

## ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0004 – 1501 Damon Road

DISTRICT: 5

ZONING FROM: DR

TO: SF-3

ADDRESS: 1501 Damon Road

SITE AREA: 0.31 acres (13,503 square feet)

PROPERTY OWNER / AGENT: Capital River Group, LLC – Series 16 (Stuart Cody Carr)

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

### STAFF RECOMMENDATION:

**The Staff recommendation is to grant family residence (SF-3) district zoning.** *For a summary of the basis of Staff's recommendation, see case manager comments on page 2.*

### ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**March 1, 2022: APPROVED SF-3 DISTRICT AS STAFF RECOMMENDED**  
**[A. DENKLER; H. SMITH – 2<sup>ND</sup>] (9-0) S. BOONE, R. WOODY – ABSENT**

### CITY COUNCIL ACTION:

**April 7, 2022:**

### ORDINANCE NUMBER:

### ISSUES:

The Applicant and the Matthews Lane Neighborhood Association have met to discuss the proposed rezoning. Please refer to correspondence attached at the back of this report.

Signatures have been submitted in response to the above-referenced rezoning case, opposing a rezoning of the property to anything other than SF-3-CO, family residence – conditional overlay combining district zoning. The Conditional Overlay would limit development of the property to a two-family residence (a single family residence in addition to an accessory dwelling unit). The petition includes 26.29% of eligible signatures, and meets the 20% threshold for a valid petition. Petition materials and comment response forms are located at the back of the Staff report.

### CASE MANAGER COMMENTS:

The subject lot is located at the southwest corner of Damon Road and Albert Road on a platted lot, contains a 1,525 square foot vacant chapel on its southern portion, and is zoned development reserve (DR) district. Albert Road terminates into a private driveway serving the hospital use to the south and there is a chain link fence across the driveway intended to prevent southbound traffic from accessing the hospital use to the south. Damon Road

contains several single family residences on standard lots zoned DR upon annexation in the mid-1980s. There are large tracts to the north that have frontage on Albert Road (DR) and a condominium development under construction to the south which takes its primary access to Dittmar Road which is further south (SF-6-CO). ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).***

The Applicant has requested family residence (SF-3) district zoning in order to build either a two-family residence or a duplex on the lot. A demolition permit application to demolish the chapel was filed with the City on February 1, 2022.

#### BASIS OF RECOMMENDATION:

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

The family residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated in an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.

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

The requested SF-3 zoning would allow for up to two residential units on the property. Staff recommends the Applicant's request because the tract meets the intent of the SF-3 district as it fronts on a local residential street, is located within an existing single family residential neighborhood, is adjacent to a condominium community (under construction), and there are other SF-3 zoned lots on Damon Road, Albert Road and on streets in the vicinity.

#### EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	Chapel (vacant, constructed in 1970)
<i>North</i>	DR	Manufactured home; Single family residences
<i>South</i>	SF-6-CO	Condominiums (under construction)
<i>East</i>	DR	Single family residences and outbuildings on large tracts
<i>West</i>	DR; SF-3	Single family residences; Undeveloped

NEIGHBORHOOD PLANNING AREA: Not Applicable

TIA: Is not required

WATERSHED: Williamson Creek – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Casey Elementary School    Bedichek Middle School    Akins High School

NEIGHBORHOOD ORGANIZATIONS:

39 – Matthews Lane Neighborhood Association      511 – Austin Neighborhoods Council  
 627 – Onion Creek Homeowners Association      742 – Austin Independent School District  
 1228 – Sierra Club, Austin Regional Group      1363 – SEL Texas  
 1424 – Preservation Austin  
 1429 – Go!Austin/Vamos!/Austin (GAVA)-78745      1530 – Friends of Austin Neighborhoods  
 1531 – South Austin Neighborhood Alliance (SANA)  
 1550 – Homeless Neighborhood Association  
 1616 – Neighborhood Empowerment Foundation      1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2021-0035 – McLaurin Rezone – 1512 Damon Rd	DR to SF-3	To Grant	Apvd (6-10-2021).
C14-2021-0060 – Albert Road Rezone – 7401 and 7407 Albert Rd	DR to SF-3	To Grant	Apvd (8-26-2021).
C14-2012-0042 – 1300 W. Dittmar Road Rezoning	SF-6-CO to SF-6-CO to remove the CO that limits height for a building or structure to 20'	To Grant	Apvd (8-2-2012).
C14-05-0091 – Lelah's Crossing – 1300 W. Dittmar Rd.	DR; GO to MF-1	To Grant SF-6-CO with a density limitation of 6 u.p.a. and height limit of 20 feet; Restrictive Covenant for the Neighborhood Traffic Analysis	Apvd SF-6-CO with a Restrictive Covenant for the Neighborhood Traffic Analysis, as ZAP recommended (4-27-2006).
C14-85-055 (RCA) – Lelah's Crossing – 1300 W. Dittmar Rd.	To amend the Restrictive Covenant to delete the rollback provision to RR, rural residence	To Grant	Apvd (4-27-2006).

RELATED CASES:

The property was annexed into the City limits on November 15, 1984 and is platted as Lot 1, Damon Subdivision recorded in 1952 (C7A-83-017; C8-1952-2062).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Damon Road	50 feet	32 feet	Level 1	No	No	No
Albert Road	56 feet	22 – 34 feet	Level 1	No	No	No

OTHER STAFF COMMENTS:Comprehensive Planning

**Project Name and Proposed Use:** 1501 Damon Rd. C14-2022-0004. 0.31 acres. DR to SF-3. Vacant office to duplex.

Yes	Imagine Austin Decision Guidelines
	<b>Compact and Connected Measures</b>
	<b>Imagine Austin Growth Concept Map:</b> Located close to, within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified on the Growth Concept Map. <b>Name(s) of Activity Center/Activity Corridor/Job Center:</b>
	<b>Mobility and Public Transit:</b> Located within 0.25 miles of public transit stop and/or light rail station.
	<b>Mobility and Bike/Ped Access:</b> Adjoins a public sidewalk, shared path, and/or bike lane.
	<b>Connectivity, Good and Services, Employment:</b> Provides or is located within 0.50 miles to goods and services, and/or employment center.
	<b>Connectivity and Food Access:</b> Provides or is located within 0.50 miles of a grocery store/farmers market.
	<b>Connectivity and Education:</b> Is located within 0.50 miles from a public school or university.

	<b>Connectivity and Healthy Living:</b> Provides or is located within 0.50 miles from a recreational area, park and/or walking trail.
Y	<b>Connectivity and Health:</b> Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, specialized outpatient care.)
	<b>Housing Affordability:</b> Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable house.
Y	<b>Housing Choice:</b> Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	<b>Mixed Use:</b> Provides mixed use development (minimum 10% residential and 10% non-residential floor area).
	<b>Culture and Creative Economy:</b> Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
2	<b>Total Number of "Yes's"</b>

### 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 and the South Boggy Creek Watersheds of the Colorado River Basin, which are 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

The maximum impervious cover allowed by the *SF-3* zoning district would be 45%, which is based on the more restrictive zoning regulations.

#### PARD – Planning & Design Review

Parkland dedication will be required for the new residential units proposed by this development, single family with SF-3 zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Fees in-lieu would be required, and 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).

#### Site Plan and Compatibility Standards

Rezoning from DR to SF-3 does not trigger the application of compatibility standards.

The applicable building standards are outlined below:

Breakdown by square footage for living area/garage/patio/porch is required on duplex residential site plans.

Setbacks for duplex residential:

- Anything that juts more than 5 feet into a setback must be fireproofed. Standard side setback is 5 feet with a maximum allowable 2-foot overhang. The overhang cannot have any openings, soffit vents, windows, etc.
- Setbacks between buildings is 10 feet (5 feet on each side). Any encroachment into this setback must be fireproofed.
- Nothing can encroach into a 2-foot setback.

Per direction from City Council in a [2016 resolution](#), Staff refers civic buildings such as schools and churches (including the chapel onsite) over 50 years of age to the Historic Landmark Commission prior to release of a demolition permit. Staff looks at the historic use

of the building rather than more recent uses. Since the chapel building was annexed after construction and there do not appear to be any permits in our system, Staff will look to other research and the form of the building in determining whether this will require Commission review.

Staff can place an application on a Historic Landmark Commission agenda on the basis of a site plan or site plan exemption application indicating a historic-age building will be demolished. Most often, this is through a site plan exemption submitted and approved for purposes of historic review only. An application of this nature does not authorize demolition, but allows for a Historic Landmark Commission hearing before the site plan process is complete. If the Commission votes to release the demolition request, Staff would approve the historic review process once the Applicant is able to file a demolition permit.

### Transportation

No further right-of-way is required for Damon Road.

There is a proposed Urban Trail adjacent to the western boundary of this site along the UPC / ASA rail line.

### *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 the Austin Water SER team at [ser@austintexas.gov](mailto:ser@austintexas.gov).

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 AND ATTACHMENTS TO FOLLOW:

A: Zoning Map

A-1: Aerial Map

Correspondence Received

Petition Information





**Created: 1/7/2022**





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## 1501 Damon Road

Exhibit A - 1





ZONING CASE#: C14-2022-0004  
 LOCATION: 1501 Damon Road  
 SUBJECT AREA: 0.31 Acres  
 GRID: F16  
 MANAGER: WENDY RHOADES



N



1" = 100'

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

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.



**From:**  
**To:** [Rhoades, Wendy](#)  
**Cc:**  
**Subject:** 1501 Damon. C14-2022-0004  
**Date:** Friday, January 21, 2022 3:17:22 PM

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

Dear Wendy,

Our Outreach group has been meeting and communicating with Cody Carr regarding rezone of 1501 Damon. He presented his plans for a single duplex. Most of the Outreach group is not in favor and we presented the idea of a single family home and an ADU (our group is in favor of SF-3 as was granted at 1512 Damon). We are still working towards a resolution. This property as well as all of Damon has an ongoing code compliance issue with 1500 Damon (salvage dump) and we have presented information about this to Mr. Carr as this has affected his newly acquired property as well.

Thanks

Eugene Sutton  
1505 Damon  
5125274424

[Sent from AT&T Yahoo Mail on Android](#)

**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 [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).

**From:**  
**To:** [Rhoades, Wendy](#)  
**Cc:** [Craig, Ken](#);  
**Subject:** Fw: 1500 Damon  
**Date:** Thursday, March 10, 2022 4:06:19 AM

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

A complicating factor for rezoning of 1501 Damon (C14-2022-0004) is property directly across the street. Formal code compliance requests began 4/4/2017 to stop salvage yard, dumping, and running a business in residential area. Three cameras were installed at one time that precipitated dumping directly under them. Liens and fines have not modified behaviors (pictures from yesterday) and 1501 Damon and Albert have borne the brunt of household trash, appliance parts, fecal tainted toilet wipes, and glass. Resident states he is a "scraper" and direct accusations that he is the offending party are met with indifference. In light of episode of repeat code violator that was shot in Circle C, conversation with code supervisor recently indicated that this is a back burner issue. My 311 app has 51 reports with pictures on this ongoing issue from the past 227 days.

Pictures below have view on Albert, glass on Albert, broken rezoning stake on 1501 Damon, directly across from 1501 (2 pictures), east of 1503 Damon, and loaded truck on Albert. Rezoning sign for ZAP was removed and dumped 100 yards away on Sherwood Lane.

I have had conversations with this resident and he calls with some regularity. He is aware of the heightened rezoning interest in the area and increasing values. The property to his north (7606 Albert) is currently for sale (3 acres) and likewise has a view of appliances and a non moving vehicle. A trust is listed as owner of 1500 but the mailing address is the same. His asking price is one million as of this week.

Eugene Sutton  
1505 Damon  
5125274424

[Sent from AT&T Yahoo Mail on Android](#)

----- Forwarded Message -----

**From:** "Eugene Sutton"  
**To:** "Eugene Sutton"  
**Sent:** Thu, Mar 10, 2022 at 3:03 AM  
**Subject:** 1500 Damon



























C14-2022-0004 1501 Damon Road Rezone DR to SF-3

As a 50+ year resident at 1505 Damon, I can speak to the history of 1501 which currently has the Little Enchanted Chapel on the property. This building was used by the Brown Ranch for religious services into the 70's and has essentially been abandoned since then. Texas Neuro Rehab kept the building secured somewhat but the property became a dumping ground by a resident across the street. He indicates that he is a "scraper" and his yard is filled with appliances, metal (bicycles, beds, fans, garage doors, etc.) and two vehicles that are covered up by this debris. Plastic items, trash, and tires are continuing to be dumped on 1501 and adjacent areas. Code compliance and cameras have failed in modifying behavior.

The recent purchase of 1501 was met with happiness as this would decrease the possible dumping area. Matthews Lane Neighborhood is single family with a mixture of homes on large lots (up to 3 acres) as well as a sizeable contingent of mobile homes. Rezoning is occurring on the boundaries with greatly increased unit density. Several of these involve duplexes (911 & 915 Dittmar), however rezoning within the neighborhood is single family homes averaging 4 units per acre (1103, 1105 Matthews Lane, Matthews Park) and 4 properties on Wynne Lane involving SF-3. Damon Road consists of a mobile home at 1501 and 6 homes that are occupied by owners. A recent purchase of 1512 Damon (.75 acre) that was rezoned SF-3 last year has owner plans to build a single family home and an art studio. Southstone is building their 231 unit condominium with a Dittmar Road entrance that winds up the railroad tracks, behind Damon and along Sherwood. The northern portion along Damon and Sherwood is restricted to over 55 (restrictive covenant) and rental numbers are capped at not more than 25%.

Our Outreach group has met with Mr. Carr and we are in agreement for SF-3. Our petition speaks to single family and/or single family and an ADU. He seeks to build a duplex which is not viewed as appropriate for the neighborhood. Duplexes exist on Matthews Lane and new plans for 7306 Cooper include duplexes, however the confines of the association are better served with single family homes. Consideration of placement of building(s) on 1501 Damon likewise needs to be addressed with the concerns of the resident at 1503 Damon. The large lot sizes of our neighborhood have generated great developer interests and ongoing sales. We view SF-3 rezoning as appropriate without duplexes.

## P E T I T I O N

Date: 2-24-2022

File Number: C14-2022-0004

Address of

Rezoning Request: 1501 Damon Road

To: - Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-3.

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

We seek SF-3 designation with a single family home and/or single family home with an ADU but do not want a duplex as this is not in keeping with the neighborhood.

Eugene Sutton

Eugene Sutton

1505 Damon Rd.

Rene Sutton

Rene Sutton

1505 Damon Rd.

Mark Henson

Mark Henson

7605 Albert Rd.

Pat Beal

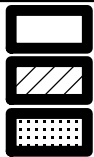
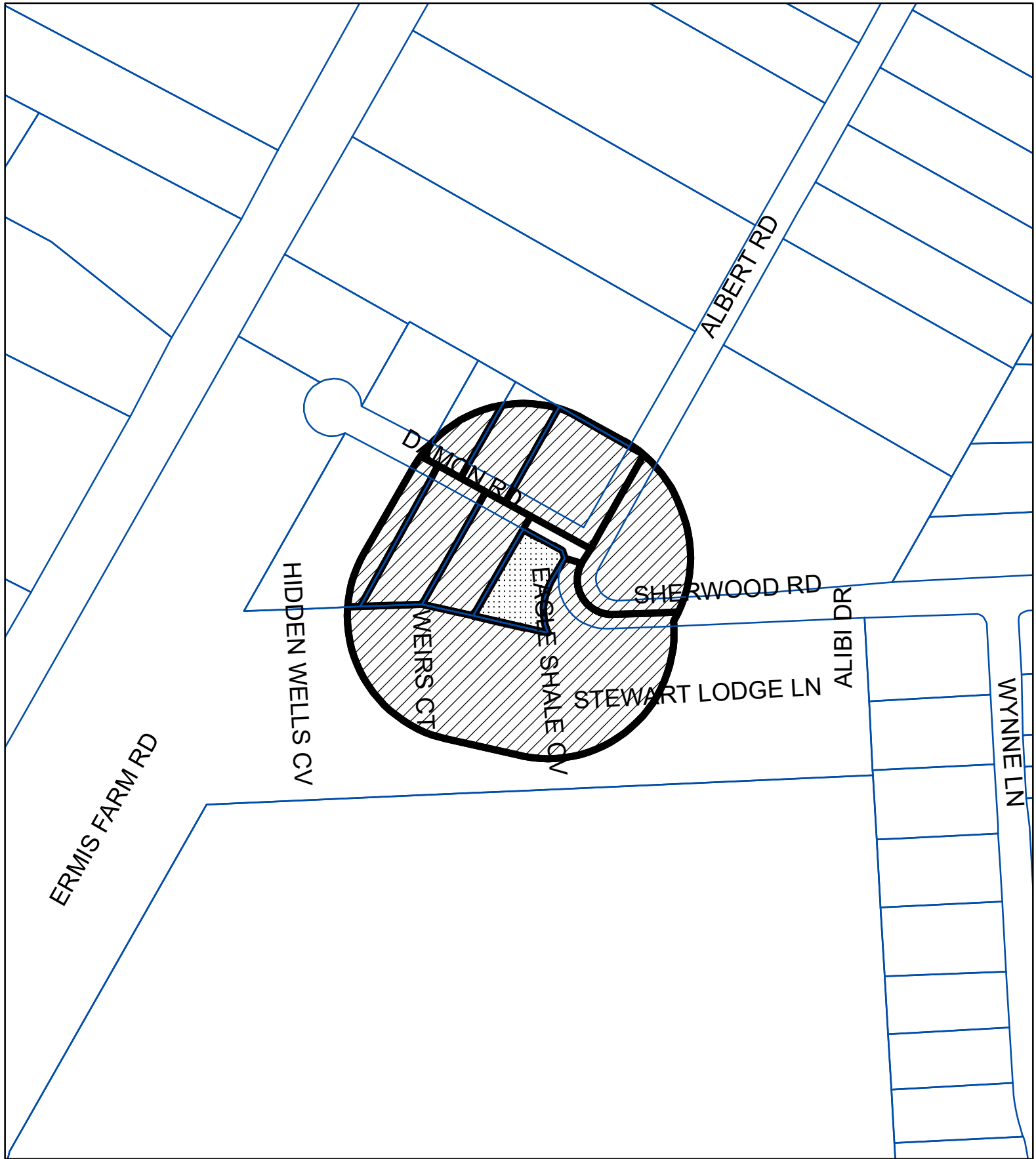
Pat Beal

1507 Damon Rd.

Date: 2-24-2022

Contact Name: Eugene Sutton

Phone Number: 512 527 4424



BUFFER

PROPERTY\_OWNER

SUBJECT\_TRACT

## PETITION

Case#: C14-2022-0004

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 the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1" = 200'

Case Number:  
**C14-2022-0004**

## PETITION

Date: 3/2/2022

Total Square Footage of Buffer: 223422.6387

Percentage of Square Footage Owned by Petitioners Within Buffer: 26.29%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0424151603	7708 ALBERT RD 78745	1322 DITTMAR LLC	no	100394.48	0.00%
0422150306	1507 DAMON RD AUSTIN 78745	BEAL PATRICIA R	yes	8577.96	3.84%
0422150302	1504 DAMON RD 78745	CANTU LEE G & MARIA LOUISA	no	12525.25	0.00%
0422150308	1503 DAMON RD AUSTIN 78745	DAVIS PATRICIA WATTS	no	15643.80	0.00%
0422130201	7605 ALBERT RD AUSTIN 78745	HENSON MARK LYNN	yes	30552.27	13.67%
0422150303	1508 DAMON RD 78745	HUFF BRIAN R & MARGARGET	no	6292.82	0.00%
0422150301	1500 DAMON RD 78745	KITWIT TRUST THE	no	26658.45	0.00%
0422130106	7606 ALBERT RD 78745	PUTNAM KYLE	no	326.17	0.00%
0422150307	1505 DAMON RD AUSTIN 78745	SUTTON EUGENE E & RENEE J F	yes	19600.32	8.77%
<b>Total</b>				<b>220571.52</b>	<b>26.29%</b>