

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



**AGENDA ITEM NO.: Z-2  
AGENDA DATE: Thu 04/28/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-04-0149.02 – Old West Austin Neighborhood Plan rezoning at 1204 Baylor Street. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1204 Baylor Street (Shoal Creek 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: Kevin McLea. 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:** C14-04-0149.02

**P.C. DATE:** February 22, 2005

**CITY COUNCIL:** April 28, 2005

**ADDRESS:** 1204 Baylor St.

**OWNER/APPLICANT:** Kevin McAlea

**AGENT:** City of Austin, NPZD  
Thomas Bolt

**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:**

APPROVE SF-3-NP BY CONSENT: VOTE: 7-0 (JR-1<sup>st</sup>, JMC-2<sup>nd</sup>, DS, KJ- ABSENT)

**ISSUES:** N/A

**DEPARTMENT COMMENTS:**

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.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	MF-4-NP	Single family residence
<i>North</i>	MF-4-NP	Single family residence
<i>South</i>	MF-4-NP	Apartments
<i>East</i>	MF-4-NP & GO-NP	Professional Offices
<i>West</i>	MF-3-NP	Apartments

**PLAN AREA:** Old West Austin Neighborhood Plan

**TIA:** N/A

**WATERSHED:** Shoal Creek

**DESIRED DEVELOPMENT ZONE:** No

**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  
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:** April 28, 2005

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

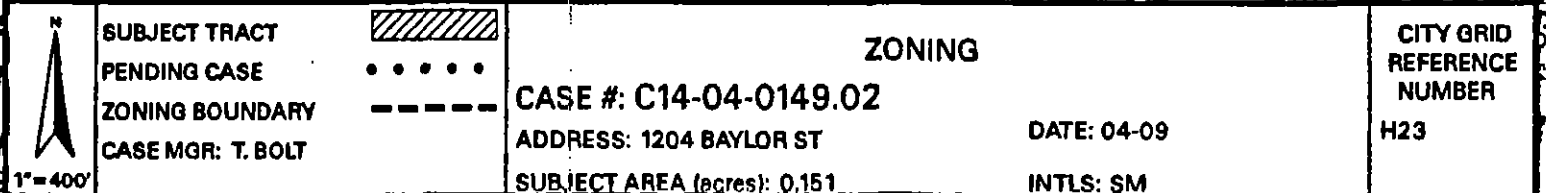
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Thomas Bolt  
[Thomas.bolt@ci.austin.tx.us](mailto:Thomas.bolt@ci.austin.tx.us)

**PHONE:** 512-974-2755



## **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.**



# Old West Austin Neighborhood Planning Area

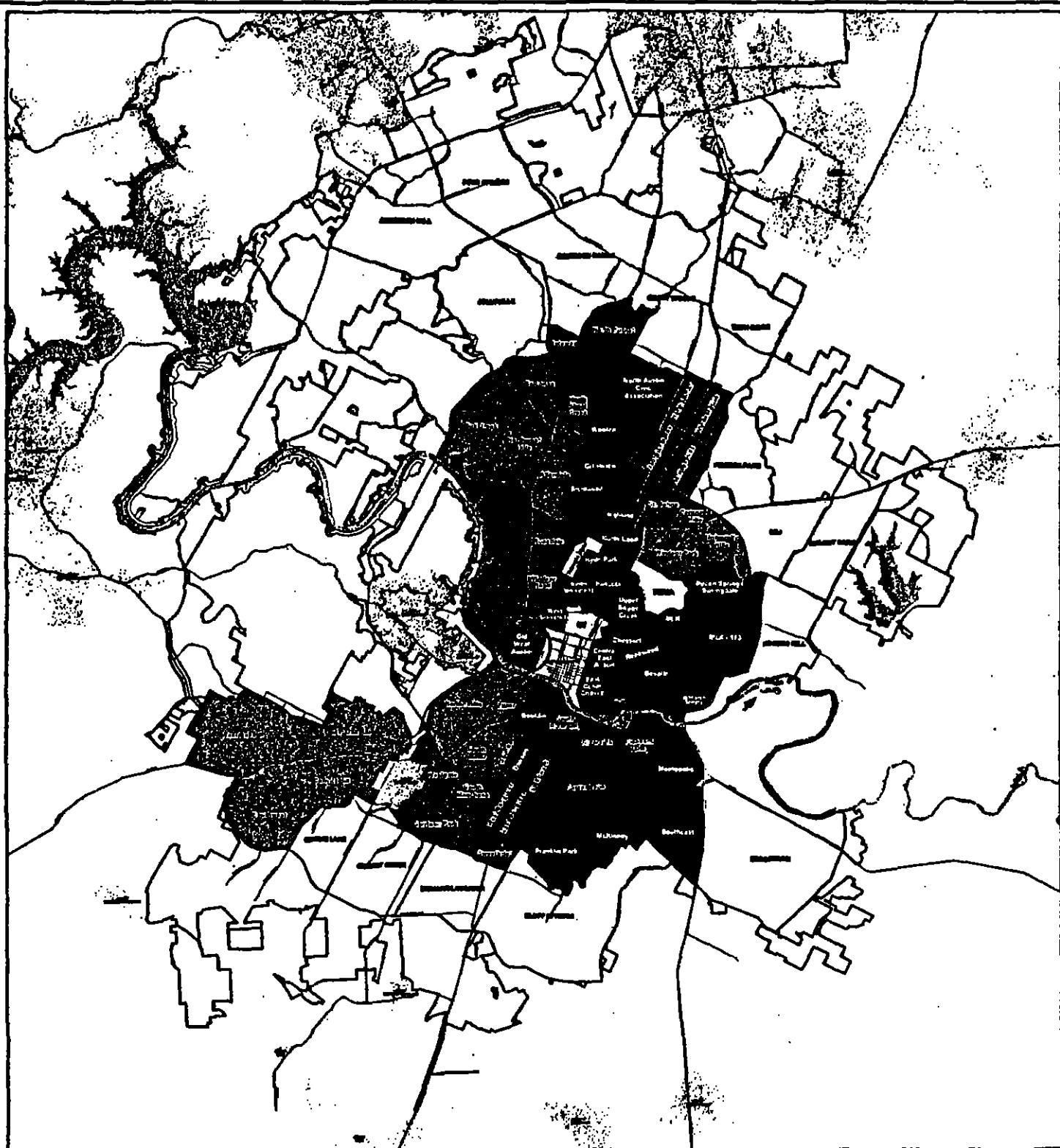
 Parks

0.5

0

0.5 Miles





# City of Austin Neighborhood Planning Areas



Prepared by City of Austin  
Department of Planning & Economic Development  
November 10, 2004

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

Other Cities

This map has been prepared by the City of Austin for the sole  
purpose of showing neighborhood planning areas and is not intended for any  
other use. No warranty is made regarding its accuracy or completeness.



## 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](http://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: C14-04-019.02

Contact: Tom Bolt, (512) 774-2755

Public Hearing:

February 22, 2005 Planning Commission

**ROBERT DANIEL**

Your Name (please print)

**1802 CASTLE HILL, AUSTIN, TX 78703**

Your address(es) affected by this application

*Robert Daniel*

Signature

**2/18/05**

Date

Daytime Telephone: **438-3621**

Comments:

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

City of Austin

Neighborhood Planning/Zoning Department

Tom Bolt

P. O. Box 1088

Austin, TX 78767-3810

**CITY PLANNING COMMISSION**

**February 22, 2005**

**CITY HALL - COUNCIL CHAMBERS**

**301 W. 2<sup>ND</sup> STREET**

**1<sup>st</sup> Floor**

**CALL TO ORDER - 6:00 P.M. COMMENCE 6:08PM; ADJOURN 10:00PM**

- 3. Rezoning: C14-04-0149 - OWAN 1206 LORRAINE**  
**Location: 1306 LORRAIN ST, SHOAL CREEK Watershed, Old West Austin NPA**  
**Owner/Applicant: Jerry Jeff & Susan Walker**  
**Agent: COA**  
**Request: Rezone from MF-3 - NP to SF-3-NP**  
**Staff Rec.: RECOMMENDED**  
**Staff: Thomas Bolt, 974-2755, Thomas.Bolt@ci.austin.tx.us**  
**Neighborhood Planning & Zoning**

**MOTION: APPROVE BY CONSENT**

**VOTE: 7-0 (JR-1<sup>st</sup>, JMC-2<sup>nd</sup>; DS, KJ- ABSENT)**

- 4. Rezoning: C14-04-0149.02 - OWAN 1204 BAYLOR**  
**Location: 1204 BAYLOR ST, SHOAL CREEK Watershed, Old West Austin NPA**  
**Owner/Applicant: Kevin McLea**  
**Agent: COA**  
**Request: Rezone from MF-4-NP to SF- 3-NP**  
**Staff Rec.: RECOMMENDED**  
**Staff: Thomas Bolt, 974-2755, Thomas.Bolt@ci.austin.tx.us**  
**Neighborhood Planning & Zoning**

**MOTION: APPROVE BY CONSENT**

**VOTE: 7-0 (JR-1<sup>st</sup>, JMC-2<sup>nd</sup>; DS, KJ- ABSENT)**

- 5. Rezoning: C14-04-0149.03 - OWAN 1204 CASTLE HILL**  
**Location: 1204 CASTLE HILL ST, SHOAL CREEK Watershed, Old West Austin NPA**  
**Owner/Applicant: Charles & Virginia Herring**  
**Agent: COA**  
**Request: Rezone from MF-3-NP to SF-3-NP**  
**Staff Rec.: RECOMMENDED**  
**Staff: Thomas Bolt, 974-2755, Thomas.Bolt@ci.austin.tx.us**  
**Neighborhood Planning & Zoning**

**MOTION: APPROVE BY CONSENT**

**VOTE: 7-0 (JR-1<sup>st</sup>, JMC-2<sup>nd</sup>; DS, KJ- ABSENT)**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1204 BAYLOR 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. C14-04-0149.02, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 3, Remington Addition, Original City of Austin, as more particularly described in a Warranty Deed of record in Volume 11242, Page 1493, Real Property Records of Travis County, Texas, (the "Property")

locally known as 1204 Baylor 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.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2005.

**PASSED AND APPROVED**

§  
§  
§

\_\_\_\_\_, 2005

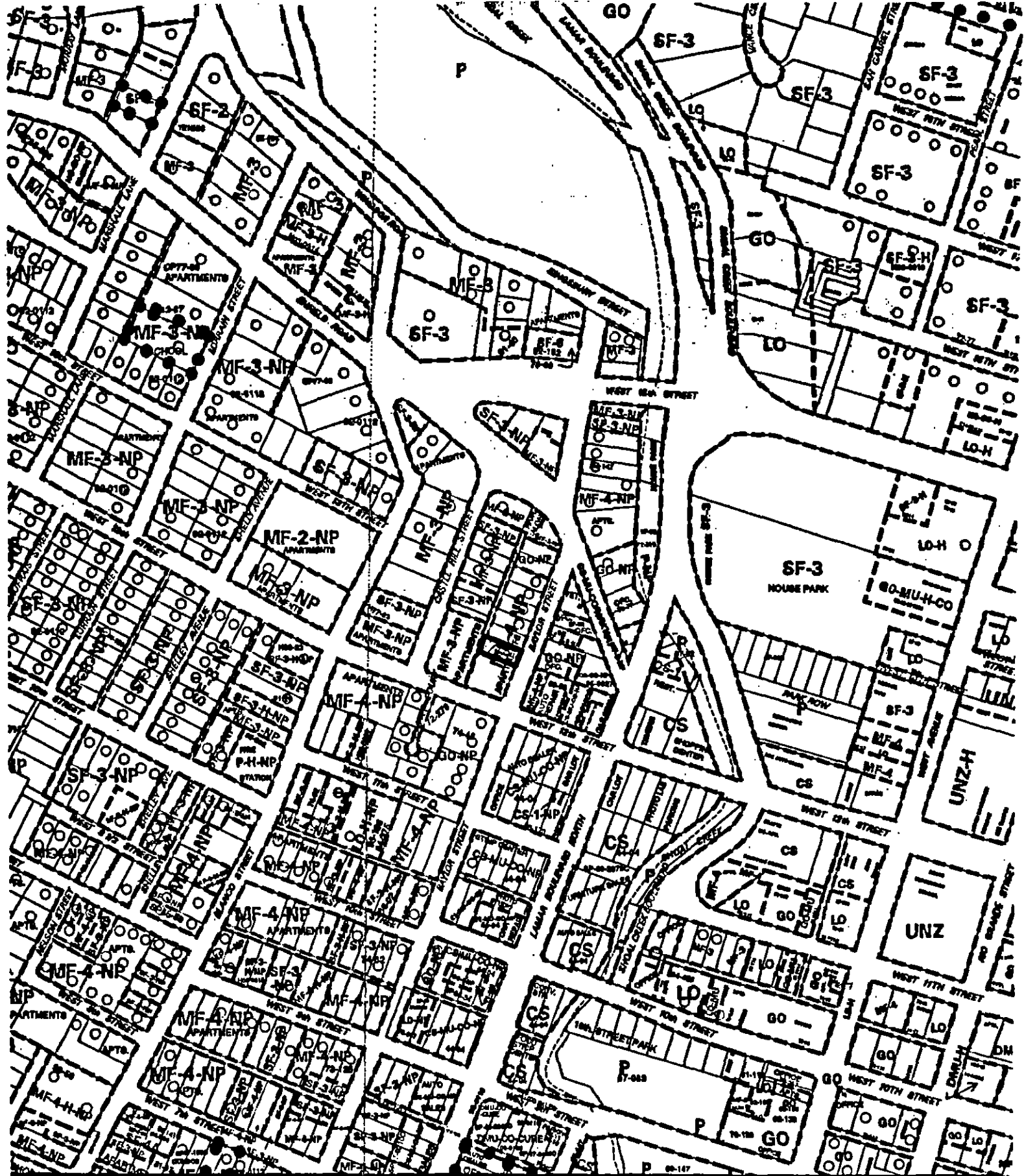
Will Wynn  
Mayor

**APPROVED:**

**ATTEST:**

David Allan Smith  
City Attorney

Shirley A. Brown  
City Clerk



400'

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: T. BOLT



CASE #: C14-04-0149.02

ADDRESS: 1204 BAYLOR ST

SUBJECT AREA (acres): 0.151

## ZONING EXHIBIT A

DATE: 04-09

INTLS: SM

CITY GRID  
REFERENCE  
NUMBER

H23