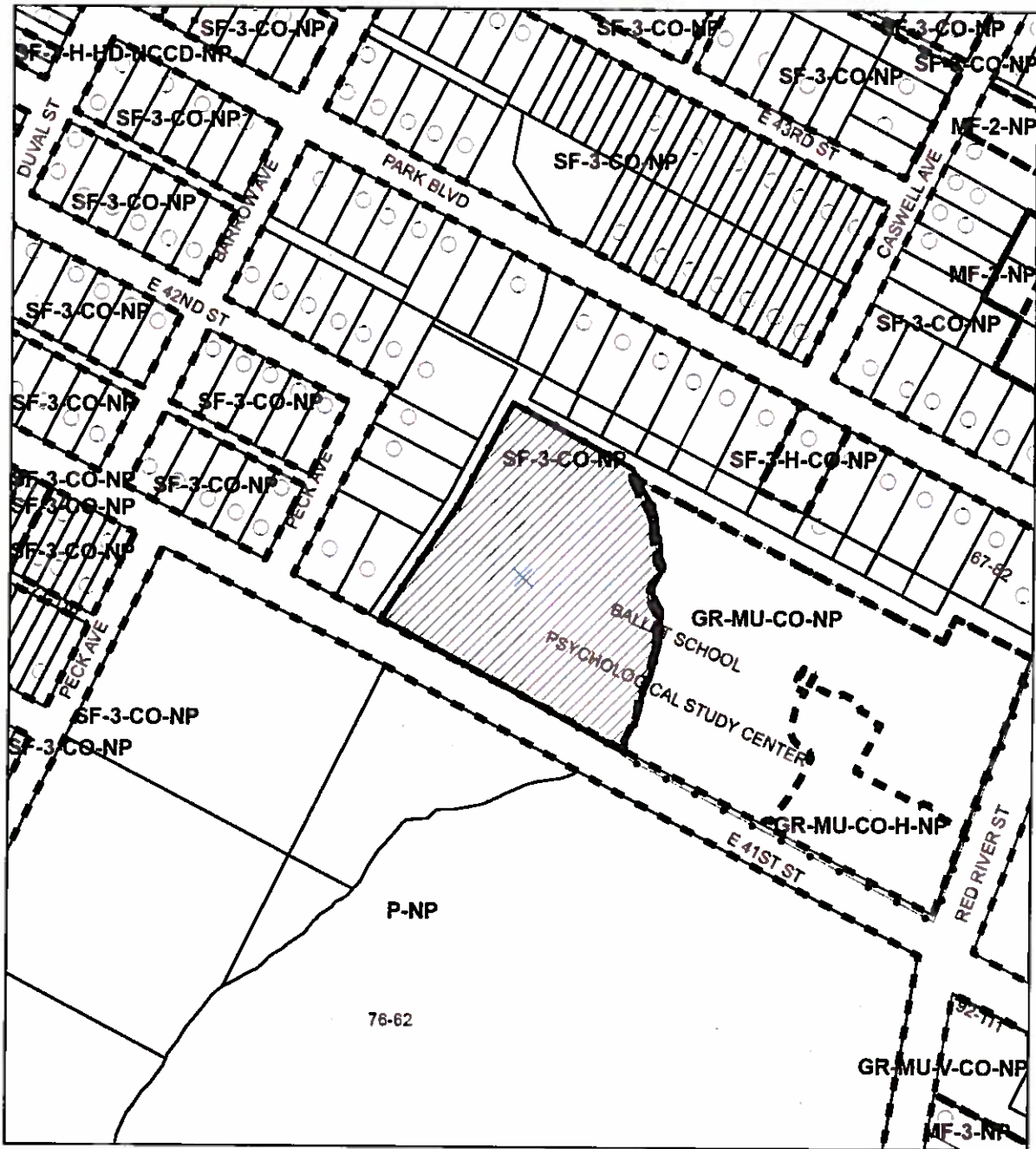


### Legend

- 500ft notification boundary
- NPA CASES
- Civic
- Mixed Use
- Mixed Use/Office
- Multi-Family
- Neighborhood Mixed Use
- Recreation & Open Space
- Single-Family
- Transportation



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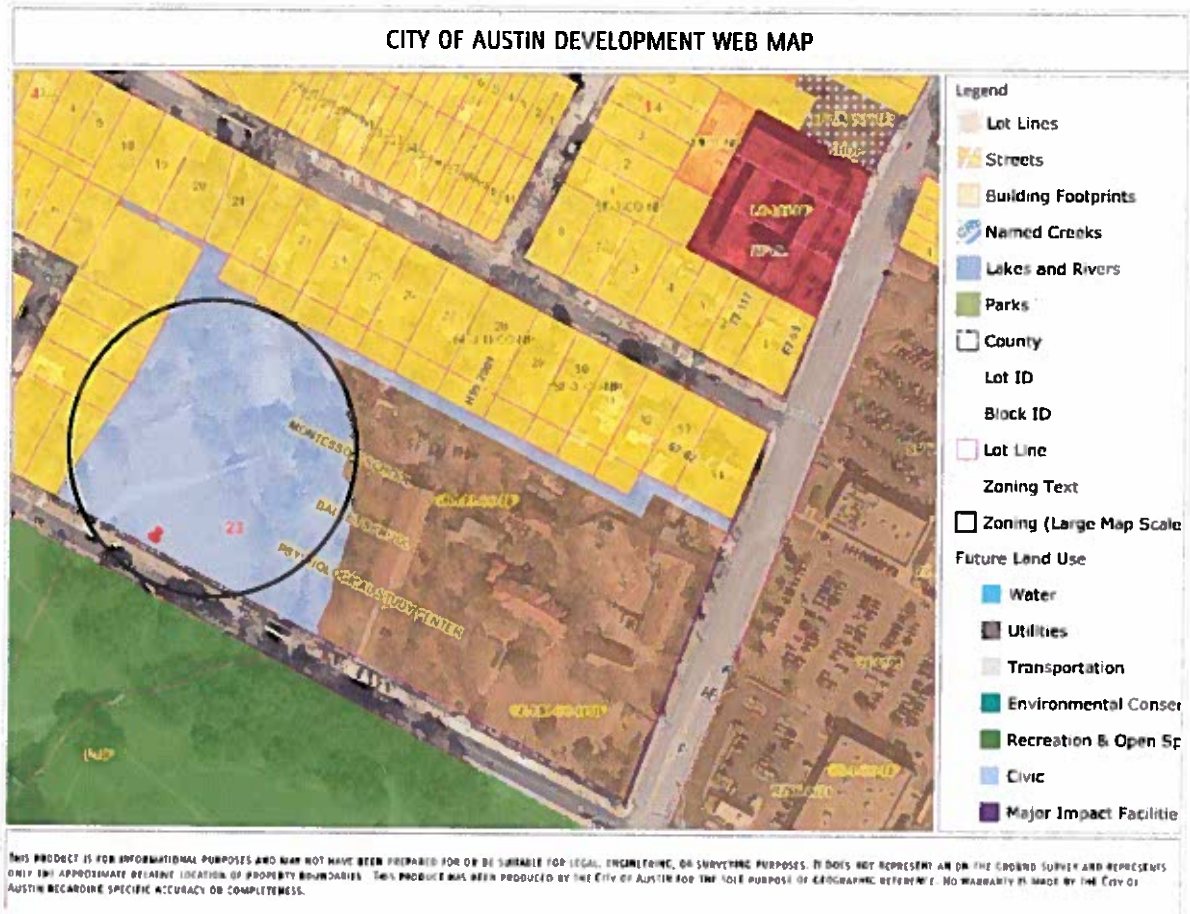
**ZONING CASE**  
C14-2014-0063



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CITY OF AUSTIN DEVELOPMENT WEB MAP



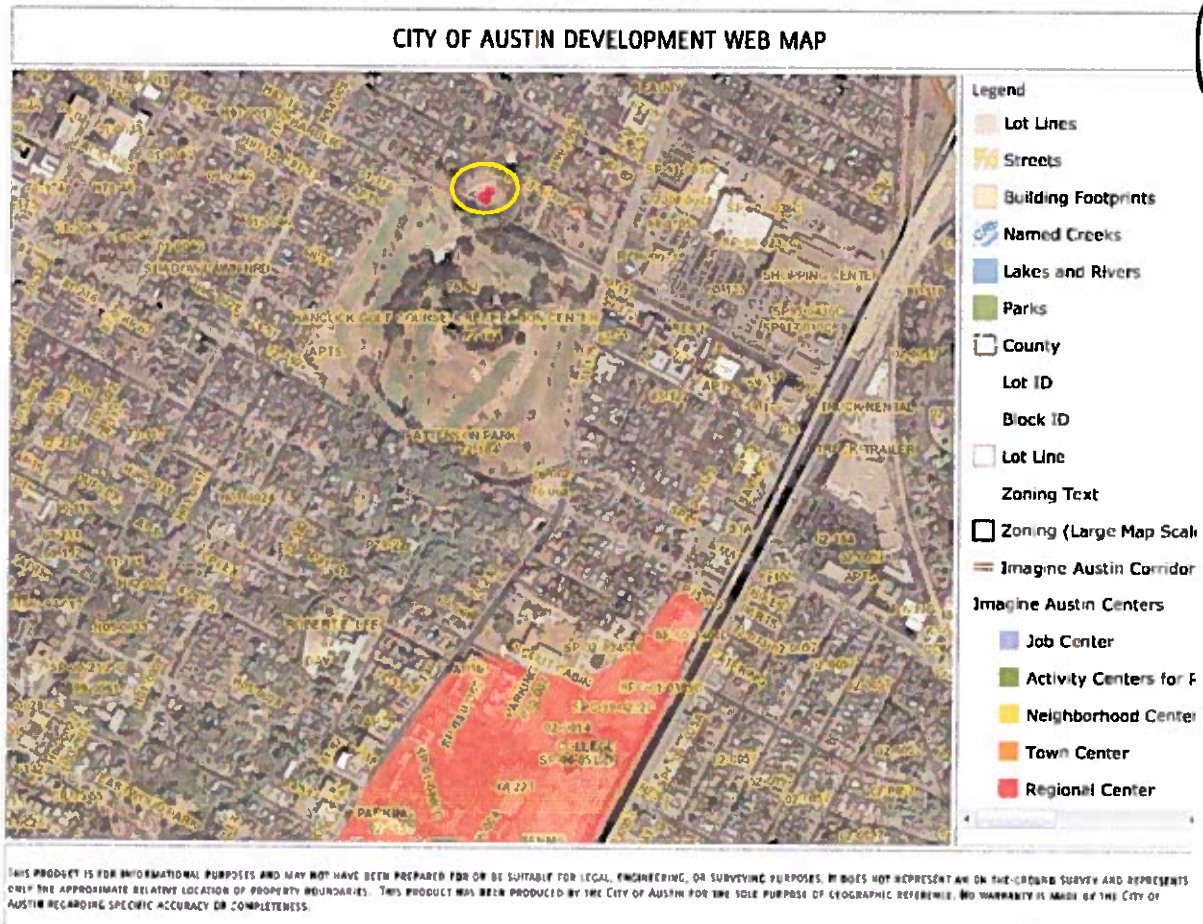
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Flood Plain Map

Homes built here

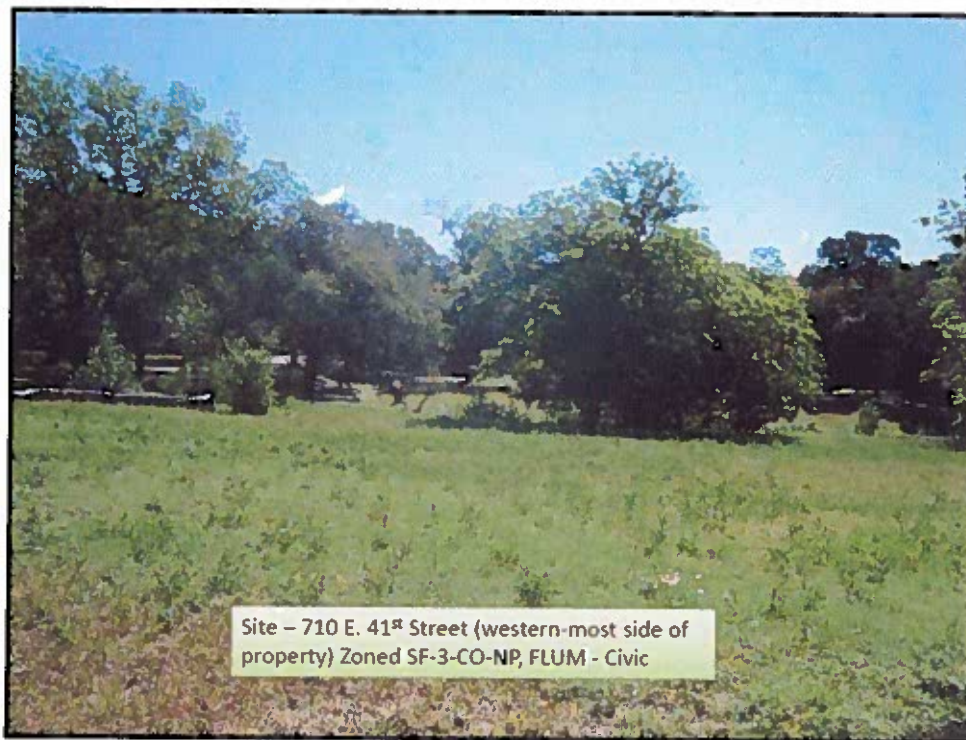


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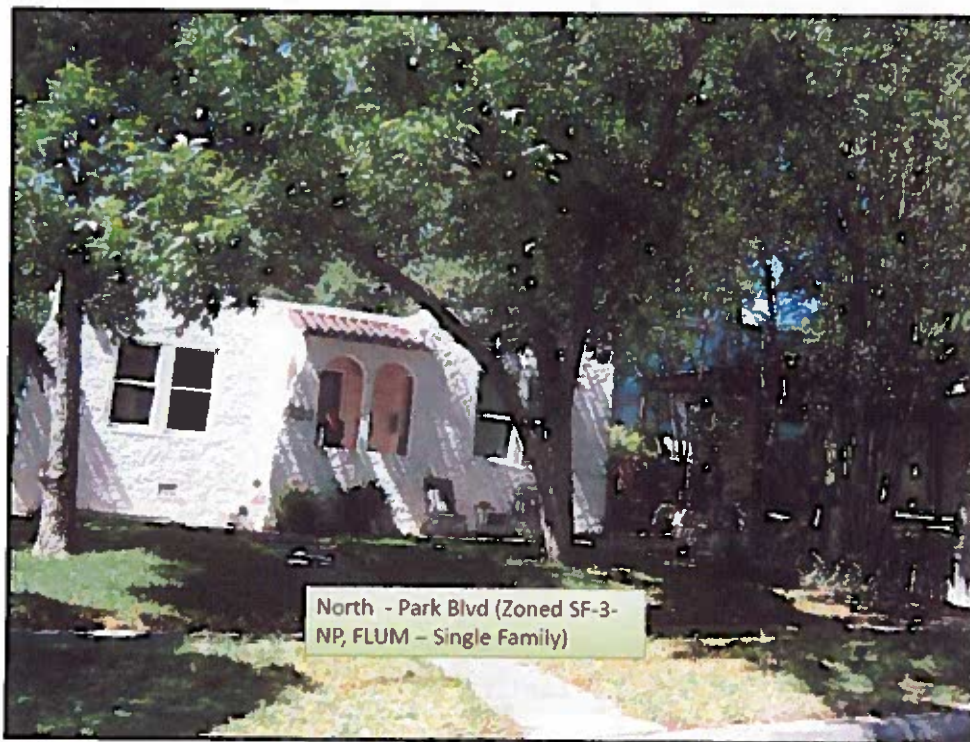
Proximity to an Growth Concept Map (Imagine Austin) - Regional Center

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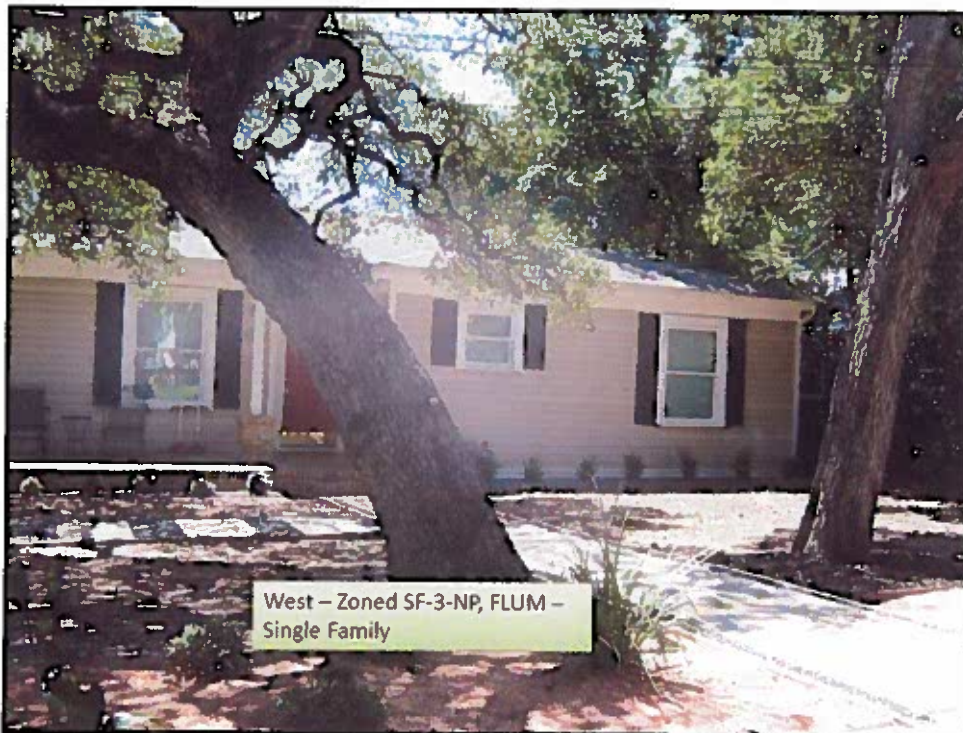
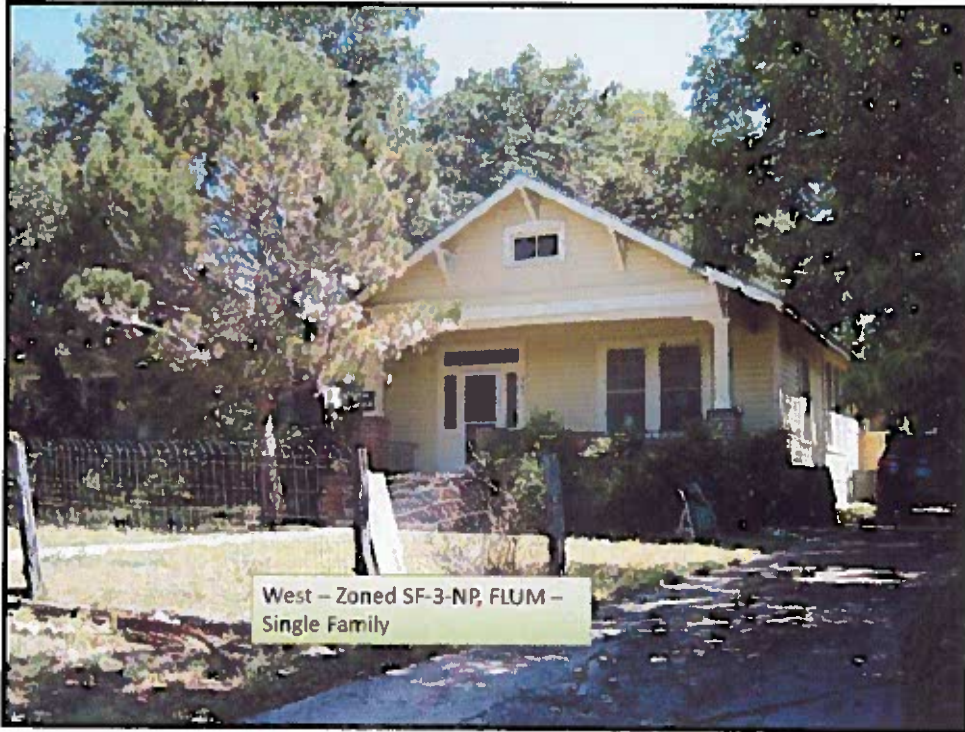


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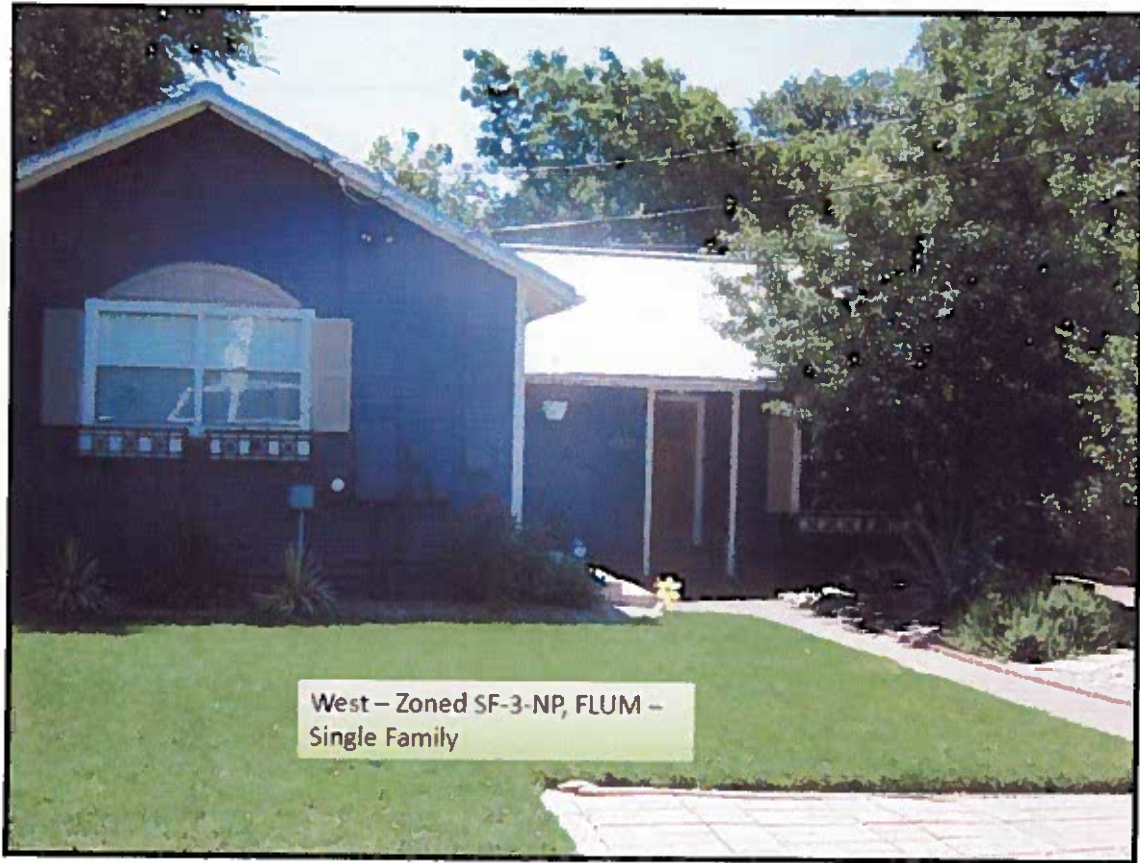




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**From:** sgj  
**Sent:** Tuesday, March 18, 2014 11:33 AM  
**To:** Meredith, Maureen  
**Subject:** NPA-2014-0019.01

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Ms. Meredith

I am opposed to this change to the Neighborhood Plan because the owner is able under current SF-3 zoning to accomplish everything they have publicly stated is their intent.

If you insist on granting this change, I urge you to codify the restriction on duplexes and two family uses already in neighborhood covenants; forbid event rentals, public sales, livestock, aquaculture and chickens if the property is used for urban farming; ensure that exceptions are NOT made to allow STR use, and demand that the owners of the residences will also own the urban farms space.

Thank you,  
Sharon Jones  
700 e 41<sup>st</sup> st



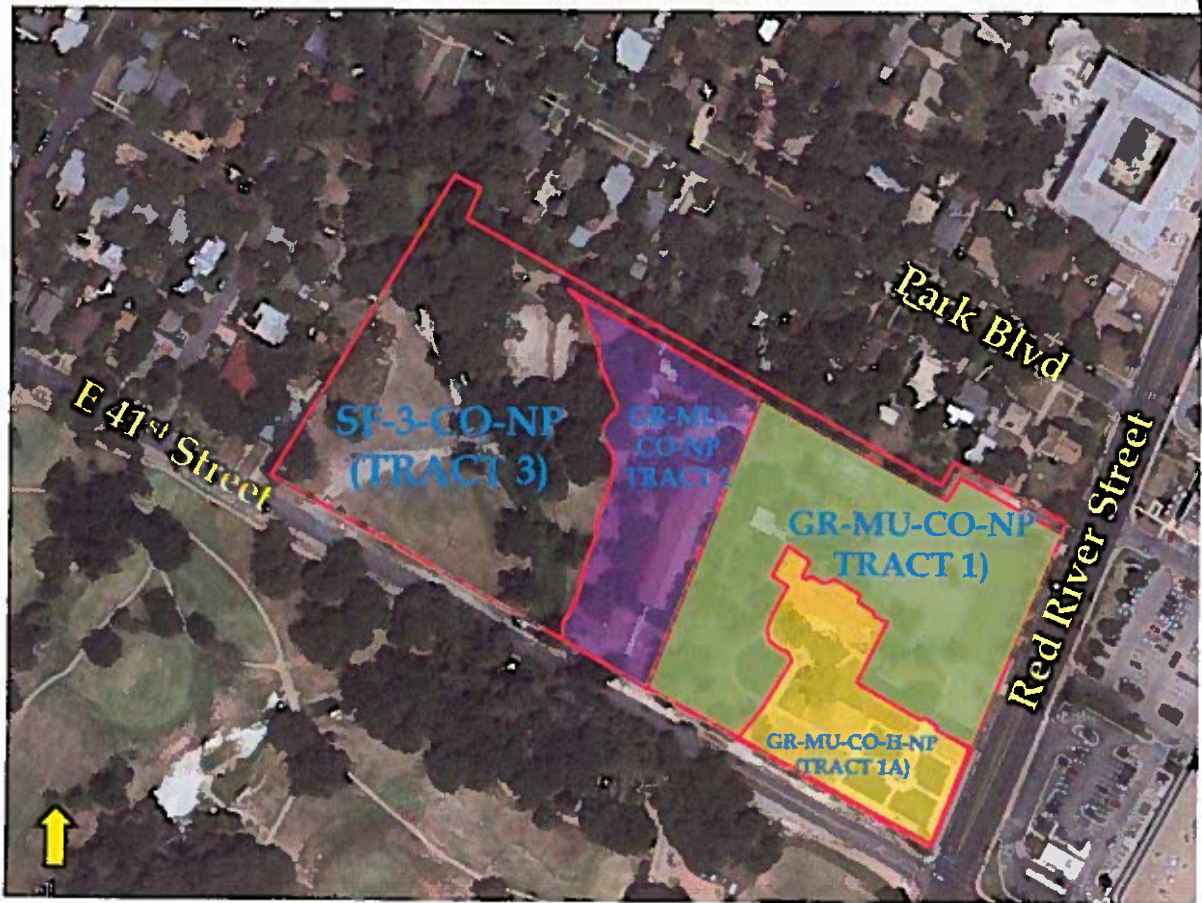
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Part of Agent's Presentation at May 21, 2014 Plan Amendment Meeting



Commodore Perry Estate

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# Requested Zoning Change & FLUM Amendment – Tract 3 3.325 acres

EXISTING  
SF-3-CO-NP



PROPOSED  
SF-6-CO-NP

Civic



Higher Density Single Family  
Residential



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## Tract 3 Restrictions per Covenant

- Ⓐ Height, number/size, uses.
  - ⓐ Maximum number of residential units on Tract 3 shall be nine (9).
  - ⓑ No residential units may share a common wall.
  - ⓒ Massing of residential buildings along western property line:
- Ⓑ Buildings shall be maximum of 2 stories, and shall not exceed 30 feet high from finished grade, measured in accordance with Land Development Code Subchapter F, Sections 3.4 through 3.5 as in effect January 2014 (see attached Exhibit "G").
- Ⓒ Buildings shall maintain single-family massing and scale along west property line comparable to adjacent residences and surrounding neighborhood.
- Ⓓ Buildings shall maintain multiple sight lines from west property line to the east; and shall avoid use of continuous or unbroken wall plane along westernmost building faces.
- Ⓔ First tier of buildings along west property line must be not more than fifty feet (50') wide, as measured along the side of the buildings that are most parallel to the western property line.
- Ⓕ Buildings along west property line must be at least ten feet (10') apart from another building, as measured from wall face to wall face, and shall face easterly.
- Ⓖ All commercial uses that are permitted or conditional uses pursuant to Section 25-2-491 of the Land Development Code Zoning Use Summary Table as in effect January 2014 are prohibited.