

## ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0047 – 701 and 703 Highland Ave Rezoning     DISTRICT: 9

ZONING FROM: MF-4-HD-NP

TO: SF-4A-HD-NP

ADDRESS: 701 and 703 Highland Avenue

SITE AREA: 0.2067 acres  
(9,003 square feet)

PROPERTY OWNER: Tracy Malone

AGENT: Gray Engineering, Inc.  
(Steven Minor)

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

STAFF RECOMMENDATION:

**The Staff recommendation is to grant single family residence-small lot – historic area – neighborhood plan (SF-4A-HD-NP) combining district zoning.** *The basis of Staff's recommendation is provided on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

**July 12, 2022:**

June 14, 2022: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO JULY 12, 2022.*

*[C. HEMPEL; J. SHIEH – 2ND] VOTE: 10-0, COMMISSIONERS HOWARD, MUSHTALER, AND THOMPSON – ABSENT*

CITY COUNCIL ACTION:

**July 28, 2022:**

ORDINANCE NUMBER:

ISSUES:

The Applicant has discussed this case with representatives of the Old West Austin Neighborhood Association (OWANA) Zoning Committee. Correspondence from the OWANA Zoning Committee is attached at the back of this report.

CASE MANAGER COMMENTS:

The subject platted lot is located at the north corner of Highland Avenue and the unbuilt Belmont Street, and within the Smoot / Terrace Park Historic District. The subject lot is zoned multifamily residence – moderate-high density – historic area – neighborhood plan (MF-4-HD-NP) combining district zoning, and contains one single family residence on the south side and an undeveloped area on the north side. There is a single family residence and

a triplex to the north, and single family residences to the east, south and west (MF-4-HD-NP; MF-4-H-HD-NP; SF-3-HD-NP; SF-3-H-HD-NP). ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).***

The Applicant has requested the single family residence-small lot – historic area – neighborhood plan (SF-4A-HD-NP) district in order to facilitate a resubdivision of the lot and build a single family residence on the north side of the rezoning area on a new lot. Changes are not proposed to the existing single family residence. The existing lot does not meet the minimum size required for a resubdivision to occur under the family residence (SF-3) base zoning district (11,500 square feet would be needed), hence the need for the SF-4A base zoning district which has a minimum lot size of 3,600 square feet.

### BASIS FOR RECOMMENDATION

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

The single family residence-small lot (SF-4A) district is intended as an area predominately for medium density single family residential use, with a minimum lot size of 3,600 square feet. In appropriate locations, small lot single family use is permitted under standards which maintain single-family neighborhood characteristics. The historic area (HD) combining district is to protect, enhance, and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

The Applicant's proposal to resubdivide the lot in order to create an additional lot and then construct a single family residence on it would be consistent with the purpose statement of the district sought.

*2. Zoning changes should promote an orderly and compatible relationship among land uses.*

Staff recommends SF-4A-NP district zoning as the property meets the intent of the district as it has frontage on a residential street, and a single family residence is a compatible use with the surrounding residential neighborhood.

As information, infill construction at 703 Highland must meet the Smoot / Terrace Park Design Standards and will require a Certificate of Appropriateness from the Historic Landmark Commission. Any exterior modifications to 701 Highland will require review by Historic Preservation Office staff and may need review by the Commission, based on the parameters established in the design standards for the district. Historic Preservation staff does not have concerns about the proposed zoning change from MF-4-HD-NP to SF-4A-HD-NP. Additionally, since this is a decrease in the intensity of the base zoning, the rezoning case does not need to be reviewed by the Historic Landmark Commission.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-4-HD-NP	One single family residence
<i>North</i>	MF-4-HD-NP	Single-family residence; Triplex
<i>South</i>	MF-4-HD-NP	Single-family residences
<i>West</i>	SF-3-HD-NP	Single-family residences
<i>East</i>	MF-4-HD-NP; SF-3-HD-NP	Single-family residences

NEIGHBORHOOD PLAN AREA: Old West Austin; Smoot / Terrace Park Historic District

TIA: Is not required

WATERSHED: Lady Bird Lake – Urban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

Mathews Elementary School

O Henry Middle School

Austin High School

COMMUNITY REGISTRY LIST:

- 18 – Old West Austin Neighborhood Association
- 384 – Save Barton Creek Assn.
- 511 – Austin Neighborhoods Council
- 742 – Austin Independent School District
- 1011 – Old West Austin Neighborhood Plan Contact Team
- 1228 – Sierra Club, Austin Regional Group
- 1363 – SEL Texas
- 1424 – Preservation Austin
- 1497 – Shoal Creek Conservancy
- 1530 – Friends of Austin Neighborhoods
- 1550 – Homeless Neighborhood Association
- 1616 – Neighborhood Empowerment Foundation
- 1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14H-2009-0023 – The Webster House – 706 Oakland Ave	MF-4-NP to MF-4-H-NP	To Grant	Apvd MF-4-H-NP as Commission recommended (11-5-2009).
C14H-2008-0019 – Blondie Pharr House – 801 Highland Ave	MF-4-NP to MF-4-H-NP	To Grant, with conditions	Apvd MF-4-H-NP as Commission recommended (11-20-2008).
C14-04-0149 – OWANA Zoning Rollback (City-Initiated) – Various addresses within	MF-4-NP to SF-3-NP	To Grant	Apvd SF-3-NP as Commission recommended (3-3-2005; 3-24-2005; 4-28-2005).

the Old West Austin NP			
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RELATED CASES:

The property is platted as Lot 3, Block D, Plat of Terrace Park, recorded in 1913 (C8-1913-1237).

The subject property is located within the boundaries of the Old West Austin Neighborhood Planning Area (NP-02-0006). The base district of the subject property did not change, and the NP combining district was added (C14-02-0112 – Ordinance No. 020926-26). In 2018, a rezoning application was filed to create the Smoot / Terrace Park Historic District (C14H-2018-0013). On August 30, 2018, Council adopted adding the -HD combining district to the subject lot as well as properties in the area generally bounded by Pressler Street on the west, West 9<sup>th</sup> Street on the north, West 6<sup>th</sup> Street on the south (north side of the street only), and Highland Avenue on the west (Ordinance No. 20180830-043).

In March 2019, a site plan application was filed for the construction of a 2-story / partial 3-story residential building into a condominium unit and subsequently expired (SP-2019-0111C).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Highland Avenue	40'	25'	Level 1	Yes	None	Yes
Bellemont Street	40'	0'	Level 1	No	None	Yes

\* Existing right-of-way for Bellemont Street is unconstructed.

ADDITIONAL STAFF COMMENTS:

Drainage

The applicant would be 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.

Inclusive Planning

Yes	Imagine Austin Decision Guidelines
<b>Compact and Connected Measures</b>	
Y	<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: near W. 6<sup>th</sup> Activity Corridor</b>
Y	<b>Mobility and Public Transit:</b> Located within 0.25 miles of public transit stop and/or light rail station.
Y	<b>Mobility and Bike/Ped Access:</b> Adjoins a public sidewalk, shared path, and/or bike lane.
Y	<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.
Y	<b>Connectivity and Healthy Living:</b> Provides or is located within 0.50 miles from a recreational area, park and/or walking trail.
	<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.
	<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).
5	<b>Total Number of “Yes’s”</b>
<b>Imagine Austin Priority Program Bonus Features (Extra Points)</b>	
Y	<b>Small Area Plan Policies:</b> Supports applicable Small Area Plans, including the Future Land Use Map, goals, objectives, actions and text. List three small area plan policies that relate to this project. <b>Name of Small Area Plan: Old West Austin NP</b>
	<b>Culture and Historic Preservation:</b> Preserves or enhances a historically and/or culturally significant site.
	<b>Culture and Creative Economy:</b> Expands Austin’s creative economy (ex: live music venue, art studio, film, digital, theater.)
	<b>Workforce Development, the Economy and Education:</b> Expands the economic base by creating permanent jobs, especially an industry that is currently not represented in particular area or that promotes a new technology.
	<b>Workforce Development, the Economy and Education:</b> Promotes educational opportunities or workforce development training.
6	<b>Total Number of “Yes’s” from Top and Under Bonus Features</b>

**Applicable Old West Austin Small Area Plan Policies:**

Old West Austin Neighborhood Vision - The Old West Austin Neighborhood Planning Team seeks to maintain the neighborhood's diversity of residents, incomes, and housing types. (pg. 11)

**Goal 3** – Maintain Social and Economic Diversity of Residents (pg. 28)

**Obj. 3.1** - Provide Additional Moderately-Priced Housing

Rezoning Proposals: This neighborhood has been under great pressure to accommodate commercial uses within its residential core, and is in danger of being eroded from its edges. This could create a self-fulfilling prophesy of residents leaving and commercial uses moving in, and putting pressure on the next tier of residents. Any proposed rezonings should be consistent with the land use and zoning proposals of this plan. (pg. 30)

Environmental

The site is located over the Edwards Aquifer Recharge Zone. The site is located in the Lake Bird Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits (up to 65% for the SF-4A zoning district) apply in the Urban Watershed classification.

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.

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.

Parks & Recreation Department (PARC) – Planning & Design Review

Parkland dedication will be required for any new increase in residential units proposed by this development, single family with SF-4A-HD-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. If applicable, the requirement may be met with fees in-lieu as determined using the criteria in City Code Title 25, Article 14, as amended. 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.

### Site Plan

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

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

This lot contains a single family residence and the proposed zoning change would allow for an additional single family residence.

### Austin Transportation Department – Engineering Review

#### *ASMP Assessment*

The Austin Strategic Mobility Plan (ASMP) calls for 50 feet of right-of-way for Highland Avenue. It is recommended that 25 feet of right-of-way from the existing centerline should be dedicated for Highland Avenue according to the Transportation Plan with the first subdivision or site plan application [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 50 feet of right-of-way for Bellemont Street. It is recommended that 25 feet of right-of-way from the centerline should be dedicated for Bellemont Street according to the Transportation Plan with the first subdivision or site plan application [LDC 25-6-51 and 25-6-55].

### Water / Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

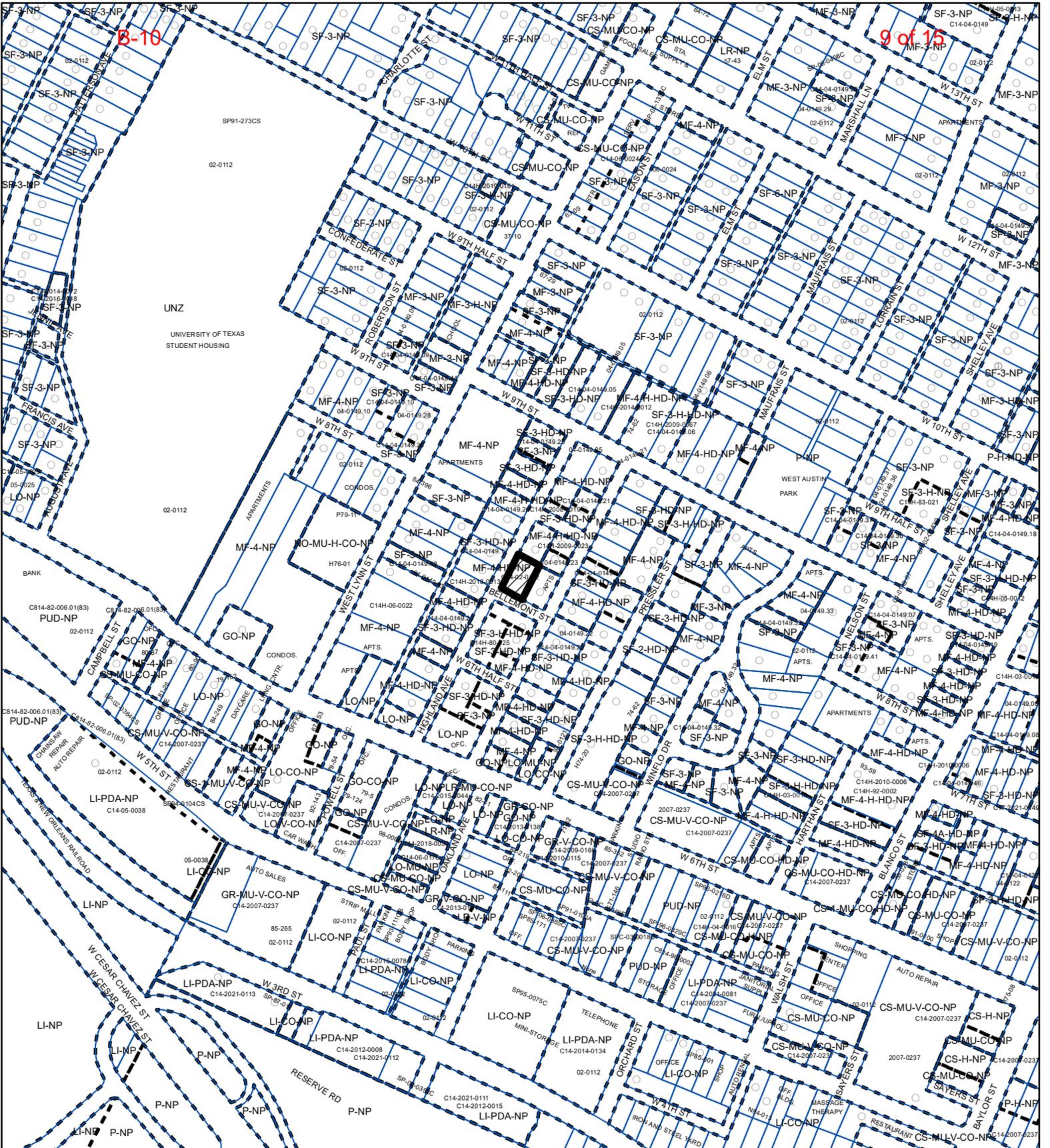
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map

Exhibit A-1: Aerial Map

Correspondence Received



B-10

9 of 15

**ZONING**

Exhibit A

ZONING CASE#: C14-2022-0047



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

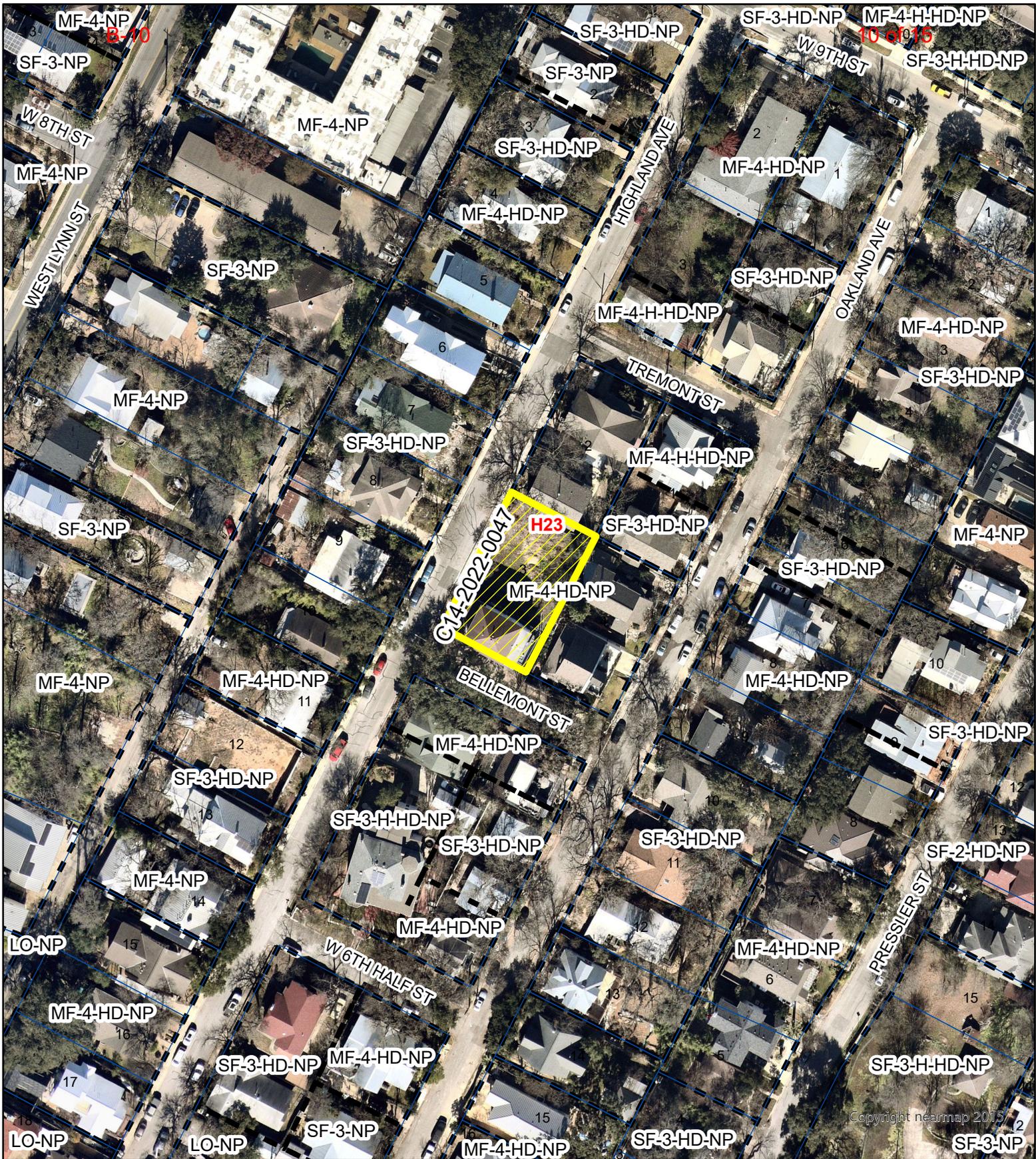


1" = 400'

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.

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Created: 3/31/2022



### 701 and 703 Highland Ave Rezoning

Exhibit A - 1

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

ZONING CASE#: C14-2022-0047  
 LOCATION: 701 and 703 Highland Ave  
 SUBJECT AREA: .2067 Acres  
 GRID: H23  
 MANAGER: WENDY RHOAD



1" = 100'

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](#)  
**Subject:** Re: 701 and 703 Highland  
**Date:** Tuesday, May 3, 2022 10:25:05 AM

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

Thanks Wendy.

With this information, I do not support this zoning change, nor approving a variance for lots that do not meet the required minimum lot size.

This street is already difficult to navigate as neighbors in this area already heavily utilize street parking. Adding "micro lots" that do not meet minimum lot sizes will exacerbate the already insufficient parking on this street, making it worse.

SF-3-NP is already a small lot but is a fine minimum lot size for the character of our neighborhood, while allowing proper space for a house, trees and outdoor space, parking, and a family. Smaller lots create too much density, thus changing the character of our neighborhood, minimizing trees and green space (contributing to the urban heat island effect), and increasing parking problems.

Please let me know if I need to formally submit this opposition to the change.

Rob Kish  
707 W Lynn St

On Mon, Apr 18, 2022 at 5:03 PM Rhoades, Wendy <[Wendy.Rhoades@austintexas.gov](mailto:Wendy.Rhoades@austintexas.gov)> wrote:

Hi Rob,

Based on an earlier conversation I had with the Applicant, the proposal is to develop two single family residences within the rezoning area. The property is 0.2067 acres (approximately 9,003 square feet). Under SF-4A-NP zoning, the minimum lot size is 3,600 square feet. The minimum lot size for SF-3-NP zoning is 5,750 square feet for a single family residence, so a rezoning to SF-3-NP would not yield two single family lots without approval of a Board of Adjustment variance to the minimum lot size.

I do not know the proposed configuration of the two new lots or where the parking would be located (these are good questions for the Applicant), and realize that the proposed creation of two lots would be smaller than existing lots in the surrounding area.

Sincerely,

Wendy Rhoades

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**From:** Rob Kish >  
**Sent:** Thursday, April 14, 2022 8:11 AM  
**To:** Rhoades, Wendy <[Wendy.Rhoades@austintexas.gov](mailto:Wendy.Rhoades@austintexas.gov)>  
**Subject:** 701 and 703 Highland

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

Hi Wendy,

I just received notice about the zoning request for 701 and 703 Highland.

I pulled up the information online but it is not entirely helpful to understand what the applicant is trying to do.

Am I correct that the applicant is attempting to split one MF4 lot into two SF lots? It's a bit confusing as it says it is one tax lot but I can see two addresses in GIDS.

Additionally, could you provide information on the following

- What will be the size of each lot?
- Where will parking be located for the newly created lot
- Almost all of the lots on this block are MF4. As SF, these lots look like they will be smaller than the other SF zoned lots on this block. Can you tell me how these lot sizes will compare?

Rob

**From:**  
**To:** [Rhoades, Wendy](#)  
**Subject:** C14-2022-0047 - 701-703 Highland Ave. Rezoning: District 9  
**Date:** Friday, June 10, 2022 3:20:53 PM

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

Re: C14-2022-0047 - 701-703 Highland Ave. Rezoning: District 9

Dear Planning Commissioners,

The OWANA Zoning Committee met with Nash Garrison, the prospective buyer of 701 Highland Avenue Unit 2, along with Lucas Lahaug from Gray Engineering. Both parties were acting as owner Tracy Malone's representatives. The Zoning Committee members felt that the presentation was incomplete and, therefore, are requesting a postponement of the Planning Commission public hearing on the rezoning. The hearing is currently scheduled for June 14<sup>th</sup>, 2022.

The committee seeks to understand how a change that increases site standards will affect adjacent properties, in terms of drainage and with regard to impervious cover, as well as proximity, and scale/massing. The site proposed for rezoning is on a steep hill with problematic drainage issues. The homeowners who live below on Oakland Avenue expressed concerns about drainage difficulties during heavy rains.

In addition, the committee wants to ensure that changes in the site standards are compatible with the Smoot Terrace Park LHD, which require new construction design standards.

Nash Garrison has agreed to meet with the OWANA Zoning Committee on June 27<sup>th</sup>, 2022. This meeting will give him the opportunity to answer questions asked by the committee, in order to move forward with the proposed rezoning. Our request is to postpone and move the Planning Commission public hearing to July 12<sup>th</sup>, 2022

Thank you for your consideration,

Sheila Lyon  
OWANA Zoning Committee Chair

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**From:**  
**To:** [Rhoades, Wendy](#)  
**Subject:** C14-2022-0047 - 701-703 Highland Ave. Rezoning: District 9  
**Date:** Tuesday, July 5, 2022 7:47:51 AM

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

July 5, 2022

RE: C14-2022-0047 - 701-703 Highland Ave. Rezoning: District 9

Dear Planning Commissioners,

The OWANA Zoning Committee opposes the rezoning of 701 Highland Avenue, Unit 2 from MF-4 to SF-4A for the following reasons:

1.) Nash Garrison, the prospective buyer, has terminated his contract to purchase the lot proposed to be rezoned to SF-4A. The applicant for the rezoning request was his engineer, Gray Engineering, with the permission of the lot's owner.

The Zoning Committee was scheduled to meet with Nash Garrison on June 27<sup>th</sup> to continue discussion of the rezoning which included nearby neighbors. Nash Garrison decided the week before the meeting not to attend as he felt he had no further information to present. The Zoning Committee did meet and discussed the project with neighbors.

Nash Garrison stated that he is going to leave it up to the owner whether or not to withdraw the proposed rezoning to SF-4A.

2.) Tracy Malone, the property owner, has relisted 701 Highland Unit 2 for sale. The attached plans mentioned in the overview of the Zillow listing were done under the MF-4 zoning and as part of the UDA. [https://www.zillow.com/homedetails/701-Highland-Ave-2-Austin-TX-78703/305427411\\_zpid/](https://www.zillow.com/homedetails/701-Highland-Ave-2-Austin-TX-78703/305427411_zpid/) The Zoning Committee has not discussed the proposed rezoning to SF-4A with her. It is our understanding, that Nash Garrison, no longer the prospective buyer, initiated the proposed rezoning.

3.) A home owner below 701 Highland Avenue, Unit 2 on Oakland, said he and his neighbor felt they didn't have enough information about what could be built on the lot above their homes and how it might affect them. The lot has a steep slope, and the rezoning would allow a structure with only a five-foot rear setback. He mentioned that he had been talking with his neighbor about building a wall along the grade change between their lots on Oakland and the lot above on Highland. They intended to discuss the wall with Nash Garrison but they had yet to meet with him. Therefore, without enough information and having the most to lose considering drainage is problematic for the homeowners below on Oakland, they asked for the Zoning Committee to oppose the proposed

rezoning to SF-4A.

4.) 701 Highland Unit 1 and Unit 2 have a Unified Development Agreement (UDA) with 705 Highland which is currently pending. Nash Garrison said the UDA would be dissolved if 701 Unit 2 was rezoned. Now that he has ended his purchase contract to buy Unit 2, the future of the UDA is uncertain.

Based on the neighbors' asking to oppose the rezoning to SF-4A, Nash Garrison terminating his contract, the ZC not having a discussion with the owner, now 701 Unit 2 will be relisted for sale, and 701 Unit 1 and 2 having a UDA with 705 Highland which is currently pending, there are too many unknowns and not enough answers. Please deny the request to rezone 701 Highland, Unit 2 at this time.

Sincerely,

Sheila Lyon  
OWANA Zoning Committee

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