

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0084 – Kinney Road Residences DISTRICT: 5

ZONING FROM: CS

TO: CS-MU

ADDRESS: 2209 Kinney Road

SITE AREA: 0.49 acres

PROPERTY OWNER:

McCabe-Zilker, LLC (Timothy McCabe)

AGENT:

Alice Glasco Consulting (Alice Glasco)

CASE MANAGER: Kate Clark (512-974-1237, kate.clark@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends general commercial services-mixed use (CS-MU) combining district zoning. *For a summary of the basis of staff's recommendation, see page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 8, 2021

Approved staff's recommendation on the consent agenda.

Vote: 10-0. [Commissioner Azhar - 1st, Commissioner Mushtaler - 2nd; Commissioner Schneider abstained, Commissioners Flores and Shieh were absent].

CITY COUNCIL ACTION:

July 29, 2021

Scheduled for City Council

ORDINANCE NUMBER:

ISSUES

Staff has received comments in opposition and in favor of this rezoning request. For all written or emailed comments, please see *Exhibit C: Correspondence Received*.

CASE MANAGER COMMENTS:

This property is located on the east side of Kinney Road and is approximately 0.49 acres. It is currently developed with a single-family structure. Adjacent zoning consists of CS to the north, MF-2 to the east and SF-3 to south; across Kinney Road to the west are SF-3 zoned properties. Please see *Exhibit A: Zoning Map* and *Exhibit B: Aerial Map*.

The applicant is requesting CS-MU to construct two single-family residences. If the applicant's request to rezone was approved by the City Council and they developed the property as indicated, compatibility requirements would not apply per Section 25-2-1052. If they were to develop the property with any uses more intense than what is allowed within SF-5, then compatibility requirements would apply.

BASIS OF RECOMMENDATION:

1. Zoning changes should promote compatibility with adjacent and nearby uses.

The applicant is requesting CS-MU to remove the existing single-family structure to build two single-family structures. Should their rezoning request be approved, and the property developed as stated in their application, this project would be compatible with adjacent land uses.

2. Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

If the applicant's request was approved and they choose to develop this property with a higher intensity land use than what was stated within their application, they could develop the tract under SF-5 or more restrictive site development standards and land uses without triggering compatibility requirements. If compatibility was triggered, development on this tract would be limited to 30 feet in height and two stories. Additionally, 25-foot front and interior side setbacks adjacent to single-family zoning districts or land uses would also apply. Either developing up to SF-5 zoning standards, or a development triggering compatibility would provide a transition between the SF-3 zoning district to the south and CS zoning district to the north.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	CS	Single-family residential
North	CS	Convenience Storage
South	SF-3	Single-family residential
East	MF-2	Multifamily residential
West	SF-3	Single-family residential

NEIGHBORHOOD PLANNING AREA: South Lamar Combined NP Area - South Lamar (suspended)

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

WATERSHED: West Bouldin Creek Watershed

OVERLAYS: ADU Approximate Area Reduced Parking, Residential Design Standards, Selected Sign Ordinances

SCHOOLS: Zilker Elementary, O. Henry Middle and Austin High School.

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District	Preservation Austin
Austin Lost and Found Pets	SELTexas
Austin Neighborhoods Council	Sierra Club, Austin Regional Group
Friends of Austin Neighborhoods	South Central Coalition
Friends of Zilker	South Lamar Neighborhood Assn.
Goodrich Place Resident Association	The Village at Kinney Court
Homeless Neighborhood Association	TNR BCP - Travis County Natural
Neighborhood Empowerment Foundation	Resources
Perry Grid 614	Zilker Neighborhood Association

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2010-0122 Cabot-Chase, Ltd.	From CS to CS-1	Approved CS-1-CO; the CO was to prohibit cocktail lounge use.	Approved CS-1-CO as Commission Recommended (9/23/10).
C14-2008-0019 South Lamar Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process	To apply Vertical Mixed Use zoning on various properties.	Approved Vertical Mixed Use zoning after amending boundaries to exclude certain tracts.	Approved Vertical Mixed Use zoning (6/18/08)

RELATED CASES:

There are no related cases to this rezoning request.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Kinney Road	45'	30'	Level 1	Yes	N/A	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

This rezoning case is located on the east side of Kinney Road on a 0.48-acre lot that contains a single family house. The property is also located less than 300 feet from the South Lamar Activity Corridor and is not located within the boundaries of an adopted neighborhood plan. Surrounding land uses include a convenience storage facility and retail uses to the north; to the south are single family houses; to the east and west are single family houses. The proposal is a mixed use zoning designation and to have two houses on the property.

Connectivity

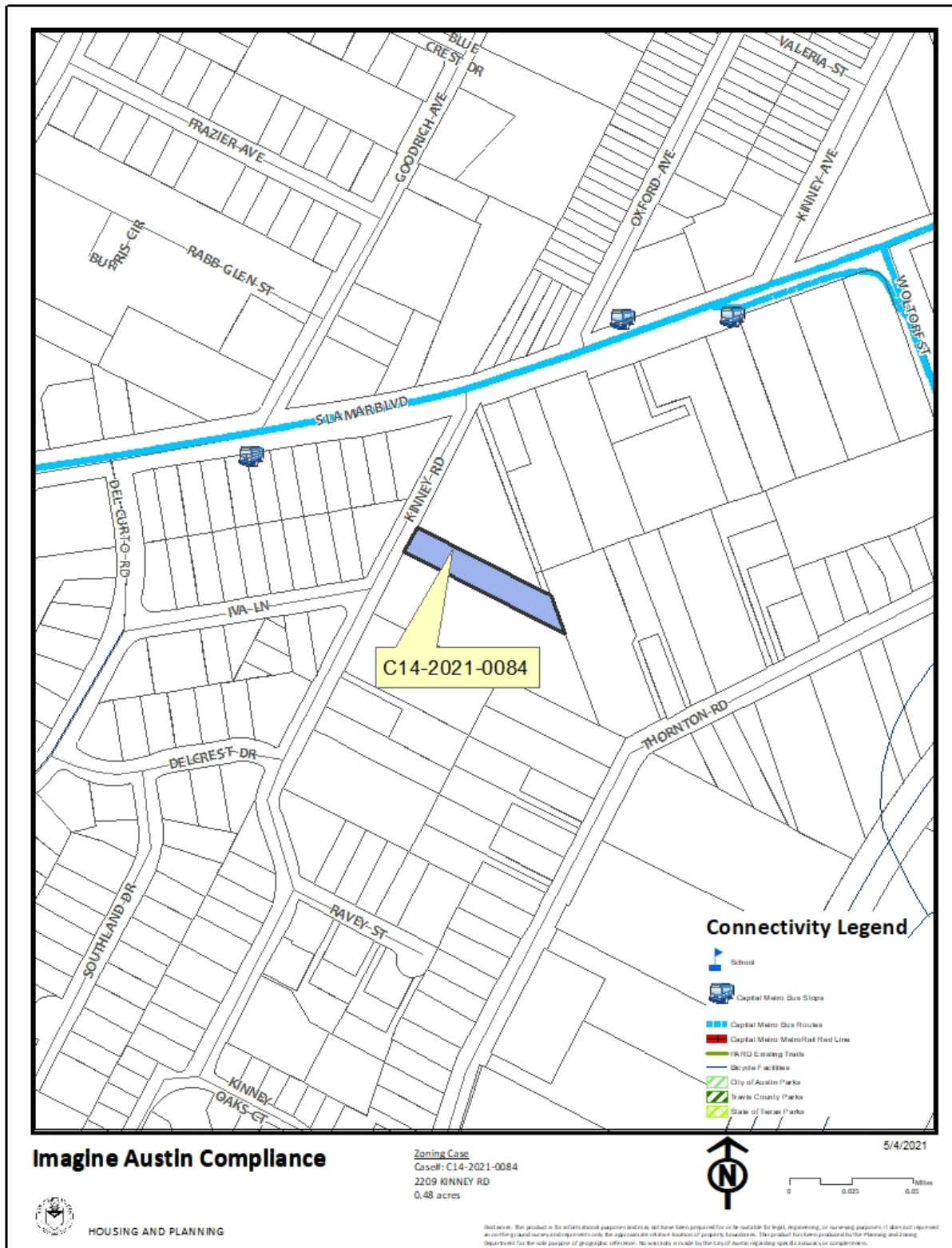
A CapMetro transit stop is located within 700 linear feet from the subject property. Public sidewalks are located on one side of Kinney Road and partially along the other side of the street. The mobility and connectivity in this area are average due to being just off the South Lamar Activity Corridor.

Imagine Austin

The Imagine Austin Growth Concept Map identifies this property as being less than 300 feet from the South Lamar Activity Corridor. Activity Corridors are characterized by a variety of activities and types of buildings located along the roadway - shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. The following Imagine Austin policies are also related to this request:

- 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 P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- HN P10. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based upon this property being located near walkable neighborhood goods and services; mobility strengths; being near an Activity Corridor; but the proposed project not offering a true mix of uses under the Mixed-Use zoning designation, this project only partially 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 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to 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 Review

PR1: Parkland dedication will be required for the new residential units proposed by this development, single family with CS-MU zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, 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).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan

SP1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

- SP2. The site is subject to compatibility standards. Along the west and south property line, the following standards apply:
- a. No structure may be built within 25 feet of the property line.
 - b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - d. No parking or driveways are allowed within 25 feet of the property line.
 - e. 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.
- SP3. Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

ASMP Assessment

No right of way is needed for Kinney Road at this time.

Transportation Assessment

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

Austin Water Utility

AW1. 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.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

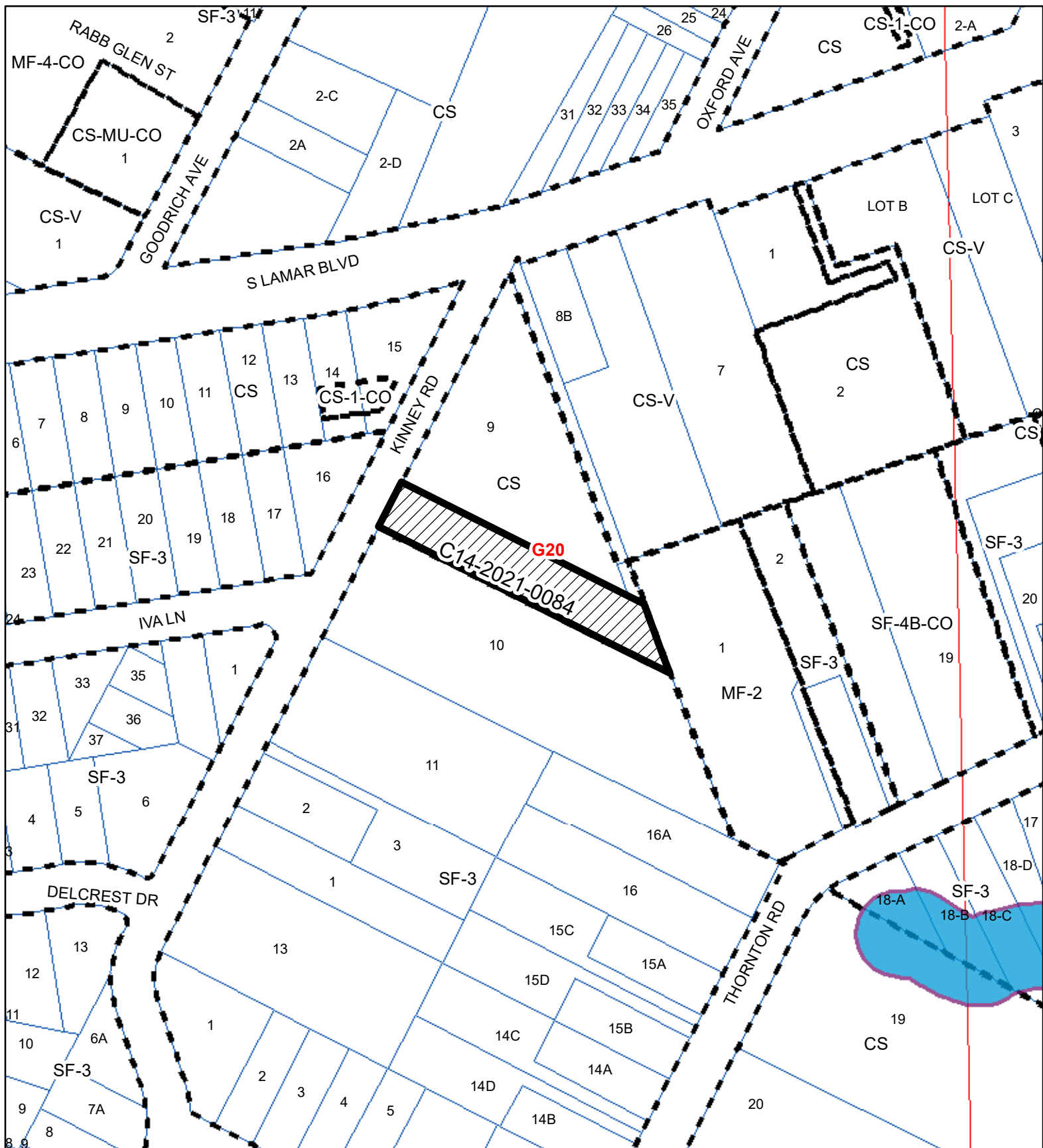
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Correspondence Received







Kinney Road Residences

Exhibit A

ZONING CASE#: C14-2021-0084
 LOCATION: 2209 Kinney Road
 SUBJECT AREA: .49 ACRES
 GRID: G20
 MANAGER: KATE CLARK



1" = 150'

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

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.

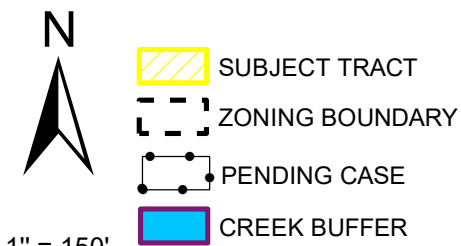


Kinney Road Residences

Exhibit B

ZONING CASE#: C14-2021-0084
 LOCATION: 2209 Kinney Road
 SUBJECT AREA: .49 ACRES
 GRID: G20
 MANAGER: KATE CLARK

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Clark, Kate

From: Ryan Schutte
Sent: Sunday, May 23, 2021 2:06 PM
To: Clark, Kate
Subject: Case Number: C14-2021-0084

*** External Email - Exercise Caution ***

Dear Kate,

I'm writing in regard to the [proposed zoning change](#) for 2209 Kinney Road.

I live at 2208 Iva Ln, Austin, TX 78704 and I'm concerned about the increase in traffic that could result from rezoning to CS-MU.

Since there's no light at Kinney and Lamar, most traffic that wants to turn left to head west/southwest on South Lamar would instead cut through Iva to Del Curto and Iva is not built to handle heavy traffic and there are a number of small children who play in the area. Is there going to be a traffic study to help us better understand the expected traffic impacts before the zoning change is approved?

Sincerely,
Ryan Schutte

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

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.

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: C14-2021-0084

Contact: Kate Clark, 512-974-1237

Public Hearing: June 8, 2021, Planning Commission

Your Name (please print) _____

☐ I am in favor
☒ I object

Your address(es) affected by this application (optional) _____

Signature _____

Date _____

Daytime Telephone (Optional): _____

Comments: Mr. McCabe secured this property from the previous owner under false pretenses. He assured the previous owner, along with a number of neighbors, that he would keep this lot as a single family dwelling and NOT change the footprint of the neighborhood. If Mr. McCabe is wanting a development space, maybe he should purchase one of the many vacant buildings on nearby South Lamar instead of imposing on

the neighbors on Kinney Rd.

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

Kate Clark

P. O. Box 1088, Austin, TX 78767

Or email to:

Kate.Clark@austintexas.gov

Greed is ugly, Mr. McCabe, as is lying. If you had been upfront with your intentions, I would

take loss along with your planned development.

Please leave the space as it is.

Clark, Kate

From: Clint Wynn
Sent: Thursday, June 17, 2021 10:38 AM
To: Clark, Kate
Cc: [REDACTED]
Subject: support for zoning Case Number: C14-2021-0084

*** External Email - Exercise Caution ***

Kate,

Please accept this email as my letter of support for Tim McCabe's project at 2209 Kinney Road. I am the vice president of South Lamar Storage, LLC which owns the property located at 2201 Kinney Road (literally next door to Tim's project). South Lamar Storage, LLC is an affiliate of Hixon Properties Incorporated.

The case information is as follows:

Case Number : zoning Case Number: C14-2021-0084
Property address: 2209 Kinney Road
Request: to rezone from CS to CS-MU

Don't hesitate to call me with any questions.

All the best,
Clint

Clint Wynn
Chief Investment Officer
Hixon Properties Incorporated
315 E. Commerce Suite 300
San Antonio, TX 78205
(210) 225-3053.Main
(210) 630-9200.Cell
(210) 225-5910.Fax

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