

**ZONING CHANGE REVIEW SHEET**CASE: C14-2020-0085 Lessin Lane VillasDISTRICT: 3ZONING FROM: SF-3-NPTO: SF-6-NPADDRESS: 219 Lessin LaneSITE AREA: 1.45 acresPROPERTY OWNER:

Urban ATX Development LLC (Christopher Affinito)

AGENT:

Alice Glasco Consulting (Alice Glasco)

CASE MANAGER: Kate Clark (512-974-1237, [kate.clark@austintexas.gov](mailto:kate.clark@austintexas.gov))STAFF RECOMMENDATION:

**Staff recommends townhouse and condominium residence – neighborhood plan (SF-6-NP) combining district zoning.** *For a summary of the basis of staff's recommendation, see page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:**September 22, 2020****Approved staff recommendation to rezone to SF-6-NP.****Vote: 10-0. [J. Shieh, P. Seeger – 2<sup>nd</sup>; R. Schneider was absent].**CITY COUNCIL ACTION:**October 15, 2020****Scheduled for City Council**ORDINANCE NUMBER:ISSUES

Staff has received comments both in favor of and in opposition to this rezoning case. For all written comments, please refer to *Exhibit C: Correspondence Received*.

CASE MANAGER COMMENTS:

This property is approximately 1.45 acres in size, is primarily undeveloped and has access to the following streets: Lessin Lane, Reyna Street/Krebs Lane and Fort McGruder Lane. It is currently zoned SF-3-NP and is surrounded by SF-3-NP zoning to the west, north and east. To the south across Fort McGruder Lane is a property zoned GR-CO-NP. Along the western boundary of the property is floodplain and East Bouldin Creek which separates this property from the existing single-family structures.

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

The applicant is requesting SF-6-NP district zoning to be permitted to construct a condominium development. This zoning district is intended for moderate density single family, duplex, two-family, townhouse, and condominium uses on larger lots. This lot approximately 1.45 acres with access to three streets on three sides of the property. Additionally, the SF-6 zoning district allows for more flexibility in site design which is important for sites containing environmental constraints such as large clusters of trees and floodplain areas. Rezoning to SF-6-would be consistent with the applicant's intended use of the property and purpose statement of the district.

**EXISTING ZONING AND LAND USES:**

	Zoning	Land Uses
Site	SF-3-NP	Single Family
North	SF-3-NP	Single Family
South	GR-CO-NP	Hospital Service
East	SF-3-NP	Single Family
West	SF-3-NP	Single Family

**NEIGHBORHOOD PLANNING AREA:** Dawson

**TIA:** A TIA shall be required at the time of site plan if triggered per LDC 25-6-113.

**WATERSHED:** East Bouldin Creek (urban)

**OVERLAYS:** ADU Approximate Area Reduced Parking and Residential Design Standards

**SCHOOLS:** Galindo Elementary, Lively Middle and Travis High Schools.

**NEIGHBORHOOD ORGANIZATIONS**

Austin Independent School District  
 Austin Lost and Found Pets  
 Austin Neighborhoods Council  
 Bike Austin  
 Dawson Neighborhood Association  
 Dawson Neighborhood Organization  
 Dawson Neighborhood Plan Contact Team  
 Friends of Austin Neighborhoods

Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 Preservation Austin  
 SELTexas  
 Sierra Club, Austin Regional Group  
 South Austin Commercial Alliance  
 South Austin Neighborhood Alliance  
 (SANA)

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2008-0072 C14-2008-0073 C14-2008-0074 C14-2008-0084 Fort Magruder 3A, 3B, 3C and 3D	For all rezoning cases:  SF-3-NP to CS-MU-V-CO-NP	Approved staff recommendation of GR-MU-V-CO-NP; CO was to prohibit a set of land uses, limited daily trips and aligned “V” components to reflect the majority of properties that went through the vertical mixed-use opt-in/opt-out process.	-0072, -0073, -0074; Approved GR-MU-V-CO-NP (8/7/08).  -0084; Approved CS-MU-V-CO-NP (8/7/08).

RELATED CASES:

C14-01-0061: This property was part of the rezoning case to approve the Dawson Neighborhood Plan (Ordinance No. 011206-10). This property’s base zoning district did not change during the neighborhood planning process.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Krebs Lane	35’	28’	ASMP Level 1	Yes	None	Yes
Lessin Lane	50’	28’	ASMP Level 1	No	None	Yes
Reyna Street	53’	28’	ASMP Level 1	No	None	Yes
Fort McGruder Lane	47’	20’	ASMP Level 1	No	None	Yes

OTHER STAFF COMMENTS:Comprehensive Planning

This rezoning case is located on the south side of Lessin Lane (with street frontage also along Fort McGruder, Reyna Street and Kerbs Lane). This property is also located within the Dawson Neighborhood Plan Area and is located 700 linear feet from the South Congress Avenue Activity

Corridor and the St. Edwards Neighborhood Center. Surrounding land uses include single family housing and a climbing center to the north; to the south is a single family house and a large rehabilitation hospital; to the east are single family houses and further down the street, commercial uses; and to the west are single family houses.

#### *Connectivity*

There are no public sidewalks or bike lanes located along Lessin Lane. A CapMetro stop is located within 1,100 feet walking distance from the subject property on South Congress Avenue. Mobility and connectivity options are located within walking distance from the site.

#### *Dawson Neighborhood Plan*

The Dawson Future Land Use Map classifies this portion of Lessin Lane as single family. For all plans adopted prior to January 2002, zones SF-5 and SF-6 are permitted in the “Single Family” land use designation. The Dawson Neighborhood Plan was approved in 1998.

The following policies and text are excerpted from this Plan and relevant to this case.

- Goal 1: Preserve the character of the Dawson Neighborhood. (pg. 14-15)
  - Objective: Preserve the residential character of the interior of the neighborhood and the commercial character of South First Street and South Congress Avenue.
  - Objective: Preserve the quiet nature of the Dawson neighborhood.
  - Objective: Preserve the friendly, family-oriented atmosphere.
  - Action Items:
    - The Planning Commission and City Council should uphold and preserve the residential zoning of the interior of the neighborhood. They should not allow lots outside the Congress and South First Street corridors to be zoned for commercial or more intensive uses.
    - As part of the review that is happening now, the City should amend the Land Development Code to allow smaller residential units on smaller lots and garage apartments.

The Dawson Neighborhood Plan appears to support smaller residential units on smaller lots and preserving the residential character within the interior of this neighborhood, which is what this condominium project represents.

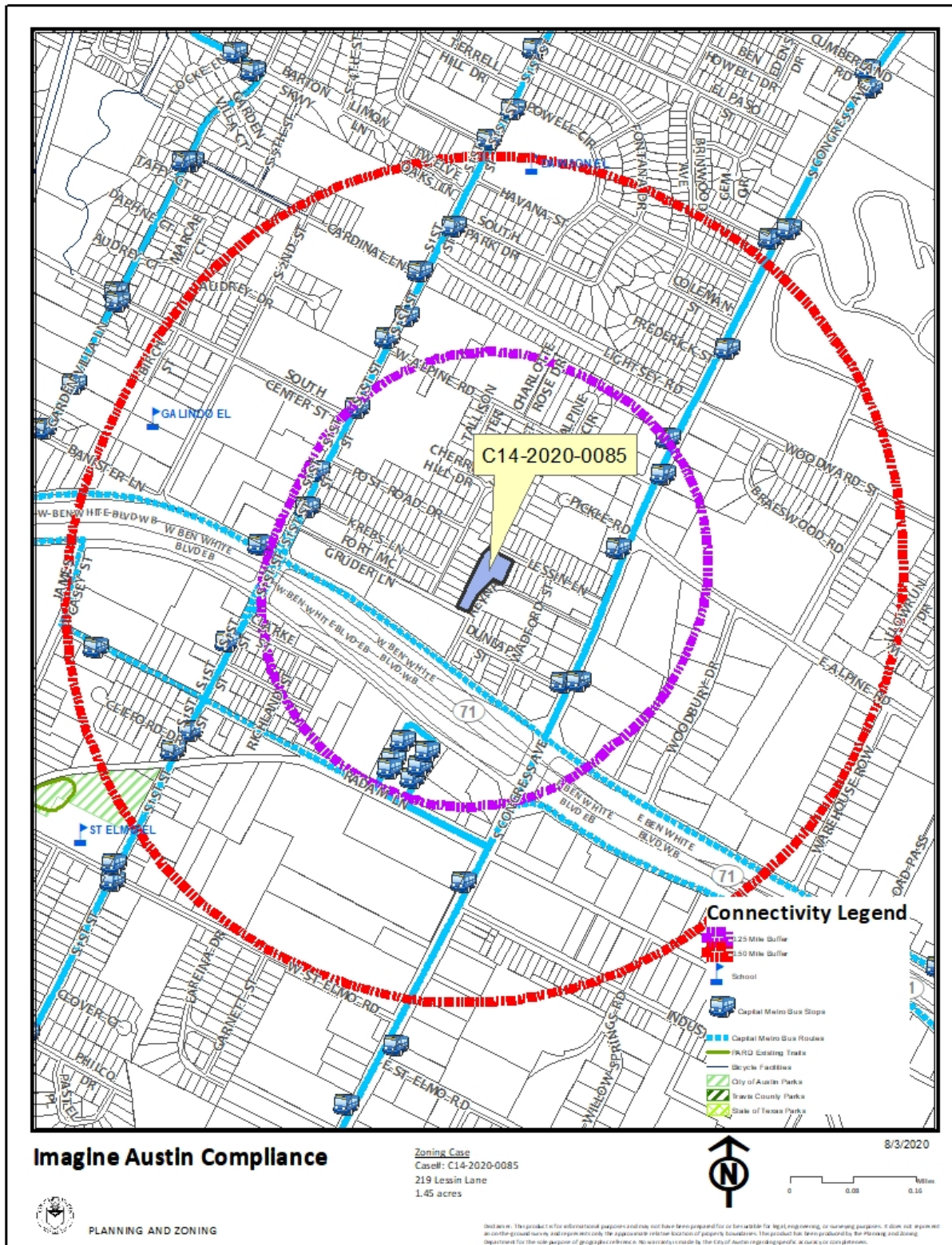
#### *Imagine Austin*

The Imagine Austin Growth Concept Map found in the *Imagine Austin Comprehensive Plan* (IACP) identifies this project as being near an Activity Corridor and a Neighborhood Activity Center. Activity corridors are characterized by a variety of activities and types of buildings located along the roadway, and are intended to allow people to reside, work, shop, access

services, people watch, recreate, and hang out without traveling far distances. A Neighborhood Center is the smallest and least intense of the three types of activity centers outlined in the Growth Concept Map, with a focus on creating local businesses and services. Like many Imagine Austin Centers, they are represented by a circle or globular shape that reflects the general location where the center should be located in the future. The center's actual boundaries would need to be clarified through a small area planning process. Regional, town, and neighborhood centers are supposed to be walkable, bikeable, and supported by transit. The following IACP policies are relevant to this case:

- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- LUT P4. Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- LUT P5. Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

Based upon this property being near an Activity Corridor and Neighborhood Center, which supports residential housing, mobility strengths in the vicinity, and the applicable Imagine Austin policies above, this project supports the Imagine Austin Comprehensive Plan.



### Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps, there is a floodplain within the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 square feet cumulative is exceeded, and on-site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

### PARD/Planning & Design Review

Parkland dedication will be required at the time of subdivision or site plan application for new residential units, per City Code § 25-1-601, as amended. The proposed development meets the criteria for land dedication in City Code Title 25, Article 14. As such, a partial land dedication will be required, as well as any remaining fees in-lieu.

The surrounding neighborhood area is currently park deficient, defined as being outside walking distance to existing parks. The development as proposed will require parkland dedication for the new residential units that will serve the Dawson neighborhood through the additional park investment. The Parks and Recreation Department (PARD) would consider a connection along East Bouldin Creek, from Fort McGruder Lane to Lessin Lane, toward satisfying the requirement at time of permitting (whether subdivision or site plan). Such a connection would improve neighborhood connectivity, and satisfy an acquisition need for East Bouldin Creek, a recommendation identified in the Parks and Recreation Department's Long Range Plan.

Should there be any remaining fees in-lieu, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

Should the applicant wish to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination letter of the requirements as stated in this review.

### Site Plan

This development will be subject to limited provisions of Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the east, north, and west property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

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

### Transportation

1. A traffic impact analysis was not required for this rezoning case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

### Austin Water Utility

1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.



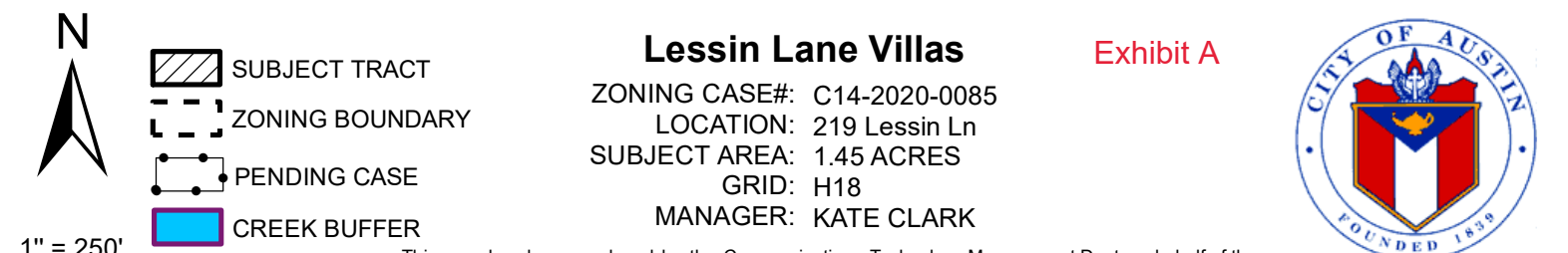
2. As previously directed in submitted development plans, based on current public infrastructure configurations service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0211.
3. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

#### INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Correspondence Received

The logo of the City of Austin, featuring a circular seal with the text "CITY OF AUSTIN" at the top and "FOUNDED 1839" at the bottom. The center of the seal depicts a shield with a red and white design, topped by a blue and white emblem.





N



1" = 250'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

## Lessin Lane Villas

ZONING CASE#: C14-2020-0085  
 LOCATION: 219 Lessin Ln  
 SUBJECT AREA: 1.45 ACRES  
 GRID: H18  
 MANAGER: KATE CLARK

Exhibit B



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**Clark, Kate**

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**From:** Julia Brookins  
**Sent:** Sunday, September 6, 2020 10:48 AM  
**To:** Clark, Kate  
**Cc:** Julie Woods; Paul Foster; Rebecca Sheller  
**Subject:** Rezoning Case C14-2020-0085; Neighbor Julia Brookins

\*\*\* External Email - Exercise Caution \*\*\*

Dear Kate Clark,

I request to participate in the 6:00 P.M. Sept. 22 hearing on the application for rezoning at 219 Lessin Ln. (Case Number: C14-2020-0885) I understand from the officers of the Dawson Neighbor Association that the new owner plans to build 18 condo apartments. My husband Paul Foster and I live with our family at 3615 Wilson St., which straddles the same section of East Bouldin Creek, two properties downstream from 219 Lessin Ln. Because the properties are an odd shape, and there are large commercial buildings/parking lots up on the Ben White access road, it is likely that, if this condo project goes ahead, there will so much impervious cover that existing erosion control measures between the 290/71 highway and the rest of the Dawson neighborhood would be insufficient to prevent rapid erosion and increased flood risk.

The 219 Lessin Ln. property, which is the subject of the rezoning request, has been undeveloped until now, with just a tiny 1940s bungalow (now razed), and the rest of the 1.4 acres is a mixture of grassy meadow and trees. There is already a retention pond downstream on this section of the creek, on the south side of Alpine Rd. The Atlas 14 revised flood maps already have shown several of our neighbors' entire homes under water in the event of a flood event. Since the revision, David Weekley Homes has built six townhomes (just being completed) on the adjacent properties at 232-234 Lessin Ln. I urge the Planning Commission to look closely at the watershed implications of this rezoning request, and to insist on limited impervious cover for this property.

How do I sign up to participate in the Sept. 22 hearing on rezoning?

Sincerely,  
Julia Brookins

Resident, 3615 Wilson St.  
Dawson

cc: Julie Woods, Dawson Neighborhood Association officer  
cc: Rebecca Sheller, neighbor  
cc: Paul Foster

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## 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 participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. 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.austintexas.gov/planning](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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: C14-2020-0085

Contact: Kate Clark, 512-974-1237

Public Hearing: September 22, 2020, Planning Commission

Richard Reyna  
Your Name (please print)

☐ I am in favor  
☒ I object

209 + 211 Dunlap st  
Your address(es) affected by this application

[Signature] 9/2/2020  
Signature Date

Daytime Telephone: 512-757-3148

Comments: Project will increase traffic  
and water runoff into the creek causing  
flooding. Also I am sure my taxes  
will go up causing me to increase  
my rent on my parents or be forced  
to sell my property. These two properties  
along with others next door have been  
in my family for generations.

If you use this form to comment, it may be returned to:  
City of Austin, Planning & Zoning Department  
Kate Clark  
P. O. Box 1088, Austin, TX 78767

Or email to:  
[Kate.Clark@austintexas.gov](mailto:Kate.Clark@austintexas.gov)

September 22, 2020

To: Austin Planning Commissioners

From: Dawson Neighborhood Association and additional engaged neighbors

Re: 219 Lessin Ln, C14-2020-0085

The Dawson Neighborhood Association (DNA) and additional neighbors submit this summary of our perspectives. After meeting virtually (via Zoom) with the project owner and applicant, we mostly want the developer to respect the neighborhood. **One of the best ways to respect current residents and owners would be for the developer to reduce the number of proposed units.**

Aspects of proposed SF6 zoning that seem better than SF3 zoning are increased setbacks from neighboring properties, height limits, and potentially better arrangement of units on the property.

According to the proposed SF6 site plan the following seem positive:

1. a through street between Lessin Ln and Krebs Ln/Reyna St instead of multiple drives
2. agreement to remove gates on drives (as currently depicted)
3. preservation of all heritage trees
4. possible public pedestrian traffic on the through street

Other major ideas from the neighborhood:

5. maximize green space, minimize impervious cover
6. manage runoff to protect neighbors' properties from flooding
7. manage construction to minimize noise, traffic, and disruption to neighbors
8. address traffic safety concerns regarding turning vehicles at the dead-end street of Lessin Ln and the sharp curve at Krebs Ln/Reyna St
9. consider the impacts to East Bouldin Creek

As you know, the DNA was the first to develop a neighborhood plan in the 1990's and therefore our group has experience with zoning and land use. We recognize that zoning is only the first step in a development process. We are not opposed to urban infill projects on principle, but as proposed, this project will dramatically increase density in the middle of our small neighborhood and therefore suddenly add much traffic and reliance on precious infrastructure resources.

Existing residents should have a mechanism that ensures that developer-neighborhood negotiations at the time of re-zoning be maintained so that a change of heart by the developer or a subsequent buyer could not completely ignore the initial discussions. The mechanism could be something akin to a public restrictive covenant or a conditional overlay.

Sincerely,

Dawson Neighborhood Officers 2020:

Julie Woods, President

Rebecca Sheller, Secretary

Eliot Kimber, Newsletter Editor

## Clark, Kate

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**From:** Anne Lewis  
**Sent:** Sunday, September 20, 2020 1:54 PM  
**To:** Clark, Kate; Rivera, Andrew  
**Cc:** M Mutrux; [REDACTED]; [REDACTED]  
**Subject:** C14-2020-0085

\*\*\* External Email - Exercise Caution \*\*\*

Hello Kate and Andrew,

Case Number: C14-2020-0085, 219 Lessin Lane

I am:  
Anne Lewis  
403 Post Road Drive  
Austin, Texas 78704

Phone: 512-656-0507

I object.

My home is within 500 feet of the proposed development.

I will have to work Tuesday evening at the time of the meeting. Please let me know of any further opportunities to testify.

Here are my comments in writing:

I live in this part of the neighborhood and it's being ripped to shreds. The level of development is driving out the long term residents, putting in two multi-story houses and gravel yards where a one-story house with trees and a garden used to be.

In the past 5 years, beginning with construction of an apartment complex that took 2 houses and a church, more than half of the houses on my short block have been torn down.

One morning I saw a heritage live oak on a flatbed truck. Another morning, my neighbor's house on another flatbed truck. It seems like every time it rains there's a river of water going through our yard.

During the pandemic I see workers, none with masks, doing hand labor with toxic materials and not tied off on these multistory construction sites.

Could we not at least demand prevailing wage and personal protective gear for people who work in our community? Can someone raise that question of community safety and decency with the developer? The lack of masks is a risk to everyone in the community.

Bulldozers appeared one morning against my back garden fence and smashed the house there to rubble. I am concerned that the result will end my privacy and block the sun hitting my garden. Even more water will run through my garden and backyard, eroding the soil and potentially flooding the back of my house. I have lived here and paid taxes to the city for 22 years.

The proposed development is within earshot of my house. It is one of the few green spaces I see on my walk around the neighborhood. My neighbors Carmen Hernandez and the homeowner Emily who live on the adjacent property have

concerns. I support them in every way. There is no way that any more than the 8 houses the developer originally proposed can go on that property without a miserable impact on all of us.

I share Carmen's concerns about personal privacy, traffic, destruction of heritage trees, water control, disruption of peace of mind, and add labor rights to the list. I do hope that the concerns of citizens are given priority over money.

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**Case Number: C14-2020-0085**

**Contact: Kate Clark, 512-974-1237**

**Public Hearing: October 15, 2020, City Council**

Joseph DeLoe

Your Name (please print)

3707 Wilson St. 78704

Your address(es) affected by this application

Paul DeLoe POA 9-21-20

Signature

Date

☐ I am in favor  
☒ I object

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

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If you use this form to comment, it may be returned to:  
City of Austin, Planning & Zoning Department

**Kate Clark**

P. O. Box 1088, Austin, TX 78767

Or email to:

**Kate.Clark@austintexas.gov**

## Clark, Kate

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**From:** Dan Keshet  
**Sent:** Thursday, September 24, 2020 10:52 PM  
**To:** Clark, Kate  
**Subject:** 219 Lessin

\*\*\* External Email - Exercise Caution \*\*\*

Ms Clark,

I'm writing to support the rezoning of 219 Lessin to SF-6. My wife and I would very much like to have a rowhouse in the urban core but there are very few options. We need more rowhouse-compatible zoning in places like this. Close to S Congress and South 1st, close to high quality transit, I couldn't think of a better place for it!

Thank you!

Dan Keshet  
908 Nueces St #22  
District 9

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