

## ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0117 (Heflin Housing)

DISTRICT: 1

ADDRESS: 5106 and 5108 Heflin Lane

ZONING FROM: SF-3-NP

TO: MF-3-NP

SITE AREA: approximately 0.49 acres (approximately 21,344 square feet)

PROPERTY OWNER: Himount Partnership Group, LTD

AGENT: Thrower Design, LLC (Victoria Haase)

CASE MANAGER: Jonathan Tomko (512) 974-1057, [jonathan.tomko@austintexas.gov](mailto:jonathan.tomko@austintexas.gov)

STAFF RECOMMEDATION: Staff **does not support** the Applicant's request of multifamily residence-medium density-neighborhood plan (**MF-3-NP**) combining district zoning for this property and **offers an alternate recommendation** of townhouse and condominium residence-neighborhood plan (**SF-6-NP**) combining district zoning. See the *basis of recommendation* section below for more information.

PLANNING COMMISSION ACTION / RECOMMENDATION:

February 13, 2024: Approve staff recommendation of SF-6-NP, motion by Commissioner Azhar, seconded by Commissioner Hempel, with one vacancy on the dais, Vote: (12-0).

CITY COUNCIL ACTION:

March 21, 2024: Postponed to April 4, 2024 at the request of Council Member Harper-Madison.

April 4, 2024: Case is scheduled to be heard by Council.

ORDINANCE NUMBER: N/A

ISSUES: N/A

CASE MANAGER COMMENTS:

The subject tract is currently undeveloped land. It is located on the north side of Heflin Lane, approximately 170 feet west of where Fort Branch Creek intersects with Heflin Lane. It is approximately 1/3 mile from the intersection of East Martin Luther King Boulevard and Springdale Boulevard, both Imagine Austin Activity Corridors. It is approximately 300 feet from the intersection of Heflin Lane and Webberville Road, where there is a Capital Metro Bus Stop for the Local #18 route.

The property immediately to the north is also vacant land, which was rezoned SF-6-NP in 2020 (see C14-2020-0022 in *area case histories* section below. To the west, south and east are a mix of smaller/older and larger/newer single-family homes and a duplex.

**BASIS OF RECOMMENDATION:****Zoning changes should promote compatibility with adjacent and nearby uses.**

Multifamily residence-medium density-neighborhood plan (MF-3-NP) combining district zoning would not promote compatibility with the surrounding predominantly family residence-neighborhood plan (SF-3-NP) combining district zoning neighborhood which extends approximately  $\frac{1}{3}$  mile to the east and west and approximately 1  $\frac{1}{2}$  miles to the south. A precedent has been established to grant townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning without a buffer in specific areas of the neighborhood, per the neighborhood plan, however multifamily residence-medium density-neighborhood plan (MF-3-NP) combining district zoning has only been granted on major roadways, or at intersections of major roadways. Such as along East Martin Luther King Jr. Boulevard (an ASMP level 3) to the north, at the intersection of Tannehill Lane and Webberville Road (both ASMP level 2) and at the intersection of Webberville Road and Heflin Lane (both ASMP level 2).

**Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.**

As stated above, staff's recommendation is consistent with the practice of locating multifamily zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.

**Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.**

Staff's recommendation for SF-6-NP is consistent with the previously rezoned, larger parcel (approximately 5.11 acres compared to 0.49 acres) to the north of the subject tract. MF-3-NP would not provide an adequate transition between it and adjacent SF-3-NP land uses. Granting MF-3-NP midblock would make it difficult to provide a transition given more intense uses on surrounding corridors.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Undeveloped land
<i>North</i>	SF-6-NP	Undeveloped land (rezoned in 2020 C14-2020-0022, <i>see area case histories</i> section).
<i>South</i>	SF-3-NP	Two single family homes approximately 720 and 1,100 square feet built in approximately 1968 and 1995 respectively.
<i>East</i>	SF-3-NP	One single family home approximately 860 square feet built in approximately 1961.
<i>West</i>	SF-3-NP	One duplex totaling approximately 3,400 square feet built in approximately 2019.

**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

Northeast 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, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Neighbors United for Progress, Preservation Austin, Reissig Group, SELTexas, Sierra Club, Austin Regional Group, Stonegate Neighborhood Association

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2020-0022 (5010 & 5102 Heflin Lane)	The Applicant is proposing to rezone approximately 5.11 acres from SF-4A-NP to SF-6-NP.	06.23.2020: Motion by Commissioner Anderson, seconded by Commissioner Hempel to grant Staff's recommendation of SF-6-NP combining district zoning for C14-2020-0022 - 5010 and 5012 Heflin Lane located at 5010 & 5102 Heflin Lane was approved on a vote of 11-0. Commissioner Shieh recused due to a conflict of interest; rendered professional services. Commissioner Seeger absent.	12.10.2020: Approved SF-6-CO-NP w/CO for max height of 34.5' and 10' vegetative buffer adjacent to an adjoining residential district, on all 3 readings.
C14-2020-0062 (Webberville)	The Applicant is proposing to rezone approximately 11.643 acres from SF-3-NP to SF-6-NP.	08.25.2020: Motion by Commissioner Azhar, seconded by Commissioner Shieh to grant Staff's recommendation of SF-6-NP combining	09.17.2020: Townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district

		<p>district zoning for C14-2020-0062 – Webberville located at 1907 Webberville Road was approved on a vote of 10-2. Commissioner Seeger and Commissioner Llanes Pulido voted nay. Commissioner Hempel recused on this matter due to a conflict of interest; professional services rendered to Applicant on other projects.</p>	<p>zoning was approved on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.</p>
C14-2020-0031.SH (E. MLK Rezoning)	<p>The Applicant is proposing to rezone approximately 2.65 acres from SF-3-NP to MF-3-NP, as amended.</p>	<p>07.14.2020: Motion by Commissioner Shieh, seconded by Commissioner Anderson to grant MF-3-NP combining district zoning for E MLK Rezoning located at 5201 East Martin Luther King Jr. Boulevard was approved on a vote of 7-3. Commissioners Llanes Pulido, Shaw and Seeger voted nay. Vice-Chair Kazi recused due to a conflict of interest; rendered professional services. Chair Kenny and Commissioner Azhar abstained.</p>	<p>10.01.2020: Multifamily residence medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning was approved on Council Member Renteria's motion, Council Member Harper-Madison's second on a 11-0 vote.</p>

**RELATED CASES:**

NPA-2023-0015.04 (Single Family to Multifamily Residential Land Use)

ADDITIONAL STAFF COMMENTS:Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Fort Branch Creek 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 a floodplain within the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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, multifamily with MF-3-NP 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](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

SP1: Site plans will be required for any new development other than single-family or duplex residential.

SP2: 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.

SP3: Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted. Compatibility Standards

SP4: The site is subject to compatibility standards. Along the property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
  - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
  - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
  - No parking or driveways are allowed within 25 feet of the property line.
  - A landscape area at least 15 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
  - For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
  - An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
  - A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
  - Additional design regulations will be enforced at the time a site plan is submitted.
- Airport Overlay

SP5. The site is located within Austin-Bergstrom Overlay {CCLUA}. No use will be allowed that creates 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.

FYI: This site is in the MLK-183 neighborhood plan.

#### 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. The Austin Strategic Mobility Plan (ASMP) calls for 84 feet of right-of-way for HEFLIN LN. It is recommended that 42 feet of right-of-way from the existing centerline should be dedicated for HEFLIN LN according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

**EXISTING STREET CHARACTERISTICS:**

<b>Name</b>	<b>ASMP Classification</b>	<b>ASMP Required ROW</b>	<b>Existing ROW</b>	<b>Existing Pavement</b>	<b>Sidewalks</b>	<b>Bicycle Route</b>	<b>Capital Metro (within ¼ mile)</b>
Heflin Ln.	Local Mobility – Level 2	84 feet	55 feet	38 feet	Existing 5 feet sidewalks	Wide curb lane (on-street)	Yes

TIA: A traffic impact analysis is NOT required. The traffic generated by the proposal does not exceed the thresholds established in the Land Development Code.

Austin Water Utility

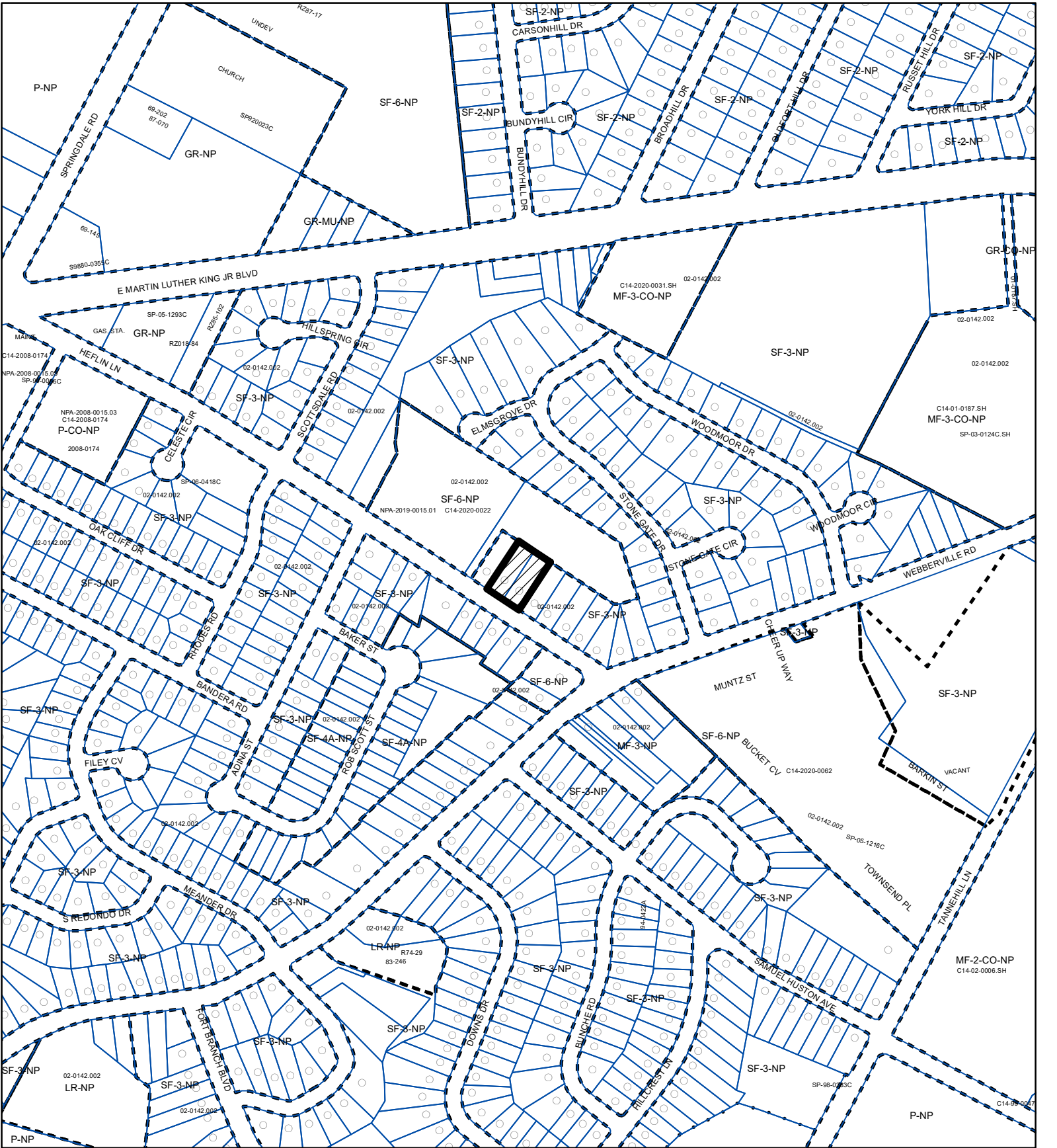
AW1. No comments on zoning change.




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](mailto:ser@austintexas.gov).

**INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:**

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter
- D. Correspondence from Interested Parties



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**

**ZONING CASE#: C14-2023-0117**

1" = 400'

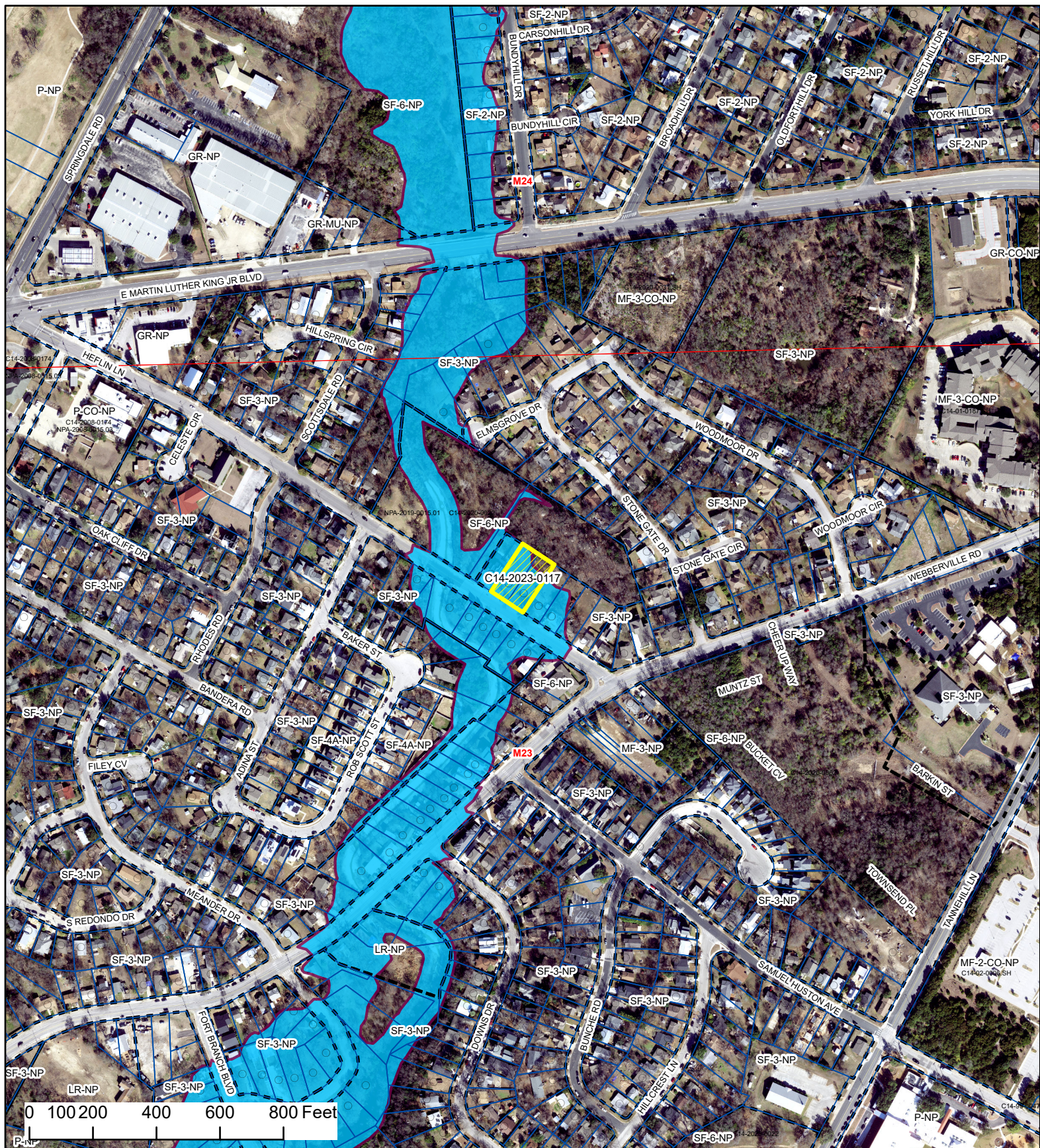
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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







**Created: 10/5/2023**





## Heflin Housing

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

ZONING CASE#: C14-2023-0117  
 LOCATION: 5108 Heflin Lane  
 SUBJECT AREA: 0.49 Acres  
 GRID: M23  
 MANAGER: Jonathan Tomko



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Created: 11/1/2023



September 11, 2023

Mrs. Lauren Middleton-Pratt  
Director, Planning Department  
City of Austin  
1000 E 11<sup>th</sup> Street  
Austin, TX 78702

***Via Electronic Delivery***

Re: Neighborhood Plan Amendment & Rezoning Application – Heflin Housing – 5108 Heflin Lane

Dear Mrs. Middleton-Pratt:

On behalf of the Owner(s) of the property referenced above, we respectfully submit the enclosed Neighborhood Plan Amendment and Rezoning applications. The subject tract is legally platted as Lots 2-3, Block 1 of the Flournoy and Schorre Subdivision and is comprised of 0.49 acres. The land is located within the MLK-183 Neighborhood Planning Area and within Council District 1, represented by Natasha Harper-Madison.

The subject tract has a Future Land Use designation of *Single Family* and is zoned *SF-3-NP*. The request is to amend the Future Land Use designation to *Multifamily* and to rezone the property to *MF-3-NP*. The property is undeveloped today and offers opportunity for infill, missing middle development with quick access to existing transit service and within 300 ft of a bus stop. Further, the property is about a ¼ mile from two Imagine Austin Activity Corridors at the intersection of E. MLK Boulevard and Springdale Road.

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.

Kind regards,



Victoria Haase  
[www.throwerdesign.com](http://www.throwerdesign.com)  
512-998-5900 Cell  
512-476-4456 Office

**Public Comments Received on Heflin Housing (C14-2023-0117)**

Email

From: Christina Vincent

To: Jonathan Tomko, Maureen Meredith, EMLKCT Chair, and Adam Sharp

Wednesday 01/31/2024 6:34pm

Hello,

I would like to register my official opposition to **NPA-2023-0015.04 and C14-2023-01117\_5106 and 5108 Heflin Lane**. Heflin Lane is on CapMetro bus route 18 which runs from the East to West side of Austin along the major transportation corridor MLK Blvd. Being a resident in this area, I can attest to being in a food desert with very little if any development in the past 5+ years that has any benefit whatsoever to the community. If any upzoning is to occur to properties on these main transportation corridors, it should be to mixed use (minimally) to allow for more commercial development to benefit the community. Based on my observation, upzoning from SF3 to MF provides negligible density and is simply a way for a developer/land owner with no ties to the community to benefit financially by building uninspired luxury housing that sells for higher than the median home price for the entire metropolitan Austin area. Thrower Designs refers to themselves as "land planners" and herein lies the issue. They are looking only at a specific piece of land and how to maximize the financial gain for their client. They are not community planners nor do they have any interest in adding benefit to the community.

This rezoning and neighborhood plan amendment does not benefit the community and should therefore not be supported or approved.

Sincerely,  
Cristina Vincent

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:  
<https://bit.ly/ATXZoningComment>.



During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: [www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

**Case Number: C14-2023-0117**

**Contact: Jonathan Tomko, 512-974-1057**

**Public Hearing: March 21, 2024, City Council**

SAMUEL M. AUSTIN, III

Your Name (please print)

4402 ELMGROVE DRIVE

Your address(es) affected by this application

[Signature]

Signature

03/10/2024

Date

Daytime Telephone: 415-706-7881

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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If you use this form to comment, it may be returned to:

City of Austin - Planning Department

Jonathan Tomko

P. O. Box 1088

Austin, TX 78767-8810

Or email to:

[jonathan.tomko@austintexas.gov](mailto:jonathan.tomko@austintexas.gov)

☐ I am in favor  
☒ I object