

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2015-0024 – 919 West 29<sup>th</sup>

**P.C. DATE:** May 12, 2015

**ADDRESS:** 919 W 29<sup>th</sup> Street

**DISTRICT AREA:** 9

**OWNER/APPLICANT:** Duckworth Property Holdings, LLC. (Clay C. Duckworth)

**AGENT:** Land Use Solutions, LLC (Michele Haussmann)

**ZONING FROM:** SF-3-CO-NP      **TO:** GO-MU-CO-NP      **AREA:** 0.133 acres (5793 sq. ft.)

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends granting general office – mixed use – conditional overlay – neighborhood plan (GO-MU-CO-NP) combining district, zoning. The conditional overlay will restrict site development standards as follows:

1. The front yard setback is a minimum of 25 ft.
2. The Street Side Yard setback is a minimum of 15 ft.
3. The Interior Side Yard setback is a minimum of 5 ft.
4. The Rear Yard setback is a minimum of 5 ft.
5. The maximum building height is 30 ft.
6. The maximum building coverage is 50%.
7. The maximum impervious cover is 70%.
8. The maximum floor to area ratio is 0.5 to 1.

The conditional overlay will PROHIBIT the following uses:

Bed and Breakfast (group 1 &2), Business or Trade School, Business Support Services, Medical Offices (less than 5,000 sq. ft.) and Medical Offices (more than 5,000 sq. ft.), Printing and Publishing, Restaurant (Limited), Club or Lodge, College and University Facilities, Communication Service Facilities, Community Events, Community Recreation (private), Community Recreation (public), Congregate Living, Convalescent Services, Counseling Services, Cultural Services, Day Care Services (commercial), Day Care Services (general), Day Care Services (Limited), Family Home, Guidance Services, Hospital Services (general), Hospital Services (limited), Private Primary Educational Facilities, Private Secondary Educational Facilities, Public Primary Educational Facilities, Public Secondary Educational Facilities, Residential Treatment, Safety Services, and Short Term Rentals.

The conditional overlay will make the following uses CONDITIONAL:  
Off-Site Accessory Parking and Personal Services.

The Applicant and the Neighborhood support this recommendation.

### **PLANNING COMMISSION RECOMMENDATION:**

May 12, 2015;

Recommend the Staff recommendation of GO-MU-CO-NP by  
consent approval [R. Hatfield / J. Nortey] (8-0).

**DEPARTMENT COMMENTS:**

The subject property is 5,793 sq. ft. located on the south east corner of W. 29<sup>th</sup> Street and Shoal Crest Avenue and is accessible by a curb cut from Shoal Crest Avenue. The property is undeveloped at this time. However, the Applicant applied for building permits to relocate a 1920's, two-story, farm house to the subject property. The City of Austin has approved the relocation.

The Applicant has requested a zoning change in order to use the property for an office and potentially a live/work space in the future. The Applicant wishes to match the zoning conditions of the existing LO zoned properties along the south side of W. 29<sup>th</sup> Street. However, parking requirements for the proposed office use are more than the subject property can accommodate and therefore the applicant is seeking an off-site parking agreement. In this particular case, off-site parking can only be accomplished if the subject property has GO base district zoning. Therefore, the Applicant has requested a zoning change to GO-MU-CO-NP with a conditional overlay that will restrict the property to LO site development standards and LO uses. Additionally, at the request of the Neighborhood, the Applicant has also agreed to further prohibit all Civic uses save and except for those that cannot be prohibited by law.

Staff is recommending GO-MU-CO-NP because the proposed use is compatible with the mixture of personal services, office, and residential uses on W. 29<sup>th</sup> Street. Though the predominant pattern of base district zoning is LO for properties on the south side of W. 29<sup>th</sup> Street, the conditional overlay that is proposed will restrict the property to LO regulations and therefore is supported by Staff as well as the Applicant and the Neighborhood.

**ISSUES:** A Board of Adjustment variance to the setbacks and floor-to-area ratio was approved for the subject property in August of 2014. The property now has a minimum front yard setback of 9ft, and a minimum street-side yard setback of 8 ft. The setback distances for this property are subject to the approved variance rather than the zoning district regulations.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-CO-NP	undeveloped
<i>North</i>	GR-CO-NP	Gabriel's Court Shopping Center – retail, restaurant, personal services
<i>South</i>	SF-3-CO-NP	single family residential
<i>East</i>	LO-MU-CO-NP	professional office
<i>West</i>	P-NP	Lamar Senior Activity Center

**NEIGHBORHOOD PLANNING AREA:** West University of the Central Austin Combined Neighborhood Plan.

**TIA or NTA:** Is not required

**WATERSHED:** Shoal Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

Central Austin Community Development Corporation	1391
Shoal Creek Conservancy	1497
Friends of Emma Barrientos MACC	1447
The Real Estate Council of Austin, Inc.	1236
Austin Independent School District	742
SEL Texas	1363
Sierra Club, Austin Regional Group	1228
Preservation Austin	1424
University Area Partners	69
Austin Heritage Tree Foundation	1340
Shoal Crest Neighborhood Assn.	259
CANPAC (Central Austin Neigh Plan Area Committee)	754
Austin Neighborhoods Council	511
Heritage Neighborhood Association	33
Central West Austin Neighborhood Plan Contact Team	1301
Pemberton Heights Neighborhood Association	644
Bryker Woods Neighborhood Association	156
West Austin Neighborhood Group	88

**SCHOOLS:** Bryker Woods Elementary, O Henry Middle, Austin High

**CASE HISTORIES:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-81-148 – 2901, 2903 San Gabriel, and 912-916 W 29 <sup>th</sup> St.	MF-2 to LO		10/21/1981 – Apvd LO.
C14-1985- 303 – San Gabriel, LTD; 2901- 2903 San Gabriel St., 912-916 West 29 <sup>th</sup> , and 907- 911 West 30 <sup>th</sup> St.	Tract 1: LO to GR, Tract 2: MF-2 to GR, Tract 3: MF-3 to SF-3		5/8/1986 – Apvd Tract 1: GR, Tract 2: GR, Tract 3: SF-3

**RELATED CASES:**

The subject property is a portion (0.133 acres) out of a lot that is platted as Lot 13 of Block 2, Out Lot 71 D, Shoal Crest Addition recorded in 1929, in Travis County.

The subject property is within the boundaries of the Central Austin Combined (West University) Neighborhood Planning Area (NP-04-0019). The subject tract is identified with several other properties that are addressed off of Shoal Crest Avenue as tract #1021. This portion of the rezoning area was rezoned from SF-3 to SF-3-CO-NP during the neighborhood plan rezonings, and the -NP combining district was appended to the existing SF-3 base district under case C14-04-0021 (Ord# 040826-57). The conditional overlay for this property, an existing legal lot with single-family residential use or secondary apartment special use, requires a minimum lot area of 2,500 sq. ft., a minimum lot width of 25ft., for a lot with an area of 4,000 square feet or less, the impervious coverage may not exceed 65%. As a single-family residential use, a duplex residential use, or a two-family residential use, the front porch setback applies as set forth in Section 25-2-1602 of the Code, and the impervious cover and parking placement restrictions apply as set forth in Section 25-2-1603 of the Code. Height is restricted to 30 ft.

The property was granted a Board of Adjustment variance to the front yard setback (from 25ft to 8ft), street-side yard setback (from 15ft to 8ft) and the F.A.R. (from 4:1 to .48:1 OR from 2,300 sq. ft. to 2,768 sq. ft.) under case number C15-2014-0084 in August, 2014.

There is a corresponding neighborhood plan amendment case to change the land use designation on the Future Land Use Map (FLUM) from Single Family to Mixed Use / Office (NPA-2015-0019.01).

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
W. 29 <sup>th</sup> Street	Varies	30'	Collector	9,170
Shoal Crest Ave.	Varies	Varies	Local	N/A

**CITY COUNCIL DATE:**

**ACTION:**

June 11, 2015:

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

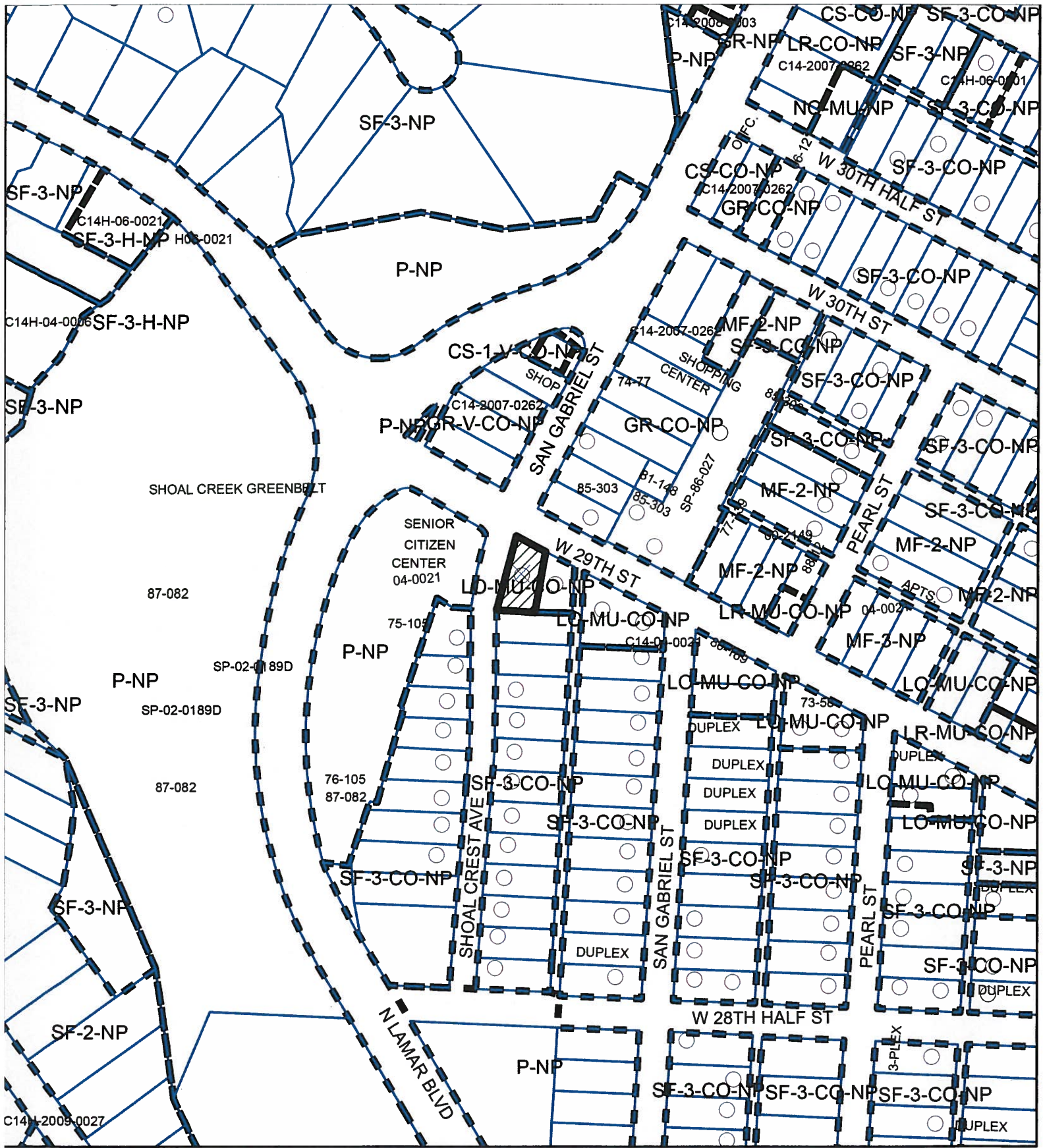
**ORDINANCE NUMBER:**

**CASE MANAGER:** Tori Haase

**PHONE:** 512-974-7691





**EMAIL:** [tori.haase@austintexas.gov](mailto:tori.haase@austintexas.gov)





## ZONING

Zoning Case: C14-2015-0024


  
 SUBJECT TRACT
   
 PENDING CASE
   
 ZONING BOUNDARY

1" = 200'

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.



## **STAFF RECOMMENDATION**

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## **BASIS FOR RECOMMENDATION**

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*
2. *The proposed zoning should promote consistency and orderly planning.*
3. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*

Properties on W. 29<sup>th</sup> Street between Guadalupe Street and Lamar Boulevard were once single family residences. Over several decades, this area has experienced changes in zoning and land uses as well as an increase in traffic on this particular stretch of W. 29<sup>th</sup> Street. The changes have created an environment that is less appropriate for a single-family zoned property. While the applicant's request for GO base district zoning is more intense than the existing pattern of LO base district zoning, the up-zoning from SF-3 is consistent with the other properties that front W. 29<sup>th</sup> Street. With the conditional overlay limiting the site development regulations and performance standards to that of the LO base zoning district, the outcome will result in uses that are compatible and complimentary in scale and appearance with the residential environment to the immediate south.

The zoning change will allow office and like uses that are compatible with the surrounding properties that have a mixture of office, personal services, and residential uses. Also, the zoning change is an

appropriate transition and buffer between the less intense, SF-3 zoned, properties and the more intense, GR zoned, properties on the north side of W. 29<sup>th</sup> Street.

### **EXISTING CONDITIONS**

#### ***Site Characteristics***

The subject property is currently undeveloped with the exception of a sidewalk in the right-of-way along W 29<sup>th</sup> Street. There are a few trees with the largest tree located at the south west corner of the lot. There does not appear to be any topographical constraints on the property. The property is accessed by a curb cut on Shoal Crest Avenue.

#### ***Impervious Cover***

The maximum impervious cover allowed by the GO zoning district is 80%. However, the Applicant has agreed to restrict the impervious cover to 60% in an effort to match the site development standards of the LO base zoning district. Note: The most restrictive impervious cover limit applies.

#### ***Comprehensive Planning***

Refer to Neighborhood Plan Amendment case NPA-2015-0019.1.

#### ***Environmental – Mike McDougal, 512-974-6380***

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

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

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

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.

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.

#### ***Transportation – Ivan Naranjo, 512-974-7649***

No additional right-of-way is needed at this time. However, additional right-of-way may be required at the time of site plan.



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]

W. 29<sup>th</sup> Street is classified in the Bicycle Plan as Bike Route No. 40. Shoal Crest Ave. is not in the Bicycle Plan.

Capital Metro bus service is not available along W. 29th Street and Shoal Crest Ave.

There are existing sidewalks along both sides of W. 29th Street. There are no existing sidewalks along Shoal Crest Ave.

### ***Water and 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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.

### ***Storm Water Detention***

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

### ***Site Plan and Compatibility Standards – Nikki Hoelter, 512-974-2863***

Any new development is subject to Subchapter E. Design Standards and Mixed Use. It would appear the site is less than 5 acres, and the principal roadway would be an urban roadway on a corner site. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the south 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.
- 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.



Additional design regulations will be enforced at the time a site plan is submitted.

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE: Monday, August 11, 2014**

**CASE NUMBER: C15-2014-0084**

<input checked="" type="checkbox"/> Y	Jeff Jack	
<input checked="" type="checkbox"/> Y	Michael Von Ohlen	<b>Motion to Grant</b>
<input checked="" type="checkbox"/> Y	Ricardo De Camps	
<input type="checkbox"/> N	Bryan King	
<input checked="" type="checkbox"/> Y	Vincent Harding	
<input checked="" type="checkbox"/> Y	Will Schnier - Melissa Hawthorne-OUT	<b>2<sup>nd</sup> the Motion</b>
<input checked="" type="checkbox"/> Y	Sallie Burchett	

**APPLICANT: Ken Johnson**

**OWNER: Clay Duckworth**

**ADDRESS: 919 29TH ST**

**VARIANCE REQUESTED:**

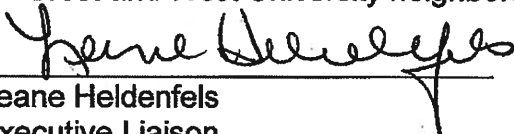
The applicant has requested a variance from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the front setback from 25 feet (required) to 9 feet (requested); and decrease the side street setback from 15 feet (required) to 8 feet (requested); in order to move a structure onto the lot in an "SF-3-CO-NP", Family Residence – Conditional Overlay – Neighborhood Plan zoning district. (West University)

**BOARD'S DECISION: POSTPONED TO JULY 14, 2014; July 14, 2014** The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to August 11, 2014, Board Member Melissa Hawthorne second on a 7-0 vote; **POSTPONED TO AUGUST 11, 2014; Aug 11, 2014** The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition cannot be used as short term rental (STR) or stealth dorm, Board Member Will Schnier second on a 6-1 vote (Board Member Bryan King nay); **GRANTED WITH CONDITION CANNOT BE USED AS SHORT TERM RENTAL (STR) OR STEALTH DORM.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: sever angle of front lot creates excessive front setback which compare to conventional adjacent rectangle lot shape resulting from lot which is significant narrow in the front than it is in the rear creates error buildable requiring much narrow home to comply with side setback requirements
2. (a) The hardship for which the variance is requested is unique to the property in that: property is not standard rectangular shape therefore does not allow reasonable use in the effort to moving historical residence to property, two heritage oak tree southwest of property for development towards front narrowest part of the lot, 13"ash tree in the rear which would have to be removed if front setback variance is denied

- (b) The hardship is not general to the area in which the property is located because:  
adjacent lots have standard rectangle shape and not tapered rear to front of lot
3. The variance will not alter the character of the area adjacent to the property, will not  
impair the use of adjacent conforming property, and will not impair the purpose of  
the regulations of the zoning district in which the property is located because:  
relocation of historical appropriate home be complementary to the character of Shoal  
Crest and West University neighbors

  
\_\_\_\_\_  
Leane Heldenfels  
Executive Liaison

  
\_\_\_\_\_  
Jeff Jack  
Chairman

## 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 attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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:  
<http://www.austintexas.gov/development>.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a 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.

Case Number: C14-2015-0024  
Contact: Tori Haase, 512-974-7691  
Public Hearing: May 12, 2015, Planning Commission  
June 11, 2015, City Council

A. Arco Smith, Ph.D.

Your Name (please print)

909 W 29th St.

Your address(es) affected by this application

- ~ -

Signature

Date

5-4-15

Daytime Telephone: 512 294 8646

Comments:

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

City of Austin  
Planning & Zoning Department  
Tori Haase  
P. O. Box 1088  
Austin, TX 78767-8810



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Contact: Tori Haase, 512-974-7691

Public Hearing: May 12, 2015, Planning Commission  
June 11, 2015, City Council

*May 12, 2015*

Your Name (please print)

*2847 Short Creek Ave  
919 W. 29th St*

Your address(es) affected by this application

*May 12, 2015*

Signature

Daytime Telephone: *512-771-9808*

Date

*5/14/2015*

☒ I am in favor  
☐ I object

Comments:

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

City of Austin  
Planning & Zoning Department  
Tori Haase  
P. O. Box 1088  
Austin, TX 78767-8810

**From:** robert jarry []

**Sent:** Monday, April 13, 2015 10:15 AM

**To:** Meredith, Maureen

**Cc:** Adam Stephens; john foxworth; Rob Borowski; sprice; Alicia Jarry

**Subject:** SCNA comments rg zoning application for 919 West 29th

Maureen,

Thanks for organizing the meeting on the zoning request for 919 West 29th, it was most informative and helpful.

The Shoal Crest Neighborhood Association supports the proposed GO-MU-CO-NP zoning with the following proposed Conditional Overlay to match the existing LO-MU-CO-NP zoning along West 29th Street:

1. Restrict the Property to LO-MU site development regulations with the following added restrictions:

- Maximum building height of 30' from ground level (less than the proposed 35' but sufficient for the applicant's project). This is the maximum for SF3 and is what all other structures on 29<sup>th</sup> were built under.

- FAR restricted to 0.5:1. This is sufficient for the proposed project.

2. Restrict the Property to LO-MU land use with the following added restrictions:

- Prohibit Medical offices (less than 5,000 sq. ft) and Medical Offices (exceeding 5,000 sq. ft.)

- Prohibit Bed & Breakfast (group 1 and 2)

- Prohibit all CIVIC uses

The neighborhood feels the applicant's project as presented will be an asset to the neighborhood. Our concern is that all future uses be compatible with the character of the neighborhood and not adversely impact the limited parking and traffic in this area.

Respectfully,

Robert Jarry, President SCNA

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Case Number: C14-2015-0024

Contact: Tori Haase, 512-974-7691

Public Hearing: May 12, 2015, Planning Commission

June 11, 2015, City Council

Your Name (please print)

Moseley Living Trust  
William C Moseley

Your address(es) affected by this application

2845 San Gabriel Tr. 78705-4101

☒ I am in favor  
☐ I object

Mary Moseley

Signature

Date

Daytime Telephone:

619-840-3985

Comments:

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City of Austin

Planning & Zoning Department

Tori Haase

P. O. Box 1088

Austin, TX 78767-8810