

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0022 5010 & 5102 Heflin Lane

DISTRICT: 1

ZONING FROM: SF-4A-NP

TO: SF-6-NP

ADDRESS: 5010 and 5102 Heflin Lane

SITE AREA: 5.03 Acres

PROPERTY OWNERS/APPLICANT:

Heflin Phase 1 LLC
(Lynn Yuan)

AGENT:

Thrower Design
(Ron Thower)

CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)

STAFF RECOMMENDATION:

Staff supports the Applicant's request of SF-6-NP. *For a summary of the basis of staff's recommendation, see case manager comments on page 3.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 23, 2020: To grant SF-6-NP as recommended by Staff. (10-0) [Anderson- 1st, Hempel- 2nd; Shieh- Recused; Kazi- Off the dais]

June 9, 2020: Meeting canceled

CITY COUNCIL ACTION:

July 30, 2020:

ORDINANCE NUMBER:

ISSUES:

No issues at this time.

CASE MANAGER COMMENTS:

The subject property is located on the north side of Heflin Lane between East Martin Luther King Jr Boulevard (MLK) and Webberville Road. The property is comprised of two SF-4A-NP lots and is undeveloped except for a concrete drainage channel. The drainage channel crosses the entire site and contains 100-year floodplain. Other portions of the property are also impeded by floodplain. The property is surrounded by SF-3-NP zoned properties that are developed with single family and duplex residences. A property zoned SF-6-NP is located nearby at the southwest corner of Heflin Lane and Webberville Road, and is developed with high density residential. Approximately one block to the south of the subject property is an area of the neighborhood zoned SF-4A-NP that is developed with small lot single family residences. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

Elmsgrove Drive dead-ends into the subject property from the residential area to the north. Austin Transportation Department (ATD) has reviewed Elmsgrove Drive in relation to the proposed rezoning and has determined that an extension of the street is not warranted or required. There are no plans in the AMATP showing connection of the street to Heflin.

Staff supports the requested SF-6-NP. The Applicant proposes developing the property with roughly 34 residential units. SF-6-NP is the most restrictive category that would permit that many residential units and allows the units to be developed in a clustered manner. The current zoning, SF-4A-NP permits development of small lot single family residences but requires that each unit be on a separate subdivided lot. Due to the configuration of the subject property and existing floodplain and drainage features, it would be very difficult to design small residential lots on the property. Clustered residential units will allow development around the existing drainage features.

Staff has received correspondence in opposition to the rezoning request. ***Please see Exhibit C- Correspondence.***

BASIS OF RECOMMENDATION:

1. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

The Strategic Housing Blueprint promotes a mix of housing types and densities across the city.

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

The property is impeded by floodplain and a large concrete drainage structure. Development of single family residential lots on the property would be very limited. SF-6 is the most restrictive residential category that allows clustering of units on a single lot.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Undeveloped, drainage feature
<i>North</i>	SF-3-NP	Single family residential
<i>South</i>	SF-3-NP, SF-6-NP, SF-4-NP	Single family and duplex residential, Townhouse/condominium residential, Small lot single family residential
<i>East</i>	SF-3-NP	Single family and duplex residential
<i>West</i>	SF-3-NP	Single family and duplex residential

NEIGHBORHOOD PLANNING AREA: East MLK Combined NP Area (MLK-183)

SCHOOLS:

Norman Elementary School
 Martin Middle School
 NE Early College, Sadler Means/Garcia High School

TIA: N/A

WATERSHED: Fort Branch

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association	AISD
Neighbors United for Progress	Austin Neighborhood Association
Del Valle Community Coalition	Sierra Club
Stonegate Neighborhood Association	Bike Austin
Friends of Austin Neighborhoods	Del Valle Community Coalition
Truman Heights Neighborhood Association	East Austin Conservancy
Neighborhood Empowerment Foundation	
Senate Hills Homeowners' Association	
Pecan Springs/Springdale Hills Neighborhood Association	
East MLK Neighborhood Plan Contact Team	

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2020-0031.SH MLK & 183 Residential	MF-6-NP; Staff rec MF-3-NP	5/26/20: To grant neighborhood ppmt to 6/9/2020	7/30/2020:
C14-2015-0114 5010 & 5102 Heflin	11/1/2016: Withdrawn	N/A	N/A

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Heflin Lane	~55'	70'	39'	2	No	Yes	Yes

OTHER STAFF COMMENTS:ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Fort Branch Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, 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. 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.
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.
- SP 4. FYI: Additional design regulations will be enforced at the time a site plan is submitted.
- SP 5. The site is subject to compatibility standards. Along the northeast, northwest, and southwest SF-3-NP property lines, the following standards apply:
- ☐ 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 zoned SF-5 or more restrictive. (use 540' radius)
 - ☐ An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less property in an SF-5 or more

restrictive zoning district.

- ☐ A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

SP 6. The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

TRANSPORTATION

TR 1. The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, calls for 70 feet of right-of-way for Heflin Lane. It is recommended that 35 feet of right-of-way from the existing centerline should be dedicated for Heflin Lane at the time of subdivision or site plan. The TIA determination will be deferred to site plan submittal when land uses and intensities have been finalized.

The adjacent street characteristics are described in the table below:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Heflin Lane	~55'	70'	39'	2	No	Yes	Yes

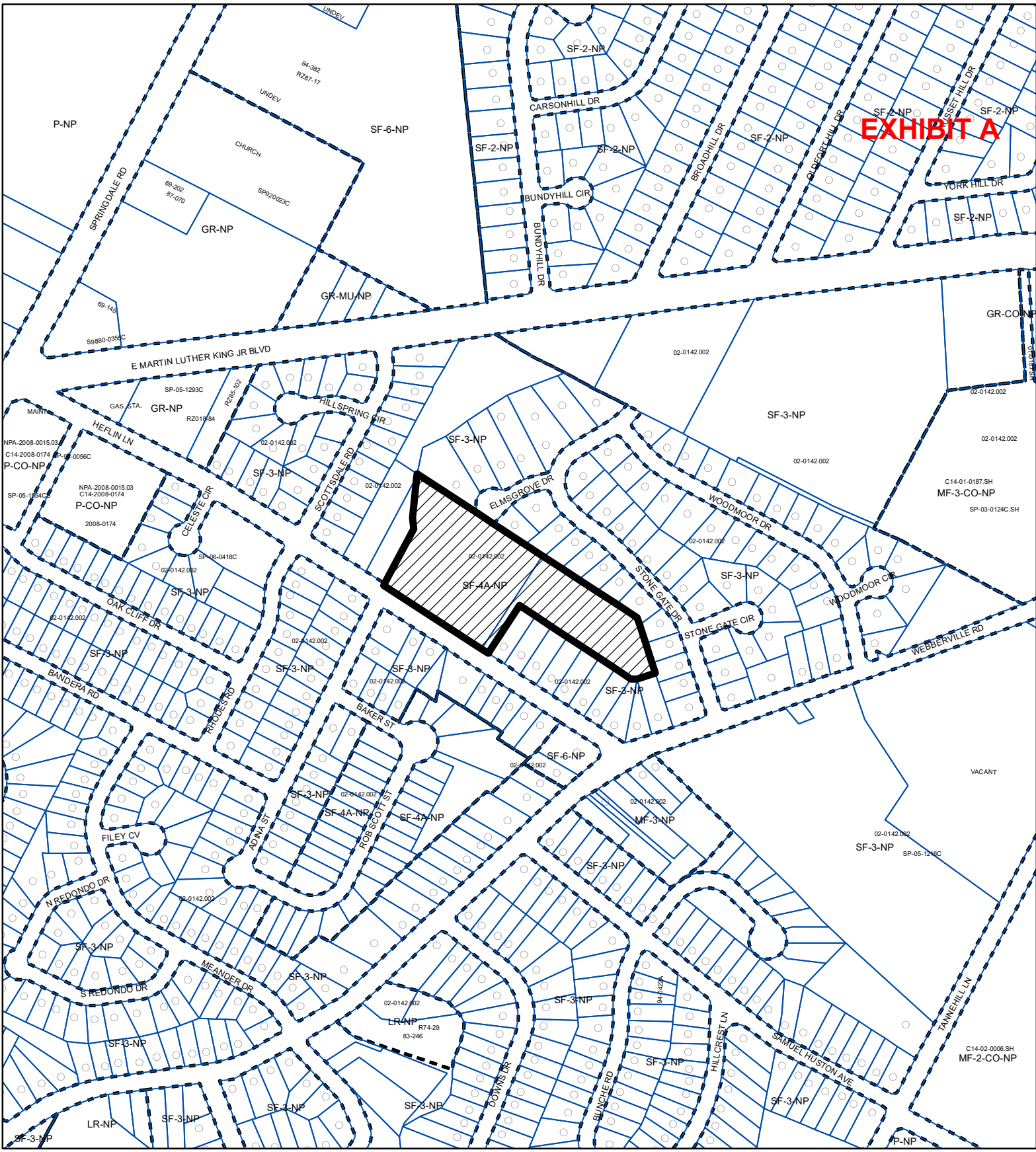
WATER UTILITY

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. Correspondence

EXHIBIT A



1" = 400'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

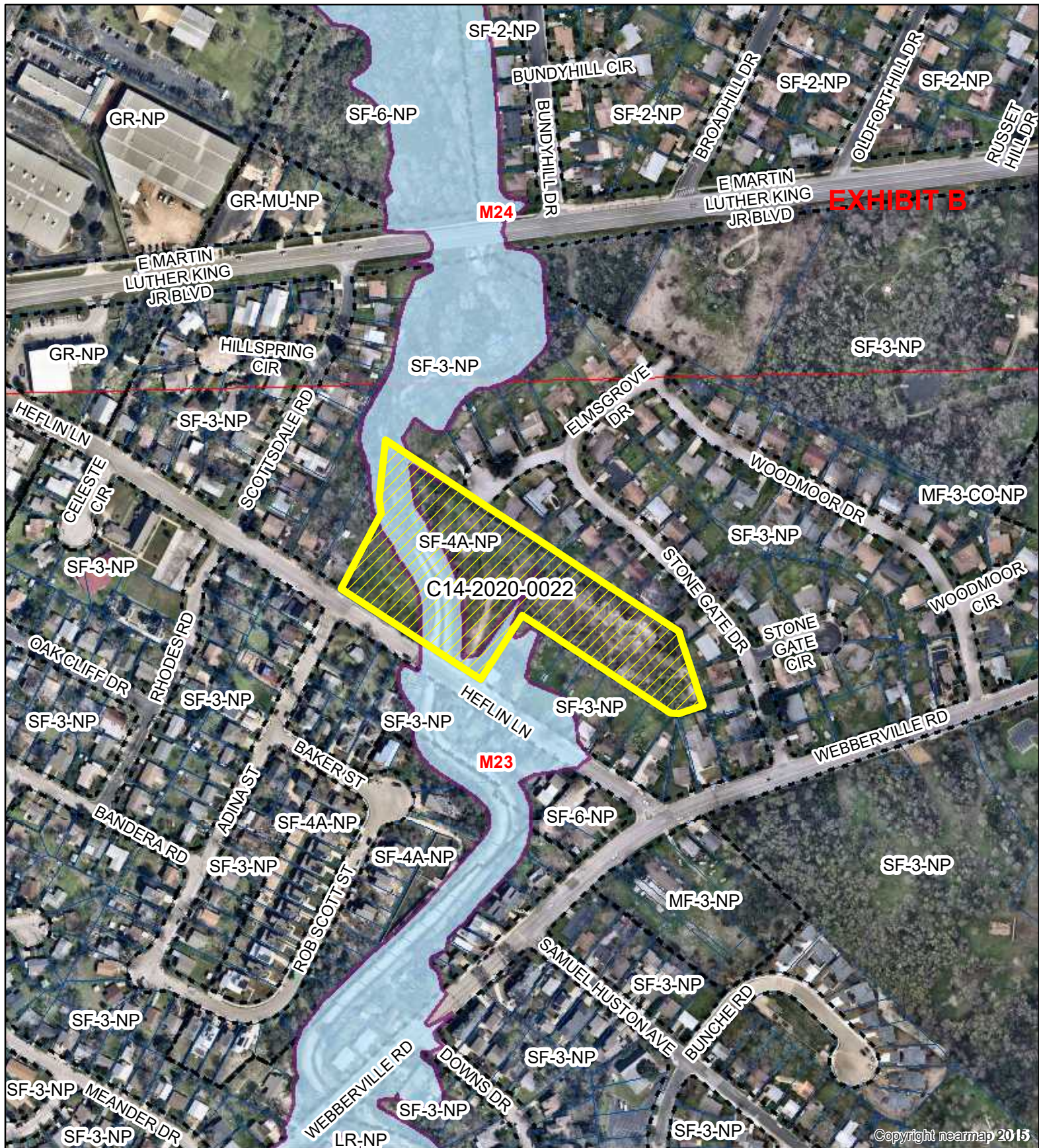
ZONING CASE#: C14-2020-0022

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: 3/4/2020



5010 & 5102 HEFLIN LANE

ZONING CASE#: C14-2020-0022
 LOCATION: 5010 & 5102 HEFLIN LANE
 SUBJECT AREA: 5.11 Acres
 GRID: M23
 MANAGER: Heather Chaffin



- C14-2020-0022
- Creek Buffers
- ZONING BOUNDARY

1" = 300'

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.

EXHIBIT C

From: Burke, Wes
Sent: Friday, March 27, 2020 11:05 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: 5010 Heflin C14-2020-0022

*** External Email - Exercise Caution ***

Hi Heather,

Sorry I missed your call, but I did get your message about email being easier to use. I really appreciate you getting back to me so quickly considering the circumstances. Crazy times we live in!

I own the property at 5104 Heflin Unit 1 and I was hoping to get some more information about the zone change. I am particularly interested in how it affects drainage since we are technically in a flood zone and what areas are affected. It looks like they have done a lot of work on the property connected to it and behind my home which isn't technically 5010 Heflin. I think someone mentioned a possible new street as well?

I understand the meeting isn't until end of April from a scheduling perspective, but any details you could provide would be appreciated.

I hope you are staying safe!

Thanks for your help!

Wes

832-654-1501

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to CSIRT@austintexas.gov.

From: Delice Petit

Sent: Wednesday, March 18, 2020 7:50 PM

To: Leonard, Delaine E

Cc: Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Sharp, Adam R >; Monica Kurtz

Subject: Re: C14-2020-0022

On Tue, Mar 17, 2020, 9:12 AM Leonard, Delaine E > wrote:

Dear Ms. Chaffin,

This email is written in protest of zoning change from SF-4A-NP to SF-6-NP. This developer plans to put a road through Elmsgrove Drive that will feed into Woodmoor and Stone Gate Dr. At peak rush hours, the cars parked along those streets already limit traffic to one-way at a time. Entering or exiting the Stone Gate neighborhood can be nightmarish.

Turning north from Heflin Lane onto Webberville is next to impossible. Traffic headed south on Webberville builds up speed (much greater than the posted limit), and cars parked illegally in the bike lane along Webberville obstruct sightlines. Exiting Stone Gate or Woodmoor is essentially the same, except it now takes an additional 5-10 minutes to wait for queue on Woodmoor or Stone Gate.

The increased density of projects at MLK & Tannehill and directly across the street at the T-intersection of Webberville and Stone Gate will make it impossible to navigate traffic. Or cross the street to walk in those lovely foot paths that every developer promises.

Of perhaps greater concern is that the increased impervious cover will exacerbate flooding in this already flood-prone neighborhood.

Each one of these three projects, if taken on their own merits (Heflin Lane, MLK & Tannehill, and SF-3-NP at Webberville and Stone Gate) are reasonable projects. Together, they will seriously impact the serenity and functionality of this quiet and collegial neighborhood.

Please seriously consider keeping the current SF-4A-NP zoning intact.

Kind regards,

Delaine Fedson Leonard
Harpist and Educator, Austin, TX

Sarah and Ernest Butler School of Music, The University of Texas at Austin
Harp Teacher Trainer, Suzuki Association of the Americas

www.music.utexas.edu

www.harpist.net

512.413.3152

Sent from my iPad

From: Amanda Willard
Sent: Friday, June 05, 2020 1:16 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Cc:
Subject: C14-2020-0022 5010 & 5102 Heflin Lane

*** External Email - Exercise Caution ***

This email is written in protest of the requested zoning change from SF-4A-NP to SF-6-NP.

Our area is already experiencing the adverse impact of increased development. While COVID-19 has temporarily reduced traffic across our city, under normal circumstances, the congestion on Webberville and Heflin during peak times has increased to a level that impacts my family's commute times and complicates navigating our own neighborhood. For example, attempting to turn north from Heflin Lane onto Webberville is challenge. Traffic traveling south on Webberville travels at a speed greater than the posted limit (even with the speed bumps in place) and any car parked in the bike lane along Webberville creates a situation that makes it too dangerous to walk around my own neighborhood with my children at certain times of the day. Any increase in density will strain our already congested roadways.

Of substantial concern, the increased impervious cover will exacerbate flooding in our neighborhood. Since purchasing our home in 2012, the number of times our house has flooded has increased steadily as development in the area has increased. We have already replaced floors and had to have a professional install an expensive drainage system for our house.

I recognize that some change is inevitable. When evaluating what changes are reasonable, I ask that you please keep in mind that our wonderful neighborhood still has homes occupied by the original owners who purchased their properties in the 60's and have already experienced substantial changes. To create a situation that forces any of our neighbors to make costly upgrades to their properties to mitigate the impact of surrounding developments or to be forced to sale their homes because they can not afford the upgrades, is not reasonable.

The increased density of proposed projects like the one at MLK & Tannehill and directly across the street at the intersection of Webberville and Stone Gate will make it impossible to safely navigate traffic and difficult for some of us to maintain our homes. Each one of these projects, if considered individually, may seem reasonable but together and combined with all of the rapid development East Austin is experiencing, will negatively impact the safety, functionality and affordability of the Stone Gate neighborhood.

I appreciate you seriously considering keeping the current SF-4A-NP zoning intact.

Respectfully,

Amanda Willard

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From: Leonard, Delaine E
Sent: Monday, June 01, 2020 10:44 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Cc: Andrea Petit ; Monica Kurtz
Subject: C14-2020-0022

*** External Email - Exercise Caution ***

Dear Heather,

I write as a homeowner at 5202 Stone Gate DR, and member of the Stone Gate Neighborhood Association to protest the zoning change for case number: C14-2020-0022.

My protest is based on several items:

- 1) The aggregate of high density projects surrounding our neighborhood has already had an adverse impact on traffic. These developers have historically discussed opening Elmsgrove Drive to Heflin Lane. Many of the homeowners along Elmsgrove already park in the street. This inhibits traffic during peak hours to one lane only.
- 2) This project's developers in particular has a history of saying one thing to the Planning Commission and surrounding neighborhood associations, and advertising a quite different development on their website.
- 3) This proposed zoning change is in an area prone to flooding and high density development will only serve to increase flooding throughout the existing neighborhood.
- 4) The proposed setback between the development and existing single family homes is again suspect. What this development company says it will do and what it advertises to potential investors/residents are two distinctly different things.

Kind regards,

Delaine Fedson Leonard, Harpist and Educator
University of Texas Butler School of Music
Faculty, Austin Community College
Suzuki Harp Teacher Trainer for Suzuki Talent Education of Hong Kong and the Americas

www.harpist.net
512-413-3152

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Sent: Tuesday, March 17, 2020 9:12 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Cc: Sharp, Adam R <>; Andrea Petit <>; Monica Kurtz <>
Subject: C14-2020-0022

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Please seriously consider keeping the current SF-4A-NP zoning intact.

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Sarah and Ernest Butler School of Music, The University of Texas at Austin Harp Teacher Trainer, Suzuki Association of the Americas

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512.413.3152

From: Moodi Love <
Sent: Friday, June 05, 2020 11:45 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Cc:
Subject: Stone Gate - Heflin & MLK developement

*** External Email - Exercise Caution ***

June 5, 2020

Dear Heather,

I am a 15 year resident in Stone Gate so I am very distressed about the upcoming development projects surrounding our perimeter. While I understand that it's 'progress' and this was inevitable, I am truly concerned how it will impact our neighborhood:

Flooding – my back yard faces Helfin. The watershed/drainage ditch/creek bed (?) has flooded before, and at least three times, into my back yard 15 feet or more from my fence. Right now there is a very large bolder and other branches/debris in the watershed since they began excavating that area. Soil is eroding into the watershed. It won't take long to create an even larger dam than what is there already – that should be addressed immediately and would probably be viewed by our community as a gesture of good faith from the developers. What will it be like when they continue development? That stretch of property is elevated so where is that water going to go?

To keep the integrity, character, and SAFETY of our neighborhood, there should be a TALL fence or wall between the new construction and our homes. With the removal of the trees earlier this year, I can already see and hear traffic and noise coming from Helfin. There is a lot of foot traffic along the stretch of bare property that was excavated earlier this year. It's only going to get much worse as more trees are felled. And quite frankly – I don't want to see someone walking around in their underwear...

I understand that the though street from MLK is no longer on the table, but if it is, that brings up security issues, traffic issues, and more. We are able to walk safely through our neighborhood, many with small children, and not worry about someone who doesn't live here, just taking a short cut and not caring that this is a quiet family community.

I am at a low middle class income level and as senior citizen who is trying to retire next year and will be living on a fixed income, what will happen to property taxes? Someone has to pay for this new infrastructure.

I have noticed the overall increase in the traffic over the last 18 months during my commute and how much more time it took (Pre-Covid) just to leave Stone Gate to MLK, then get on the freeway. Even early in the morning is was horrible. I can't even imagine what the additional housing will create. I understand that the large apartment complex with 200+ units per acre is off the table, and is now 36 units per acre. I hope my understanding of this is correct.

Thank you,

Moodi Love
5107 Stone Gate Dr.
Austin, Tx 78721

From: Lance Willard

Sent: Friday, June 19, 2020 2:15 PM

To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>

Cc: woahcity

Subject: PROTESTING ZONING CHANGE OF C14-2020-0022 5010 & 5102 HEFLIN LANE

Good afternoon-

This email is a written protest of the requested zoning change from SF-4A-NP to SF-6-NP of C14-2020-0022 5010 & 5102 Heflin Lane.

Our immediate and surrounding neighborhoods have already experienced a major adverse impact of the increased development.

Webberville Road, Tennehill Road and Heflin Lane during peak times have increased to a level that impacts my family's commute times and complicates navigating in our own neighborhood. For example, attempting to turn north from Heflin Lane onto Webberville is challenge. Traffic traveling south on Webberville travels at a speed greater than the posted limit (even with the speed bumps in place) and any car parked in the bike lane along Webberville creates a situation that makes it too dangerous to walk around my own neighborhood with my children at certain times of the day. Any increase in density will strain our already congested roadways.

Of substantial concern, the increased impervious cover will exacerbate flooding in our neighborhood. **Since purchasing our home in 2012, the number of times our house has flooded has increased steadily as development in the area has increased.** We have already replaced floors and had to have a professional install an expensive drainage system for our house. **Several neighbors who have lived here for over 50 years, have also reported flooding, and state that flooding has NEVER happened to them before.** A large apartment complex was built on top of the large hill where our neighborhood rests, and it is clear that this is what has caused the new flooding/run-off problem.

While change is inevitable, please consider REASONABLE changes. I ask that you please keep in mind that our wonderful neighborhood still has homes occupied by the original owners who purchased their properties in the 60's and have already experienced substantial changes. To create a situation that forces any of our neighbors to make costly upgrades to their properties to mitigate the impact of surrounding developments or to be forced to sale their homes because they can not afford the upgrades, is not reasonable.

The increased density of proposed projects like the one at MLK & Tannehill and directly across the street at the intersection of Webberville and Stone Gate will make it impossible to safely navigate traffic and difficult for some of us to maintain our homes. Each one of these projects, if considered individually, may seem reasonable but together and combined with all of the rapid development East Austin is experiencing, will negatively impact the safety, functionality and affordability of the Stone Gate neighborhood.

I appreciate you seriously considering keeping the current SF-4A-NP zoning intact.

Very truly yours,
Lance Willard

----- Forwarded message -----

From: Sam Reicks <

Date: Jun 23, 2020, 11:23 AM -0500

To: andrew.rivera@austintexas.gov

Subject: Remarks on the rezoning of 5010 & 5102 Heflin lane

The attempt to rezone this land is frustrating on many levels. I would like to speak vehemently against the rezoning of this lot for multiple reasons.

1. District 1 (this district) was specified in the 1928 Master plan as the "Negro District" ... Throughout Austins horrible history of racism and redlining, black people were forced into east side neighborhoods, like this one. Now as the east-side including district 1 have become popular, those people who have been forced to live here, are now being forced to leave through gentrification. Building a development such as this one in this community will accelerate the rate of gentrification immensely pushing out more and more people of color who have spent generations building a community here because they weren't allowed to anywhere else.
2. The rezoning of this lot has been attempted repeatedly in the past. At each attempt the neighborhood has spoken out against the rezoning. The developers are adamant to push this through in spite of the will of the community. The only reason I can understand that they do not stop is that they assume with enough effort and money they can override the will of the community. This decision needs to be made in the interest of the community and not because the applicant is incessant and can afford good lawyers.
3. This neighborhood is NOT in the center of Austin we are a little bit further out and enjoy the space and speed of living in a smaller neighborhood, with the scale of construction they are applying for, we will lose all of our green space and be packed in in a way that does not fit the neighborhood.
4. 2-3 blocks away is Rob-Scott st, where they've been working on a housing development for a decade or so. Progress has been slow as there hasn't been an appetite for the new housing in this neighborhood. On top of that, with the current covid-19 epidemic there are questions about the future interest in dense-fill housing, now above all is not a time when increased density is needed.
5. Fort branch creek has a history of flooding, and many houses near it, including this site itself are in a flood zone. 1 of the biggest things that prevents flooding is the green grass and woods buffer area that surround the creek improving the watersheds ability to absorb water in flood-events. The entirety of these lots sit in this valuable flood-absorption area and are currently full of grassland and trees. Any development on this land will hurt our ability to absorb floodwaters, but a high-density development as they are proposing will exacerbate it entirely, replacing grass and trees with impermeable concrete and condos.

I implore the council to reject this rezoning. It clearly does not fit this community and the developers are trying to buy their way out of that clear fact.

Thank you,
Sam Reicks
6417806182