

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

C3/1

**NEIGHORHOOD PLAN:** Greater South River City Combined Neighborhood Plan

**CASE#:** NPA-2014-0022.01

**DATE FILED:** February 26, 2014

**PROJECT NAME:** 209 Project

**PC DATE:** August 26, 2014  
August 12, 2014

**ADDRESS:** 209 E. Live Oak Street

**SITE AREA:** 10,436 sq. ft.

**APPLICANT/OWNER:** Joshua L. Meguire

**AGENT:** Charles Morton

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Single Family

**To:** Higher Density Single Family

*(Applicant revised application on July 29, 2014 from the original request of Mixed Use to Higher Density Single Family)*

**Base District Zoning Change**

**Related Zoning Case:** C14-2014-0032

**From:** SF-3-NP

**To:** SF-5-NP

*(Applicant revised application on July 29, 2014 from the original request of GR-MU-NP to SF-5-NP)*

**NEIGHBORHOOD PLAN ADOPTION DATE:** September 29, 2005

**PLANNING COMMISSION RECOMMENDATION:** On August 12, 2014, the case was postponed on the consent agenda to August 26, 2014 at the request of staff to allow the Greater South River City Planning Contact Team and opportunity to make a recommendation on the revised plan amendment and zoning change applications. [S. Oliver, N. Zaragoza – 2<sup>nd</sup>] Vote 8-0-1 [B. Roark absent]

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**STAFF RECOMMENDATION:** Recommended.

**BASIS FOR STAFF'S RECOMMENDATION:** The request to change the land use on the future land use map from Single Family to Higher Density Single Family is supported by staff because it will serve as a transition from single family land use to the east and the public land use to the west.

**Vision**

As responsible trustees, preserve, protect, and improve the quality and diversity of residential life in the Greater South River City neighborhood and support the success of institutions and locally owned businesses.

**Goals**

1. Maintain the historic fabric and respect the established neighborhood character and natural assets.
2. Identify and develop criteria for the interface between residences and commercial development.
3. Identify and develop criteria for density that result in a net benefit to the neighborhood.
4. Enhance the transportation network to allow residents to walk, bike, roll, ride; and drive safely.
5. Protect and enhance creeks, greenbelts and watershed systems.
6. Preserve and enhance the natural beauty, open spaces, and air quality of the neighborhood.
7. Improve safety and reduce crime.
8. Foster a locale where each person has the greatest possible opportunity to pursue individual, family and community goals—whether academic, economic, cultural, artistic, athletic, recreational, or spiritual.

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## Land Use and Historic Preservation

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Goal (A): Maintain the historic fabric and respect the established neighborhood character and natural assets.

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

Recommendation A1: The scale and massing of new and remodeled houses should be consistent with the surrounding residences. (NPZD)

Goal (C): Identify and develop criteria for density that result in a net benefit to the neighborhood.

**Objective:** *Preserve housing affordability and increase diversity of housing types.*

Recommendation C3: Allow infill development to occur as indicated in Figure 7.10. (NPZD)

### **LAND USE DESCRIPTIONS**

#### ***EXISTING LAND USE***

Single family detached or two family residential uses at typical urban and/or suburban densities.

#### **Purpose**

1. Preserve the land use pattern and future viability of existing neighborhoods;
2. Encourage new infill development that continues existing neighborhood patterns of development; and
3. Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

#### **Application**

1. Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and
2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached,

Two-Family Residential) in areas considered appropriate for this type of infill development.

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### **PROPOSE LAND USE**

Higher Density 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.

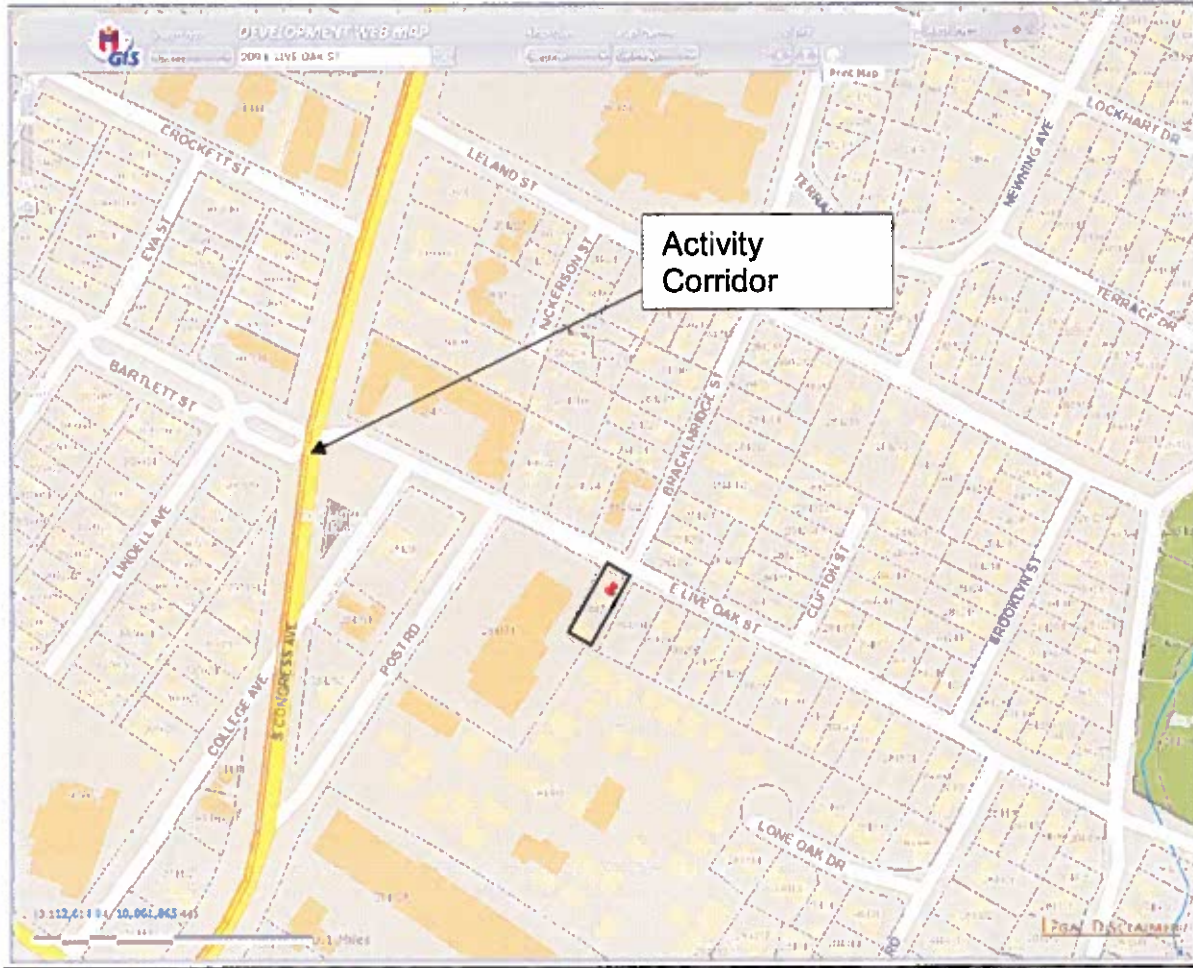
### **IMAGINE AUSTIN PLANNING PRINCIPLES**

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.
  - ***The proposed townhomes would add to the housing type in the neighborhood.***
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 within walking distance to South Congress Avenue, which is activity corridor and has four Capital Metro bus lines running on it.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
  - ***The property is located within walking distance to South Congress Avenue, which is an activity corridor.***

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4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
  - ***The proposed townhomes would add to the housing choices.***
5. Ensure harmonious transitions between adjacent land uses and development intensities.
  - ***The Higher Density Single Family land use proposed by the applicant serves as a transition from the single family land use to the east and the public 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 property is not located within an environmentally sensitive area.***
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.
  - ***Not applicable.***
8. Protect, preserve and promote historically and culturally significant areas.
  - ***The property is not designated an historic structure.***
9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
  - ***The property is within walking distance to Stacey Neighborhood Park located to the east of the property.***
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.***

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**BACKGROUND:** The application was filed on February 26, 2014, which is in-cycle for plan amendment applications filed for property located in areas with City Council approved neighborhood plans on the west side of I.H.-35.

The applicant proposes to change the land use on the future land use map from Single family to Higher Density Single Family. The original application was to change the land use from Single Family to Mixed Use; however, he amended his application on July 29, 2014 to Higher Density Single Family because he also amended his zoning change application from GR-MU-NP to SF-5-NP. For information on the zoning application, please see case report C14-2014-0032.

The applicant's original proposal was to build four townhomes on the property, although the expectation is now three.

**PUBLIC MEETINGS:** The ordinance-required community meeting was held on April 17, 2014. Three hundred and fifty-four meeting notices were mailed to people who live or own

property within 500 feet of the property, including neighborhood organizations and environmental groups registered on the community registry who requested notification for the area in which the property is located. Fifteen people attended the meeting.

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After city staff explained the neighborhood planning and zoning process, the applicant's agent, Charles Morton, gave the following presentation.

Mr. Morton said the property was bought by an investor in New York City who wants to build four townhomes on the property. The property currently has two dwelling units but the two homes are not up to the Building Code Standards which causes constant turn-over in renters. This is why the new owner would like to demolish the two homes in order to build four townhomes as an infill project.

He is asking for the GR-MU-NP zoning because the property across the street has GR-MU-NP zoning, which also has townhomes recently constructed.

NOTE: Mr. Morton revised his zoning and plan amendment application on July 29, 2014 to SF-5-NP and Higher Density Single Family.

**Q. Is there another zoning district beside GR-MU that you could ask for to get four town homes?**

A. We are asking for GR-MU because it allows flexibility.

**Q. Why do you want flexibility?**

A. We are asking for GR-MU in case the property ever needed to be sold to someone else.

**Q. So you're building value into your land?**

A. Yes.

**Q. The appraisal district shows that the owner recently purchased the property, so he knew what the property was zoned SF-3-NP when he bought it.**

A. Yes, he knew what the zoning was when he purchase it, but he's also aware that Austin is encouraging infill development and we feel this is a good property for infill seeing that there are condos across the street.

**Q. Would you consider residential zoning?**

A. Yes, we can explore other zoning districts so we can build four townhomes.

**Comments:**

- Any breach in our boundary line would encourage more property owners to rezone as well. It's very important for us to maintain our neighborhood boundary.
- The neighborhood spent a lot of time creating this neighborhood plan and your client purchased the property knowing it was not zoned for what he proposes, yet he wants us to support his rezoning request to help him, but there's nothing in it for us.

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The Greater South River City Planning Contact Team submitted a letter regarding the original application for Mixed Use land use. A revised letter making a recommendation on the Higher Density Single Family land use has not been submitted at this time.

**CITY COUNCIL DATE:** September 25, 2014

**ACTION:** Pending

**CASE MANAGER:** Maureen Meredith

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

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



**Greater South River City Planning Contact Team letter –  
original request for GR-MU-NP and Mixed Use land use**

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June 23, 2014

City Council Members and Planning Commissioners  
City of Austin  
301 West 2<sup>nd</sup> Street  
Austin, TX 78701

Subject: Case NPA-2014-0022.01  
Case C14-2014-0032

On May 6, 2014 the Greater South River City (GSRC) Neighborhood Planning Contact Team (NPCT) met regarding requests by Joshua L. McGuire to change the land use and zoning of his property at 209 East Live Oak Street. The request is to change the land use from Single Family to Mixed-use, and the zoning from SF-3-NP to GR-MU-NP. The property currently has two single family structures which appear to be used as rental housing.

The NPCT meeting was attended by several stakeholders whose residences are on Brackenridge and/or East Live Oak. After hearing from these neighbors and thoughtful discussion, the NPCT voted unanimously to oppose Mr. McGuire's requests to change the use and zoning of this tract. Several considerations determined our decision.

Mr. McGuire, an out-of-state investor, is asking for the changes in land use and zoning solely in order to add value to the property. He does not need commercial land use or zoning in order to build the three townhomes his agent said are proposed for the property. The justification for the application is that the property on the northwest corner of Live Oak and Brackenridge is zoned commercial. That tract was formerly used commercially, although now it is the site of six newly constructed townhomes.

209 East Live Oak Street sits directly across Live Oak from the south end of Brackenridge Street, and it anchors the single family portion of the neighborhood, not only to the east along Live Oak Street, but also along the neighborhood streets that intersect Live Oak, including Rebel Road, Eastside Drive and Alta Vista Avenue. The property is immediately east of property owned by Travis County and northeast of a condominium complex on Post Road. All commercial property on this portion of Live Oak Street is west of Brackenridge; the McGuire tract is not. If the land use and zoning of the McGuire tract changes, there will be a domino effect along Live Oak Street to the east, which will displace current residents, not only along East Live Oak Street, but also along the intersecting neighborhood streets. It would allow commercial encroachment into an established residential area and degrade the character of the single family neighborhood.

City Council Members and Planning Commissioners

June 23, 2014

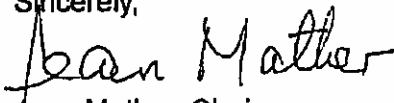
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Live Oak and Brackenridge Streets are both narrow, neighborhood streets. Live Oak is so narrow that parking is prohibited on this portion west of Eastside Drive. Visitors of Live Oak residents must park on Post Road or Brackenridge Street. Parking along Brackenridge Street makes it dangerously crowded at times, especially for pedestrians who must walk in the street since there is no sidewalk along Brackenridge. These conditions can only be exacerbated by 209 East Live Oak becoming commercial.

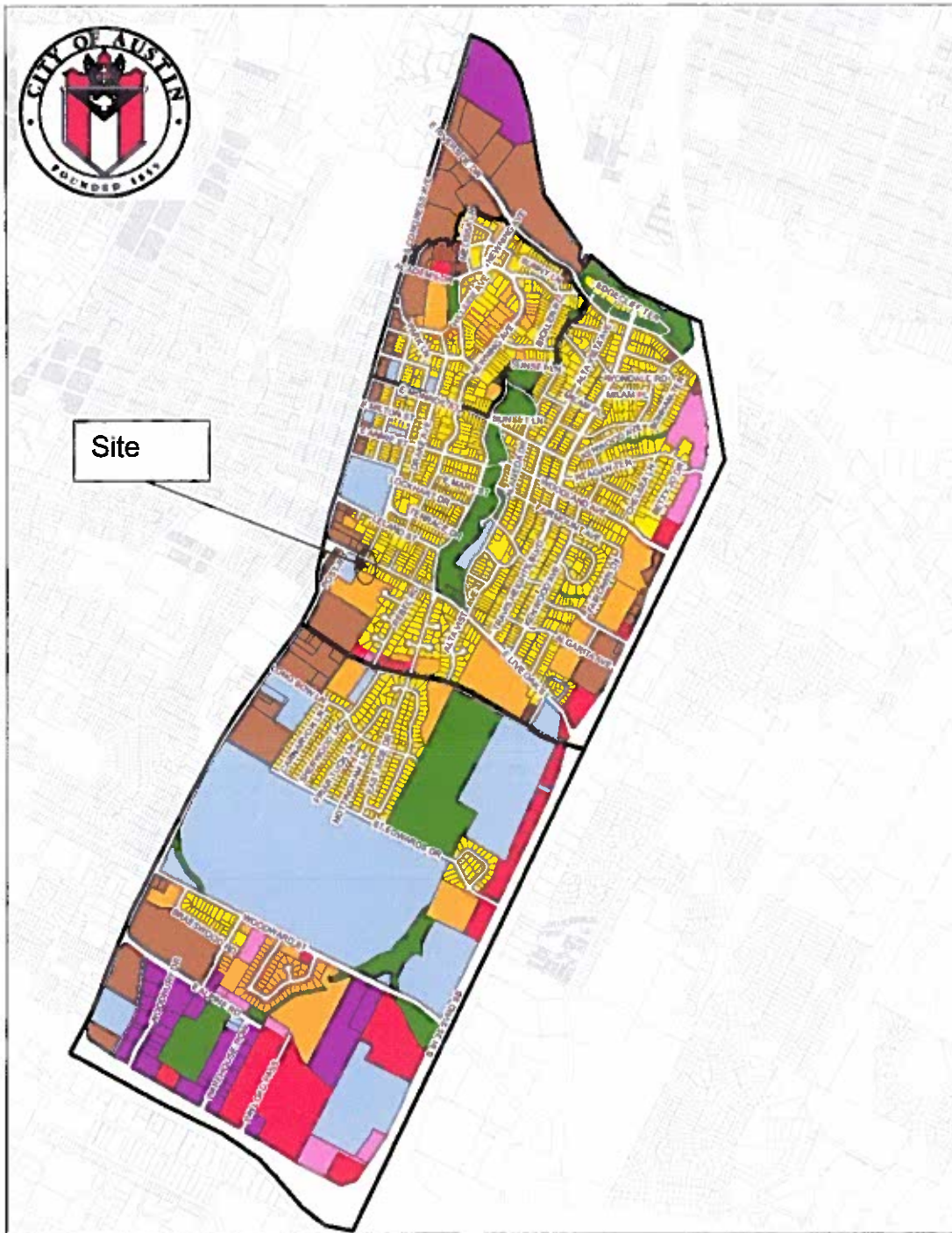
Please contact me at 512-444-4153 or GSRC NPCT Vice-Chair Sarah Campbell at 512-462-2261 if you have questions.

Sincerely,

  
Jean Mather, Chair  
GSRC NPCT

XC: Maureen Meredith, City of Austin Planning & Development Review

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## Greater South River City Neighborhood Planning Area Future Land Use Map

Date Adopted: 11/29/05  
Last Modified: 09/01/2010

This map has been produced by the City of Austin Neighborhood Planning & Zoning Department for the sole purpose of assisting in neighborhood planning discussions and decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

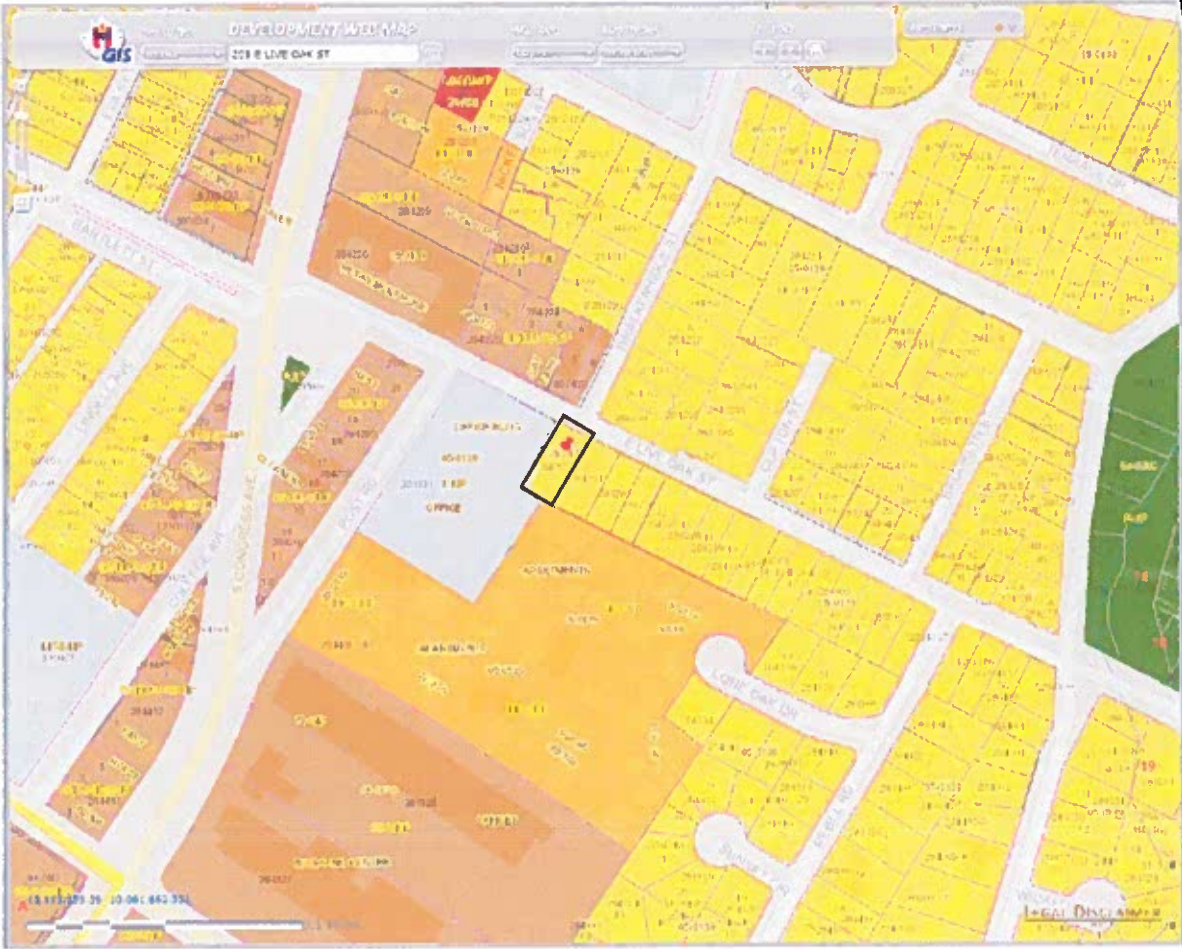
0 1,000 2,000 3,000 4,000 Feet

1 inch = 1,250 feet



	Civic		Multifamily
	Commercial		Office
	Industry		Recreation & Open Space
	Mixed Use		Single-Family
	Mixed Use/Office		Transportation
			SDE basepoly

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## Greater South River City Combined Neighborhood Plan NPA-2014-0022.01

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 the Planning and Development Review for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



City of Austin  
Planning and Development Review Department  
Created on July 28, 2014\_M1 Meredith

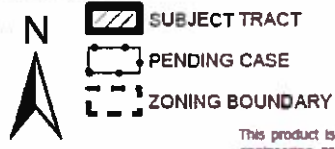
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### Legend

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

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**ZONING CASE**  
C14-2014-0032



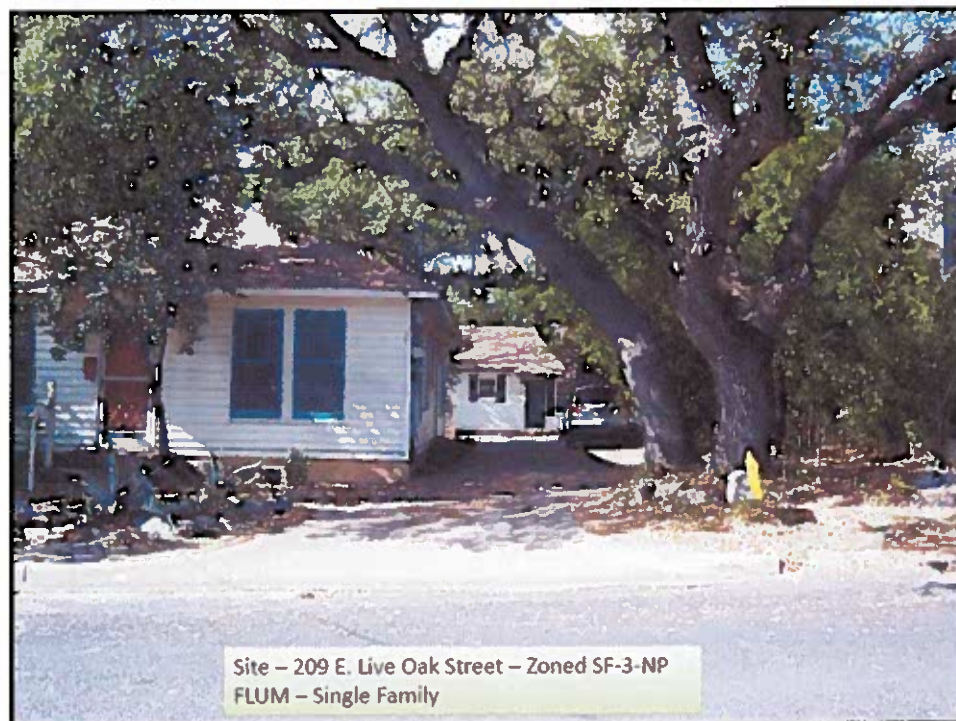
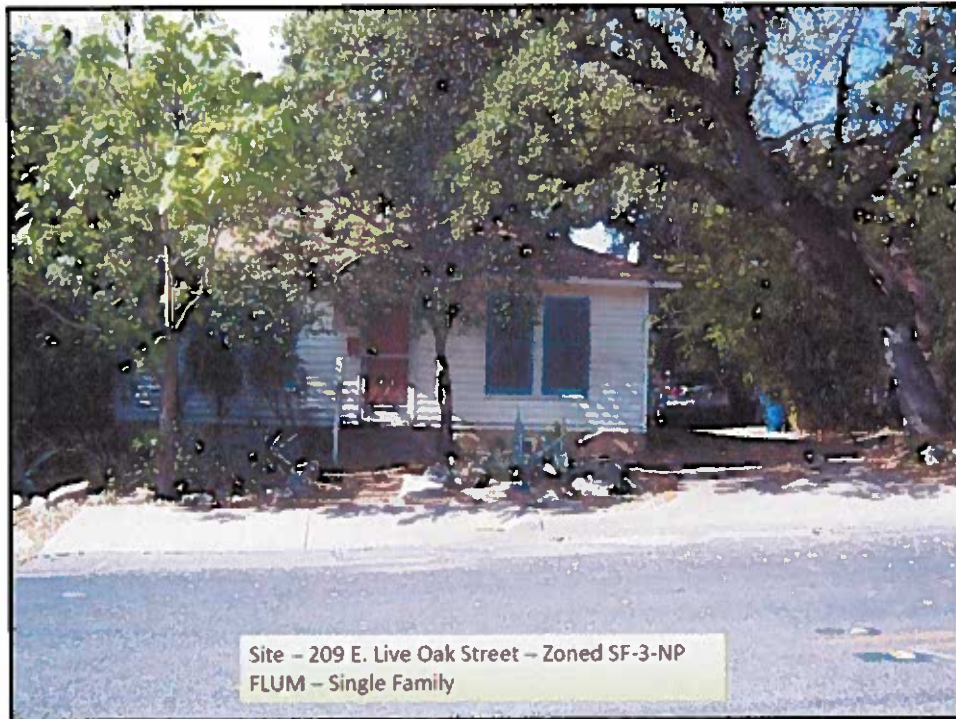
1" = 200'

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.

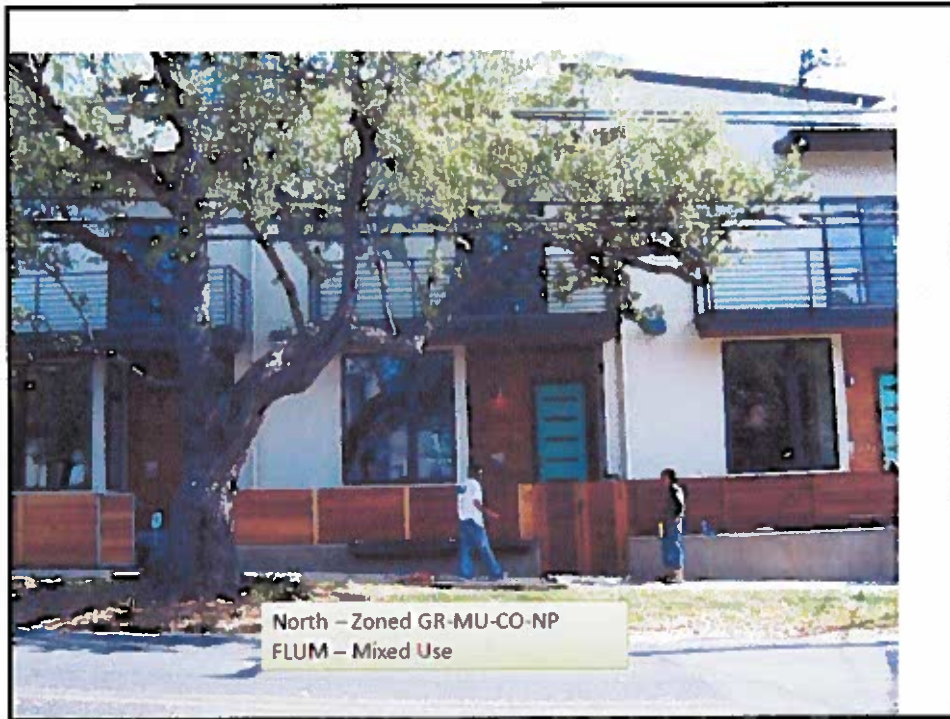
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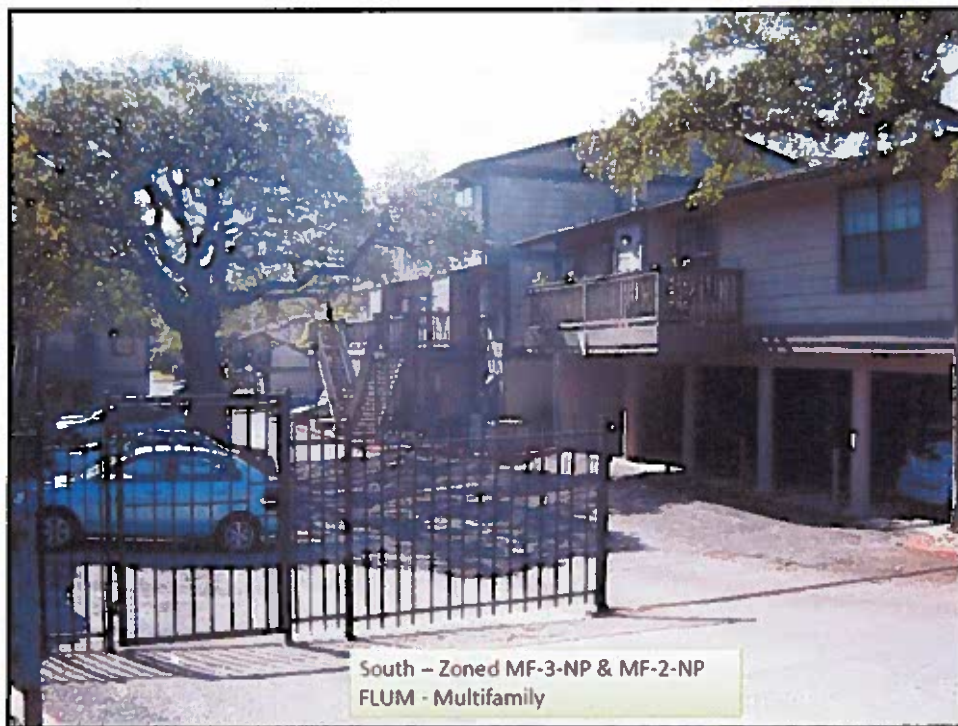
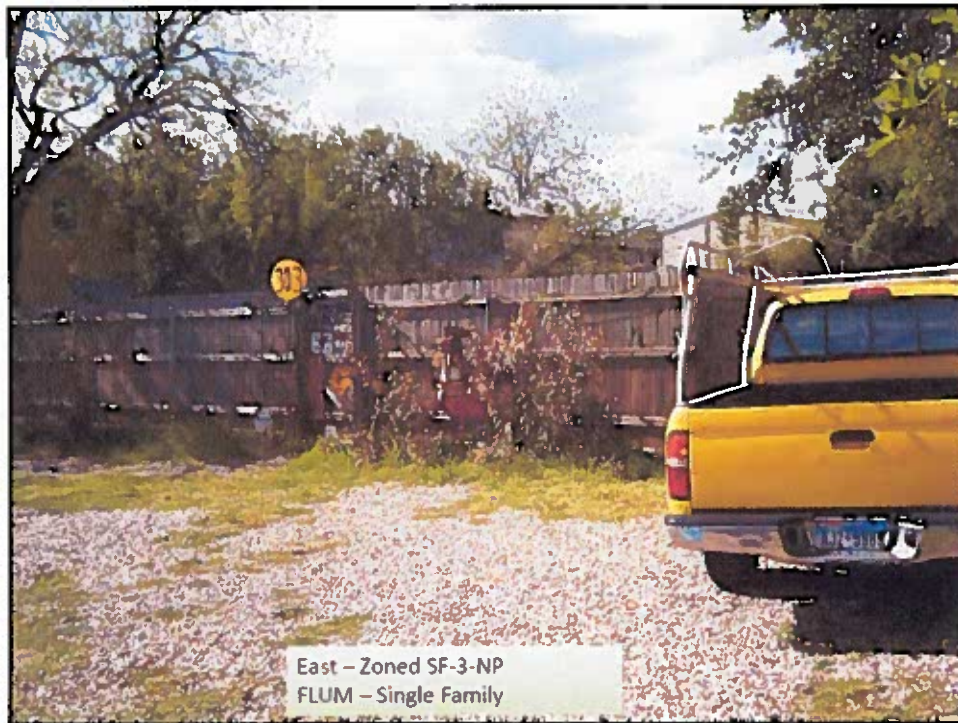


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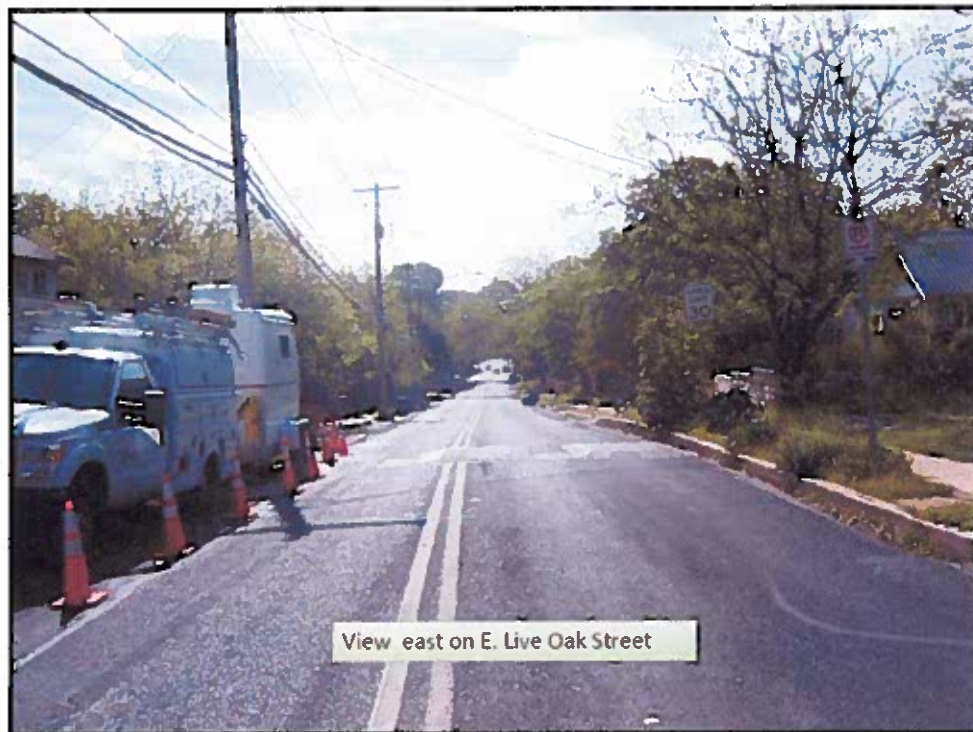




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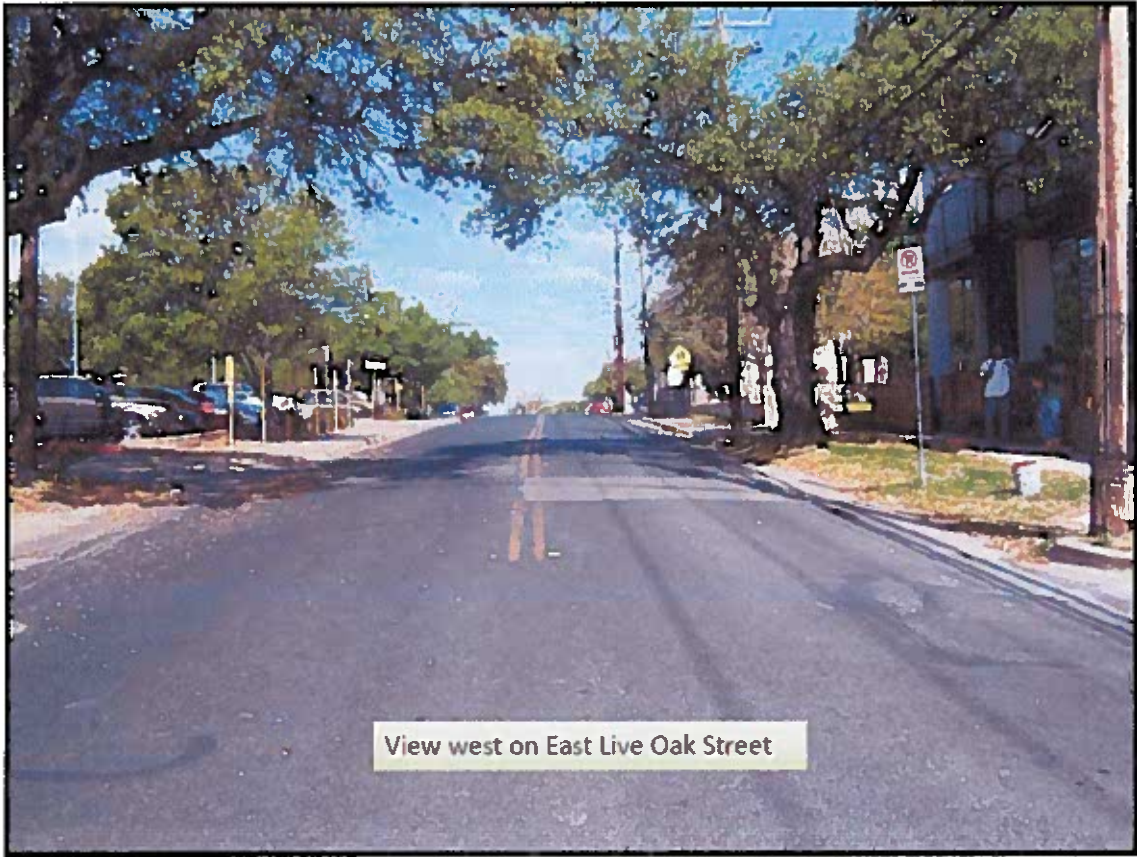


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View west on East Live Oak Street

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-----Original Message-----

From: Margot Marshall  
Sent: Thursday, March 13, 2014 6:31 AM  
To: Meredith, Maureen  
Subject: Case NPA-2014-0022.01

Dear Meredith,

As a homeowner on Brackenridge I am protesting this plan amendment. The nature of our mostly stand-alone, single family residential neighborhood is being really tested and encroached on by dense multi-family housing we have to draw the line.

I plan to participate in the process as an opponent and will urge my neighbors to do the same.

Sincerely,

Margot Marshall  
2105 Brackenridge Street

.....  
**From:** Laura Evans  
**Sent:** Monday, April 21, 2014 9:04 PM  
**To:** Meredith, Maureen  
**Cc:** tmfranz@airmail.net; Jean Mather; Claudette Lowe; Margot Marshall  
**Subject:** Case NPA-2014-0022.01 - 209 E Live Oak

Dear Ms. Meredith,

I attended the April 17<sup>th</sup> meeting you chaired regarding the request for a change to the Greater South River City Combined Neighborhood Plan. Thank you for your calm guidance of the meeting.

Specifically, the meeting concerned a proposed zoning change from SF-3-NP to GR-MU-NP for the property at 209 East Live Oak Street to allow for the construction of four townhomes.

I both own a home and reside within 500 feet of the property in question.

For inclusion in your case report, I wish to record my opposition to this proposed zoning change. I am opposed for the following reasons:

1. It is important to maintain the integrity of our residential boundaries and our neighborhood plan. This property is on the borderline between an area designated for mixed use and an area designated for single-family residential. The property owner asks that the zoning be changed because the zoning across the street is GR-MU. Accepting this argument will only lead to the erosion of our residential boundaries as the owners of each contiguous property can make the same argument. Eventually, the GR-MU designation would move further down East Live Oak Street and up Brackenridge Street.
2. The current owner recently purchased the property knowing that it was zoned SF-3. Even though the owner says his intention is to build four townhomes, the owner's representative stated in the meeting that the reason for seeking the zoning change is to increase the value of the property for future investors who might wish to build something other than homes. Of course, changing the zoning also increases the value to the current owner who may decide to sell instead of building townhomes or to build something else himself.

3. Changing the zoning will make a dangerous intersection even more dangerous. The property is located at the intersection of East Live Oak and Brackenridge Street. Egress from the property is directly into the intersection. This is a narrow intersection that sees many cars each day. Increasing the number of homes at this intersection will only add to the difficulties I witness daily at this intersection. The developer states that they will move the driveway from one side of the property to the other. This will not make much difference since the property isn't very wide.
4. I note that the requirement for a traffic impact analysis was waived for this proposed development because it would add less than 2000 trips per day. A traffic impact analysis should be performed.

Additional townhomes will adversely impact parking and traffic on the 2100 block of Brackenridge Street. There is no parking on East Live Oak. While the proposed development will have parking for its residents, it will not have parking for their visitors. The 2100 block of Brackenridge Street is already quite dangerous. There are no sidewalks. Parking is allowed on both sides of the street which means that there is only room for a single car to move down the street. Often the street is parked up on both sides by people going to the Travis County office building or to Fulmore Junior High School. Many pedestrians and Fulmore students walk down the middle of the street each day. There are many times when it would be impossible for an emergency vehicle to get down the street. Thank you for your consideration,  
Laura Evans

-----Original Message-----

From: Ginger Miles

Sent: Thursday, April 17, 2014 2:39 PM

To: Meredith, Maureen

Cc: Richard Armor; Paul Betancourt; # 2112 Travis Oaks

Subject: Community meeting re 209 East Live Oak

To: Maureen Meredith, Staff Contact  
City of Austin,

Re: Zoning Case Number: C14-2013-0032

209 E. Live Oak Street, Greater South River Combined Neighborhood Planning Area

Hello Maureen,

I am a home owner and representative from Travis Oaks Condominiums, which borders directly with the proposed construction at 209 East Live Oak Street.

Our concerns are twofold:

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1. WATER: We are a low lying area surrounded by more and more impervious cover as development goes up around us. Flooding in our complex seems to be increasing and we would like for the City of Austin to consider the effects on our complex before approving plans for newer development. The plans should include assurances that runoff from the development will not have a negative impact on our property.

2.NOISE & CONSTRUCTION WORKING HOURS: It goes without saying that a residential community such as ours is negatively affected by the noise of construction, as is the entire neighborhood. We are requesting that the project have some consideration for the individuals who live nearby. And would like to know:

What are legal working hours that construction can take place?  
Are they limited to Monday - Friday?  
Are they limited to between 9 and 5?

As of this evening, we do not have a representative who can attend the meeting.  
May we count on you to represent our questions and concerns?  
And can you email the answers to our concerns 1 and 2 ?

Your presentation of our concerns and your consequent follow up will be much appreciated.  
If there is any reason you may not be able to do this, please let us know as soon as is possible.

Thank you,

Ginger Miles

Travis Oaks Condominiums  
2215 Post Road  
Austin TX 78701

.....  
**From:** Heckman, Lee  
**Sent:** Thursday, April 17, 2014 4:54 PM  
**To:** Meredith, Maureen  
**Cc:** Richard Armor; Paul Betancourt; # 2112 Travis Oaks; Ginger Miles  
**Subject:** RE: Community meeting re 209 East Live Oak

Maureen et al:

As regards drainage, the Land Development Code (Drainage Chapter, in 25-7-61) states:

(A) A development application may not be approved unless...

5) the proposed development:

- (a) will not result in additional adverse flooding impact on other property;
- (b) to the greatest extent feasible, preserves the natural and traditional character of the land and the waterway located within the 100-year floodplain;
- (c) except as provided by Subsection (B), includes on-site control of the two-year peak flow, as determined under the Drainage Criteria Manual and the Environmental Criteria Manual;
- (d) will not result in additional erosion impacts on other property; and

(e) locates all proposed improvements outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.

(B) A proposed development may provide off-site control of the two-year peak flow, if the off-site control will not cause:

- (1) an adverse water quality impact from increased in-stream peak flow; or
- (2) streambank erosion.

Essentially, this reflects state law which prohibits increasing runoff from one's property to another as part of development. It doesn't require that one limits runoff to less than it is now, or otherwise makes improvements, but one cannot make it worse. The provision in (B) above is that some sites don't work for onsite controls; this allows them to do it offsite, but then the question becomes how would the water get there?

In short, site plans submitted for redevelopment of the site should ensure that drainage on adjacent properties is not made worse (site plans are not required for single-family residential projects, but they would be required for review if the property is granted commercial-mixed use as requested).

As regards hours of construction and noise levels, there is nothing in our Code to address noise levels of construction (that I'm aware of) other than for reduced noise levels at properties located in the airport overlay (this site is not within the overlay). Consequently, standard City noise ordinances would apply.

As for hours of construction, this is typically determined at the Preconstruction Conference, which is scheduled after the site plan is approved but before construction of a site plan or subdivision commences. These conferences are intended to address (per 25-1-284) start dates and schedule of events (among other things). From my discussion with site plan reviewers, a fairly standard start time is 7AM, but the until hour and weekend schedule varies from the standard 7PM, 7-days a week depending on the needs of the developer and wishes of adjacent property owners (e.g., some property owners prefer a shorter overall construction period and support late afternoon hours and/or weekends in order to shorten the overall period). The City adopts 7-7 for its projects, but this may be a reflection of staffing/overtime constraints rather than specified City policy. There's also been occasion where the outside or external construction had one schedule while the finish out or internal work had a different schedule. Again, the construction schedule is determined at the Preconstruction conference, which is facilitated by an inspector, unless there is an agreement (between the owner and neighbors) that mandates such things ahead of time. The City can and has conditioned hours of operation for commercial establishments (post construction) through public restrictive covenants; I am unaware of any such covenant as relates to construction (but again, that would be part of the site-planning, not zoning, process).

Property owners within 500' of the site will be notified of the submittal of a site plan, but unless the plan goes to the Planning Commission for approval (required if a variance is sought, or it involves a conditional use permit), there's not a mechanism to keep stakeholders in the loop unless they are registered as interested parties to the site plan (which they can do once the site plan is submitted). Even then, the Code appears to be silent on whether stakeholders are invited/allowed at the Preconstruction Conference. One proactive option, if noise and hours are a concern, would be for interested stakeholders to

discuss this concern with an owner/applicant, and attempt to reach an acceptable time-table, before the site plan is submitted or approved. This course of action could lead to an agreement recorded as a private restrictive covenant, that, though enforced by private citizens and not the City, might provide some certainty that the construction unfolds as expected, and provisions for remedy if it doesn't.

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Lee



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**PUBLIC HEARING COMMENT FORM**

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

City of Austin

Planning and Development Review Department

Maureen Merdith

P. O. Box 1088

Austin, TX 78767-8810

**RECEIVED**  
8/12/14

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2014-0022.01

Contact: Maureen Merdith, 512-974-2695

Public Hearing: Aug 12, 2014, Planning Commission  
Sep 25, 2014, City Council

☐ I am in favor  
☒ I am in object

Leticia Alvarez

Your Name (please print)

2215 Post Rd # 2000 78704

Your address(es) affected by this application

8/8/14

Date

Signature

Comments: We already have water drainage problems in our building. There is no parking. Brackenridge St is a mess. I car street, Live Oak is too busy and there is already numerous shops, stores & restaurants within a 1 mile radius

**PUBLIC HEARING COMMENT FORM**

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

City of Austin

Planning and Development Review Department

Maureen Merdith

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: NPA-2014-0022.01

Contact: Maureen Merdith, 512-974-2695

Public Hearing: Aug 12, 2014, Planning Commission  
Sep 25, 2014, City Council

☐ I am in favor  
☒ I am in object

Jennifer Clark

Your Name (please print)

500 Lone Oak Dr.

Your address(es) affected by this application

8.8.14

Date

Signature

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