



MEMORANDUM

TO: Mr. Jim Knight, Chair
Waterfront Planning Advisory Board Members

FROM: Heather Chaffin
Planning and Development Review Department

DATE: February 13, 2012

RE: **2601-2701 Canterbury Street**
Rezoning Request C14-2011-0166

The proposed rezoning is a City-initiated corrective rezoning of portions of nine residential properties located on Canterbury Street, in the Holly neighborhood. The overall area was originally platted in 1916, and the plat shows the residential lots extending from Canterbury Street to the water's edge of the Colorado River, but does not show an actual measurement for the depth of each lot. Instead, the plat used a "hatched line" area that City of Austin surveyors have indicated was a common symbol for the water's edge during this time period. Please see Exhibits A- Zoning, B- Plat, and C- Aerial.

In 1945, the City of Austin received a land patent, defined as evidence of rights, title, and/or interest of land, for "all lands in the Colorado River within the city limits of the City of Austin, including the bed and banks thereof, and islands therein." It appears that the language of the land patent was misconstrued to mean that all of the area below the bluff line (bed and banks) was now owned by the City of Austin.

Furthermore, based on this land patent, the City of Austin Parks Department inadvertently designated the area at the top of the bluff as parkland along Lady Bird Lake on May 2, 1985 (Ordinance No. 850502-U, Tract N17). As a result, a portion of each of the nine residential lots was rezoned from family residence (SF-3) to public (P) district on December 4, 1986.

The City of Austin is now seeking to correct this zoning classification, by rezoning the portion of each lot that is zoned P to the original SF-3 designation. The City is also seeking to amend the Holly Neighborhood Plan's future land use map (FLUM), which shows the land as recreation/open space, instead of single family use (NPA-2011-0010.01). The zonings approved in conjunction with the Holly Neighborhood Plan added the -NP to the property's zoning designation. The rezoning area is located in the Festival Beach subdistrict of the Waterfront Overlay district, since the affected lots are immediately adjacent to Lady Bird Lake. For this reason, the Waterfront

Planning Advisory Board shall provide a recommendation to the Planning Commission on the proposed rezoning. The rezoning request will not affect the application of Waterfront Overlay regulations to these properties. In the Festival Beach subdistrict, the Waterfront Overlay establishes height restrictions, impervious cover restrictions, and building setbacks that apply the same in either P-NP or SF-3-NP zoned areas. However, it should be noted that the Festival Beach subdistrict does not address residential properties or development, only commercial or parkland. For this reason, several of the property owners in the Canterbury area are concerned about the redevelopment or expansion potential on their lots. Please see Exhibit D- Waterfront Overlay.

The City of Austin Real Estate Department contracted an Ownership and Easement Report in 2011 which verified boundary and ownership information as stated above. City of Austin Real Estate and Parks & Recreation Departments also verified that the privately-owned lot areas, although adjacent to Lady Bird Lake and zoned P-NP, are not suitable for City acquisition as recreation or open space due to topographic and other issues. There are no existing or planned parks or trails that would safely connect along the backs of the Canterbury lots. For these reasons, Real Estate and Parks & Recreation Departments support the rezoning of the property to SF-3-NP.

The rezoning is scheduled for Planning Commission on February 14, 2012, and City Council on March 8, 2012. A neighborhood meeting was held on January 30, 2012, as part of the neighborhood plan amendment process, and the rezoning was considered favorably by all attendees.

PROJECT DATA

TOTAL REZONING AREA: 0.32 acres

AFFECTED ADDRESSES AND OWNERS:

2601 Canterbury Street	Alissa and Shon Bayer
2603 Canterbury Street	Debbie Ann Pardo
2605 Canterbury Street	Dan Foster / DF2CB LLC
2607 Canterbury Street	Dan Foster / DF2CB LLC
2609 Canterbury Street	Paul Addington
2611 Canterbury Street	Ofelia Juarez
2613 Canterbury Street	Bumper One LLC
2615 Canterbury Street	Andrew Robeson Tidrick
2617 Canterbury Street	Andrew Robeson Tidrick

ZONING FROM: P-NP

TO: SF-3-NP

NEIGHBORHOOD PLAN AREA: Holly

WATERSHED: Town Lake

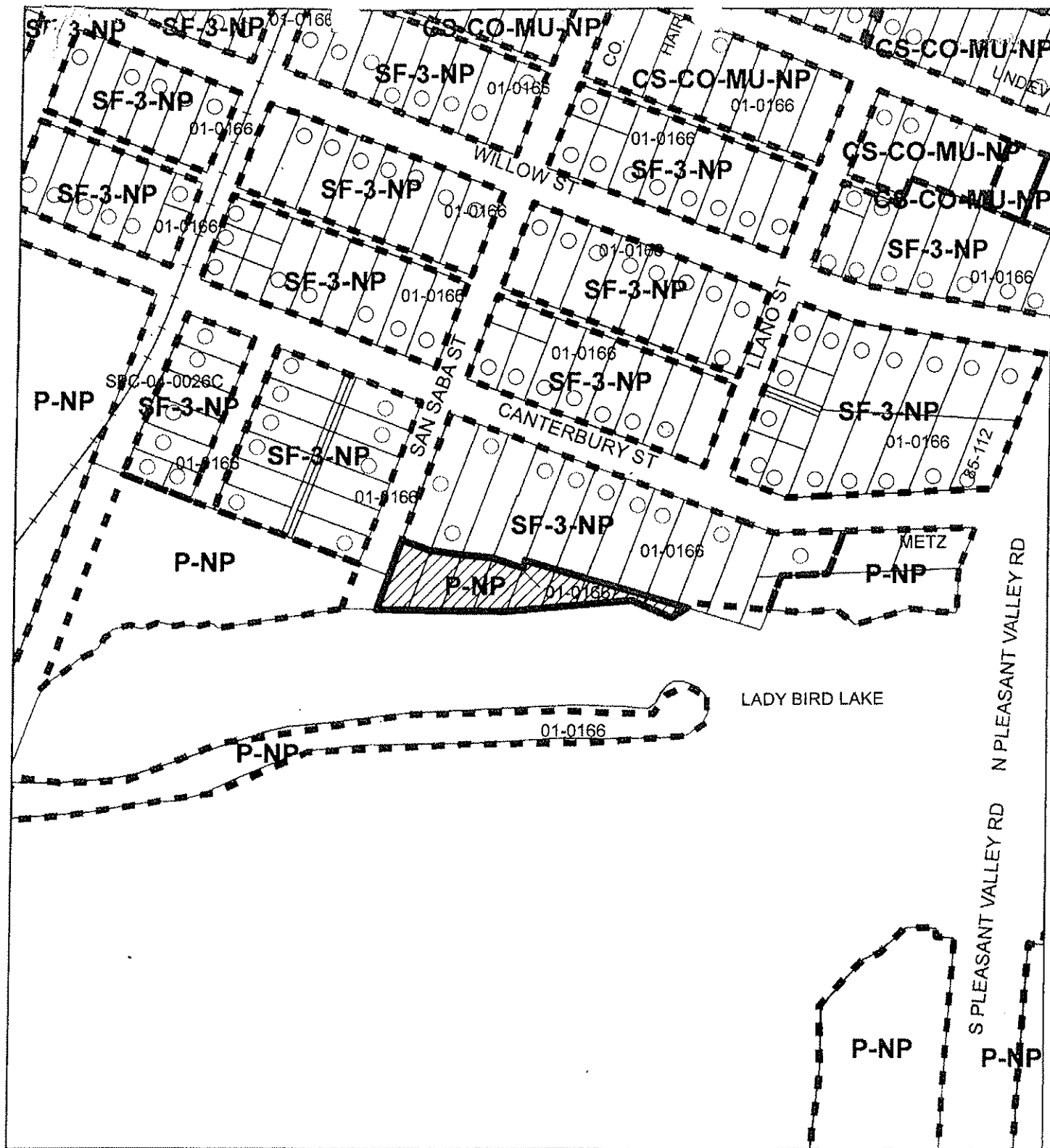
DESIRED DEVELOPMENT ZONE: Yes




SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant family residence – neighborhood plan (SF-3-NP) combining district zoning.

CASE MANAGER: Heather Chaffin
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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

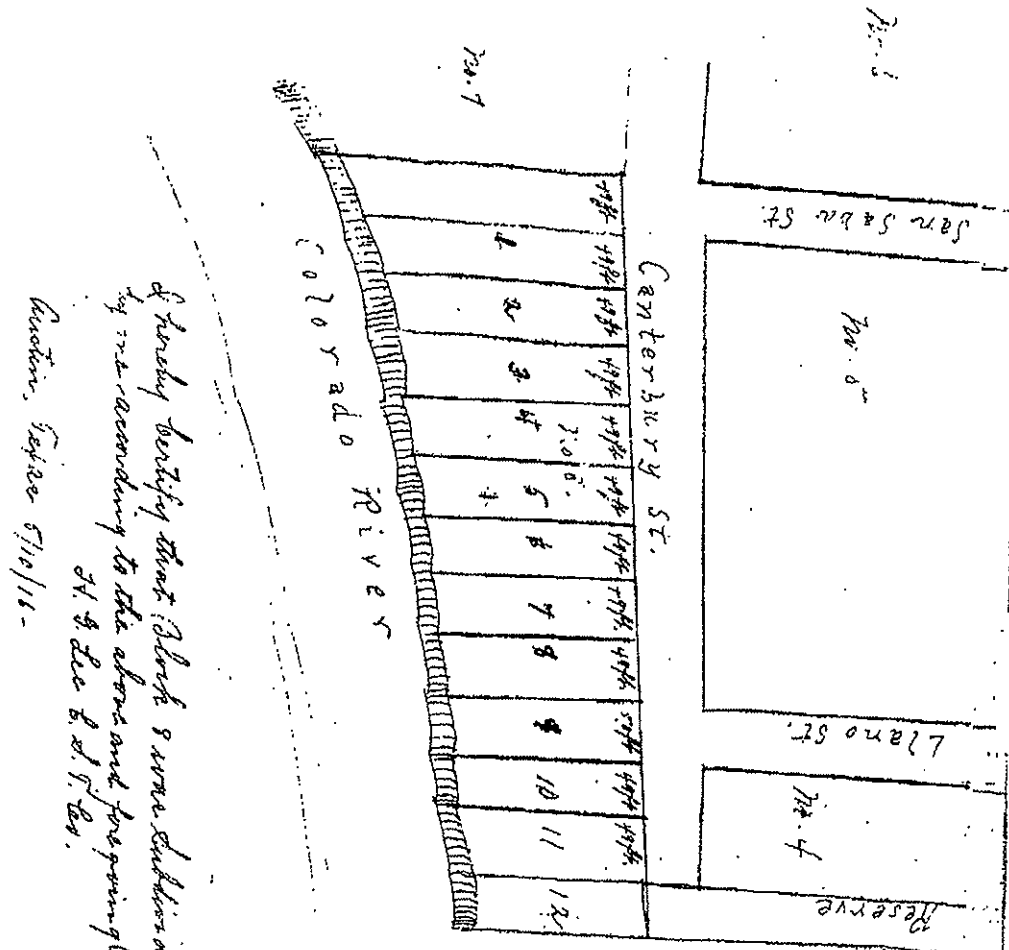
1" = 200'

ZONING CASE C14-2011-0166

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.





Annex to River View Addition a subdivision of Out lots Nos. 41-48 and 53 in division "A" in the City of Austin Travis County Texas as per record shown on Plat book 2 Page 212 records of Travis County, Texas.

Witness my hand this 10th day of May 1916.

F.M. DuBose

THE STATE OF TEXAS, &

County of Travis. # BEC RE MR, a Notary Public in and for said County and State, on this day personally appeared F.M. DuBose known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 27th day of Nov. 1917.

John Byrne

(Notary Seal)

Notary Public, Travis Co., Texas



