

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



**AGENDA ITEM NO.: Z-7  
AGENDA DATE: Thu 01/29/2004  
PAGE: 1 of 1**

**SUBJECT:** C14-03-0175 - Central East Austin Neighborhood Plan Area Sub-District Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Central East Austin Neighborhood Plan Area, bounded by East Martin Luther King Jr. Boulevard on the north, Chicon Street and Northwestern Avenue on the east, East 7<sup>th</sup> Street on the south, and IH-35 on the west (Town Lake Watershed). The proposed zoning change will create a subdistrict in the Plan Area in which certain special uses are permitted. Planning Commission Recommendation: To forward the request without a recommendation. Applicant: Organization of Central East Austin Neighborhoods (OCEAN). Agent: Neighborhood Planning and Zoning Department. City Staff: Annick Beaudet, 974-2975.

**REQUESTING**      Neighborhood Planning  
**DEPARTMENT:**      and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## ZONING CHANGE REVIEW SHEET

**NEIGHORHOOD PLAN:** Central East Austin

**CASE#:** C14-03-0175

**PC DATE:** December 9, 2003

**ADDRESS:** Area within the boundaries of the Central East Austin Neighborhood Planning Area (Martin Luther King Jr. Blvd on the north, Chicon and Northwestern on the east, E. 7<sup>th</sup> Street on the south and IH-35 on the west).

**APPLICANT:** Organization of Central East Austin Neighborhoods (OCEAN), the neighborhood planning contact team

**OWNER:** N/A

### **TYPE OF AMENDMENT:**

#### **Change in Neighborhood Plan Text:**

- (1) To create and define one sub-districts within the boundaries of the Central East Austin Neighborhood Planning Area:

Sub-district 1: North- Martin Luther King Jr. Blvd, East- Chicon to Rosewood, E.11<sup>th</sup> Street to Comal, South- alley between E. 6<sup>th</sup> and E. 7<sup>th</sup> Street, West- IH-35.

- (2) To include a map in the Central East Austin Neighborhood Plan document illustrating the sub-district. (See Exhibit A)
- (3) Change plan text for Goal 2-“To create housing that is affordable, accessible, and attractive to a diverse range of people”, Objective 2.2, Action Item 8 & 10 – Add the phrase “in sub-district 1”. This change would permit secondary apartment and urban home infill special uses as permitted uses within sub-district one. These two infill special uses would not be permitted outside of sub-district one.

#### **Zoning Change:**

**From:** The area within the boundaries of the Central East Austin Planning Area is currently not divided into sub-districted areas which permit certain infill special uses not allowed elsewhere within the plan area.

**To:** Create a sub-district that will permit Secondary Apartment and Urban Home Infill special uses as land uses in sub-district one.

**Related NPA Case #:** NPA-03-0009.03

Note: A plan amendment and an accompanying rezoning is required to accomplish the sub-district request as the end result will be changes to the plan text as well as changes to the zoning ordinance.

### **DEPARTMENT COMMENTS/BACKGROUND INFORMATION:**

The Central East Austin Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on December 13, 2001. The boundaries of the planning area are: Martin Luther King Jr. Blvd. on the north, Chicon and Northwestern on the east, E. 7<sup>th</sup> Street on the south and IH-35 on the west. When

the Central East Austin neighborhood was going through the neighborhood planning process, creating sub-districts for the special use infill options was not allowed. One result of the Central East Austin neighborhood planning process was the request to the City to amend the Special Use Infill Option ordinance to allow for the creation of sub-districts so only certain areas could be chosen to apply the infill option to instead of being required to apply them area wide. Specifically for the Central East Austin Neighborhood Planning area, the Blackshear Prospect Hill Neighborhood was not in support of the Secondary Apartment and Urban Home option for their neighborhood. The planning team made a difficult decision to recommend the two options area wide but requested the City to revise the Infill Option ordinance to allow for the creation of sub-districts. The City has since amended the ordinance to allow for sub-districts for certain infill special use options. This amendment request to the Central East Austin Neighborhood Plan and zoning is to take advantage of that option and request the creation of one (1) sub-district.

After an application was submitted by the Organization of Central East Austin Neighborhoods (OCEAN)/neighborhood planning contact team, a neighborhood area wide meeting was held on November 4, 2003 to discuss the amendment to the Central East Austin Neighborhood Plan. The outcome of the meeting was general support for the amendment to create sub-districts.

**WATERSHED:** Town Lake

**STAFF RECOMMENDATION:**

Staff recommends the creation of new sub-districts within the boundaries of the Central East Austin Neighborhood Plan.

**BASIS FOR RECOMMENDATION**

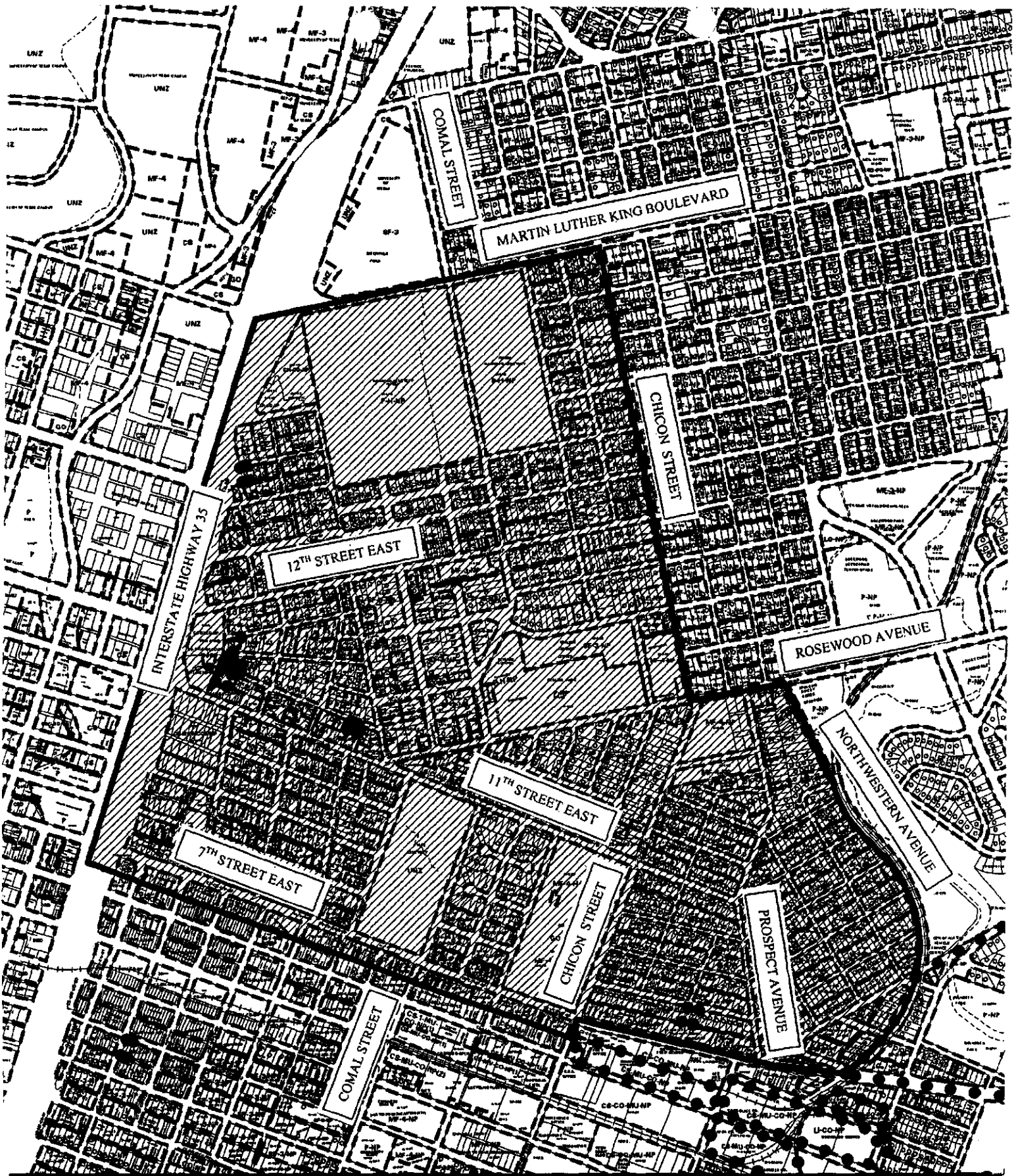
1. There has been a change in conditions. Sub-districts are now an option for the special use infill options where as the creation of sub-districts was not allowed when this neighborhood was undergoing the neighborhood planning process.
2. Rezoning and plan amendments should be consistent with an adopted neighborhood plan. The neighborhood is in support of the rezoning and plan amendment as they are consistent with text of the plan that states "However, residents and members of the Blackshear Neighborhood Association opposed allowing garage apartments in their neighborhood." And "The Neighborhood Planning Team would like the City to consider revisiting the Smart Growth Infill Ordinance to allow for applying these uses to sub-areas within a neighborhood planning area." See Exhibit B.


**PLANNING COMMISSION RECOMMENDATION:**

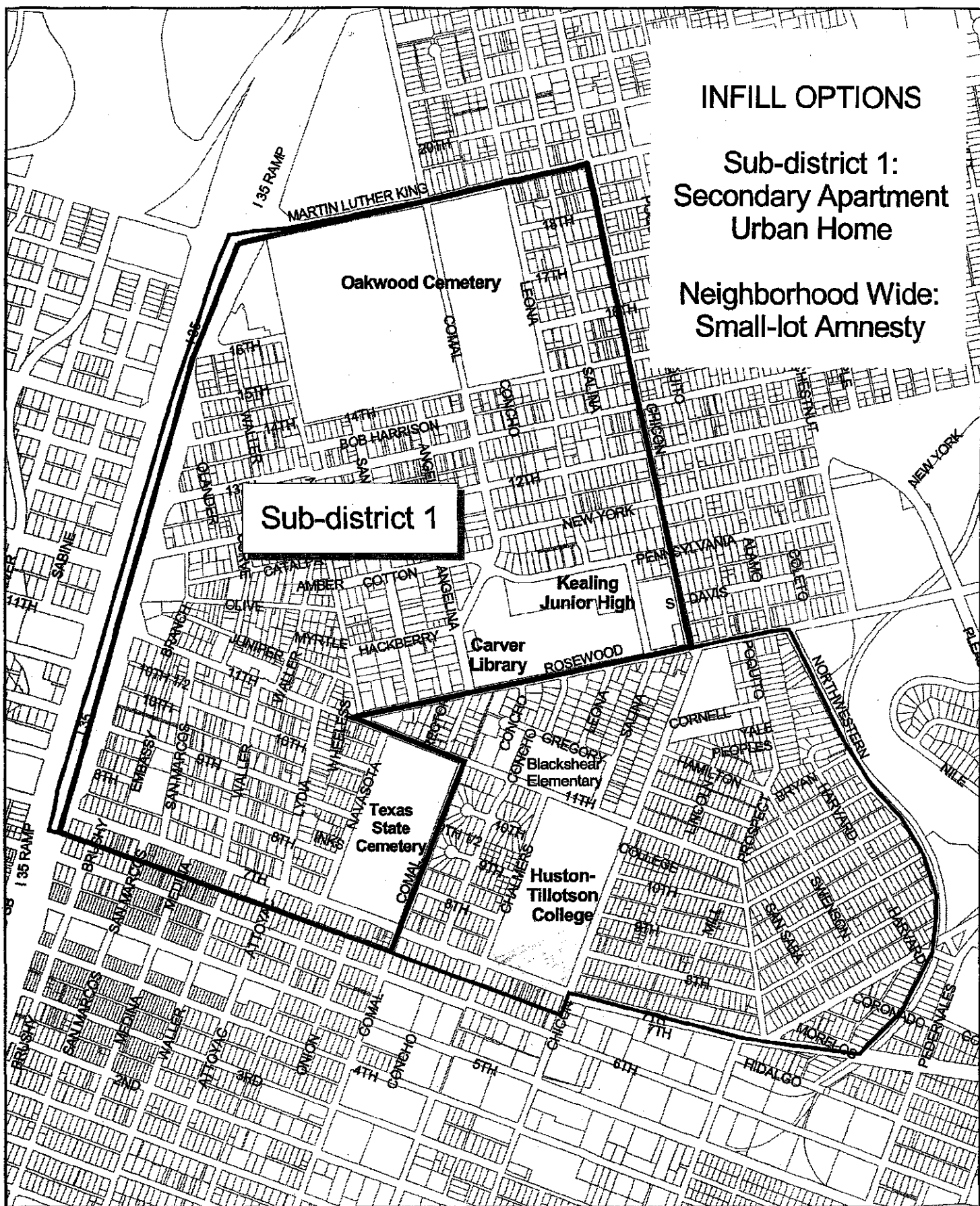
December 9, 2003 – To forward to City Council without a recommendation. Four members of the Planning Commission voted in favor of this zoning change and 2 voted against the zoning change. Under the Commission rules, however, the affirmative vote of 5 commissioners is required for the Commission to take action.

**NEIGHBORHOOD ORGANIZATIONS:**

Blackshear Residents NA  
Blackshear – Prospect Hill NA  
Robertson Hill Neighborhood Organization  
Swede Hill NA



 1" = 1000'	SUBJECT TRACT 	<b>ZONING</b> CASE #: C14-03-0175 ADDRESS: CENTRAL EAST AUSTIN NEIGHBORHOOD PLAN SUBJECT AREA (acres): N/A		CITY GRID REFERENCE NUMBER K22
	PENDING CASE 			
	ZONING BOUNDARY 	DATE: 03-11		
	CASE MGR: A. BEAUDET	INTLS: SM		



## INFILL OPTIONS

Sub-district 1:  
Secondary Apartment  
Urban Home

Neighborhood Wide:  
Small-lot Amnesty

Sub-district 1

### Central East Austin Neighborhood Plan DRAFT - Requested Sub-districts

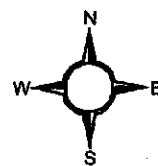


City of Austin  
NPZD  
1/7/2003

Case: NPA-03-0009.03,  
accompanying zoning case C14-03-0175

A comprehensive plan shall not  
constitute zoning regulations or  
establish zoning districts.

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City of Austin.





**BLACKSHEAR/PROSPECT HILL NEIGHBORHOOD ASSOCIATION  
2102 E. 8<sup>TH</sup> STREET  
AUSTIN, TEXAS 78702**

**OCTOBER 13, 2003**

**THE OCEAN ORGANIZATION  
MIKE CLARK-MADISON, PRESIDENT  
AUSTIN, TEXAS**

**TO MR. MADISON AND THE OCEAN ORGANIZATION**

**I AM WRITING YOU ON TODAY TO RE-ITERATE THE NEIGHBORHOOD ASSOCIATIONS UNDERSTANDING OF THE ZONING INFORMATION WE HAVE HERE IN THE BLACKSHEAR/PROSPECT HILL NEIGHBORHOOD. BECAUSE THE NEIGHBORHOOD ASSOCIATION IS AGAINST GRANNY FLAT APARTMENTS (GARAGE APARTMENTS) AND MULTI-FAMILY DWELLING BEING BUILT WITHIN OUR NEIGHBORHOOD BOUNDARIES. WE WERE ASSURED AND RECEIVED SUPPORT FROM VARIOUS CITY COUNCILMEN THAT OUR DESIRE FOR US TO MAINTAIN SINGLE FAMILY DWELLINGS IN OUR NEIGHBORHOODS AND THAT ANY FUTURE BUILDING MULTI-FAMILY OR GARAGE APARTMENT WOULD NOT BE ALLOWED. I UNDERSTAND THAT SUB-DISTRICT AREAS WERE CONSIDERED BECAUSE BLACKSHEAR/PROSPECT HILL NEIGHBORHOOD ASSOCIATION DID NOT AGREE TO CERTAIN THINGS OTHER NEIGHBORHOOD ASSOCIATIONS(CHESTNUT & BLACK LAND) WANTED AND FOR THIS REASON SUB-DISTRICTING WAS PROPOSED AND CONSIDERED.**

**DUE TO RECENT BUILDING IN THE BLACKSHEAR/PROSPECT HILL NEIGHBORHOOD, STRUCTURES WE CONSIDER MULTI-FAMILY AND GARAGE APARTMENTS HAS OCCURRED. WE SEEK INFORMATION AND THE PROPER PROCESS TO ENSURE FUTURE BUILDINGS IS NOT ALLOWED AND THAT THE CITY ZONING OFFICE HAVE DIRECTIVES IN PLACE FOR ANYONE SEEKING TO BUILD SUCH DWELLINGS TO LET THEM KNOW THAT THIS IS NOT ALLOWED WITHIN THE NEIGHBORHOOD BOUNDARIES. THIS IS THE DESIRE OF THE NEIGHBORHOOD ASSOCIATION AND IT'S MEMBERSHIP. (CONTINUED)**

**OCTOBER 13, 2003  
PAGE 2.**

**WE REQUEST AN IMMEDIATE RESPONSE FROM THE PROPER CITY OFFICIALS AND DEPARTMENTS IN WRITING AS TO WHAT STEPS WE NEED TO TAKE TO ENSURE THAT MULTI-FAMILY AND GARAGE APARTMENTS BUILDING PERMITS ARE NOT ISSUED.**

**WE SEEK A REQUEST OF THE CITY ZONING OFFICE TO NOT ISSUE ANY BUILDING PERMITS FOR MULTI-FAMILY AND/OR GARAGE APARTMENTS AT THIS TIME. ANY HELP THAT THE OCEAN ORGANIZATION CAN DO TO HELP IS APPRECIATED.**

**THANK YOU,**

A handwritten signature in cursive script that reads "Jimmy L. Butler".

**JIMMY L. BUTLER,  
VICE-PRESIDENT  
BLACKSHEAR/PROSPECT HILL NEIGHBORHOOD ASSOC.**