

ZONING CHANGE REVIEW SHEETCASE: C14-2018-0074DISTRICT: 3ZONING FROM: SF-3-NPTO: SF-6-NPADDRESS: 1145/1147 Perry LaneSITE AREA: 2.03 AcresPROPERTY OWNERS:

Beau Reichart

AGENT:Simple City Design
(Matt Lewis)CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)STAFF RECOMMENDATION:

Staff supports the rezoning request from SF-3-NP to SF-6-NP. Staff also recommends that 30 feet of right-of-way should be dedicated from the existing centerline of Perry Drive prior to the 3rd reading at City Council.

For a summary of the basis of staff's recommendation, see case manager comments on page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

November 13, 2018:

October 9, 2018: TO GRANT POSTPONEMENT TO NOVEMBER 13, 2018 AS REQUESTED BY STAFF, ON CONSENT. (9-0) [P. Seegar- 1st, K. McGraw-2nd, C. Kenny, J. Shieh, T. Witte- Absent]

CITY COUNCIL ACTION:

November 1, 2018: TO GRANT POSTPONEMENT TO DECEMBER 13, 2018 AS REQUESTED BY STAFF, ON CONSENT. (10-0) [L. Pool- Absent]

ORDINANCE NUMBER:

CASE MANAGER COMMENTS:

The subject tract is located on the east side of Perry Lane between Bolm Road and Jain Lane. The property, commonly known as Sekrit Theater, is zoned SF-3-NP and is developed with a single family residence and a variety of other structures. Immediately north and east of the property is land zoned SF-3-NP that is developed with single family residences. Further east, across Gardner Road, is Johnston High School, which is zoned P-NP. South of the site are properties zoned SF-4-NP and SF-3-NP that are developed with single family residences. West of the subject property, across Perry Road, are properties zoned SF-4-NP that are developed with single family residences. *Please see Exhibits A and B—Zoning Map and Aerial Exhibit.*

The Applicant is proposing construction of approximately 20 residential units, while keeping some of the existing site features. The Applicant proposes retaining the existing single family residence, fountain, and greenhouse. Other features like the movie screen are proposed to be removed. The Applicant has also stated that they plan to include four affordable units in the development. Since this case is not utilizing a density bonus program, the affordable units cannot be required as part of the rezoning request. *Please see Exhibit C – Applicant Letter.*

Staff supports the request of SF-6-NP for this site. The subject property is approximately 2 acres in size and is in a narrow configuration that would make SF-3 development difficult. In order to develop more than a few single family residences under SF-3, the site would likely require subdivision into flag lots. Even SF-4 zoning would require subdivision and possibly the construction of a street/cul-de-sac for lot frontages/access. SF-6-NP will allow the site to utilize a driveway instead of a street and clustered residential units on the site. SF-6-NP would also allow the Applicant to keep the existing single family residence and some other site features. Staff also recommends that 30 feet of right-of-way should be dedicated from the existing centerline of Perry Drive prior to the 3rd reading at City Council.

Staff has received correspondence in support and in opposition to the rezoning request. *Please see Exhibit D – Correspondence.*

BASIS OF RECOMMENDATION:

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

The narrow configuration of the subject property makes SF-3 development difficult. In order to develop more than a few single family residences under SF-3, the site would likely require subdivision into flag lots. Even SF-4 zoning would require subdivision and possibly the construction of a street/cul-de-sac for lot frontages/access. SF-6-NP will allow the site to utilize a driveway instead of a street and clustered residential unit on the site.

2. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

City Council has identified housing as a high priority throughout the city. Although it cannot be required as part of the rezoning request, the Applicant is proposing 4 affordable residences with the redevelopment.

3. *Zoning should be consistent with approved and existing residential densities.*

Although SF-6 is technically a more intensive zoning district than the adjacent SF-4A and SF-3 properties, the configuration of this property will result in an intensity roughly comparable to the adjacent SF-4A.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3-NP	Single family residence, mixed uses
North	SF-3-NP	Single family residential
South	SF-4A-NP, SF-3-NP	Small lot single family residential, Single family residential
East	SF-3-NP, P-NP	Single family residential, Johnston High School
West	SF-4-NP	Small lot single family residential

NEIGHBORHOOD PLANNING AREA: Govalle/Johnston Terrace

TIA: N/A

WATERSHED: Boggy Creek

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association

Austin Neighborhoods Council

Del Valle Community Coalition

Claim Your Destiny Foundation

Friends of Austin Neighborhoods

Neighborhood Empowerment Foundation

Neighbors United for Progress

Johnston Terrace Neighborhood Association

Govalle/Johnston Terrace Neighborhood Plan Contact Team

AISSD

Austin Innercity Alliance

Preservation Austin

Black Improvement Association

Bike Austin

East Austin Conservancy

Sierra Club

AREA CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2010-0117 5912& 5916 Bolm Road	MF-3-NP to GO-MU-CO-NP (<2,000 vpd)	10/12/2010: To grant GO-MU-CO-NP as rec, on consent.	11/04/2010: To grant GO-MU-CO-NP as rec, on consent..Ord. No. C14-2010-0117
C14-2008-0130.SH 1129 & 1133 Altum Street	SF-4A-NP to SF-3-NP	8/12/2008: To grant SF-3-NP as rec, on consent.	8/21/2008: To grant SF-3-NP as rec, on consent. Ord. No. 20080821-064

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Perry Drive	50'	30'	Local Collector	No	No	No

OTHER STAFF COMMENTS:ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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 no floodplain within or adjacent to 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. 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.

SITE PLAN

SP 1. Site plans will be required for any new development other than single-family or duplex residential.

SP 2. 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.

SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Compatibility Standards

SP 4. The site is subject to compatibility standards.

- ☐ No structure may be built within 25 feet of the property line.
- ☐ No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- ☐ No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.

- ☐ No parking or driveways are allowed within 25 feet of the property line.
- ☐ 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.
- ☐ For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- ☐ An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

TRANSPORTATION

TR1. Perry Drive has been identified as a residential collector street and requires 60 feet of right-of-way in accordance with the TCM. It is recommended that 30 feet of right-of-way should be dedicated from the existing centerline of Perry Drive prior to the 3rd reading of City Council in accordance with the TCM. LDC 25-6-55; TCM, Tables 1-7, 1-12.

TR2. Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

TR3. A Neighborhood Traffic Analysis shall be required at the time of site plan if triggered per LDC 25-6-114. LDC. 25-6-114.

TR4. 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]

TR5. Additional right-of-way maybe required at the time of subdivision and/or site plan.

TR6. It is recommended that the applicant provide a single joint access driveway for the two tracts to Perry Drive in order to reduce the number of curb cuts on Perry Drive.

TR7. Janae Spence, Urban Trails, Public Works Department, Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

TR8. FYI – The existing driveways along Perry Drive may be required to be removed and/or reconstructed at the time of the site plan application in accordance with the Land Development Code and Transportation Criteria Manual.

TR9. FYI – Sidewalks shall be constructed at the time of the site plan application along Perry Drive in accordance with the Land Development Code and Transportation Criteria Manual.

TR10. FYI – It is recommended that gates be prohibited on all driveways to this site in order to allow for connectivity between the proposed property and the existing neighborhood.

TR11. FYI – It is recommended that sidewalks be constructed along both sides of the private drives, streets, and internal circulation routes connecting to the public right-of-way to improve walkability and connectivity. The sidewalk dimensions shall comply with the TCM and shall be constructed in accordance with the latest ADA standards.

TR12. Existing Street Characteristics:

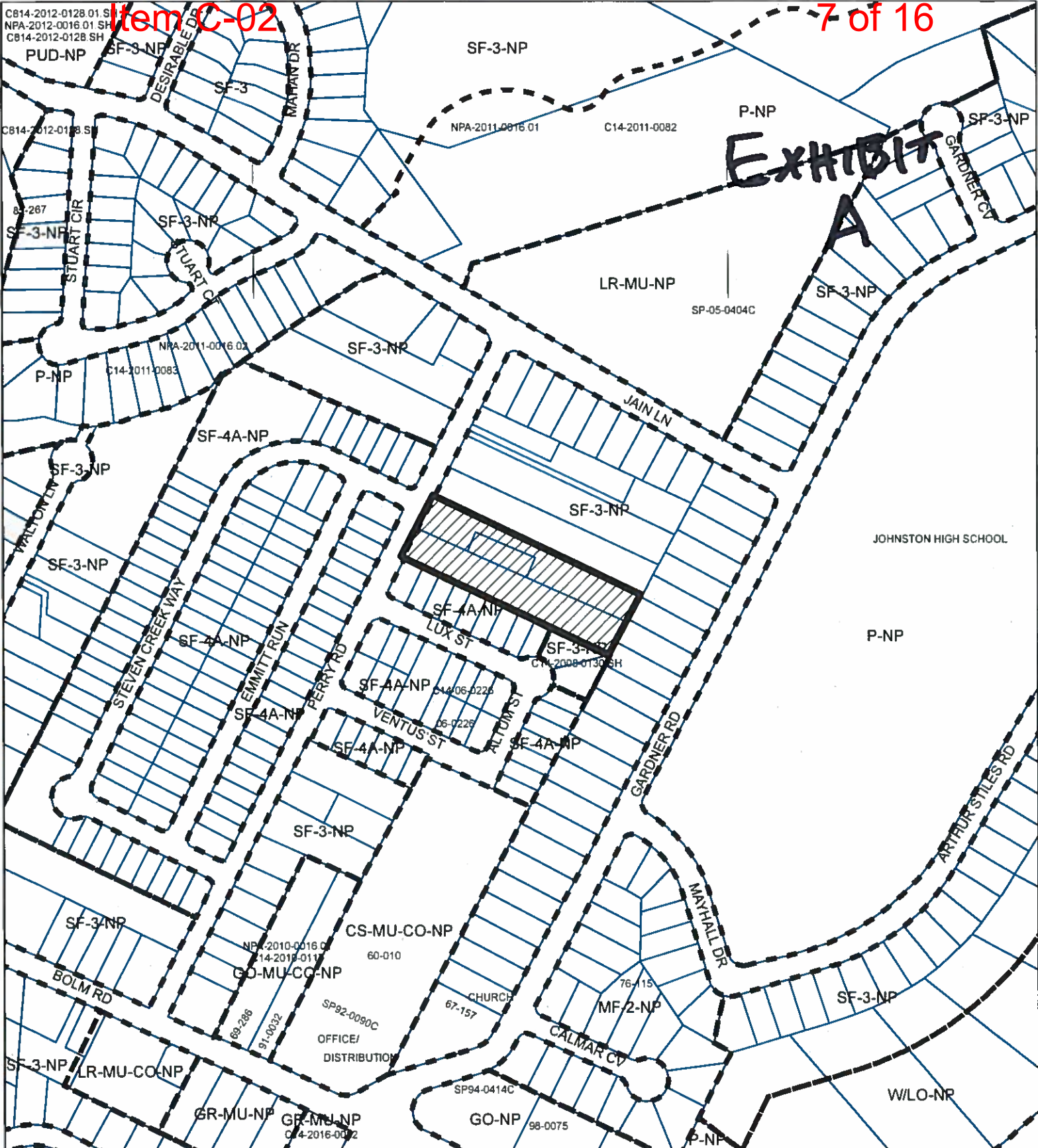
Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Perry Drive	50'	30'	Local Collector	No	No	No

WATER UTILITY

1. 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. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Exhibit
- C. Applicant Letter
- D. Correspondence



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

Zoning Case

C14-2018-0074



1" = 300'

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.



SEKRIT THEATER

ZONING CASE#: C14-2018-0074

LOCATION: 1145 PERRY ROAD





SUBJECT AREA: 3.04 ACRES

GRID: M21

MANAGER: HEATHER CHAFFIN



1" = 300'

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

simplecitydesign

1145 Perry Rd. Neighborhood Plan Amendment & Rezoning
September 30, 2018

EXHIBIT
C

Dear Govalle/ Johnson Terrace Neighborhood Contact Team,

At your May 12th meeting, our team introduced the concept of the 1145 Perry Rd. project. Based the unique project design and your input, we excited about the transition of the Sekrit Theater property. We are confident a series of small houses organized in a garden courtyard setting hold best future for the site and the neighborhood. Beau's creation of Sekrit Theater incorporated amazing buildings on the property. The development plan carries his artistic legacy forward by allowing the existing buildings to become community spaces for the new residents.

The purpose for our request was generated by the allowance for the use of a private drive and the project layout, not to max out the density. However, per our calculations, the SF6 zoning carries the same 12.1 unit per acre (UPA) as the adjacent Sol Subdivision, which is zoned SF4. While we are not seeking to let the UPA guide the project, we understand its importance to the contact team.

Furthermore, we understand the importance of attempting to keep Austin affordable. We are proposing to have a minimum of four affordable artist residency homes on the property. Having diverse income levels and lifestyles enhances the overall quality of life for the residents. We would greatly appreciate a letter of support from the Contact Team for the Neighborhood Plan Amendment case number **NPA-2018-0016.01** and rezoning case number **C14-2018-0074**. Please contact me if you have any additional questions.

Best,

MH / -

Matt Lewis, CNUa

Chaffin, Heather

From: Meredith, Maureen
Sent: Monday, October 01, 2018 4:00 PM
To: Mishka Westell
Cc: Chaffin, Heather
Subject: RE: Sekrit Theater NPA-2018-0016.01

EXHIBIT
D

Mishka:
Thank you for your comments. We will add it to our case reports.
Maureen

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

From: Mishka Westell [mailto:mishka@sekrittheater.com]
Sent: Monday, October 01, 2018 3:24 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: Sekrit Theater NPA-2018-0016.01

Dear Maureen,

I am writing regarding the recent application from Beau Reichert to change the zoning of his property at 1145 Perry Rd. to SF-6.
(Case number C14-2018-0074)

I am a neighbor whose property backs directly to his and who would be affected by the new proposed development, having discussed at length with Beau I wholeheartedly support his efforts to create a unique, creative living environment of small houses. I am excited about the possibility of sustainable housing, solar, rain catchment, gardens.

Having seen identical, unimaginative housing being constructed on the eastside at a considerable rate in recent years, it would be refreshing to see something more innovative and thoughtful constructed. All architecture should not be the same, it makes for a sterile and bland environment. I believe this development stays true to the values of Austin and it's unique culture.

Thankyou for your time and consideration, if there's anything else I can do to help this application please let me know,

Mishka Westell
1054 Gardner Rd
Austin, TX
78721

Chaffin, Heather

Subject: FW: Recommendation FOR Approval of Zoning Case # C14-2018-0074 and Sekrit Theatre NPA-2018-0016.01

Jason and Tiffany Becker
5816 Steven Creek Way
Austin, TX 78721

October 1, 2018

City of Austin, Planning and Zoning Commission and City Council

Maureen Meredith, Maureen.Meredith@austintexas.gov

Subject: Recommendation FOR Approval of Zoning Case # C14-2018-0074 and Sekrit Theatre NPA-2018-0016.01

As longtime homeowners whose property is adjacent to this property, we are writing to enthusiastically recommend approval of the change to SF-6 for the neighborhood plan and rezoning of 1145 Perry Lane. We've been residents of the Johnston Terrace Neighborhood since 2006 and have lived in Austin since 2000. Over the last 18 years, we have enjoyed the definitive and quirky sense of *place* that sets Austin apart from other cities both in Texas and in other states in which we have lived. However, we feel that sense of place is threatened by an onslaught of forces that seek to control or forbid individual expression.

It is our belief that the project as proposed by Mr. Reichert is the best possible option for the land he owns. His desire to preserve a unique vision, a sense of place, an appreciation for art and the work of craftspeople and to find an amenable solution for his property's use will influence his development of the SF-6 designation to both express his vision and come into compliance with the city's requests. We admire Mr. Reichert's artistic vision and he has always been a good neighbor to us. We believe that his proposed development will be a win-win-win for him, for the neighborhood, and for Austin.

Thank you for your time and consideration of this recommendation.

Sincerely,
Jason and Tiffany Becker

Chaffin, Heather

Subject: FW: Zoning change to 1145/1147 Perry Rd.

From: Kim Henkel [
Sent: Monday, October 01, 2018 4:38 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: Zoning change to 1145/1147 Perry Rd.

Kim Henkel
5920 Lux St.
Austin, TX 78721

October 1, 2018

City of Austin Planning and Zoning Commission and City Council
Maureen Meredith (Maureen.Meredith@austintexas.gov)

Subject: Recommendation FOR approval of Zoning Case # C14-2018-0074 and Sekrit Theater
NPA-2018-0016.01

Maureen:

I'm writing to recommend approval of a zoning change for 1145/1147 Perry Rd. from SF-3 to SF-6. I own a home in the SOL neighborhood which abuts 1145 Perry Rd. The 1145/1147 Perry Rd properties are owned by Mr. Beau Reichert and are known locally as "The Sekrit Theater". Mr. Reichert has been a wonderful neighbor and "The Sekrit Theater" has long been a convivial gathering place for neighbors, and is a tremendous asset to both the immediate neighborhood and the larger community. It is, indeed, a gem, one of those "secret" places that make Austin uniquely Austin, a magical place, a place that charms and delights all who have had the good fortune to walk its grounds. Unfortunately, as Austin grows, preserving such places becomes increasingly difficult.

What Mr. Reichert is proposing, a unique low-density, environmentally conscious community, will be a welcome alternative to high-density apartment complexes such as Think East and others that are going up along Shady Lane and Jain Rd. And it will mean that, although "The Sekrit Theater" itself may be gone, the property will retain much of that spirit that brought it into being.

Finally, selfishly, my house directly abuts "The Secret Theater", and I much prefer to have an enchanted garden in my backyard than a McMansion or a hulking condominium complex.

Thank you for your consideration,

Chaffin, Heather

Subject: FW: Sekrit Theater NPA-2018-0016.01

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To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
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(Case number C14-2018-0074)

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Having seen identical, unimaginative housing being constructed on the eastside at a considerable rate in recent years, it would be refreshing to see something more innovative and thoughtful constructed. All architecture should not be the same, it makes for a sterile and bland environment. I believe this development stays true to the values of Austin and it's unique culture.

Thankyou for your time and consideration, if there's anything else I can do to help this application please let me know,

Mishka Westell
1054 Gardner Rd
Austin, TX
78721

Chaffin, Heather

Subject: FW: 1145 Perry Rd

From: Yahoo
Sent: Monday, August 20, 2018 6:49 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: 1145 Perry Rd

Dear Ms. Meredith,

I am writing in support of Beau Reichert who resides at 1145 Perry Rd. to be able to change zoning on his property to SF-6. (Case #C14-2018-0074.)

Beau is not only an amazing builder who will create something more than superb for the neighborhood, he is also a superior host who truly believes communities should live together in harmony. Beau's talent for building is matched by his talent for attracting fantastic people. Beau is a special individual, a true community leader. His enthusiasm for strong social networks and creative projects is infectious. He's simply inspiring to those around him. Anyone fortunate enough to live in a community he has built is very lucky indeed. I myself am interested in living in a space he creates.

Thank you for your time.

- Dani Bleier
- 512/914-5922

Please don't hesitate to reach out to me.

Chaffin, Heather

Subject: FW: Case # - C14-2018-0074 / 1145 & 1147 Perry Rd

From: scott rothe
Sent: Monday, August 06, 2018 4:05 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: Case # - C14-2018-0074 / 1145 & 1147 Perry Rd

I'm a neighbor of the subject property, my name is Scott, and I am a SFR home owner in close proximity to the subject. I do not want the zoning for the subject property to be changed to SF-6 from SF-3. The subject has a long history of being disruptive to our neighborhood. It seems that the property owner has tried to call/designate it a church, historical site, some kind of movie/event venue, museum, never/never land, Jurassic Park East, etc.. This property owner and the "visitors" have parked numerous cars/big trucks/commercial vehicles along Perry Rd, a public street, and thus access and right-of-way sight are always an issue into and out of our neighborhood on Steven Creek Way. For some reason this TWO acre site can not provide any vehicle parking and thus vehicles are always parked on the public street, some of which may not even be currently registered or functional. The latest is the front fence along the public/Perry Street has become a "work of art" / billboard and there is also a lighted sign & lighted cross in the front of the site that is on 24 hours a day. It is, as many other sites in proximity, also a haven for feral cats. Please do not allow this zoning change and maybe enforce the zoning rules that are in place as of now for this site. Thx.

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/planning.

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: C14-2018-0074

Contact: Heather Chaffin, 512-974-2122

Public Hearing: October 09, 2018, Planning Commission

November 1, 2018, City Council

STEPHANIE HOFFMAN

Your Name (please print)

5713 STEVEN CREEK WAY

Your address(es) affected by this application

10/7/18

Date

Signature

Daytime Telephone: 917-881-6106

Comments: FULL SUPPORT OF BEAN RECHART AND HIS TINY HOUSE COMMUNITY PLAN.

KEEP AUSTIN WILD! HE HAS MADE HIS LAND

AVAILABLE FOR COMMUNITY USE AND WE LOVE OUR NEIGHBORS.

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

City of Austin

Planning & Zoning Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810