

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2017-0098 - Affordable Dream Homes

**P.C. DATE:** October 24, 2017  
November 14, 2017  
December 12, 2017

**ADDRESS:** 2404 Thrasher Lane

**AREA:** .95 acres

**OWNER:** Vahonia Realty (Octavian F. Heresan)

**APPLICANT:** Landanswers (Jim Whittliff)

**ZONING FROM:** General commercial services-neighborhood plan (CS-NP)

**ZONING TO:** Urban family residence – conditional overlay - neighborhood plan (SF-5-CO-NP); Amended request October 3, 2017 from CS-MU. Conditional overlay to limit the property to 9 residential units.

**NEIGHBORHOOD PLAN AREA:** Montopolis Neighborhood Planning Area

**SUMMARY STAFF RECOMMENDATION:**

Recommendation of Urban Family Residence – Conditional Overlay – Neighborhood Plan (SF-5-CO-NP).

Conditional overlay:

Limit of 9 residential units.

**PLANNING COMMISSION RECOMMENDATION:**

*NOVEMBER 14, 2017 – MOTION TO DENY [P. SEEGER 1<sup>ST</sup>, J. SHIEH 2<sup>ND</sup>], SUBSTITUTE MOTION TO KEEP THE PUBLIC HEARING OPEN AND POSTPONE TO DECEMBER 12, 2017 - **APPROVED**, VOTE 9-2 [J. SCHISLER 1<sup>ST</sup>, J. SHIEH 2<sup>ND</sup> AGAINST – P. SEEGER, J. THOMPSON, ABSENT – A. DE HOYOS HART, F. KAZI].  
DECEMBER 12, 2017 – TO BE REVIEWED.*

**CITY COUNCIL ACTION:**

*DECEMBER 7, 2017 – POSTPONEMENT REQUEST BY STAFF TO DECEMBER 14, 2017 APPROVED ON CONSENT, VOTE 9-0 [ABSENT- CM GARZA, CM TROXCLAIR].*

**DEPARTMENTAL COMMENTS:**

The subject property is a vacant, unplatted .95 acre tract located at 2404 Thrasher Lane in the Montopolis Neighborhood Planning Area. The property is located at the southernmost portion of Thrasher Lane south of East Riverside Drive and Thrasher Lane dead ends just beyond this property.

The property is currently zoned general commercial services – neighborhood plan (CS-NP) and the Future Land Use Map (FLUM) designation is commercial. It was given commercial zoning during the Montopolis Neighborhood Plan adoption. The zoning request is associated with a concurrent Neighborhood Plan Amendment case (NPA-2017-0005.03) to change the FLUM to “mixed use.”

Thrasher Lane is predominately a large lot residential street with single family structures. The area to the south of this property has recently seen several rezoning cases to allow a residential (mixed-use)

use. Those cases have been supported by the Planning Commission and approved by the City Council with conditions.

The applicant is proposing to develop the property with 10 small-lot single family residences. Staff is supportive of the zoning request and down zoning of the property to provide a transition between the commercial and mixed use properties to the south and west.

Although this property is not included in the East Riverside Corridor Regulating Plan, the plan does show the extension of Carson Ridge Road from Montopolis Drive to E. Ben White Boulevard. This property is adjacent to property aligned with the other portions of the Carson Ridge right-of-way. Recently, a house was constructed on that property making a roadway connecting Carson Ridge to Thrasher a challenge. The Austin Transportation Department is interested in making a connection between Carson Ridge and Thrasher Lane. During the Neighborhood Plan Amendment meeting for this property, neighbors on Carson Ridge (to the west) expressed their interest in being able to walk across this property to Thrasher. The applicant's agent said they were amenable to allowing pedestrian access to Thrasher. Making a long term connection would allow residents on Thrasher to walk to Montopolis to access Capital Metro bus service.

During the public hearing November 14, 2017, Planning Commissioners expressed concerns regarding an alternative or "middle ground" option to consider. The applicant's original application request was for CS-MU-CO with 10 units. After discussion with the applicant, Neighborhood Planning and Zoning staff recommended SF-5 as that is the appropriate zoning for what the applicant intended to develop. Staff were not supportive of CS-MU because of the proximity to SF-3 zoning adjacent to the north.

Also, zoning case C14-2016-0070 for property to the south, requested CS-NP to CS-MU-NP. Staff recommended to keep the southernmost portion CS-NP as a buffer to the LI-NP property to the south and CS-MU-CO-NP for the remainder. The remainder was further conditioned to restrict access to Thrasher at 300 trips (which equates to SF-6 residential). This case was approved by the Planning Commission January 24, 2017 and Council March 23, 2017. In August, the CS-NP owner solicited City Council to pass a resolution directing staff to initiate a neighborhood plan amendment and zoning case to change to CS-MU-NP. The associated project for this property has a site plan under review and Austin Transportation Department reviewers are requesting the applicant to extend Thrasher along their eastern boundary to the LI-NP property to the south.

#### **Issues**

A zoning petition has been filed in opposition to the requested change (see attached) and is valid.

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

|              | <b>ZONING</b>       | <b>LAND USES</b>   |
|--------------|---------------------|--|
| <b>Site</b>  | CS-NP               | Vacant   |
| <b>North</b> | SF-2-NP             | Single family  |
| <b>South</b> | CS-NP & CS-MU-CO-NP | Single family and Undeveloped (multifamily site plan under review) |
| <b>East</b>  | CS-MU-CO-NP         | Multi family   |
| <b>West</b>  | GR-MU-CO-NP         | Undeveloped (multifamily site plan under review)                   |

**WATERSHED:** Carson Creek Watershed

**DESIRED DEVELOPMENT ZONE:** Yes

**TIA:** No

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
Austin Neighborhoods Council  
Bike Austin  
Carson Ridge Neighborhood Association  
Crossing Garden Home Owners Association  
Del Valle Community Coalition  
Friends of Austin Neighborhoods  
Homeless Neighborhood Association  
Montopolis Area Neighborhood Alliance

Montopolis Community Alliance  
Montopolis Neighborhood Association  
Montopolis Neighborhood Planning Contact Team  
Montopolis Tributary Trail Association  
Preservation Austin  
SEL Texas  
Sierra Club, Austin Regional Group

**SCHOOLS:**

Austin Independent School District

|                           |                      |                               |
|---------------------------|----------------------|-------------------------------|
| Allison Elementary School | Martin Middle School | Eastside Memorial High School |
|---------------------------|----------------------|-------------------------------|

**ABUTTING STREETS:**

| Name          | ROW    | Pavement | Classification  | Side-walks | Bike Route | Bus |
|---------------|--------|----------|-----------------|------------|------------|-----|
| Thrasher Lane | 50-60' | 00'      | Local Collector | No         | No         | No  |

**SITE ZONING CASE HISTORIES:**

| NUMBER  | REQUEST       | LAND USE COMMISSION | CITY COUNCIL                |
|---|---------------|---------------------|-----------------------------|
| C14-01-0060<br>Thrasher Lane<br>Montopolis<br>Neighborhood Plan | SF-2 to CS-NP | Recommended CS-NP   | Approved CS-NP<br>(9-27-01) |

**RELEVANT ZONING CASE HISTORIES:**

| NUMBER  | REQUEST           | LAND USE COMMISSION                          | CITY COUNCIL                                    |
|---|-------------------|--|---|
| C14-2016-0113<br>2509 Montopolis Drive              | CS-NP to CS-MU-NP | Recommended CS-MU-CO-NP (4/11/17)            | Approved CS-MU-CO-NP (6/22/17)                  |
| C14-2016-0070<br>2500, 2508 & 2514<br>Thrasher Lane | CS-NP to CS-MU-NP | Recommended CS-CO-NP & CS-MU-CO-NP (1/24/17) | Approved CS-CO-NP & CS-MU-CO-NP (3/23/17)       |
| C14-2015-0099<br>2407-2409 Montopolis Drive         | CS-NP to CS-MU-NP | Recommended CS-MU-CO-NP                      | Approved CS-MU-CO-NP (12-10-15) restricted uses |
| C14-2009-0092<br>6503 Carson Ridge                  | CS-NP to GR-MU-NP | Recommended GR-MU-CO-NP                      | Approved GR-MU-CO-NP (1-28-10)                  |

|   |                              |                          |                               |
|---|------------------------------|--------------------------|-------------------------------|
|   |                              |                          | Trips limited to 1500.        |
| C14-2011-0169<br>7016 E. Ben White Blvd | LI-NP & CS-NP<br>to CS-MU-NP | Recommended CS-MU-<br>NP | Approved CS-MU-NP<br>(4-5-12) |

**CITY COUNCIL ACTION:** Scheduled for December 14, 2017

**ORDINANCE READINGS:**                    1<sup>st</sup>                    2<sup>nd</sup> & 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Andrew Moore

**PHONE:** 512-974-7604

e-mail address: andrew.moore@austintexas.gov

#### **STAFF RECOMMENDATION**

**C14-2016-0070**

To grant SF-5-CO-NP

Conditions of the CO include:

-limit of 9 residential units

#### **BASIS FOR LAND USE RECOMMENDATION**

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

The amended request for Urban Family Residence (SF-5) with a limit of 9 units will provide transition from the commercial-mixed use zoning to the south and west to the single family zoning and uses to the north and east.

The Land Development Code describes Urban Family Residence as:

*Urban family residence (SF-5) district is the designation for a moderate density single-family residential use on a lot that is a minimum of 5,750 square feet. A duplex, two-family, townhouse, or condominium residential use is permitted in an SF-5 district under development standards that maintain single family neighborhood characteristics. An SF-5 district designation may be applied to a use in an existing family residential neighborhood in a centrally located area of the City. An SF-5 district may be used as a transition between a single family and multifamily residential use or to facilitate the implementation of City affordable housing programs.*

#### **EXISTING CONDITIONS & REVIEW COMMENTS**

##### **Site Characteristics**

The site is currently vacant and has been used for vehicle cut through from Carson Ridge to Thrasher as evidenced by the aerial photo. Topographically, the parcel slopes from south to north and west to east. Thrasher Lane dead ends just to the south of this property. The site contains some trees, but it is unknown at this time whether any are protected. Similarly, there are no known environmental features, and no known constraints to development at this time.



**DSD Transportation Review – Natalia Rodriguez 512-974-1605**

TR1. A Neighborhood Traffic Analysis is not required for this project as the applicant has agreed to limit the site to 10 units and Thrasher Lane is considered a collector street.

TR2. Per the East Riverside Corridor Collector Street plan (ERC, Figure 1-5) a collector street is required for the Carson Ridge street extension. This street shall be a Neighborhood Collector Street as indicated within the ERC, Appendix A. Staff is in communication with Austin Transportation Department and Urban Design for the street location. Right-of-way dedication may be required to accommodate the 60-foot cross section.

TR3. Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

TR4. Additional right-of-way maybe required at the time of subdivision and/or site plan.

TR5. Janae Ryan, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056. Existing Street Characteristics:

| Name        | ROW     | Pavement | Classification | Sidewalks | Bike Route | Capital Metro (within ¼ mile) |
|-------------|---------|----------|----------------|-----------|------------|-------------------------------|
| Thrasher Ln | 55 feet | None     | Collector      | None      | N/A        | N/A                           |

**NPZ Environmental Review - Mike McDougal 512-974-6380**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Carson Creek Watershed of the Colorado River Basin, and is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.
2. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

| <i>Development Classification</i>                | <i>% of Gross Site Area</i> | <i>% of Gross Site Area with Transfers</i> |
|--|-----------------------------|--|
| Single-Family<br>(minimum lot size 5750 sq. ft.) | 50%                         | 60%  |
| Other Single-Family or Duplex                    | 55%                         | 60%  |

|             |     |     |
|-------------|-----|-----|
| Multifamily | 60% | 70% |
| Commercial  | 80% | 90% |

3. According to floodplain maps there is no floodplain within or adjacent to 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. 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 512-974-1876. 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. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.
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.

|   |
|---|
| <b>NPZ Site Plan Review - Thomas Sievers 512-974-1237</b> |
|---|

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

SP 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.

SP 3. 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**

SP 4. The site is subject to compatibility standards:

- 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 25 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, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- 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 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

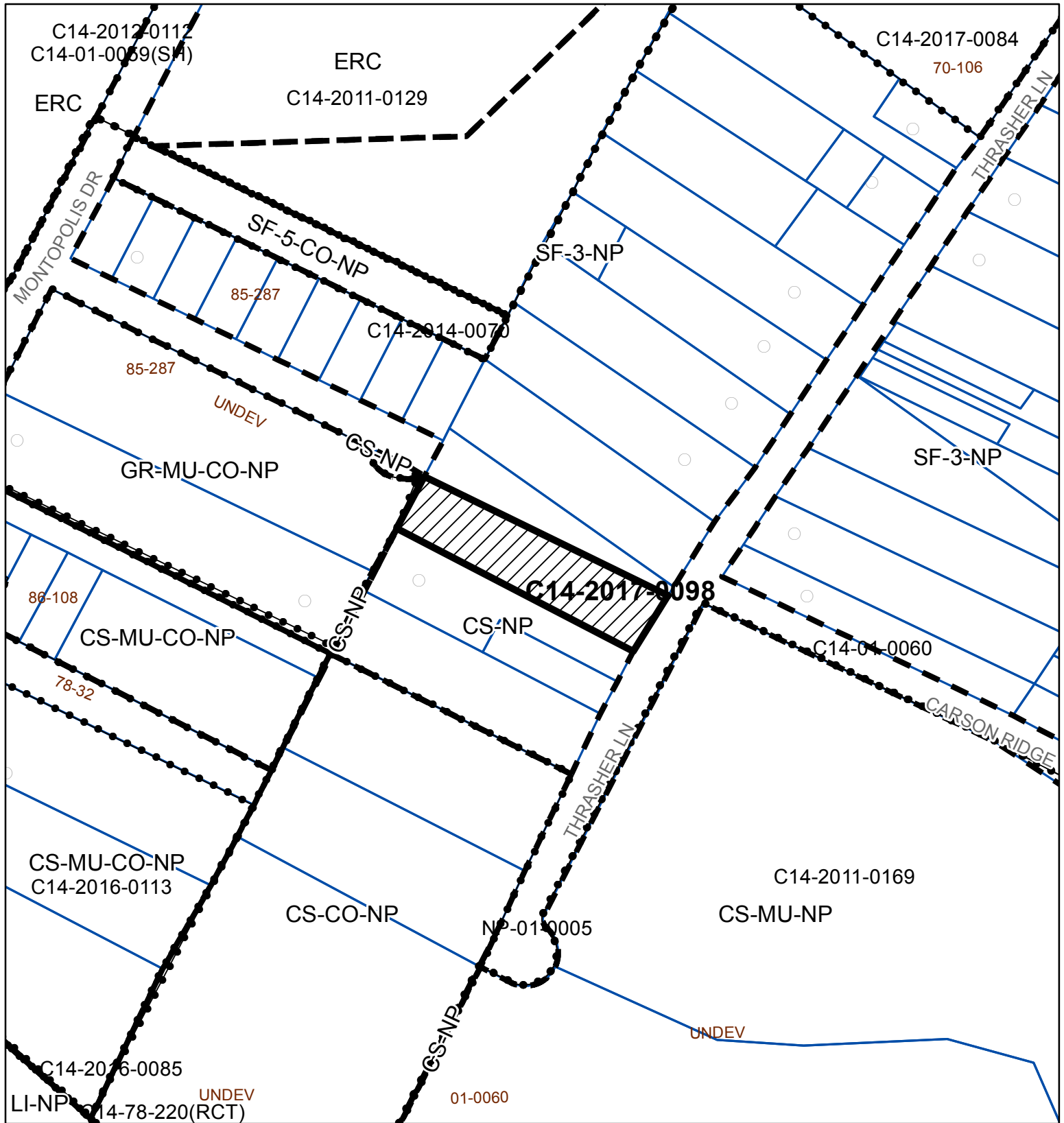
### **Airport Overlay**

SP 5. FYI – This site is located within the Austin-Bergstrom Airport Controlled Compatible Land Use Area Overlay. No use will be allowed that can create 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. Airport Hazard Zoning Committee review may be required prior to Planning Commission Hearing. Additional comments may be generated during the site plan review process.

|  |
|--|
| <p><b>NPZ Austin Water Utility Review - Neil Kepple 512-972-0077</b></p> |
|--|

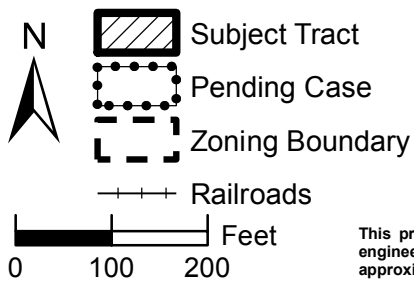
FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements,

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 permits.



## ZONING

Case#: C14-2017-0098



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



Created: 8/4/2017





## ZONING

ZONING CASE#: C14-2017-0098  
 LOCATION: Affordable Dream Homes  
 SUBJECT AREA: .95 ACRES  
 GRID: L18  
 MANAGER: ANDREW MOORE



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

N



1" = 400'



SUBJECT TRACT



PENDING CASE

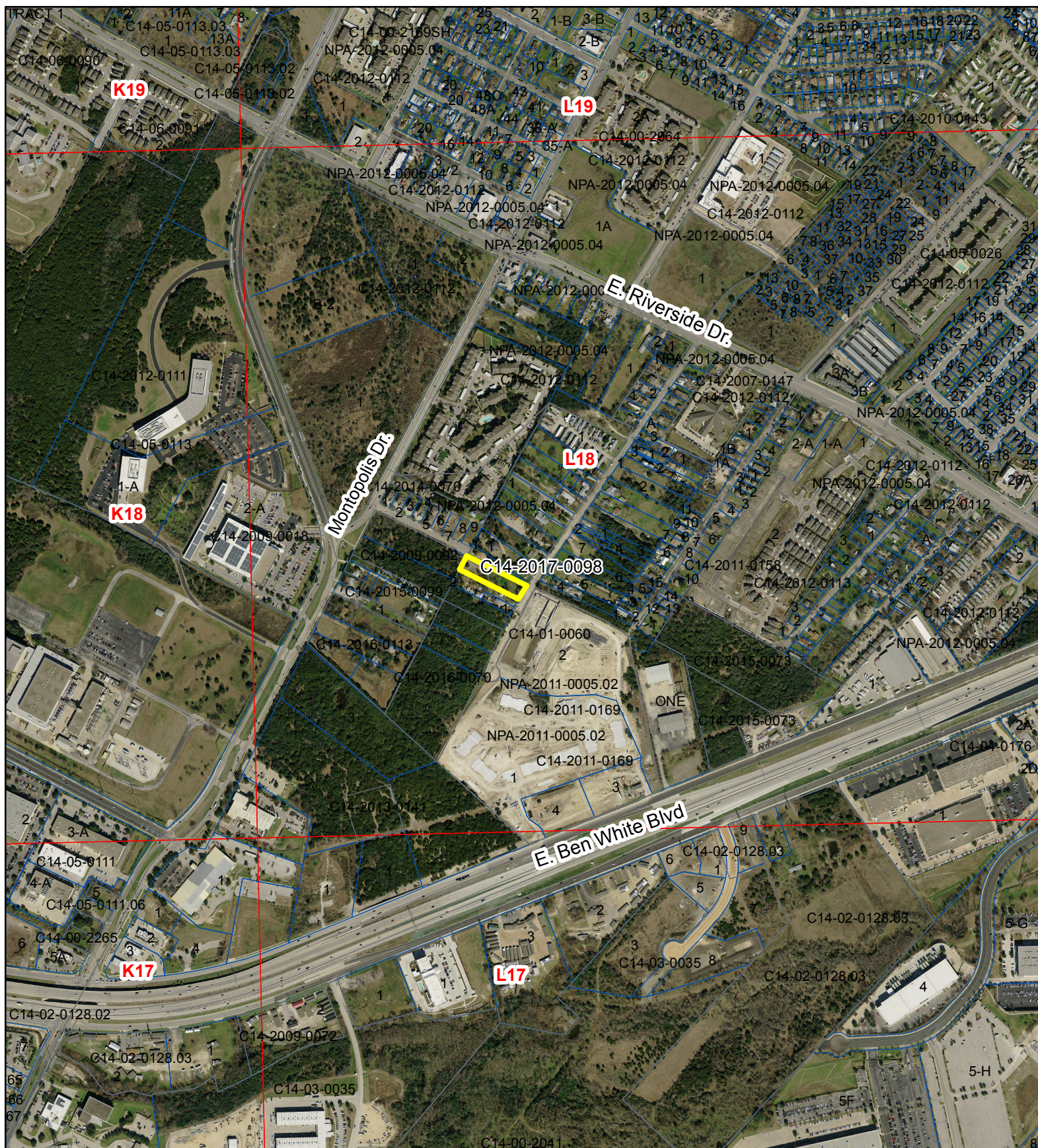


ZONING BOUNDARY



CREEK BUFFER





## ZONING

ZONING CASE#: C14-2017-0098  
 LOCATION: Affordable Dream Homes  
 SUBJECT AREA: .95 ACRES  
 GRID: L18  
 MANAGER: ANDREW MOORE



N



1' = 400'

 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

 CREEK BUFFER

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





## Thrasher Lane Projects

- N
- 1" = 400'
- CURRENT ZONING CASES
  - ZONING BOUNDARY
  - SITE PLAN UNDER REVIEW
  - POTENTIAL THRASHER ROW



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



# ZONING PETITION — 2404 Thrasher Lane

Date: 10/13/17

Case Number: NPA-2017-0005.03

Address of Rezoning Case: 2404 Thrasher Lane

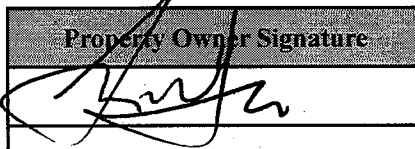

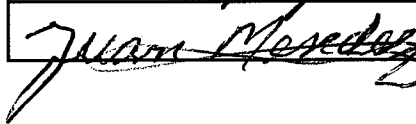
To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than **SF-3**.

## REASON FOR PROTEST

We, the undersigned owners of property located within 200 feet of the property that is the subject of this zoning case oppose the requested zoning change because:

This area of Montopolis consists of family homesteads. SF-3 zoning is the appropriate and compatible land use in this area. The commercial zoning of this and adjacent lots should never have happened and is one of the more shameful episodes of land use bigotry in the city's history.

| Property Owner Signature  | Printed Name             | Address or Tax ID Number |
|---|--------------------------|--------------------------|
|    | Theresia McGhee          | 2316 Thrasher Lane       |
|   | Felix & Amanda Benavidez | 2408 Thrasher Lane       |
|   | Manuel Rojas             | 2317 Thrasher Lane       |
|  | Ramiro Benitez           | 2312 Thrasher Lane       |

Date: 10/13/17

Contact Name: Fred L. McGhee

Phone Number: (512) 275-6027

Andrew Moore, Case Manager  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

RE: 2404 Thrasher Lane; Zoning Case # C14-2017-0098

Dear Mr. Moore,

I wish to remove my name from the valid petition associated with this zoning case.

Mamuel Rojas

Signature

11-11-17

Date

Mamuel Rojas

Printed Name

Case Number:  
**C14-2017-0098**

## PETITION

Date: 11/14/2017  
Total Square Footage of Buffer: 329719.3249  
Percentage of Square Footage Owned by Petitioners Within Buffer: 20.80%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

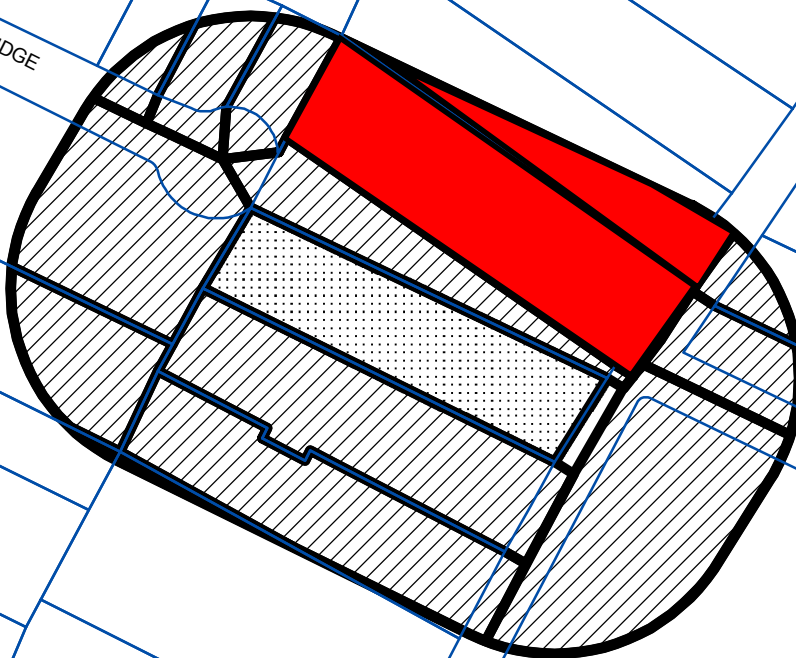
| TCAD ID      | Address                  | Owner   | Signature | Petition Area    | Percent       |
|--------------|--------------------------|---|-----------|------------------|---------------|
| 0310140171   | 2408 THRASHER LN 78741   | BENAVIDEZ FELIX & AMANDA                            | no        | 44963.82         | 0.00%         |
| 0310140223   | 2311 THRASHER LN 78741   | CRUZ MARIA DE LOURDES                               | no        | 5672.27          | 0.00%         |
| 0315110202   | THRASHER LN 78741        | DALOR LTD   | no        | 960.71           | 0.00%         |
| 0315110201   | THRASHER LN 78741        | DIAZ MARTIN & ESTEFANA                              | no        | 40354.58         | 0.00%         |
| 0312160303   | 7000 THRASHER LN 78741   | HOUSING AUTHORITY OF AUSTIN                         | no        | 50965.29         | 0.00%         |
| 0310140103   | 6412 CARSON RDG 78741    | KOOL BREEZE PROPERTY INVESTMENTS LLC                | no        | 10175.29         | 0.00%         |
| 0310140150   | 2316 THRASHER LN 78741   | MCGHEE THERESIA                                     | yes       | 52469.36         | 15.91%        |
| 0310140169   | 6510 CARSON RDG 78741    | ONOFRE ROMAN FRANCISCO J & CHRISTINA PINA DE ONOFRE | no        | 22183.64         | 0.00%         |
| 0312130106   | 2407 MONTOPOLIS DR 78741 | PETREE LARRY & ELIZABETH                            | no        | 356.51           | 0.00%         |
| 0310140101   | 6503 CARSON RDG 78741    | PETREE LARRY & ELIZABETH D                          | no        | 38034.32         | 0.00%         |
| 0312130111   | MONTOPOLIS DR 78741      | PETREE LARRY & ELIZABETH D                          | no        | 17573.13         | 0.00%         |
| 0310140134   | 2312 THRASHER LN 78741   | RAMIREZ BENITO & JUAN & MARIA JUAN & MARIA MENDEZ   | yes       | 16109.94         | 4.89%         |
| 0310140222   | 2317 THRASHER LN 78741   | ROJAS MANUEL & ELVIA O                              | no        | 13063.35         | 0.00%         |
| 0312160601   | Address Not Found        |   | no        | 10215.66         | 0.00%         |
| 0312160401   | Address Not Found        |   | no        | 4366.95          | 0.00%         |
| <b>Total</b> |                          |   |           | <b>327464.82</b> | <b>20.80%</b> |

MONTOPOLIS DR

CARSON RIDGE

THRASHER LN

CARSON RIDGE



N



BUFFER

PROPERTY\_OWNER

SUBJECT\_TRACT

## PETITION

CASE#: C14-2017-0098

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.



1" = 200'