

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2011-0166  
2601-2701 Canterbury Street

**P.C. DATE:** February 14, 2012

**APPLICANT:** City of Austin  
Planning and Development Review Department  
(Wendy Rhoades)

**AREA:** 0.32 acres

### **AFFECTED ADDRESSES AND OWNERS:**

2601 Canterbury Street	Alissa and Shon Bayer
2603 Canterbury Street	Debbie Ann Pardo
2605 Canterbury Street	Elizabeth Melvin
2607 Canterbury Street	Chris and Alice McCawley
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

**TIA:** Is not required

**WATERSHED:** Town Lake

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

### **SUMMARY STAFF RECOMMENDATION:**

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

### **PLANNING COMMISSION RECOMMENDATION:**

August 9, 2011: *DIRECT STAFF TO INITIATE A REZONING CASE FOR PROPERTY LOCATED AT 2605 CANTERBURY STREET FROM P-NP TO SF-3-NP, AND TO ALSO CONSIDER DIRECTING STAFF TO INITIATE A REZONING CASE FOR ODD-NUMBERED PROPERTIES LOCATED AT 2601-2603 CANTERBURY STREET FROM P-NP TO SF-3-NP; AND 2) A NEIGHBORHOOD PLAN AMENDMENT TO CHANGE THE FUTURE LAND USE MAP FOR PROPERTIES LOCATED AT 2601-2701 CANTERBURY STREET FROM RECREATION & OPEN SPACE TO SINGLE FAMILY. APPROVED ON CONSENT [CHIMENTI; KIRK- 2<sup>ND</sup>] (7-0) HATFIELD-ABSENT, 1 VACANCY ON THE COMMISSION*

February 14, 2012: *RECOMMEND TO GRANT SF-3-NP AS RECOMMENDED BY STAFF. APPROVED ON CONSENT [DEALY; CHIMENTI-2<sup>ND</sup>] (5-0) ANDERSON, HATFIELD, STEVENS, TIEMANN ABSENT.*

**WATERFRONT OVERLAY PLANNING BOARD RECOMMENDATION:**

February 13, 2012: *RECOMMEND TO GRANT SF-3-NP AS RECOMMENDED BY STAFF. APPROVED ON CONSENT [BAILEY; RINDY 2<sup>ND</sup>] (4-0) KNIGHT, MANN, PILGRIM-ABSENT*

**DEPARTMENT COMMENTS:**

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.

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 zoning 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.

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 and 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.

### **RELATED CASES:**

The NP Ordinance adopts the Holly Neighborhood Plan and Future Land Use Map (Ord. 011213-43; File # NP-01-0010.01). The associated zoning ordinance (Ord. 011213-44; File # C14-01-0166) adopted the Holly Neighborhood Plan Combining District (NPCD) for all tracts in the Canterbury area.

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

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	P-NP	Undeveloped
<i>North</i>	SF-3-NP	Residential
<i>South</i>	N/A	Lady Bird Lake
<i>East</i>	P-NP	Recreation / Open Space
<i>West</i>	P-NP, SF-3-NP	Recreation / Open Space, Residential

### **ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bike Route</b>	<b>Capital Metro</b>
San Saba Street	50'	27'	Local	No	No	No
Canterbury Street	60'	30'	Local	No	No	No

### **NEIGHBORHOOD ORGANIZATIONS:**

SELTexas	East River City Citizens
Waterfront Condominium HOA	Southeast Coalition
Cristo Rey Neighborhood Association	The Holly Group
Save Town Lake.Org	East River City Area
Eastville-Central	Holly Neighborhood Coalition
Guadalupe Neighborhood Development Corporation	
Greater East Austin Neighborhood Association	
United East Austin Neighborhood Coalition	
East Riverside/Oltorf Neighborhood Plan Contact Team	
El Concilio Coalition of Mexican American Neighborhood Associations	
East Town Lake Citizens Neighborhood Organization	
PODER	

### **SCHOOLS:**

Brooke Elementary School	Martin Middle School Eastside	Memorial HS at Johnston
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**CITY COUNCIL DATE:** March 8, 2012

**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) combining district. The subject property is located in the Holly Neighborhood Plan area and the rezoning will require a neighborhood plan amendment, which is being processed concurrently.

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

*1. Zoning should allow for reasonable use of the property.*

The placement of P-NP zoning on land that is held in private ownership for residential use does not allow the property owner reasonable use of his or her own property.

*2. Zoning should be consistent with the goals and objectives of the policies and principles adopted by the City Council or Planning Commission.*

City of Austin policy does not allow for P zoning on residential properties. In accordance with Land Development Code Section 25-2-145:

“Public (P) district is the designation for a governmental, civic, public service, or public institution use. A P district designation may be applied to a use located on property used or reserved for a civic or public institutional purpose or for a major public facility, regardless of ownership of the land on which the use is located. A P district designation may not be applied to government-owned property that is leased to a nongovernmental agency for a use other than a governmental service or for a use that supports a primary civic or public institutional use.”

**Neighborhood Plan:**

1. The Holly Neighborhood Plan Future Land Use Map (FLUM) must be revised concurrently with the proposed rezoning to reflect the change from recreation/open space to residential land use.

**Site Plan:**

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

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.

**Environmental:**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake 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. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

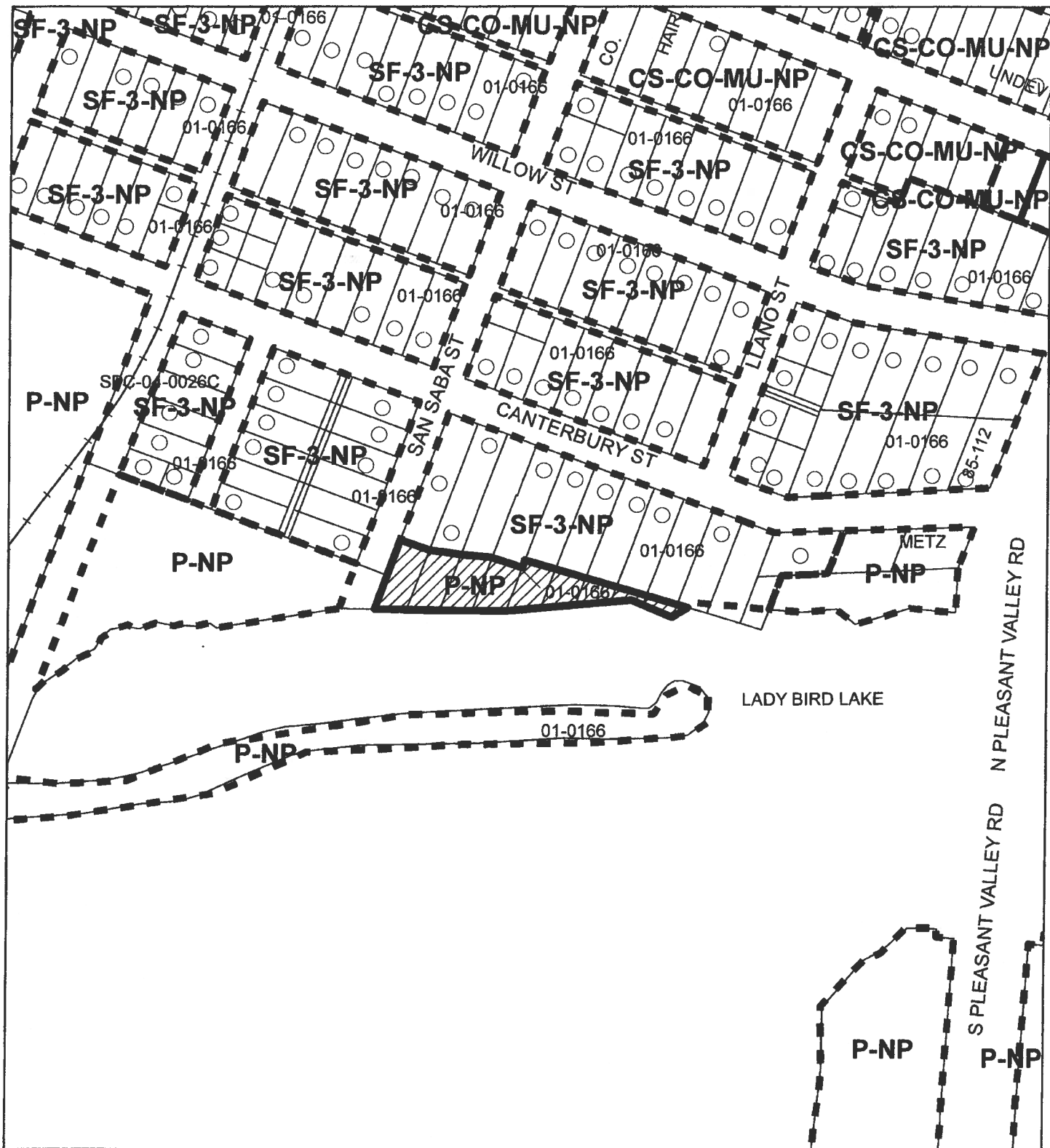
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is flood plain within the project area.
5. Numerous 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.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**Transportation:**

1. No additional right-of-way is needed at this time.
2. 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:**

1. The site is currently served 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.



1" = 200'



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

### 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.

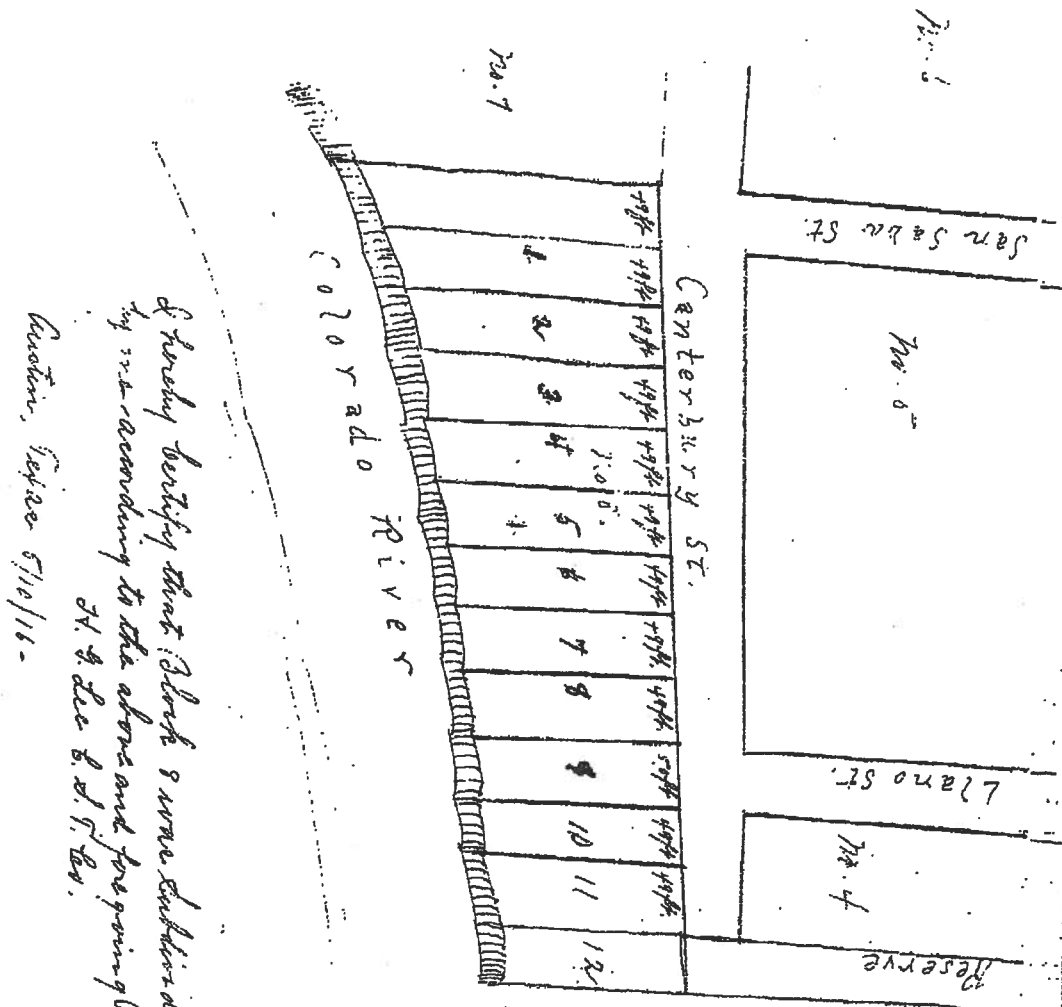
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Annex to River View Addition a subdivision of Out lots Nos. 41-48 and 53 in division "0" in the City of Austin Travis County Texas as per record shown on Plat book 2 Page 212 records of Travis County, Texas.

Witness my hand this 10th day of May 1918.

F.M. DuBose

THE STATE OF TEXAS, #

County of Travis. # BEFORE ME, 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





50' Secondary Setback

100' Primary Setback

SF-3-NP

SF-3-NP

SF-3-NP

SF-3-NP

P-NP

SF-3-NP

SF-3-NP

P-NP

SF-3-NP

LLANO ST

CANTERBURY ST

SAN SABA ST

JULIUS ST