

## SECOND / THIRD READINGS SUMMARY SHEET

CASE: C14-2021-0060 – Albert Road Rezone

DISTRICT: 5

ADDRESS: 7401 and 7407 Albert Road

PROPERTY OWNERS: Linda Fontaine and Stuart Bailey

AGENT: Thrower Design, LLC (Victoria Haase)

CASE MANAGER: Wendy Rhoades (512-974-7719, [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov))

REQUEST:  
**Approve Second and Third Readings  
From development reserve (DR)  
To family residence (SF-3)**

PREVIOUS CITY COUNCIL ACTION:

**August 26, 2021:**

July 29, 2021: *APPROVED SF-3 DISTRICT ZONING AS THE ZONING AND PLATTING  
COMMISSION RECOMMENDED, ON FIRST READING. VOTE: 11-0.*

ORDINANCE NUMBER:

ISSUES:

The ordinance reflects Council action taken on First Reading.

## ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0060 – Albert Road Rezone

DISTRICT: 5

ZONING FROM: DR

TO: SF-3

ADDRESS: 7401 and 7407 Albert Road

SITE AREA: 3 acres

PROPERTY OWNERS: Linda Fontaine and Stuart Bailey

AGENT: Thrower Design, LLC (Victoria Haase)

CASE MANAGER: Wendy Rhoades (512-974-7719, [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov))

STAFF RECOMMENDATION:

**The Staff recommendation is to grant family residence (SF-3) district zoning.** *For a summary of the basis of Staff's recommendation, see case manager comments on page 2.*

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**June 1, 2021: *APPROVED SF-3 DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT***

***[H. SMITH; J. KIOLBASSA – 2<sup>ND</sup>] (8-0) C. ACOSTA, T. BRAY – NOT YET ARRIVED; ONE VACANCY ON THE DAIS***

CITY COUNCIL ACTION:

**July 29, 2021:**

ORDINANCE NUMBER:

ISSUES:

None at this time.

CASE MANAGER COMMENTS:

The subject rezoning area consists of an unplatted tract (7401 Albert Road) and a platted lot (7407 Albert Road), is located approximately mid-block and zoned development reserve (DR) district. There is one single family residence located at each address. Albert Road contains single family residences and accessory residences on large lots and tracts zoned DR upon annexation in the mid-1980s. There are similar sized large tracts to the north (DR; SF-1), south and west (DR), and the Elmwood Estates single family residential subdivision is to the east (SF-2). ***Please refer to Exhibits A (Zoning Map), A-1 (Aerial Exhibit) and B (Subdivision Plat).***

The Applicant has requested family residence (SF-3) district zoning in order to build two accessory dwelling units on the property, one at each address.

**BASIS OF RECOMMENDATION:**

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

The family residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated in an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The requested SF-3 zoning would allow for four residences on the two tracts. Staff recommends the Applicant's request because the tract meets the intent of the SF-3 district as it fronts on a local residential street and is located within an existing single family residential neighborhood.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	DR	Two single residential dwelling units
<i>North</i>	DR; SF-1; SF-2-CO	Single family residences; Accessory structures / residences
<i>South</i>	DR	Single family residences; Accessory structures / residences
<i>East</i>	SF-2	Single family residences
<i>West</i>	DR	Single family residences; Accessory structures / residences

**NEIGHBORHOOD PLANNING AREA:** Not Applicable

**TIA:** Is not required

**WATERSHEDS:** South Boggy Creek; Williamson Creek – Suburban

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**SCHOOLS:** Casey Elementary School    Bedichek Middle School    Akins High School

NEIGHBORHOOD ORGANIZATIONS:

39 – Matthews Lane Neighborhood Association      511 – Austin Neighborhoods Council  
 627 – Onion Creek Homeowners Association      742 – Austin Independent School District  
 1228 – Sierra Club, Austin Regional Group      1363 – SEL Texas  
 1424 – Preservation Austin      1429 – Go!Austin/Vamos!/Austin (GAVA)-78745  
 1528 – Bike Austin      1530 – Friends of Austin Neighborhoods  
 1531 – South Austin Neighborhood Alliance (SANA)  
 1550 – Homeless Neighborhood Association  
 1616 – Neighborhood Empowerment Foundation      1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2021-0056 – 1609 Matthews Lane Rezoning	SF-2 to MF-3	To Forward to Council without a recommendation due to lack of an affirmative vote	Apvd MF-2 on First Rdg. Second / Third Rdgs scheduled for 7-29-2021.
C14-2021-0035 – McLaurin Rezone – 1512 Damon Rd	DR to SF-3	To Grant	Apvd (6-10-2021).
C14-2012-0042 – 1300 W. Dittmar Road Rezoning	SF-6-CO to SF- 6-CO to remove the CO that limits height for a building or structure to 20'	To Grant	Apvd (8-2-2012).
C14-2009-0158 – 7211 Albert Road	DR to SF-1, as amended	To Grant	Approved SF-1 (2-25-2010).
C14-2009-0157 – Albert Road – 7201-7207 Albert Rd; 1305-1407 Matthews Ln	SF-1-CO to SF-2	To Deny	Apvd SF-2-CO w/CO for 1) Max 3 driveways to Matthews Ln; 1 driveway for drainage facility access; 2 of the driveways shall be for sf residence use and may be joint-use driveways that serve more than 1 SF residence use, and 2) unless a joint-use driveway is used as an alternative access for sf residence use, the

			minimum lot width at the street frontage on Matthews Ln or Albert Rd is 20 feet (5-13-2010).
C14-05-0091 – Lelah’s Crossing – 1300 W. Dittmar Rd.	DR; GO to MF-1	To Grant SF-6-CO with a density limitation of 6 u.p.a. and height limit of 20 feet; Restrictive Covenant for the Neighborhood Traffic Analysis	Apvd SF-6-CO with a Restrictive Covenant for the Neighborhood Traffic Analysis, as ZAP recommended (4-27-2006).
C14-85-055 (RCA) – Lelah’s Crossing – 1300 W. Dittmar Rd	To amend the RC to delete the rollback provision to RR, rural residence zoning	To Grant	Apvd (4-27-2006).

#### RELATED CASES:

The property was annexed into the City limits on November 15, 1984 (C7A-83-017).

The property addressed as 7401 Albert Road is unplatted. The property addressed as 7407 Albert Road is platted as Lot 1 of the Dalton-Sanders Subdivision recorded in 1965 (C8S-65-084). ***Please refer to Exhibit B.***

#### EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Albert Road	48 feet	20 feet	Level 1	No	N/A	No

#### OTHER STAFF COMMENTS:

##### Comprehensive Planning

This rezoning case is located on the east side of Albert Road, on two parcels, each containing a house and an accessory dwelling unit on approximately 3 acres of land. The property is not located within the boundaries of a Neighborhood Planning Area nor along or near an Activity Corridor or Center. Surrounding uses include single family housing in all four directions. The

proposal is to obtain SF-3 zoning for each property to acknowledge the existing ADUs on the properties.

**Connectivity**

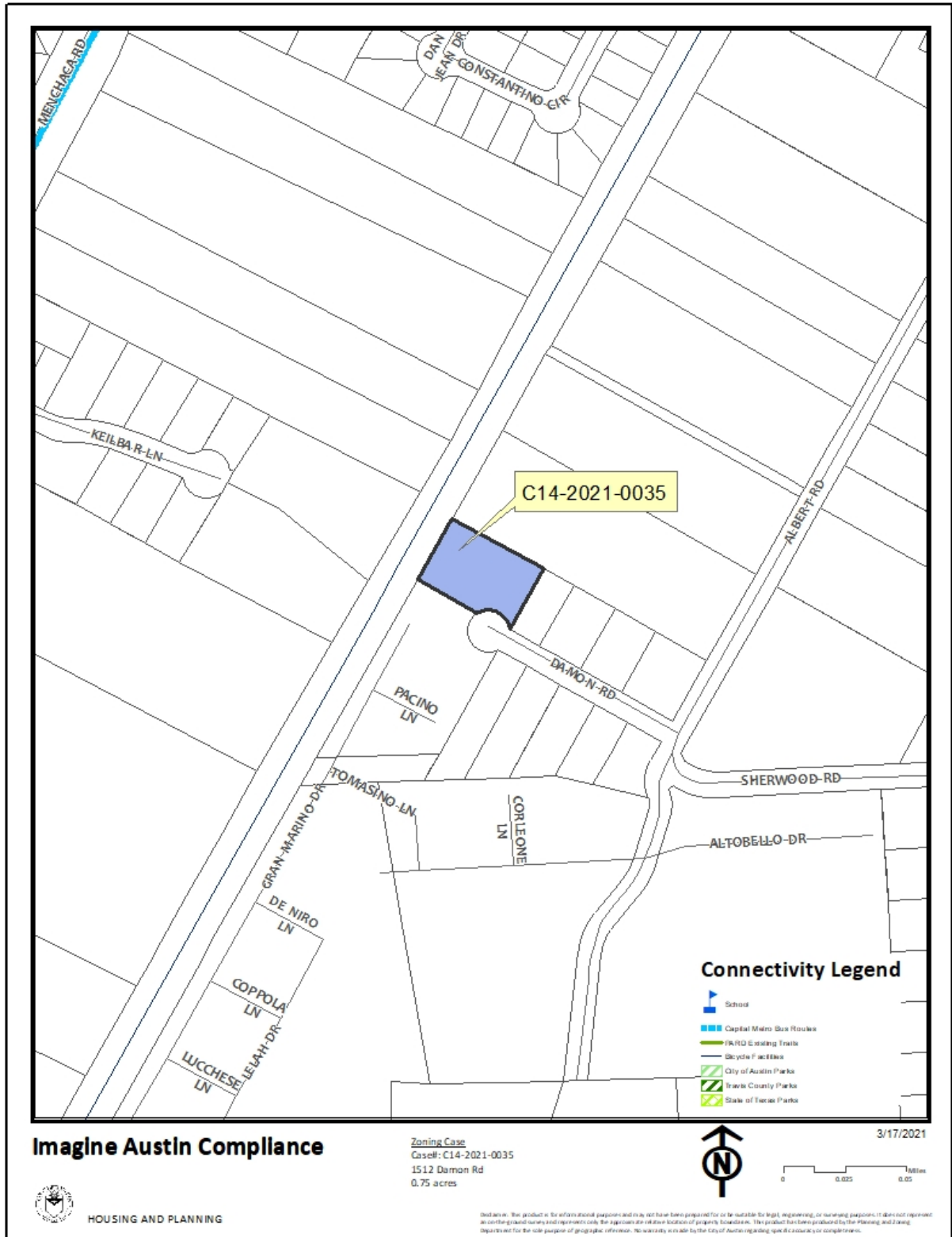
Albert Road is a narrow rural road, with no curbing, public sidewalks or bike lanes. The mobility and connectivity options are below average.

**Imagine Austin**

The property is not located along an Activity Corridor or within or near an Activity Center. The following Imagine Austin policies are applicable to this case:

- **HN P5.** Promote a diversity of land uses throughout Austin to allow a variety of housing types including rental and ownership opportunities for singles, families with and without children, seniors, persons with disabilities, and multi-generational families.
- **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 on the comparatively scale of the site relative to adjacent residential uses, adding a missing middle housing type, but the below average mobility and connectivity options in this area, this project partially supports the policies of the Imagine Austin Comprehensive Plan.



### Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

### Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the South Boggy Creek Watershed and the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm on site.

### Impervious Cover

The maximum impervious cover allowed by the SF-3 zoning district would be 45%, which is based on the more restrictive zoning regulations.



### PARD – Planning & Design Review

Parkland dedication will be required for the new residential units proposed by this development, single-family with SF-3 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](mailto: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 and Compatibility Standards

Rezoning from DR to SF-3 does not trigger the application of compatibility standards.

The applicable building standards are outlined below:

Breakdown by square footage for living area/garage/patio/porch is required on duplex residential site plans.

Setbacks for duplex residential:

- Anything that juts more than 5 feet into a setback must be fireproofed. Standard side setback is 5 feet with a maximum allowable 2-foot overhang. The overhang cannot have any openings, soffit vents, windows, etc.
- Setbacks between buildings is 10 feet (5 feet on each side). Any encroachment into this setback must be fireproofed.
- Nothing can encroach into a 2-foot setback.

### Transportation

#### *ASMP Assessment*

The Austin Strategic Mobility Plan (ASMP) does not require any additional right of way dedication along Albert Road.

#### *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

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.

Based on current public infrastructure configurations, it appears that 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., 7<sup>th</sup> Floor. Ph: 512-972-0211.

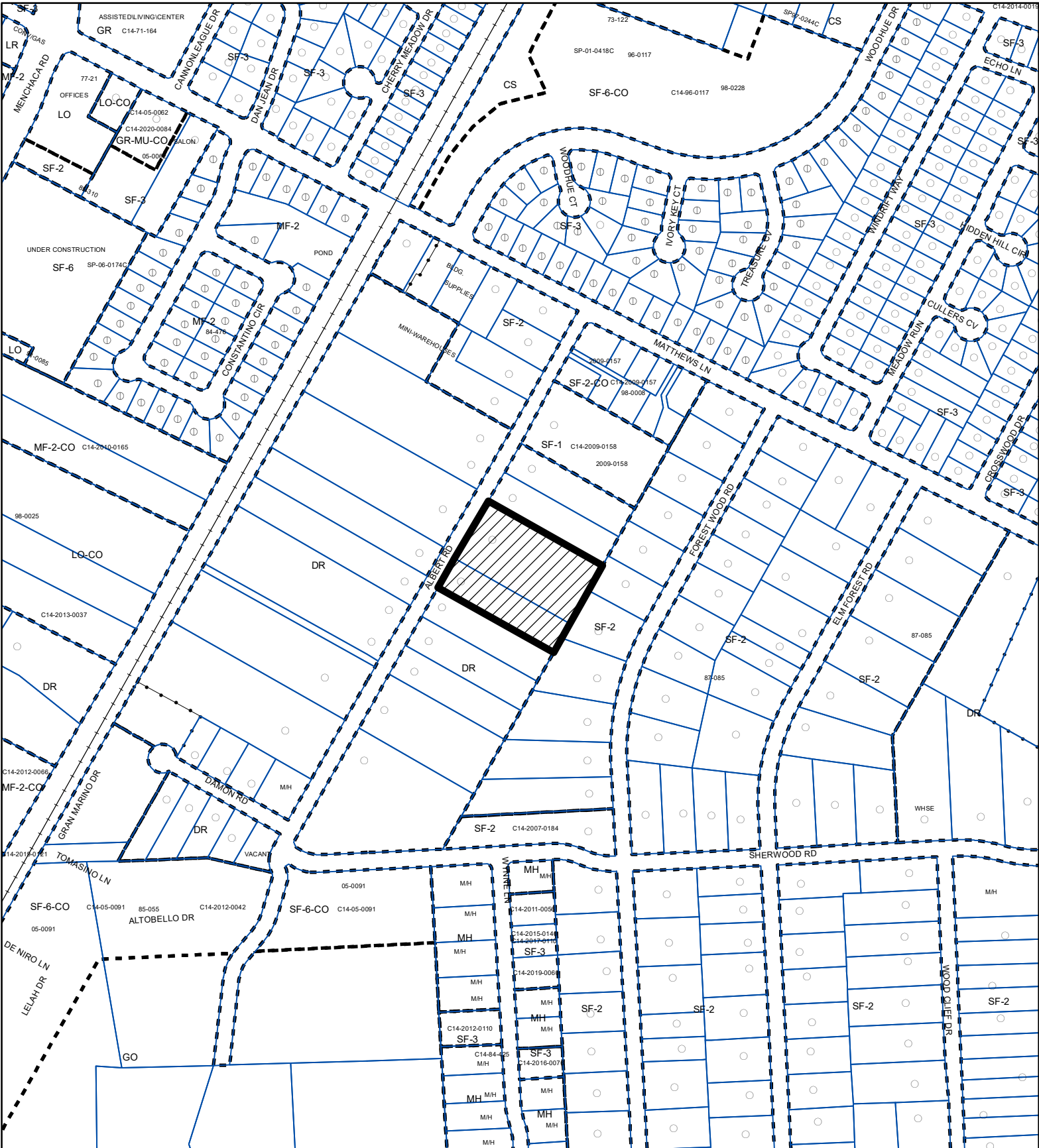
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

## INDEX OF EXHIBITS TO FOLLOW

A: Zoning Map  
A-1: Aerial Map

B: Recorded Plat for 7407 Albert Road

Correspondence Received



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**

Exhibit A

**ZONING CASE#: C14-2021-0060**

1" = 400'

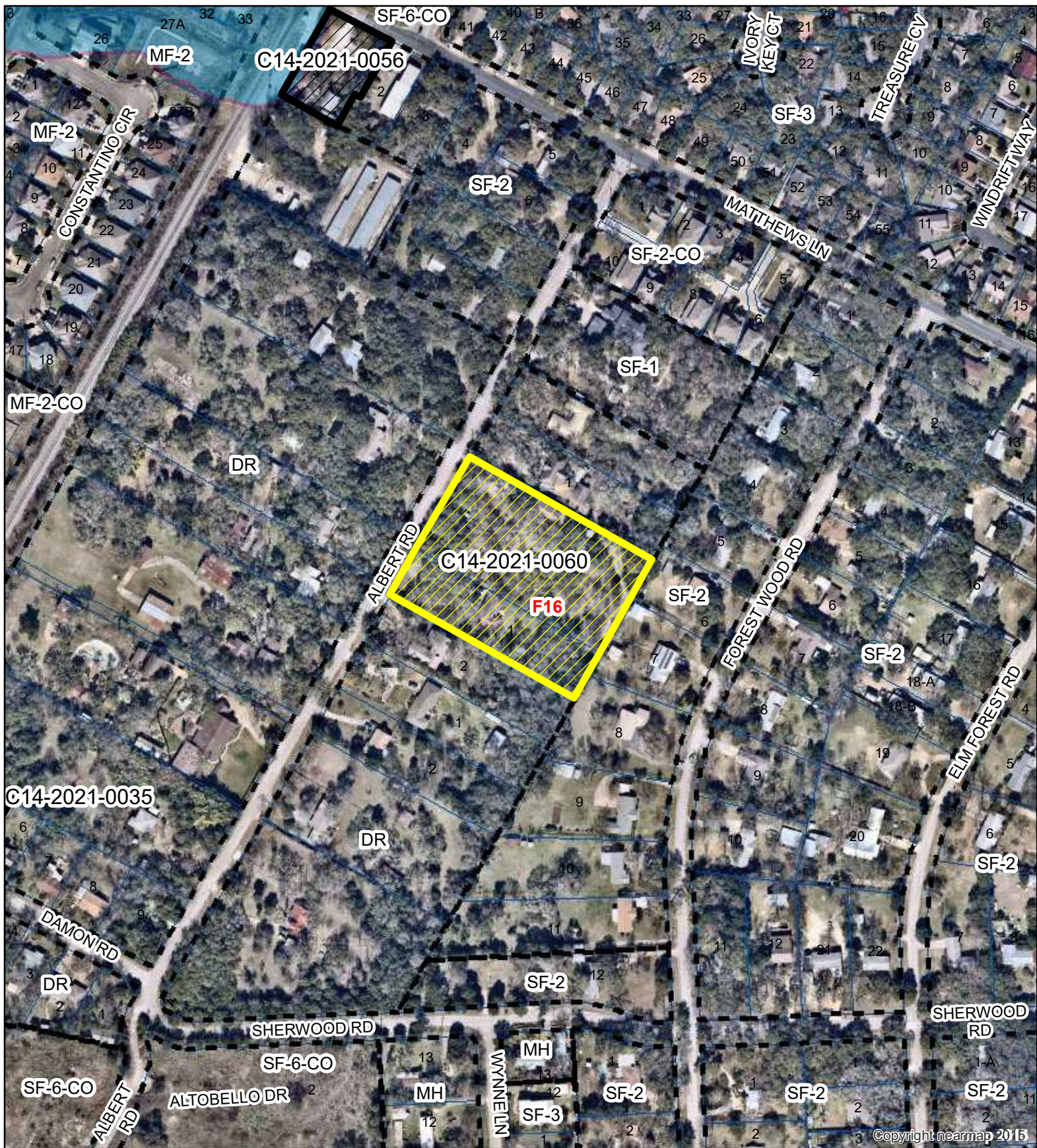
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



**Created: 4/12/2021**





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### Albert Road Rezone

Exhibit A - 1

ZONING CASE#: C14-2021-0060  
 LOCATION: 7401 and 7407 Albert Rd  
 SUBJECT AREA: 3.0 Acres  
 GRID: F16  
 MANAGER: Wendy Rhoades



- N
- SUBJECT TRACT
  - ZONING BOUNDARY
  - PENDING CASE
  - CREEK BUFFER
- 1" = 250'

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.



Dalton-Sanders  
Subdivision

H. Paul Mill Riff, AFUX Vol. 1015, Pg. 400

Mr. Jack F. Dalton 1 1 acre  
(Marguerite Sanders Dalton) Vol. 1425, Pg. 170  
(1 acre) 557°43'E 417.42'

Alvin W. Sanders 2 1 acre  
Vol. 1425, Pg. 172  
(1 acre) 557°43'E 417.42'

Lot 1, Laurence Christian Subd.  
P.S. 8, Pg. 107

Legend  
Scale: 1"=100'  
•= Iron Pipe Stake  
(found)  
•= Iron Pipe Stake (Set)

APPROVED FOR ACCEPTANCE:

DATE: July 22, 1965

Boyle M. Osborne  
Boyle M. Osborne, Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD BY THE  
PLANNING COMMISSION, CITY OF AUSTIN, TEXAS,  
this the 22nd day of July, AD 1965.

Secretary

David B. Banow  
Chairman

"The rear five (5) feet of each lot in this sub-  
division is hereby dedicated as an easement for  
public utilities."

Surveyed by Bernard R. Bogan  
Bernard R. Bogan  
Registered Professional Engineer  
July 10, 1965



Each house constructed in this subdivision shall be  
connected to a septic tank with a capacity of not  
less than 500 gallons and with a drain field of not  
less than 150 feet and shall be installed in accor-  
dance with regulations of the City-County health  
officer and shall be inspected and approved by such  
officer. This restriction is enforceable by the City-  
County Health Unit and/or the subdivider.

In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets,  
roads or other public thoroughfares shown on this plat, or any bridges, or culverts necessary to be placed in such streets,  
roads or other public thoroughfares, or in connection therewith, shall be the responsibility of the owners and/or developer  
of the tract of land covered by this plat, in accordance with the plans and specifications prescribed by the Commissioners  
Court of Travis County, Texas, and the Commissioners Court of Travis County, Texas, assumes no obligation to build any of the  
streets, roads or other public thoroughfares shown on this plat or to construct any bridges or culverts in connection therewith.

STATE OF TEXAS  
COUNTY OF TRAVIS

I, Emilie Limberg, Clerk of County Court of Travis County, Texas, do hereby certify that on the 26 day of July, AD 1965,  
the Commissioners Court of Travis County, Texas, passed an order authorizing the filing for record of this plat and that said  
order has been duly entered in the Minutes of said Court in Book 3 at Page 359.  
WITNESS MY HAND AND SEAL of said Court of said County, this the 26 day of July, AD 1965.

BY A. R. Rucker  
DeputyEmilie Limberg, Clerk County Court,  
Travis County, Texas

RECORDED PLAT

(CSEAL)

STATE OF TEXAS  
COUNTY OF TRAVIS  
KNOW ALL MEN BY THESE PRESENTS:  
That we, Mrs. Jack F. Dalton (Marguerite Sanders Dalton)  
and Alvin W. Sanders, owners of 2 acres of land out of  
Lot 1 of the J.G. & Henry Fitzhugh Subdivision of the W.R.  
Davis property in the William Cannon League and the Theo  
Bissel League in Travis County, Texas, said subdivision  
being of record in Plat Book 1, Page 57 of the Plat Records  
of Travis County, Texas, being one acre conveyed to Mrs.  
Jack F. Dalton (Marguerite Sanders Dalton) by deed re-  
corded in Vol. 1425, Page 170, and one acre conveyed to  
Alvin W. Sanders by deed recorded in Vol. 1425, Page 172  
of the deed records of Travis County, Texas, said 2 acres  
being known as Lot 14 of the Legge-Allentharp Subdivision  
(an unrecorded plat), do hereby adopt the plat attached  
hereto as our subdivision to be known as DALTON-SANDERS  
SUBDIVISION, and do hereby dedicate to the public the  
streets and easements shown hereon, and subject to any  
easements or restrictions heretofore granted.

WITNESS OUR HANDS, this the 12 day of July, AD 1965

Mrs. Jack F. Dalton  
Mrs. Jack F. Dalton  
(Marguerite Sanders Dalton)

Alvin W. Sanders  
Alvin W. Sanders

STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared  
Mrs. Jack F. Dalton (Marguerite Sanders Dalton) and Alvin W. Sanders  
each known to me to be the persons whose names are subscribed to the  
foregoing instrument and each acknowledged to me that each executed  
the same for the purposes and considerations therein expressed. (CSEAL)

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 12 day of July, AD 1965.

Jerry Tompkins  
Notary Public, in and for Travis County, Texas

FILED FOR RECORD: At 10:25 o'clock A M., the 26 day of July, AD 1965.

BY: Frieda Wacker Emilie Limberg  
Deputy Emilie Limberg, Clerk County Court,  
Travis County, Texas

STATE OF TEXAS  
COUNTY OF TRAVIS

I, Emilie Limberg, Clerk of County Court with in and for the County  
and State aforesaid, do hereby certify that the foregoing instrument of  
writing with its certificate of authentication was filed for record in  
my office on the 26 day of July, AD 1965 at 10:25 o'clock A M., and  
duly recorded on the 26 day of July, AD 1965 at 10:30 o'clock A M.,  
in the Plat Records of said County and State in Plat Book 25, Page 8.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTY the date  
last written above.

BY: Frieda Wacker Emilie Limberg  
Deputy Emilie Limberg, Clerk County Court,  
Travis County, Texas



CBS 65-084

**From:**  
**To:** [Rhoades, Wendy](#);  
**Subject:** Albert Road rezone tonight  
**Date:** Tuesday, June 1, 2021 2:47:54 PM

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

Neighborhood has no concerns over rezone request C14-2021-0060 tonight.

Thanks

Eugene Sutton.

[Sent from AT&T Yahoo Mail on Android](#)

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