

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



**AGENDA ITEM NO.: Z-11
AGENDA DATE: Thu 03/03/2005
PAGE: 1 of 1**

SUBJECT: C14-04-0149.28– Old West Austin Neighborhood Plan rezoning for 800 West Lynn Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 West Lynn Street (Town Lake Watershed) from multi-family residence moderate high density - neighborhood plan (MF-4 -NP) combining district zoning to family residence - neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence – neighborhood plan (SF-3-NP) combining district zoning. Applicant: George & Rosemary Warmingham. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0149.28

P.C. DATE: January 25, 2005

CITY COUNCIL: March 3, 2005

ADDRESS: 800 West Lynn St

OWNER/APPLICANT: George & Rosemary Warmingham **AGENT:** City of Austin, NPZD

ZONING FROM: MF-4-NP

TO: SF-3-NP

AREA: N/A

SUMMARY STAFF RECOMMENDATION: Approve the rezoning from multi-family residence district, neighborhood plan combining area (MF-4-NP) to family residence, neighborhood plan combining district (SF-3-NP)

PLANNING COMMISSION RECOMMENDATION:

TO APPROVE SF-3-NP BY CONSENT: VOTE: 8-0 (JMC-1st, CG-2nd)

DEPARTMENT COMMENTS:

The Old West Austin Neighborhood Plan approved by the City of Austin City Council on 06/29/2000 included a recommendation and action item to allow and support the down-zoning of all properties used for a single family use from Multi-family zoning districts to Single-Family district.

The adopted plan provided that the property owners should initiate these rezoning. The Old West Austin Neighborhood Association canvassed the Neighborhood Plan Area resulting in several requests by property owners to down zone their individual properties.

The Old West Austin Neighborhood Planning Area adopted in 2000 is bounded by Mopac to the west, Enfield Rd. to the north, Lamar Blvd to the east, and Town Lake to the south. The original rezoning associated with the plan was adopted under Ordinance # 020926 in September 2002.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-4-NP	Single family residence
<i>North</i>	MF-4-NP	Apartments & Single Family Residences
<i>South</i>	MF-4-NP	Condominiums
<i>East</i>	MF-4-NP	Apartments
<i>West</i>	MF-4-NP	Single family residences

PLAN AREA: Old West Austin Neighborhood Plan **TIA:** N/A

WATERSHED: Town Lake

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

018 Old West Austin Neighborhood Association

173 Old Enfield Homeowners Association

511 Austin Neighborhoods Council
998 West End Alliance

SCHOOLS:

Mathews Elementary
O'Henry Middle School
Austin High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-04-0149 – C14-04-0149.47	MF 3-NP & MF-4-NP to SF-3-NP	PENDING	PENDING

RELATED CASES: N/A

ABUTTING STREETS:

Rights-of-way on which the various properties are located are classified either as a local or collector.

CITY COUNCIL DATE: March 3, 2005

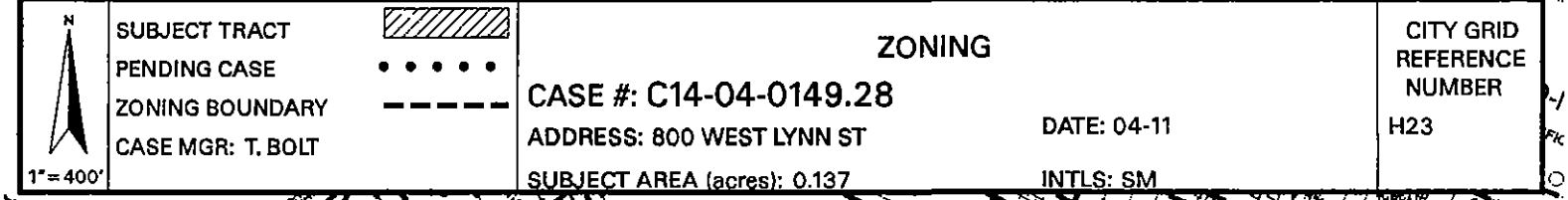
ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

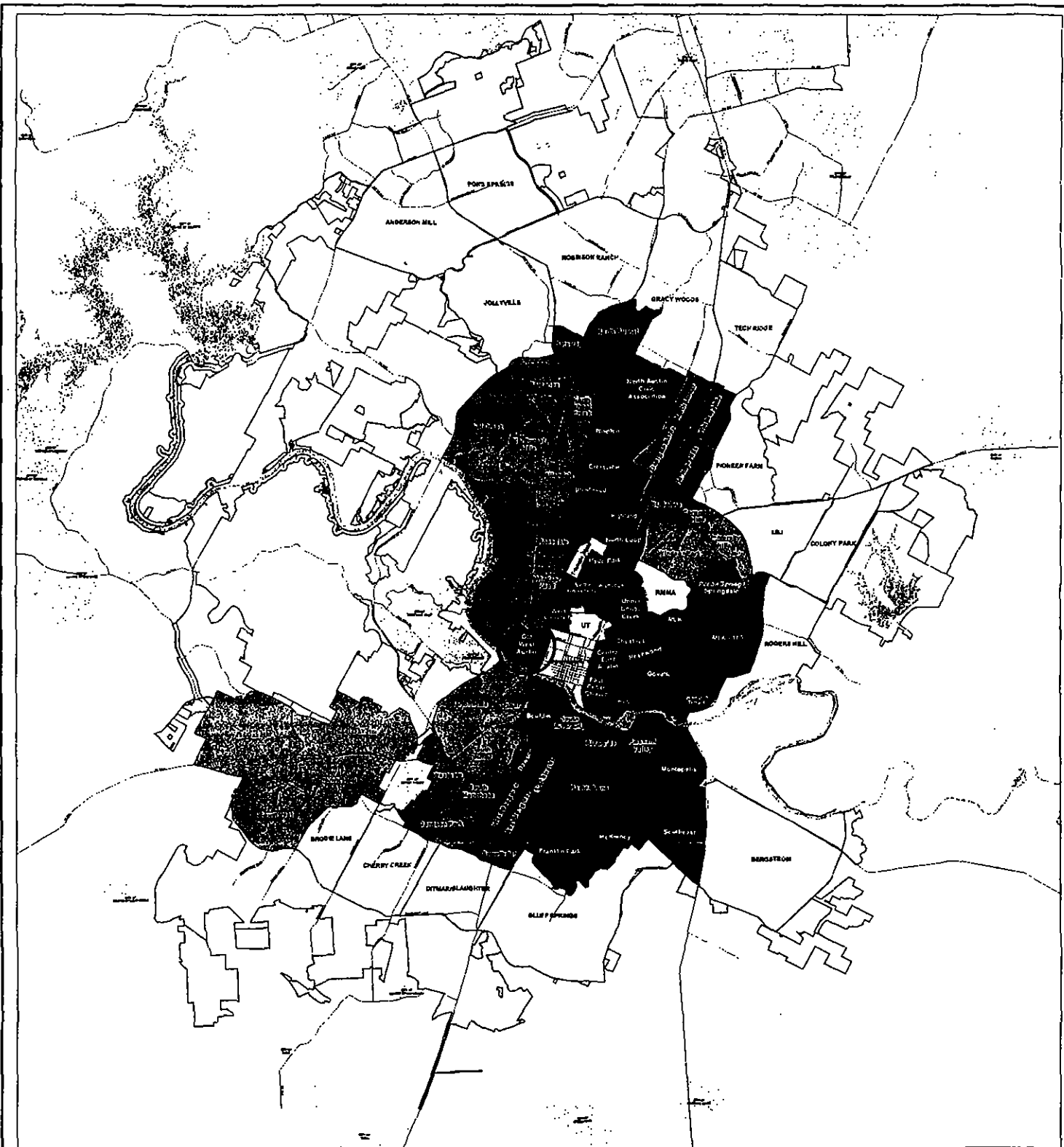
ORDINANCE NUMBER:

CASE MANAGER: Thomas Bolt
Thomas.bolt@ci.austin.tx.us

PHONE: 512-974-2755







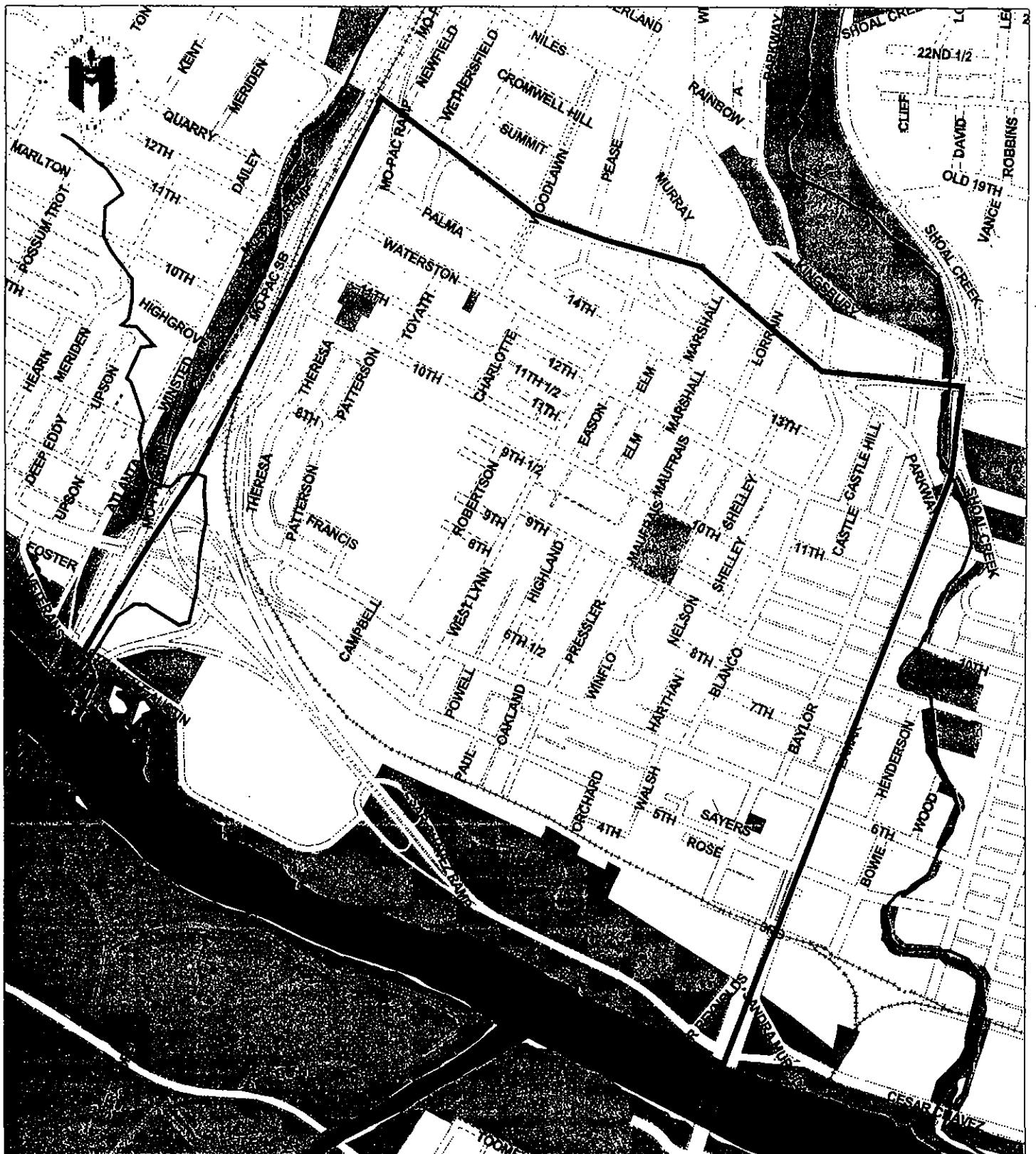
City of Austin Neighborhood Planning Areas

- APPROVED WITH ZONING
- PLAN IN PROGRESS
- 2005-2006 NEIGHBORHOOD PLANNING AREAS
- 2006-2007 NEIGHBORHOOD PLANNING AREAS
- 2007-2008 NEIGHBORHOOD PLANNING AREAS
- NOT CURRENTLY SCHEDULED
- NON-NEIGHBORHOOD PLANNING AREA
- Other Cities



Produced by City of Austin
Neighborhood Planning & Zoning Department
November 16, 2004

This map has been produced by the City of Austin for the sole purpose of aiding regional planning and is not warranted for any other use. No warranty is made regarding its accuracy or completeness.



Old West Austin Neighborhood Planning Area

 Parks



STAFF RECOMMENDATION

Approve the rezoning from multi-family residence, neighborhood plan combining area (MF-4-NP) to family residence, neighborhood plan combining district (SF-3-NP)

BACKGROUND

The Old West Austin Neighborhood Plan approved by the City of Austin City Council on included a recommendation and action item to allow and support the down-zoning of all single family use properties from Multi-family zoning districts to Single-Family district.

The plan provided that the property owners should initiate these rezoning. The Old West Austin Neighborhood Association canvassed the Neighborhood Plan Area resulting in several requests by property owners to down zone their individual properties.

The Old West Austin Neighborhood Plan states under Goal 2(Protect the character of the Neighborhood) Objective 2.2 (Protect current pattern of single-family uses in neighborhood, Action Item 6:

If requested by the property owner, allow voluntary zoning rollback on multi-family zoning (on land that currently has single-family uses), by providing a no-cost zoning rollback. The neighborhood has approximately 340 parcels in single-family use with multi-family zoning. This zoning presents a threat to continued single-family uses,

BASIS FOR RECOMMENDATION

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

This property although zoned multi-family is currently developed and uses as a single-family district use.

Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties

The Old West Austin Homeowners Association for the purpose of seeking support and involvement in the proposed down zoning canvassed the neighborhood. Many property owners within the plan area having a similar situations and are seeking the same SF-3-NP zoning district for their properties

The proposed zoning should be consistent with the goals and objectives of the City Council.

The Old West Austin Neighborhood Plan, approved in 2000 had a specific goal and action item addressing consistency with current use and zoning. This request along with many others within the planning area has similar circumstances. The proposed downzoning is consistent with the Neighborhood Plan Goal #2, Objective 2.2., Action Item 6.

The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission

The City of Austin City Council approved the Old West Austin Neighborhood Plan in which goals and action items addressed support for this request.

Zoning should be consistent with approved and existing residential densities.

The current use of this property is consistent with those permitted in the SF-3-NP district. SF-3-NP district along with the Small Lot Amnesty provision within the plan will allow for secondary units on lots having SF-3-NP zoning.

Rezoning should not contribute to the over zoning of the area.

The proposed zoning seeks to maintain the current mix of both single family, single family with secondary units, and multi-family uses within the Old West Austin Neighborhood Plan area.

Zoning changes should promote a balance of intensities and densities.

The proposed zoning request will contribute to the ability to support a mix of residential uses within the Neighborhood Plan Area.

EXISTING CONDITIONS

Site Characteristics

The site is generally flat and currently developed with a family residential district use.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0149.28

Contact: Thomas Bolt, (512) 974-2755

Public Hearing:

January 25, 2005 Planning Commission

Carolyn T. Smith

Your Name (please print)

606 W. Lynn #15

Your address(es) affected by this application

Carolyn J. Smith

Signature

Date

Comments: I am in favor of this

rezone.

☒ I am in favor
☐ I object

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Thomas Bolt

P. O. Box 1088

Austin, TX 78767-8810

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Public Hearing:

January 25, 2005 Planning Commission

PAUL & REYES

Your Name (please print)

708 HIGHLAND AVE.

Your address(es) affected by this application

Paul Reyes

Signature

1-21-05

Date

☒ I am in favor
☐ I object

Comments:

If you use this form to comment, it may be returned to:

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Public Hearing:

January 25, 2005 Planning Commission

☒ I am in favor
☐ I object

Your Name (please print)

BOB ROBERTSON ST

Your address(es) affected by this application

Signature

Date

1/18/05

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Thomas Bolt
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Thomas Bolt, (512) 974-2755

Public Hearing:

January 25, 2005 Planning Commission

KEN SHERMAN

Your Name (please print)

1610 W 5th

Your address(es) affected by this application

Ken Sherman

Signature

Date

1/18/05

Comments:

☒ I am in favor
☐ I object

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Thomas Bolt

P. O. Box 1088

Austin, TX 78767-8810

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 800 WEST LYNN STREET IN THE OLD WEST AUSTIN NEIGHBORHOOD PLAN AREA FROM MULTIFAMILY RESIDENCE MODERATE HIGH DENSITY-NEIGHBORHOOD PLAN (MF-4-NP) COMBINING DISTRICT TO FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING 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 multifamily residence moderate high density-neighborhood plan (MF-4-NP) combining district to family residence-neighborhood plan (SF-3-NP) combining district on the property described in Zoning Case No. C14-04-0149.28, on file at the Neighborhood Planning and Zoning Department, as follows:

The south 50 feet of Lots 13 and 14, Block 5, Lauve Subdivision, Original City of Austin, as more particularly described in Volume 9989, Page 533, Real Property Records of Travis County, Texas, (the "Property")

locally known as 800 West Lynn Street, in the Old West Austin neighborhood plan area, and generally identified in the map attached as Exhibit "A".

PART 2. Except as otherwise provided in this ordinance, the Property is subject to Ordinance No 020926-26 that established the Old West Austin neighborhood plan combining district.

1 **PART 3.** This ordinance takes effect on _____, 2005.

2
3
4 **PASSED AND APPROVED**

5
6
7
8 _____, 2005

§
§
§

Will Wynn
Mayor

9
0
1
2
3 **APPROVED:**

ATTEST

4 David Allan Smith
City Attorney

Shirley A. Brown
City Clerk



SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: T. BOLT



• • • • •

Author **Journal** **Volume** **Issue** **Page**

ZONING EXHIBIT A

CASE #: C14-04-0149.28

ADDRESS: 800 WEST LYNN ST

SUBJECT AREA (acres): 0.137

DATE: 04-11

INTLS: SM

CITY GRID
REFERENCE
NUMBER

H23