

## **ZONING CHANGE REVIEW SHEET**

CASE: C14-2019-0085 – 7308 S Congress Avenue

DISTRICT: 2

ZONING FROM: DR

ZONING TO: MF-3

ADDRESS: 7308 South Congress Avenue

SITE AREA: 1.54 acres

PROPERTY OWNERS: Kristen Nagel and Mark Hallman

AGENT: Lynda Courtney Consulting (Lynda Courtney)

CASE MANAGER: Wendy Rhoades (512-974-7719, [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov))

STAFF RECOMMENDATION:

**The Staff recommendation is to grant multi-family residence – medium density (MF-3) district zoning.**

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**August 6, 2019: APPROVED MF-3 DISTRICT ZONING AS STAFF  
RECOMMENDED, BY CONSENT**

***[H. SMITH; E. GOFF – 2<sup>ND</sup>] (10-0) B. EVANS – ABSENT***

CITY COUNCIL ACTION:

**September 19, 2019:**

ORDINANCE NUMBER:

ISSUES:

None at this time.

CASE MANAGER COMMENTS:

The subject two lots contain one single family residence, are zoned development reserve (DR) zoning, and located on South Congress Avenue between William Cannon Drive and Dittmar Road. The lots are adjacent to a residential condominium development currently under construction (SF-6) to the north and east, and a small apartment building (MF-2-CO) to the south. Other land uses on the west side of Congress Avenue include a few single family residences and mobile home residences, and undeveloped land (LO-MU; DR). There is a large apartment complex on the east side of Congress Avenue. ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).***

The Applicant proposes to rezone the property to the multi-family residence – medium density (MF-3) district and construct apartments.

**BASIS OF RECOMMENDATION:**

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

The multifamily residence medium density (MF-3) district is intended to accommodate multifamily use with a maximum density of up to 36 units per acre, depending on unit size. This district is appropriate for multifamily residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas, and in other selected areas where medium density multiple use is desirable.

- 2. Intensive multi-family zoning should be located on highways and major arterials.*  
*3. Zoning should allow for reasonable use of the Property.*

Staff is of the opinion that the land use represented and permitted under MF-3 is appropriate at this location based on the following considerations: 1) as a district, it is compatible with the condominiums under construction to the north and the apartments adjacent to the south and east; 2) location on an arterial roadway; and 3) it helps to facilitate infill development, which in turn creates a wider variety of housing options.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	DR	One single family residence
<i>North</i>	SF-6; LO-MU; DR	59 condominium units under construction on 8.15 acres; A few residences; A few mobile home residences; Convenience storage
<i>South</i>	MF-2-CO; SF-6-CO	Apartments; Undeveloped
<i>East</i>	MF-3-CO	Apartments
<i>West</i>	SF-2; SF-3	59 condominium units under construction on 8.15 acres

**AREA STUDY:** Not Applicable

**TIA:** Is not required

**WATERSHED:** South Boggy Creek – Suburban

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

511 – Austin Neighborhoods Council                      627 – Onion Creek Homeowners Assn.  
 646 – Circle S Ridge Neighborhood Association  
 742 – Austin Independent School District  
 1228 – Sierra Club, Austin Regional Group                      1363 – SEL Texas  
 1374 – Friends of Williams Elementary                      1424 – Preservation Austin  
 1429 – Go!Austin/Vamos!Austin (GAVA)-78745  
 1494 – South Boggy Creek Neighborhood Association

1528 – Bike Austin

1530 – Friends of Austin Neighborhoods

1531 – South Austin Neighborhood Alliance

1550 – Homeless Neighborhood Association

1578 – South Park Neighbors

1616 – Neighborhood Empowerment Foundation

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2017-0007 – 7300 S Congress Ave Rezoning	DR to SF-6	To Grant	Apvd (5-4-2017).
C14-2013-0157 – Rezoning of 7200, 7202 and 7204 South Congress	LO to LO-MU	To Grant	Apvd (02-27-2014).
C14-01-0179 – Bethania Rezoning – 7110 S Congress Ave	DR to LO	To Grant	Apvd LO (02-28-2002).
C14-99-2065 – John Lewis Tract – 7201-7401 S Congress Ave	SF-3 to MF-3	To Grant MF-2-CO w/CO for 2,000 trips/day	Apvd MF-3-CO w/CO for 23 u.p.a., 2,000 trips and prohibit vehicular access to Circle S Rd (8-17-2000).
C14-96-0057 – Goel Zoning Change – 7310 S Congress Ave	DR to MF-2	To Grant MF-2 for Tract 1 & SF-6 for Tract 2, with conditions	Apvd MF-2-CO for Tract 1 and SF-6-CO for Tract 2, w/CO which requires access to S Congress Ave; 25' undisturbed buffer on west property line; limit Tract 2 to two single family dwelling units; and multi-family development limited to 18 units per acre on Tract 1 (09-26-1996).
C14-84-456 – Joyce & Issam Kussad – 7400-7406 S Congress Ave	I-RR to GR	To Grant	Apvd GR (04-11-1985).

RELATED CASES:

The property was annexed into the City limits on November 15, 1984 (C7A-83-017 A). The property is platted as Blocks 2 and 2A of the Sarah Ann Fritts Subdivision, recorded in the Travis County Deed Records in May 1943.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
South Congress Avenue	120 feet	70 feet	Level 3	Yes	Yes	Yes

OTHER STAFF COMMENTS:Comprehensive Planning

This rezoning case is located on the west side of South Congress Avenue. The property is approximately 1.54 acres in size, contains a single family house and is not located within the boundaries of a neighborhood planning area. Surrounding land uses include to the north undeveloped land, single family houses and a convenience storage facility; to the south is a small apartment building, undeveloped land and a single family subdivision; to the east is a large apartment complex and a cemetery; and to the west is a large single family neighborhood. The proposal is to obtain multifamily zoning, which would allow a density of up to 36 units per acre.

**Connectivity**

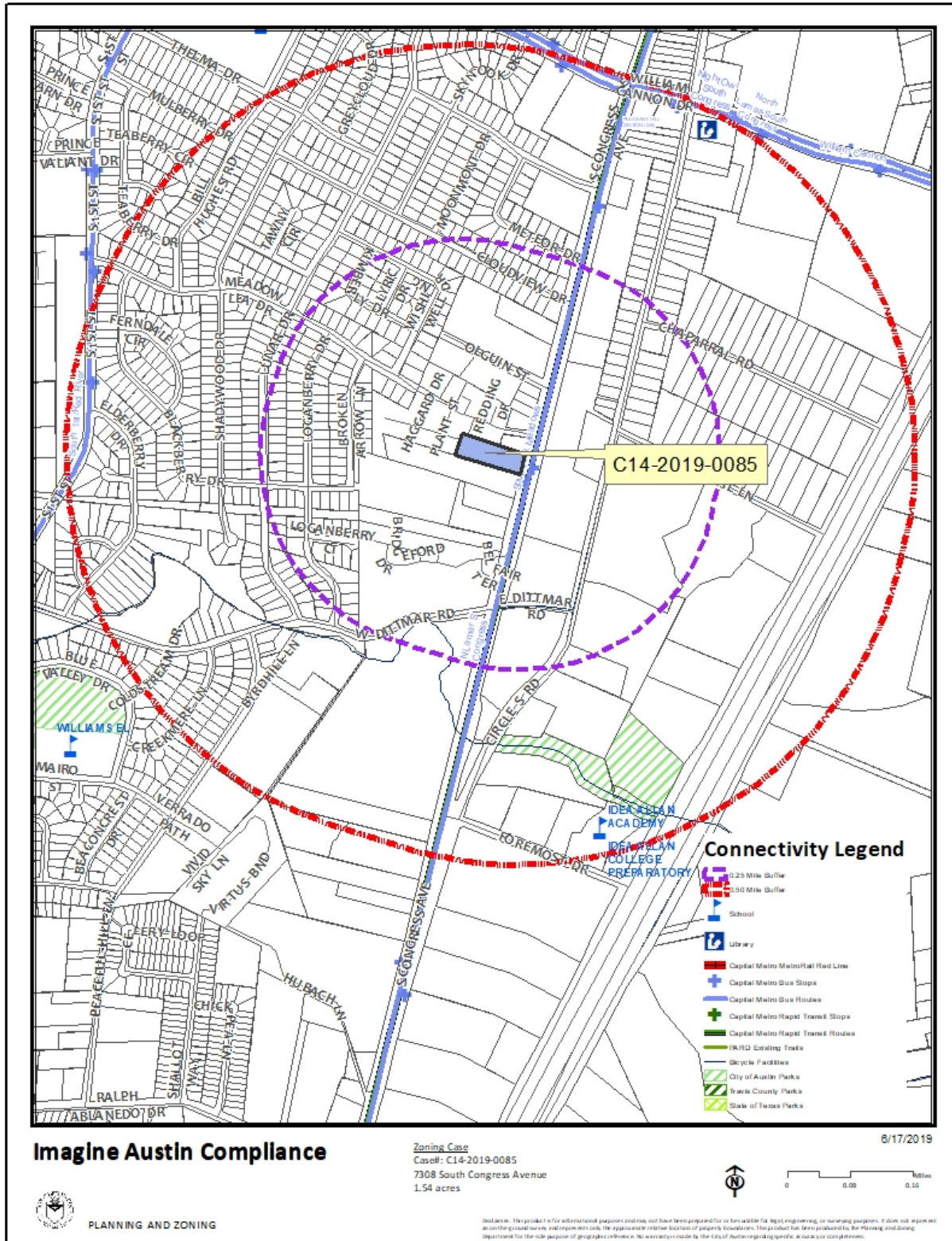
The Walkscore for this site is **36/100, Car Dependent**, meaning almost all errands require a car. The Walkscore does not appear to reflect existing public sidewalk system that is almost complete along both sides of South Congress Avenue (between William Cannon Drive and Slaughter Lane). There are also new CapMetro transit stops located along both sides of South Congress Avenue and within 200 ft. of the property. Bike lanes are also located along both sides of South Congress Avenue. The mobility options in the area are good.

**Imagine Austin**

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies this project as being located along an **Activity Corridor**, which is intended for a variety of activities and types of buildings for shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. The following Imagine Austin policies are applicable to this project:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, **corridors** and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **HN P10.** **Create complete neighborhoods** across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on this property: (1) being situated along an **Activity Corridor**, which supports residential and multifamily uses; (2) other residential uses located within a quarter-mile radius of this site, including single family houses, condos and other multifamily apartment complexes; and (3) the existing mobility options available in the area (public sidewalks, bike lanes, a transit stops); this proposed multifamily rezoning request appears to support the Imagine Austin Comprehensive Plan.



### Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

### Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the South Boggy Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

The maximum impervious cover allowed by the MF-3 zoning district would be 60%, which is based on the more restrictive watershed regulations.

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.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

### 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.

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

FYI: Additional design regulations will be enforced at the time a site plan is submitted.

The site is subject to compatibility standards due to proximity of SF-2 zoning to the north and west. The following standards apply:

- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from property in an SF-5 or more restrictive zoning district.

### **DEMOLITION AND HISTORIC RESOURCES**

The Applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

### **Transportation**

Additional right-of-way shall be required at the time of subdivision and/or site plan in accordance with Austin Strategic Mobility Plan (ASMP). The ASMP calls for 140 feet of right-of-way for S Congress Ave. 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**

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 Austin Water for compliance with City criteria and suitability for operation and maintenance.

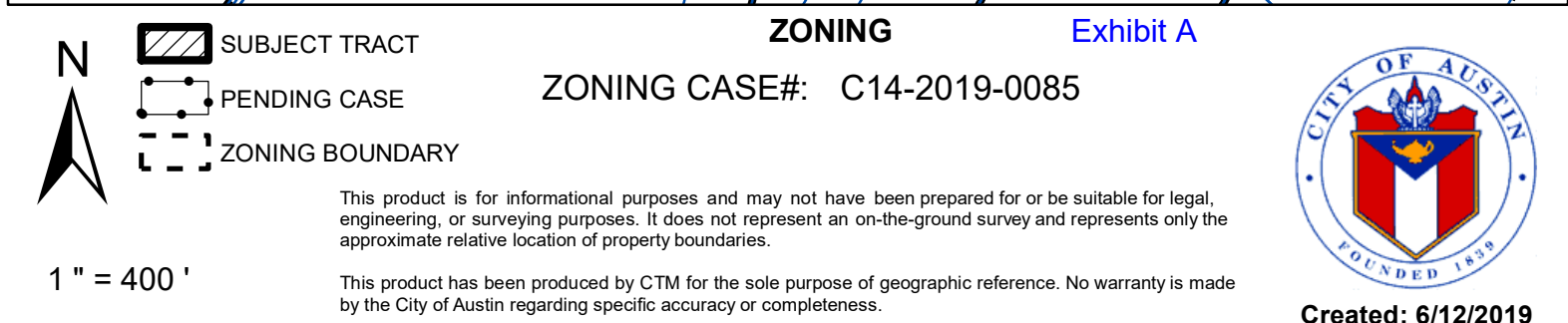
Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.



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.

#### INDEX OF EXHIBITS TO FOLLOW

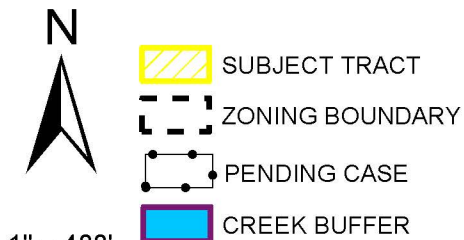
A: Zoning Map  
A-1: Aerial Map







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7308 S. CONGRESS AVE.

Exhibit A - 1

ZONING CASE#: C14-2019-0085  
 LOCATION: 7308 S. Congress Ave.  
 SUBJECT AREA: 1.54 Acres  
 GRID: G15  
 MANAGER: Wendy Rhoades



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.



## 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](http://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: C14-2019-0085**

**Contact: Wendy Rhoades, 512-974-7719**

**Public Hearings: August 6, 2019, Zoning and Platting Commission;  
September 19, 2019, City Council**

Randolph Bailey

Your Name (please print)

7201 S Congress Ave Apt 937

Your address(es) affected by this application

Randy Bailey

Signature

7/30/19

Date

Daytime Telephone: 832-287-9720

Comments: Austin needs more housing as its  
population continues to expand. Higher  
density housing is more efficient, and tends  
to lead to higher quality government services  
and public transportation.

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

City of Austin

Planning & Zoning Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor  
☐ I object

**C. PUBLIC HEARINGS**

- 1. Rezoning:** **C14-2019-0085 - 7308 S Congress Avenue; District 2**  
Location: 7308 South Congress Avenue, South Boggy Creek Watershed  
Owner/Applicant: Kristen Nagel and Mark Hallman  
Agent: Lynda Courtney Consulting (Lynda Courtney)  
Request: DR to MF-3  
Staff Rec.: **Recommended**  
Staff: Wendy Rhoades, 512-974-7719  
Planning and Zoning Department

**Question: Commissioner King**

1. Will the site plan for this development come back to ZAP for review and approval?
2. Will the site participate in the new residential density bonus program ([ordinance # 20190509-027](#)) that became effective on May 20, 2019?
3. Do any low-income people occupy the existing single family home on the site? If so, will they be displaced by this development?
4. How many apartments are proposed for the site?
5. How many of the apartments will be permanently income-restricted and have 3 or more bedrooms?

**Answer: Staff**

1. If there are variance(s), then yes, the site plan would return to ZAP, otherwise it would be approved through the administrative (Staff) review process.
2. The Owner does not know if the recently adopted residential density bonus program will be used in the property's development.
3. No, the property was used for many years as a music studio and the owner is the sole resident of the Property.
4. A maximum of 55 dwelling units could be accomplished under MF-3 zoning on this 1.54 acre property, however, a tree survey and proposed site layout (which have not been prepared) may reduce the number of units that can be built.
5. The Owner and Agent are happy to discuss income-restricted units and bedroom counts with the City after the zoning has been finalized, and a tree survey and site layout have been prepared.

**Question: Commissioner King**

The following statement is included in the Drainage section on page 7 of staff backup for this case:

*"The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties."*

I realize that this particular statement applies to new subdivisions and site plans.

1. If an existing single family home on a SF-1, SF-2, SF-3, SF-4, SF-5, or SF-6 lot is demolished and redeveloped with another single family home, are pre- and post-development drainage analysis required?
2. If an existing single family lot (SF-1, SF-2, SF-3, SF-4, SF-5, or SF-6) is resubdivided, are pre- and post-development drainage analysis required?
3. When a single family home is demolished and replaced with another single family home, is a drainage analysis sealed by a registered professional engineer required to identify and mitigate adverse drainage impacts to adjacent properties?

**Answer: Staff**

1. No, a drainage study would not be required because the number of lots is not proposed to change.
2. Yes, a resubdivision application requires a drainage application because one or more additional lots are proposed to be created.
3. No, a drainage analysis is not required to identify and mitigate adverse drainage impacts to adjacent properties. However, if there is an issue with lot-to-lot drainage, there is a local amendment to the Plumbing Code (LDC Section 25-12-153) which states the following:

1101.1 Where Required. Roofs and courtyards must drain into a separate storm sewer system or to some other place of disposal, satisfactory to the authority having jurisdiction. For one- and two-family dwellings, storm water may be discharged on flat areas such as streets or lawns so long as the storm water flows away from the building and to an approved location. For new construction or additions, the post construction site discharge is not to exceed the discharge rate prior to construction.

The Section of the Code is generally invoked during construction but is available to everyone at any time.

Building Inspections is able to address the issue when it is brought to their attention when the permits are active. If it occurs after permits have closed, the Code Department is to use it in order to obtain compliance.

2. **Zoning:** **C14-2019-0084 - 13170 G Pond Springs; District 6**  
Location: 13170 Pond Springs Road, Building G, Lake Creek Watershed  
Owner/Applicant: Setty LLC (Mahmoud Shoa)  
Request: I-RR to CS  
Staff Rec.: **Recommended**  
Staff: **Sherri Sirwaitis**, 512-974-3057  
Planning and Zoning Department

**Question: Commissioner King**

1. Given that the site appears to be located within 300 feet of a multifamily apartment complex (Elan Apartment Homes), would the applicant be willing to prohibit the following uses?
  - Adult Oriented Business
  - Bail Bond Services
  - Alternative Financial Services
2. The site appears to provide affordable storage/studio space for approximately 10-15 small businesses. How will this zoning change impact these existing small businesses?

**Answer: Staff**

1. Pending
2. The property currently does not have a zoning designation. The convenience storage use is grandfathered because it existed prior to the annexation of the property by the City. The proposed CS zoning will help the applicant to bring all of the uses on the property (convenience storage, automotive sales and personal improvement services) into conformance with land use regulations in the Code.

5. **Site Plan Extension:** **SP-2014-0072C(XT2) - 1806 Braker Lane; District 7**  
Location: 1806 W Braker Ln, Walnut Creek Watershed  
Owner/Applicant: Pancake Pals II Braker LLC  
Agent: Dunaway Associates (Vanessa Mendez)  
Request: Approval of a second extension on a previously approved site plan.  
Staff Rec.: **Recommended**  
Staff: **Renee Johns**, 512-974-2711  
Development Services Department