

ZONING CHANGE REVIEW SHEETCASE: C14-2023-0108 (Delano Street Residential)DISTRICT: 1ADDRESS: 1331 Delano StreetZONING FROM: SF-3-NPTO: SF-6-NPSITE AREA: approximately 2.92 acres (approximately 127,195 square feet)PROPERTY OWNER: 5600 Jackie Robinson Investments, LP (Michael Bernstein)AGENT: Thrower Design, LLC (Ron Thrower)CASE MANAGER: Jonathan Tomko (512) 974-1057, jonathan.tomko@austintexas.govSTAFF RECOMMENDATION:

Staff recommends granting townhouse & condominium residence-neighborhood plan (SF-6-NP) combining district zoning. For more information see the *basis of recommendation* section below.

PLANNING COMMISSION or ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

November 28, 2023: Staff postponement requested to December 12, 2023.

December 12, 2023: Case is scheduled to be heard by Planning Commission.

CITY COUNCIL ACTION:

TBD

ORDINANCE NUMBER:

N/A

ISSUES: N/ACASE MANAGER COMMENTS:

The property in question is currently undeveloped land. There are parcels with townhouse & condominium residence-neighborhood plan SF-6-NP combining district zoning throughout the neighborhood, including Jackie Robinson Street to the south, Tannehill Lane to the east, Heflin Lane to the north, and Lightfield Lane to the west.

BASIS OF RECOMMENDATION:

Granting of the request should result in an equal treatment of similarly situated properties.

There are several other cases in the immediate vicinity where townhouse & condominium residence-neighborhood plan SF-6-NP combining district zoning has been granted. This type of zoning is typically on larger parcels like the subject tract. These tracts are on a variety of

low-level intensity roadways as they are not much more dense than other surrounding single family zoning categories and will not generate a significant amount of traffic compared to multifamily zoning categories. Granting this request would result in equal treatment of a similarly situated property.

Zoning should be consistent with approved and existing residential densities.

As stated in the staff comments there are examples of townhouse & condominium residence-neighborhood plan SF-6-NP combining district zoning in all directions from the subject tract. Granting this zoning request would be consistent with approved and existing residential densities.

The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission

Both the Austin City Council and Planning Commission have articulated a principle to provide more housing in Austin, but also a variety of housing types. This rezoning layers in a slightly denser housing product in an area that has successfully provided the housing type on larger parcels in a decentralized manner. As currently zoned, the nearly three-acre site would require minimum lot sizes of 5,750 square feet. With SF-6 zoning new housing would not be subject to the spacing and location requirements of SF-5, thus reducing the land costs per unit.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Undeveloped land
<i>North</i>	SF-3-NP	One single-family home, built in 2019, approximately 3,000 square feet
<i>South</i>	SF-6-CO-NP	Undeveloped land
<i>East</i>	SF-3-NP	Approximately six single-family homes, built in the 1950s and 1960s, approximately 1,000 to 1,500 square feet each
<i>West</i>	SF-3-NP	Approximately five single-family homes and duplexes, relatively new, varying sizes.

NEIGHBORHOOD PLANNING AREA: East MLK Combined Neighborhood Planning Area (MLK-183)

WATERSHED: Fort Branch Watershed

SCHOOLS: A.I.S.D.

Norman-Sims Elementary School

Martin Middle School

LBJ High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Del Valle Community Coalition, East Austin Conservancy, East MLK Combined Neighborhood Plan Contact Team, Friends of Austin Neighborhoods, Friends of Northeast Austin, Hog Pen, NA, Homeless Neighborhood Association, Lincoln Garden Association,

Neighborhood Empowerment Foundation, Neighbors United for Progress, Preservation Austin, Reissig Group, SELTexas, Sierra Club, Austin Regional Group, Truman Heights Neighborhood Association

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2023-0022 (Tannehill Residences)	The Applicant is proposing to rezone approximately 6.069 acres from SF-3-NP to SF-6-NP.	07.11.2023: Approved on consent. Motion by Commissioner Conley, seconded by Vice Chair Hempel, no objections.	09.14.2023: Townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning was approved on Council Member Ryan Alter's motion, Council Member Kelly's second on a 7-0 vote. Mayor Pro Tem Ellis was off the dais. Council Members Alison Alter, Harper-Madison, and Pool were absent.
C14-2022-0122.SH (3811 ½ Tannehill Lane)	The Applicant is proposing to rezone approximately 8.92 acres from P-NP to MF-4-NP	PC 02.28.23 - Approved MF-4-NP, as Staff recommended.	03.23.23 - Approved MF-4-NP, as Staff recommended.
C14-2020-0135.SH (Lott Avenue)	The Applicant is proposing to rezone approximately 5.01 acres from SF-3-NP to SF-6-NP.	02.09.21 – Approved SF-6-NP as staff recommended.	04.22.21 – Approved SF-6-NP as on 1 st reading on 2 nd /3 rd readings.
C14-2019-0107.SH (Diamond Forty-Two)	The Applicant proposes to rezone approximately 6.149 acres from SF-3-NP to SF-6-NP, as amended.	06.23.20 – Approved SF-6-NP as staff recommended.	07.30.20 – Approved SF-6-NP as PC recommended, on all 3 readings.
C14-2017-0097 (Jackie Robinson Residential)	The applicant is proposing to rezone property from SF-3-NP to SF-6-NP.	01.23.18 - Approved SF-6-CO-NP District Zoning, with condition to limit	02.15.18 - Approved SF-6-CO-NP as PC recommended. CO

		units to 62. Neighborhood Traffic Analysis to be enforced through a public restrictive covenant. [A. De Hoyos-Hart; J. Schissler 2nd] (7-5), G. Anderson, A. De Hoyos-Hart, F. Kazi, C. Kenny, J. Schissler Nay. Separately not as a condition of zoning, commissioners recommended to council to prohibit through truck traffic on Delano Street, Elanor Street, and Fort Branch Boulevard.	for a limit of 62 units. Vote 11-0.
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RELATED CASES:

NPA-2023-0015.02 - NPA FLUM Change Single Family to Higher-Density Single Family

ADDITIONAL STAFF COMMENTS:Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Fort Branch 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. 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.
6. 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.
7. 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

Fire

No comments on rezoning

PARD – Planning & Design Review

PR1: Parkland dedication will be required for the new applicable uses proposed by this development, condos 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

SP 1. Site plans will be required for any new development other than single-family or duplex residential.

SP 2. 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.

SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 4. FYI- This is within the MLK-183 NP.

SP 5. The site is located within Austin-Bergstrom Overlay {CCLUA}. No use will be allowed that create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance.

Transportation and Public Works Department – Engineering Review

ATD 1. 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. The traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. [LDC 25-6-113].

ATD 2. A Neighborhood Traffic Analysis shall be required at the time of site plan, if triggered, when land uses and intensities will be known. [LDC 25-6-114].

ATD 3. The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for DELANO ST. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for DELANO ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
DELANO ST	Local Mobility - Level 1	58 feet	49 feet	28 feet	No	No	Yes

TIA: Deferred to the time of Site Plan if triggered, when land uses and intensities will be known.

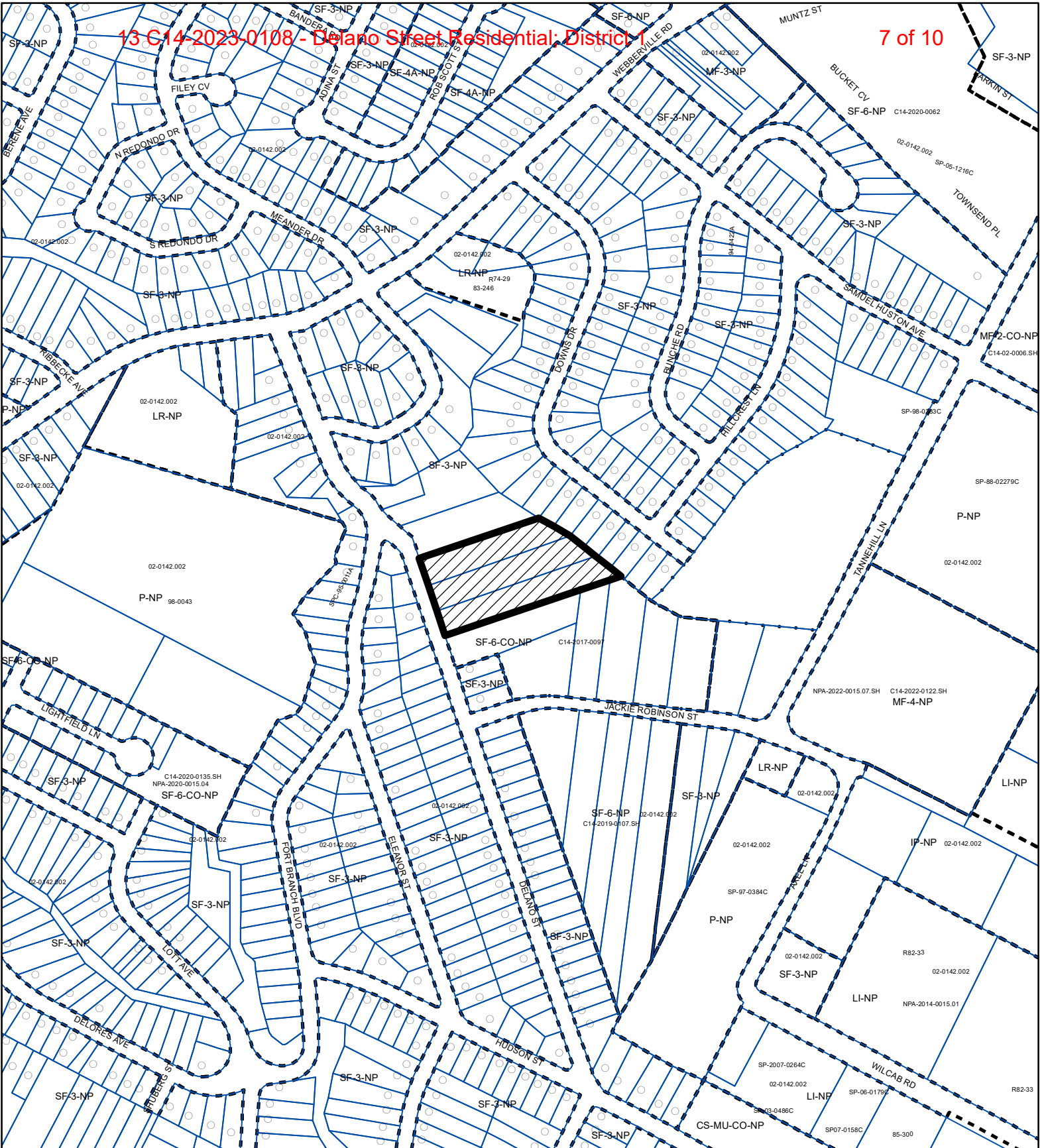
Austin Water Utility

AW1. No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities. 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. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter



ZONING

ZONING CASE#: C14-2023-0108



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

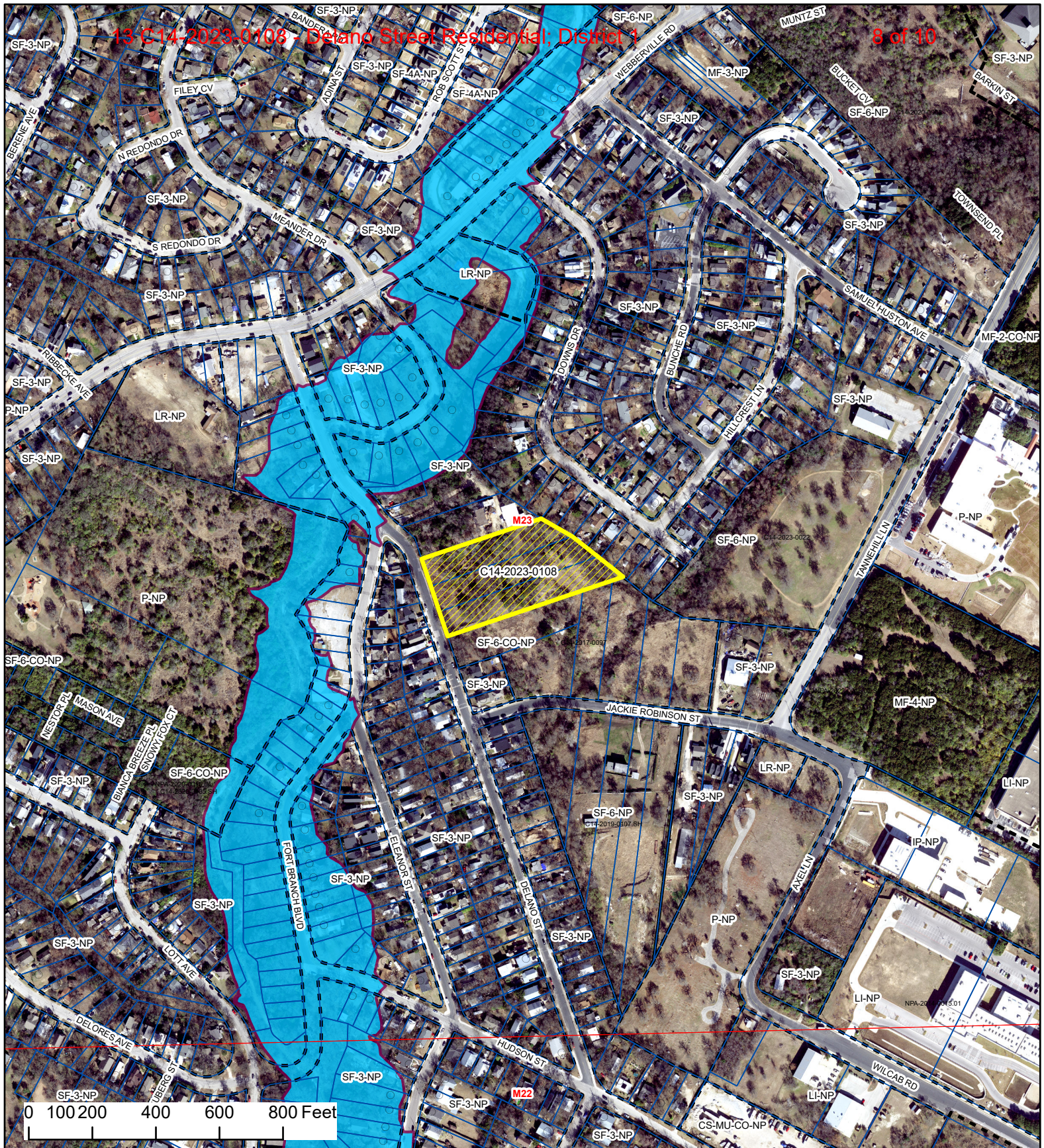
1" = 400'

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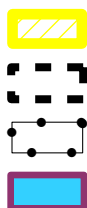
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Created: 9/19/2023



Delano Street Residential



SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

ZONING CASE#: C14-2023-0108
 LOCATION: 1331-1327 Delano St
 SUBJECT AREA: 2.92 Acres
 GRID: M23
 MANAGER: Jonathan Tomko



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Created: 10/31/2023



August 10, 2023

Ms. Lauren Middleton-Pratt
Director, Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: Rezoning Application – 1323, 1327, 1331 Delano Street; Delano Street Residential

Dear Ms. Middleton-Pratt:

On behalf of the Owner(s) of the property referenced above, we respectfully submit the enclosed rezoning application package. The subject lands are un-platted lots that total approximately 3.0 acres. The lands are located within Council District 1, represented by Natasha Harper-Madison and are in the “MLK-183” planning area of the East MLK Combined Neighborhood Plan.

The lots are zoned “SF-3-NP”. The request is to amend the FLUM to *Higher-Density Single Family* FLUM designation and to rezone from SF-3-NP to SF-6-NP to allow for infill residential development that is compatible with existing residential uses and will provide necessary flexibility to work with and around the critical environmental features on the site, including a spring, wetlands, and several protected trees, some of which achieve “Heritage” designation. Further, Delano Street hosts Capitol Metro's Route 5 – Woodrow/East 12th Street bus line, thereby creating easy access to transit options for a greater number of residents.

Allowing this site to develop under the provisions of SF-6 versus SF-3 is an opportunity for development that helps to achieve the City's sustainability goals. Infill development at this location will take pressure off of sprawling development and can only cause for improvements and upgrades to current and aging infrastructure, all the while, keeping and respecting environmental features that make Austin a desirable place to live.

We respectfully request support for the requests made. Please contact our office should you have need for additional information. Thank you for your time and attention to this application.

P.O. BOX 41957, AUSTIN, TEXAS 78704

Kind regards,

A handwritten signature in black ink, consisting of a series of loops and a wavy line at the end.

Victoria Haase

cc: Joi Harden, Housing & Planning Department (*via electronic delivery*)