



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-8
AGENDA DATE: Thu 01/08/2004
PAGE: 1 of 1

SUBJECT: C14-03-0141 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1505 Bouldin Avenue (West Bouldin Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning. Planning Commission Recommendation: To grant single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning. Applicant: Mayhen, L.L.C. Agent: Vincent Gerard & Associates, Inc. (Vincent Huebinger). City Staff: Annick Beaudet, 974-2975.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0141

PC DATE: October 8, 2003
November 11, 2003
November 19, 2003

ADDRESS: 1505 Bouldin Avenue

OWNER/APPLICANT: Mayhen, LLC(Mayo/Hendrix)

AGENT: Vincent Gerard & Associates, Inc. (Vincent Huebinger)

ZONING FROM: SF-3-NP

TO: SF-4A-NP

AREA: .179 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends single-family residence small lot-neighborhood plan combining district (SF-4A-NP) zoning.

PLANNING COMMISSION RECOMMENDATION:

10-8-03: Postponed to November 11, 2003. (Neighborhood request). Vote: 7-0.

11-11-03: Postponed to November 19, 2003. (Applicant's request). Vote: 5-0.

11-19-03: To grant the staff recommendation of SF-4A-NP. Vote: 7-0 (L.O.- on leave).

ISSUES:

The neighborhood representatives were not present at the November 19, 2003 Planning Commission meeting due to a misunderstanding as to what date the case had been postponed to when it was postponed at the November 11, 2003 Planning Commission meeting (they were present at the October 8, 2003, and November 11 Planning Commission hearings).

Also, it appears that two letters of correspondence were inadvertently left out of the Planning Commission back up submitted for the case. However, staff did report on the contents of that correspondence as part of the staff presentation made to the Commission and staff did hand out that correspondence to the Planning Commission at the hearing on November 19, 2003. The neighborhood is to contact staff by Monday, December 8, 2003 as to whether they intend to request that the City Council send the rezoning case back to the Planning Commission or whether to simply discuss the merits of the case with the City Council on December 11, 2003. Because the neighborhood did not attend the Planning Commission meeting, and because their correspondence could not be reviewed by commissioners before the case hearing, they feel that their view was not heard.

The neighborhood association/planning team has met with staff regarding the interpretation that SF-4A zoning does not require an amendment to the Bouldin Neighborhood Plan (they feel that if the Future Land Use Map is yellow then anything more intensive than SF-3 should require a plan amendment to "higher density single family" however that is not staff's current policy). Current staff policy is to allow the following zoning districts to locate within a designated single-family residential land use (yellow) area: RR, SF-1, SF-2, SF-3, SF-4A.

DEPARTMENT COMMENTS:

There are currently two single-family homes on the subject tract. The applicant proposes to subdivide the land so that each home occupies a single lot. The property is approximately 7,797 square feet. The minimum lot size in the SF-4A zoning district is 3,600 square feet therefore making two lots possible on this tract if that zoning is granted (if each lot equally had 3,898 square feet or a variation there of keeping with the 3,600 square foot minimum). The SF-3 zoning district minimum lot size is 5,750 square feet.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Two family residential
<i>North</i>	SF-3-NP	Two family residential
<i>South</i>	SF-3-NP	Single family homes
<i>East</i>	SF-3-NP	Single family homes
<i>West</i>	SF-3-NP	Single family homes

AREA STUDY: Bouldin Neighborhood Plan **TIA:** Not required.

WATERSHED: West Bouldin Creek **DESIRED DEVELOPMENT ZONE:** Yes.

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

NEIGHBORHOOD ORGANIZATIONS:

Bouldin Creek Neighborhood Association
 Terrell Lane Interceptor Association
 Barton Springs/Edwards Aquifer Conservation District
 South Central Coalition
 Austin Neighborhoods Council

CASE HISTORIES:

NUMBER	REQUEST	ZONING AND PLATTING COMMISSION	CITY COUNCIL
C14-00-2068	SF-3 to SF-4A	5-16-03: Approved staff recommendation of SF-4A. 9-0	6-22-00: Approved SF-4A. 7-0.
C14-02-0031	Various land use recommendations.	3-27-02: Recommend plan w/conditions.	5-23-02: Approved Plan.

RELATED CASES:

There are no subdivision or site plan cases currently under review by the City of Austin.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Bouldin Lane	60'	30'	Collector	N/A
South 3 rd Street	56'	Varies	Local	N/A

CITY COUNCIL DATE: January 8, 2003

ACTION: November 6, 2003: Postponed to 11-20-03 at staff's request (7-0)
November 20, 2004: Pulled from agenda (re-notification required)
December 11, 2003: Postponed to January 8, 2003 (neighborhood's request).
Vote: (6-0-goodman off the dais)





ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Annick Beaudet

PHONE: 974-2975



 1" = 200'	SUBJECT TRACT 	ZONING CASE #: C14-03-0141 ADDRESS: 1505 BOULDIN AVE. SUBJECT AREA (acres): 0.179		CITY GRID REFERENCE NUMBER H21
	PENDING CASE 			
	ZONING BOUNDARY 	DATE: 03-08 INTLS: TRC		
	CASE MGR: A.BEAUDET			



STAFF RECOMMENDATION

C14-03-0141

Staff recommends single-family residence small lot-neighborhood plan combining district (SF-4A-NP) zoning.

BASIS FOR RECOMMENDATION (Revised 12-3-03)

1. Zoning should be consistent with an adopted area study or neighborhood plan.

The requested zoning district complies with the adopted Bouldin Neighborhood Plan which designates the property for single family residential uses (See attached Exhibit A, Future Land Use Map). In addition, the plan speaks to maintaining "the Single Family Residential Character of the Neighborhood Interior" (Goal 1, Objective 1.1, pg. 14). The request for SF-4A zoning district designation complies with this Plan objective by allowing single family-small lot development.

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

The single-family residence small lot district is the designation for a moderate density single-family residential use on a lot that is a minimum of 3,600 square feet. An SF-4A district use is subject to development standards that maintain single-family neighborhood characteristics.

The subject tract is developed with two single family homes which, if subdivided, would meet the 3,600 square foot minimum lot size requirement of the SF-4A zoning district. The property is located in the desired development zone and close to the central business district therefore making the SF-4A, a moderate density single family district, reasonable at this location.

3. Granting of the request should result in equal treatment of similarly-situated properties.

There is small area of SF-4A district zoning to the northeast of this property.

4. The rezoning request will allow for a reasonable use of the property in that there already exists two single family dwellings on the property and the rezoning would allow each to sit on a legal lot if the land is subdivided. Also, the density for a SF-4A district is actually less than that of a SF-3 district in that in order to have two units in a SF-4A district you need 7,200 square feet of land (3,600 square feet for each unit) whereas one can develop two units by way of a duplex in an SF-3 district and only need 7,000 square feet of land.

EXISTING CONDITIONS

Site Characteristics

The site is developed with two single-family homes.

Impervious Cover

The maximum impervious cover allowed by the SF-4A zoning district would be 65%. The site is located in the West Bouldin 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, therefore the zoning district impervious cover regulation applies.

Environmental

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

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.

Transportation

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

The trip generation under the requested zoning is estimated to be 21 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]

There are existing sidewalks along Bouldin Lane

Bouldin Lane is classified in the Bicycle Plan as a Priority 1 bike route. (Route #31)

Capital Metro bus service is available along Bouldin Lane. (Route #16)

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Bouldin Lane	60'	30'	Collector	N/A
South 3 rd Street	56'	Varies	Local	N/A

Water and Wastewater

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

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 located in the Bouldin Neighborhood Plan. Please contact this reviewer for a copy of the recommended design guidelines.

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.

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

DEPARTMENT COMMENTS

There are currently two single-family homes on the subject tract. The applicant proposes to subdivide the land so that each home occupies a single lot. The property is approximately 7,797 square feet. The minimum lot size in the SF-4A zoning district is 3,600 square feet therefore making two lots possible on this tract if that zoning is granted (if each lot equally had 3,898 square feet or a variation thereof keeping with the 3,600 square foot minimum). The SF-3 zoning district minimum lot size is 5,750 square feet.

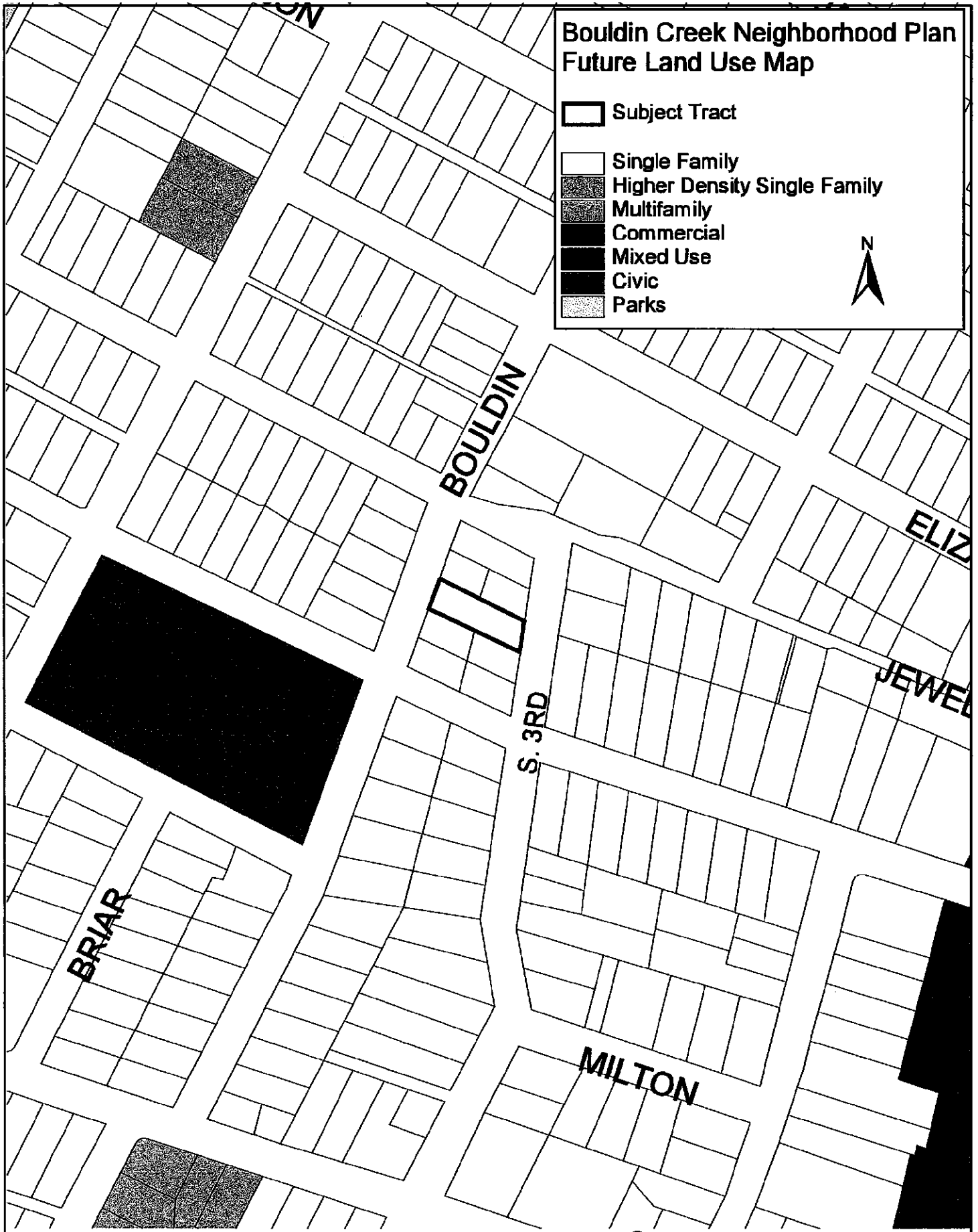


Exhibit A



Date: 7 November 2003
To: City of Austin Planning Commission
From: Bouldin Creek Neighborhood Association
Re: Case #C14-03-0141 1505 Bouldin Avenue

Commissioners:

The Bouldin Creek Neighborhood Association (BCNA) wishes to register its objection to this proposed zoning change as it runs counter to the letter and intent of the Bouldin Creek Neighborhood Plan. The Plan states as its primary goal: "Maintain established neighborhood character and assets. Objective 1.1 Maintain single family residential character of the neighborhood interior."

During the planning process a survey distributed throughout the neighborhood offered various choices for densification. One of these was choices was to decrease the minimum lot size for SF-3 lots to 3,500 square feet (the "Urban Home" densification option), in effect the same size and buildout as an SF-4A lot.

Residents resoundingly rejected this densification option. A total of 72% of those surveyed disagreed with the 3,500 square foot option, with 54% strongly disagreeing with the change. Fully 78% of residents desired no change in residential lot size. (See attached survey results) There were several reasons for this response.

One was the fear that anyone with a lot 7,000 square feet in size or greater would be able to subdivide the lot, doubling the attendant noise, traffic pressures, utility requirements, etc. This would degrade rather than maintain the established neighborhood character. Another reason was that increased density would further damage the two vital urban watersheds that run through the neighborhood- East and West Bouldin Creeks. The Plan calls for limiting future impervious cover in the neighborhood.

A third reason was the belief that splitting large lots into small lots would decrease the affordability of the overall housing stock in Bouldin. This belief has proven to be the case (See attached example).

Given the above information, BCNA wishes to state its concern regarding planning department process in arriving at its recommendation to the Commission in support of this requested change.

Since the change is incremental and remains within the single-family residential classification, staff deemed it unnecessary to consult the BCNA's Zoning Committee, a body created to serve as custodian of the Plan, and staffed by several of the Plan's architects and writers.

Staff also deemed it unnecessary to invoke the amendment process to make a change which allows a doubling of lot density. The Neighborhood association respectfully disagrees with both of these procedural judgments, and hopes to work with staff to revise these procedures.

Since an amendment process is outlined for review and change to Neighborhood Plans, the Neighborhood Association sees in this case a potential threat to the integrity of all Neighborhood Plans, and the Neighborhood Planning Department which guides their creation. If the documents, and the instruments for their amendment can be circumvented or simply disregarded on a case-by-case basis, then adopted Plans will be stripped of any relevance.

With regard to this specific case, a single family has owned the lot, with its two separate residences--each with separate street-facing address, separate city utilities, and separate certificates of occupancy for over 50 years. However, given the lot's size (over 7,000 s.f.), the two separate residences may legally exist under SF-3 zoning designation. Improvements to the residences within regular building restrictions are also allowable.

Essentially, then, the only option not permitted to the owner under the existing zoning but allowable under the requested SF-4A zoning, is the ability to sell the two residences to two separate buyers.

The Neighborhood Association does not believe this creates any undue financial hardship on the owner, given the robust market for lots in this neighborhood. Further, the association sees creation of a likely scenario in which a future property owner might dwell in one residence, while leasing the second residence, thus contributing to a neighborhood plan goal of maintaining a diversity of income level housing stock in the neighborhood.

In conclusion, we believe that granting a financial convenience to this applicant in the first zoning change request against a neighborhood plan unanimously approved by the Planning Commission, and unanimously approved for adoption by City Council, exacts far too great a cost on the validity of the neighborhood planning process in general, and on the Bouldin Creek Neighborhood Plan in particular.

Sincerely,

A handwritten signature in dark ink, appearing to read "Aaric Eisenstein", followed by a small, stylized monogram or set of initials.

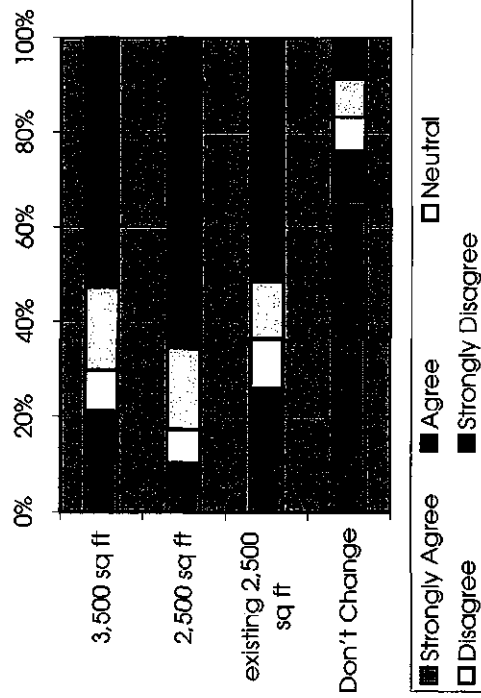
Aaric Eisenstein, President
Bouldin Creek Neighborhood Association

Question 2: Should the required lot size for new single family houses be reduced to:

Residential only

Should the required lot size for new single home family houses be reduced?				
	3,500 sq ft	2,500 sq ft	existing 2,500 sq ft	Don't Change
Strongly Agree	36	16	42	273
Agree	39	20	51	44
Neutral	30	25	37	30
Disagree	62	60	43	34
Strongly Disagree	186	230	183	36
Total	353	351	356	417

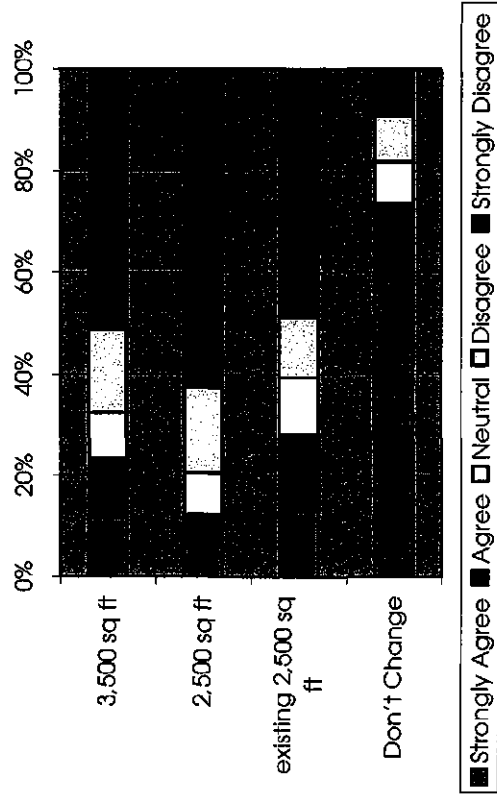
Residential Only: Reduce SF3 lot size requirements?



Combined Residential and Non-Residential

Should the required lot size for new single home family houses be reduced?				
	3,500 sq ft	2,500 sq ft	existing 2,500 sq ft	Don't Change
Strongly Agree	48	26	55	307
Agree	50	26	65	51
Neutral	38	34	48	40
Disagree	69	71	51	44
Strongly Disagree	214	262	207	44
Total	419	419	426	486

Combined res & non-res: Reduce SF3 lot size requirements?



Lot Valuation and Neighborhood Affordable Housing Stock

During the planning process a survey was distributed throughout the neighborhood offering various choices for densification, including the option to decrease SF-3 lot size to 3,500 square feet (The "Urban Home" densification option).

One reason for residents' overwhelming rejection of the option was the belief that splitting large lots into small lots would decrease the affordability of the overall housing stock in Bouldin.

A review of adjacent properties shows that this is indeed the case. (It should be noted that the Plan grandfathered existing substandard SF lots. This was called "small lot amnesty").

Immediately west of the applicant's property are two lots: each approximately 4,150 square feet--considerably smaller than their SF-3 designation's standard 5,750 s.f. A review of TCAD records indicates that each lot is appraised at \$100,000, absent improvements.

Splitting the applicant's lot, which is presently appraised at only \$120,000 would result in similar valuation to each lot of approximately 3,950 s.f., approaching \$100,000 each based on the precedent cited above.

Thus, each house would have to absorb an additional tax load of \$40,000 ($\$120,000/2 = \$60,000 + \$40,000 = \$100,000$) with the result being a decrease in the affordability of both lots.

- 3. Rezoning: C14-03-0141 - 1505 Bouldin Rezoning**
Location: 1505 Bouldin Avenue, West Bouldin Creek Watershed, not required NPA
Owner/Applicant: Mahen, LLC (Steve & Shannon Mayo, Mark Hendrix)
Agent: Vincent Gerard & Associates, Inc. (Vincent Huebinger)
Request: From SF-3-NP to SF-4A-NP
Staff Rec.: **Recommended**
Staff: Annick Beaudet, , annick.beaudet@ci.austin.tx.us
974-2975
Neighborhood Planning & Zoning Department

Annick Beaudet, NPZ staff presented the staff recommendation. The rezoning request is actually for less density. There is SF-4A zoning to the northeast of the tract.

Commissioner Medlin asked if a unit is gained with the rezoning. Ms. Beaudet explained that no residential unit would be gained.

Commissioner Casias asked about the adjacent property and whether it is split. Ms. Beaudet said that the lots to the south are substandard lots. They do not meet the current minimum size for SF-3 lots.

PUBLIC HEARING

Vincent Huebinger, representing the owners, said the owners inherited the two houses from their grandfather. The first house was built in 1940 and the second in 1949 with city permits. The bank requires that in order to improve the South 3rd house, the house must be a legal lot. The owner decided to pursue SF-4A zoning because of the setbacks and impervious cover allowed. This is not a purchase for redevelopment. The owners were confused with the neighborhood association's opposition to the project and their concern it would set a precedent. He said the Bouldin neighborhood plan states two goals. The first is to continue single-family housing in the neighborhood, and the second is to have affordable, diverse housing. This proposed project meets both those goals. In the immediate area, the lots are less than 5,000 square feet. The two houses exist and so traffic will not increase. The owners should be encouraged to make improvements to the home

Shannon Mayo, owner of the house, said their parents went to Becker, she and her brother were born in the South 3rd Street house. The houses need improvement. The houses are part of the family's past.

AGAINST

No speakers against.

MOTION: Close public hearing.

VOTE: 7-0 (NS-1st, DS-2nd)

MOTION: Approve staff recommendation.

VOTE: 7-0 (NS-1st, DS-2nd)

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 1505 BOULDIN AVENUE FROM FAMILY
3 RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO
4 SINGLE FAMILY RESIDENCE SMALL LOT-NEIGHBORHOOD PLAN (SF-4A-
5 NP) COMBINING DISTRICT.
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
8

9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from family residence-neighborhood plan (SF-3-NP) combining
11 district to single family residence small lot-neighborhood plan (SF-4A-NP) combining
12 district on the property described in Zoning Case No.C14-03-0141, on file at the
13 Neighborhood Planning and Zoning Department, as follows:
14

15 Lot 3, Block 2, Monroe Heights Subdivision, a subdivision in the City of Austin,
16 Travis County, Texas, according to the map or plat of record in Plat Book 3, Page
17 219, of the Plat Records of Travis County, Texas, (the "Property")
18

19 locally known as 1505 Bouldin Avenue, in the City of Austin, Travis County, Texas, and
20 generally identified in the map attached as Exhibit "A".
21

22 **PART 2.** The Property is subject to Ordinance No. 020523-33 that established the Bouldin
23 Creek neighborhood plan combining district.
24

25 **PART 3.** This ordinance takes effect on _____, 2003.
26

27 **PASSED AND APPROVED**

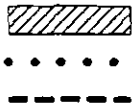
28 §
29 §
30 _____, 2003 § _____
31 Will Wynn
32 Mayor
33
34

35 **APPROVED:** _____ **ATTEST:** _____
36 David Allan Smith Shirley A. Brown
37 City Attorney City Clerk



1" = 200'

SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: A.BEAUDET



CASE #: C14-03-0141
ADDRESS: 1505 BOULDIN AVE.
SUBJECT AREA (acres): 0.179

ZONING EXHIBIT A

DATE: 03-09

INTLS: TRC

CITY GRID
REFERENCE
NUMBER
H21