

**PLANNING COMMISISON
SITE PLAN – COMPATIBILITY WAIVER ONLY**

CASE NUMBER: SP-2022-0491C **HEARING DATE:** February 13, 2024

PROJECT NAME: 1170 Webberville

ADDRESS: 1170 Webberville Road

COUNCIL DISTRICT: 1

OWNER: Lynn House, LP (512) 992-8895
2028 E Ben White Blvd., Ste. 240
Austin, TX 78741

ENGINEER: Civiltude LLC (Esteban Gonzalez) (512) 761-6161
5110 Lancaster Ct
Austin, TX 78723

CASE MANAGER: Heather Chaffin (512) 974-2140
Heather.Chaffin@austintexas.gov

NEIGHBORHOOD PLAN: MLK-183

PROPOSED DEVELOPMENT:

The applicant is proposing to develop a vacant tract of land zoned GR-MU-NP into a 5-unit, condominium residential land use. The gross floor areas of the units range from 1,985 square feet to 2,255 square feet. All units are three stories, under 35 feet in height, and contain private pools. The site will have a single driveway accessing Webberville Road and will provide on-site parking, community pool, landscaping, and public sidewalk improvements on 0.30 acres. Four waivers from compatibility setback requirements are being requested.

DESCRIPTION OF WAIVERS:

The applicant is requesting a waiver from § 25-2-1063(B)(2), which requires a **structure setback of 25 feet** from property on which a use permitted in a SF-5 or more restrictive zoning district is located. The southern, adjacent property triggering this requirement has a religious assembly use. Surface parking, a wooden deck, outdoor kitchen area, and community pool are located 5 feet away, but within the 25-foot compatibility setback, from the property line of the religious assembly use.

The applicant is requesting a waiver from § 25-2-1064, which requires a **front building line setback of at least 25 feet** from a right-of-way if the tract on which the building is constructed adjoins property on which a use permitted in a SF-5 or more restrictive zoning district is located and fronts on the same street as the adjoining property. The adjoining property triggering this requirement has a religious assembly use. One of the condominium units and the unit's pool and patio are setback 12 feet from Webberville Road's right-of-way but are within the 25-foot front building line setback.

The applicant is also requesting a waiver from § 25-2-1067(F)(2), which requires an **intensive recreational use**, including a pool, to be **at least 50 feet** from adjoining property on which a use

permitted in an SF-5 or more restrictive zoning district is located. A community pool, a wooden deck, and outdoor kitchen area are located 5 feet away, but within the 50-foot setback requirement, from the property line of the religious assembly use.

Lastly, the applicant is requesting a waiver from § 25-2-1067(H), which requires a site less than 125 feet wide, to have certain **setbacks for parking** in relation to properties triggering compatibility requirements (i.e. the adjacent religious assembly use). For the width of this site, the required setback for parking is **22 feet**. The development proposes a setback of 5 feet away from the property line of the religious assembly use.

SUMMARY STAFF RECOMMENDATION:

While zoned as GR-MU-NP, the adjacent property immediately to the south is developed as religious assembly use. The adjacent properties to the west and north are also zoned GR-NP, but are developed as commercial and apartment uses, respectively.

Of the remaining block bounded by E 12th Street, Webberville Road, and Springdale Road, all properties are zoned GR-MU-NP and consist of a mixture of uses ranging from single family, office, commercial, and multifamily uses. Nearby blocks also feature a mixture of land uses. For example, the block directly opposite the subject site contains both commercial and single family uses.

The MLK-183 Neighborhood Planning Area Ordinance (Ord. 20021107-Z-12b) rezoned this property to GR-MU-NP and did not place any additional restrictions or conditional overlays on the site beyond what the LDC requires. As stated in the neighborhood plan, the priority for this area is to “promote compatible infill development that will help stabilize the residential areas.” The proposed development is also consistent with Imagine Austin’s goals of creating complete communities with compact and connected development that creates economically mixed and diverse neighborhoods with a range of housing options.

Compatibility can be triggered by a zoning district or by a land use. For this site, compatibility setbacks are triggered by the adjacent religious assembly use. Based on these findings and proposed design of the project, staff recommends approval of the four requested compatibility variances.

The site plan complies with all other compatibility standards, such as lighting, screening, and building heights.

PROJECT INFORMATION

TOTAL SITE AREA	13,132 sq. ft.	0.30 acres	
EXISTING ZONING	GR-MU-NP		
WATERSHED	Tannehill Branch and Fort Branch Watersheds (urban)		
TRAFFIC IMPACT ANALYSIS	Not required		
CAPITOL VIEW CORRIDOR	None		
PROPOSED ACCESS	Webberville Road		
	Allowed/Required	Existing	Proposed
FLOOR-AREA RATIO	1:1	0	0.82:1
BUILDING COVERAGE	75%	0	26.9%

IMPERVIOUS COVERAGE	90%	0	63.2%
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COMPATIBILITY:

The site is subject to Compatibility Standards due to the religious assembly use to the south.

§ 25-2-1063 - HEIGHT LIMITATIONS AND SETBACKS FOR LARGE SITES.

(A) This section applies to a site that has:

- (1) an area that exceeds 20,000 square feet; or
- (2) a street frontage that exceeds 100 feet.

(B) In this section, the term "structure" excludes a rain garden using no concrete that is designed in accordance with the Environmental Criteria Manual. A person may not construct a structure 25 feet or less from property:

- (1) in an urban family residence (SF-5) or more restrictive zoning district; or
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

§ 25-2-1064 - FRONT SETBACK.

A building must have a front building line setback of at least 25 feet from a right-of-way if the tract on which the building is constructed:

- (1) adjoins property:
 - (a) in an urban family residence (SF-5) or more restrictive zoning district; or
 - (b) on which a use permitted in a SF-5 or more restrictive district is located; and
- (2) fronts on the same street as the adjoining property.

§ 25-2-1067 - DESIGN REGULATIONS.

(F) An intensive recreational use, excluding a multi-use trail and including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining property:

- (1) in an SF-5 or more restrictive zoning district; or
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

(H) If a site on which a parking area or driveway is constructed is less than 125 feet wide, the width and setback for the parking area or driveway must comply with the following schedule:

Total Site Width	Avg. Parking Width	Setback for Parking	Setback for Driveways
101 to 103.99'	62'	22'	17'

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	GR-MU-NP	Vacant
<i>North</i>	GR-MU-NP	Apartments
<i>South</i>	GR-MU-NP	Religious Assembly
<i>East</i>	GR-MU-NP	Commercial and single-family residential
<i>West</i>	GR-MU-NP	Commercial

ABUTTING STREETS

Street	Right-of-Way Width	Pavement Width	Classification
Webberville Road	60 feet	50 feet	Level 2

NEIGHBORHOOD ORGANIZATIONS:

Austin Lost and Found Pets
Austin Neighborhoods Council

Austin ISD
Del Valle Community Coalition
East Austin Conservancy
E MLK Combined Neighborhood Plan Team
Friends of Austin Neighborhoods
Homeless Neighborhood Association
Neighborhood Empowerment Foundation
Neighbors United for Progress
Preservation Austin
Reissig Group
Residents of E 12th St
SELTexas
Sierra Club, Austin Regional Group
Springdale-Airport Neighborhood Association
Springdale Park Neighborhood Association



Civiltude, LLC
Texas P.E. Firm Registration 12469
5110 Lancaster Ct, Austin, Texas, 78723
Phone 512.761.6161 | Fax 512.761.6167
www.civiltude.com | info@civiltude.com

January 5, 2024

Jennifer Bennett
City of Austin Development Service Department
6310 Wilhelmina Delco Dr.
Austin, TX 78752

Re: **Compatibility Waiver Request Letter**
1170 Webberville (SP-2022-0491C)
1170 Webberville Road, Austin, Texas 78721

Dear Jennifer,

On behalf of our client, Lynn House, LP, we are submitting a compatibility waiver request for the 1170 Webberville project (SP-2022-0491C) located at the above reference site address. We are requesting the following waivers to the Land Development Code:

Request #1: Reduction of the 22-foot parking setback to 5 feet

§ 25-2-1067 - DESIGN REGULATIONS

(H) If a site on which a parking area or driveway is constructed is less than 125 feet wide, the width and setback for the parking area and driveway must comply with the following schedule:

<i>Total Site Width</i>	<i>Avg. Parking Width</i>	<i>Setback for Parking</i>	<i>Setback for Driveways</i>
<i>101' to 103.99'</i>	<i>62'</i>	<i>22'</i>	<i>17'</i>

The 1170 Webberville project site is approximately 0.30 acres with a width of 103.3'. Since the site is less than 125 feet, this requires us to comply with the 22' setback requirement for parking listed in the table above.

Due to the limited site area on the property, we would like to request a waiver to reduce the setback for parking from the required 22' to 5' from the southwest property line. This waiver request would allow residents to park within the site boundary and not have to park within the public right of way. This reduction will allow the parking lot to be built for residents to access the property and keep vehicles out of the public right of way. Not only does this improve safety of residents by providing off street parking, but also reduces the amount of vehicles parking in the public right of way.



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Request #2: Reduction the 25-foot front building line setback to 12 feet

§ 25-2-1064

A building must have a front building line setback of at least 25 feet from a right-of-way if the tract on which the building is constructed:

- (1) Adjoins property:*
 - (a) In an urban family residence (SF-5) or more restrictive zoning district; or*
 - (b) On which a use permitted in a SF-5 or more restrictive district is located; and*
- (2) Fronts on the same street as the adjoining property*

The project site is currently proposing five townhome-style residential buildings and the first building is currently 12 feet away from the public right of way line. We are requesting the required 25 foot front building setback because it would eliminate the first unit almost entirely. This setback is triggered by the adjacent property occupied by the Pleasant Grove Baptist Church, which has waived their compatibility rights in support for this development. Allowing this setback reduction will allow more housing to be built, which is much needed within the City of Austin.

Request #3: Reduction of the 25-foot No-Build setback to 5 feet.

§ 25-2-1063

(A) This section applies to a site that has:

- (1) An area that exceeds 20,000 square feet; or*
- (2) A street frontage that exceeds 100 feet.*

(B) In this section, the term "structure" excludes a rain garden using no concrete that is designed in accordance with the Environmental Criteria Manual. A person may not construct a structure 25 feet or less from property:

- (1) In an urban family residence (SF-5) or more restrictive zoning district; or*
- (2) On which a use permitted in an SF-5 or more restrictive zoning district is located.*

The site is composed of a 0.30 acre tract zoned GR-MU-NP with a proposed condominium land use. The property triggering compatibility is currently occupied by the Pleasant Grove Baptist Church, which has waived their compatibility rights in support for this development. The church building is approximately 165 feet away from the shared property line and the first hundred feet of the Pleasant Grove Buffer is informally used for parking purposes.

We are requesting that the no-build setback be reduced to 5 feet from the property line and the height limits of the compatibility standards triggered by the adjacent tract. The compatibility setbacks will significantly reduce the building size, which makes this housing project unfeasible to develop. The property owner is requesting a reduction of this setback in order to build a reasonably sized condominium home which is a shared priority with the city of Austin to provide much needed housing within the city limits. In order to mitigate these improvements, the development also proposes to incorporate a fence and vegetative screening that will cover these improvements from the neighbors view. This reduction will allow the parking lot to be built for residents to access the property and keep vehicles out of the public right of way. Not only does this improve safety of residents by providing off street parking, but also reduces the amount of vehicles parking in the public right of way.



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Request #4 : Reduction of the 50-foot Intensive Recreation use setback to 5 feet

§ 25-2-1067F

(F) An intensive recreational use, excluding a multi-use trail and including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining property:

- (1) in an SF-5 or more restrictive zoning district; or*
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.*

This development is asking for a reduction in the intensive recreational use setbacks triggered by the adjacent tract with a meeting and assembly land use. This request is being made in order to allow the amenity space and pool area for the proposed development. The intensive use setback is 50 feet and the existing church building is currently over 160 feet away from the 1170 Webberville property. Moreover, the developer is planning on proposing a fence with vegetative screening to allow more barriers between the church and the recreational space.

The recreation use setback required by code is 50 feet from the property line which would require the proposed building to be reduced significantly in size. The access to recreational facilities and green spaces is limited within urban spaces. By granting the setback reduction, we can ensure that residents, including families and individuals of all ages, have a dedicated and safe area to relax, exercise, and socialize. This amenity fosters a sense of community, promotes a healthier lifestyle, and contributes positively to the overall livability of the neighborhood.

As mentioned previously, the property triggering compatibility restrictions is currently occupied by the Pleasant Grove Baptist Church, which has waived their compatibility rights in support for this development.

Closing Statement

In conclusion, we firmly believe that the City's compatibility standards have a significant impact on our property, primarily due to the unique limitations posed by our limited space and lot configuration. Our comprehensive waiver requests are not driven by convenience but by the necessity to optimize the use of this property in a manner that aligns with the broader goals of addressing housing needs, enhancing community well-being, and contributing positively to the City of Austin's vision for a vibrant and sustainable future. We have taken careful consideration of the site's challenges and have crafted our requests with a commitment to responsible urban development. We kindly request the Land Use Commission's thoughtful review and consideration of our waiver applications to enable us to create a development that benefits both our residents and the neighborhood at large. Thank you for your time and consideration.

Sincerely,

Esteban Gonzalez, PE

September 06, 2022

City of Austin Development Services Department
6310 Wilhelmina Delco Dr.
Austin, Texas 78752

Re: **Compatibility Waiver Support**
1170 Webberville Road,
Austin, TX 78721

Webberville Pleasant Grove
Missionary Baptist Church -
Andre Pinchback

1170 Webberville Rd,
E, Austin, TX 78721

I, [Redacted] owner of [Redacted], understand that the above reference development intends to seek a waiver of compatibility setbacks. I understand that LDC 25.2.1081 allows the Land Use Commission to approve a waiver that reduces to the no-build setback from 25 feet to 5 feet.

This letter is to express my support for that request and any other waivers that can waive compatibility, including waiver that further reduces the no-build setback and approves waiver of height restriction imposed by Compatibility Standards.

Should you have any questions about any of these items, please don't hesitate to reach out to us at:

Phone: 512-589-1250

Email: andrepinchback@gmail.com

Sincerely,

Webberville Pleasant Grove Missionary Baptist Church
Andre Pinchback

Authentisign

Andre Pinchback

09/06/22



Legend

Property

Street Labels

Jurisdiction

FULL PURPOSE

Appraisal Districts

TCAD Parcels



Jurisdictions Fill

Jurisdiction

FULL PURPOSE

Zoning 1

Zoning

- GR
- MF
- P
- SF

Zoning Text



Notes

SP-2022-0491C

0 350 700
ft

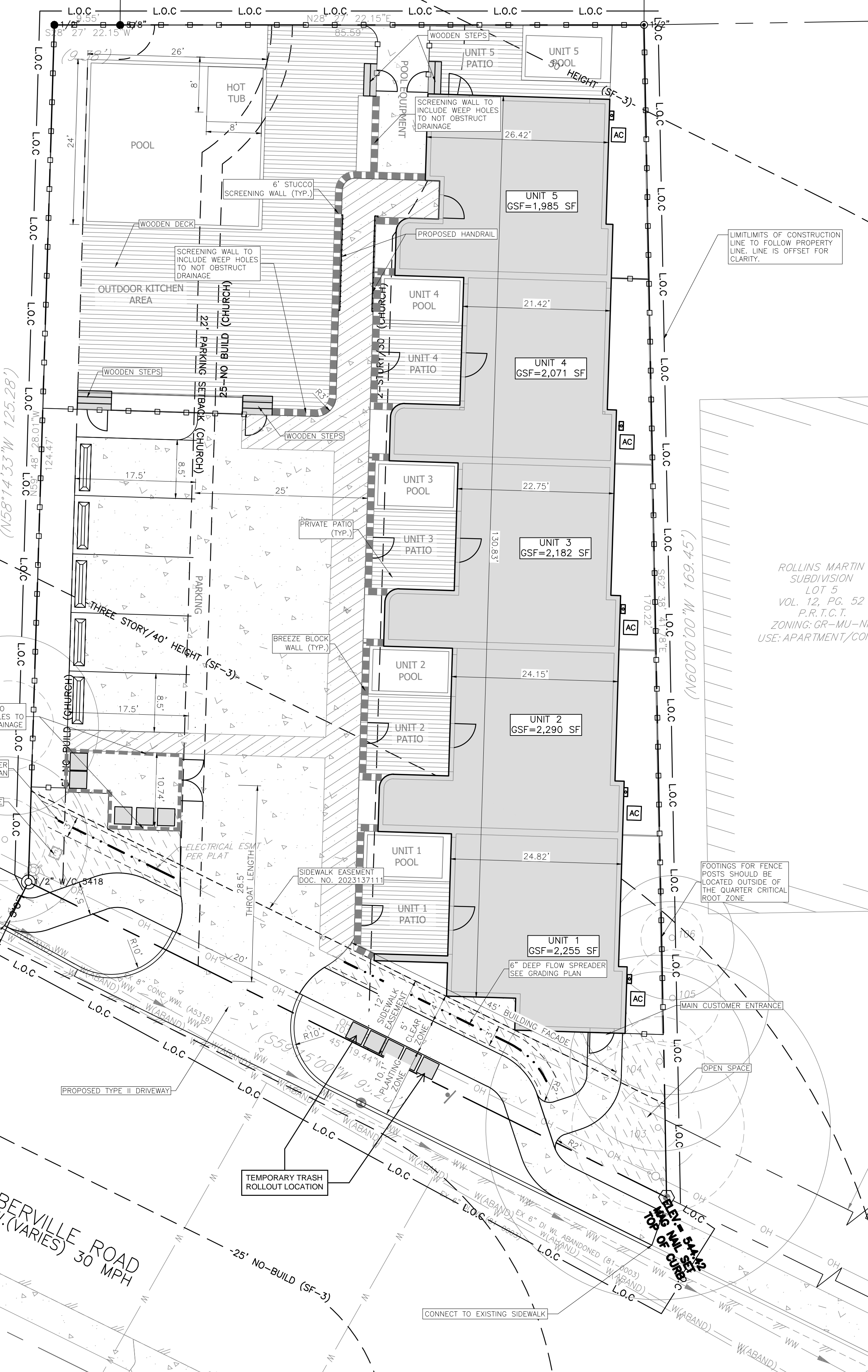
2/8/2024

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. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

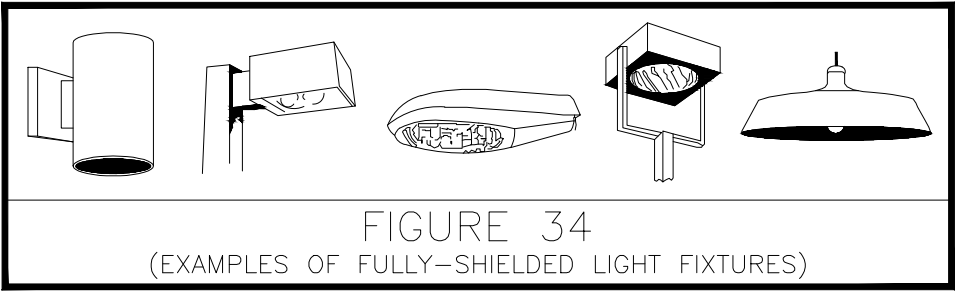
LAND USE TABLE		
EXISTING		
UNDEVELOPED	0	UNITS
PROPOSED		
CONDOMINIUM RESIDENTIAL	5	UNITS

IMPERVIOUS COVER SUMMARY TABLE					
Gross Site Area (GSA)		13132	SF	0.30	Acres
Net Site Area (NSA)		13132	SF	0.30	Acres
	Existing to Remain	Existing to be Removed	Proposed Addition	Proposed Net	
Building Footprint	-	-	3526	3526	
Parking & Driveway	-	789	3248	3248	
wood deck area (50%)	-	-	1002	1002	
Sidewalk	-	-	518	518	
Total (SF)	-	789	8294	8294	
Total (AC)	0.000	0.018	0.190	0.190	
Total (%)	0.0%	6.0%	63.2%	63.2%	

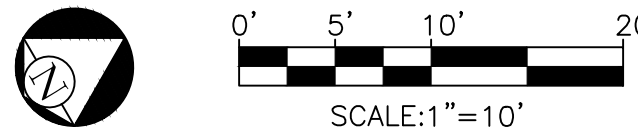
LAND USE TABLE		
EXISTING		
UNDEVELOPED	0	UNITS
PROPOSED		
CONDOMINIUM RESIDENTIAL	5	UNITS



- ALL EXTERIOR LIGHTING SHALL BE HOODED OR SHIELDED FROM THE VIEW OF ADJACENT RESIDENTIAL PROPERTY [25-2-1064]. ALL EXTERIOR LIGHTING WILL BE FULL CUT-OFF OR FULLY SHIELDED IN COMPLIANCE WITH SUBCHAPTER E 2.5 AND WILL BE REVIEWED DURING BUILDING PLAN REVIEW. ANY CHANGE OR SUBSTITUTION OF LAMP/LIGHT FIXTURES SHALL BE SUBMITTED TO THE DIRECTOR FOR APPROVAL IN ACCORDANCE WITH SECTION 2.5.2.E (REF. FIGURE 34 ON THIS SHEET).



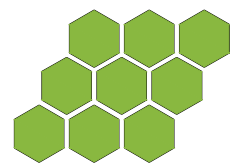
- | LEGEND | |
|--------|----------------------------|
| | BOUNDARY / RIGHT OF WAY |
| | EASEMENT / SETBACK |
| | CURB / EDGE OF PAVEMENT |
| | ACCESSIBLE ROUTE (ADA) |
| | FIRE LANE STRIPING |
| | RETAINING / SCREENING WALL |
| | BUILDING PAD AREA |
| | WOODEN DECK |
| | OPEN SPACE |
| | PAVEMENT / ASPHALT |
| | PAVEMENT / CONCRETE |
| | STORM DRAIN LINE |
| | WATER LINE |
| | WASTEWATER LINE |
| | WATER METER |
| | WATER VALVE |
| | FIRE HYDRANT |
| | WASTEWATER MANHOLE |
| | WASTEWATER CLEANOUT |
| | BACKFLOW PREVENTER |
| | STORM DRAIN MANHOLE |
| | STORM DRAIN CURB INLET |
| | STORM DRAIN AREA INLET |
| | TRANSFORMER |
| | AIR CONDITIONER UNIT |
| | UTILITY POLE |
| | GUY WIRE |
| | DUMPSTER |
| | SIGN |
| | BICYCLE RACK |
| | PARKING BUMPER |
| | ACCESSIBLE PARKING (ADA) |
| | CROSSWALK |
| | ROOF DOWNSPOUT |



NO.	DATE	REVISION /CORRECTION /ADDENDUM	SHEET

1170 WEBBERVILLE RD
1170 WEBBERVILLE RD, AUSTIN, TEXAS 78721

SITE PLAN



CIVILITUDE
ENGINEERS & PLANNERS

5110 LANCASTER CT, AUSTIN, TX 78723 FIRM REG # F12469
PHONE 512 761 6161 FAX 512 761 6167 INFO@CIVILITUDE.COM

JOB NO: A695
DGN BY: ELG, AGS
DWN BY: ELG, AGS
RVW BY: ELG



SITE PLAN APPROVAL SHEET 07 OF 23
FILE NUMBER: SP-2022-0491C APPLICATION DATE: 10/18/2022
APPROVED BY COMMISSION ON _____ UNDER SECTION 112 ON
CHAPTER 25-5 OF THE CITY OF AUSTIN CODE JENNIFER
EXPIRATION DATE (25-5-81, LDC) _____ CASE MANAGER BENNETT
PROJECT EXPIRATION DATE (ORD.#970905-A) _____ DWFPZ DDZ ☒ X

Director, DEVELOPMENT SERVICES DEPARTMENT
RELEASED FOR GENERAL COMPLIANCE: _____ ZONING: **GR-MU-NP**
Rev. 1 _____ Correction 1 _____
Rev. 2 _____ Correction 2 _____
Rev. 3 _____ Correction 3 _____

Final plat must be recorded by the Project Expiration Date, if applicable. Subsequent Site Plans which do not comply with the Code current at the time of filing, and all required Building Permits and/or a notice of construction (if a Building permit is not required), must also be approved prior to the Project Expiration Date.

EET NO
07
23