

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0155 – 4011 Convict Hill Rezoning

DISTRICT: 8

ZONING FROM: SF-2

TO: SF-6

ADDRESS: 4011 Convict Hill Road

SITE AREA: 2.986 acres

PROPERTY OWNER: Devch, LP
(Rick C. Anderson)

AGENT: LOC Consultants
(Sergio Lozano, P.E.)

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

STAFF RECOMMENDATION:

The Staff recommendation is to grant urban family residence (SF-5) district zoning.

If the rezoning request is granted, it is recommended that 39 feet of right-of-way from the existing centerline should be dedicated for Convict Hill Road according to the Transportation Plan prior to Third Reading of the ordinance at City Council [LDC 25-6-51 and 25-6-55]. For a summary of the basis of Staff's recommendation, see page 2.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**February 4, 2020: APPROVED SF-6-CO DISTRICT ZONING WITH THE
CONDITIONAL OVERLAY FOR A MAXIMUM OF 15 UNITS AND CONDITIONS OF
RIGHT-OF-WAY DEDICATION ON CONVICT HILL ROAD**

**[T. BRAY; H. SMITH – 2ND] (8-1) D. KING – NAY; J. KIOLBASSA – ABSENT;
1 VACANCY ON THE COMMISSION**

CITY COUNCIL ACTION:

March 12, 2020:

ORDINANCE NUMBER:

ISSUES:

The Applicant is in agreement with the recommendation of the Zoning and Platting Commission.

CASE MANAGER COMMENTS:

The subject rezoning area is a 2.986 acre tract that contains a vacant religious assembly use and is zoned single family residence – standard lot (SF-2) district. The tract is situated on the south side of Convict Hill Road. There is one single family residence and a single family residential subdivision to the east and west (SF-2), a single family residential subdivision to

the south, and a fitness center and single family residential subdivision to the north (PUD; SF-3). ***Please refer to Exhibits A and A-1 – Zoning Map and Aerial Exhibit.***

The Applicant proposes to rezone the property to the townhouse and condominium residence (SF-6) district and construct 15 stand-alone condominium units. The Applicant's conceptual site plan provided as ***Exhibit B***, shows access to the condominiums from a single driveway and the development would be located closer to Convict Hill Road. This may be due to the property's location over the Edwards Aquifer Recharge Zone and impervious cover limit of 15 percent. The conceptual site plan also shows that except for a detention pond, the rear (south) one-half of the property would remain undeveloped.

BASIS FOR RECOMMENDATION

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

Applicant request: The townhouse and condominium residence (SF-6) district is intended as an area for moderate density single family, duplex, two-family, townhouse and condominium use. The Applicant intends to develop the property with a condominium project consisting of stand-alone condominium units per structure.

Staff recommendation: The urban family residence (SF-5) district is the designation for a moderate density single-family residence on a lot that is a minimum of 5,750 square feet. A duplex, two-family, townhouse or condominium residential use is permitted in an SF-5 district under development standards that maintain single family characteristics. An SF-5 district designation may be applied to a use in an existing family residential neighborhood in a centrally located area of the City. An SF-5 district may be used as a transition between a single family and multifamily residential use or to facilitate the implementation of City affordable housing programs. As information, the SF-5 district requires location on a collector street and the maximum number of units allowed on an SF-5 zoned site is 10 (LDC Section 25-2-776 (D) (*Condominium Residential Use*)).

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

Based on the property's approximate location mid-block on a collector street, and surrounding SF-2 zoning and uses, Staff recommends SF-5 zoning. The size of the property allows for the property to be developed with additional units and a housing type that is still compatible with the surrounding area that is predominantly developed with single family residences.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Religious assembly (vacant)
<i>North</i>	PUD; SF-3	Personal improvement services; Undeveloped; Single family residences in the Bannockburn subdivision
<i>South</i>	SF-2	Single family residences in the West Branch subdivision
<i>East</i>	SF-2	Single family residence; Single family residences in the West Branch subdivision
<i>West</i>	SF-2	Single family residence; Single family residences in the Sunset Addition subdivision

AREA STUDY: Not ApplicableTIA: Is not requiredWATERSHED: Williamson Creek – Barton Springs Zone (Recharge Zone)CAPITOL VIEW CORRIDOR: NoHILL COUNTRY ROADWAY: NoSCHOOLS:

Boone Elementary School

Covington Middle School

Crockett High School

NEIGHBORHOOD ORGANIZATIONS:

298 – Oak Hill Association of Neighborhoods (OHAN)

384 – Save Barton Creek Association

627 – Onion Creek Homeowners Association

742 – Austin Independent School District

943 – Save Our Springs Alliance

947 – Deer Park Owners Association, Inc.

967 – Circle C Neighborhood Association

1059 – Maple Run - Wheeler Creek - Woodstone Village

1228 – Sierra Club, Austin Regional Group

1343 – Oak Hill Trails Association

1363 – SEL Texas

1424 – Preservation Austin

1528 – Bike Austin

1530 – Friends of Austin Neighborhoods

1531 – South Austin Neighborhood Alliance (SANA)

1550 – Homeless Neighborhood Association

1559 – Palomino Park HOA

1596 – TNR BCP – Travis County Natural Resources

1616 – Neighborhood Empowerment Foundation

1714 – East Oak Hill Neighborhood Association

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C814-98-0001.02 – Lifetime Fitness – 7101 S MoPac Expy NB	PUD to PUD, to change the conditions of zoning on 37.54 acres	To Grant PUD relating to sf for a personal improvement services use, allowing a hike & bike trail within the vegetative buffer along	Apvd PUD w/conds as recommended by the Environmental Board and ZAP (6-22-2006).

		Convict Hill Rd, and clarifying the language regarding drainage facilities, including Staff conds for reductions in impervious cover; increasing capture volume for water quality pond(s); adopting Landscape and Exterior Design / Heat Island Reduction techniques; adopting additional Green Building standards; providing an environmental compliance person on-site during construction; and, establishing a building envelope	
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RELATED CASES:

A Land Status Determination was made on January 23, 1995 that excepts this property from the requirement to plat (C8I-95-009). *Please refer to Exhibit B.*

ADJACENT STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Convict Hill Road	56 feet	20 feet	Level 2 (Collector)	North side	Shared Lane	None

OTHER STAFF COMMENTS:

Comprehensive Planning

The subject tract for this rezoning case is located adjacent to the **William Cannon & Mopac Activity Center for Redevelopment in Sensitive Environmental Area** and is outside the boundaries of the Oak Hill Combined Neighborhood Plan. The property is located on the south side of Convict Hill Road, on a 2.98 acre lot that contains a vacant church. Surrounding land uses includes single family subdivisions to the east and west; undeveloped

land and a single family subdivision to the south; and undeveloped land and a large commercial fitness center to the north. A public middle school is located within a quarter of a mile from the subject property. The proposed use is a 15 unit condominium project.

Connectivity

There are public sidewalks located on both sides of Convict Hill Road. A Cap Metro transit stop is located 2,200 linear feet from the subject property, to the west. A large commercial shopping center is located within a half of a mile walking distance from the subject property. The mobility and connectivity options in this area are good.

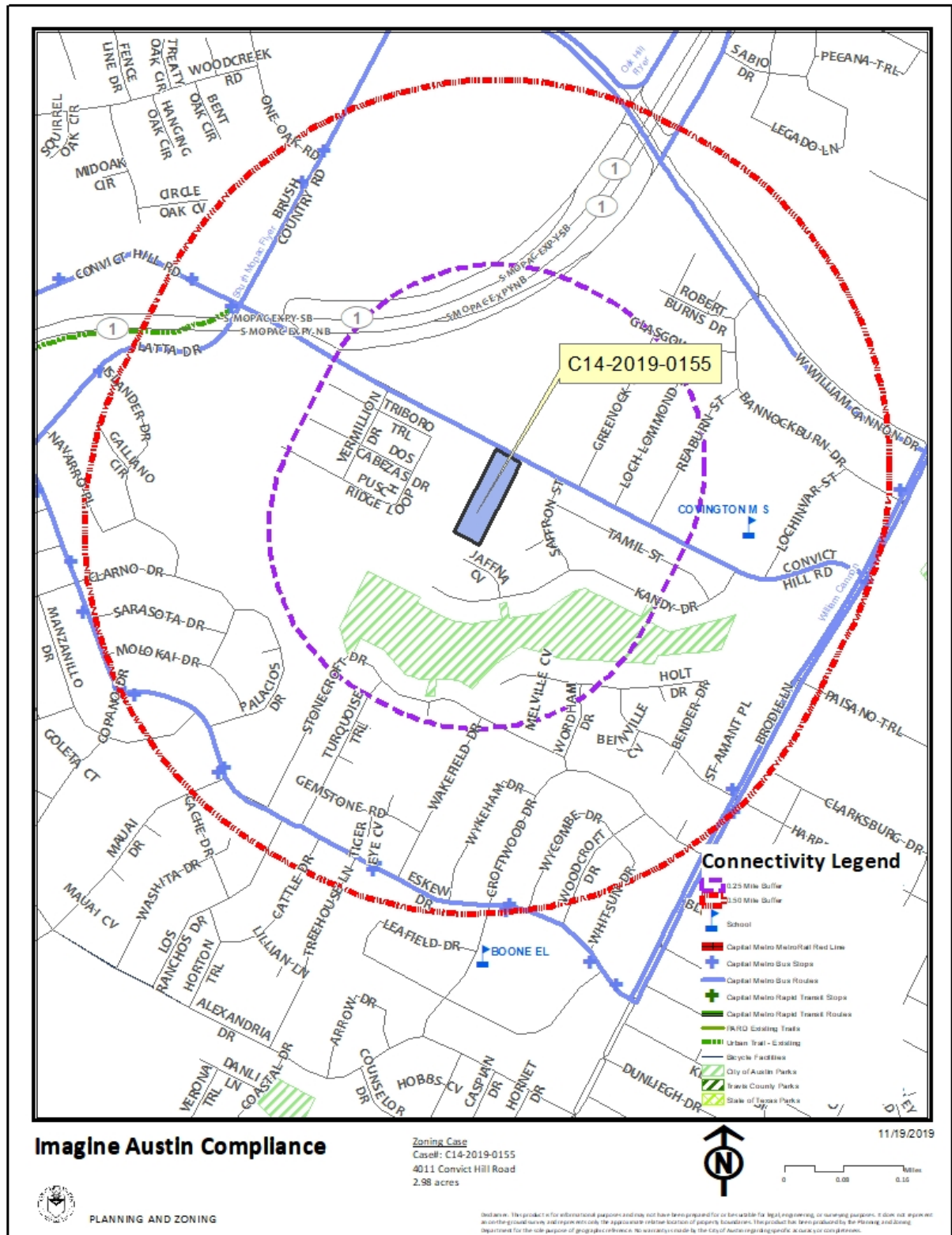
Imagine Austin

The Imagine Austin Growth Concept Map identifies this property as being located within one of five ‘**Activity Centers for Redevelopment in Sensitive Environmental Areas**’ (**Oak Hill Center.**). Like many Imagine Austin Centers, this center is represented by a circle or globular shape that reflects the general location where the center should be located in the future. The center’s actual boundaries would need to be clarified through a small area planning process. These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods. State-of-the-art development practices will be required of any redevelopment to improve storm water retention and the water quality flowing into the aquifer or other drinking water sources.

The following Imagine Austin policies are also applicable to this case:

- **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.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

The Imagine Austin Growth Concept Map identifies this area as being within an **Activity Center for Redevelopment in Sensitive Environmental Area**, which requires state-of-the-art development practices and supports residential uses and infill redevelopment. Based on the subject tract’s connectivity strengths and the infill and housing policies above, the proposed rezoning change request supports Imagine Austin.



Environmental

This site is located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone.

According to floodplain maps there is a floodplain adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Water Quality Transition Zone / Critical Water Quality Zone exist within 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. Runoff from the site is required to comply with pollutant load restrictions as specified in Land Development Code.

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.

Site Plan

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.

COMPATIBILITY STANDARDS

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

- No structure may be built within 25 feet of the property line to the west, south, and east.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line to the west, south, and east.
- No parking or driveways are allowed within 25 feet of the property line.
- Landscaping or screening is required along the west, south, and east property lines in accordance with the screening requirements (Section 25-2-1006 and ECM 2.9.1.), Parking Design Standards (Section 25-6-563) and/or Screening Standards (Section 25.2.1066) to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- 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

The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, calls for 78 feet of right-of-way for Convict Hill Rd. It is recommended that 39 feet of right-of-way from the existing centerline should be dedicated for Convict Hill Rd according to the Transportation Plan prior to 3rd reading of City Council [LDC 25-6-51 and 25-6-55].

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].

A Neighborhood Traffic Analysis is not required for this case.

Water / 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.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0211.

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.

There are no records to indicate that the site is currently served by City of Austin wastewater. The owner must connect the site to city wastewater service through the cutover process. For more information pertaining to the wastewater cutover process, contact the AW OSSF team at OSSF@austintexas.gov or call 512-972-0050. The cutover process may also initiate a required review by the Industrial Waste Division and/or the Cross Connection Division depending on building usage.

INDEX OF EXHIBITS TO FOLLOW

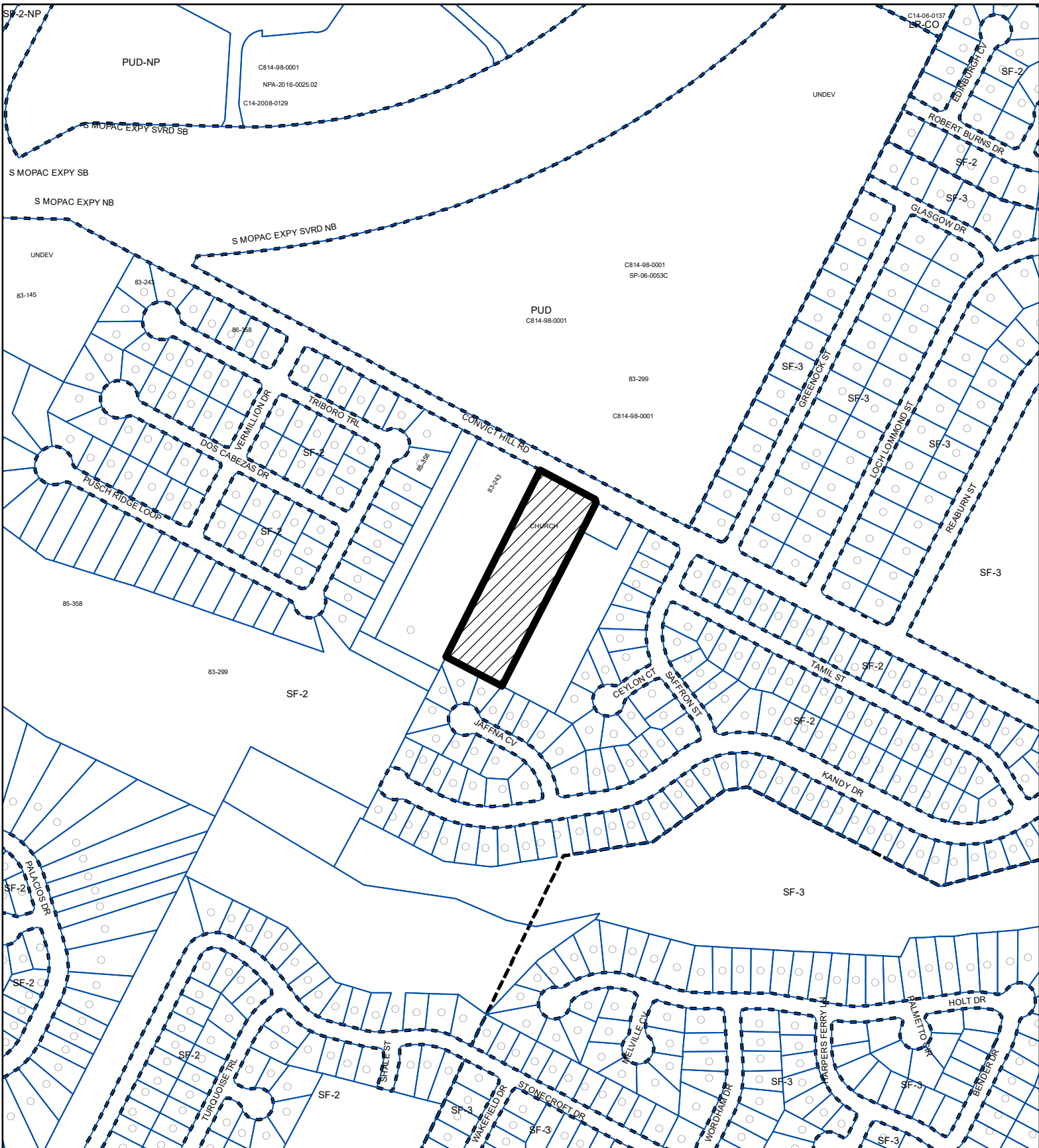
A: Zoning Map




A-1: Aerial Map

B: Land Status Determination

C: Applicant's Conceptual Site Plan

Correspondence Received


$$1'' = 400'$$

 SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY

ZONING

Exhibit A

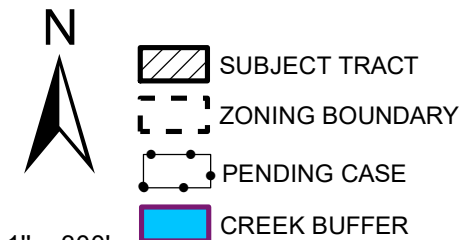
ZONING CASE#: C14-2019-0155

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.



Created: 11/18/2019



4011 CONVICT HILL REZONING

Exhibit A -1

ZONING CASE#: C14-2019-0155
 LOCATION: 4011 CONVICT HILL RD.
 SUBJECT AREA: 2.986 Acres
 GRID: D17
 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.

City of Austin
Department of Planning and Development

LAND STATUS DETERMINATION
FINDINGS OF FACT

23-JAN-1995

File Number: C8i-95-0009

Address: 4011 CONVICT HILL ROAD

Tax Parcel I.D.: 415300403 Map Date: 05/93

The Department of Planning and Development has determined that this property as described in the attached description and map:

Is a LEGAL TRACT consisting of 3.0 acres of land out of Thomas Anderson League Survey, County, Texas, created prior to 12/14/72 (Grandfather Date) as evidenced by deed recorded in Volume 11962, Page 476 of the Travis County Deed Records on 08/19/65 being the same property as currently described in deed recorded in Volume 3004, Page 1375 of the Travis County Deed Records, and is eligible to receive one utility service.

Additional Notes/Conditions: NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Local Government Code, and Austin Land Development Code, Article VIII, Subdivisions. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

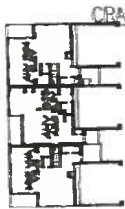
By: Brian P. Schulte
Director (or representative)
Department of Planning and Development

Exhibit B
Land Use Determination

C8i-95-009

WEST BRANCH BLOCK D BK. 78, PG. 128
LOT 27 LOT 28 LOT 29
(IN SECTION 47 TRUST)

SIMENSON FAMILY TRUST
DOC. NO. 2012040376
CALLED 3.995 ACRES



CRASH GATE 2

CRASH GATE 2

SIMENSON FAMILY TRUST
CALLED 1.00 ACRE
PREVIOUSLY THOMAS SIMENSON
DOC. NO. 2001113289

THOMAS ANDERSON SURVEY

2.985 ACRES
[(2.986 ACRES)]
SOLID ROCK ASSEMBLY OF GOD
12808/1408

SIMENSON FAMILY TRUST
DOC. NO. 2012040376
CALLED 3.995 ACRES

LOT B
McCARTY LANE SUB.
BK. 54, PG. 32

DETENTION POND
APPROX 13000 SQ. FT.

(N 29°10'0" E) (650.04')

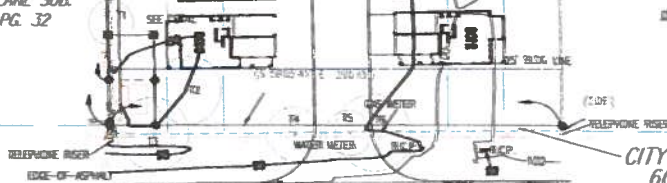
8units/2108@1099each=8792 sf
7units/1918@974=6818 sf
Main Drive: 10864 sf
Driveways: 2107 sf
AC pods: 240 sf
TOTAL IMP. COVER: 28, 820 SF 22.16% IC

5' X 27" ELECTRIC
ENCASEMENT PER
V.7710, P.1520

LOT AREA: 130,050.42 SQ. FT.
20% IMPER. COVER: 26010.084 SF
15 UNITS (8U/AC)

DETENTION POND-11,802 SF

LOT A
McCARTY LANE SUB.
BK. 54, PG. 32



TEMPORARY BENCHMARK SPINDLE SET IN ASPHALT, ASSUMED ELEVATION = 100.00

CONVICT HILL ROAD

CITY OF AUSTIN
603 SQ. FT.
10639/908

EXHIBIT C
Applicant's CONCEPTUAL SITE PLAN

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: C14-2019-0155

Contact: Wendy Rhoades, 512-974-7719

Public Hearings: February 4, 2020, Zoning and Platting Commission;
March 12, 2020, City Council

Chad Zellers

Your Name (please print)

7301 Rusch Ridge Loop

Your address(es) affected by this application

[Signature]

Signature

☐ I am in favor
☒ I object

Date

Daytime Telephone:

512-785-4592

Comments:

- Will cause traffic issues.
- Decrease home value.
- Too close to school zone.
- Noise concerns

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

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Contact: Wendy Rhoades, 512-974-7719

**Public Hearings: February 4, 2020, Zoning and Platting Commission;
March 12, 2020, City Council**

Heather Zellers

Your Name (please print)

7301 Pusch Ridge Loop

Your address(es) affected by this application

Heather Zellers

Signature

☐ I am in favor
☒ I object

1-29-20

Date

Daytime Telephone: 512-919-0918

Comments: This change in zoning will decrease my home's value, and will put an extreme ~~change~~ increase in traffic on Convict Hill and surrounding roadways. Also this will make getting in and out of my neighborhood more difficult and dangerous due to the increase in traffic. Noise concerns as well.

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

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Case Number: C14-2019-0155

Contact: Wendy Rhoades, 512-974-7719

**Public Hearings: February 4, 2020, Zoning and Platting Commission;
March 12, 2020, City Council**

MaryAnne Bertuglia
Your Name (please print)

4011 Joffna Cove Austin Tx 78749
Your address(es) affected by this application

M. Bertuglia
Signature

☐ I am in favor
☒ I object

1-29-2020
Date

Daytime Telephone: 512 892-6057

Comments: The change in zoning is for the benefit of the developer to maximize his profit. It was purchased knowing that it was zoned for a limited number of single family homes. The developer has changed the plan his original plan to increase from 12 to 15 unit thereby increasing his profit margin. How about the quality of life for existing residents being considered???

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City of Austin

Planning & Zoning Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

Rhoades, Wendy

From: order9066 . [identity.thefhuts@gmail.com](#)
Sent: Thursday, February 20, 2020 7:04 AM
To: Rhoades, Wendy; Adler, Steve; Ellis, Paige
Subject: Request for privacy fencing adjacent to future development

*** External Email - Exercise Caution ***

Greetings,

I'm the property owner who lives directly behind, and adjacent to 4011 Convict Hill Road.

The property was recently rezoned for multifamily dwellings and a developer will build multifamily units on the property. We request the builders install a privacy fence on their property, adjacent to 4014 Jaffna Cove, Austin Texas, 78749.

Regards,

John and Natomia Barksdale
4014 Jaffna CV
Austin, TX 78749
512 891-0600

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