



**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2014-0072 / Roberts Tract

**P.C. DATE:** September 23, 2014

**ADDRESS:** 710 Augusta Avenue

**AREA:** 0.1981 acres (8,629.24 square feet)

**NEIGHBORHOOD PLAN AREA:** Old West Austin Neighborhood

**OWNER:** Chris Robert

**APPLICANT:** Land Answers (Jim Wittliff)

**ZONING FROM:** SF-3-NP, Family Residence-Neighborhood Plan Combining District

**ZONING TO:** SF-4A-NP, Single-Family Residence-Small Lot-Neighborhood Plan Combining District

**SUMMARY STAFF RECOMMENDATION:**

To grant SF-4A-NP, Single-Family Residence-Small Lot-Neighborhood Plan Combining District zoning

**PLANNING COMMISSION RECOMMENDATION:**

To be considered September 23, 2014

**DEPARTMENT COMMENTS:**

The subject tract is located about halfway between West Lynn Street and MoPac Expressway, approximately 600 feet north of West 6<sup>th</sup> Street, at the end of Augusta Avenue (see Exhibits A). The tract is surrounded by residential on all sides. While property to the north, west, and south is zoned SF-3-NP, and primarily used for single-family residential, adjacent properties to the north and west are used as duplex residential. To the east is an unzoned 26-acre property owned by the State of Texas; formerly the Confederate Home, the site is currently used by the University of Texas student housing. Original buildings on this State-owned property were razed in 1970 and replaced with a series of multistory, multifamily buildings and surface parking.

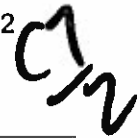
The subject tract has been a rental property containing a duplex; its structure also recently burned. The current request for SF-4A-NP is driven by the stated desire to demolish the remainder of the uninhabitable structure, rezone and resubdivide the property into two lots, and replace that rental duplex with two single-family homes.

Stakeholder correspondence has been attached (please see Exhibit C).

**ABUTTING STREETS & TRANSIT:**

Street Name	ROW Width	Pavement Width	Classification	Bicycle	Bus Service	Sidewalks
Augusta Ave	Varies	Varies	Local	No	Yes *	No

\* Capital Metro bus service available within ¼ mile



**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Duplex Residential (currently vacant)
<i>North</i>	SF-3-NP	Duplex Residential
<i>East</i>	Unzoned	Multifamily Residential (UT Student Housing)
<i>South</i>	SF-3-NP	Single-Family Residential
<i>West</i>	SF-3-NP	Duplex and Single-Family Residential

TIA: Not required

WATERSHED: Ladybird Lake Watershed (Urban)

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

**NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:**

<u>COMMUNITY REGISTRY NAME</u>	<u>COMMUNITY REGISTRY ID</u>
Old West Austin Neighborhood Assn.	18
Save Barton Creek Assn.	384
Austin Neighborhood Council	511
Austin Independent School District	742
West End Austin Alliance	998
Old West Austin Neighborhood Plan Contact Team	1011
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
Austin Heritage Tree Foundation	1340
SelTexas	1363
Preservation Austin	1424
Friends of the Emma Barrientos MACC	1447

**SCHOOLS:**

Austin Independent School District:

Mathews Elementary                      O. Henry Middle School                      Austin High School

**ZONING CASE HISTORIES FOR THIS TRACT:**

None, with the exception of the NP combining district zoning added to the existing zoning with the adoption of the Old West Austin Neighborhood Plan (C14-02-0112) on September 26, 2002.

**ZONING CASE HISTORIES IN THE AREA:**

The Old West Austin (OWA) Neighborhood Plan encompasses an area from MoPac on the west to N. Lamar on the east, and from Lady Bird Lake on the south and Enfield and W. 15<sup>th</sup> on the north. At the time the Plan was adopted, several dozen tracts south of W. 6<sup>th</sup> St were rezoned, as were tracts along Lamar and West Lynn. There were a number of tracts along W. 5<sup>th</sup> and 6<sup>th</sup> Streets rezoned as part of the neighborhood planning effort from a base district of CS to CS-MU, yet these were more than 1000 feet away, to the southeast.

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Since the OWA neighborhood plan was adopted, there have only been two rezonings in the immediate area (defined herein as within 1000 feet of the subject property). These two cases, the first of which is north of W 6<sup>th</sup> and the second south, are noted below:

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
1706 & 1708 W 6 <sup>th</sup> St C14-05-0025	SF-3-NP to LO-MU-CO-NP	Approved w/conditions 05/24/2005	Approved 01/12/2006 (CO limits vtd, access to 6 <sup>th</sup> St, and building size)
1717 West 6th & 1711 West 5th C814-82-006.01(83)	Amendment of existing PUD (Hartland Plaza)	Recommended 06/27/2006	Approved 07/27/2006 (changes uses)

In March 2005, a number of tracts along West Lynn (approximately ¼ mile to the east) were rezoned. The adopted OWA Neighborhood Plan included a recommendation and action item to allow and support the down-zoning of all single family use properties from multifamily zoning districts to single-family districts. The Plan provided that the property owners should initiate these rezonings. The Old West Austin Neighborhood Association canvassed the Neighborhood Plan Area resulting in several requests by property owners to rezone their individual properties.

**CITY COUNCIL DATE:** Scheduled to be considered October 16, 2014

**CITY COUNCIL ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Lee Heckman  
e-mail address: lee.heckman@austintexas.gov

**PHONE:** 512-974-7604

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## **SUMMARY STAFF RECOMMENDATION**

### **BACKGROUND/PURPOSE STATEMENTS**

The existing SF-3 district is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. Duplex use is permitted under development standards that maintain single-family neighborhood characteristics. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements.

The proposed SF-4A district is intended for a moderate density single-family residential use on a lot that is a minimum of 3,600 square feet. An SF-4A district use is subject to development standards that maintain single family neighborhood characteristics.

The NP designation indicates the property is part of a Neighborhood Plan combining district. A neighborhood plan may provide for additional requirements or allow for additional flexibility in the development and use of a given property.

### **BASIS FOR RECOMMENDATION**

Rezoning this property is one part of a multiple step proposal to replace a duplex (previously rental property but currently destroyed by fire) with two single-family homes. If the rezoning is approved, the owner must resubdivide the property into two lots prior to the issuance of building permits. The end result is replacing two rental units with two (presumably) owner-occupied units.

***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.***

The proposed base zoning district, SF-4A, is considered a single-family zoning district. The primary difference between this district and that of SF-3, which surrounds the property on three sides, is lot size. The minimum lot size for SF-3 is 5,750 compared with 3,600 for an SF-4A lot. Another major difference is that SF-3 allows for duplex, single-family attached, and two-family residential uses (given an appropriate lot size), while SF-4A only allows for single-family detached residential uses.

At 8,629.24 square feet, the subject tract could be redeveloped with a duplex, as are properties to the north and west. However, the owner wishes to replace the former duplex with two single-family homes, each with its own lot. Given the relatively smaller size of the proposed two lots, staff thinks the resulting single-family homes will be modest in scale, and certainly be compatible with adjacent and nearby uses.

With duplexes on two sides and multifamily on a third, a single-family residential zoning district may seem out of place. However, the two duplex lots to the west and the one to the north are the anomalies in the immediate area. The area between MoPac and the UT housing site, and between W 6<sup>th</sup> and W 8<sup>th</sup> Streets, has approximately 48 single-family homes to 8 duplexes. Clearly this area is predominately single-family. Staff thinks that replacing a duplex with single-family uses is neither detrimental to existing neighborhood nor to the adjacent duplex and multifamily use. At the same time, a higher-density single-family use at the end of the street, next

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to duplexes and multifamily use is an appropriate transition between these uses and the single-family to the south.

***Granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city; and***

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

The proposal to replace a duplex with two single-family homes on individual lots really isn't infill; it's simple redevelopment under a different ownership scenario. Most local infill examples involve rezoning from a base of SF-3 to one of SF-5 or SF-6, and involve replacing one residential unit with several-to-many new units, often organized and developed as a condominium on a single lot. There is no net gain here in terms of units or density.

Ownership opportunities are not generally thought to be detrimental or undesirable, issues of affordable rental housing versus market rate ownership housing notwithstanding. Preserving the single-family nature of this area through establishment of two single-family lots is a reasonable reuse of the property. As noted above, the existing (but destroyed) duplex could simply be replaced with another. The owner simply wants to reuse the property for single-family homes, and the way to do that on this size property is to resubdivide under the proposed SF-4A base district.

Staff is not of the opinion that granting SF-4A on this property will necessarily or inevitably lead to additional requests for such zoning. First, any SF-3 lot with 7,000 square feet of area is already entitled to build or rebuild as a duplex - no rezoning or resubdivision time and expense required. Not to mention, a rezoning request does not come with a guarantee of approval.

Even so, if someone wanted to rezone and resubdivide under the SF-4A scenario, then at minimum one would require 7,200 square feet. Of the 58 or so residential properties west of the UT site, 26 are over 7,200 square feet. However, another requirement of SF-4A is that each lot is required to have 40 feet of frontage on a public right-of-way. Many of these larger sites front Theresa or Patterson Avenues, but are not wide enough to provide two 40-wide lots. By staff's estimate, there are potentially 4 or 5 properties that have adequate frontage, the granting of variances for a flag-lot configuration notwithstanding. Two of these are corner properties and two are oddly configured; meeting the lot width requirement, while simultaneously providing front and street-side setbacks, would likely make development of these challenging. At some point, and perhaps this is most applicable to those tracts over 10,500 square feet (of which there are four), a condo regime of 3 or more units under an SF-5 or SF-6 scenario would be feasible and the associated rezoning request.

The point is that while SF-4A is typically not used for infill, and it isn't in this case either, it does allow for the continuance of two residential units, albeit as single-family residential rather than duplex. Granting the request is not thought to be detrimental as it is density-neutral and offers opportunity for ownership. It is a reasonable request and one that, given the existing pattern of residential development, is not likely to lead to a precedent of any kind in the surrounding area.

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

A future land use map (FLUM) was not adopted as part of the Old West Austin Neighborhood Plan in September 2002. Consequently, there is no FLUM to consult to determine if the subject

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tract was depicted as single-family residential, higher-density single-family or otherwise. Nonetheless, the adopted Plan speaks to the desire to preserve the livability of the neighborhood and the current pattern of single family uses, maintain the diversity of housing types, as well as promoting the construction of moderately-priced housing. At the time, the Plan recommended compatible infill development and even SMART Housing units.

Replacement of two rental units in a duplex with two single-family homes is seen as being in line with the goals or objectives of the neighborhood plan.

It is also staff's opinion that the proposal is aligned with the goals of Imagine Austin, in that if the duplex is replaced with two single-family homes, this serves to both protect the character of the neighborhood and provide housing options that might otherwise be unavailable in this area.

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### Site Characteristics

The subject tract contains the remnants of a duplex that recently burned. The tract is located at the end of Augusta Avenue, north of its intersection with Jennie Avenue. The tract is separated from a 26-acre UT student housing campus by an unnamed natural channel. While the tract does not have any known floodplain issues, the easternmost portion of the property may be encumbered by the Critical Water Quality Zone of the unnamed channel (if any of the tract is within 50 feet of the channel's centerline). The tract slopes gently from west to east towards the channel, and is located over the Edwards Aquifer Recharge Zone. There are a couple of trees on site, but it is unknown at this time whether any are protected.

### **PDRD Comprehensive Planning Review (KF) (2014-06-13)**

SF-3-NP to SF 4A-NP (Single Family Small Lot)

This zoning case is located on the west side of the terminus of Augusta Avenue in the Old West Austin Neighborhood Planning Area. The property is approximately .19 acres in size and contains a house. Surrounding land uses includes single family housing to the north, south and west, and UT student housing 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.

### Imagine Austin

The site is located over the Edwards Aquifer Recharge Zone, as identified on the Imagine Austin's Environmental Resources Map, found in the Image Austin Comprehensive Plan (IACP). An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer.

### 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. However, due to the site's location over the Edwards Aquifer, an environmentally sensitive area, there will be during the site planning stage an environmental review to determine if any critical environmental features are located on the site. If any are located on the site, mitigation and setbacks necessitated by the land development code will be required.

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**PDRD Environmental Review (MM) (2014-05-20)**

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1. The site is located over the Edwards Aquifer Recharge Zone. The site is located in the Ladybird Lake 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. Based on COA GIS information, 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 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.
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 (CBH) (2014-06-20)**

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**SITE PLAN REVIEW OF ZONING CASES**

1. Site Plans will be required for any new development other than single-family or duplex residential.
2. This site is within the Old West Austin Neighborhood Planning Area, and the West Line National Register of Historic Districts.
3. Residential design standards (Subchapter F) shall apply. Additional comments will be made at time of permit application submittal.

**PDRD Transportation Review (IN) (2014-06-17)**

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1. No additional right-of-way is needed at this time.
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]



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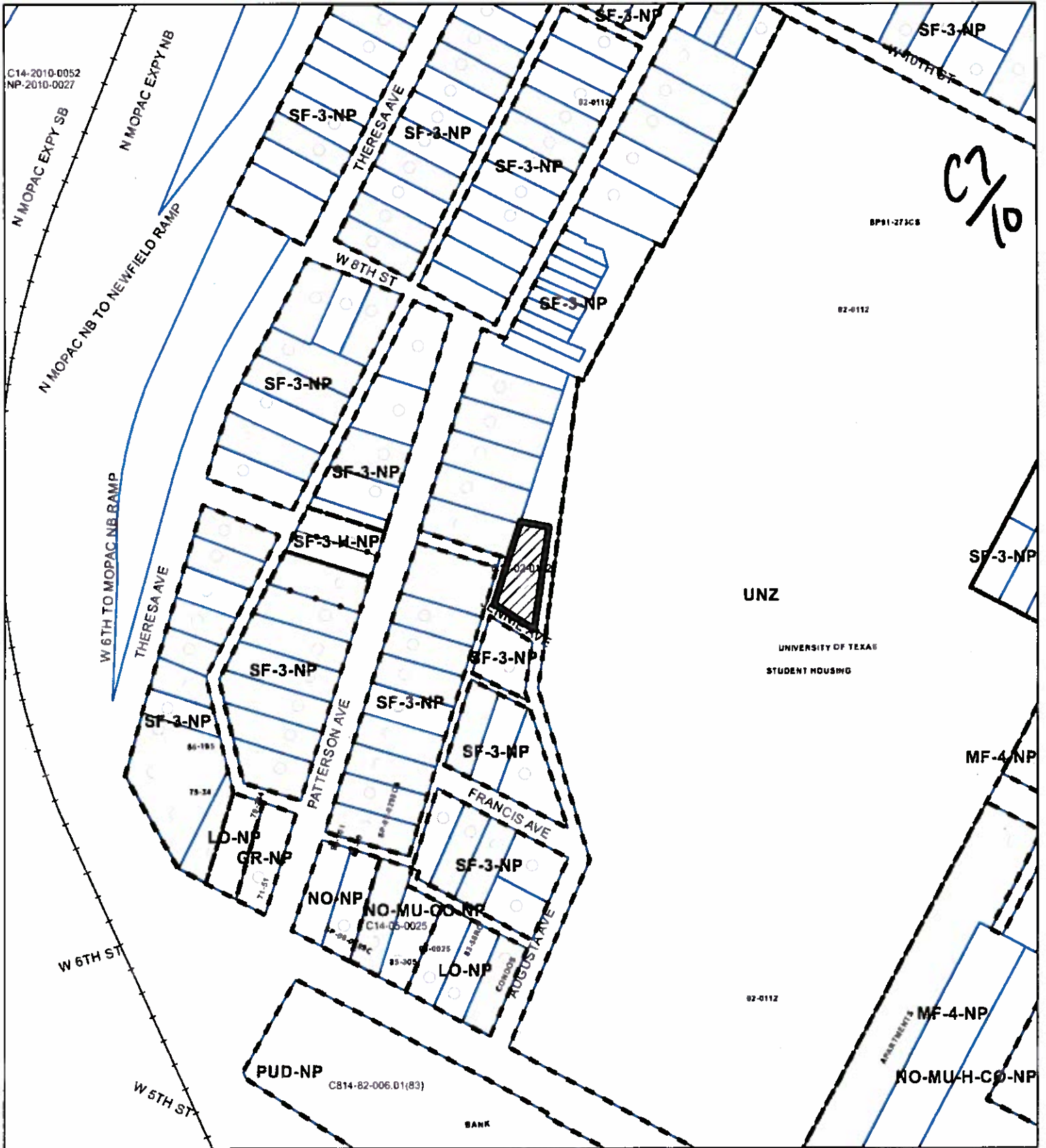
- 3. Augusta Ave. is not classified in the Bicycle Plan.
- 4. Capital Metro bus service is not available along Augusta Ave.
- 5. There are no existing sidewalks along Augusta Ave.
- 6. Eric Dusza in the Neighborhood Connectivity Division may provide additional comments
  - a. regarding mobility enhancement and bicycle/pedestrian facilities.
- 7. Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Augusta Ave.	Varies	Varies	Local	N/A

**PDRD Austin Water Utility Review (NK) (2014-05-09)**




WW1. 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 land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

C14-2010-0052  
NP-2010-0027



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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

### ZONING

CASE#: C14-2014-0072

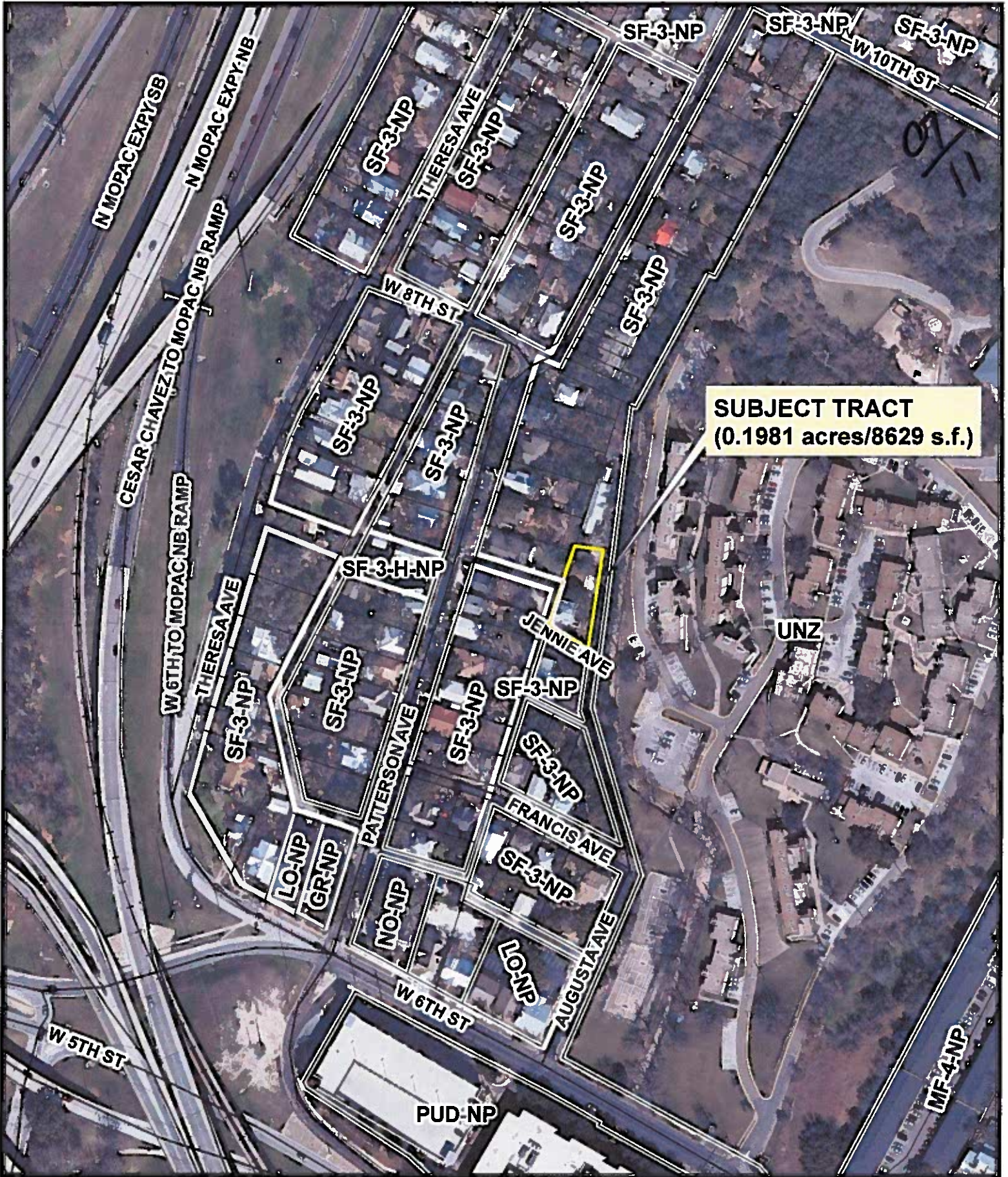
1" = 200'

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.

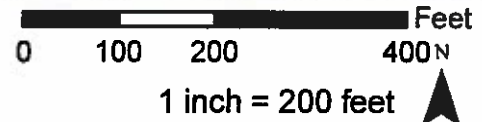


# Roberts Tract / C14-2013-0072



Aerial: 2013-03 (E)  
& 2012-01 (W)

## Exhibit A-1 Aerial & Zoning



Roberts Tract / C14-2013-0072

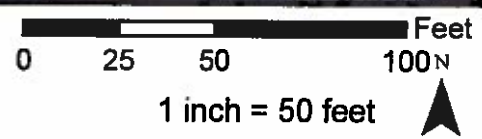
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**SUBJECT TRACT**  
(0.1981 acres/8629 s.f.)

Aerial: 2013-03

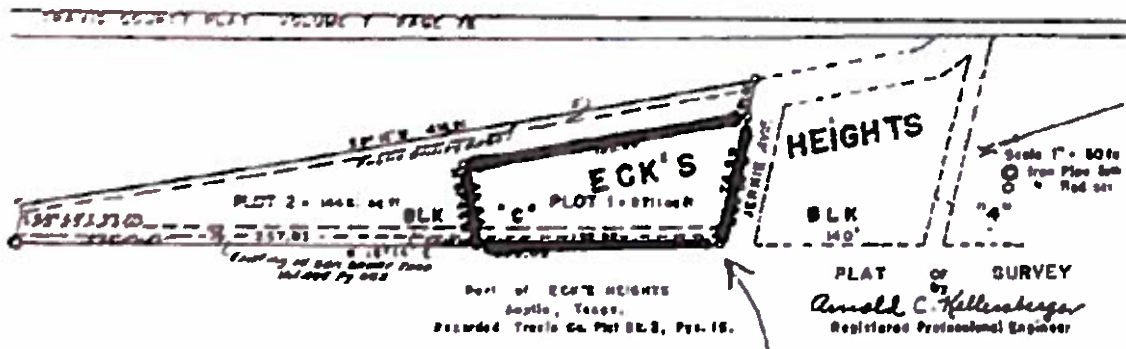
**Exhibit A-2**  
**Aerial & Zoning**



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Date: June 20, 2014  
To: Lee Heckman, Case Manager  
Subject: Letter of Support  
Zoning Case No. C14-2014-0072  
710 Augusta Avenue

As a neighboring property owner, I support Chris Roberts' effort to rezone the 8,711 sq. ft. property know as "Plot 1" on the 1955 subdivision plat, and located at 710 Augusta Avenue, from SF-3-NP to SF-4A-1P. Since the existing duplex on the property recently burned and the City has issued a permit to demolish it, I/We would rather see the property redeveloped with two smaller single family residences, rather than another duplex or a large McMansion structure.



*Signatures*  
Printed Name: Jose Borge  
Address: 706 P. Herrera Ave

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July 16, 2014

Lee Heckman, Case Manager  
City of Austin  
One Texas Center  
505 Barton Springs Road  
Austin, TX 78704

RE: Zoning Case No. C14-2014-0072, 710 Augusta Avenue

Mr. Heckman:

My wife and I own the property located at 711 Patterson Ave. We support Mr. Chris Roberts' application to rezone the neighboring property at 710 Augusta Avenue from SF-3-NP to SF-4A-NP and to redevelop the property with two smaller single family residences.

Sincerely yours,

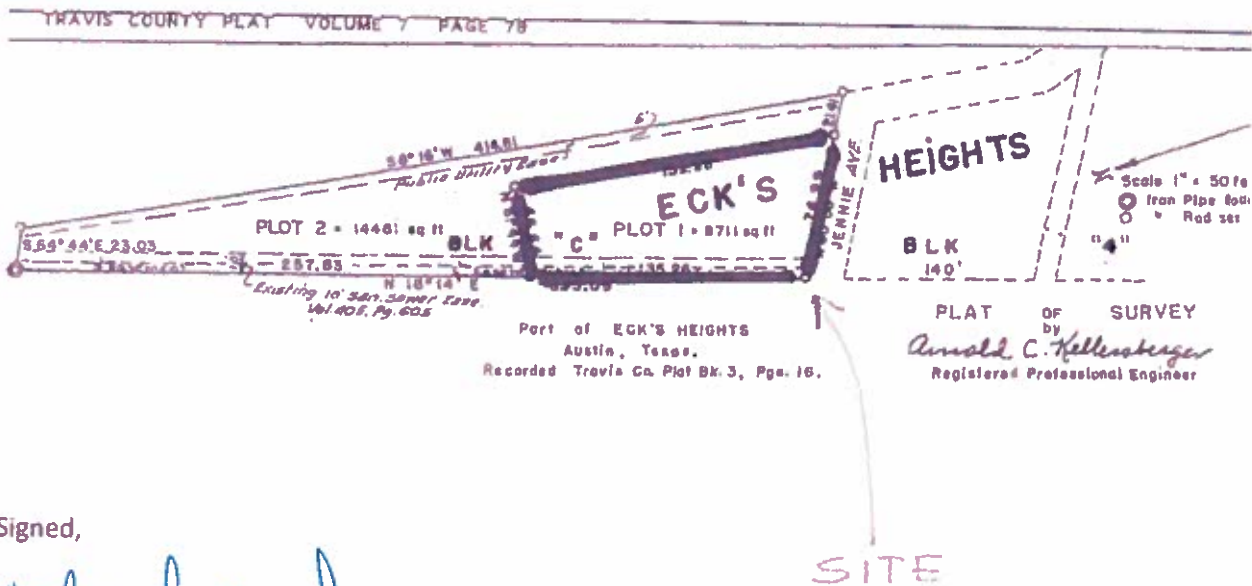


John David Carson

C/S

Date: June 20, 2014  
To: Lee Heckman, Case Manager  
Subject: **Letter of Support**  
Zoning Case No. C14-2014-0072  
710 Augusta Avenue

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Signed,

Deborah Byrd

Printed Name: Deborah Byrd

Address: 719 Patterson Ave  
Austin TX 78703

Date: September 8, 2014  
To: Jerry Rusthoven, Case Manager  
From: OWANA, Old West Austin Neighborhood Association  
Subject: Letter of Support  
Zoning Case No. C14-2014-0072  
710 Augusta Avenue

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On behalf of Old West Austin Neighborhood Association (OWANA) the General Membership on September 2nd approved a resolution in support of the proposed rezoning of the referenced property from SF-3-NP to SF-4A that would allow the re-subdivision of one larger lot into two smaller lots for the construction of two single family residences.

We believe that smaller lot size will allow the construction of homes more consistent with adjacent properties in both size and property value. Thus, we feel that SF-4A zoning can be beneficial to, and can cooperatively coexist with, the surrounding neighborhood.

Signed,

Larry Halford  
On behalf of the Old West Austin Neighborhood Association