

## ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0086 – Merle Single Family

DISTRICT: 5

ZONING FROM: LO-NP

ZONING TO: SF-3-NP

ADDRESS: 4407 Merle Drive

SITE AREA: 0.27 acres  
(11,889 square feet)

PROPERTY OWNER: Tyche Acquisitions Group, LLC (Nicholas Landis)

AGENT: Thrower Design, LLC (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 family residence – neighborhood plan (SF-3-NP) combining district zoning.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

**October 25, 2022:**

October 11, 2022: *APPROVED A POSTPONEMENT TO OCTOBER 25, 2022*

*[A. AZHAR; R. SCHNEIDER – 2<sup>ND</sup>] (7-3) G. COX, Y. FLORES, C. HEMPEL – NAY,  
J. MUSHTALER – ABSTAIN; C. LLANES PULIDO – ABSENT; ONE VACANCY ON  
THE COMMISSION*

CITY COUNCIL ACTION:

**November 3, 2022:**

ORDINANCE NUMBER:

ISSUES:

Staff reviewed the 1968 Use District map and determined that the subject property (and the property to the north and the two similarly situated properties to the west) has had Office district zoning since that time. Based on permit records, there is no evidence that the property has previously been used for office use, and therefore, the single family residence is a legal (nonconforming) use of the property under the existing LO-NP zoning. The –NP combining district was appended to the existing base district upon Council approval of the South Menchaca rezonings in November 2014. The property is within the Residential Core area on the Council-approved Character District Map.

CASE MANAGER COMMENTS:

The subject rezoning area on Merle Drive consists of a platted lot, contains a single family residence and a detached garage, and is zoned limited office – neighborhood plan (LO-NP) district. There are residences along both sides of Merle Drive (SF-3-NP), as well as office and commercial uses to the north at its intersection with the eastbound frontage road of Ben White Boulevard. ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).***

The Applicant has filed a request to rezone the property to the family residence – neighborhood plan (SF-3-NP) district in order to build either a two-family residence (one single family residence plus an accessory dwelling unit) or a duplex on the property. The Applicant reports there are eight Heritage trees on the property, located towards the street frontage.

The proposed rezoning would allow for one duplex residence, or one single family residence plus a second detached unit (a two-family residence, also known as an accessory dwelling unit) not to exceed 1,100 square feet or a floor-to-area ratio of 0.15, whichever is smaller. The detached unit is limited to 2 stories or 30 feet in height, and 550 square feet on the second story, if any.

As information, the City's short-term rental license program applies to all properties including rooms and guest houses that are rented for less than 30 consecutive days. The program is administered by Austin Code. A property owner must apply for a short-term rental license and renew the license annually.

BASIS OF RECOMMENDATION:

1. *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. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. *Zoning should allow for a reasonable use of the Property.*

Staff recommends the Applicant's request because the lot meets the intent of the SF-3-NP district as it fronts on a residential section of Merle Drive and is a rezoning zoning would be consistent with that established to the east, south and west of the Property.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-NP	Single family residence
<i>North</i>	LO-NP; GR-V-NP	Single family residence; Surface parking lot; Vacant commercial building
<i>South</i>	SF-3-NP	Single family residences
<i>East</i>	GR-V-NP; LO-NP; SF-3-NP	Restaurant (limited); Single family residences; Two family residences
<i>West</i>	GR-V-NP; LO-NP; SF-3-NP	Consumer repair services; Offices; Single family residences; Duplex

NEIGHBORHOOD PLANNING AREA: South Austin Combined (South Manchaca)TIA: Is not requiredWATERSHED: Williamson Creek – SuburbanCAPITOL VIEW CORRIDOR: NoSCENIC ROADWAY: NoSCHOOLS:

Joslin Elementary School

Covington Middle School

Crockett High School

COMMUNITY REGISTRY LIST:

498 – South Central Coalition

511 – Austin Neighborhoods Council

627 – Onion Creek HOA

742 – Austin Independent School District

950 – Southwood Neighborhood Association

1107 – Perry Grid 614

1228 – Sierra Group, Austin Regional Group

1343 – Oak Hills Trail Association

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

1590 – South Manchaca Neighborhood Plan Contact Team

1596 – TNR BCP - Travis County Natural Resources

1616 – Neighborhood Empowerment Foundation 1774 – Austin Lost and Found Pets

1795 – Westgate Neighborhood Plan Contact Team

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0216 – South Manchaca Vertical Mixed Use (VMU) Rezoning – W Ben White (north), S 1 <sup>st</sup> St (east), Stassney	Apply -V to 20 tracts on 65.64 acres	To Grant VMU related standards to all Tracts except Tracts 10 and 12 (dimensional standards only), 60% MFI for VMU rental developments	Apvd (12-13-2007).

Ln (south), Manchaca Rd (west)			
C14-2011-0162 – Frazer-Merle – 4406 Merle Dr	LO to SF-3	To Grant	Apvd (1-27-2012).

#### RELATED CASES:

The rezoning area is comprised of Lot 5, Block D of Ford Place No. 1, recorded in 1948.

The subject property is within the boundaries of the South Austin Combined (South Manchaca) Neighborhood Planning Area and is designated as a Residential Core District on the adopted Character District Map (NP-2014-0030). The –NP combining district was appended to the existing base districts on November 6, 2014 (C14-2014-0018 – Ordinance No. 20141106-087).

#### EXISTING STREET CHARACTERISTICS:

Name	ASMP Required ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Merle Drive	50 feet	30 feet	Level 1	No	No	Yes

#### ADDITIONAL STAFF COMMENTS:

##### Inclusive Planning

**Proposed Use:** Demolish one house and build two houses on lot. FLUM: Residential Core

Yes	<b>Imagine Austin Decision Guidelines</b>
	<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:</b> Activity Centers for Redevelopment in Sensitive Environmental Areas Lamar and Ben White
Y	<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.
Y	<b>Connectivity, Good and Services, Employment:</b> Provides or is located within 0.50 miles to goods and services, and/or employment center.
Y	<b>Connectivity and Food Access:</b> Provides or is located within 0.50 miles of a grocery store/farmers market.

Y	<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 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 housing.
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).
7	<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.

### Impervious Cover

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

### 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%
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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.

#### PARD – Planning & Design Review

Parkland dedication will be required for the new dwelling 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. 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.

#### Site Plan and Compatibility Standards

This project will be subject to Subchapter F and will be reviewed by the Residential Review division.

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

For duplex residential site plans, the applicable building standards are outlined below:

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

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.

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

The Applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

#### Austin Transportation Department – Engineering Review

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.

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.

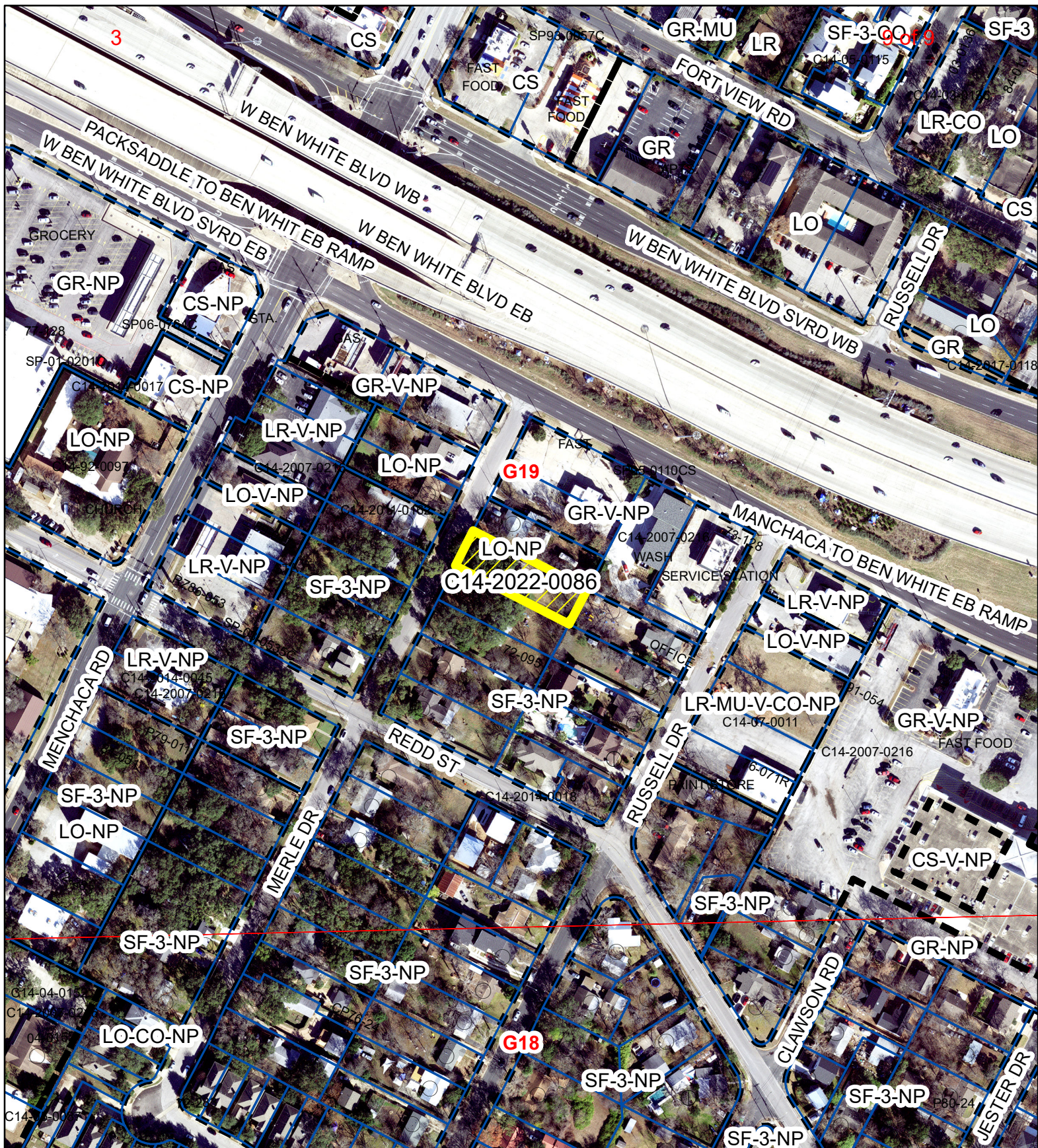
#### INDEX OF EXHIBITS TO FOLLOW:

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

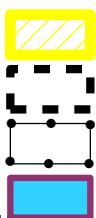








## Merle Single Family Exhibit A - 1



SUBJECT TRACT  
ZONING BOUNDARY  
PENDING CASE  
CREEK BUFFER

ZONING CASE#: C14-2022-0086  
LOCATION: 4407 Merle Drive  
SUBJECT AREA: 0.27 Acres  
GRID: G19  
MANAGER: Wendy Rhoades



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by: MeekSS

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1" = 200'