

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-8
AGENDA DATE: Thu 01/29/2004
PAGE: 1 of 1**

SUBJECT: C14-03-0144 - 37th Street Houses - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 609 West 37th Street (Waller Creek Watershed) from limited office (LO) district zoning to single family residence small lot (SF-4A) district zoning. Planning Commission Recommendation: To grant single family residence small lot (SF-4A) district zoning. Applicant: Lee Properties (Robert Lee). Agent: Lopez-Phelps and Associates (Amelia Lopez-Phelps). City Staff: Glenn Rhoades, 974-2775.

REQUESTING	Neighborhood Planning	DIRECTOR'S
DEPARTMENT:	and Zoning	AUTHORIZATION: <u>Greg Guernsey</u>

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0144

P.C. DATE: November 11, 2003

December 9, 2003

C.C. DATE: January 29, 2004

ADDRESS: 609 West 37th Street

OWNER/APPLICANT: Lee Properties

AGENT: Amelia Lopez-Phelps

ZONING FROM: LO

TO: SF-4A

AREA: .17 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends the proposed change to SF-4A, Single Family Small Lot district zoning.

PLANNING COMMISSION RECOMMENDATION:

November 11, 2003 – Postponed at the request of the applicant to 12/9/03 (Vote: 5-0, M. Armstrong, M. Casias and N. Spelman - absent).

December 9, 2003 – Approved staff recommendation (Vote: 7-0, L. Ortiz – on leave).

ISSUES:

According to the applicants representative the owner intends to build to two small lot single-family homes. The proposed development will require a subdivision application.

The Heritage Neighborhood Association, the North University Neighborhood Association and the University Area Partners have submitted letters in support of the proposed change (see attached).

DEPARTMENT COMMENTS:

The subject tract is a part of the proposed Central Austin Combined Planning Area (CACPA), which encompasses the West University, North University and Hancock neighborhoods. At this time the CACPA is still in the planning stages and City staff is still collecting data and having meetings with both internal and external stakeholders. Staff does not have a final Future Land Use Map created and recommendations for the subject tract are not yet incorporated into the plan. Therefore, staff is processing this rezoning application like any other zoning case. However, at this time a draft land use map has been created and the proposed change to SF-4A does conform to the neighborhood planning teams vision for this area. The reason for this case being presented before this Commission is due to Council resolution 020411-55, which initiated plans for the CACPA. The resolution became effective on September 1, 2002 and all zoning cases within the CACPA boundaries are required to be heard by this Commission.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO	Undeveloped
<i>North</i>	LO	Restaurant
<i>South</i>	SF-3 CS	Single-Family Food Sales
<i>East</i>	SF-3 MF-3	Single-Family Apartments
<i>West</i>	CS-1 CS	Lounge Auto Repair

AREA STUDY: Central Austin Combined Neighborhood Plan**TIA:** N/A**WATERSHED:** Waller Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

#033 – Heritage Neighborhood Association
 #048 – North University Neighborhood Association
 #511 – Austin Neighborhoods Council
 #603 – Mueller Neighborhoods Coalition
 #937 – Taking Action Inc.

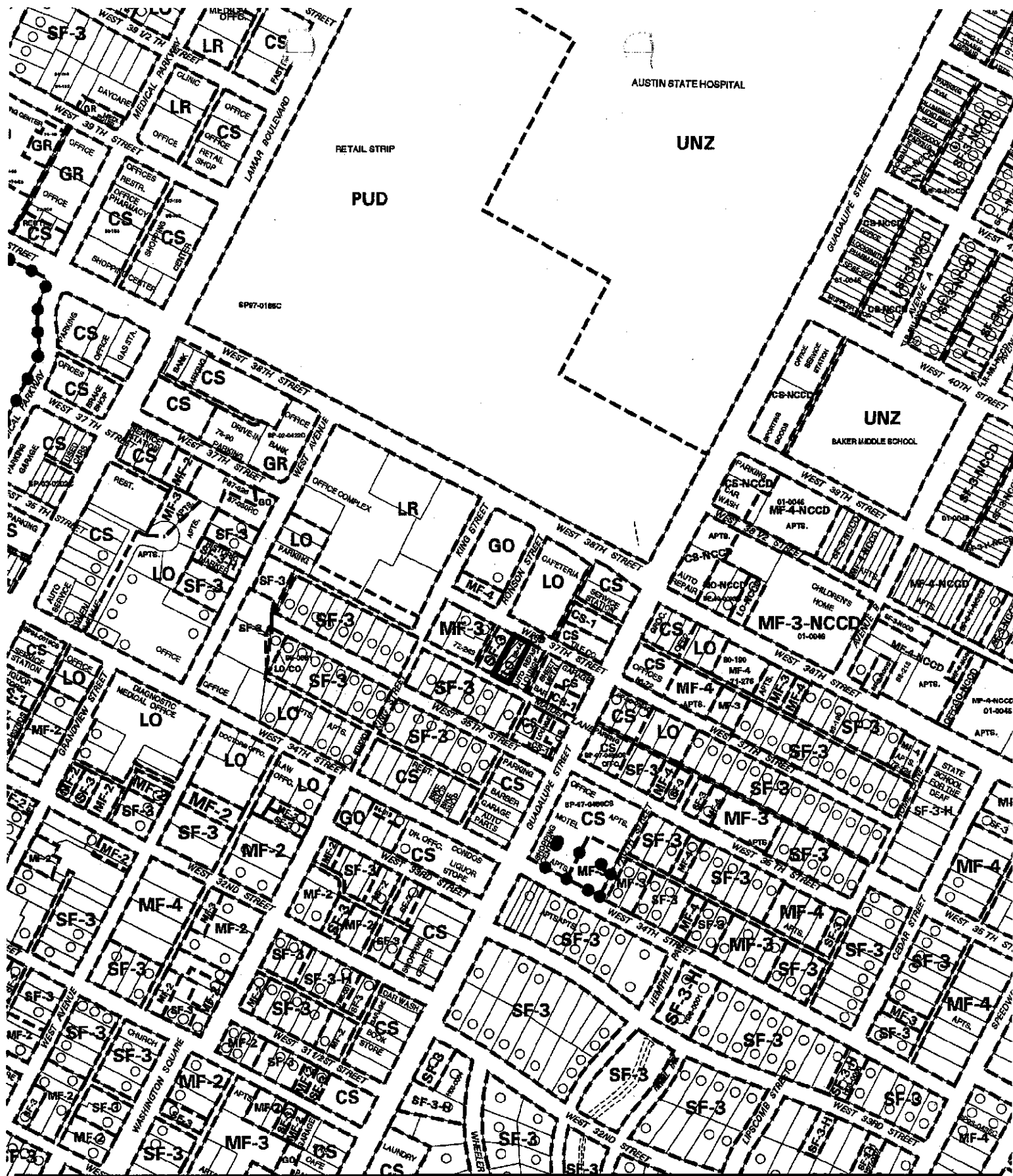
CASE HISTORIES:


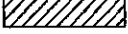


NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-01-0046	Hyde Park NCCD	Approved Hyde Park NCCD (Vote: 8-0). 5/22/01	Approved PC recommendation (Vote: 6-1). 1/31/02

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
37 th Street	50'	Varies	Local	N/A
Maider	30'	Varies	Local	N/A

CITY COUNCIL DATE: January 29, 2004**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Glenn Rhoades**PHONE:** 974-2775**E-MAIL:** glenn.rhoades@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT		CASE #: C14-03-0144 ADDRESS: 609 W 37TH ST SUBJECT AREA (acres): 0.170	DATE: 03-09 INTLS: SM	CITY GRID REFERENCE NUMBER J25
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: G. RHOADES				



STAFF RECOMMENDATION

Staff recommends the proposed change to SF-4A, Single Family Small Lot district zoning.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

SF-4A, Single Family Small Lot district zoning is intended as an area predominantly for medium density single-family residential use, with a minimum lot size of 3,600 square feet. In appropriate locations, small lot single-family use is permitted under standards, which maintain single-family neighborhood characteristics.

2. *The proposed zoning should promote consistency, and orderly planning.*

The surrounding area is mixed in character. There are apartments to the west, a cafeteria to the north, a bar and auto repair business to the east and single-family to the south. Since the property to the west and south is mostly residential, the proposed SF-4A zoning would be compatible with the area.

3. *The proposed zoning should allow for a reasonable use of the property.*

The proposed change is a fair and reasonable use of the site. Although the area is mixed, there is enough residential surrounding the subject tract to recommend the proposed SF-4A zoning.

EXISTING CONDITIONS

Site Characteristics

The property is currently undeveloped.

Transportation

Additional right-of-way may be acquired with the subdivision.

The trip generation under the requested zoning is estimated to be 18 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).

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]

Capital Metro bus service is available along Guadalupe (Route #1)

Impervious Cover

The maximum impervious cover allowed under SF-4A is 65%.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller 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. Impervious cover is not limited in this watershed class. 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 rimrock, 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 which would preempt current water quality or Code requirements.

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The site is served with City water and wastewater utilities. If water or wastewater utility improvements, or system upgrades, or offsite main extension, or utility adjustment, or relocation are required, landowner will be responsible for all costs and providing. Also, the utility plan must be in accordance with the City's utility design criteria. The utility plan must be reviewed and approved by the City of Austin Water and Wastewater Utility.

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

The applicant is requesting single-family zoning. Compatibility regulations are not applicable.

November 11, 2003

Planning Commission
c/o Glenn Rhoades
Watershed Protection & Development Review Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

Re: Case Number: C14-03-0144
Proposed Zoning Change at 609 West 37th Street



Dear Planning Commission Members:

The Heritage Neighborhood Association is in support of the proposed zoning change at 609 West 37th Street. The proposed change is from I.O, Limited Office to SF-4A, Single Family Small Lot district zoning. We support the zoning change because it will create more residential fabric in the neighborhood. The proposed zoning change will also stabilize the existing, adjacent residential properties. It will do this in an area of our neighborhood that is transitional, with both residential and commercial fabric.

We are in the process of completing our Neighborhood Plan, which will come before you in the next few months. In transitional areas, such as the one surrounding 609 West 37th Street, we are calling for the use of the Neighborhood Mixed Use Building infill tool predominantly and are also considering small areas of Mixed Use Combining District. The proposed zoning change is consistent with the neighborhood planning goals for this area.

We appreciate the property owner's offer to share the preliminary plans for the new houses proposed for this site with the Neighborhood Association. We have briefly reviewed the plans and have suggested adjustments to the front elevation – to make the front porch more visually prominent by pulling it forward of the garage wall and to make the garage doors less visually prominent by painting them the color of the stone wall surface – to make them more compatible with the existing architectural character of the neighborhood. The owner has agreed to make these adjustments, which we also appreciate.

Please note, though, that while we support the zoning change at this site, we do not feel that the SF-4A zoning classification is appropriate throughout our neighborhood. There are only a handful of small lots existing in the neighborhood and the proposed scale of this project is inconsistent with much of the scale and character of the neighborhood. The Heritage Neighborhood is located between 29th and 38th Streets, and between Lamar and Guadalupe Streets. We have mixed uses and occupancies in the neighborhood, and work hard to maintain the neighborhood context. For us, the Heritage Neighborhood is a vibrant, lively and enjoyable place to live. We have seen significant increases in our appraised property values in recent years and many properties in the neighborhood are owner occupied and have been rehabilitated and improved.

We feel that the proposed zoning change will enhance the viability of our inner city neighborhood, by nurturing residential uses in our neighborhood. Please support our efforts to enhance our neighborhood, and vote YES on these requested zoning change. Thank you.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Mikal Grimes", is written over a horizontal line.

Mikal Grimes
President
Heritage Neighborhood Association

Nov. 11, 2003

Dear Mrs. Phelps,

The North University N. A. supports the rezoning of 609 W. 37th from L.O. to single family. Good Luck with your project.

Sincerely,

Rick Iverson, Co-Pres. N.U.N.A.

January 14, 2004

Austin City Council
C/o Glenn Rhoades
Neighborhood Planning and Zoning Department
City of Austin
P.O. Box 1088
Austin, Texas 78767
Also by email: glenn.rhoades@ci.austin.tx.us

Re: Zoning Case # C14-03-0144, situated at 609 West 37th Street, Austin, Texas

Dear Mr. Rhoades,

The University Area Partners has authorized me to write this letter in support for the above referenced zoning case at 609 West 37th Street.

After discussions with the agent for the applicant and at the request of Heritage Neighborhood Association, the UAP Board of Directors at its January 13, 2004 meeting voted unanimously to support this zoning request from LO (Limited Office) to SF-4A.

As you are aware there is an ongoing City of Austin planning effort involving the City of Austin staff, Hancock Neighborhood Association, Eastwoods Association, North University Neighborhood Association, Heritage Neighborhood Association, Shoalcrest Neighborhood Association, University Area Partners, West University Neighborhood Association, and large stakeholders including the University of Texas. Unless and until this CACNPA planning process is successfully adopted, efforts such as this re-zoning are reasonable, necessary, vital, and essential to protect and stabilize our central city neighborhoods.

University Area Partners urges the unanimous approval by the City Council of this worthy and thoughtful zoning request.

Sincerely,

Cathy Norman, President UAP
2026 Guadalupe
Austin, Texas 78705

Cc: Amelia Lopez-Phelps
703 West 7th Street
Austin, Texas 78701
By Fax: (512) 236-8722

Cc: Heritage Neighborhood Association
C/o Mikal Grimes, President
By email: mikalgrimes@yahoo.com

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0144-GR

Planning Commission Hearing Date: November 11, 2003

Name (please print) Tom H. GLIMP


Address 623 W. 38TH

- ☐ I am in favor
(Estoy de acuerdo)
☒ I object
(No estoy de acuerdo)


Commissioner Armstrong asked why CS is requested instead of keeping the GO zoning district. Mr. Rhoades said the CS would permit more retail uses. Mr. Holland said that the CS permits the retail uses. Commissioner Armstrong said it seems GR would work, instead of the more intense GR zoning.

Commissioner Sullivan said that there is CS and MF-4 along the corridor. Commissioner Armstrong said that CS is not supposed to be compatible with residential, so the request is weird.

Mr. Malik added that the existing zoning is a mixed-use zoning. The property is already being used as multi-family and commercial.



6. Zoning:	C14-03-0144 - 37th Street Houses
Location:	609 West 37th Street, Waller Creek Watershed, Central Austin NPA
Owner/Applicant:	Lee Properties (Robert Lee)
Agent:	Lopez-Phelps and Associates (Amelia Phelps)
Request:	LO to SF-4A
Staff Rec.:	Recommended
Staff:	Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us Neighborhood Planning and Zoning Department



Glenn Rhoades presented the staff recommendation.

PUBLIC HEARING

Amelia Lopez-Phelps, agent representing Robert Lee, said the property owner was aware of the LO zoning, and proceeded to close on the property after Ms. Phelps contacted the neighborhood to know if the neighborhood would support the rezoning to SF-4A. The neighborhood was supportive, however at the first scheduled public hearing, the applicant requested a postponement because a neighbor objected to the rezoning. She and the applicant met with the neighbor and agreed to some conditions, such as no windows except for bathrooms, facing her house.

Commissioner Spelman asked if it is common in the neighborhood to have the garage in the front. Ms. Phelps explained that there is a combination of duplexes, single-family uses on larger lots that do have garages in the back. Commissioner Spelman said that the proposed house is very suburban. Commissioner Medlin asked about the square footage of the houses. Ms. Phelps responded that the total is about 2600sf, including garage.

Laurie Limbacher responded to the comment about the garage facing the street at the front of the house. Ms. Limbacher said that they raised the concern too, and they suggested that the front porch be pulled forward ahead of the garage and to have the garage painted a color similar to the stone.

AGAINST

Ron Thrower, representing the owner of the MF-3 property to the west, said the client is opposed to the proposed rezoning. Mr. Thrower said that SF-4A is not appropriate across the street from LO and GO.

Commissioner Spelman asked what is between the MF-3 property and the subject property, and Mr. Thrower responded that the property has a single-family house.


MOTION: Close the public hearing.

VOTE: 7-0 (NS-1st, DS-2nd; LO- on leave)

MOTION: Approve staff recommendation.

VOTE: 7-0 (DS-1st, NS-2nd; LO- on leave)

Commissioner Sullivan said SF-4A provides affordable housing on a smaller lot.

Commissioner Spelman said that the zoning is appropriate for the area. 

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7. **Zoning:** **C14H-03-0021- Eckhardt-Potts House**
Location: 209 East 34th Street, Waller Creek Watershed, Central Austin NPA
Owner/Applicant: David C. and Heidi M. Cook
Request: SF-3 to SF-3-H
Staff Rec.: **Recommended**
Staff: Steve Sadowsky, 974-6454, steve.sadowsky@ci.austin.tx.us
Transportation, Planning & Sustainability Department

MOTION: APPROVE BY CONSENT

VOTE: 7-0 (DS-1ST, NS-2ND; LO-ON LEAVE)

8. **Plan Amendment:** **Brackenridge Urban Renewal Plan Amendment**
Owner/Applicant: Urban Renewal Agency of the City of Austin
Agent: 505 Barton Springs Rd #600, Austin, Tx 78704
Request: Consider and make a recommendation to Council on an amendment to the Brackenridge Urban Renewal Plan.
Staff: Sandra Harkins, 974-3128, sandra.harkins@ci.austin.tx.us
Neighborhood Housing and Community Development

Commissioner Casias recused himself from items 8, 11 and 12.

Commissioner Riley asked why this case was going to the Planning Commission instead of the Zoning and Platting Commission. Greg Smith, with NHCD, said that the plan amendment is going to the Planning Commission per state law.

Commissioner Riley said he noted for the record that the change is from B-1 to P-2. This is a state project that is generally not subject to local ordinances. Greg Smith responded that state projects are required to follow the urban renewal plan. Commissioner Riley said that the request is to change the land use to allow for another ground-level parking garage. The northeast quadrant of downtown has been decimated because of the numerous ground-level parking garages.

MOTION: Approve staff recommendation.

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 609 WEST 37TH STREET FROM LIMITED OFFICE (LO) DISTRICT TO SINGLE FAMILY RESIDENCE SMALL LOT (SF-4A) DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from limited office (LO) district to single family residence small lot (SF-4A) district on the property described in Zoning Case No.C14-03-0144, on file at the Neighborhood Planning and Zoning Department, as follows:

The east 50 feet of Lot 2, Block 2, Outlot 76, Division D, Buddington Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 1, Page 55, of the Plat/Records of Travis County, Texas,

locally known as 609 West 37th Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

_____, 2004

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§
§

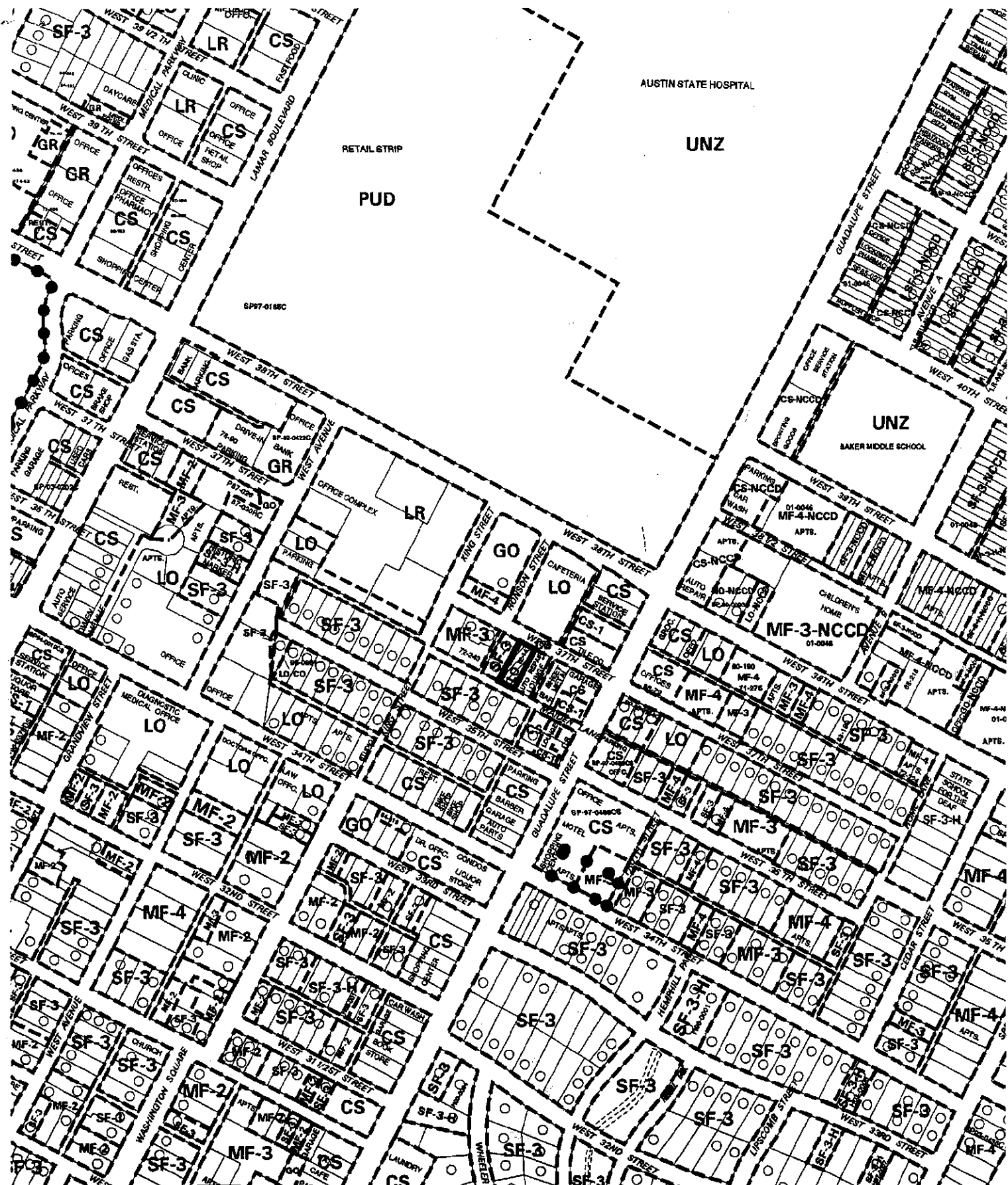
Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk



SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: G. RHOADES



CASE #: C14-03-0144
ADDRESS: 609 W 37TH ST
SUBJECT AREA (acres): 0.170

ZONING EXHIBIT A

DATE: 03-09

INTLS: SM

CITY GRID
REFERENCE
NUMBER
J25