

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2020-0135.SH

DISTRICT: 3

ZONING FROM: SF-3-NP

TO: SF-6-CO-NP

ADDRESS: 4908 Lott Avenue, 5000-5106 Lightfield Lane, & 1160-1166 Mason Avenue

SITE AREA: 5.01 acres

PROPERTY OWNER:  
4908 Lott Holdings, LLC  
(Matt McDonnell)

AGENT:  
Armbrust & Brown, PLLC  
(Michael Whellan)

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

STAFF RECOMMENDATION:

**Staff supports the Applicant's request for rezoning to townhouse/condominium residential-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. The conditional overlay will limit impervious cover to 51% exclusive of any shared-use path that allows public access to Springdale Neighborhood Park.**

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

PLANNING COMMISSION ACTION / RECOMMENDATION:

February 9, 2021:

January 26, 2021: To grant postponement to February 9, 2021, as requested by neighborhood, on consent. (11-0)

CITY COUNCIL ACTION:

February 18, 2021:

ORDINANCE NUMBER:

## ISSUES

The proposed rezoning is for a 5.01 acre tract that was platted for 31 single family and duplex residential units in 2019. ***Please see Exhibit C- Approved Plat.*** The property changed hands in September 2020; the new owner is proposing 55 townhouse/condominium residential units. The applicant has provided a SMART Housing letter stating that 5 ownership units will be included at 80% of Median Family Income (MFI) for 99 years. ***Please see Exhibit D- SMART Housing Letter.***

## CASE MANAGER COMMENTS:

The rezoning tract is located northeast of the intersection of Lott Avenue and Mason Avenue in the MLK-183 area of the East MLK Combined Neighborhood Planning Area (NPA). The property is undeveloped and zoned SF-3-NP. Immediately north of the property is Springdale Neighborhood Park, which is zoned P-NP. The eastern boundary is Fort Branch Creek, and properties to the east are zoned SF-3-NP. While some of these properties are undeveloped because of their location in the floodplain, others in the area are developed with single family residences. Further to the east, on Delano Street and Jackie Robinson Street are properties zoned SF-6-NP and SF-6-CO-NP. South and southwest of the rezoning tract is a single family neighborhood zoned SF-3-NP. A single SF-6-NP tract is located in the vicinity and appears to be developed with a single family residence. To the west and northwest of the rezoning tract are single family residences zoned SF-3-NP. Further west, along Webberville Road, is a mix of SF-3-NP and GR-MU-NP zoned properties, including single family and multifamily properties, as well as a fire station. ***Please see Exhibits A and B- Zoning Map and Aerial Exhibit.***

As stated previously, the eastern boundary of the rezoning tract is Fort Branch Creek. As shown on the aerial exhibit, a portion of the tract is located in floodplain and creek buffers that limit development. The aerial also shows the significant tree coverage. In addition to these constraints, the topography of the site also reduces development options. Exhibit E shows the contours on the site and the slopes greater than 15% along the eastern portion of the tract. Development in these areas is greatly limited. ***Please see Exhibit E- Topography Exhibit.***

Staff has received correspondence in support of the rezoning request. ***Please see Exhibit F- Correspondence.***

Staff supports the applicant's request of SF-6-CO-NP, with the limit of 51% impervious cover exclusive of a path that will provide public access to Springdale Neighborhood Park. The site is significantly restricted by environmental constraints; although single family plat has been designed for the site, SF-6 zoning would allow clustering of units away from the slopes, floodplain and creek buffers adjacent to Fort Branch Creek. Clustering of units would also allow more trees to be preserved and less impervious cover to be used.

By allowing clustered townhouse/condominium units, the site could provide more residential units than a single family development—55 units instead of 31. It would provide alternative housing types in the predominately single family area. As a SMART Housing development 5 ownership units would be included at 80% of Median Family Income (MFI) for 99 years.

**BASIS OF RECOMMENDATION:**

1. *The proposed zoning should be consistent with the goals and objectives of the City Council.*
2. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*
3. *Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.*

The requested SF-6-CO-NP rezoning meets the criteria above. The rezoning would allow development of the property with both market rate and affordable ownership residential units. The Strategic Housing Blueprint, as adopted by Council, promotes additional affordable housing across the city. A mix of housing types in an area has been promoted by Commission and Council, to allow a range of individuals and families to find suitable options.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
Site	SF-3-NP	Undeveloped
North	P-NP	Springdale Neighborhood Park
South	SF-3-NP, SF-6-NP	Single family residential
East	SF-3-NP, SF-6-CO-NP, SF-6-NP	Single family residential, Undeveloped
West	SF-3-NP, GR-MU-NP	Single family residential, Multifamily residential, Fire station

**NEIGHBORHOOD PLANNING AREA:** East MLK Combined (MLK/183)

**TIA/NTA:** A Neighborhood Traffic Analysis (NTA) will be required at time of site plan or subdivision if triggered by proposed development intensities.

**WATERSHED:** Fort Branch

**SCHOOLS:** Ortega Elementary    Martin Middle School    Eastside Memorial High School

**NEIGHBORHOOD ORGANIZATIONS:**

- |  |                                   |
|--|-----------------------------------|
| Austin Independent School District               | Austin Neighborhoods Council      |
| Neighbors United for Progress                    | Seltexas                          |
| Hog Pen Neighborhood Association                 | East Austin Conservancy           |
| Austin Lost and Found Pets                       | Friends of Northeast Austin       |
| Preservation Austin                              | Lincoln Garden Association        |
| Neighborhood Empowerment Foundation              | Del Valle Community Coalition     |
| Bike Austin                                      | Sierra Club                       |
| Friends of Austin Neighborhoods                  | Homeless Neighborhood Association |
| Springdale-Airport Neighborhood Association      |                                   |
| East MLK Combined Neighborhood Plan Contact Team |                                   |

**AREA CASE HISTORIES:**

CITY FILE # / NAME	ZONING FROM & TO	PLANNING COMMISSION	CITY COUNCIL
C14-2019-0107.SH Jackie Robinson Residential 5511, 5515, 5517, and 5519 Jackie Robinson St	SF-3-NP to SF-6-NP	6-23-2020 Approved SF-6-NP	7-30-2020 Approved SF-6-NP
C14-2017-0097 Jackie Robinson Residential 1321 Delano St, 5600 Jackie Robinson Ln	SF-3-NP to SF-6-NP	01-23-2018 Apvd SF-6-CO-NP with max 62 du, NTA RC	02-15-2018 Grant SF-6-CO-NP as rec by PC
C14-2015-0019 5306 Samuel Huston 5306 Samuel Huston Ave.	SF-3-NP to SF-6-NP	06-23-15- Denied Applicant's request	09-10-15- Withdrawn by Applicant

**RELATED CASES:** NPA-2020-0015.04.SH – Lott Avenue  
Request: From Single Family to Higher Density Single Family

**EXISTING STREET CHARACTERISTICS:**

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Lott Ave	50'	Existing ROW	28'	1	No	No	Yes
Mason Ave	50'	Existing ROW	30'	1	No	No	Yes
Light Field Ln	50'	Existing ROW	Not yet built	1	Not yet built	No	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 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is a floodplain within 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. Development is limited within the Critical Water Quality Zone.
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

SP1. Site plans will be required for any new development other than single-family or duplex residential.

SP2. 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.

SP3. 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.

FYI: The subject property is included in an approved subdivision case (C8-2017-0124) and Neighborhood Plan Amendment Case NPA-2020-0015.04 that is currently in review.

SP4. The site is subject to compatibility standards due to adjacency of SF-3 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 structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line to the west, south, and east.

No parking or driveways are allowed within 25 feet of the property line to the west, south, and east.

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.

SP5. The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

#### Parkland

PR1: Parkland dedication will be required for the additional residential units proposed by this development, SF-6-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Parkland dedication had previously been satisfied for 31 units with the approved subdivision, case number C8-2017-0124. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. PARD will require connectivity to the adjacent Springdale Neighborhood Park from Mason and Lott Avenues. Should there be fees in-lieu required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

Transportation

TR 1. A Neighborhood Traffic Analysis (NTA) will be required at time of site plan or subdivision if triggered by proposed development intensities.

TR 2. Street Characteristics:

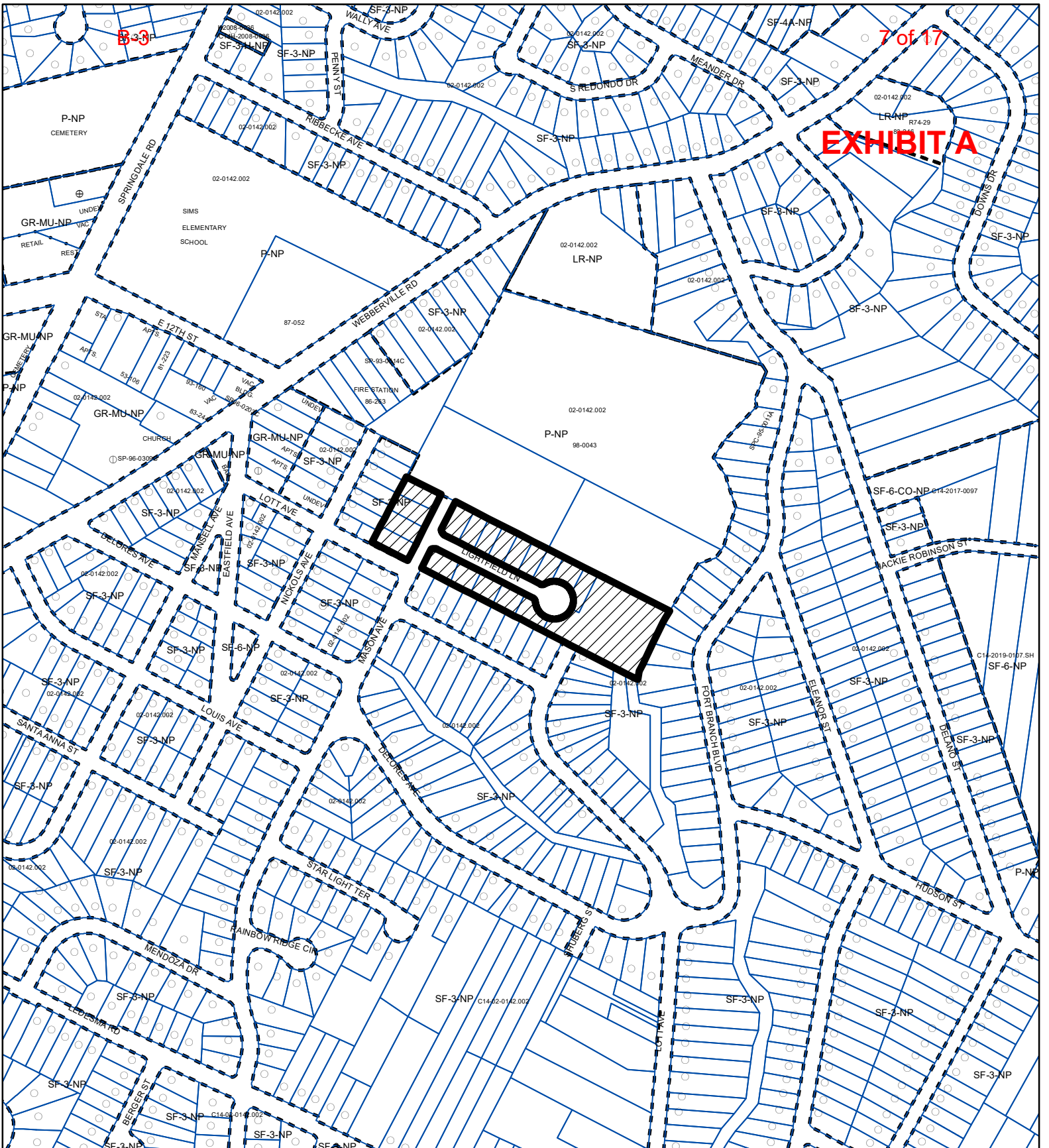
Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Lott Ave	50'	Existing ROW	28'	1	No	No	Yes
Mason Ave	50'	Existing ROW	30'	1	No	No	Yes
Light Field Ln	50'	Existing ROW	Not yet built	1	Not yet built	No	Yes

Austin Water Utility

AW1. 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. Previous Service Extension Requests 4294 (W) and 4295(WW) may need to be revised based on development plans submitted. 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 Map
- C. Approved Plat
- D. SMART Housing Letter
- E. Topography Exhibit
- F. Correspondence






7 of 17  
**EXHIBIT A**

**ZONING**

ZONING CASE#: C14-2020-0135.SH



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

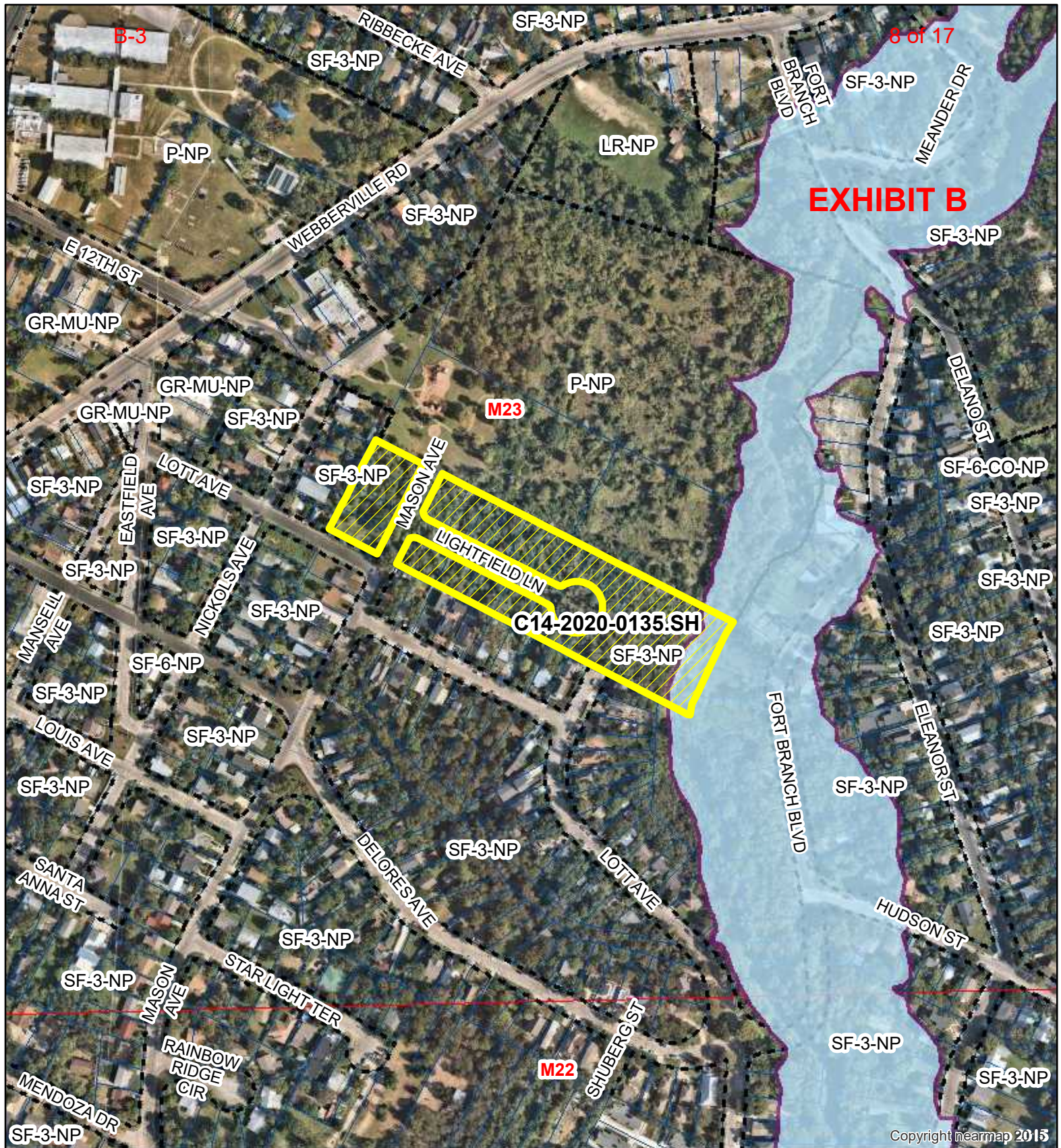
1" = 400'

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: 11/18/2020



**EXHIBIT B**

8 of 17

M23

M22

**C14-2020-0135.SH**



- C14-2020-0135.SH
- Creek Buffers
- ZONING BOUNDARY

**Lott Avenue**

ZONING CASE#: C14-2020-0135.SH  
 LOCATION: 4908 Lott Ave., 5000-5016 Lightfield Ln.  
 1160-1166 Mason Ave.  
 SUBJECT AREA: 5.01 Acres  
 GRID: M23  
 MANAGER: Heather Chaffin



1" = 300'

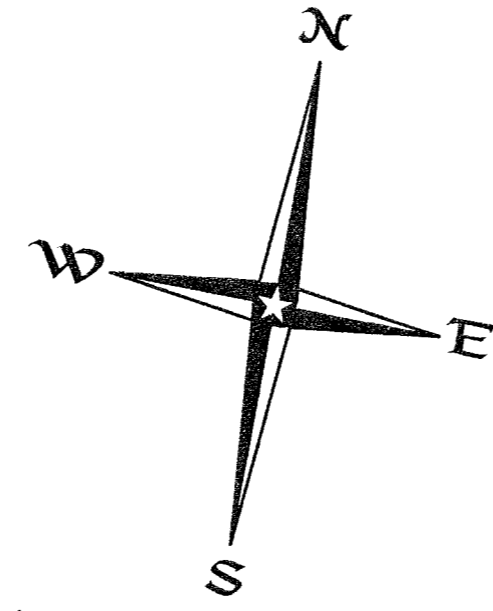
This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



# Lightfield

EXHIBIT C

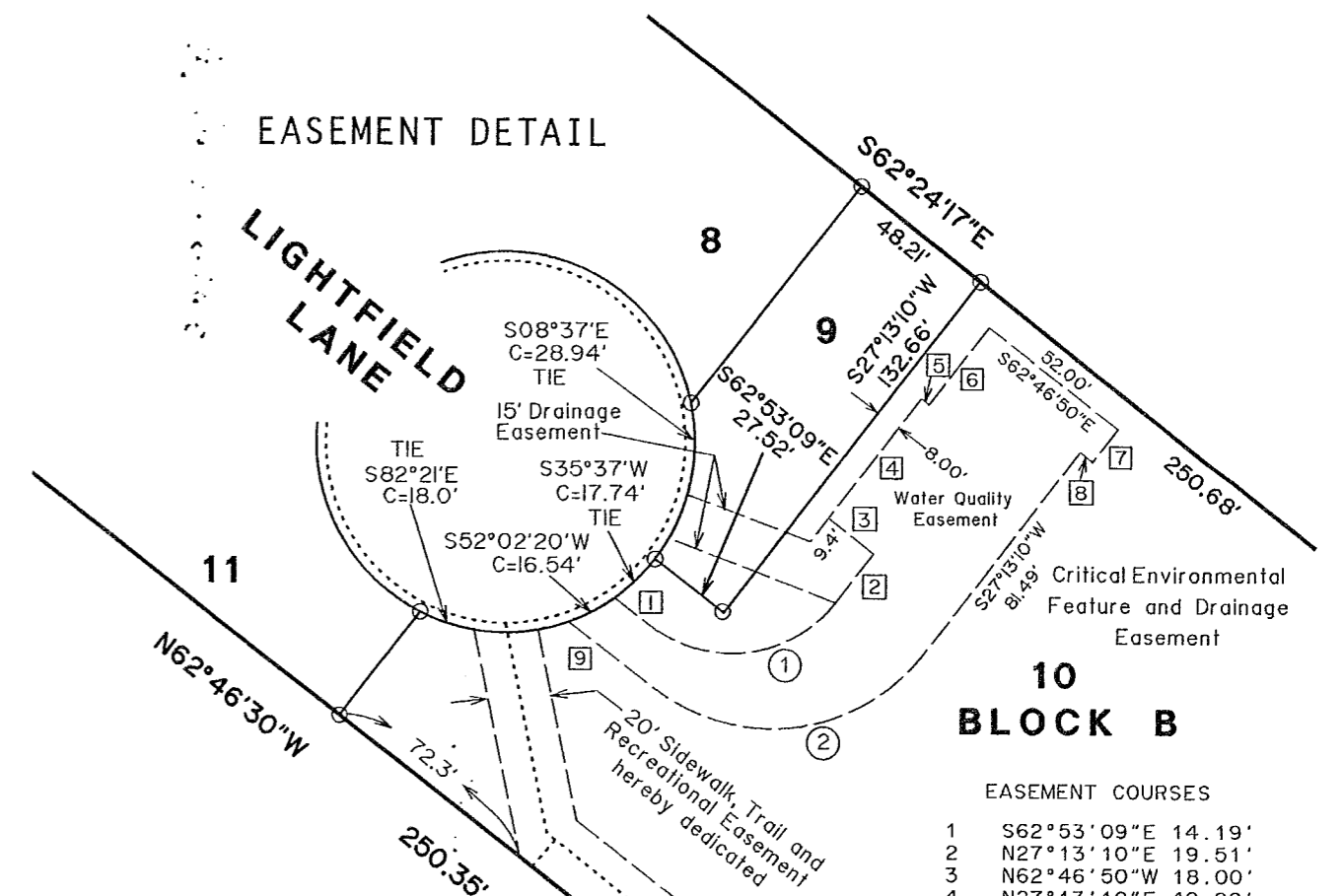
PLAT PREPARATION DATE: April 25, 2016  
APPLICATION SUBMITTAL DATE: July 7, 2017



SCALE: 1" = 60'  
graphic scale  
0 60 120 180

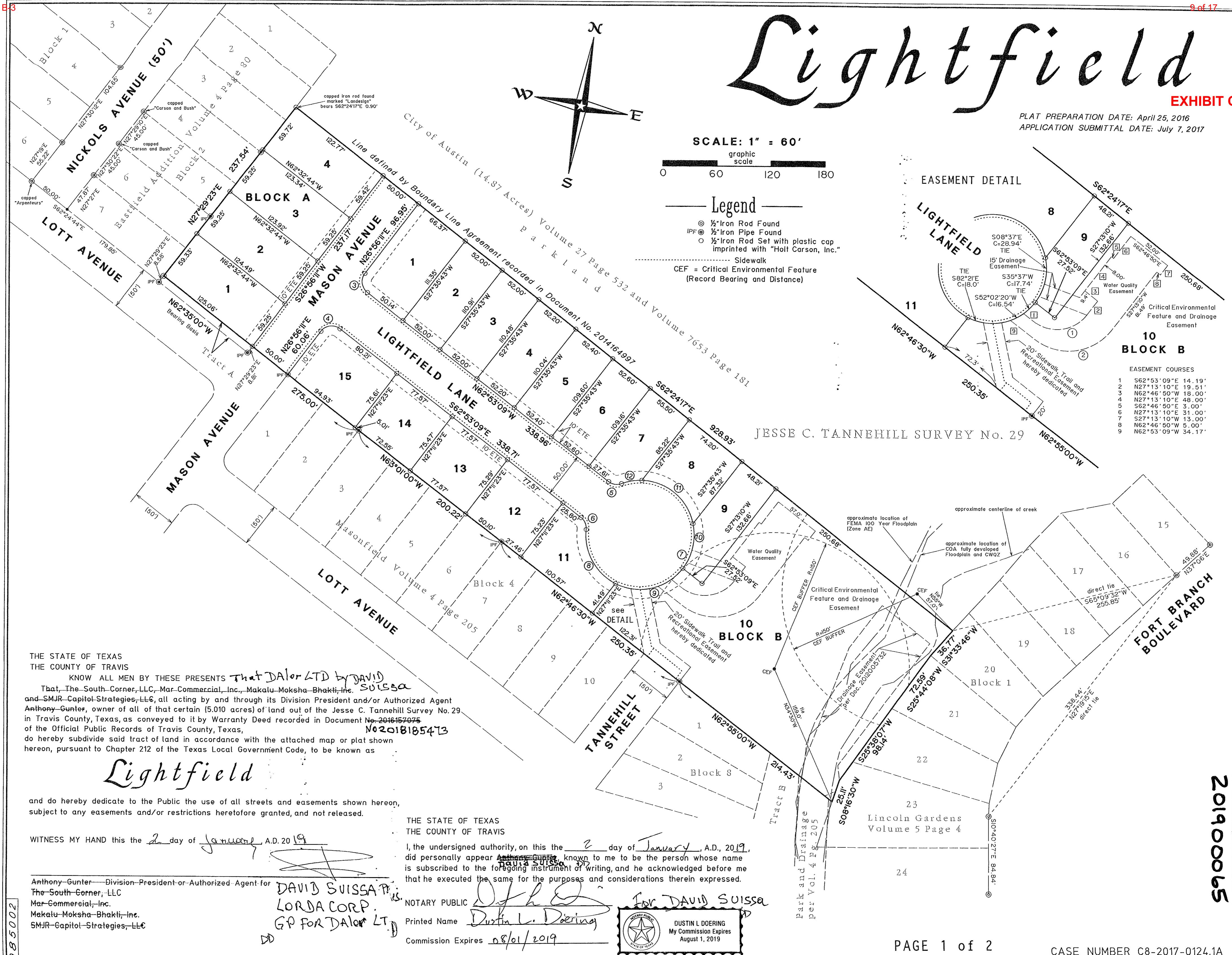
**Legend**  
● 1/2" Iron Rod Found  
IPF 1/2" Iron Pipe Found  
○ 1/2" Iron Rod Set with plastic cap imprinted with "Holt Carson, Inc."  
--- Sidewalk  
--- CEF = Critical Environmental Feature (Record Bearing and Distance)

### EASEMENT DETAIL



- EASEMENT COURSES**
- 1 S62°53'09"E 14.19'
  - 2 N27°13'10"E 19.51'
  - 3 N62°46'50"W 18.00'
  - 4 N27°13'10"E 48.00'
  - 5 S62°46'50"E 3.00'
  - 6 N27°13'10"E 31.00'
  - 7 S27°13'10"W 13.00'
  - 8 N62°46'50"W 5.00'
  - 9 N62°53'09"W 34.17'

JESSE C. TANNEHILL SURVEY No. 29



THE STATE OF TEXAS  
THE COUNTY OF TRAVIS  
KNOW ALL MEN BY THESE PRESENTS that DAJOR LTD by DAVID SUISSA  
That, The South-Corner, LLC, Mar-Commercial, Inc., Makalu-Moksha-Bhakti, Inc.  
and SMJR-Capitol-Strategies, LLC, all acting by and through its Division President and/or Authorized Agent  
Anthony Gunter, owner of all of that certain (5.010 acres) of land out of the Jesse C. Tannehill Survey No. 29  
in Travis County, Texas, as conveyed to it by Warranty Deed recorded in Document No. 2016157075  
of the Official Public Records of Travis County, Texas,  
do hereby subdivide said tract of land in accordance with the attached map or plat shown  
hereon, pursuant to Chapter 212 of the Texas Local Government Code, to be known as

## Lightfield

and do hereby dedicate to the Public the use of all streets and easements shown hereon, subject to any easements and/or restrictions heretofore granted, and not released.

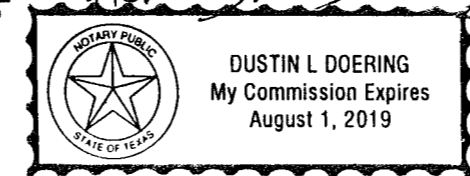
WITNESS MY HAND this the 2 day of January, A.D. 2019

Anthony Gunter—Division—President—or—Authorized Agent for  
The South-Corner, LLC  
Mar-Commercial, Inc.  
Makalu-Moksha-Bhakti, Inc.  
SMJR-Capitol-Strategies, LLC

DAVID SUISSA  
LORDA CORP.  
GP FOR DAJOR LTD.

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS  
I, the undersigned authority, on this the 2 day of January, A.D., 2019,  
did personally appear Anthony Gunter, known to me to be the person whose name  
is subscribed to the foregoing instrument of writing, and he acknowledged before me  
that he executed the same for the purposes and considerations therein expressed.

NOTARY PUBLIC  
Printed Name Dustin L. Doering  
Commission Expires 08/01/2019



201900065

985002

201900065

PLAT PREPARATION DATE: April 25, 2016  
APPLICATION SUBMITTAL DATE: July 7, 2017

# Lightfield

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

I, Dana DeBeauvoir, Clerk of Travis County, Texas, do hereby certify that the foregoing Instrument of Writing, and its Certificate of Authentication was filed for record in my office on the 10th day of April, 2019, A.D., at 12:11 o'clock P.M. and duly recorded on the 10th day of April, 2019, A.D., at 12:11 o'clock P.M. in the Official Public Records of said County and State in Document No. 201900065.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY this the 10th day of April, 2019, A.D.

DANA DEBEAUVOIR, COUNTY CLERK TRAVIS COUNTY, TEXAS

BY: D. Bartholomew  
Deputy  
**D. BARTHOLOMEW**



This subdivision is located in the Full Purpose Jurisdiction of the City of Austin this the 9th day of January, 2019.

ACCEPTED and AUTHORIZED for record by the Planning Commission of the City of Austin, Texas, this the 9th day of January, 2019, A.D.

[Signature] Chair  
[Signature] Secretary

APPROVED, ACCEPTED AND AUTHORIZED for record by the Director, Development Services Department, City of Austin, County of Travis, this the 9th day of January, 2019, A.D.

[Signature] for  
J. Rodney Gonzales, Director, Development Services Department

THE STATE OF TEXAS \*  
THE COUNTY OF TRAVIS \*

I do hereby certify that the engineering work being submitted herein complies with all provisions of the Texas Engineering Practice Act, including Section 131.152(e). I hereby acknowledge that any misrepresentation regarding this certification constitutes a violation of the Act, and may result in criminal, civil and/or administrative penalties against me as authorized by the Act.

A portion of this subdivision is within the boundaries of the 100-year flood plain (Zone AE) according to the Federal Flood Administration FIRM panel 48453C 0470 K, dated January 6, 2016.

[Signature]  
Miguel Gonzales, Jr. P.E. 95681  
SOUTHWEST ENGINEERS, INC.  
142 Cimarron Loop  
Buda, Texas 78610  
(512) 312-4336

1-04-19  
Date

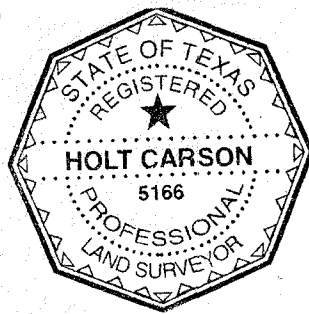


THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

I, Holt Carson, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that this plat complies with Title 25 of the Austin City Code, and is true and correct and was prepared from an actual survey of the property made by me or under my supervision on the ground.

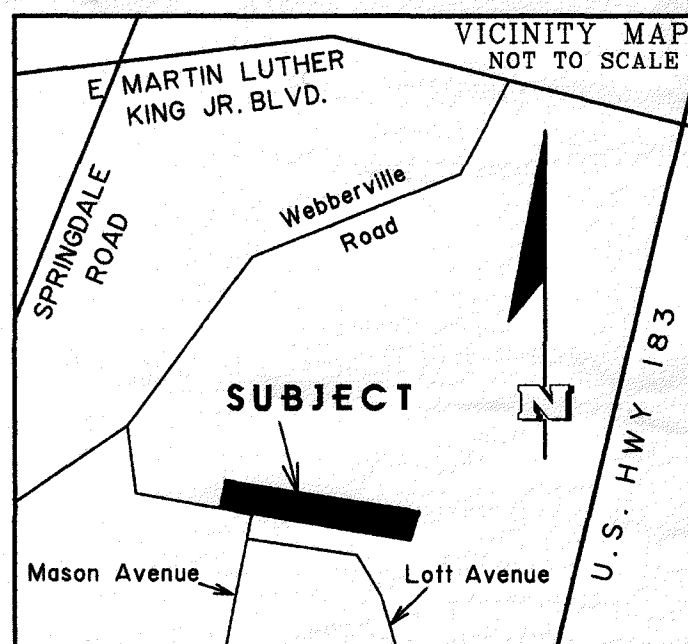
[Signature]  
Holt Carson  
Registered Professional Land Surveyor No. 5166  
HOLT CARSON, INC.  
1904 Fortview Road Austin, Texas 78704  
(512)-442-0990

7-11-2018  
Date



- NOTES:
- No lot shall be occupied until the structure is connected to the City of Austin water and wastewater utility system.
  - The water and wastewater utility system serving this subdivision must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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 is responsible for providing the subdivision infrastructure, including the water and wastewater utility improvements.
  - Building Setback Lines shall be in conformance with the City of Austin Zoning ordinance requirements.
  - No buildings, fences, landscaping, or other obstructions are permitted in drainage easements except as approved by the City of Austin.
  - The owner of this subdivision, and his or her successors and assigns, assumes responsibility for plans for construction of subdivision improvements which comply with applicable codes and requirements of the City of Austin. The owner understands and acknowledges that plat vacation or replating may be required, at the owner's sole expense, if plans to construct this subdivision do not comply with such codes and requirements.
  - Prior to any development on any lot, a drainage plan must be submitted to and approved by the City of Austin.
  - All streets, drainage, sidewalks, erosion controls, and water and wastewater lines are required to be constructed and installed to City of Austin Standards.
  - Austin Energy has the right to cut and trim trees and shrubbery and remove obstructions to the extent necessary to keep the easements clear of obstructions. Austin Energy will perform all tree work in compliance with Chapter 25-8, Subchapter B of the City of Austin Land Development Code.
  - The owner/developer of this subdivision/lot may provide Austin Energy with any easement and/or access required for the installation and ongoing maintenance of overhead and underground electric facilities within or along the perimeter of this subdivision/lot. These easements/access are required to provide electric service to the buildings and will not be located as to cause the site to be out of compliance with the City of Austin Land Development Code.
  - The owner shall be responsible for installation of temporary erosion control, revegetation and tree protection. In addition, the owner shall be responsible for any initial pruning and tree removal that is within ten feet of the center line of the proposed overhead electrical facilities designed to provide electric service to this project. The owner shall include Austin Energy's work within the limits of construction for this project.
  - By approving this plat, the City of Austin assumes no obligation to construct any infrastructure in connection with this subdivision. Any subdivision infrastructure required for the development of the lots in this subdivision is the responsibility of the developer and/or the owners of the lots. Failure to construct any required infrastructure to City standards may be just cause for the City of Austin to deny applications for certain development permits including building permits, site plan approvals and/or certificates of occupancy.
  - Public sidewalks, built to City of Austin standards, are required along the following streets and as shown by a dotted line on the face of the plat: Mason Avenue and Lightfield Lane. These sidewalks shall be in place prior to the lot being occupied. Failure to construct the required sidewalks may result in the withholding of Certificates of Occupancy, building permits, or utility connections by the governing body or utility company.
  - Erosion/Sedimentation controls are required for all construction on each lot, including single family and duplex construction, pursuant to the Land Development Code and the Environmental Criteria Manual.
  - The owner of the property is responsible for maintaining clearances required by the National Electric Safety Code, Occupational Safety and Health Administration (OSHA) regulations, City of Austin rules and Texas state laws pertaining to clearances when working in close proximity to overhead power lines and equipment. Austin Energy will not render electric service unless required clearances are maintained. All costs incurred because of failure to comply with the required clearances will be charged to the owner.
  - Slopes in excess of 15% exists on Lots 2-10, Block B. Construction on these slopes is limited per the Land Development Code.
  - This subdivision plat was approved and recorded before the construction and acceptance of streets and other subdivision improvements. Pursuant to the terms of a Subdivision Construction Agreement between the subdivider and the City of Austin, dated April 4, 2019, the subdivider is responsible for the construction of all streets and facilities needed to serve the lots within the subdivision. This responsibility may be assigned in accordance with the terms of that agreement. For the Construction Agreement pertaining to this subdivision, see the separate instrument recorded in Document No. 2019050301 in the Official Public Records of Travis County, Texas.
  - A fee-in-lieu of parkland dedication and park development has been paid for 31 dwelling units due to SF-3 zoning.
  - Parkland dedication is required per Ordinance 2016-0128-086, or as amended prior to approval of the first final plat in this subdivision.
  - The streets shown on this plat are dedicated as public right-of-way.
  - Participation in the Regional Stormwater Management Program was granted for this subdivision construction plan on 10-24-18 by the City of Austin Watershed Department, Office of the Director.
  - Two administrative variances have been granted to modify the standard 150 ft. critical environmental buffer for spring and wetland critical environmental features to coincide with Lot 10, which is 1.463 acres in size, and to allow construction of water quality pond outer portion of CEF buffer for spring and wetland within Lot 10, but not within 60 ft.
  - CCR's and HOA Bylaws Record Information Document No. 2019049774
  - A minimum 10-foot wide concrete sidewalk shall be built according to the City of Austin standards within the dedicated sidewalk, trail and recreational easement as shown by a dotted line on the face of the plat within Lot 10, Block B. The design including construction and termination shall be reviewed and constructed at the time of subdivision construction application. Failure to construct the required sidewalks may result in the withholding of Certificates of Occupancy, building permits, or utility connections by the governing body of utility company.
  - Participation in the Regional Stormwater Management Program was granted for this subdivision construction plan on 10-24-18 by the City of Austin Watershed Protection Department, Office of The Director.

LOT SUMMARY	
TOTAL NUMBER OF LOTS:	19
NUMBER OF BLOCKS:	2
BLOCK A	
LOT 1 =	7,397 Square Feet
LOT 2 =	7,358 Square Feet
LOT 3 =	7,324 Square Feet
LOT 4 =	7,329 Square Feet
BLOCK B	
LOT 1 =	7,289 Square Feet
LOT 2 =	5,779 Square Feet
LOT 3 =	5,756 Square Feet
LOT 4 =	5,755 Square Feet
LOT 5 =	5,754 Square Feet
LOT 6 =	5,753 Square Feet
LOT 7 =	5,770 Square Feet
LOT 8 =	5,750 Square Feet
LOT 9 =	5,781 Square Feet
LOT 10 =	63,707 Square Feet (non-residential)
LOT 11 =	5,800 Square Feet
LOT 12 =	5,834 Square Feet
LOT 13 =	5,847 Square Feet
LOT 14 =	5,860 Square Feet
LOT 15 =	7,117 Square Feet



CURVE DATA			
① Δ = 89°53'40" R = 42.00' T = 41.92' C = 59.34' A = 65.90' CB = N72°10'00"E	② Δ = 89°53'40" R = 61.00' T = 60.89' C = 86.19' A = 95.71' CB = S72°10'00"W	③ Δ = 89°49'20" R = 15.00' T = 14.95' C = 21.18' A = 23.52' CB = N17°58'29"W	④ Δ = 90°10'41" R = 15.00' T = 15.05' C = 21.25' A = 23.61' CB = N72°01'32"E
⑤ Δ = 57°46'09" R = 15.00' T = 8.28' C = 14.49' A = 15.12' CB = N88°13'47"E	⑥ Δ = 57°46'09" R = 60.00' T = 8.28' C = 14.49' A = 15.12' CB = S34°00'04"E	⑦ Δ = 295°32'18" R = 60.00' T = N/A C = 64.00' A = 309.49' CB = N27°06'51"E	⑧ Δ = 68°36'14" R = 60.00' T = 40.93' C = 67.63' A = 71.84' CB = S39°25'07"E
⑨ Δ = 79°09'55" R = 60.00' T = 49.61' C = 76.46' A = 82.90' CB = N66°41'49"E	⑩ Δ = 49°40'53" R = 60.00' T = 27.78' C = 50.41' A = 52.03' CB = N2°16'25"E	⑪ Δ = 76°25'31" R = 60.00' T = 47.24' C = 74.23' A = 80.03' CB = N60°46'47"W	⑫ Δ = 21°39'45" R = 60.00' T = 11.48' C = 22.55' A = 22.68' CB = S70°10'35"W

985002



# City of Austin

P.O. Box 1088, Austin, TX 78767  
[www.cityofaustin.org/housing](http://www.cityofaustin.org/housing)

## EXHIBIT D

### Housing and Planning Department S.M.A.R.T. Housing Program

November 3, 2020

#### S.M.A.R.T. Housing Certification

4908 Lott Holdings, LLC – 4908 Lott Ave – (ID 761)

#### TO WHOM IT MAY CONCERN:

4908 Lott Holdings, LLC (contact Dick Hall; ph: 512.774.4750; email [dick@thegeysergroup.com](mailto:dick@thegeysergroup.com)) is planning to develop a **55-unit single-family** development at 4908 Lott Ave, Austin TX 78721. **Five (5)** of these units will be sold to households at or below **80%** Median Family Income (MFI). Due to the applicant voluntarily committing to long-term affordability, these units will be subject to a 99-year resale restricted, affordability period. The units will comply with sale prices established annually by the Housing and Planning Department (HPD).

This development is seeking a zoning change from SF-3 to SF-6. The applicant has submitted evidence of contacting the E MLK Combined Neighborhood Contact team advising them of their project. The applicant has indicated they will address any legitimate concerns of the neighborhood residents.

HPD certifies the proposed project meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since 9% of the units will serve households at or below 80% MFI and will have a 99-year affordability period, the development will be eligible for 100% waiver of fees listed in Land Development Code, Chapter 25-1-704, as amended or other fees waived under a separate ordinance except for Austin Water Utility (AWU) Capital Recovery Fees. **This development is not fully in accordance with the requirements under the Texas Local Government Code, Chapter 395.16(g) and 42 U.S.C. Section 12745 (A)(1) as it relates to how housing qualifies as affordable housing and therefore 50 of the 55 units will not be eligible to receive Austin Water Utility Capital Recovery Fee (CRF) waivers.** The expected fee waivers include, but are not limited to, the following fees:

AWU Capital Recovery Fees	Concrete Permit	Mechanical Permit
Building Permit	Electrical Permit	Plumbing Permit
Site Plan Review	Subdivision Plan Review	Zoning Verification
Construction Inspection	Parkland Dedication Fee	Land Status Determination
Demolition Permit Fee	(by separate ordinance)	Building Plan Review
	Regular Zoning Fee	

#### Prior to issuance of building permits and starting construction, the developer must:

- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Contact Austin Energy Green Building: 512-482-5300 or [greenbuilding@austinenenergy.com](mailto:greenbuilding@austinenenergy.com)).
- ◆ Submit plans demonstrating compliance with the required accessibility or visitability standards.

#### Before a Certificate of Occupancy will be granted, the development must:

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).

- ◆ Pass a final inspection to certify that the required accessibility or visitability standards have been met.
- ◆ An administrative hold will be placed on the building permit, until the following items have been completed: 1) the number of affordable units have been finalized and evidenced through a sealed letter from project architect and/or engineer, 2) a Restrictive Covenant stating the affordability requirements and terms has been filed for record at the Travis County Clerk Office.

The applicant must demonstrate compliance with S.M.A.R.T. Housing standards after the certificate of occupancy has been issued or repay the City of Austin, in full, the fees waived for this S.M.A.R.T. Housing certification.

Please contact me by phone 512.974.2108 or by email at [alex.radtke@austintexas.gov](mailto:alex.radtke@austintexas.gov) if you need additional information.

Sincerely,



Alex Radtke, Senior Planner  
Housing and Planning Department

Cc: Kristin Martinez, AE

Jonathan Orenstein, AWU

Mashell Smith, ORS



# B-3 Property Profile

## Legend

### EXHIBIT E

#### Jurisdiction

- FULL PURPOSE
- LIMITED PURPOSE
- EXTRATERRITORIAL JURISDICTION
- 2 MILE ETJ AGRICULTURAL AGR
- OTHER CITY LIMITS
- OTHER CITIES ETJ

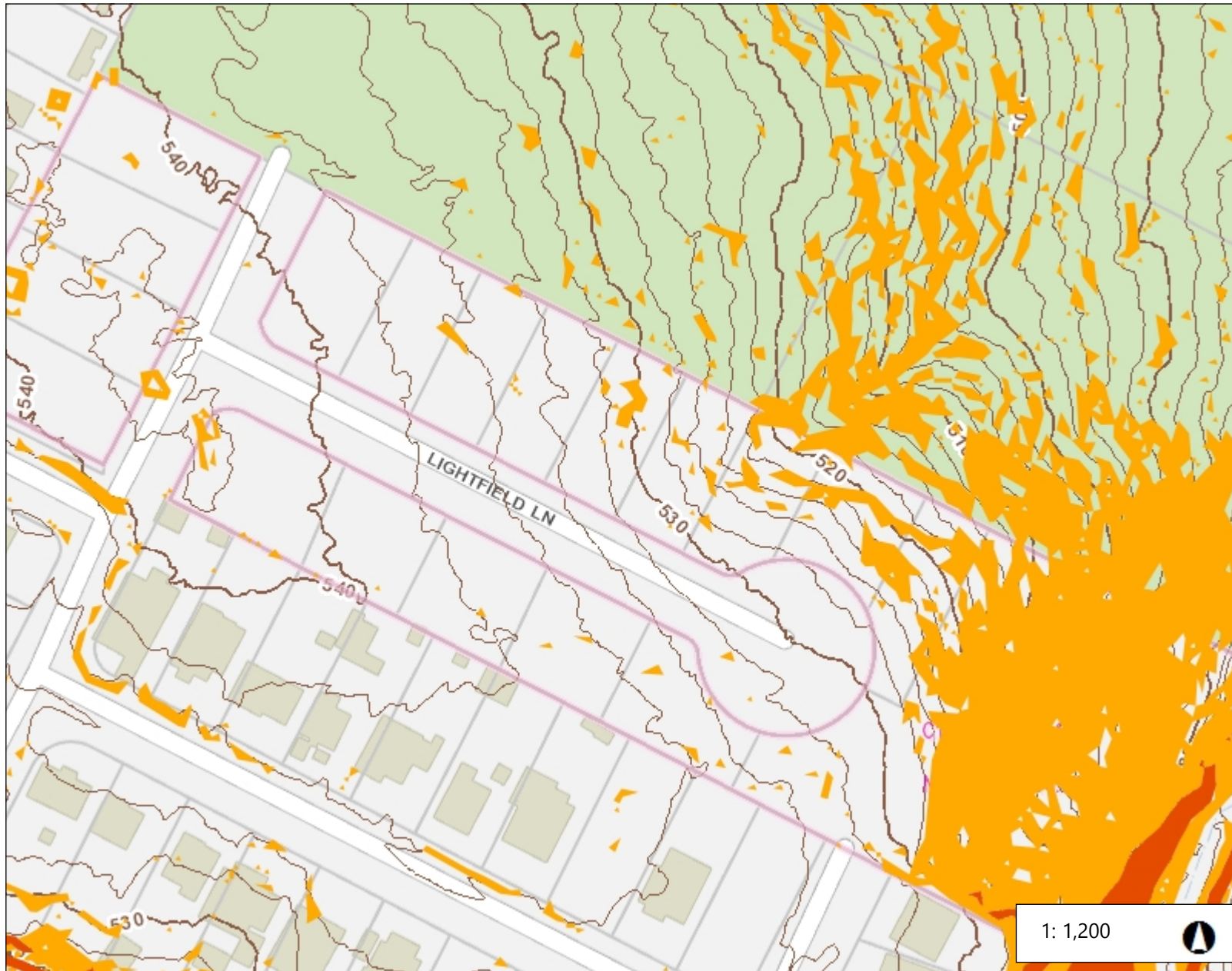
#### Zoning Review Cases (All)

#### Contours Year- 2017

- 2 Ft Contours
- 10 Ft Contours

#### > 15% Slope

- 15 - 60% Slope
- 60% Slope or Higher



0.0 0 0.02 0.0 Miles

NAD\_1983\_StatePlane\_Texas\_Central\_FIPS\_4203\_Feet

Date Printed:

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Notes

**ARMBRUST & BROWN, PLLC**

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
512-435-2300

FACSIMILE 512-435-2360

**EXHIBIT F**

November 11, 2020

Jerry Rusthoven, Assistant Director  
City of Austin  
Housing & Planning Department  
505 Barton Springs Road, 5th Floor  
Austin, Texas 78704

Re: Rezoning application for 4908 Lott Ave. (the “Property”)

Dear Mr. Rusthoven:

I am seeking to submit a rezoning for the Property requesting SF-6-NP zoning (“Lott Avenue Rezoning”). An earlier Neighborhood Plan Amendment application, submitted in July, is currently in process seeking a Future Land Use Map (“FLUM”) designation of Higher-Density Single Family for the Property, as well.

The Property is in the East MLK Combined Neighborhood Plan area; it is currently zoned for SF-3-NP and is designated on the FLUM for Single-Family. The City has approved a subdivision for the Property providing single-family development on larger lots. While this subdivision has not yet been built out, the current SF-3-NP zoning virtually ensures a project using this existing subdivision or a substantially similar one – which would in turn compel larger, more expensive housing.

In contrast, under the requested SF-6-NP zoning, we envision more modestly-sized homes that are more financially attainable for more families. This includes market-rate housing that we estimate is, on average, over 20 percent more affordable than what would likely be built under the existing zoning and approved subdivision.

Additionally, approving SF-6-NP zoning will allow us to accomplish a project that makes it financially feasible for us to participate in the City’s S.M.A.R.T. Housing program and provide five (5) long-term, income-restricted Affordable *ownership* units, with restrictive covenants requiring them to be affordable at 80 percent of Median Family Income (MFI) for 99 years. These units would be provided and enforced through the City’s S.M.A.R.T. Housing program; a letter from the Housing and Planning Department is attached to this application.

This vision for providing ‘missing middle’ housing rather than larger, more expensive units would help provide more attainable homes for residents and help the City better meet its housing goals – and it would do so on a vacant site, with *no* demolition of any existing structures.

ARMBRUST & BROWN, PLLC

Page 2

According to the City's Strategic Housing Blueprint, over the next 20 years, Austin will need roughly 2.5 times the current number of missing middle housing units in order to provide for our residents. Today, only 13 percent of Austin's single-family acreage allows for missing middle housing. This means that proposals like the Lott Avenue Rezoning – which would provide missing middle housing and income-restricted units on a vacant site – are critical if we are to meet the City's goals for housing diversity and our residents' needs for more attainable housing options.

Additionally, this site, located directly south of Springdale Neighborhood Park, provides a key opportunity for connectivity. Our proposal would implement a pedestrian- and bicycle-friendly shared-use path on the western side of the Property, better connecting the neighborhood to the park.

I appreciate your consideration of this application, and look forward to answering any questions and providing further details on this case and the related Neighborhood Plan Amendment case.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael J. Whellan", with a long, sweeping underline.

Michael J. Whellan

8 January 2021

To: Planning Commission and City Council Members  
Re: NPA-2020-0015.04 Lott Avenue

This letter serves to **recommend that the Planning Commission and City Council approve the above-referenced plan amendment request.**

The East MLK Combined Neighborhood Plan Contact Team voted during its November meeting to support changing the land use for the above referenced properties from *Single Family* to *Higher Density Single Family* assuming the project meets the following requirements:

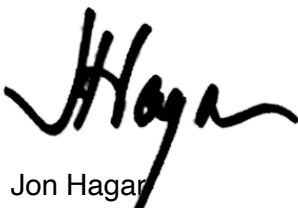
- A. Impervious cover on the property is limited to 51% via Conditional Overlay, exclusive of the pedestrian trail connection to Springdale Park. Holding the impervious cover shy of the 55% permitted in SF-6 will help reduce some of the burden on nearby Fort Branch Creek created by the increased density and alleviate some of the concerns of downstream neighbors over increased flooding risk.
- B. The project maintains SMART Housing certification and the 5 Affordable units at 80% MFI. I'll take the opportunity to say that supporting these cases would be much easier if we could ensure that the increased entitlements were always contingent on affordable housing.

With these conditions, amending the FLUM for this property to *Higher-Density Single-Family* would be consistent with the following goals within the East MLK Combined Neighborhood Plan:

- **Goal One:** Preserve established residential areas and improve opportunities for home ownership by promoting the rehabilitation of existing housing and new, infill housing compatible with the existing style of this neighborhood.
- **Goal Five:** Provide housing that helps maintain the social and economic diversity of residents.
  - The provision for 5 affordable housing units adds much needed housing cost diversity to an area which sees a lot of new, market rate housing. That these affordable units could be available to families is especially encouraging.
- **Goal Thirteen:** Create more public open space, including parks and green spaces, improve existing parks and increase recreational amenities in the neighborhood.
  - The connection to Springdale Park will greatly increase pedestrian accessibility to Springdale Park in a neighborhood with narrow, winding streets and very few continuous sidewalks.

With the conditions listed above, the EMLK NPCT **supports amending the FLUM for the Property from *Single-Family* to *Higher-Density Single-Family*.**

Sincerely,



Jon Hagar  
Chair, EMLK NPCT  
[jonhagar@gmail.com](mailto:jonhagar@gmail.com)  
(512) 739-4101





December 13, 2020

Dear Mayor, Mayor Pro Tem, and Council Members:

The Springdale-Airport Neighborhood Association (SANA) supports the request for SF-6 zoning and a Future Land Use Map amendment to Higher-Density Single-Family at the Lott Avenue site; subject to a conditional overlay that limits maximum impervious cover to 51%, exclusive of any shared use path that is available for public use.

Today, the property is vacant, though it has an approved subdivision that could be built out under the existing SF-3 zoning. By instead requesting SF-6 zoning, the applicant is proposing smaller 'missing middle' homes rather than the larger houses that could be built today. They are also proposing to provide affordable homes for ownership to families at 80 percent MFI.

In addition to housing, the applicant is also proposing a shared-use path for pedestrians and bikes to connect the neighborhood to Springdale Neighborhood Park, and has committed to working with the neighborhood to maintain open communications and minimize disruptions during construction.

We appreciate that the applicant reached out to SANA early in this case, and support their proposal for smaller homes and affordable homes for residents. We believe that this vision is a better fit for our neighborhood than what could be done today under the existing zoning, and we hope you will support their request for SF-6 and for Higher-Density Single-Family, with a conditional overlay that limits the maximum impervious cover to 51% exclusive of any shared use path that is available for public use.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Pete Rivera". The signature is written in a cursive, flowing style.

Pete Rivera, President