



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-3
AGENDA DATE: Thu 01/08/2004
PAGE: 1 of 1

SUBJECT: C14-03-0096 - Central East Austin Planning Area Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2017 and 2101 East 8th Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to multifamily residence moderate-high density (MF-4) district zoning. Planning Commission Recommendation: To deny multi-family residence moderate-high density (MF-4) district zoning. Applicant: Louree Atkins. Agent: Bernice Butler. City Staff: Annick Beaudet, 974-2975

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0096

PC DATE: December 23, 2003

ADDRESS: 2017-2101 East 8th Street

OWNER/APPLICANT: Louree Atkins

AGENT: Bernice Butler

ZONING FROM: SF-3-NP **TO:** MF-4 **AREA:** .27 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends denial of this rezoning request.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

December 23, 2003: Recommend denial of multifamily residence moderate-high density (MF-4) district zoning. Vote: 5-0.

ISSUES:

The applicant requests a postponement request for the City Council public hearing on January 8, 2004 to the February 12, 2004 City Council meeting. The applicant's agent lives in Florida and will be back in Austin around February the 12th, 2004 (the agent was present for the December 23, 2003 PC hearing). The applicant's agent is the owner's daughter.

DEPARTMENT COMMENTS:

If it is the desire of the Planning Commission or the City Council to grant a rezoning at this location the addition of the neighborhood plan-combining district (NP) should be added to the base zoning recommendation.

There is an active substandard housing violation case for 2101 E. 8th Street (rear unit). (See Exhibit C).

The property is located within the boundaries of the Central East Austin Neighborhood Planning Area. Both The Blackshear/Prospect Hill Neighborhood Association and OCEAN do not support this rezoning request (see Exhibits A and B of this report).

The property was down zoned from MF-3 to SF-3-NP via the neighborhood planning process and subsequent rezonings on December 13, 2001. The boundaries of the Central East Austin Neighborhood Planning area are Martin Luther King Blvd. on the north, Chicon and Northwestern on the east, E. 7th Street on the south, and IH-35 on the west.

The properties were approved with a single-family land use designation on the Future Land Use Map in the Central East Austin Neighborhood Plan. The property owner would like to do a multi-family project on the two lots. A plan amendment to change the future land use back to multi-family land use designation is needed.

There is an associated neighborhood plan amendment application, NPA-03-0009.02. Staff also recommends denial of the neighborhood plan amendment.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Two family residential (1 two family residential use per lot)
<i>North</i>	SF-3-NP	Single family homes
<i>South</i>	CS-CO-MU-NP	Convenient store/gas station, professional offices
<i>East</i>	SF-3-NP	Single family homes
<i>West</i>	SF-3-NP	Single family homes

AREA STUDY: Central East Austin Neighborhood Plan **TIA:** No required.

WATERSHED: Town Lake **DESIRED DEVELOPMENT ZONE:** Yes.

CAPITOL VIEW CORRIDOR: No. **HILL COUNTRY ROADWAY:** No.

NEIGHBORHOOD ORGANIZATIONS:

Guadalupe Neighborhood Development Corp.
Central East Austin Business Owners Association
El Concilio, Coalition of Mexican American Neighborhoods
Austin Neighborhoods Council
Organization of Central East Austin Neighborhoods
Park Springs Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	ZONING AND PLATTING COMMISSION	CITY COUNCIL
C14-01-0148	Central East Austin Neighborhood Plan	11-14-01: Recommended plan.	12-13-01: Adopted plan w/conditions.
C14-01-0166	Holly Neighborhood Plan	11-27-01: Recommended	12-13-01: Adopted plan w/conditions.
C14-03-0175	Central East Austin Plan Amendment to Create Subdistricts	12-9-02: No recommendation.	To be heard January 8, 2003.

RELATED CASES:

There are no current subdivision or site plan applications currently under review by the City of Austin. However, there is currently an active Neighborhood Plan Amendment (C14-03-0175) to create subdistricts within this neighborhood planning area. The subdistrict that this property falls within is requesting to remove the Urban Home Special Use and the Secondary Apartment Special Use as permitted uses.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
E. 8 th Street	60'	30'	Collector	N/A

CITY COUNCIL DATE: January 8, 2004

ACTION:

ORDINANCE READINGS: 1st

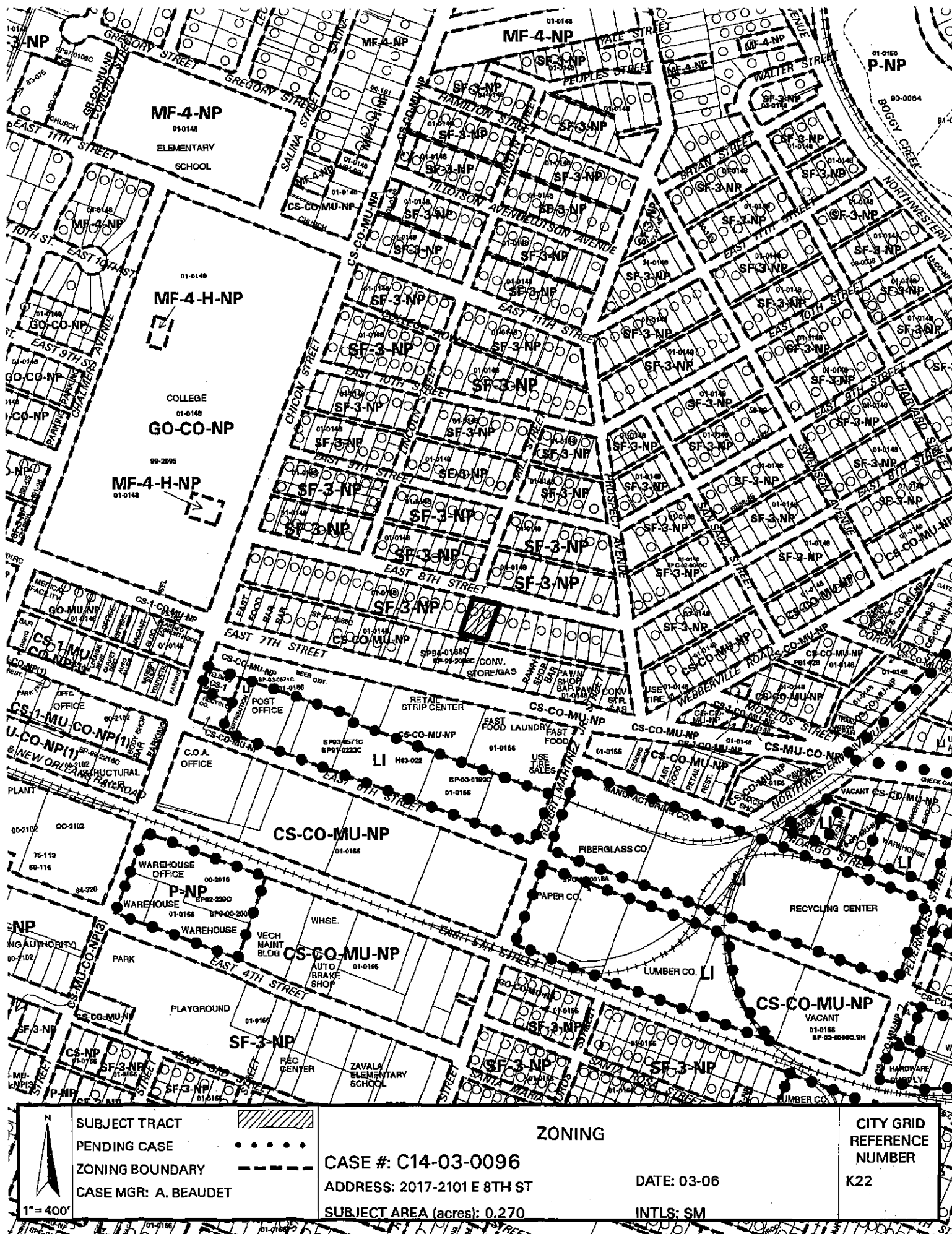
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Annick Beaudet

PHONE: 974-297





ST 3 NP

SF 3 NP

SF 3

NP

SP-99-00866

DETAIL 11
STREET CENTER

CO MU NP

CO MU NP

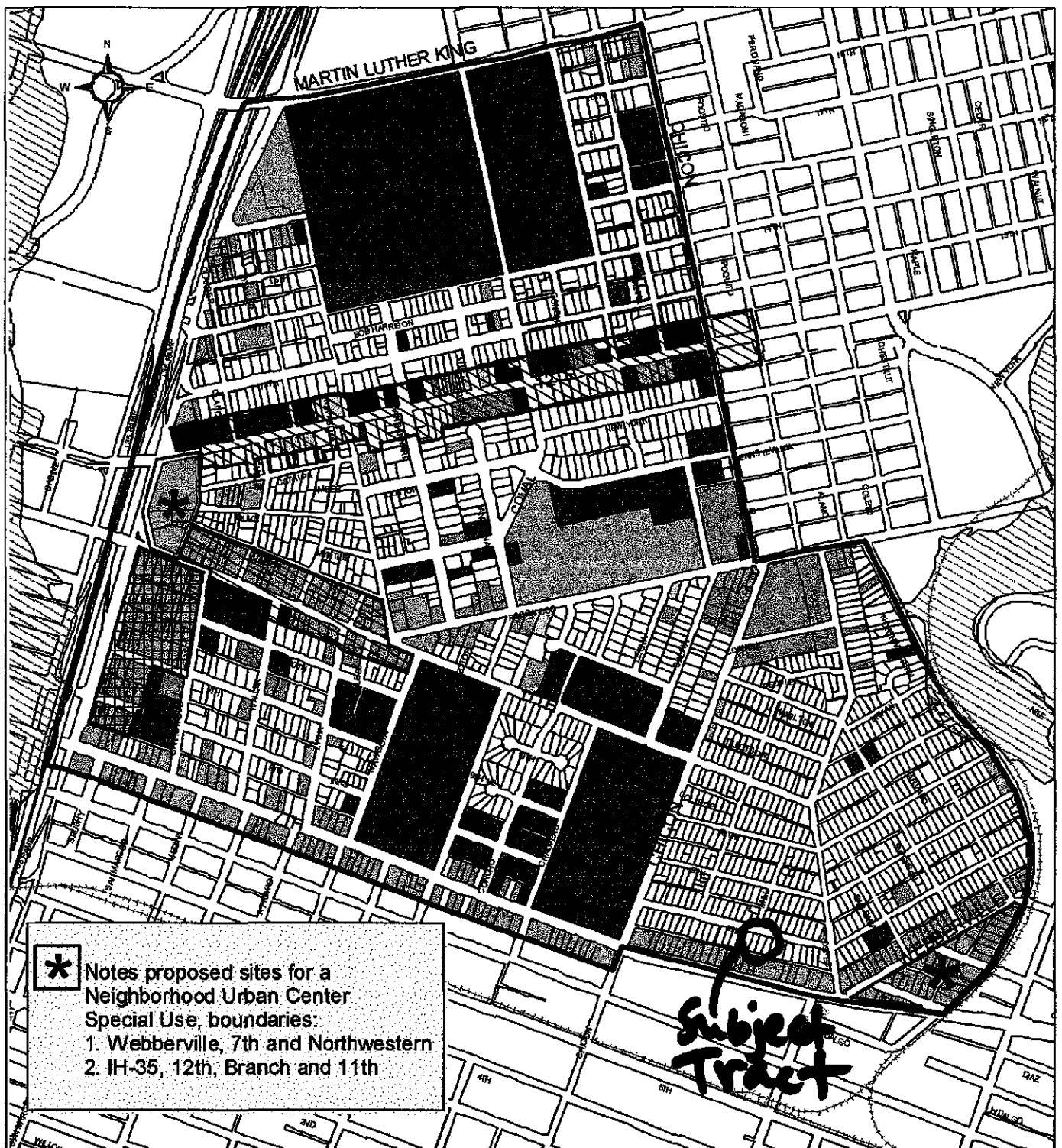
CO MU NP

S CO MU NP

01-0160

BERG CO

CS MU CO NP



Central East Austin Neighborhood Planning Area Adopted Future Land Use Map



City of Austin
Neighborhood Planning
& Zoning Department
created: February 16, 2001
last modified: November 6, 2001

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

This map has been produced by the City of Austin as a working staff map and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness. Reproduction is not permitted without prior written permission from the Neighborhood Planning & Zoning Dept., City of Austin.

Future Land Use

- Single-family
- Single-family/ Townhome/ Condo
- Multi-family
- Commercial
- Mixed Use
- Office
- Industry
- Civic
- Open Space

CEA Boundary

- Railroads
- Flood Plain
- Bennett Tract & 11th Street NCCD
- Future Development
- Austin Revitalization Authority (ARA) 11th & 12th Street Corridors

STAFF RECOMMENDATION

C14-03-0096

Staff recommends denial of this rezoning request.

BASIS FOR RECOMMENDATION

1. One of the Top Ten Neighborhood Priorities listed in the Central East Austin Neighborhood Plan (Page 5) was to: Pursue zoning rollbacks to single-family for properties in the Blackshear/ Prospect Hill area that are currently zoned multi-family, commercial, or industrial but used as single-family or are vacant lots to preserve existing housing and encourage infill (also referenced as Action 14). Also, Action 12 calls out to "Retain existing multi-family housing and allow new multi-family development on properties identified on the Future Land use Map as multifamily (orange color; see attached map). Ms. Atkins properties are designated as a single-family land use and therefore require a plan amendment to do a multi-family project.
2. The rezoning request does not promote an orderly land use pattern as the site is surrounded on three sides by single-family zoning and uses. The rezoning to a multifamily district at this location would create an isolated spot of increased density and a multifamily use that is not consistent with the adjacent uses or area uses. Also, the site is not situated in a location that would provide for a transition of zoning intensities.
3. This property lies within a clearly defined residential area bounded by the alley behind the subject tract, Chicon Street, Prospect Avenue, and East 11th Street. The downzoning of this property from MF-3 to SF-3 was done to conform to the existing uses on the site (per Action 14 of the neighborhood plan).
4. Conditions in the area have not changed significantly enough since the rezoning done on December 13, 2001 (neighborhood plan adoption date) to warrant a zoning change back to a multifamily designation.

EXISTING CONDITIONS

Site Characteristics

The site is developed with a two, two-family residential uses (one two-family residential use per lot) with a shared driveway.

Impervious Cover

The maximum impervious cover allowed by the MF-4 zoning district would be 70%. 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. Impervious cover is not limited in this watershed class. Therefore the zoning impervious cover restriction applies.

Environmental

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.

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

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rim rock, 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.

At this time, no information has been provided as to whether this property has any pre-existing approvals that would preempt current water quality or Code requirements.

Transportation

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

The trip generation under the requested zoning is estimated to be 59 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics). The proposed development of 10 apartment units will generate approximately 42 trips per day.

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]

E. 8th Street is not classified in the Bicycle Plan.

There are no existing sidewalks along E. 8th Street.

Capital Metro bus service is not available within 1/4 mile of this property.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
E. 8 th Street	60'	30'	Collector	N/A

Water and Wastewater

The landowner intends to serve the tract with City of Austin water and wastewater utility service. If water or wastewater utility improvements are required, the landowner will be responsible for all cost and for providing the utility improvements.

Stormwater 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 stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

This site is currently developed, if a new site plan is submitted, it will need to show compliance with compatibility standards on the east property line.

The site is subject to compatibility standards. Along the north, east and west property line, the following standards apply:

- No structure may be built within 25 feet of the west and east property lines.
- 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.

The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

DEPARTMENT COMMENTS

If it is the desire of the Planning Commission or the City Council to grant a rezoning at this location the addition of the neighborhood plan-combining district (NP) should be added to the base zoning recommendation.

There is an active substandard housing violation case for 2101 E. 8th Street (rear unit). (See Exhibit C).

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There is an associated neighborhood plan amendment application, NPA-03-0009.02. Staff also recommends denial of the neighborhood plan amendment.

BLACKSHEAR/PROSPECT HILL NEIGHBORHOOD ASSOCIATION
2102 E. 8TH STREET
AUSTIN, TEXAS 78702
(512)476-3088

July 25, 2003

City of Austin Neighborhood Planning & Zoning Department
Attn: Annick Beaudet
505 Barton Springs Rd/PO Box 1088
Austin, Texas 78767-8835

Re: In reference to File Number: C14-03-0096

Ms Beaudet:

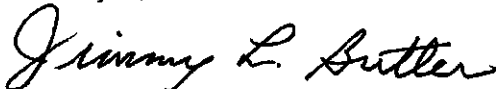
I am writing on behalf of the Neighborhood Association membership concerning rezoning of property located at 2017 to 2101 East 8th Street. We are opposed to the rezoning of said property and have expressed our view with the property owner in one of our regular neighborhood association meeting in prior months of this year.

We gave the property owner Ms Louree Atkins the opportunity to present her plans and ideas for said property on E. 8th Street. The membership and overall view is that we have fought and worked with city personnel and committees to maintain our zoning of single family housing.

Ms Atkins plans to build a multi family dwelling and/or apartments for this property location. We do not agree with these plans because it would create a far greater problem of parking that already exist, plus the lot is not large enough for what she proposes to build there.

The Neighborhood Association voted against her plans overall by the membership.

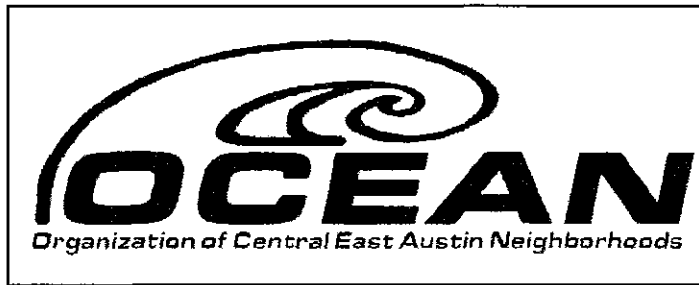
Thank you,



Jimmy L. Butler,
Vice-President

Ora L. Nobles,
President

Exhibit A



Mike Clark-Madison, President
512-698-2549

907 E. 15th Street, Austin TX 78702-1024
ocean@centraleastaustin.org

November 16, 2003

TO: Members of the City of Austin Planning Commission
Neighborhood Planning and Zoning Department, City of Austin

FROM: Mike Clark-Madison, President, OCEAN

RE: Proposed amendment to the Central East Austin Neighborhood Plan –
2017/2101 East 8th Street

At its November 11 meeting, the OCEAN Community/Steering Committee and its Land Use Subcommittee both voted **not to endorse** the amendment to the CEANP proposed by Louree Atkins and Bernice Butler, changing the FLUM to show multi-family at this address and rezoning the property MF-4.

The Blackshear/Prospect Hill Neighborhood Association has gone on record opposing this project, and OCEAN rules would require a supermajority vote for the Community/Steering Committee to recommend otherwise. As it happens, the issue is moot, since the Committee shares many of the Blackshear concerns about the suitability of this location for this project. The subject property is located mid-block, is surrounded by single-family on all sides, and poses significant traffic and parking challenges for any high-density use. If we were to recommend properties in the Blackshear area that were suitable for redevelopment as multi-family, there would be many others higher on the list than this one. Like the Blackshear neighbors, OCEAN would like to see Ms. Atkins and Ms. Butler redevelop their property – but at a single-family scale consistent with the surrounding neighborhood.

Also, of course, as part of the CEANP implementation, the city **downzoned** this property and the others around it from MF-3 to SF-3. We see nothing in the circumstances of the current case that makes it necessary to change the zoning back (and indeed increase it) to enable this project.

If you have any questions or comments, please do not hesitate to contact me.

Exhibit B



City of Austin

Founded By Congress, Republic of Texas, 1839

Neighborhood Planning and Zoning Department

One Texas Center, 505 Barton Springs Road

P.O. Box 1088, Austin, Tx 78767-8810

Telephone: (512) 499-2875

December 5, 2001

NOTICE OF VIOLATION

Via Certified Mail # 7099 3400 0016 8555 5694

Louree Atkins
1801 Harvey Street
Austin, Tx 78702-1662

RE: 2101 E. 8th Street, Building Rear, Austin, Texas
LEGALLY KNOWN AS: LOT 7 OLT 8-9 DIV B MORSE FRED C

Dear Louree Atkins:

On Monday, December 03, 2001, I conducted an inspection of the property located at 2101 E. 8th Street for the City of Austin's Neighborhood Planning and Zoning Department. According to the Travis Central Appraisal District records you own this property. If you no longer own this property, you must execute an affidavit stating that you no longer own the property. More information about affidavits is attached to this notice.

Summary of the Findings of the Inspection(s):

A detailed inspection report is attached to this notice.

Item Inspected: Residential Building

An inspection of this item found it to be SUBSTANDARD.

In order to bring this item into compliance, you must:

- REPAIR THE RESIDENTIAL BUILDING within 21 days of the date this notice was mailed.

Permits Required

Permits may be obtained from the Permit Center, (512) 499-2747, which is located on the third floor of One Texas Center, 505 Barton Springs Road in Austin.

Permits Required for the Residential Building

In order to bring the residential building into compliance, you will need to obtain the following permit(s) and complete the work within 21 days of the date this notice was mailed.

- Plumbing Permit

If this property is your recorded homestead, you may purchase the permit and make the repairs yourself. If this is not your recorded homestead, you must have a licensed contractor purchase the plumbing permit and allow the contractor to make the needed repairs.

Exhibit C

RE: 2101 E. 8th Street, Building Rear, Austin, Texas

Appealing This Notice

A legally interested person may appeal this notice to the Buildings and Standards Commission. The appeal must be filed no later than 20 days after the date this notice is mailed by the City of Austin. An appeal must have a brief statement why the violation is being appealed; give any facts that support the appeal; describe the relief sought; and present the reasons why the appealed notice or action should be reversed, changed or set aside.

After receipt of this notice, you may not sell or give away this property until you have given the buyer or other transferee a copy of this notice and given the name and address of the buyer to the Building Official. It is a misdemeanor to rent this property if the code violations on this property pose a danger to the health, safety and welfare of the tenants.

If compliance is not achieved within the timeframe given in this notice, a hold may be placed on utilities. This applies to any single-family residence or any unit of a multi-family structure affected by the identified violation(s).

If the violations are not corrected, any existing Certificate of Occupancy may be suspended or revoked. If the Certificate of Occupancy is suspended or revoked, the utility service to this property may be disconnected.

**THE CITY MAY ENFORCE ANY CIVIL PENALTY IN ACCORDANCE WITH STATE LAW.
STATE LAW ALLOWS PENALTIES OF UP TO \$1000 PER DAY, PER VIOLATION.**

If you have any questions, you may contact me by telephone at (512) 974-2356 and by digital pager at (512) 802-3613 between 7:00 AM and 3:30 PM, Monday through Friday. You may also leave a voice mail message for me at any time.

Si tiene preguntas o requiera mas informacion, llamar por telefono a (512) 499-2875 por favor.

Sincerely,



Chris Maldonado, Inspector
Code Compliance
Neighborhood Planning and Zoning Department

XC: Lee Coleman
2101 E. 8th Street (rear)
Austin, Tx 78702
Certified: 7099 3400 0016 8555 5700

- NOTICE OF VIOLATION of the 1994
UNIFORM HOUSING CODE

RE: 2101 E. 8th Street, Building Rear, Austin, Texas

AFFIDAVIT INFORMATION

According to the real property records of Travis County, you own the real property described in this notice. If you no longer own the property, you must execute a notarized affidavit stating that you no longer own the property as well as the name and last known address of the person who acquired the property from you.

The affidavit must be delivered in person or by certified mail, return receipt requested, to Code Enforcement at:

**Neighborhood Planning and
Zoning Department
One Texas Center
505 Barton Springs Road
P.O. Box 1088
Austin, Texas 78767**

Your affidavit must be delivered no later than the 20th day after the date of receipt of this notice. If you do not send an affidavit, it will be presumed that you own this property, even if you do not. To receive more information or to acquire an affidavit form, call (512) 499-2875.

Inspection Report

THE SUBSTANDARD CONDITIONS LISTED BELOW ARE IN VIOLATION OF THE TERMS OF THE 1994 UNIFORM HOUSING CODE:

Item Inspected: **Residential Building**

Code Category: **Structural Requirements**

Violations:	<u>Date Cited</u>	<u>Code Reference</u>	<u>Description of Violation</u>	<u>Date Cleared</u>
	12/03/2001	1001.3	Roof decking deteriorated at front porch.	Not Cleared

Code Category: **Faulty Weather Protection**

Violations:	<u>Date Cited</u>	<u>Code Reference</u>	<u>Description of Violation</u>	<u>Date Cleared</u>
	12/03/2001	1001.8	Window sill deteriorated at front window.	Not Cleared

Code Category: **Electrical Requirements**

Violations:	<u>Date Cited</u>	<u>Code Reference</u>	<u>Description of Violation</u>	<u>Date Cleared</u>
	12/03/2001	1001.5	TENANT CITATION - wiring not fastened to code at bedroom.	Not Cleared
	12/03/2001	1001.5	TENANT CITATION - unsafe to use extension cords for primary source.	Not Cleared

Code Category: **Plumbing**

Violations:	<u>Date Cited</u>	<u>Code Reference</u>	<u>Description of Violation</u>	<u>Date Cleared</u>
	12/03/2001	1001.6	S-trap not allowed at bathroom vanity.	Not Cleared
	12/03/2001	1001.6	Water lines contain cross connection at bath tub - lack freeze protection.	Not Cleared

Code Category: **Faulty Materials of Construction**

Violations:	<u>Date Cited</u>	<u>Code Reference</u>	<u>Description of Violation</u>	<u>Date Cleared</u>
	12/03/2001	1001.10	Door jam inadequate repair.	Not Cleared

Code Category: **Nuisance**

Violations:	<u>Date Cited</u>	<u>Code Reference</u>	<u>Description of Violation</u>	<u>Date Cleared</u>
	12/03/2001	1001.4	Holes in floors at kitchen and bathroom.	Not Cleared

Code Category: **Infestation**

Violations:	<u>Date Cited</u>	<u>Code Reference</u>	<u>Description of Violation</u>	<u>Date Cleared</u>
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RE: 2101 E. 8th Street, Building Rear, Austin, Texas

12/03/2001

506

*TENANT CITATION - droppings located inside stove - Not Cleared
unsanitary, attracting rodents, trap bait set on kitchen
floor.*

Beaudet, Annick

From: JIbutler6@aol.com
Sent: Tuesday, December 23, 2003 4:53 PM
To: annick.beaudet@ci.austin.tx.us
Subject: Concerning Proposed Zoning Change - File C14-03-0096

I am writing to express my opposition to the proposed zoning change for 2017 - 2101 E. 8th Street. I am a resident who stay within 200 feet of the property proposed for zoning change and I do not agreed with the changes for the following reasons; 1. The neighborhood association of which I am vice-president worked so hard to get and was approved for single family zoning, 2. The property owner wants to build apartments on the property with parking under the building structure; the building would obstruct and change the view now enjoyed by the residents in this area, 3. The apartments would congest the intersection of Mill Street and E. 8th Street so that it would be unsafe for the neighborhood children and residents who regularly walk to and from school, neighborhood stores and other businesses along the 7th street business area. The traffic increase would be overwhelming for this already congested area.

I am asking that the planning commission do not pprove the Zoning Change requested by the property owner and agent. We ask that you please consider the wishes of the Neighborhood Association and it's membership in maintaining Single Family Zoning in the Blackshear/Prospect Hill Neighborhood of which has already been approved.

Thank you,
Jimmy L. Butler,
Vice-President of Blackshear/Prospect Hill Neighborhood Assn.
and resident residing at 2102 E. 8th Street.

P. S.

I am unable to be present on tonight due to recent major surgery.

12/23/2003