

## ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0034 (MOD 53.5)

DISTRICT: 4

ADDRESS: 901, 903, 905 E 53rd 1/2 Street

ZONING FROM: SF-3-NP

TO: ~~MF-6-NP~~ MF-2-CO-NP\*

\*On November 16, 2021, the applicant submitted a letter amending the rezoning request to MF-2-NP (*please see Applicant's Amendment Request – Exhibit E*). The applicant added a proposed conditional overlay on January 27, 2022 to limit the building height on the property to a maximum of 35 feet and to limit the number of residential units to a maximum of 13 units (*please see Proposed Conditional Overlay - Exhibit F*).

SITE AREA: 0.7481 acres

PROPERTY OWNER: Timmermann Properties, North Loop Rentals, LP  
(Barth Timmermann)

AGENT: Land Use Solutions (Michele Haussmann)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov))

STAFF RECOMMENDATION:

**Staff recommends MF-2-CO-NP, Multifamily Residence-Low Density-Conditional Overlay-Neighborhood Plan Combining district zoning.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

**December 14, 2021: Postponed to February 8, 2022 at the applicant's request (11-0, J. Shieh- absent), A. Azhar-1<sup>st</sup>, R. Schneider-2<sup>nd</sup>.**

**February 8, 2022: Approved staff's recommendation of MF-2-CO-NP zoning by consent (11-0, J. Connolly and S. Praxis-off the dais); J. Shieh-1st, G. Cox-2nd.**

CITY COUNCIL ACTION:

**March 24, 2022**

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question consists of three lots that are developed with single-family residences. The lots to the north, south and east are also developed with single family homes and zoned SF-3-NP. The tract of land to the west contains office/commercial uses zoned LR-MU. In this case, the applicant is requesting MF-2-NP zoning to develop for sale condominium residences (*please see Applicant's Request Letter – Exhibit C and Applicant's Amendment Request – Exhibit D*).

The staff recommends MF-2-CO-NP, Multifamily Residence-Low Density-Conditional Overlay-Neighborhood Plan Combining district, zoning. The property in question is consistent with the intent of the MF-2 district as it is located near single family uses where low density multifamily residential uses are desired to provide for a mixture of housing opportunities. MF-2-CO-NP zoning will allow for a transition in the intensity of uses along East 53 ½ Street from the LR-MU zoning to the west to the SF-3-NP zoning to the east. The Imagine Austin Comprehensive Plan supports a variety of housing types throughout Austin, and the staff believes that the proposed residential zoning is consistent with the goals in the comprehensive plan.

The applicant agrees with the staff's recommendation.

BASIS OF RECOMMENDATION:

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

Multifamily Residence (Low Density) district is intended to accommodate multifamily use with a maximum density of up to 23 units per acre, depending on unit size. This district is appropriate for multifamily residential areas located near single-family neighborhoods, and in selected areas where low density multifamily use is desirable.

Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

Neighborhood Plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The proposed MF-2-CO-NP zoning will provide for a transition in the intensity of uses along East 53 ½ Street from the commercial/LR-MU zoning to the west to the low intensity residential/SF-3-NP zoning to the east.

3. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

Granting the proposed zoning would be in keeping with the Neighborhood Plan and the goals of the Imagine Austin Comprehensive Plan. A portion of this property is located within the Highland Mall Station Regional Center as designated by the Imagine Austin Comprehensive Plan.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single Family Residences, Playground for Adjacent Daycare
<i>North</i>	SF-3-NP	Single Family Residences
<i>East</i>	SF-3-NP	Single Family Residences
<i>South</i>	SF-3-NP	Single Family Residences
<i>West</i>	LR-CO-NP	Office/Commercial (State Services: Family Connections, Fountain Plaza Child Incorporated Day Care/Child Care, Child, Inc., We Will Not Forget Saje Social Services Organization)

NEIGHBORHOOD PLANNING AREA: North Loop

TIA: Deferred to Site Plan

WATERSHED: Tannehill Branch

SCHOOLS: Austin I.S.D.

Lee Elementary  
Kealing Middle School  
McCallum High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District  
Austin Lost and Found Pets  
Austin Neighborhoods Council  
Central Austin Community Development Corporation  
Friends of Austin Neighborhoods  
Homeless Neighborhood Association

North Austin Neighborhood Alliance  
 Neighborhood Empowerment Foundation  
 North Loop Neighborhood Plan Contact Team  
 Preservation Austin  
 Redline Parkway Initiative  
 Ridgetop Neighborhood Association  
 SELTEXAS  
 Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0028 (MDC Programs Annex: 1001 E. 501h Street & 4915 Hannon Avenue)	SF-3-NP to LO-MU-CO-NP	6/24/14: To grant staff's rec. of LO-MU-CO-NP zoning, w/the following conditions: Prohibit Art Gallery and Medical Offices (greater than 5,000 sq. ft); other conditions listed in letter dated June 24, 2014, by Dick Rathgeber are recommended to be included as conditional overlay, public restrictive covenant and/or private covenant to be determined by the COA Law Department (5-0); A. Hernandez-1st: Hatfield-2nd).	11/06/14: The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20141106-091 for LO-MU-CO-NP zoning was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was absent.
C14-2013-0133 (920 E. 53 <sup>rd</sup> Street)	SF-3-NP to SF-4A-NP	12/13/13: Approved staff rec. for SF-4A-NP zoning by consent (5-0, R. Hatfield, A. Hernandez, B. Roark and J. Stevens-absent); J. Nortey-1 <sup>st</sup> , S. Oliver-2 <sup>nd</sup> .	1/23/14: Approved SF-4A-NP zoning as rec. by the Planning Commission on 1 <sup>st</sup> reading (6-0, L. Leffingwell-absent)  2/13/14: The public hearing was conducted and the adopt Ordinance No. 20140123-086 for SF-4A-NP district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Leffingwell was absent.

RELATED CASES:

NPA-2021-0011.01 - Neighborhood Plan Amendment Case  
 SP-2018-0312C.SH - Site Plan Case

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
53 <sup>rd</sup> Half St	50'	60'	40'	2	Yes	Yes	Yes

OTHER STAFF COMMENTS:Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill Branch Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

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.

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 sq. ft. cumulative is exceeded, and onsite control for the two-year storm.

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.

Fire

No comments.

### Parks and Recreation

Parkland dedication will be required for the new residential units proposed by this development, multifamily with MF-6-NP 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

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

The site is subject to compatibility standards. Along the *north, south, and east* 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.

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

### Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies a need for 60' of right-of-way for 53<sup>rd</sup> Half Street. A Traffic Impact Analysis shall be required at the time of site plan, if triggered, when land uses and intensities will be known per LDC 25-6-113.

### 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.

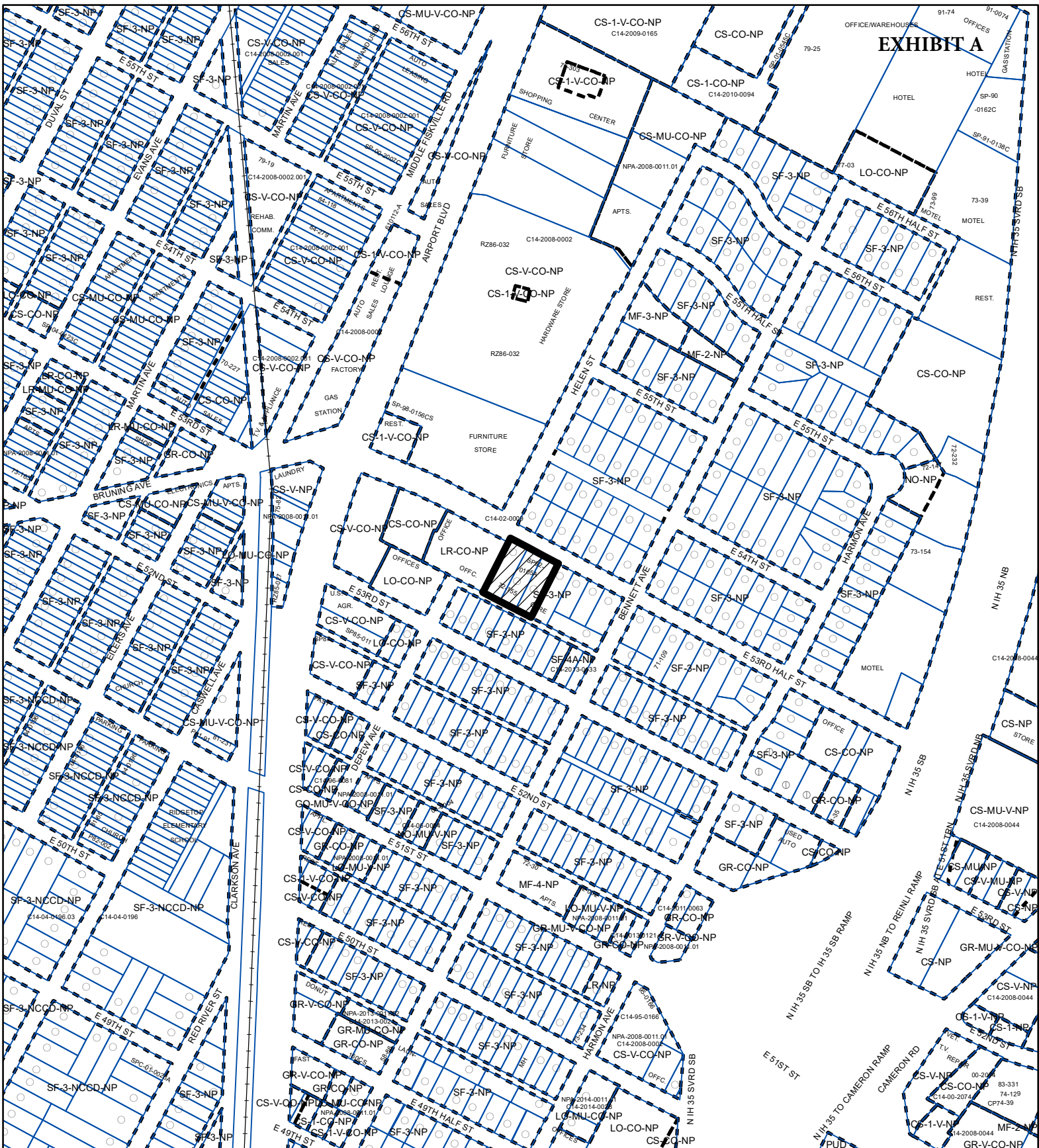
Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility 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
- B. Aerial Map
- C. Applicant's Request Letter
- D. Applicant's Amended Rezoning Request
- E. Proposed Conditional Overlay
- F. Correspondence from Interested Parties




**EXHIBIT A**



## ZONING

ZONING CASE#: C14-2021-0034



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

$$1'' = 400'$$

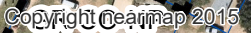
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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: 3/16/2021**





SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

$$1'' = 200'$$

## MOD 53.5

ZONING CASE#: C14-2021-0034  
LOCATION: 901, 903, 905 E 53rd Half St  
SUBJECT AREA: 0.75 Acres  
GRID: K26  
MANAGER: Sherri Sirwaitis



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.





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Michele Haussmann

PRINCIPAL

[Michele@LandUseSolutionsTX.com](mailto:Michele@LandUseSolutionsTX.com)

March 10, 2021

Mr. Jerry Rusthoven  
Housing and Planning Department  
City of Austin  
[Jerry.Rusthoven@AustinTexas.gov](mailto:Jerry.Rusthoven@AustinTexas.gov)

VIA Electronic Mail

Re: Neighborhood Plan Amendment and Zoning Application - Property located at 901, 903 and 905 E 53<sup>rd</sup> ½ Street in the City of Austin, Travis County, Texas ("Property")

Dear Mr. Rusthoven:

As representatives of the owner of the above stated Property, Timmermann Properties and North Loop Rentals, LP ("Applicant"), we respectfully submit the enclosed zoning and neighborhood plan amendment ("NPA") application packages. The Property consists of 0.7481 acres and is in the North Loop Neighborhood Plan ("NLNP"). The Applicant is requesting a NPA and rezoning of the Property to allow for the development of an infill project consisting of fourteen (14) for sale condominium units known as MOD 53.5. The units are 2 bedroom, 2.5 bathrooms, include attached two car garage, and limited to three stories/35 feet height. The Applicant is requesting a NPA from Single Family to Mixed Use and a rezoning from SF-3-NP to MF-6-CO-NP. Please see the enclosed aerials, neighborhood plan, zoning map and example images of the proposed condominium development for your review. The Recommendation Criteria and Land Use Planning Principles will be provided in a separate document.

The following are the details of the requests:

Address:	901, 903, 905 E 53 <sup>rd</sup> ½ Street
District:	District 4 Council Member Greg Casar
Acreage:	0.7481 acres
Existing Land Use:	Single Family
Proposed Use:	Mixed Use
Existing Zoning:	SF-3-NP
Proposed Zoning:	MF-6-CO-NP

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The NPA complies with applicable regulations and standards established by Title 25, the objectives of Chapter 25-2 and the purposes of the zoning district proposed for the Property. The MF-6-CO-NP zoning district includes a Conditional Overlay that limits the height, lot size, setbacks, and building coverage to the MF-3 zoning district to ensure compatibility with the adjacent commercial development to the west, office and multifamily to the northwest (Travis Flats) and the surrounding single family. The proposed condominium development will comply with compatibility standards. The proposed MF-6-CO-NP and condominium development are permitted in the Mixed Use land use designation.

The proposed MF-6-CO-NP zoning with MF-3 zoning scale and design is consistent and compatible with the surrounding zoning and land uses. The proposed Multifamily and MF-6-CO-NP provide a transition from the Mixed Use and LR-CO-NP zoning to the west, Mixed Use and CS-V-CO-NP zoning to the northwest and the surrounding Single Family and SF-3-NP zoning. The adjacent property to the west is developed with a commercial building. The property to the northwest is owned by Travis County, developed with Travis County commercial facilities, and the portion of the property closest to the Property is being redeveloped as a four story 146 unit affordable housing community and a three story 83,529 square foot office building with a coffee shop known as Travis Flats (SP-2018-0312C.SH).

The NLNP calls for smaller scale, but higher density development, such as condominiums, and additional opportunities for housing choice through small scale multifamily. Housing choice and diversity were important themes of the NLNP vision. The proposed condominium development is an alternative choice to single family and apartment living. No units above or below, 1,500-1,600 square feet, 2 bedroom 2.5 bathroom, attached 2 car garages, limited to 3 stories/35 feet height, and located within walking distance of transit and commercial services. The condominiums are for sale units creating opportunity for homeownership.

A portion of the Property located at 901 E 53 ½ Street is located in the Highland Mall Station Regional Center established by the Imagine Austin Comprehensive Plan. The other two lots included in the request are adjacent to the Highland Mall Station Regional Center. The infill condominium units will be located within one mile from the Highland Mall Station Red Line. Access to transit options was a theme in the NLNP.

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Connectivity is an important feature of the NLNP area with the neighborhood having safe and direct pedestrian linkages to key neighborhood destinations and institutions. The Property is located on E 53 ½ Street, which is designated in the Austin Strategic Mobility Plan as a Priority 2 street, an all ages and abilities bicycle facility and very high sidewalk prioritization. The Property is in close proximity to transit and services including 1) 530 feet from a Core Transit Corridor (Airport Blvd.), 2) 530 feet from the proposed Priority 1 urban trail along Airport Blvd., 3) within a quarter mile of three bus stops, 4) within a mile of the Highland Mall Station Red Line, and 5) within walking distance of commercial services.

Please let me know if you or your team members have any questions or need additional information. Thank you for your time and assistance.

Respectfully,

A handwritten signature in blue ink that reads 'Michele Haussmann'.

Michele Haussmann

CC: Joi Harden, Housing and Planning Department, *via electronic mail*  
Maureen Meredith, Housing and Planning Department, *via electronic mail*  
Mark Graham, Housing and Planning Department, *via electronic mail*  
James Howard, North Loop Neighborhood Contact Team, *via electronic mail*  
Barth Timmermann, Timmermann Properties and North Loop Rentals, LP, *via electronic mail*  
Shaun Ryan, Cantegra Developments, *via electronic mail*

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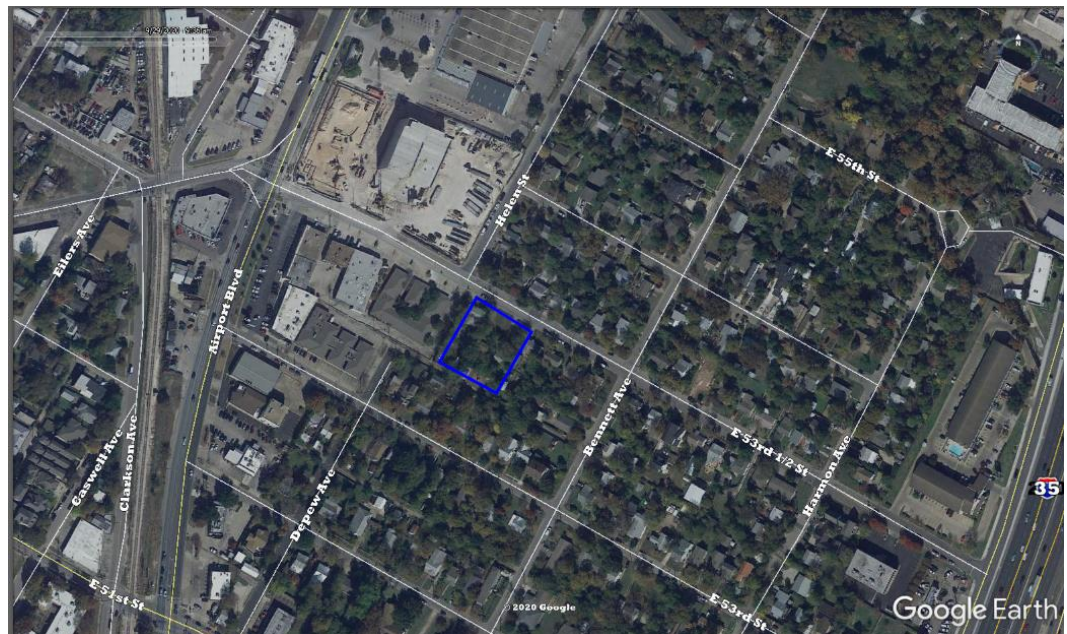
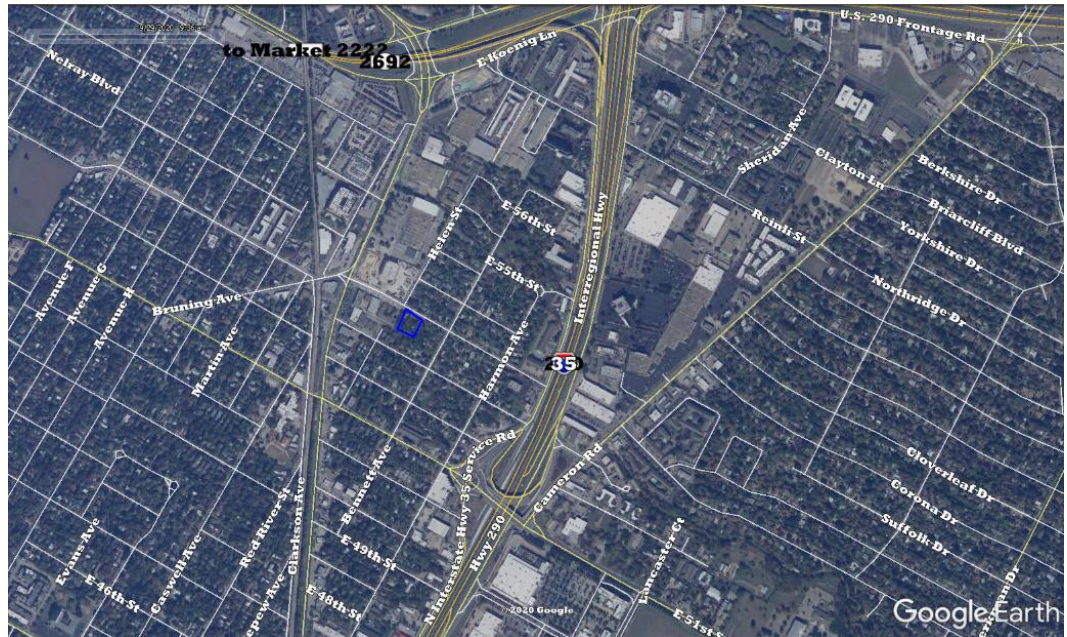
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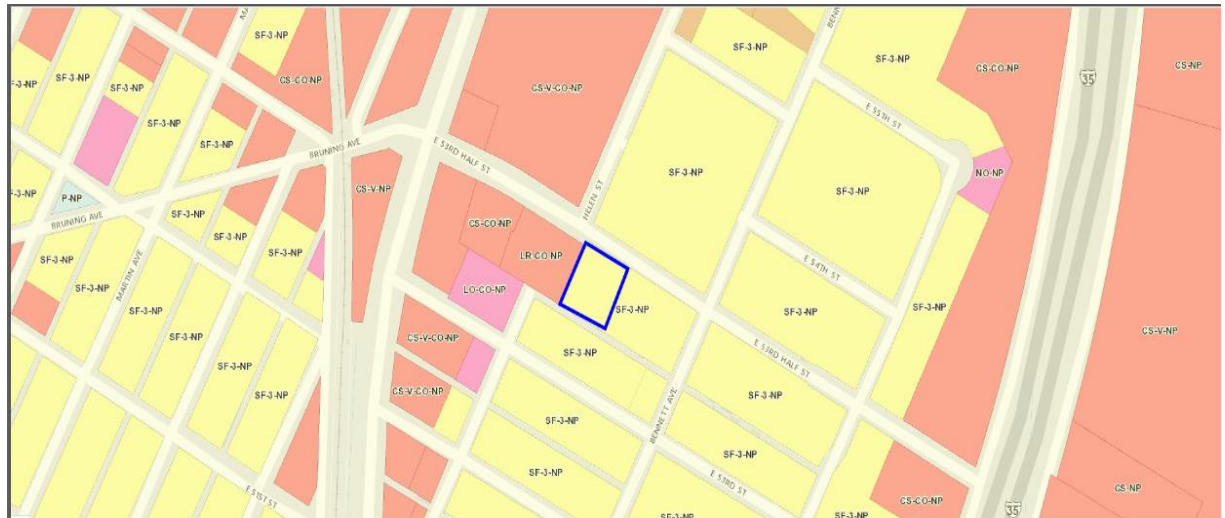
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Michele Haussmann

PRINCIPAL

[Michele@LandUseSolutionsTX.com](mailto:Michele@LandUseSolutionsTX.com)

November 16, 2021

Mr. Jerry Rusthoven  
Housing and Planning Department  
City of Austin  
[Jerry.Rusthoven@AustinTexas.gov](mailto:Jerry.Rusthoven@AustinTexas.gov)

VIA Electronic Mail

Re: Neighborhood Plan Amendment and Zoning Application - Property located at 901, 903 and 905 E 53<sup>rd</sup> ½ Street in the City of Austin, Travis County, Texas ("Property")

Dear Mr. Rusthoven:

As representatives of the owner of the above stated Property, Timmermann Properties and North Loop Rentals, LP, we respectfully amend the rezoning request to MF-2-NP.

Existing Zoning: SF-3-NP  
Proposed Zoning: MF-2-NP

Please let me know if you or your team members have any questions or need additional information. Thank you for your time and assistance.

Respectfully,

Michele Haussmann

CC: Maureen Meredith, Housing and Planning Department, *via electronic mail*  
Sherri Sirwaitis, Housing and Planning Department, *via electronic mail*  
James Howard, North Loop Neighborhood Contact Team, *via electronic mail*  
Barth Timmermann, Timmermann Properties and North Loop Rentals, LP, *via electronic mail*  
Shaun Ryan, Cantegra Developments, *via electronic mail*

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**From:** Michele Haussmann  
**To:** [Sirwaitis, Sherri](#)  
**Cc:** [Meredith, Maureen](#); [Kayla Simon](#)  
**Subject:** MOD 53.5  
**Date:** Thursday, January 27, 2022 2:39:01 PM  
**Attachments:** [image001.png](#)

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

Hello Sherri. I hope you're having a wonderful week!

The applicant would like to add a Conditional Overlay to the zoning to include a maximum height of 35 feet and a maximum number of units 13. Please let me know if this is acceptable.

Thank you for your time and assistance!

Respectfully,  
M

Michele Haussmann

PRINCIPAL

[Michele@LandUseSolutionsTX.com](mailto:Michele@LandUseSolutionsTX.com)



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December 5, 2021

Ms. Maureen Meredith  
Ms. Sherri Sirwaitis  
City of Austin  
Housing & Planning Department  
VIA ELECTRONIC MAIL [Maureen.Meredith@austintexas.gov](mailto:Maureen.Meredith@austintexas.gov), [Sherri.Sirwaitis@austintexas.gov](mailto:Sherri.Sirwaitis@austintexas.gov)

Re: MOD 53.5  
Zoning Application City File Number C14-2021-0034  
Neighborhood Plan Amendment Application City File Number NPA-2021-0011.01

Dear Ms. Meredith and Ms. Sirwaitis:

The North Loop Neighborhood Contact Team (the "Contact Team"), by unanimous vote, supports the following requests:

901, 903 and 905 East 53 ½ Street : Rezoning SF-3-NP to MF-2-NP - C14-2021-0034  
Neighborhood Plan Amendment Single Family to Mixed  
Use - NPA-2021-0011.01

The Contract Team had multiple meetings with the applicant and sincerely appreciated applicant's engagement and willingness to meaningfully address stakeholder feedback in revisions to the conceptual site plan. As always, we remain excited about the prospect of adding well-planned density to the neighborhood plan area and believe that the Department's approval of this request will facilitate the same.

We do want to note that this needed addition of multi-family housing will result in the removal of a playground currently located on the applicant's site and used by Child Inc., a day care located next door to the site. We fully support the applicant's request and understand the need to remove the playground to accommodate the proposed development. The benefits of the proposed development are clear. However, we want to specifically highlight this issue in our letter of support to underscore the need for the City to support our neighborhood schools and childcare facilities as more young families relocate to the area. The neighborhood plan area has a substantial need for more public park space and playgrounds for the increasing number of children that live here. We hope that the City will continue to support and facilitate well-planned developments such as the applicant's while considering these needs and adding public park space and playgrounds to our neighborhood to ensure a high quality of life for both existing residents and new.

Thank you for your attention to this letter.

James Howard,  
North Loop Neighborhood Contact Team Chair

CC: Michele Haussmann, Land Use Solutions, via electronic mail  
[Michele@landusesolutionstx.com](mailto:Michele@landusesolutionstx.com)  
Kayla Simon, Land Use Solutions, via electronic mail, [Kayla@landusesolutionstx.com](mailto:Kayla@landusesolutionstx.com)