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)

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:

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

### STREET CHARACTERISTICS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Existing ROW</th>
<th>ASMP Required ROW</th>
<th>Pavement</th>
<th>ASMP Classification</th>
<th>Sidewalks</th>
<th>Bicycle Route</th>
<th>Capital Metro (within ¼ mile)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rogers Lane</td>
<td>~52’</td>
<td>50’</td>
<td>18’</td>
<td>1</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

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:

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

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

3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
4. 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.

<table>
<thead>
<tr>
<th>Name</th>
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</tr>
</tbody>
</table>

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:
   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.

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. 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
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

ZONING CASE#: C14-2021-0127

Created: 8/10/2021
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PETITION

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
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.

<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>PRINTED NAME</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maria (B)</td>
<td>Maria C. Bowen</td>
<td>7809 Rogers Ln. West</td>
</tr>
<tr>
<td>Pitman</td>
<td>Bennie Pittman</td>
<td>5416 Rogers Lane</td>
</tr>
<tr>
<td>Nancy Caballero</td>
<td>Nancy Caballero</td>
<td>7701 Rogers Ln. W.</td>
</tr>
<tr>
<td>Parker Hyting</td>
<td>Parker Hyting</td>
<td>5318 Rogers Ln.</td>
</tr>
<tr>
<td>Angelina Pineda</td>
<td>Angelina Pineda</td>
<td>7713 Rogers Ln. W.</td>
</tr>
<tr>
<td>Emma Navarro</td>
<td>Emma Navarro</td>
<td>5501 Rogers Ln.</td>
</tr>
<tr>
<td>Lynda Litchcock</td>
<td>Lynda Litchcock</td>
<td>5401 Rogers Ln.</td>
</tr>
<tr>
<td>Rob P. Garcia</td>
<td>Rob P. Garcia</td>
<td>5808 Rogers Ln.</td>
</tr>
<tr>
<td>Richard Calhoun</td>
<td>Richard Calhoun</td>
<td>5214 Rogers Ln.</td>
</tr>
<tr>
<td>M. Andy Kramer</td>
<td>M. Andy Kramer</td>
<td>5414 Rogers Ln.</td>
</tr>
<tr>
<td>Lissa A. Lissa</td>
<td>Lissa A. Lissa</td>
<td>7801 Rogers Ln. W.</td>
</tr>
<tr>
<td>M. Salazar</td>
<td>M. Salazar</td>
<td>7901 Rogers Ln. W.</td>
</tr>
<tr>
<td>Elena Haynes</td>
<td>Elena Haynes</td>
<td>5496 Rogers Ln. West</td>
</tr>
<tr>
<td>Janet Austin</td>
<td>Janet Austin</td>
<td>5213 Rogers Ln.</td>
</tr>
<tr>
<td>Joe Atkinson</td>
<td>Joe Atkinson</td>
<td>5418 Rogers Ln.</td>
</tr>
</tbody>
</table>

Date: 09/05/2021
Contact Name: Maria C. Bowen
Phone Number: (512) 826-7832
## PETITION

<table>
<thead>
<tr>
<th>TCAD ID</th>
<th>Address</th>
<th>Owner</th>
<th>Signature</th>
<th>Petition Area</th>
<th>Percent</th>
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<tbody>
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<td>0210310123</td>
<td>5418 ROGERS LN AUSTIN 78724</td>
<td>ALTAMIRANO JOE JR</td>
<td>yes</td>
<td>10687.81</td>
<td>3.14%</td>
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<td>0210310121</td>
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<td>HIDROGO ALICIA G</td>
<td>no</td>
<td>9899.95</td>
<td>0.00%</td>
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<td>0210310122</td>
<td>5500 ROGERS LN 78724</td>
<td>HIDROGO JOE JR &amp; ETALS</td>
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<td>9833.34</td>
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<td>0210310106</td>
<td>5401 ROGERS LN AUSTIN 78724</td>
<td>HITCHCOCK H. M. JR &amp; LYNDA GAYLE</td>
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<td>112882.84</td>
<td>33.19%</td>
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<tr>
<td>0210310125</td>
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<td>HITCHCOK H M JR &amp; LYNDA GAYLE</td>
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<td>14947.31</td>
<td>4.40%</td>
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<td>KRAMER M ANDY &amp; E GRACE</td>
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<td>8099.59</td>
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<td><strong>Total</strong></td>
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<td></td>
<td></td>
<td><strong>337601.79</strong></td>
<td><strong>47.07%</strong></td>
</tr>
</tbody>
</table>

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

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
Get Outlook for iOS
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

From: Carolina Bowen  
Sent: Friday, August 27, 2021 10:56:35 AM  
To: Chaffin, Heather <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 ***
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