

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2011-0126  
Guidone Rezoning

**P.C. DATE:** November 8, 2011

**ADDRESS:** 813 E. 13<sup>th</sup> Street

**AREA:** 0.2262 acres  
(9,853 square feet)

**OWNER:** Roger Easley

**AGENT:** Land Answers, Inc.  
(Jim Witliff)

**ZONING FROM:** LR-NP

**TO:** SF-3-NP

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHEDS:** Waller Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD PLAN AREA:** Central East Austin

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant family residence-neighborhood plan (SF-3-NP) district zoning. The subject property is located in the Central East Austin Neighborhood Plan area and the rezoning will not require a neighborhood plan amendment.

### **PLANNING COMMISSION RECOMMENDATION:**

November 8, 2011: *APPROVED SF-3-NP ZONING IN ACCORDANCE WITH STAFF RECOMMENDATION, ON CONSENT. [S. KIRK; M. DEALEY- 2ND] (7-0-1) – D. TIEMANN, D. CHIMENTI ABSENT*

### **DEPARTMENT COMMENTS:**

The subject property is zoned neighborhood commercial-neighborhood plan (LR-NP) district. The property has a curb cut on 13th Street but currently takes access through a rear alley. The property contains an occupied residential structure. A separate residential structure was previously demolished on the subject property, due to severe deterioration. A demolition permit has been issued for the remaining structure as well. The property to the west is a beauty salon/day spa. To the north and east of the subject property is a mix of single family and multifamily uses. Across the alley to the south are a motel and a vacant commercial building. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes family residence-neighborhood plan (SF-3-NP) district zoning. This classification would match the current use, and allow the planned redevelopment of the property with two residential units.

A 49-inch Live Oak tree will affect the redevelopment of the subject property, and the Applicant filed a Tree Ordinance Review Application in May 2011 to determine the best course of action. City of Austin Heritage Tree Arborist Mr. Keith Mars recommended that the Critical Root Zone of this tree be protected by obtaining a waiver from the 25-foot front yard setback that would normally be required by SF-3 zoning. The Board of Adjustment waiver of this front yard setback (reducing the front yard setback from 25 feet to 8 feet) is a subsequent step in the development process.

The applicant has provided two letters of support for this application. The first is from the Swede Hill Neighborhood Association, and the second is a petition signed by 27 neighbors. Both letters support the rezoning to SF-3-NP, and the reduction of the front yard setback to preserve the Heritage Tree. Please refer to Exhibits A-2 (Neighborhood Letter) and A-3 (Neighborhood Petition).

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LR-NP	Residential
<i>North</i>	MF-4-NP, MF-4-H-NP	Residential, Multifamily
<i>South</i>	CS-MU-NCCD-NP	Motel
<i>East</i>	MF-4-NP, SF-3-NP	Residential
<i>West</i>	CS-CO-MU-NP	Personal Services, Office

#### **CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-06-0209	E. 12 <sup>th</sup> Street NCCD (Subdistrict 1 includes motel property to south and recommends "New 'Residential-scaled' office buildings" southeast of subject property.)	Approved with staff recommended vegetative buffer requirement on Subdistrict 1 & 2, (6-0).	Approved Ord. 20080228-087 (7-0)
C14-01-0148.003	LR to CS-CO-MU-NP (811 E. 13th)	Approved CS-CO-MU-NP, (9-0)	Approved CS-CO-MU-NP (7-0)
SP-95-0301A	Administratively approved motel south of site	Not applicable	Not applicable

**RELATED CASES:**

The subject property is located in the Central East Austin Neighborhood Plan area and the rezoning will not require a neighborhood plan amendment.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
E. 13th Street	77'	30'	Collector	No	No	No

**NEIGHBORHOOD ORGANIZATIONS:****PODER**

Lower Waller Creek

Anderson Hill Homeowners Association

Downtown Austin Neighborhood Association

Swede Hill Neighborhood Association

African American Cultural Heritage District Business Association

United East Austin Coalition

Downtown Austin Neighborhood Coalition

Robertson Hill Neighborhood Association

Organization of Central East Austin Neighborhoods

Swede Hill Lofts HOA

**SCHOOLS:**

Blackshear Elementary School   Kealing Middle School   Eastside Memorial HS at Johnston

**CITY COUNCIL DATE:** December 8, 2011

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Heather Chaffin

e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

**PHONE:** 974-2122

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant family residence-neighborhood plan (SF-3-NP) district zoning. The subject property is located in the Central East Austin Neighborhood Plan area and the rezoning will not require a neighborhood plan amendment.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

The existing and proposed use of two residential units on the property is consistent with SF-3 zoning.

*2. Zoning should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The proposed zoning will allow uses that match uses to the north and east of the property.

**Site Plan:**

Site plans will be required for any new development other than single-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.

**Environmental:**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller 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.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed

development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**Transportation:**

No additional right-of-way is needed at this time.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

**Water/Wastewater:**

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 proposed land use. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.

---

OAKWOOD CEMETERY  
H01-0005

P-H-NP



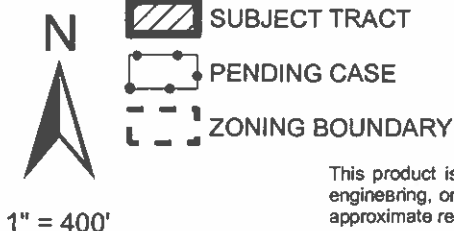
## ZONING

### ZONING CASE#: C14-2011-0126



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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.









October 6, 2011

Jim Wittliff  
Land Answers, Inc.  
3606 Winfield Cove  
Austin, TX. 78704

**RE: Letter of Support for proposed rezoning and BOA variance for 813 E. 13<sup>th</sup> Street**

Dear Mr. Wittliff:

Based on the presentations that you made to the Swede Hill Neighborhood Association on June 7<sup>th</sup> and September 6<sup>th</sup>, 2011, and based on the petitions that you provided for the referenced rezoning and setback variance requests, which was signed by a total of 27 surrounding residents, Swede Hill N.A. voted unanimously on October 4th to also support your requests, and to issue this letter for your use in the Planning Commission, City Council and Board of Adjustment public hearings. We appreciate your willingness to meet with us proactively on these applications.

This letter will support a rezoning from LR-NP to SF-3-NP, to allow the property owner to construct a Two Family Residential Use on the property, and a Board of Adjustment variance request to reduce the front building setback line for an SF-3 use from 25 feet to eight feet, in order to preserve the 49 inch diameter Live Oak tree on the property.

Sincerely,



William Minor, President  
Swede Hill Neighborhood Association  
1000 E. 15<sup>th</sup> Street, Austin 78702  
512-657-6697  
swedehillna@gmail.com



# LETTER OF REZONING AND SETBACK VARIANCE SUPPORT

Attn: Swede Hill Neighborhood Association  
 City of Austin Zoning Review Staff  
 City of Austin Planning Commission  
 Austin City Council  
 City of Austin Board of Adjustment

To Whom It May Concern:

We are neighbors living within 200 feet of 813 and 813 ½ East 13<sup>th</sup> Street. This property is also known as the Eastern 64.2 feet of Lot 29, Outlot 41, Division B, Original City of Austin. By our signatures below, we wish to register our opinions and support as follows:

1. This 9,626 sq. ft. property is currently developed as an SF-3 – Family Residence land use, and until recently, this property was used as a Two Family Residential use. Recently, one of the two existing residences on this property was demolished, due to severe deterioration. The remaining residence at 813 ½ E. 13<sup>th</sup> Street currently also has an approved demolition permit. The adopted Future Land Use Map for the Central Ease Austin Neighborhood Planning Area, which includes this property, calls for the future land use of this tract to be Single-Family. WE, THE SURROUNDING NEIGHBORS STRONGLY PREFER THAT THE FUTURE REDEVELOPMENT OF THIS PROPERTY REMAIN RESIDENTIAL.
2. Although the adopted Neighborhood Plan's Future Land Use Map calls for this property to be used as a Single-Family land use, the adopted Neighborhood Plan currently has the property commercially zoned as LR-NP. The LR-NP category does not allow this property to be redeveloped as a Two Family Residential Land Use. Therefore, we are requesting your support to allow this property to be rezoned from LR-NP to SF-3-NP, per the wishes of Mr. Roger Easley, the current property owner, and Mr. Ray Guidone, the proposed buyer, both of whom wish for the property to be redeveloped as a Two Family Residential land use, rather than as a commercial land use, in accordance with our wishes.
3. The property contains a beautiful 49 inch diameter Live Oak tree near the front center portion of this lot. The current property owner, the proposed buyer, and we the surrounding property owners all agree that this tree should be protected and preserved. The current property owner filed a Tree Ordinance Review Application with the City of Austin's Heritage Tree Arborist, Mr. Keith Mars, in May 2011. Mr. Mars laid out tree protection criteria associated with the redevelopment of this tract, which the current property owner and the proposed buyer are in agreement with. In order to protect the Critical Root Zone of this tree, it will be necessary to obtain a front yard setback variance for the residential redevelopment of this property. AS NEIGHBORS, WE URGE YOU TO SUPPORT AND APPROVE A BOARD OF ADJUSTMENT FRONT SETBACK VARIANCE, TO

REDUCE THE REQUIRED FRONT SETBACK FROM 25 FEET TO EIGHT FEET. We recommend approval of this setback variance for the following reasons:

- The existing residence at 813 1/2 E. 13<sup>th</sup> St. already has a front setback of zero feet, and the recently demolished residence at 813 E. 13<sup>th</sup> St. had a front setback of eight feet. These reduced front setbacks were used to protect the 49 inch Live Oak tree.
- If this property is developed commercially (under the existing LR-NP zoning), a front setback of zero feet will be required, per the City's Commercial Design Standards ordinance. However, if the property is rezoned to SF-3-NP, a 25 foot front setback will be required. Since our goals are to assure that the redevelopment of this site remains residential, and to protect the 49 inch Live Oak tree, we are urging your support of this front setback variance, to allow the proposed buyer to redevelop this tract as a Two Family Residential use. Because the owner must first rezone the property prior to requesting a Board of Adjustment front setback variance, we are urging you to support both the rezoning and the setback variance request, in order to allow the property owner and the neighborhood to redevelop this tract in a mutually-agreed and mutually beneficial manner.

Thank you for your consideration of our goals and objectives.

Sincerely,

James Morris  
Signature

Address: 1000 E. 13<sup>th</sup> Ave. 78702

James Morris  
Printed Name

-----  
S. Marie Baker  
Signature

Address: 807 E. 14<sup>th</sup> St 78702

S. MARIE BAKER  
Printed Name

-----  
Ricky Moura  
Signature

Address: 806 1/2 E. 13<sup>th</sup> St 78702

Ricky Moura  
Printed Name

Kelvin

Signature

Address: 807 EAST 14th Unit 305

KELVIN GWEL

Printed Name

T Ruff

Signature

Address: 817 E. 13th St.

Todd Ruff

Printed Name

Andrew Roberts

Signature

Address: 902 E 13th St

ANDREW ROBERTS

Printed Name

Chris

Signature

Address: 1667 E. 14th St

Chris Keaver

Printed Name

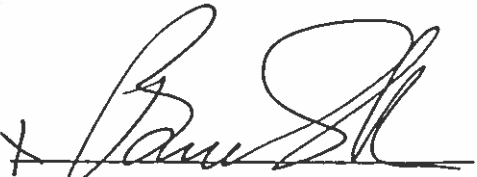
Colt Golden

Signature

Address: 807 E 14th St

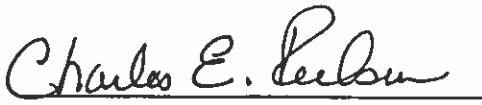
COLT GOLDEN

Printed Name

  
Signature

Address: 903 E. 14th

Bruce Sheehan  
Printed Name

  
Signature


Address: 1305 WALLER ST #B

CHARLES RECKSON  
Printed Name

  
Signature

Address: 810 E 13th St

Sean Ryan  
Printed Name

  
Signature

Address: 1206 Olander St.

Gretchen Burk  
Printed Name

  
Signature

Address: 1009 E. 14th ~ 70702

Heather Humphrey  
Printed Name



Myer Kaplan  
Signature

Address: 909 E 13<sup>th</sup> St

Myer Kaplan  
Printed Name

Nelvin Grant  
Signature

Address: 906 E 13<sup>th</sup> St

Nelvin Grant  
Printed Name

Ann del Llano  
Signature

Address: 907 E. 13<sup>th</sup>

Ann del Llano  
Printed Name

Ellen Rinard  
Signature

Address: 808 E 13<sup>th</sup>

Ellen Rinard  
Printed Name

Adam Burr  
Signature

Address: 807 E 14<sup>th</sup> St

Adam Burr  
Printed Name

John  
Signature

Address: 1305 A Walker St.

Steve McCom  
Printed Name

R. Sch  
Signature

Address: 1001 E 13 St

Robert Seidenberg  
Printed Name

Wm. Fred Harte  
Signature

Address: 1001 E 13th St

Wm. Fred Harte  
Printed Name

Richard Cole  
Signature

Address: 1006 E. 13th

Richard Cole  
Printed Name

Stefanie Lindquist  
Signature

Address: 1000 E 13th St

Stefanie Lindquist  
Printed Name

Rick Antoine

Signature

Address: 901 E. 13<sup>th</sup> St.

RICK ANTOINE

Printed Name

[Signature]

Signature

Address: 817 East 13<sup>th</sup> street

Ronnie R. Mendoza

Printed Name

Roger Early

Signature

Address: 813 1/2 E. 13<sup>th</sup>

ROGER EARLY

Printed Name

[Signature]

Signature

Address: 806 1/2 E. 13<sup>th</sup>

Grabeul Alvarez

Printed Name

Signature

Address: \_\_\_\_\_

Printed Name