

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2021-0056 – 1609 Matthews Lane Rezoning DISTRICT: 5

ZONING FROM: SF-2

ZONING TO: MF-3

ADDRESS: 1609 Matthews Lane

TOTAL SITE AREA: 0.604 acres (approximately 26,314 square feet)

PROPERTY OWNERS: CMCBH2, LLC (Ben Heimsath)

AGENT: Thrower Design (Victoria Haase)

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

STAFF RECOMMENDATION:

**The Staff recommendation is to grant multifamily residence – low density (MF-2) district zoning.** *For a summary of the basis of Staff's recommendation, see case manager comments.*

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**May 18, 2021:**

May 4, 2021: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO MAY 18, 2021*

*[H. SMITH; D. KING – 2<sup>ND</sup>] (8-0) C. ACOSTA, E. RAY – ABSENT; ONE VACANCY ON THE COMMISSION*

CITY COUNCIL ACTION:

**June 3, 2021:**

ORDINANCE NUMBER:

ISSUES:

The Applicant wishes to discuss the Staff recommendation. The Matthews Lane Neighborhood Association was scheduled to discuss this case on May 11, 2021.

CASE MANAGER COMMENTS:

The subject rezoning area fronts on Matthews Lane, contains two single family residences and a couple of outbuildings, and is zoned single family residence – standard lot (SF-2).

There is a church and duplex residential across Matthews Lane to the north (SF-6-CO; SF-3), a convenience storage facility and single family residences to the east (SF-2), convenience storage to the south (DR, served by an unpaved driveway that parallels the railroad tracks), and the Union Pacific Railroad right-of-way and duplex residential fronting Matthews Lane to the west (MF-2). ***Please refer to Exhibits A and A-1 – Zoning Map and Aerial Exhibit.***

The Applicant's request is to rezone the property to the multi-family residence – medium density (MF-3) district so that it may be developed with up to 12 residences and is contemplating a site layout that includes detached, stand-alone units. The Applicant reports that the site has several protected trees, of which three are Heritage size (24 inches or greater). ***Photos of the site and the adjacent land uses are provided at the back of the Staff packet.***

#### BASIS OF RECOMMENDATION:

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

***Applicant's Request:*** The multifamily residence – medium density (MF-3) district is intended to accommodate multifamily use with a maximum density of up to 36 units per acre, depending on unit size. This district is appropriate for multifamily residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas, and in other selected areas where medium density multiple use is desirable. The maximum height is 40 feet.

***Staff Recommendation:*** The multifamily residence – low density (MF-2) district is intended for multifamily developments with a maximum density of up to 23 units per acre, dependent on unit size. This district is appropriate for multifamily residential areas near single family neighborhoods, and in selected areas where low density multifamily use is desirable. The maximum height is 40 feet or three stories.

2. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

Staff recommends MF-2 zoning consistent with residentially zoned properties to the north and west, and adjacency to commercial uses to the east and south. Staff believes MF-2 zoning would allow for additional residential development that is compatible with adjacent duplex residential uses, while still promoting the character of the surrounding neighborhood. The Staff recommendation also acknowledges the property's location adjacent to the railroad tracks and the street characteristics of Matthews Lane, a two-lane roadway. Under the Staff recommendation of MF-2 zoning, up to 13 units could be achieved on this 0.604 acre property.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Two single family residences and outbuildings
<i>North</i>	SF-6-CO	Community garden; Religious assembly; Duplexes
<i>South</i>	DR	Convenience storage; Telecommunications tower
<i>East</i>	SF-2; SF-2-CO	Convenience storage; Single family residences
<i>West</i>	Not applicable; MF-2	UPRR tracks and r-o-w; Duplexes

NEIGHBORHOOD PLANNING AREA: Not ApplicableTRAFFIC IMPACT ANALYSIS: Is not requiredWATERSHED: Williamson Creek – SuburbanCAPITOL VIEW CORRIDOR: NoSCENIC ROADWAY: NoSCHOOLS:

Casey Elementary School

Bedichek Middle School

Akins High School

COMMUNITY REGISTRY LIST:

39 – Matthews Lane Neighborhood Association

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association

742 – Austin Independent School District m

1228 – Sierra Club, Austin Regional Group

1363 – SEL Texas

1424 – Preservation Austin

1429 – Go Austin Vamos Austin

1468 – Armadillo Park Neighborhood Association

1528 – Bike Austin

1530 – Friends of Austin Neighborhoods

1531 – South Austin Neighborhood Alliance (SANA)

1550 – Homeless Neighborhood Association

1596 – TNR BCP – Travis County Natural Resources

1616 – Neighborhood Empowerment Foundation

1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2021-0060 – Albert Road Rezone – 7401 and 7407 Albert Rd	DR to SF-3	To be scheduled for June 1, 2021	To be scheduled for July 29, 2021
C14-2020-0084 – The Training Kitchen – 1901 Matthews Ln	SF-3; GO-CO to GR	To Grant GR-MU-CO for the existing 0.25 acre GO-CO area (Tract 1) and GO for a 0.5 acre existing SF-3 area (Tract 2). CO is	Apvd GR-MU-CO for Tracts 1 and 2 and removed day care services (commercial) from the prohibited use list (11-12-2020).

		for a list of prohibited uses.	
C14-2009-0157 – Albert Rd – 7201 - 7207 Albert Rd; 1305 - 1407 Matthews Ln	SF-1-CO to SF-2	To Deny	Apvd SF-2-CO w/CO for 1) Max 3 driveways to Matthews Ln; 1 driveway for drainage facility access; 2 of the driveways shall be for sf residence use and may be joint-use driveways that serve more than 1 SF residence use, and 2) unless a joint-use driveway is used as an alternative access for sf residence use, the minimum lot width at the street frontage on Matthews Ln or Albert Rd is 20 feet (5-13-2010).
C14-96-0117 – Security Village – W William Cannon Dr and Woodhue Dr	LO; CS to SF-6	To Grant SF-6-CO w/CO prohibiting access to Matthews Ln	Apvd as Commission recommended (12-5-1996).

RELATED CASES:

The rezoning area is acreage out of the J.G. and Henry Fitzhugh Subdivision recorded in December 1889.

There are no current site plan applications on the property.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Matthews Lane	50 feet	26 feet	Level 1 (Collector)	No	Not Applicable	No

## OTHER STAFF COMMENTS:

### Capital Metro

*This notice concerns all proposed development within 500-feet of the Capital Metro Rail Tracks*

Capital Metro runs freight service on these tracks, and is required to continue to do so as a matter of federal law. Since March 22, 2010, we are operating passenger rail service, primarily, but not limited to, weekday hours. With the start of passenger rail service, we have shifted freight rail service to other times, particularly the hours after the last passenger train has run. This shift is in accordance with Federal regulations and safety procedures.

All concerned parties need to be aware of the freight service in planning any development. The freight trains generate some noise as they move through. At many urban street crossings, there are upgraded signal systems with crossing arms to block the roadway. This allows the City of Austin the ability to apply for a “quiet zone” meaning that the train will not blow its horn, under normal operations, as it moves through the street. At other crossings, the freight train will blow the horn, which is approximately 96 decibels. At any time, if the engineer judges it to be prudent, the horn will be sounded as needed for safe operation.

Capital Metro strives to provide the community with the best passenger and freight service possible. We also try to be sure that all of our neighbors are aware of both our present and possible future operations.

### Comprehensive Planning

This rezoning case is located on the south side of Matthews Lane, on a 0.60 acre parcel, which contains two houses. The property is located approximately 2,000 linear feet south of the **William Cannon Drive Activity Corridor and 1,200 linear feet from Menchaca Road**. The property is not located in an area with an adopted neighborhood plan. Surrounding land uses include undeveloped land, single family housing and a church to the north; to the south are single family houses; to the west is a railroad line (a major spur) and a single-family subdivision; to the east are single family houses and convenience storage facility. Up to 10 residential units are proposed.

### **Connectivity**

Most of Matthews Lane has only an intermittent public sidewalk system located on one side of the street. The closest public transit stops are located approximately 2,000 linear feet walking distance from the site, on both William Cannon Drive and **Menchaca Road**. Connectivity and mobility options are fair because the area lacks civic uses, such as a public school, and goods and services within a quarter mile walking distance of this site.

### **Imagine Austin**

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

- **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.

- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **HN P1.** Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.

Based upon the project providing additional housing in the area but only fair mobility and connectivity options, and goods and services and civic uses being beyond a quarter of a mile walking radius of this site, this project only partially supports the Imagine Austin Comprehensive Plan.



### Drainage

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

### Environmental

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

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

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

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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

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

### Impervious Cover

Within the Williamson Creek watershed, the maximum impervious cover allowed by the *MF-3 zoning district* would be 65%, which is based on the more restrictive zoning regulations. The maximum impervious cover allowed by the *MF-2 zoning district* would be 60%, which is based on the more restrictive watershed regulations.



### Site Plan and Compatibility Standards

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

The site is subject to compatibility standards. Along the southeast property line, the following standards apply:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. 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.

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

### PARD – Planning & Design Review

Parkland dedication will be required for the new residential units proposed by this development, condominiums with MF-3 zoning, at the time of subdivision or site plan, per City Code § 25-1-601. 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. Should fees in-lieu be 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).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

### Transportation

#### *ASMP Assessment*

No right-of-way is required for Matthews Lane.

#### *Transportation Assessment*

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

Austin Water Utility

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., 7<sup>th</sup> floor. Ph: 512-972-0211.

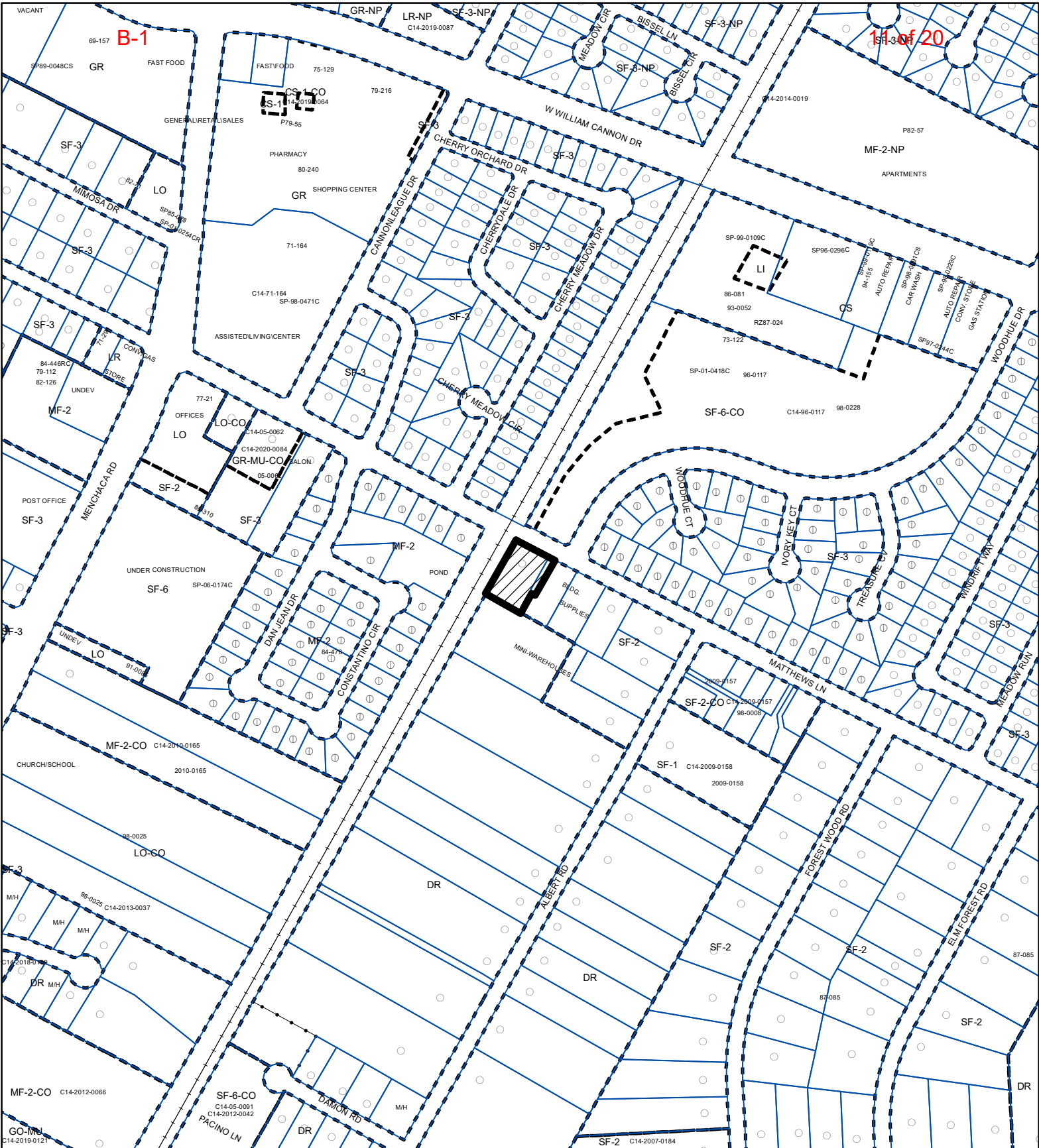
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

## INDEX OF EXHIBITS, ATTACHMENTS AND CORRESPONDENCE TO FOLLOW

Exhibit A: Zoning Map  
Exhibit A-1: Aerial Map

Photos of Adjacent Properties

Correspondence Received



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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

**ZONING** **Exhibit A**

**ZONING CASE#: C14-2021-0056**

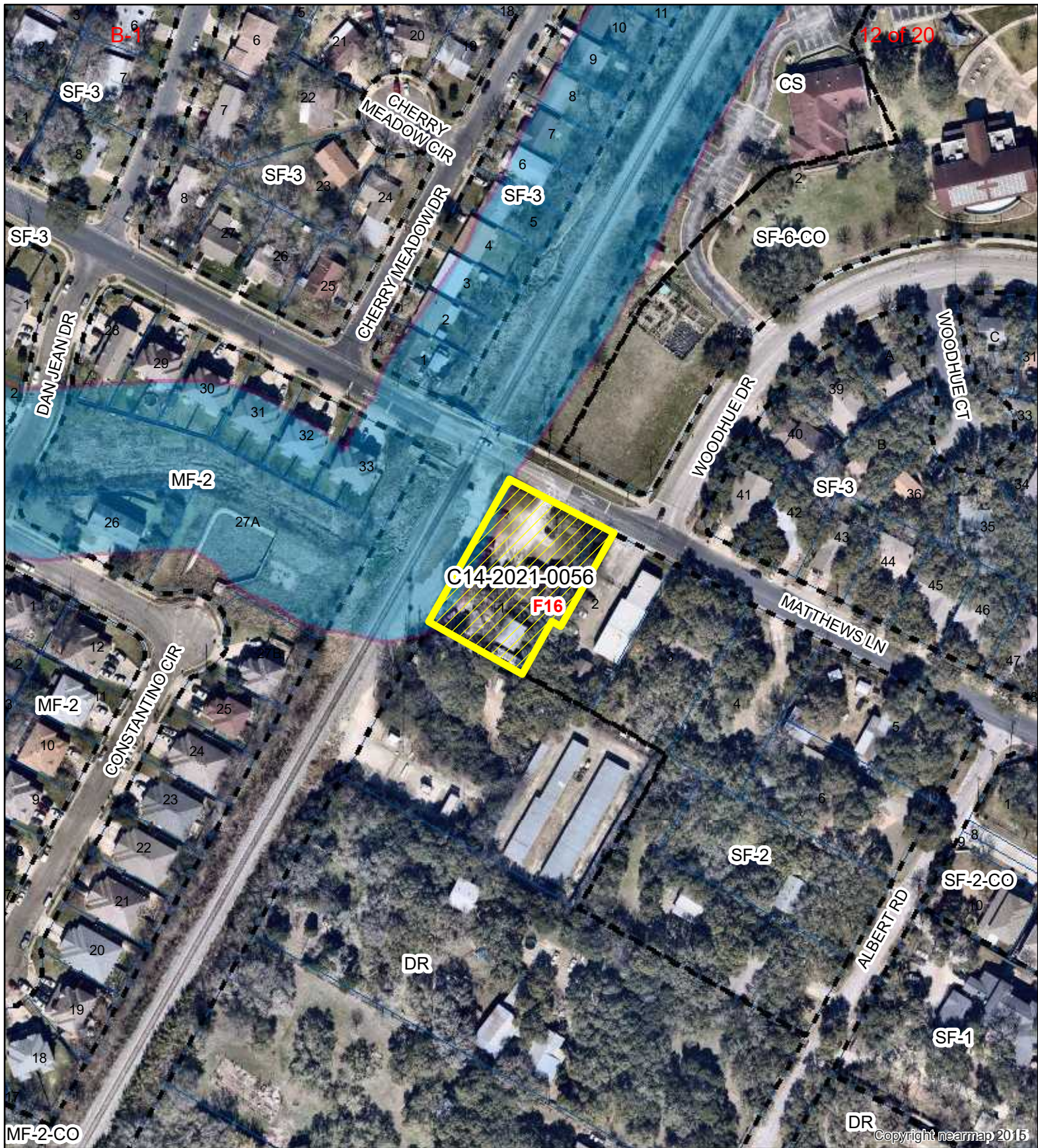
1" = 400'

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**Created: 4/7/2021**





# 1609 Matthew Lane Rezoning

Exhibit A - 1

ZONING CASE#: C14-2021-0056  
LOCATION: 1609 Matthews Lane  
SUBJECT AREA: 0.593 Acres  
GRID: F16  
MANAGER: Wendy Rhoades



1" = 150'

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

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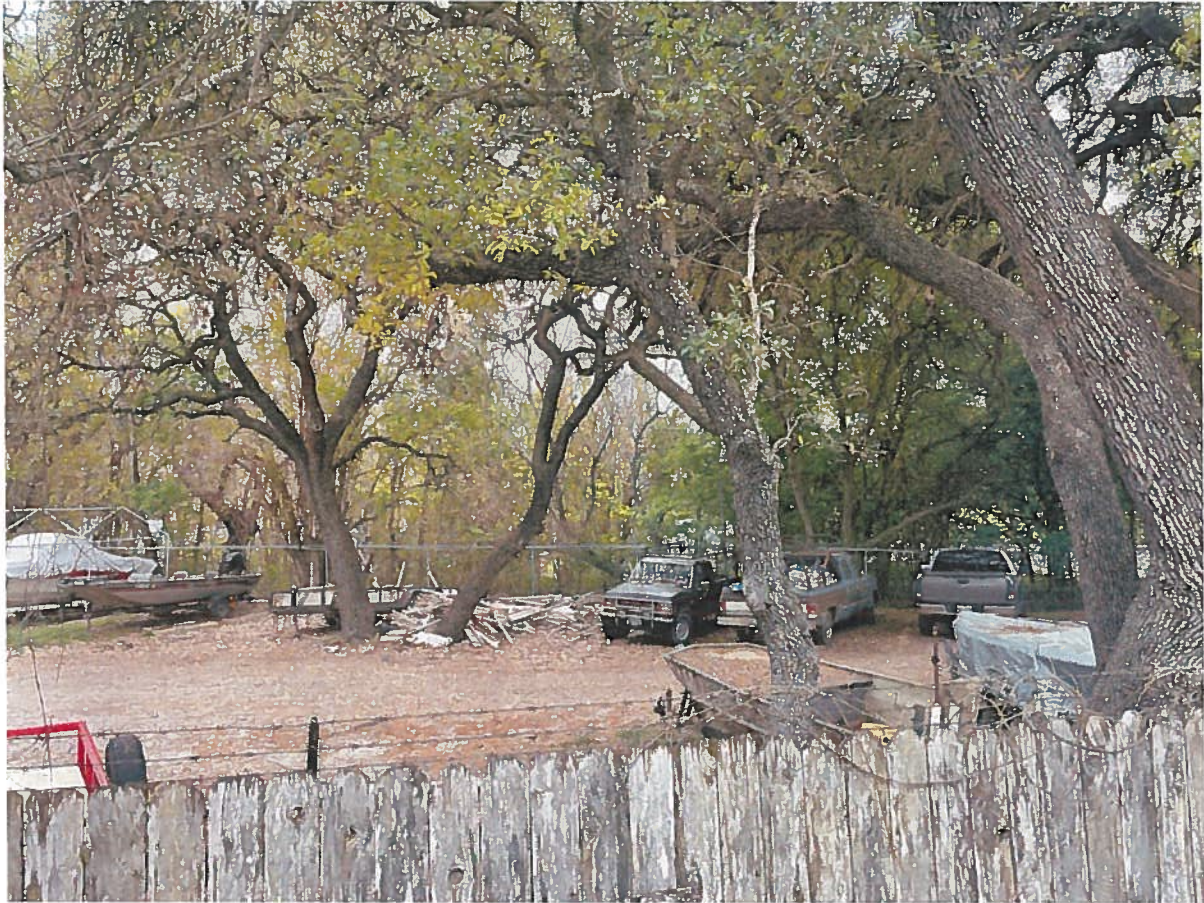


RAILROAD AND CELL TOWER  
TO THE WEST AND SOUTH



STORAGE TO THE EAST  
(STREET FRONTAGE)





STORAGE TO THE SOUTH





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STORAGE TO THE EAST



## 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 participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:  
[www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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: C14-2021-0056**

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

**Public Hearings: May 4, 2021, Zoning and Platting Commission;  
June 3, 2021, City Council**

Carroll Shadlock

Your Name (please print)

☐ I am in favor  
☒ I object

7300 Albert Rd.

Your address(es) affected by this application (OPTIONAL)

[Signature]

Signature

4/25/2021  
Date

Daytime Telephone: 713-594-1944

Comments:

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

City of Austin, Planning and Zoning Department

**Wendy Rhoades**

P. O. Box 1088, Austin, TX 78767

Or email to:

[wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)

**From:** [Mr. Sutton](#)  
**To:** Ms. Haase; [Rhoades, Wendy](#)  
**Subject:** RE: May 4 Zoning and Platting Meeting  
**Date:** Friday, April 30, 2021 6:48:14 PM

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Thank you all. We did indeed discuss this rezoning this afternoon and I recognize the benefit of conversation regarding this, but we are not quite There yet. I shall keep you both apprised. The May 18 date is acceptable as well.

Eugene Sutton

Sent from [Mail](#) for Windows 10

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**From:** [Ms. Haase](#)  
**Sent:** Friday, April 30, 2021 6:17 PM  
**To:** [Rhoades, Wendy](#); [Mr. Sutton](#)  
**Subject:** RE: May 4 Zoning and Platting Meeting

We are agreeable to a 2 week postponement and would like the case to come back to the May 18<sup>th</sup> agenda.

Mr. Sutton, please let me know if we can set up a virtual meeting or have a conversation to better understand any concerns for this rezoning. We welcome the opportunity to listen and address those concerns.

Thank you,

**Victoria Haase**

*Throuwer Design*

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510 South Congress Avenue, Suite 207

**Mail:** P.O. Box 41957

Austin, Texas 78704

512-998-5900 Cell

512-476-4456 Office



**From:** Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>  
**Sent:** Friday, April 30, 2021 5:29 PM  
**To:** Eugene Sutton  
**Cc:** Victoria  
**Subject:** RE: May 4 Zoning and Platting Meeting

Mr. Sutton,

Could you please identify a postponement date? As information, the next two ZAP meetings are May 18<sup>th</sup> and June 1<sup>st</sup>.

Thank you,  
Wendy

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**From:** Eugene Sutton  
**Sent:** Friday, April 30, 2021 3:15 PM  
**To:** Rhoades, Wendy <[Wendy.Rhoades@austintexas.gov](mailto:Wendy.Rhoades@austintexas.gov)>  
**Cc:** Victoria  
**Subject:** May 4 Zoning and Platting Meeting

\*\*\* External Email - Exercise Caution \*\*\*

Our smaller meeting group that is looking at 1609 Matthews is seeking to postpone the May 4 Zoning Commission meeting in order for  
Us to solidify our desires and responses of rezoning this property. I noticed that I received a notification from you on 4/22 regarding the May 4 meeting  
And that does fall within the required two weeks but we would appreciate a delay.

Thanks for the zoning application info.

Eugene Sutton  
Matthews Lane Neighborhood Association

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