

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0076 – Munro Rezoning

P.C. DATE: June 24, 2014

ADDRESS: 1403 Marshall Lane

OWNER/APPLICANT: John Munro

AGENT: Kari Blachly;
Tina Contros, Architect

ZONING FROM: MF-3-NP

TO: SF-5-NP

AREA: 0.2089 acres
(9,100 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant urban family residence – neighborhood plan (SF-5-NP) combining district zoning.

PLANNING COMMISSION RECOMMENDATION:

June 24, 2014: *APPROVED SF-5-NP DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT.*

[R. HATFIELD; B. ROARK – 2ND] (5-0) J. NORTEY, S. OLIVER, J. STEVENS – ABSENT; 1 VACANCY ON THE COMMISSION

ISSUES:

The subject property is within the Old West Austin National Register Historic District that is generally bounded by Windsor Road on the north, Lamar Boulevard on the east, Enfield Road on the south (although this property is south of Enfield, it is included in the District) and MoPac Expressway on the west. The Historic Landmark Commission will review new construction in accordance with the Secretary of Interior standards for historic preservation projects.

DEPARTMENT COMMENTS:

The subject platted lot contains one single family residence as well as a structure at the rear of the property, and has multi-family residence-medium density – neighborhood plan (MF-3-NP) combining district zoning. Access is taken to Marshall Lane, and the lot also has frontage on an alley on its east side. There are apartments to the north and east that face Enfield Road, single family residences to the south (MF-3-NP; MF-3-H-NP), and an office and single family residences across Marshall Lane to the west (NO-CO-NP; MF-3-NP; SF-3-NP). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The Applicant proposes to rezone property to the urban family residence – neighborhood plan (SF-5-NP) district in order to add one residential unit to the rear of the property, to operate under a condominium regime. The existing residence will remain, the rear structure

is proposed to be removed, and the new unit, approximately 1,300 square feet in size, will access the alley. The owner plans to enter into a private restrictive covenant to limit development on the property to two units. Staff recommends the Applicant's request as it reflects the owner's intent, is compatible with the multifamily to the north and single family residences to the south, allows for residential infill to occur and is incremental in nature.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-3-NP	One single family residence
<i>North</i>	MF-3-NP	Apartments
<i>South</i>	MF-3-NP; MF-3-H-NP	Single family residences
<i>East</i>	MF-3-NP; SF-3-H-NP; SF-3-NP	Apartments; Single family residences
<i>West</i>	NO-CO-NP; MF-3-NP	Office; Single family residences

NEIGHBORHOOD PLANNING AREA: Old West Austin **TIA:** Is not required

WATERSHEDS: Shoal Creek;
Lady Bird Lake

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

SCENIC/HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

18 – Old West Austin Neighborhood Association
 173 – Old Enfield Homeowners Association 384 – Save Barton Creek Association
 511 – Austin Neighborhoods Council 742 – Austin Independent School District
 998 – West End Austin Alliance
 1011 – Old West Austin Neighborhood Plan Contact Team
 1037 – Homeless Neighborhood Association 1075 – Bike Austin
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1224 – Austin Monorail Project 1228 – Sierra Club, Austin Regional Group
 1236 – The Real Estate Council of Austin, Inc. 1340 – Austin Heritage Tree Foundation
 1363 – SEL Texas 1447 – Friends of the Emma Barrientos MACC

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0113 – Gagaland – 1501 Enfield Rd	MF-3-NP to NO- NP	To Grant NO-CO-NP, with CO for 0.26:1 FAR, 2,000 trips and list of prohibited uses	Apvd NO-CO-NP as Commission rec. (11- 4-2010).
C14H-2008-0035 – Judge John D. & Etta Harvey House	MF-3-NP to MF- 3-H-NP	To Grant	Apvd (12-18-2008).

- 1309 Marshall Ln			
C14H-05-0013 – Weller-Meyers- Morrison House – 1400 Lorrain St	SF-3-NP to SF- 3-H-NP	To Grant	Apvd (12-15-2005).
C14-04-0149 – OWANA Zoning Rollback – 1306 Lorrain St	MF-3-NP to SF- 3-NP	To Grant	Apvd (4-28-2005).

RELATED CASES:

The subject property is within the boundaries of the Old West Austin Neighborhood Planning Area Rezoning (C14-02-0112). No base district zoning changes occurred on the subject property and the –NP combining district was appended to the existing MF-3 base district.

The rezoning area is platted as Lot of the Enfield “B” plat recorded in May 1922 (C8-1922-1766 – Ford Place No. 1). Please refer to Exhibit B.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Marshall Lane	70 feet	30 feet	Local	No	No	Yes

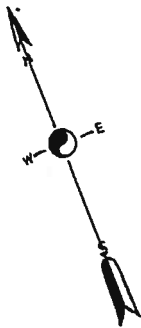
CITY COUNCIL DATE: August 7, 2014**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:**

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 512-974-7719







MAP OF ENFIELD "B"

A SUBDIVISION BY R. NILES GRAHAM ET AL.
OF PART OF OUTLOTS 788 DIN 2 CITY OF AUSTIN
AND A PART OF GEO. W. SPEAR LEAGUE, TRAVIS COUNTY,
TEXAS

Scale 1" = 100 FT.

Traced by Joseph Miller, Surveyor to Austin, Texas

January 16, 1922

State of Texas } Know all men by these presents, that we, Margaret Graham, Greenwood
County of Travis, Texas, Paul Gruemann, of Travis County, Texas, acting herein by and through
Geo. E. Shaffer, of Travis County, Texas, as our duly authorized Agent and Attorney in Fact, and
R. Niles Graham, also of Travis County, Texas, hereby subdivide a part of certain lots, to-wit:
(1) and (2) of the City of Austin, Texas, and a part of the Geo. W. Spear League
in Travis County, Texas, and the same shall be known as Enfield B, consisting
of 10 lots, streets, alleys and park, all as shown by the map or plat here to be attached, and made
a part here of. And we have dedicated, and do hereby dedicate, to the public, all streets and alleys
and the park shown on said map or plat.

Witness Our Hands this, the 24th day of May, A.D. 1922

Margaret Graham Gruemann

Paul Gruemann

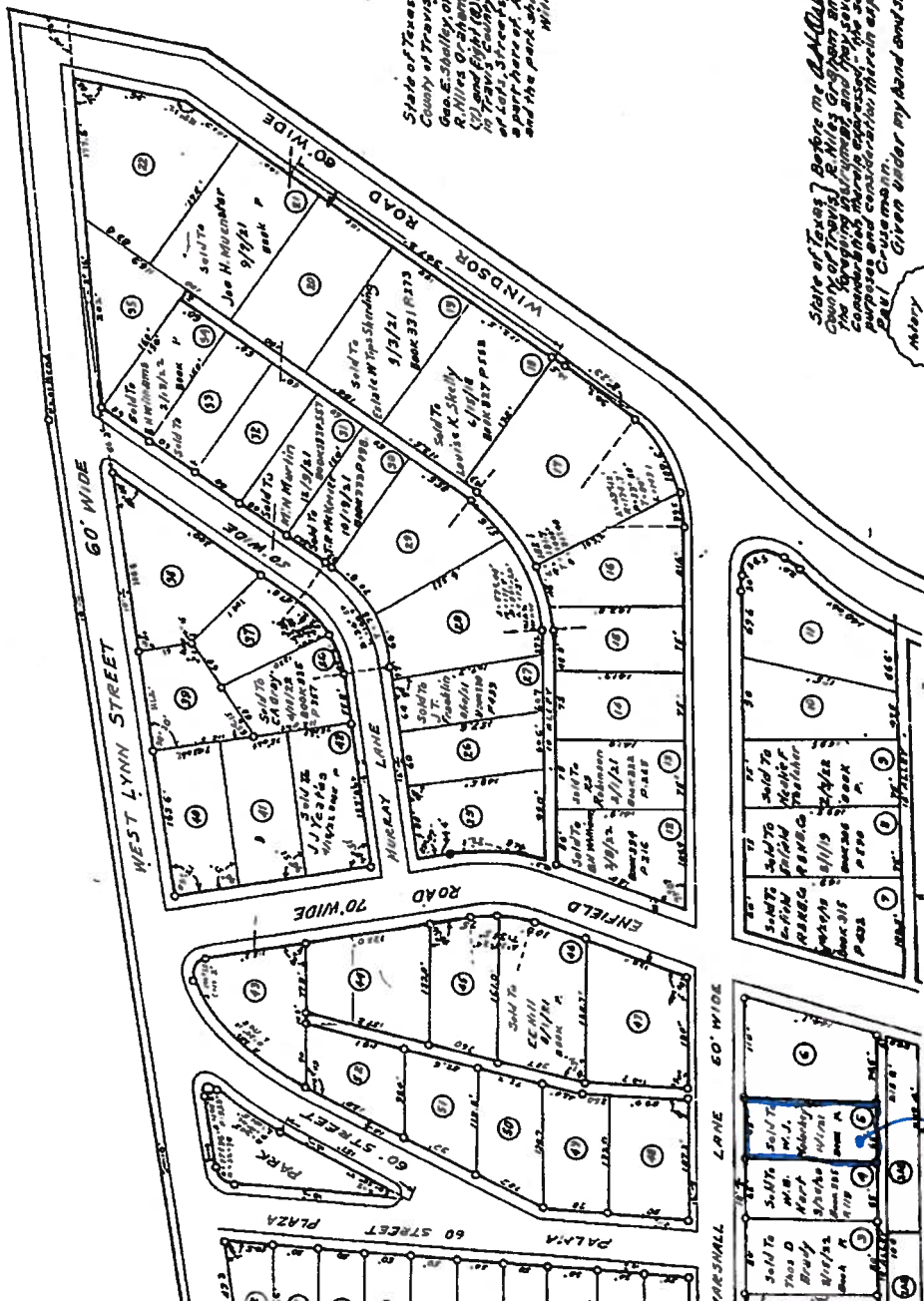
By Geo. E. Shaffer,
Notary Public, Travis County, Texas

R. Niles Graham

State of Texas } Before me, Geo. E. Shaffer, Notary Public in and for Travis County, Texas, on this day personally appeared
the undersigned parties of the first part, to-wit: Margaret Graham, Greenwood County of Travis, Texas, Paul Gruemann, of Travis County, Texas, acting herein by and through
Geo. E. Shaffer, of Travis County, Texas, as our duly authorized Agent and Attorney in Fact, and R. Niles Graham, also of Travis County, Texas, and they acknowledged to me that they executed the foregoing instrument for the purposes and
considerations therein expressed. The said Geo. E. Shaffer acknowledged to me that he executed the foregoing instrument for the purposes and
considerations therein expressed as Agent and Attorney in Fact for Margaret Graham, Greenwood County of Travis, Texas, and Paul Gruemann.

Given under my hand and seal of office, this 24th day of May A.D. 1922.

Geo. E. Shaffer
Notary Public, Travis County, Texas



Attest
Geo. E.

FILED 11:50 A.M. MAY 24, 1922.
RECORDED 4:00 P.M. MAY 25, 1922.

REZONING
AREA

EXHIBIT B
RECORDED PLAT

STAFF RECOMMENDATION

The Staff's recommendation is to grant urban family residence – neighborhood plan (SF-5-NP) combining district zoning.

BASIS FOR RECOMMENDATION

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

The urban family residence (SF-5) district is the designation for a moderate density single-family residence on a lot that is a minimum of 5,750 square feet. A duplex, two-family, townhouse or condominium residential use is permitted in an SF-5 district under development standards that maintain single family characteristics. An SF-5 district designation may be applied to a use in an existing family residential neighborhood in a centrally located area of the City. An SF-5 district may be used as a transition between a single family and multifamily residential use or to facilitate the implementation of City affordable housing programs. The NP, neighborhood plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

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

Staff recommends the Applicant's request as it reflects the owner's intent, is compatible with the multifamily to the north and single family residences to the south, allows for residential infill to occur and is incremental in nature.

EXISTING CONDITIONS

Site Characteristics

The site contains one single family residence, and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the SF-5 zoning district would be 60%, which is based on the zoning regulations.

Comprehensive Planning

This zoning case is located on the west side of Marshall Lane (one parcel south of Enfield Road), located in the Old West Austin Neighborhood Planning Area. The property is approximately 0.20 acres in size and contains a house. Surrounding land uses includes a small apartment building to the north on Enfield Road, single family housing to south and west, and a large apartment building to the east. The proposed use is residential housing.

Old West Austin Plan

The Old West Austin Neighborhood Plan (OWANP) does not have a Future Land Use Map. However, an excerpt from the vision of this plan states, **“Maintaining diversity will mean finding ways to promote construction of moderately-priced housing. To this end, the Neighborhood Planning Team recommends allowing compatible infill development within the neighborhood (new garage apartments and second units, and the use of existing small lots) p. 11.** Below are two other policies housing and affordability from the OWANP:

Goal 3 – Maintain Social and Economic Diversity of Residents (p 28)

Obj. 3.1 - Provide Additional Moderately-Priced Housing

Based on the vision, goal and objective above, the OWANP appears to support this housing project.

Conclusion

The comparative scale of this site relative to other nearby residential uses in this area, as well as the site not being located along an Activity Corridor or within an Activity Center, falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning, while the OWANP appears to support this residential housing project.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek and Lady Bird Lake Watersheds of the Colorado River Basin, which are both classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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 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.

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.

Transportation

Additional right-of-way maybe required at the time of subdivision and/or site plan.

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]

Water and Wastewater

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, water or wastewater easements, 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 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.

Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Kari Blachly
1123 Gunter Street Austin, TX 78702
kariblachly@gmail.com (512) 289-0010

May 22, 2014

City of Austin
Planning and Development Review Department
505 Barton Springs Road
5th Floor
Austin, TX 78704

RE: 2014-048486 ZC Munro Zoning 1403 Marshall Lane 78703

Mr. Rusthoven,

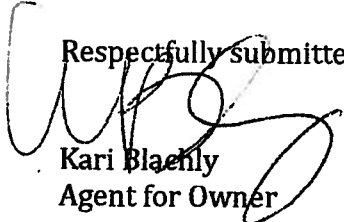
Please let this letter serve as my formal request to rezone the property located at 1403 Marshall Lane from MF-3-NP to SF-3-NP located within the Old West Austin Neighborhood Association as well as the Westline Historic District. This property is located within the Shoal Creek Watershed; which is classified as urban.

The purpose of this request to downzone the property is to allow the owner of the property to maintain the exiting home on the lot and build a second living unit behind the existing home. This project would be subject to Subchapter F regulations and the .4 floor to area ratio driven by Subchapter F would limit the second living unit to 1300 square feet. A condominium regime would be filed with the county in conjunction with this project to enable the owner to sell out right his existing structure and maintain and live in the second dwelling constructed on the rear of the property.

We met with the zoning committee and the steering committee of Old West Austin Neighborhood Association prior to submitting the application and understand that review by the Historic Preservation office will be required.

Thank you for your consideration of this rezoning and please free to contact me directly at kariblachly@gmail.com or at 512-289-0010 with any additional information or comments you may have regarding this request.

Respectfully submitted,



Kari Blachly
Agent for Owner

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: C14-2014-0076

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: June 24, 2014, Planning Commission

August 7, 2014, City Council

D M Everette

Your Name (please print)

1207A Enfield Rd 78703

Your address(es) affected by this application

DM Everette

Signature

6/17/14

Date

Daytime Telephone: 512-614-2022

Comments: MU and Affordable housing would increase the traffic in our area, and traffic is already a problem. The zoning change could also lead to more children, which would be a problem considering the traffic.
I will be out of town on 6/24, but will try to attend the 8/7 meeting.

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

7/1/14 - I withdraw my objection. DM Everette