

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0110 – 7605 Albert Rd Rezoning

DISTRICT: 5

ZONING FROM: DR

TO: SF-6

ADDRESS: 7605 Albert Road

SITE AREA: 3.108 acre

PROPERTY OWNER: Mark Hensen

APPLICANT: Thrower Design (Ron Thrower)

CASE MANAGER: Nancy Estrada (512-974-7617, nancy.estrada@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant townhouse and condominium residence (SF-6) district zoning. *The basis of Staff's recommendation is provided on page 2.*

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

February 21, 2023: Approved a staff postponement request to *March 21, 2023*

[H. SMITH; A. DENKLER – 2ND] (10-0) C. THOMPSON – ABSTAINED

February 7, 2023: Approved a staff postponement request to *February 21, 2023*

[H. SMITH; A. DENKLER – 2ND] (8-0) C. ACOSTA – OFF THE DAIS; S. BOONE – ABSENT; ONE VACANCY ON THE DAIS

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES:

Signatures of adjacent property owners have been submitted in response to the above-referenced rezoning case, opposing a rezoning of the property to anything other than SF-2, single family residence-standard lot. The petition includes 20.12% of eligible signatures and meets the 20% threshold for a valid petition. Petition materials and comment response forms are located at the end of the Staff report.

CASE MANAGER COMMENTS:

The subject rezoning area is located on the corner of Albert Road and Sherwood Road on a 416-foot wide unplatted tract, contains a single-family residence and is zoned development reserve (DR) district. Albert Road turns into Sherwood Road which continues east and is a through street in the neighborhood. A private driveway serves the rehabilitation hospital use

to the south and there is a chain link fence across the driveway intended to prevent southbound traffic on Albert and Sherwood from accessing the hospital use to the south. There are single family residences on large tracts to the north and west that have frontage on Albert Road (DR), a single family residential subdivision to the east (SF-2), a condominium development is 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 the townhouse and condominium residence (SF-6) district zoning in order to provide future residential units. The SF-6 district allows for moderate density single family, duplex, two-family, townhouse and condominium use.

Again, since the subject tract has frontage on two streets, Albert Road, and Sherwood Lane, there remains an opportunity for access to be obtained from both streets under certain conditions and is a contributing factor for Staff's support of the rezoning. Other basis of recommendations are listed below.

BASIS OF RECOMMENDATION:

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

The townhouse and condominium residence (SF-6) district is intended as an area for moderate density single family, duplex, two-family, townhouse and condominium use on a lot that is a minimum of 5,750 square feet. This district is appropriate in select areas where SF-6 can serve as a transition area to single-family residential.

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

SF-6 zoning is consistent with the property directly to the south. As indicated in the purpose statement of the district, SF-6 can be a transition to single-family residential making it an appropriate and compatible use.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	One single family residence (vacant)
<i>North</i>	DR; SF-3; SF-1	Single family residences on large lots and tracts
<i>South</i>	SF-6-CO	Single family residences; Under construction Condominiums
<i>East</i>	SF-2	Single family residences in the Elmwood Estates subdivision
<i>West</i>	DR; SF-3	Single family residences and outbuildings on large tracts

NEIGHBORHOOD PLANNING AREA: Not ApplicableTIA: Is not requiredWATERSHEDS: Williamson Creek; South Boggy Creek – SuburbanCAPITOL VIEW CORRIDOR: NoSCENIC ROADWAY: NoSCHOOLS: Casey Elementary School Bedichek Middle School Akins High SchoolCOMMUNITY REGISTRY LIST:

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-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
C14-2022-0006 – 7500 Wynne Lane	MH to SF-3	To be scheduled	Pending
C14-2022-0100 – 7606 Albert Rd	DR to SF-6	To be scheduled	Pending
C14-2007-0184	DR to SF-2	To Grant	Apvd (11-29-2007).
C14-2022-0056 – 7415 Albert Rd	DR to SF-3	To Grant SF-3-CO	Apvd SF-3-CO w/CO limited to 7 dwelling units & single shared driveway cut (10-13-2022).
C14-2022-0004 – 1501 Damon Rd	DR to SF-3	To Grant SF-3	Apvd SF-3-CO w/CO prohibiting duplex (4-7-2022).
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	SF-6-CO to SF- 6-CO to remove	To Grant	Apvd (8-2-2012).

Road Rezoning	the CO that limits height for a building or structure to 20'		
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:

This is a 3.07 acre tract of land out of the William Cannon League (ABS 6 SUR 19 CANNON W) described by metes and bounds.

There are no subdivision or site plan cases on the subject property.

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Albert Road	Level 1	64'	50'	22'	No	N/A	No
Sherwood Road	Level 1	64'	54'	20'	No	N/A	No

ADDITIONAL STAFF COMMENTS:Inclusive Planning**Project Name and Proposed Use:** 7605 ALBERT RD. C14-2022-0110.

3.108 acres from DR to SF-6. 37 condos/townhouses.

Yes	Imagine Austin Decision Guidelines
	Compact and Connected Measures
	Imagine Austin Growth Concept Map: 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. Name(s) of Activity Center/Activity Corridor/Job Center:
	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.
	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.
	Connectivity and Education: Is located within 0.50 miles from a public school or university.
	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreational area, park and/or walking trail.
Y	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable house.
Y	Housing Choice: 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.
	Mixed Use: Provides mixed use development (minimum 10% residential and 10% non-residential floor area).
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
2	Total Number of "Yes's"

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.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Impervious Cover

The maximum impervious cover allowed by the SF-6 zoning district would be 55%, which is based on the more restrictive zoning regulations.

PARD – Planning & Design Review

Parkland dedication will be required for the new applicable uses proposed by this development, single family with SF-6 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. 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

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

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. The site is subject to compatibility standards due to the adjacent SF-2 district to the east.

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 tract is already developed and the proposed zoning change is a footprint within the existing development. 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

The Austin Strategic Mobility Plan (ASMP) calls for 64 feet of right-of-way for Albert Road. It is recommended that 32 feet of right-of-way from the existing centerline should be dedicated for Albert Road 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 64 feet of right-of-way for Sherwood Road. It is recommended that 32 feet of right-of-way from the existing centerline should be dedicated for Sherwood Road according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

Sites along Albert Road will have to comply with the City's sidewalk design criteria and meet minimum pavement width standards along their frontage. Signage and striping at and near the intersection of Albert Road and Sherwood Road will be further evaluated with the intention to manage speed, clearly direct traffic, and alert vehicles to the intersection. Additionally, staff will assess the feasibility of straightening this intersection to so that the

streets meet perpendicularly. Please note an additional driveway for 7605 Albert Road, should it be requested, would have to be on Sherwood and aligned with Alibi Drive.

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.

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

Petition Information

Correspondence Received

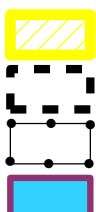


Created: 8/19/2022



7605 Albert Road

Exhibit A - 1



SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

ZONING CASE#: C14-2022-0110

LOCATION: 7605 Albert Rd & 7612 Sherwood Rd

SUBJECT AREA: 3.108 Acres

GRID: F16

MANAGER: Wendy Rhoades



**Created: 9/1/2022
by: MeekSS**

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1" = 200'

P E T I T I O N

Date: October 24, 2022

File Number: C14-2022-0110

Address of Rezoning Request: 7605 Albert Road, 78745

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-2.

(STATE REASONS FOR YOUR PROTEST)

Mark Henson requests a zoning change from DR to SF-6, and would like to build up to 37 units on this 3.07 acre parcel. The signatories and Matthews Lane Neighborhood Association oppose dense development 0.7 miles from amenities and a transit corridor. The project is inconsistent with neighboring lots and the area lacks urban infrastructure. The lot has heritage trees that need to be built around. We support SF-2 zoning with up to 12 two story units.

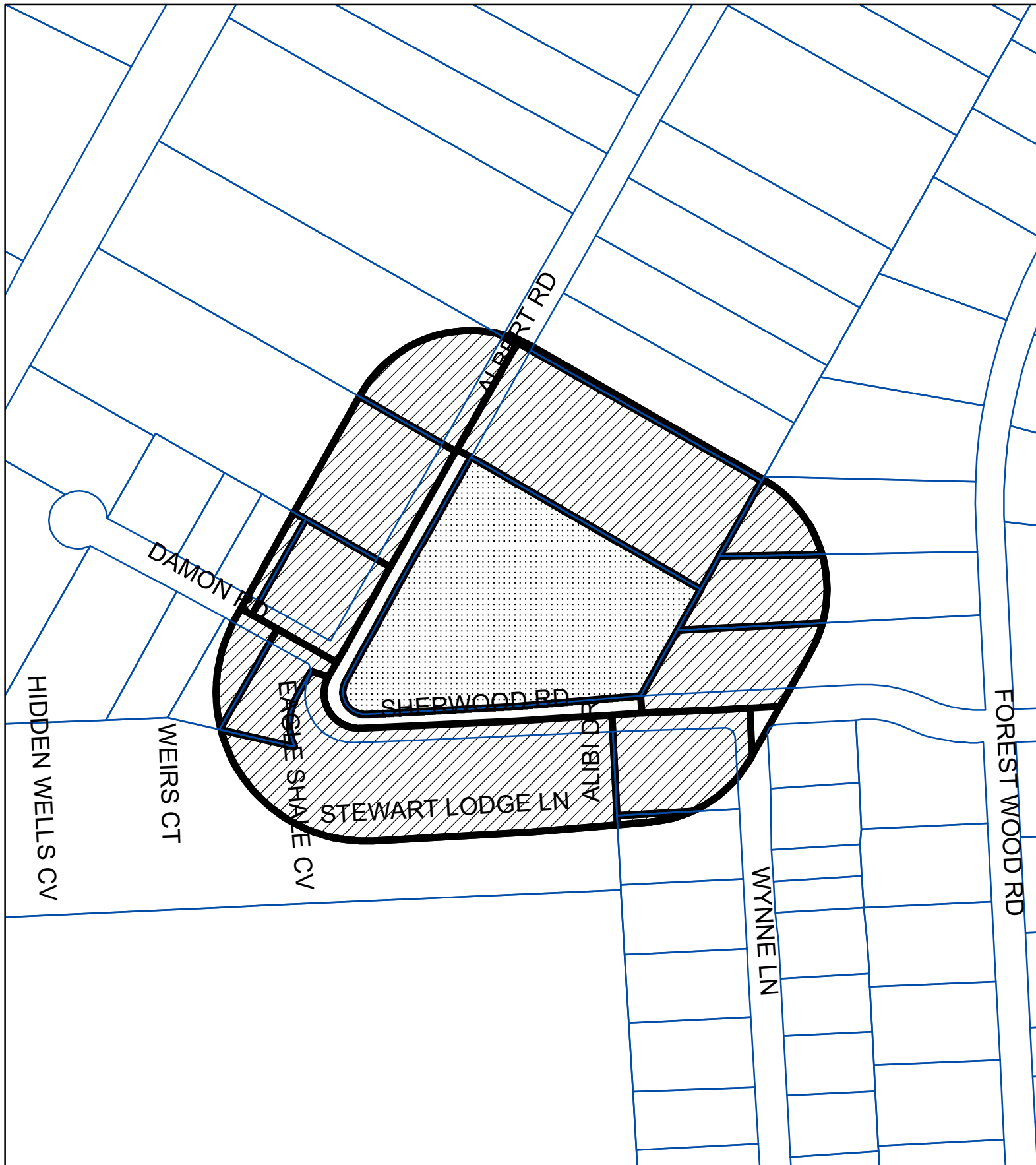
(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
<u>Billie Green</u>	<u>Billie Green</u>	<u>7511 Albert Road</u>
<u>Annie Green</u>	<u>Annie Green</u>	<u>7511 Albert Road</u>

Date: 10/24/22

Contact Name: Karen Fernandez

Phone: 512-739-1684



N



BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

Case#: C14-2022-0110

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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1" = 200'

Case Number:
C14-2022-0110

PETITION

Date: 3/14/2023

Total Square Footage of Buffer: 430729.0671

Percentage of Square Footage Owned by Petitioners Within Buffer: 20.12%

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
0422130106	7606 ALBERT RD 78745	ALBERT ROAD HORIZONTAL INVESTORS LP	no	36794.06	0.00%
0422130212	7404 FOREST WOOD RD 78745	BIG PAWS CONSTRUCTION LLC - SERIES	no	22327.37	0.00%
0422130213	7406 FOREST WOOD RD 78745	BLACKMAN JOHN SAMUEL & LESLIE A	no	29984.80	0.00%
0422150302	1504 DAMON RD 78745	CANTU LEE G & MARIA LOUISA	no	3566.16	0.00%
0422150309	1501 DAMON RD 78745	CAPITAL RIVER GROUP LLC - SERIES 16	no	15495.91	0.00%
0422130501	7500 WYNNE LN 78745	CONNER JON	no	31388.08	0.00%
0422150308	1503 DAMON RD AUSTIN 78745	DAVIS PATRICIA WATTS	no	8426.47	0.00%
0422130202	7511 ALBERT RD AUSTIN 78745	GREEN BILLIE & ANNIE	yes	86664.42	20.12%
0422130203	7415 ALBERT RD 78745	IRONSTONE PARTNERS LLC	no	1992.85	0.00%
0422150301	1500 DAMON RD 78745	KITWIT TRUST THE	no	26540.55	0.00%
0422130211	7402 FOREST WOOD RD 78745	LAMBERT MONICA	no	11314.72	0.00%
0422130105	7412 ALBERT RD 78745	LOGUE INC	no	26866.44	0.00%
0422130502	7502 WYNNE LN AUSTIN 78745	RODGERS BILLY W	no	1286.49	0.00%
0422130104	7410 ALBERT RD AUSTIN 78745	WEST JOHN RANDOLPH & ELIZABETH BERTIN	no	160.82	0.00%
0424151801	Address Not Found		no	102572.98	0.00%
Total				405382.11	20.12%

From: [Julie Briggs](#)
To: [Estrada, Nancy](#)
Subject: C14-2022-0110 7605 Albert Road and 7612 Sherwood Road
Date: Monday, February 6, 2023 1:31:17 PM

*** External Email - Exercise Caution ***

The Ermis' object to the SF-6 Zoning as too dense and not compatible with the surrounding use neighborhood.

Name of Interested Party: Edwin and Mary Jane Ermis

Addresses affected by this application:

1. **1502 W Dittmar Rd ABS 6 SUR 19 Cannon W Acr .968**
2. **W Dittmar Rd ABS 6 SUR 19 Cannon W Acr 13.269**

Comments: **The density should not be increased without adequate detention of water on the tract proposed for development. The City continues to approve development in South Austin while turning a blind eye to the flooding that directly results from the development. With each successive development, the flooding gets worse for the Ermis'. It appears that every development that is approved by the city in this part of South Austin and beyond directs its flood water down the railroad tracks and into the portion of Boggy Creek that begins at the Ermis' Property. This results in more and more of the Ermis tract being subject to flash flooding and catastrophic flow rates of water through the creek and low lying portions of the Ermis property. The city is fully aware that engineering is inadequate, but continues to ignore concerns believing itself to be immune from any liability.**

In addition, the proposed re-zoning is not appropriate relative to surrounding uses of the land and less dense development should be considered.

Finally, it would be foolhardy to approve the density that is being requested by applicant. The neighborhood cannot accommodate the traffic as the roads are too narrow to accommodate anything more than normal single family residences of one or two houses per lot. The council needs to drive down these roads and take a look at the lack of infrastructure to accommodate the requested density.

Julie Ermis Briggs, POA Edwin and Mary Jane Ermis

Julie Briggs
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Suite 100
Austin, Texas 78746

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Opposition to C14-2022-0110, Proposed Rezoning of 7605 Albert Road

Zoning and Platting Commission:

As a neighbor and resident of Albert Road, I wanted to voice my opposition to the proposed rezoning of 7605 Albert Rd to SF-6.

I oppose this very significant and inappropriate change to our neighborhood. The proposed change would allow up to 37 units on a lot where there is currently one. This type of dense development is not appropriate for this area for many reasons, including:

1. Albert Road is a narrow, 1.5 lane rural road with no sidewalks or speed bumps, and it cannot accommodate heavy increases in traffic without significant investment from the city.
2. There is no storm drainage infrastructure and the neighborhood already suffers from flooding issues. The area cannot accommodate such a significant increase in development without significant investment from the city.
3. A 30x increase in density would not be in line with the character of the rest of the neighborhood, which consists of single-family homes and ADUs.
4. This dense development would require the removal of many heritage live oaks and other trees that provide important carbon sink and other ecosystem services to the city.
5. There are no plans from the developer to build any affordable homes.

Further, Austin's own development goals do not support the proposed development on this property. For example:

- Austin Housing Blueprint calls for at least 75% of new housing to be located within half a mile of Imagine Austin Centers and Corridors. The nearest corridor is William Cannon, which is a 1 mile walk from this site.
- Austin Housing Blueprint calls for at least 90% of newly built affordable housing to be located within .75 miles of transit service. The nearest bus stop is over .8 miles, with the next closest 1.3 miles distance from the site.
- The 2021 Austin Strategic Housing Blueprint Scorecard shows that Austin is below its goals on all affordable housing metrics. The developer has not proposed any affordable housing.
- Austin's Climate Equity Plan sets a goal of 50% citywide tree cover, with one of the stated strategies to "expand existing tree protections and landscape regulations for private development." This level of density would require the removal of many existing trees.

I want to stress that my opposition is not simply NIMBYism. I, and the Matthews Lane Neighborhood Association, support a significant increase in density in our neighborhood above what is currently present. We have supported several projects and continue to meet with developers and share our goal for the neighborhood of 4 homes per acre. This level of development that we support would still result in a 10-12x increase in density on this one lot. We deeply understand and appreciate the need for additional housing in Austin, and we support dense development in areas with appropriate infrastructure. However, building as many units as possible on every lot without considering other factors benefits no one but the developers bottom line. I'd like to stress, again, that there is no proposal to have any of these new homes be affordable housing or anything close to it.

-Carmen Wehmeier, 7400 Albert Road