

## ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0127 Rogers Lane Residential

DISTRICT: 1

ZONING FROM: SF-2

TO: SF-6

ADDRESS: 5417 Rogers Lane

SITE AREA: 1.0 Acres

PROPERTY OWNER/APPLICANT: 5417 Rogers Lane, LLC (Stuart Carr)

AGENT: Thrower Design, LLC (A. Ron Thrower)

CASE MANAGER: Heather Chaffin (512-974-2122, [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov))

STAFF RECOMMENDATION:

**Staff supports the Applicant's request to rezone the property to SF-6.** *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

ZONING AND PLATTING COMMISSION ACTION/ RECOMMENDATION:

November 9, 2020: To grant SF-6-CO zoning with the following condition: a maximum of three dwelling units are permitted on the property. (6-3) [B. Greenberg- 1st, A. Denkler-2nd; H. Smith, T. Bray, N. Barrera-Ramirez- Nay; C. Acosta- Absent; 1 Vacancy]

CITY COUNCIL ACTION:

November 18, 2021:

ORDINANCE NUMBER:

ISSUES:

The proposed rezoning is located on Rogers Lane, a Level 1 that primarily serves large-lot residential properties. The road right-of-way (ROW) is approximately 52 feet wide and the pavement is 18 feet wide. The Austin Strategic Mobility Plan (ASMP) does not identify any immediate or long terms plans for improvements to the roadway. The proposed rezoning does not generate enough vehicular trips to trigger the requirement for a Neighborhood Traffic Analysis (NTA).

A Valid Petition with 47.07% of eligible signatures has been filed in opposition to the rezoning request. (***Please see Exhibit C- Valid Petition***)

CASE MANAGER COMMENTS:

The proposed rezoning is for a 1.0 acre property located on the east side of Roger Lane approximately 1300 feet north of the FM 969 right-of-way. The property is zoned SF-2 and developed with one house. The applicant proposes rezoning the property and replacing the single house with 10 to 12 townhouse/condominium residential units. Surrounding properties are also zoned SF-2 and primarily developed with single family residences and related structures. At the intersection of Rogers Lane and FM 969 is an art studio/indoor entertainment property zoned SF-2 (nonconforming land uses). Further north is property that is developed as a mobile home community. The mobile home property is located in the ETJ and does not have frontage on or access to Rogers Lane. Further to the west is SF-6-CO zoned property that is currently undeveloped. Further to the east is Oak Meadows Elementary School, zoned SF-2. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

In addition to this rezoning request, two other rezoning requests are currently under Staff review that propose access to Rogers Lane. One of these cases, C14-2021-0141 (Agave Annex), is required to submit a NTA which will provide more information about the characteristics and capacity of the street. Mitigations, including potential street widening, may be recommended out of that NTA. The NTA for C14-2021-0141 has not yet been submitted for Staff review.

A Valid Petition has been filed in opposition to the rezoning request, as well as correspondence and photos of Rogers Lane. ***Please see Exhibits C and D- Valid Petition and Correspondence.***

Staff supports the proposed SF-6 rezoning. This will allow a total of approximately 10-12 dwelling units, instead of a maximum of one unit on the 1-acre lot. The addition of townhouse/condominium units will provide a housing type that is generally not available in the area.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the goals and objectives of the City Council.*
2. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

The addition of 10-12 residential units on this site would be consistent with the goals of the City Council as outlined in the Strategic Housing Blueprint and other Council-approved actions. This

would increase available housing options, and townhouse/condominium units would increase the housing types available in this area.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
Site	SF-2	Single family residential
North	SF-2, ETJ	Single family residential, Undeveloped, Agricultural, Mobile Home
South	SF-2, LR-MU-CO	Single family residential, Undeveloped, Agricultural, Art studio/Indoor entertainment
East	SF-2	Single family residential, Undeveloped, Agricultural
West	SF-2, SF-6-CO	Single family residential, Undeveloped, Agricultural

**STREET CHARACTERISTICS:**

<b>Name</b>	<b>Existing ROW</b>	<b>ASMP Required ROW</b>	<b>Pavement</b>	<b>ASMP Classification</b>	<b>Sidewalks</b>	<b>Bicycle Route</b>	<b>Capital Metro (within ¼ mile)</b>
Rogers Lane	~52'	50'	18'	1	No	No	No

TIA: N/A

WATERSHED: Walnut Creek (Suburban)

**NEIGHBORHOOD ORGANIZATIONS:**

Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 Del Valle Community Coalition  
 Agave Neighborhood Association  
 Friends of Austin Neighborhoods  
 Austin Neighborhoods Council

Friends of Northeast Austin  
 SELTexas  
 Sierra Club  
 Neighbors United for Progress  
 Claim Your Destiny Foundation

**AREA CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>COUNCIL</b>
C14-2021-0145 Rogers ADU	SF-2 to SF-3	TBD	TBD
C14-2021-0141 Agave Annex	SF-2 to SF-4A	TBD	TBD
C14-2020-0108 Rogers Lane Project Rezoning	SF-2 to SF-3	November 3, 2020: To grant SF-3, on consent.	December 3, 2020: To grant SF-3, on consent

OTHER STAFF COMMENTS:**COMPREHENSIVE PLANNING**

The subject property of this zoning case is located on the east side of Rogers Lane, on a one acre property, which contains a house. The property is located a quarter of a mile from the FM 969 Road Activity Corridor and is not located within the boundaries of a neighborhood planning area. Surrounding land uses include single-family housing and vacant land to the north; to the south in a small farm and single-family housing; to the west is single family housing; and to the east is vacant land and Oak Meadows Elementary School.

Connectivity- Rogers Road is a narrow road, with a substandard paving surface, which is in need of resurfacing/repair. There are no existing public sidewalks, walking trails or public transit stops located along this portion of Rogers Lane. There is also no public transit stops located along this portion of FM 969/East Martin Luther King Boulevard, which is quarter of a mile away, and intersects Rogers Road. Mobility and connectivity options in the area are below average and necessitate the use of a car to access goods, services and civic uses, including the school, which is located a mile away driving distance.

Imagine Austin- The following Imagine Austin policy is applicable to this case:

☐ LUT P3 Promote development in compact centers, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.

☐ 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:

- ☐ other residential uses in the area;
- ☐ being a quarter of a mile from an Activity Corridor;
- ☐ providing additional missing middle housing units; but
- ☐ below average mobility and connectivity options in the area,

this project partially supports the Imagine Austin Comprehensive Plan.

**ENVIRONMENTAL**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Walnut 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.

2. 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%

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

## TRANSPORTATION

Rogers Lane is included in the ASMP as a Level 1 roadway, however, there are no immediate or long terms plans identified for improvements. Another zoning case on Rogers Ln, C14-2021-0141 (Agave Annex) will be submitting a NTA so we will know more about the characteristics and capacity of the street after that is reviewed. Mitigations, including potential street widening, may be recommended out of that NTA.

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies the existing right-of-way sufficient for Rogers Lane. A traffic impact analysis is waived because the traffic generated by the proposal does not exceed the thresholds established in the Land Development Code, however mitigation may be required at the time of site plan.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Rogers Lane	~52'	50'	18'	1	No	No	No

## SITE PLAN

SP 1 The site may be subject to compatibility standards depending on what is built. Projects built to SF-5 standards do not trigger compatibility; projects built to SF-6 standards do. Along all 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.

SP 2 Additional design regulations will be enforced at the time a site plan is submitted.

## PARKLAND

PR1: Parkland dedication will be required for the new residential units proposed by this development, single family with SF-6 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

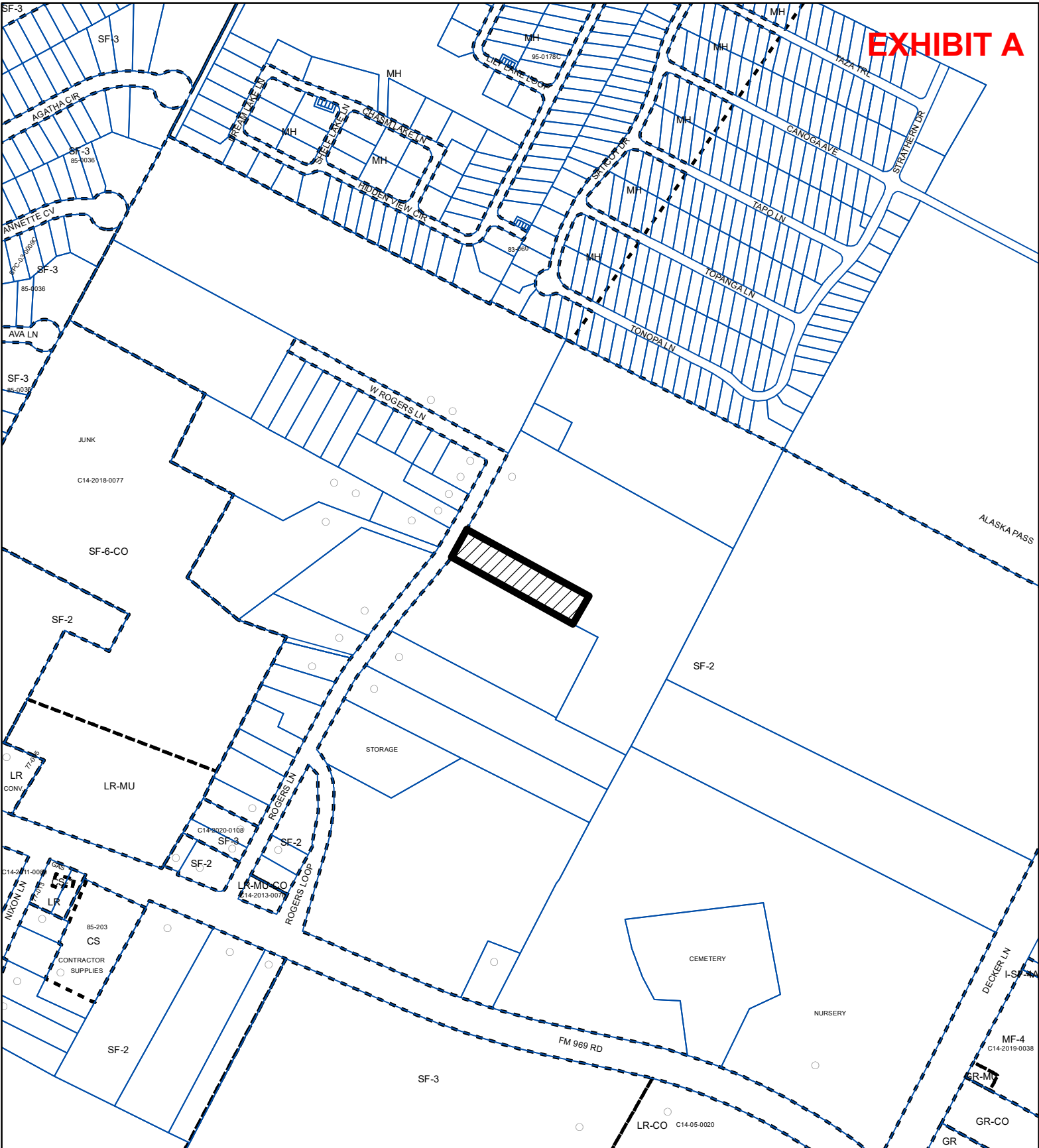
Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2). If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

#### 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. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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




- A: Zoning Map
- B. Aerial Exhibit
- C. Valid Petition
- D. Correspondence



## ZONING

ZONING CASE#: C14-2021-0127



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

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: 8/10/2021



# Property Profile

## Legend **EXHIBIT B**



- Street Labels
- Zoning Review Cases- IN REV
- Zoning Text

Notes

0.3 0 0.15 0.3 Miles

NAD\_1983\_StatePlane\_Texas\_Central\_FIPS\_4203\_Feet

Date Printed:

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# P E T I T I O N

Date: \_\_September 5, 2021

File Number: \_\_C14-2021-0127

Address of Rezoning Request: \_\_5417 Rogers Lane

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than \_\_SF-2-Single Family Residence (Standard Lot) district\_\_

We oppose the zoning change on our street for several reasons that we hereby state. Changing the zoning code for said property above would obviously bring more traffic onto our street. Our street is less than a mile long and is very narrow with no demarcated dividing line between lanes, no curbs, sidewalks nor drainage. Two vehicles cannot traverse in opposite directions at the same time without one vehicle needing to stop to let the other vehicle go around first or when feasible, one vehicle must ride onto the grass. Emergency vehicles that have come into our neighborhood on various occasions have blocked our streets as there is no appropriate place for them to park while they render help to the various elderly folk that live on our street. We also have issues with the school buses that come to pick up our children. The road is so narrow that if there are vehicles at the bottom of the hill (at the intersection of Rogers Loop and FM969) waiting to go out onto FM 969, buses have to wait until the line of vehicles can get onto FM 969 before the bus can make a right turn onto Rogers Loop. Our neighborhood only has one way in and out onto the main road being FM 969, which is a busy high speed road. Before the pandemic, we all had a hard time egressing and ingressing onto and from FM 969 during high traffic hours due to the fact that FM 969 would be backed up bumper to bumper all the way from the Toll Road I 30 heading east to downtown. Although not all the homes on our street are within 200 feet of this property (5417 Rogers Lane) we will all be directly affected by the increase in the number of vehicles traversing our street. There are other plats of land on our street with a substantial amount of acres that are currently under contract for development. I have met with a representative of another developer that will propose a zoning code change soon (for 7806 W. Rogers Lane) to build approximately 100 more homes on our

street, if they are successful in getting a zoning code change. We are concerned that changing the zoning code for 5417 Rogers Lane will set a precedent for other upcoming development on our street and consequently make it nearly impossible to come in and out of our neighborhood especially during peak hours of traffic. We respectfully request that the Council and Commission take into account our reasons for opposition as well as any future development when making a decision for this current zoning change request.

SIGNATURE	PRINTED NAME	ADDRESS
<i>Maria C Bowen</i>	Maria C Bowen	7809 Rogers Ln West
<i>Bennie Pittman</i>	Bennie Pittman	5416 Rogers Lane
<i>Nancy Caballero</i>	Nancy Caballero	7801 Rogers Ln W.
<i>Parker Hyatt</i>	PARKER HYATT	5318 Rogers Ln.
<i>Angelina Pineda</i>	Angelina Pineda	7713 Roger Ln. W
<i>Emma Navarro</i>	EMMA NAVARRO	5504 Rogers Ln
<i>Lynda G Hitchcock</i>	Lynda G Hitchcock	5401 Rogers Ln 5400's E5
<i>Bob Bo Gomez</i>	Bob Bo Gomez	<del>5308</del> 5308 Rogers Pine 78725
<i>Richard Calhoun</i>	Richard Calhoun	5214 Rogers Austin, TX 78721
<i>Nancy Calhoun</i>	Nancy Calhoun	5216 Rogers Ln Austin, TX 78724
<i>M. Andy Kramer</i>	M. Andy Kramer	5414 Rogers Ln. Austin, TX 78724
<i>Lissa A. Lissa</i>	Lissa A. Lissa	7807 Rogers Ln W. Austin, TX 78724
<i>Masdalena Luviano</i>	Masdalena Luviano	7901 Rogers Ln. W Austin, TX 78724
<i>Oneta Staples</i>	Oneta Staples	5448 Rogers Ln Austin, TX 78724
<i>Janet Hause</i>	Janet Hause	5213 Rogers
<i>Joe Aframiano, Jr</i>	Joe Aframiano, Jr	5418 Rogers Ln Austin, TX 78724
<i>Maleta Hidro</i>	Maleta Hidro	5500 Rogers Ln
<i>The Sweetland Family Trust</i>	The Sweetland Family Trust	7803 Rogers Lane West B.
<i>M. B. Crisp and Lloyd Sweetland</i>	M. B. Crisp and Lloyd Sweetland	7711 Rm Lane West 78724

Date: 09/05/2021

Contact Name: Maria C. Bowen

Phone Number: (512) 826-7832

Case Number:  
**C14-2021-0127**

## PETITION

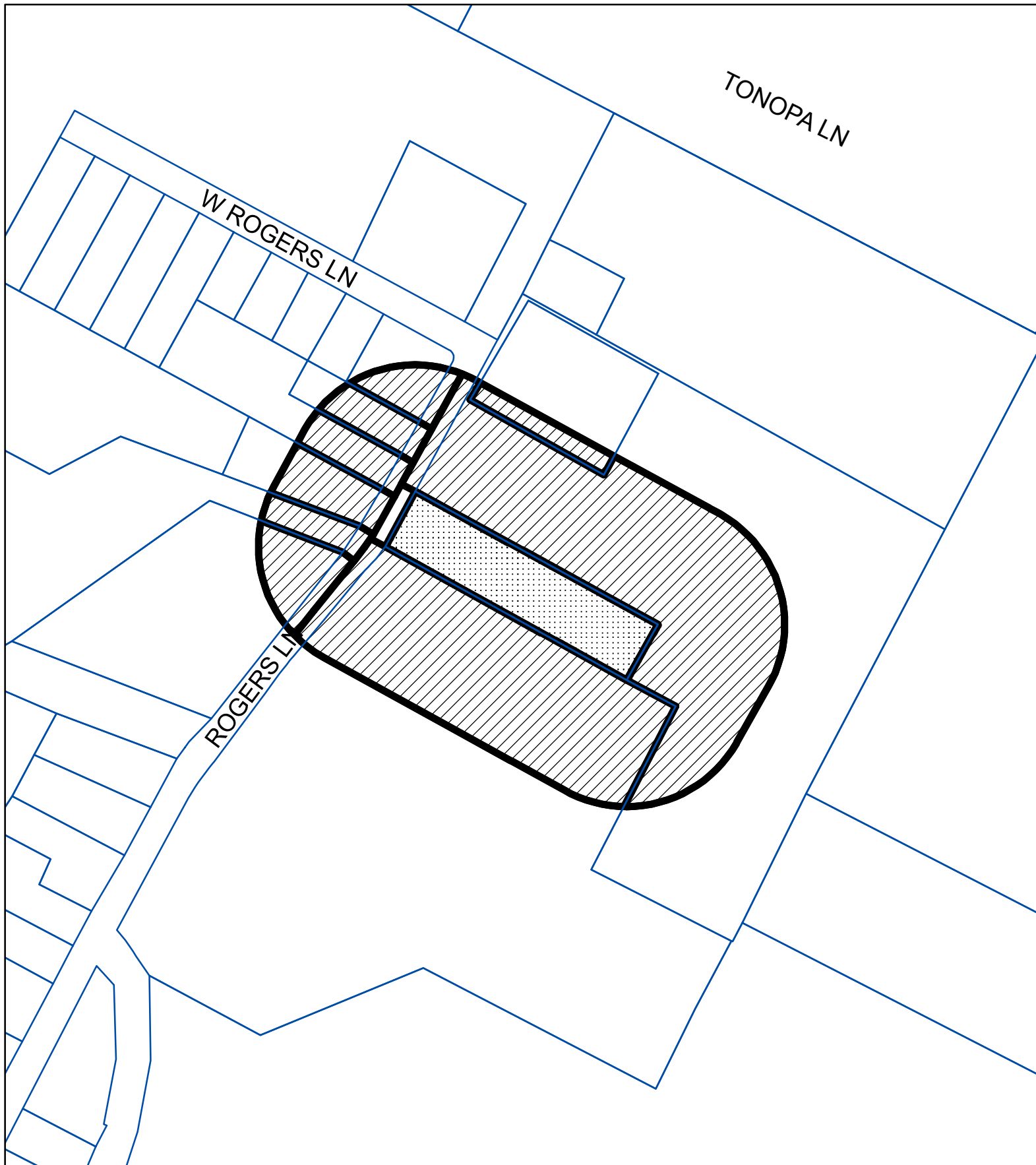
Date: 9/24/2021

Total Square Footage of Buffer: 340097.4995

Percentage of Square Footage Owned by Petitioners Within Buffer: 47.07%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0210310123	5418 ROGERS LN AUSTIN 78724	ALTAMIRANO JOE JR	yes	10687.81	3.14%
0210310121	5504 W ROGERS LN 78724	HIDROGO ALICIA G	no	9899.95	0.00%
0210310122	5500 ROGERS LN 78724	HIDROGO JOE JR & ETALS	no	9833.34	0.00%
0210310106	5401 ROGERS LN AUSTIN 78724	HITCHCOCK H. M. JR & LYNDAY GAYLE	yes	112882.84	33.19%
0210310125	5400 ROGERS LN 78724	HITCHCOK H M JR & LYNDAY GAYLE	yes	14947.31	4.40%
0210310129	5414 ROGERS LN 78724	KRAMER M ANDY & E GRACE	yes	8099.59	2.38%
0210310124	5416 ROGERS LN AUSTIN 78724	PITTMAN BENNY	yes	13457.87	3.96%
0210310109	5505 ROGERS LN 78724	SOUTHWEST KEY PROGRAMS INC	no	149928.79	0.00%
0210310109	5505 ROGERS LN 78724	SOUTHWEST KEY PROGRAMS INC	no	7864.28	0.00%
<b>Total</b>				<b>337601.79</b>	<b>47.07%</b>



N



BUFFER

PROPERTY\_OWNER

SUBJECT\_TRACT

## PETITION

Case#: C14-2021-0127

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1" = 200'

**From:** Carolina Bowen < >  
**Sent:** Monday, August 16, 2021 3:09 PM  
**To:** Chaffin, Heather <Heather.Chaffin@austintexas.gov>  
**Subject:** Case # C14-2021-0127

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

Dear Ms. Chaffin,

Greetings. I am writing in reference to the case number referenced in the subject line. This would be regarding the property located on 5417 Rogers Lane West. We spoke a few months ago about it. I finally received a letter in the mail today notifying the neighborhood of the application for rezoning. As you know, we have many concerns regarding it and would like to do everything in our power to keep the zoning "as is". If you can contact me and let me know what the official next steps would be I would be so grateful. I realize there will be a public hearing, which I plan to attend but I would like to be fully prepared for it. Meanwhile, I will read anything I can find online regarding this matter. I appreciate your time and attention to this matter, thank you.

Sincerely,  
María C. Bowen

**From:** Carolina Bowen < >  
**Sent:** Friday, August 27, 2021 11:10 AM  
**To:** Chaffin, Heather <Heather.Chaffin@austintexas.gov>  
**Subject:** Re: Case # C14-2021-0127









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**From:** Carolina Bowen  
**Sent:** Friday, August 27, 2021 11:20 AM  
**To:** Chaffin, Heather <Heather.Chaffin@austintexas.gov>  
**Subject:** Re: Case # C14-2021-0127

The pictures I just sent you show just how narrow our street is and how difficult it would be to have a lot of traffic traversing on our road in opposite directions not to mention all the trailer trucks carrying construction materials for building these homes. Also please remember we only have one way in and one way out of our neighborhood. I will include more reasons I oppose the rezoning with my formal petition as well. That will be forthcoming. Thank you.

Sincerely,  
María C Bowen  
7809 Rogers Lane West  
ATX, 78724

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**From:** Carolina Bowen  
**Sent:** Friday, August 27, 2021 10:56:35 AM  
**To:** Chaffin, Heather <[Heather.Chaffin@austintexas.gov](mailto:Heather.Chaffin@austintexas.gov)>  
**Subject:** Re: Case # C14-2021-0127

Greetings,

No problem for the delay. I just have a few questions for you. I am getting ready to formally submit my opposition to the zoning change for C14-2021-0127 along with my neighbors. I visited the website austintexas.gov. I did not see an address for the City Council. Can I get that from you, please? It says I have to send my written petition of opposition to them and the Zoning and Platting Commission, which I am assuming is your office. Also, if I have pictures of our street that I would like your staff and City Council to consider before making a decision can I send them with my formal petition of opposition to the City Council? And can I send them to you via email? Thank you for your time and attention to this matter.

Sincerely,  
María C Bowen  
7809 Rogers Lane West  
ATX. 78724

**From:** Carolina Bowen <  
**Sent:** Thursday, September 9, 2021 11:00 AM  
**To:** Chaffin, Heather <Heather.Chaffin@austintexas.gov>  
**Subject:** C14-2021-0127

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



**From:** Carolina Bowen < >  
**Sent:** Thursday, September 9, 2021 11:33 AM  
**To:** Chaffin, Heather <Heather.Chaffin@austintexas.gov>  
**Subject:** C14-2021-0127

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

Dear Ms. Chaffin,

I just sent you another picture of my son's school bus this morning. He was momentarily parked on the side of the road and I couldn't get by so he had to move up and over so I could get by. The cones to the left were placed by the neighbor trying to prevent the owner of the "Awarehouse", who holds events and her attendees take his parking spot because they park up and down on both sides of Rogers Loop and Lane.

Also, I don't know if you received my email yesterday letting you know i have the petition and signatures ready for drop off. Let me know when i can bring them. Thank you.

Sincerely,  
María C Bowen

**From:** Carolina Bowen <>  
**Sent:** Tuesday, November 2, 2021 12:12 PM  
**To:** heather.chaffin@austin.gov  
**Subject:** C14-201-0127



























Sent from my iPhone

**From:** Carolina Bowen <>

**Sent:** Tuesday, November 2, 2021 12:02 PM

**To:** heather.chaffin@austin.gov  
**Subject:** C14-2021-0127





























Sent from my iPhone