

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0063
Commodore Perry Estate – Tract 3

P.C. DATE: July 22, 2014

ADDRESS: 710 E 41st Street

AREA: 3.325 acres

NEIGHBORHOOD PLAN AREA: Hancock Neighborhood
(Central Austin Combined Neighborhood Plan)

OWNER: Perry Estate, LLC (Clark Lyda)

APPLICANT: Metcalfe, Wolff, Stuart & Williams, LLP (Michelle Rogerson Lynch)

ZONING FROM: SF-3-CO-NP; Family Residence–Conditional Overlay– Neighborhood Plan
Combining District Zoning

ZONING TO: SF-6-CO-NP; Townhouse and Condominium Residence–Conditional
Overlay– Neighborhood Plan Combining District Zoning

SUMMARY STAFF RECOMMENDATION:

To grant SF-6-CO-NP in which the Conditional Overlay would include the following conditions:

- 1) the maximum number of residential units shall be nine (9) units;
- 2) the maximum building height, defined by City code, shall be (30) feet; and
- 3) the maximum building height shall be two (2) stories

PLANNING COMMISSION RECOMMENDATION:

July 22, 2014 Recommend to Grant Staff Recommendation – with the 2 Additional
Conditions as Read in to the Record* (Consent Motion: J. Nortey;
Second: J. Stevens) 5-0 (Absent: D. Chimenti, R. Hatfield, A.
Hernandez, B. Roark).

* Conditions read into the record and added to the staff recommendation were to limit the maximum building height to 30 feet and to 2 stories.

DEPARTMENT COMMENTS:

The subject property is located north of the Hancock Golf Course, west of Red River Street, and is the westernmost one-third of the Commodore Perry Estate (see Exhibits A). The eastern two-thirds of the Perry Estate property (currently developed with numerous structures, the main building being a circa 1928 Italian Renaissance Revival mansion and associated gardens, a convent building, a chapel, carriage house, cottage, and a school building), was rezoned from SF-3-CO-NP to GR-MU-CO-NP and GR-MU-CO-H-NP in 2013 (C14-2013-0040). A correction and clarification of access and setback restrictions in that rezoning ordinance was before the Planning Commission in May 2014 (C14-2014-0064), and further clarified when approved by Council.

This rezoning case only involves the westernmost property. The property is bisected by Waller Creek, and the applicant proposes SF-6 base zoning to facilitate development of detached homes in a condominium regime. A private restrictive covenant, executed and recorded at the time of the previous rezoning case, limits development on this tract to 9 residential units; that covenant also addresses issues of height, scale, spacing, and setback. As with the rezoning case to the

east, the boundary of the zoning tract is set back from abutting single-family residential, providing an additional SF-3 buffer to those adjoining properties.

Correspondence received by staff from stakeholders is attached (see Exhibit C).

ABUTTING STREETS & TRANSIT:

Street Name	ROW Width	Pavement Width	Classification	Bicycle Route	Bus Service	Sidewalks
E 41 st Street	60 feet	30 feet	Collector	Yes (Route 34)	No	No

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	SF-3-CO-NP	Tennis Court, Bowling Alley, Bridge
NORTH	SF-3-CO-NP	Single family residential
SOUTH	P-NP	E 41 st St ROW; Hancock Golf Course
EAST	GR-MU-CO-NP (Tract 1 & 2); GR-MU-CO-H-NP (Tract 1A)	Former School (Hotel, Special Events, Restaurant proposed) Red River St ROW
WEST	SF-3-CO-NP	Single family residential

TIA: Not Required

WATERSHED: Waller Creek

CAPITOL VIEW CORRIDOR: No

DESIRED DEVELOPMENT ZONE: Yes

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:

<u>COMMUNITY REGISTRY NAME</u>	<u>COMMUNITY REGISTRY ID</u>
Hancock Neighborhood Assoc.	31
North Austin Neighborhood Alliance	283
Austin Neighborhood Council	511
Austin Independent School District	742
CANPAC (Central Austin Neigh Plan Area Committee)	754
Homeless Neighborhood Association	1037
Bike Austin	1075
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Signature Neighborhood Association	1287
Austin Heritage Tree Foundation	1340
SeITexas	1363
Central Austin Community Development Corporation	1391
Preservation Austin	1424
Friends of the Emma Barrientos MACC	1447

SCHOOLS: Austin ISD

Lee Elementary School

Kealing Middle School

McCallum High School

CASE HISTORIES FOR THIS TRACT:

This property was rezoned from SF-3 to SF-3-CO-NP as part of the neighborhood planning process (C14-04-0023) completed in August 2004. The CO associated with this tract is not specific to this property, but is general across tracts with a limitation of height (30 feet, 2 stories) or compliance with parking, garage placement, and impervious cover restrictions if developed with certain residential uses.

ZONING CASE HISTORIES IN THE AREA:

CASE NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
C14-2014-0064	GR-MU-CO-NP (Tracts 1 & 2) to same	Recommended; 05/27/2014	Approved with Amendments*; 06/26/2014
C14-2013-0040	SF-3-CO-NP to GR-MU-CO-NP (Tracts 1 & 2), to GR-MU-CO-H-NP (Tract 1A)	Recommended; 11/12/2013	Approved with amendments; 01/30/2014
NPA-2013-0019.01	From Civic to Mixed Use & Higher Density Single Family	Recommended; 11/12/2013	Approved; 01/30/2014
1000 E 41 st C14-2008-0071	From CS-CO-NP to CS-1-CO-NP	Recommended; 05/13/2008	Approved; 06/05/2008 (CO limits uses, specifies conditional uses)
4007-4011 Red River C14-95-0075	From LR to GR-CO	Recommended; 06/27/1995	Approved; 08/03/1995 (CO limits vtd < 2000)

* Approved with Additional Language/Condition prohibiting Commercial Access to E 41st Street, Clarification/Specification that the Residential Only Buffer was 53' and 75', and Replacement of Exhibit E (depicting the 53' and 75' buffer) as offered by Council Member Morrison. (Consent Motion: Council Member Spelman; Second: Mayor Pro Tem Cole) Vote 6-0 (Council Member Martinez off the Dais).

CITY COUNCIL DATE:

Scheduled for Consideration August 7, 1014

CITY COUNCIL ACTION:**ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Lee Heckman**PHONE:** 974-7604

e-mail address: lee.heckman@austintexas.gov

SUMMARY STAFF RECOMMENDATION

BACKGROUND

SF-3 Purpose Statement

The current base zoning is family residence (SF-3), which is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated as an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.

SF-6 Purpose Statement

The proposed base zoning of townhouse and condominium residence (SF-6) district is the designation for a moderate density single family, duplex, two-family, townhouse, and condominium use that is not subject to the spacing and location requirements for townhouse and condominium use in an SF-5 district. An SF-6 district designation may be applied to a use in an area with large lots that have access to streets other than minor residential streets. An SF-6 district may be used as a transition between a single family and multifamily residential use.

STAFF RECOMMENDATION

To grant SF-6-CO-NP; Townhouse and Condominium Residence – Conditional Overlay – Neighborhood Plan, subject to the following condition: Development of the site shall be limited to 9 residential units.

BASIS FOR RECOMMENDATION

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

Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

This is a case of residential infill in an established neighborhood. The surrounding residential to the west and north is predominately single-family detached residential. The proposed SF-6 is compatible with adjacent and nearby residential uses, can serve as a transition between the residential to the west and the proposed redevelopment and commercial uses to the east, while still promoting a single-family character along E. 41st Street.

The private restrictive covenant mandates detached units. As such, though the proposed development will be a condominium regime (which could be attached units or even a single building), the detached nature of the residences will reflect the single family neighborhood abutting them. In addition, the SF-6 zoning district means that any development of the site, when abutting or in the vicinity of single-family residential, will be subject to compatibility requirements.

Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan; and

The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.

This property is covered by the adopted Central Austin Combined Neighborhood Plan. That document's Future Land Use Map (FLUM) designates this property Civic, and an application to amend the neighborhood plan accompanies this rezoning request (NPA-2014-0019.01). Staff recommendation of rezoning the property from SF-3 to SF-6 is contingent on the approval of amending the neighborhood plan.

The Imagine Austin Comprehensive Plan (IACP) supports residential infill and a diversity of housing options throughout the City. Indeed, one of the primary mechanisms for achieving compact growth as envisioned in the IACP will be development, or redevelopment, of larger tracts such as this into higher density residential. SF-6, as a zoning district, has become a preferred residential infill option. While it can allow for more density as compared with SF-3, it also allows for clustering residential units to respond to the unique challenges of a site, be it topography, significant trees, or a creek.

Zoning should allow for a reasonable use of the property; and

Zoning should promote the goal of environmental protection.

The proposed condominium project, if limited to 9 units as per the private restrictive covenant and staff proposed conditional overlay, would not only reflect the existing residential character of properties to the north and west, but also would allow for a reasonable use of the property. This 3.382-acre tract would, on paper and if unrestricted, allow for over 30 residential units. But it is not unrestricted, and on the ground, the context is vastly different. The tract is bisected by Waller Creek, and though it can serve as an amenity, it also means floodplain and probably Critical Water Quality Zones. Development outside of this environmentally sensitive area, which covers more than one-half the site, means less buildable area; however, SF-6 zoning district, with its allowance for clustering of units, can provide for efficient and effective use of the remaining, developable property. Use of the site for a maximum of 9 residential units is reasonable and sensitive one.

EXISTING SITE CHARACTERISTICS AND REVIEW COMMENTS

Site Characteristics

This 3.386-acre tract is the westernmost portion of the 9.86-acre former Commodore Perry Estate. The tract is largely undeveloped, with the exception of a tennis court and bowling alley. Waller Creek bisects the property, and the majority of the site is impacted with floodplain, which is also typically Critical Water Quality Zone in an urban watershed. Banks of the Creek have been reinforced. A roman-style bridge that crosses the Creek connects to two sides of the tract, which is, despite the waterway, relatively flat.

PDRD Environmental Review (MM) (2014-05-06)

1. 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is a floodplain within the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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. Numerous 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 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.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

PDRD Site Plan Review (MSS) (2014-05-09)

1. No site plan comments at this time. Comments will be provided upon submittal of a site development permit for the property.

Note, compatibility standards (if applicable) override the minimum setbacks and height allowances of the zoning district because they are more restrictive; additional site development standards may apply. Site plan review staff will review for compliance with these standards at the time of site planning. Typically, the following standards apply if compatibility is triggered by abutting properties:

1. No structure may be built within 25 feet of the property line.
2. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
3. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
4. No parking or driveways are allowed within 25 feet of the property line.
5. A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional standards may be applicable and enforced if part of a conditional overlay or public restrictive covenant adopted with a zoning ordinance.

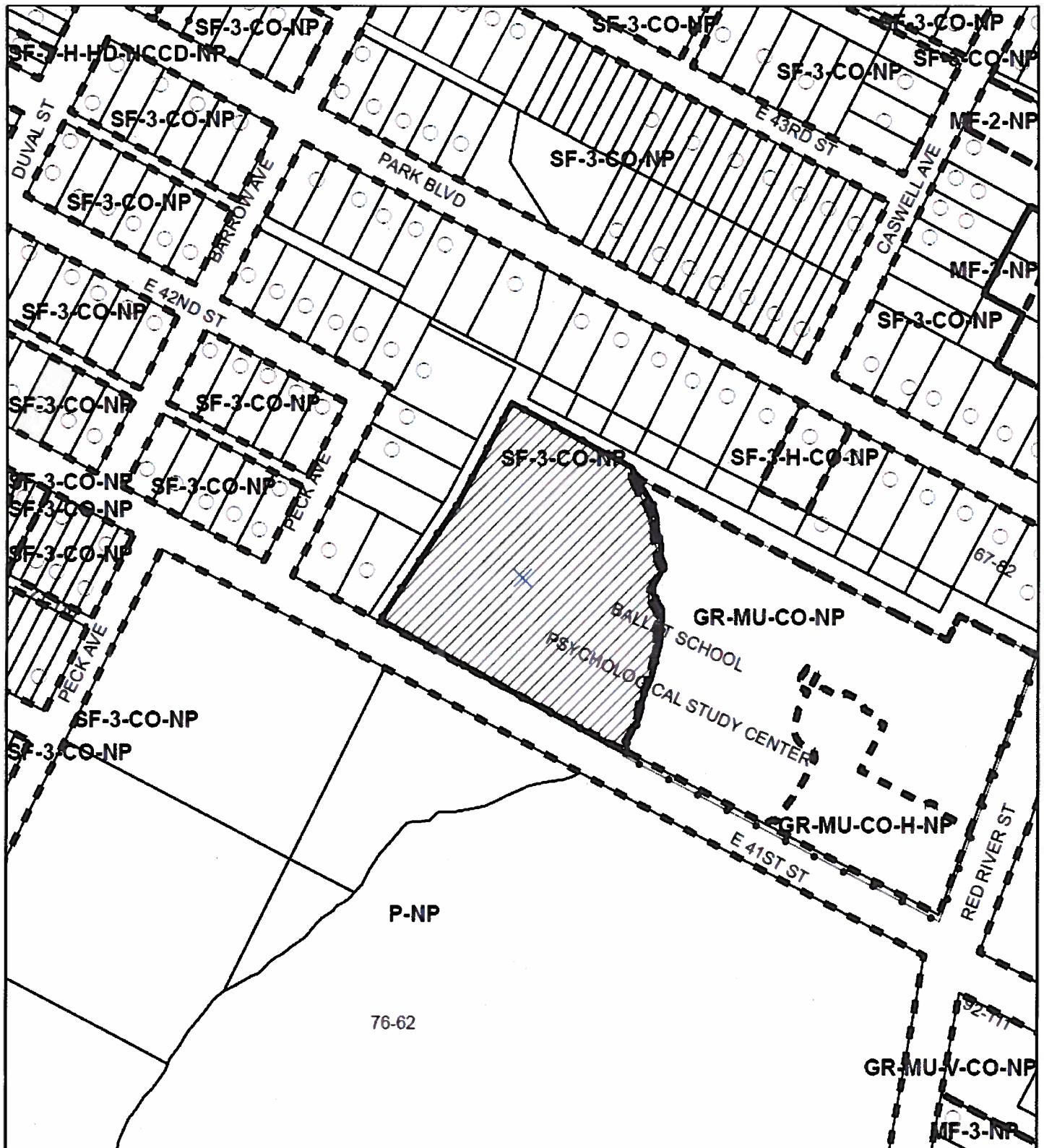
NPZ Transportation Review (AC) (2014-05-09)




1. Additional right-of-way may be required at the time of subdivision and/or site plan.
2. 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]
3. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
41 st Street	61'	33'	Collector	No	No	Yes

PDRD Water Utility Review (NK) (2014-04-28)

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. A service extension requests for water will most likely be required and possibly wastewater. Service extension requests can be submitted prior to construction plans to assist in project planning. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING CASE
C14-2014-0063

1" = 200'

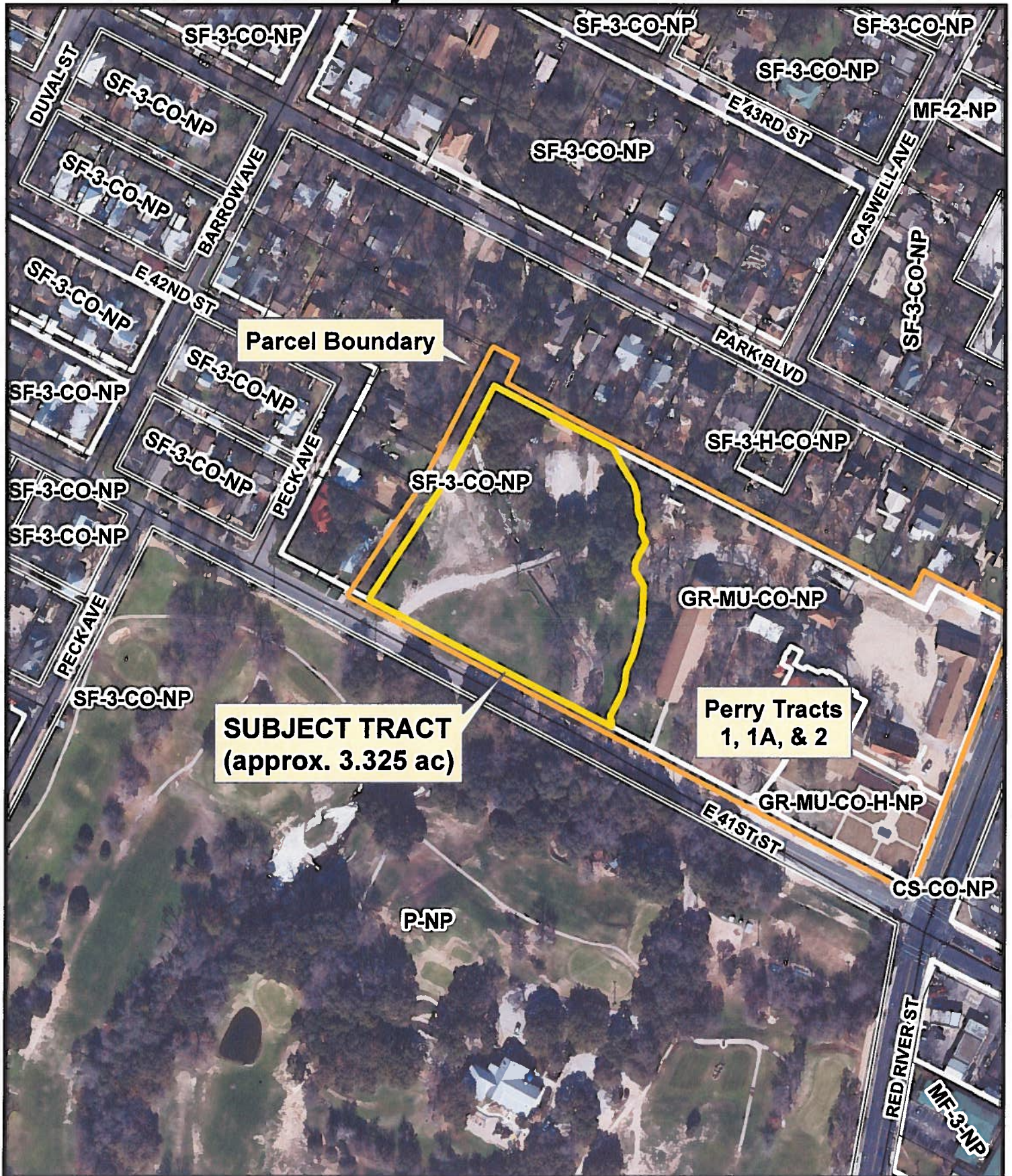
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.



Exhibit A - Zoning Map

Commodore Perry Estate - Tract 3 / C14-2014-0063



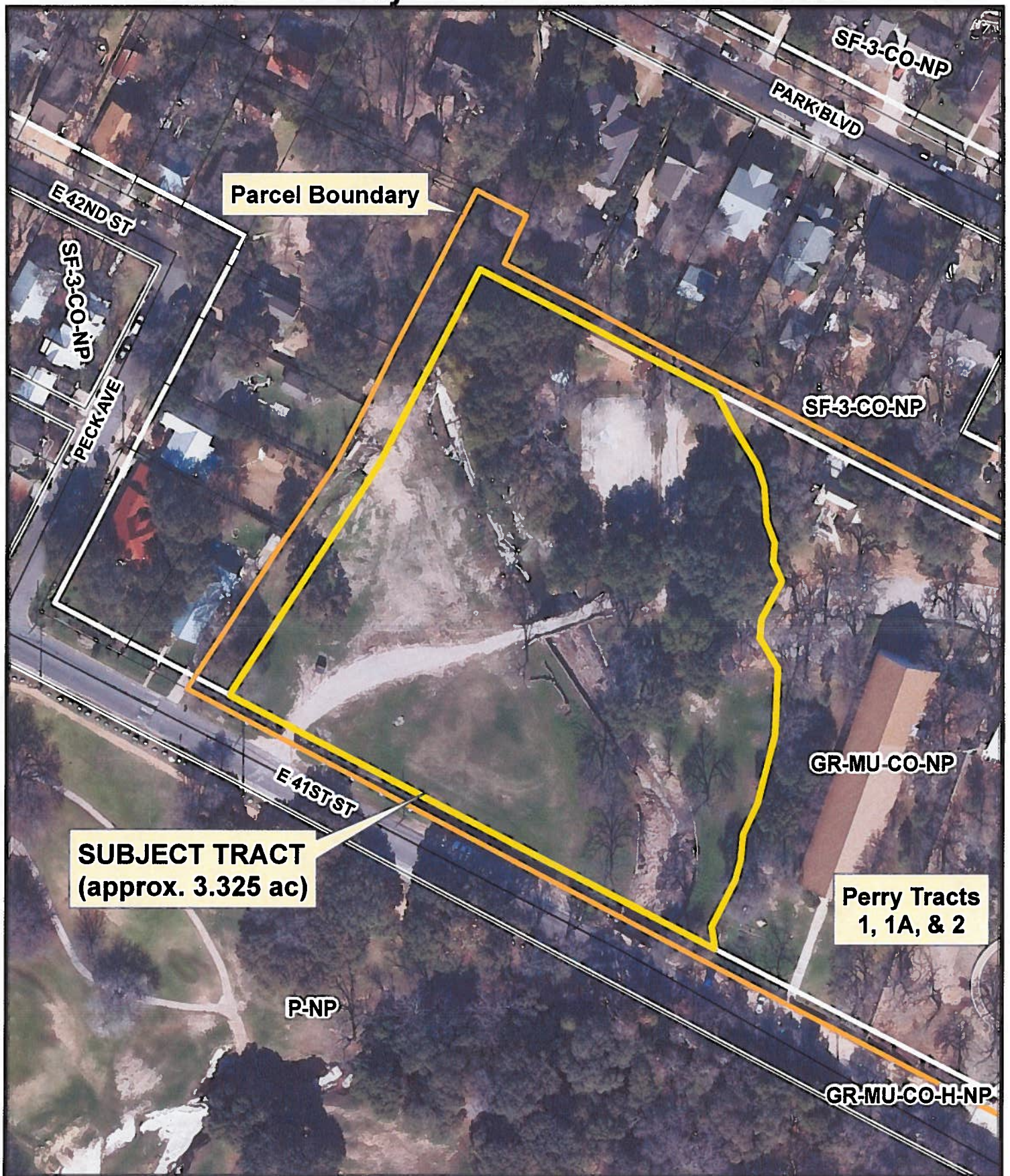
Aerial: 2012-01

Exhibit A-1
Aerial & Zoning

0 50 100 200 Feet
1 inch = 200 feet



Commodore Perry Estate - Tract 3 / C14-2014-0063



Aerial: 2012-01

Exhibit A-2
Aerial & Zoning

0 50 100 200 Feet
1 inch = 100 feet

Commodore Perry Estate - Tract 3 / C14-2014-0063



Aerial: 2012-01

Exhibit A-3
Waller Creek & Floodplain

0 50 100 200 Feet
1 inch = 100 feet

From: sgj
Sent: Sunday, May 18, 2014 5:35 PM
To: Heckman, Lee
Subject: case c14-2014-0064

I own a home within 500 feet of the perry estate (I am 700 e 41st st, they are 710).

I oppose the rezoning of the western half of this tract as it is entirely unnecessary for any of the neighborhood compatible residential purposes they have proposed for the tract and would only set precedent for other rezoning in the neighborhood and prepare the property for subdivision and sale to a developer not bound by covenants or planning incompatible development. I am opposed.

sharon jones

NOTE email address:

grandecom address has been closed

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
HNA President

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 41st 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

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

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: C14-2014-0063

Contact: Lee Heckman, 512-974-7604

Public Hearing: Jul 22, 2014, Planning Commission

Aug 7, 2014, City Council

SHARON JONES

Your Name (please print)

700 E 41st St

Your address(es) affected by this application

[Signature]

Signature

7-12-14

Date

Daytime Telephone:

Comments:

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810