

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0084 – 705 Brownlee Circle Rezone

DISTRICT: 9

ZONING FROM: SF-3-NP

TO: MF-3-NP

ADDRESS: 705 Brownlee Circle

SITE AREA: 0.2302 acres
(10,029 square feet)

PROPERTY OWNER: Bradley Hoskins

AGENT: Keepers Land Planning (Ricca Keepers)

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

STAFF RECOMMENDATION:

The Staff recommendation is to grant multifamily residence - medium density – neighborhood plan (MF-3-NP) combining district zoning. *For a summary of the basis of Staff's recommendation, see page 3 of this report.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

January 10, 2023: APPROVED MF-3-NP DISTRICT ZONING AS STAFF RECOMMENDED.

***[A. AZHAR; G. ANDERSON – 2ND] (10-0) Y. FLORES – OFF THE DAIS;
P. HOWARD – ABSENT; ONE VACANCY ON THE DAIS***

December 20, 2022: APPROVED A POSTPONEMENT TO JANUARY 10, 2023, BY CONSENT

***[A. AZHAR; P. HOWARD – 2ND] (9-0) J. THOMPSON – ABSTAIN; G. COX;
J. MUSHTALER, R. SCHNEIDER – ABSENT; ONE VACANCY ON THE DAIS***

CITY COUNCIL ACTION:

February 9, 2023:

ORDINANCE NUMBER:

ISSUES:

Signatures have been submitted in response to the above-referenced rezoning case protesting any change of the Land Development Code which would rezone the property to any classification other than the existing SF-3-NP zoning. The petition includes 39.49% of eligible signatures and meets the 20% threshold for a valid petition. Petition materials and comment response forms are located at the back of the Staff report.

705 Brownlee Circle is also subject to 25-2-1062 (*Height Limitations and Setbacks for Small Sites*) which applies to a property that does not exceed 20,000 square feet and a street frontage that does not exceed 100 feet. This Code section also establishes side yard setbacks based on the property's street frontage. 705 Brownlee has a street frontage of 55.79 feet and requires 16-foot side setbacks. (A 10-foot rear setback is also required per the site development standards for MF-3 zoning.) Subsection D (1) establishes a height limit of two stories and 30 feet if the structure is within 50 feet of an SF-5 or more restrictive zoning district, or on which a use permitted in an SF-5 or more restrictive zoning district is located.

A Notice of Violation for residential construction without required permits was mailed to the property owner on May 13, 2021. The Applicant reports that no construction on the property is occurring. The rezoning case was filed on June 27, 2022. A building permit was filed on August 17, 2022 and is for drywall and roof repair, and window replacement.

CASE MANAGER COMMENTS:

The subject rezoning area consists of one platted lot, which is located directly off of the southern side of Brownlee Circle, which is a small, circular road that intersects with Winflo Drive twice. The subject site is currently zoned as family residence – neighborhood plan (SF-3-NP) district, with an existing duplex onsite as well as a carport at the rear of the property. The Applicant has proposed to rezone the property to the multifamily residence-medium density – neighborhood plan (MF-3-NP) district to allow for the construction of a third unit onsite, converting the structure from a duplex to a triplex. ***Please refer to attached correspondence.***

The subject site is somewhat rectangular in shape. The property is only accessible via Brownlee Circle. There are residential uses located to both the west and east (MF-4-NP) of the subject site. There is a single-family residential use (SF-3-NP) located to the north, across Brownlee Circle, while a small plaza with a variety of uses is located to the south (CS-MU-V-CO-NP). ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).***

The requested multifamily residence-medium density – neighborhood plan (MF-3-NP) district establishes a maximum building coverage of 55% and a maximum impervious cover of 65%. Additional impervious cover may be needed to accommodate the third unit. The maximum floor area ratio allowed under MF-3-NP zoning would be 0.75:1. The maximum height permitted within the district is 40 feet, while up to 36 units per acre are allowed. It should be noted that while the density regulations, the size is sufficient in size to theoretically allow up to 8 units, it is unlikely to yield that many in practice given the shape of the property and other development standards, including the required setbacks for the district.

BASIS OF RECOMMENDATION:

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

The multifamily residence – medium density – neighborhood plan (MF-3-NP) zoning district is appropriate for multi-family residential areas located near supporting transportation and

commercial facilities, generally in more centrally located areas, and in other selected areas where medium density multi-family use is desirable. Given the location of the subject site, the proposal to rezone the property in order to convert the existing duplex into a triplex would be consistent with the purpose statement of the MF-3-NP zoning district.

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

The requested MF-3-NP zoning would allow for a range of residential uses to be conducted on-site by right, including multi-family uses. Staff recommends approval of the Applicant's request because the location is appropriate for a multi-family residential designation and the proposal would add greater cohesion to the existing land uses in the area. The areas immediately to the west and east of the site are zoned MF-4-NP, and therefore both allow multi-family residential uses at a higher density than the Applicant is requesting with this rezoning application. However, the subject site – which is located between those two properties – is currently zoned SF-3-NP, and therefore only allows single-family residential and other associated uses. The property to the north, across Brownlee Circle, is zoned SF-3-NP, while the property to the south is zoned CS-MU-V-CO-NP. The requested rezoning and resulting minor increase in density for the site would also help create a transitional area between the commercial plaza to the south and the single-family residential use to the north.

The subject site is located in an established neighborhood. Public transit options in the area are plentiful, with two bus routes on Sixth Street, approximately one block to the south and at least three more bus routes at the corner of North Lamar Boulevard and West Sixth Street, approximately half a mile to the east. The requested rezoning would promote a more compatible and comprehensive land use vision for the area.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Duplex
<i>South</i>	CS-MU-V-CO-NP	Plaza with various commercial uses
<i>North</i>	SF-3-NP	Single-family residence
<i>West</i>	MF-4-NP	Duplex (703 Brownlee Circle)
<i>East</i>	MF-4-NP	Single-family residence (707 Brownlee Circle)

NEIGHBORHOOD PLANNING AREA: Old West Austin

TIA: Is not required

WATERSHED: Lady Bird Lake – Urban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

Mathews Elementary School

O Henry Middle School

Austin High School

COMMUNITY REGISTRY LIST:

18 – Old West Neighborhood Association	384 – Save Barton Creek Association
511 – Austin Neighborhoods Council	742 – Austin Independent School District
1011 – Old West Neighborhood Plan Contact Team	
1228 – Sierra Club, Austin Regional Group	1363 – SEL Texas
1424 – Preservation Austin	1497 – Shoal Creek Conservancy
1530 – Friends of Austin Neighborhoods	1550 – Homeless Neighborhood Association
1616 – Neighborhood Empowerment Foundation	1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0112 – Old West Neighborhood Plan Combining District – Enfield Road	To add a neighborhood plan combining district to the base zoning districts in the Old West Austin NP Area	To Grant	Apvd (9-26-2002).
C14-2007-0237 – Old West Austin Neighborhood Planning Area Vertical Mixed Use Zonings – Enfield Road	To add a vertical mixed use (V) combining district to certain tracts of land located in the Old West Austin NP Area	To Grant	Apvd (3-06-2008).
C14-03-0016 – Nixon Harper House – 604 Harthan Street	SF-3-NP to SF-3-H-NP	To Grant	Apvd (11-20-2003).
C14-04-0149.32 – Owana Zoning Rollback – 701 Winflo Dr	MF-4-NP to SF-3-NP	To Grant	Apvd (3-24-2005).
C14H-2018-0013 – Smoot/Terrace Park Historic District – Properties generally bounded by W 9 th St on the north, W 6 th St on the south, Highland Ave on the west, and Pressler St on the east	To establish the Smoot/Terrace Park Historic District for the	No Recommendation	Apvd (8-30-2018).

C14H-2008-0026 – The Dunbar- Scurlock House – 2502 Harris Blvd	SF-3 to SF-3-H	To Grant	Apvd (11-20-2008).
C14H-2010-0006 – Castle Street Historic District (Formerly “Blanco Street Historic District”) – Along Blanco and Baylor Sts and between 6 th and 12 th Sts	To establish the Castle Hill Historic District	No Recommendation	Apvd (9-30-2010).
C14-2009-0166 – Westend Bistro – 1315 W 6 th St	LO-NP and LO-V- NP to GR-NP and GR-V-NP	To Grant GR-V-CO- NP with a CO preventing the structure on-site from exceeding 3,500 sf and limiting the max height to 2 stories or 25 feet	Apvd as recommended by the Commission (3-11-2010).
C14-2010-0115 – Nightcap Dessert Lounge – 1401 W 6 th St	LO-NO to GR-V- CO-NP	To Grant GR-V-CO- NP with add'l COs prohibiting specific uses, limiting the size of a restaurant (general) use to 2,500 sf and encouraging the applicant to limit the hours of operation through a private restrictive covenant	Apvd as recommended by the Commission (2-13-2014).
C14-04-0149.22 – Owana Zoning Rollback – 613, 615, & 617 Oakland Ave	MF-4-NP to SF-3- NP	To Grant	Apvd (3-04-2005).

RELATED CASES:

The property is a platted lot identified as Lot 32 of Park View, recorded in Volume 5, Page 69 of the Plat Records, Travis County, Texas.

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Brownlee Circle	Local Mobility – Level 1	64 feet recommended; 58 feet constrained	45 feet	24 feet	Incomplete, recommended 5 feet wide	None	Two on West 6 th Street

ADDITIONAL STAFF COMMENTS:Inclusive Planning

Yes	Imagine Austin Decision Guidelines
	Compact and Connected Measures
Y	Imagine Austin Growth Concept Map: Located close to, within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified on the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center: W. 6th Street Activity Corridor
Y	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
Y	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.
Y	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.
	Connectivity and Education: Is located within 0.50 miles from a public school or university.
	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreational area, park or walking trail.
	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
Y	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Mixed Use: Provides mixed use development (minimum 10% residential and 10% non-residential floor area).

	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
5	Total Number of “Yes’s”
Imagine Austin Priority Program Bonus Features (Extra Points)	
Y	Small Area Plan Policies: Supports applicable Small Area Plans, including the Future Land Use Map, goals, objectives, actions and text. List three small area plan policies that relate to this project. Name of Small Area Plan: OLD WEST AUSTIN NEIGHBORHOOD PLAN
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Culture and Creative Economy: Expands Austin’s creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially an industry that is currently not represented in particular area or that promotes a new technology.
	Workforce Development, the Economy and Education: Promotes educational opportunities or workforce development training.
6	Total Number of “Yes’s” from Up Top and Under Bonus Features

Environmental

The site is located over the Edwards Aquifer Recharge Zone. The site is located in the Lake Bird Lake Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. 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 square feet cumulative is exceeded, and on-site control for the two-year storm.

Parks & Recreation Department (PARD) – Planning & Design Review

Parkland dedication will be required for the new applicable uses proposed by this development, triplex with MF-3 zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Fees in-lieu may be required, as determined using the criteria in City Code Title

25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

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

Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-family, two-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 due to the adjacent duplex to the west and single family residence to the east (both zoned MF-4-NP) and the proximity of the SF-3-NP districts to the west, north, and east.

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

This site will be subject to the multi-family density provisions in 25-2-562 (*Multifamily Residence Medium Density (MF-3) District Regulations*).

The Applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Austin Transportation Department – Engineering Review

A traffic impact analysis is not required as the proposal does not exceed the thresholds established in the Land Development Code.

The ASMP requires a minimum of 58 feet of right-of-way for Brownlee Circle. At time of site plan/subdivision, an additional 6.5 feet of right-of-way from the existing street centerline should be dedicated in accordance with the ASMP (LDC 25-6-55). Sidewalk improvements are recommended.

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.

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

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

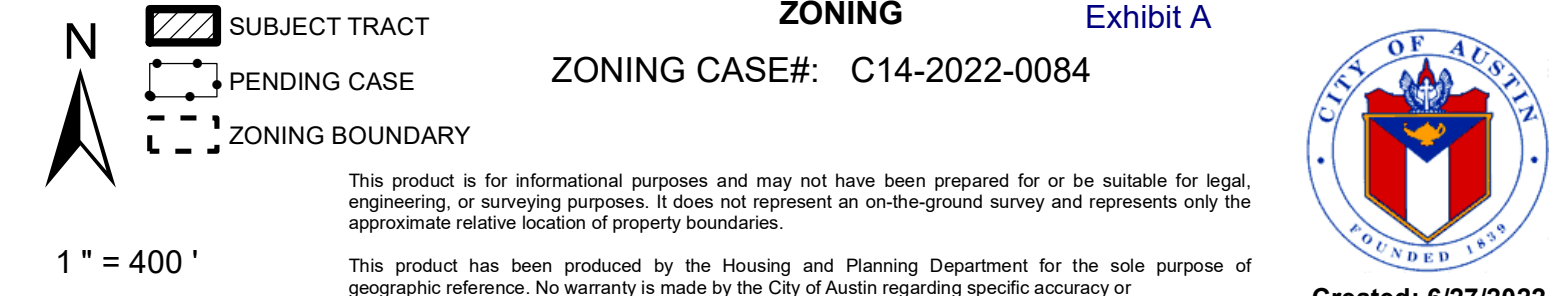
INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

A: Zoning Map

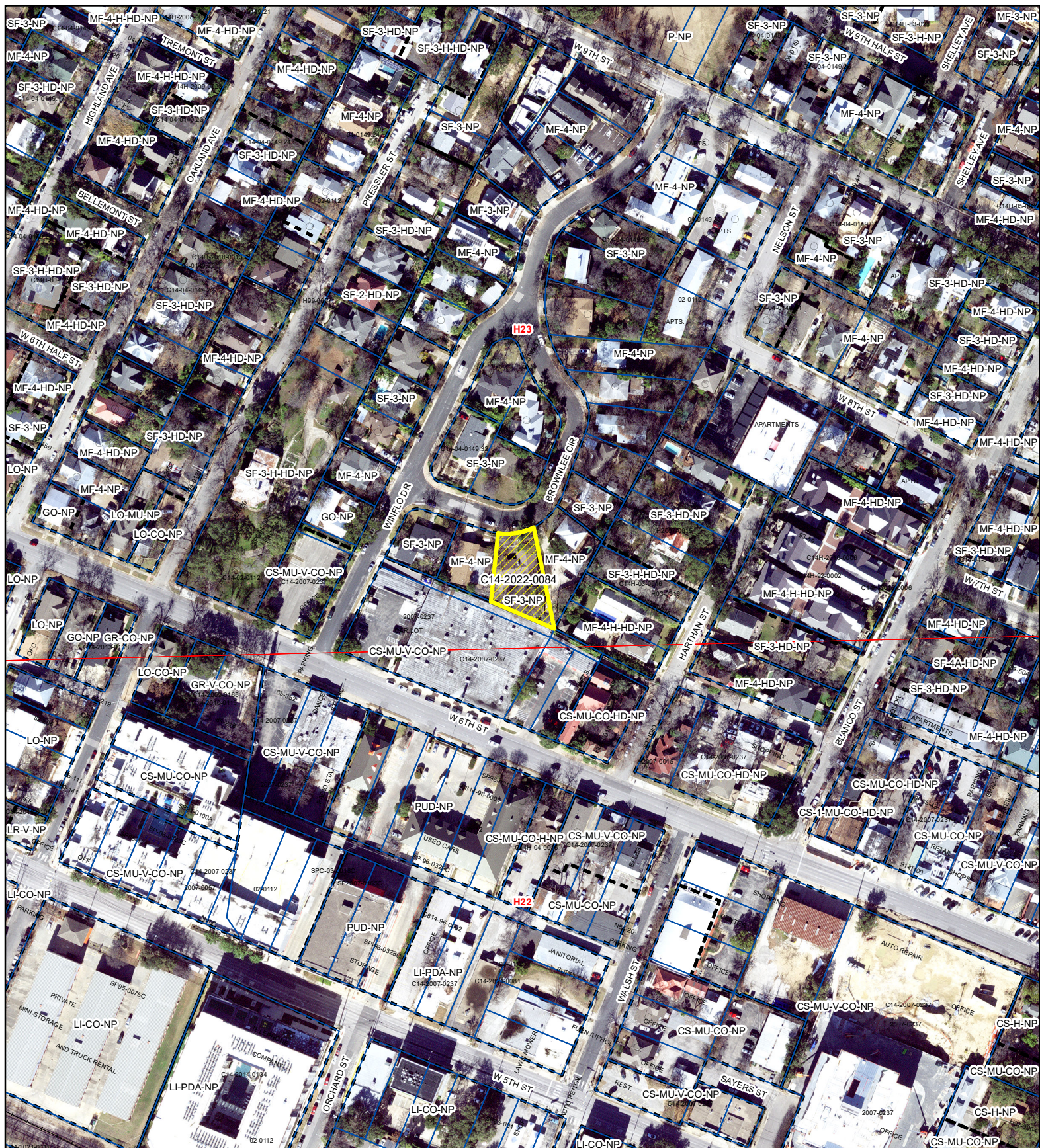
A-1: Aerial Map

Applicant's Letter of Intent

Petition Information

The logo of the City of Austin, featuring a circular seal with the text "CITY OF AUSTIN" at the top and "FOUNDED 1839" at the bottom. The center of the seal depicts a shield with a red and white design, topped by a torch and a star.

Created: 6/27/2022



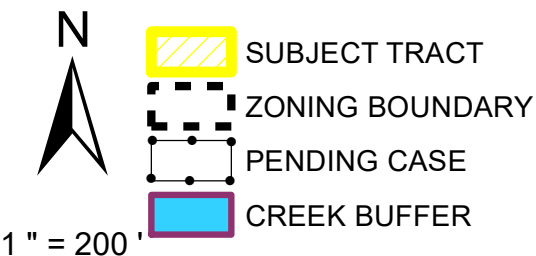
705 Brownlee Circle Rezone

Exhibit A - 1

ZONING CASE#: C14-2022-0084
 LOCATION: 705 Brownlee Circle
 SUBJECT AREA: 0.2302 Acres
 GRID: H23
 MANAGER: Wendy Rhoades



Created: 8/3/2022
 by: MeekSS



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 completeness.



December 13, 2022

Staff,

We are requesting to rezone 705 Brownlee property from SF-3-NP to MF-3-NP. The owners have a son that is special needs who is confined to a wheelchair and must have around the clock care. Please see the information directly from Mrs. Skidmore, "But at the heart of it all is that we are essentially asking for a rezone because my son uses a wheelchair and requires round the clock supervision and care. I need our living space to all be on one level so that we don't need to use the elevator just to go from the dining room to a bedroom as in a traditional house. A second story with elevator access allows us to build a home where he has access to the entire structure and that incorporates universal design principles from the beginning. Also, as much as like the look of stepping-stones and gravel, etc. our landscaping also needs to be accessible with ramps and sidewalks so meeting the impervious cover limit will be difficult.

There are lots of reasons that the city commissions could and should allow this change. The city has made lots of commitments to accessibility, affordability, and mobility and honestly, even without getting into my family's specific needs, this lot is a perfect place to address all three. If not here, where? It's one block from a major traffic corridor, it's adjacent to a multi-story commercial lot. It's in a neighborhood where 70% of the homes are rental units. It's close to services and activities for all communities, including the disabled community. It's where my family needs to be."

Thank you,

Ricca Keepers

Keepers Land Planning and Permitting
Land Planner and Owner
(512) 550-6508



City of Austin

P.O. Box 1088, Austin, TX, 78767

AUSTIN CODE DEPARTMENT

NOTICE OF VIOLATION

Case Number: CV-2021-061568

Via Certified Mail # 7014 3490 0000 7002 1228

May 13, 2021

HOSKINS BRADLEY GRAHAM & PEG KWAN CHANG
705 BROWNLEE CIR
AUSTIN, TX 78703 5214

RE: 705 BROWNLEE CIR AUSTIN TX 78703
Locally known as 705 BROWNLEE CIR AUSTIN TX 78703
Legally described as LOT 32 PARK VIEW
Zoned as SF-3-NP
Parcel Number 0108031503

Dear HOSKINS BRADLEY GRAHAM & PEG KWAN CHANG:

The City of Austin Code Department investigated the property described above. Austin City Code violations were found that require your immediate attention. A description of the violation(s) and compliance timeframe(s) are provided in the attached violation report.

After receipt of this Notice, and until compliance is attained, the Austin City Code prohibits the sale, lease, or transfer of this property unless:

- You provide the buyer, lessee, or other transferee a copy of this Notice of Violation; and
- You provide the name and address of the buyer, lessee, or other transferee to the Code Official.

For additional information, I can be reached at (512) 945-9196 or Ralph.Johnson@austintexas.gov. Please reference **case number** CV-2021-061568. Hours of operation are: Monday – Friday, 7:30 a.m. - 4:00 p.m. If I am unavailable, contact the Code Connect line at (512) 974-CODE (2633) or codeconnect@austintexas.gov.

Para obtener más información, llame al (512) 945-9196 o enviar un correo electrónico a Ralph.Johnson@austintexas.gov. Por favor, consulte **caso número** CV-2021-061568. El horario de atención es: lunes a viernes, 7:30 a.m. - 4:00 p.m. Si no estoy disponible, comuníquese con Code Connect marcando al (512) 974-CODE (2633) o por correo electrónico codeconnect@austintexas.gov.

Sincerely,

Ralph Johnson, Austin Code Officer
City of Austin Code Department



FOR CODE QUESTIONS, CONTACT:
512.974.CODE (2633)
CODECONNECT@AUSTINTEXAS.GOV
MONDAY - FRIDAY 8:00 AM - 4:00 PM

VIOLATION REPORT

Date of Notice:

May 13, 2021

Code Officer: Ralph Johnson
Case Number: CV-2021-061568
Property Address: 705 BROWNLEE CIR AUSTIN TX 78703
Locally known as 705 BROWNLEE CIR AUSTIN TX 78703
Zoned as SF-3-NP

The items listed below are violations of the Austin City Code, and require your immediate attention. If the violations are not brought into compliance within the timeframes listed in this report, enforcement action may be taken. Timeframes start from the Date of Notice.

*Due to the ongoing Declaration of Local Disaster, the Austin Code Department understands that additional time may be required to comply with this notice. **If additional time is required, please contact your Code Officer to request an extension.** Extensions will be considered after evaluating the severity and frequency of the violation, available resources to correct the violation, and the impact of the continued violation on the public health and safety.*

Violation Type: STRUCTURE MAINTENANCE

Austin City Code Section: Roofs and Drainage (§304.7)

Description of Violation: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Date Observed: 05/13/2021

Timeframe to Comply: 30 Day(s)

Recommended Resolution: Property owner needs to repair roof from water leak

Notes: If the corrective action requires a permit or demolition, please contact the Development Services Department at 311. You can also visit <http://www.austintexas.gov/department/development-services> for more information.

In order to close the above code violation(s), an inspection will need to be conducted. Please contact Austin Code Department Officer Ralph Johnson at (512) 945-9196 or Ralph.Johnson@austintexas.gov to schedule an inspection.

Si no puede leer esta notificación en inglés, pida una traducción en español.

Appeal: Any structure maintenance issue indicated in this report may be appealed to the Building and Standards Commission. The appeal must be filed no later than **20 days** after the date of this notice and contain **all** of the following information:

- a brief statement as to why the violation is being appealed
- any facts that support the appeal
- a description of the relief sought
- the reasons why the appealed notice or action should be reversed, changed, or set aside
- the name and address of the appellant

An appeal may be delivered in person to our office located at 5202 E. Ben White Blvd. Unit 5, Suite 550, Austin, TX 78741 or mailed to: **Building and Standards Commission, c/o Austin Code Department, P.O. Box 1088 Austin, Texas 78767.**

Violation Type: LAND USE

Austin City Code Section: Building Permit Requirement (§25-12-241 [2015 IRC R105.1])

Description of Violation: Residential construction performed without required permit(s).

Date Observed: 05/13/2021

Timeframe to Comply: 30 Day(s)

Recommended Resolution: Owner needs to obtain permit for work on house

Notes: Permit violations require the permit(s) to be issued and all required inspections to be completed to attain compliance. For questions concerning land use violations, please contact the Development Services Department at 311. You can also visit <http://www.austintexas.gov/departments/development-services> for more information.

IMPORTANT INFORMATION

Failure to Correct

If the violations are not brought into compliance within the timeframes listed in the violation report, enforcement action may include:

- Criminal charges in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.
- Civil penalties in an Administrative Hearing subjecting you to fines of up to \$1,000 per violation, per day, along with additional fees.
- Suspension or cancellation of existing site plan, permit or certificate of occupancy. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.
- Civil injunctions or penalties in State court.
- For dangerous or substandard buildings, the City of Austin may also take action with the Building and Standards Commission (BSC) to order the vacation, relocation of occupants, securing, repair, removal or demolition of a building, and civil penalties.

Ownership Information

According to the records of the County, you own the property described in this notice. If this property has other owners, please provide me with this information. If you no longer own this property, you must execute an affidavit form provided by our office. This form should state that you no longer own the property, the name of the new owner, and their last known address. The affidavit must be delivered in person or by certified mail, with return receipt requested, to the Austin Code Department office no later than 20 days after you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice.

An affidavit form is available at www.austintexas.gov/code-resources, or at the office at 5202 E. Ben White Blvd. Unit 5, Suite 550, Austin, TX 78741. The completed affidavit should be mailed to: **City of Austin Code Department, P.O. Box 1088, Austin, Texas 78767.**

Complaints

You may file a written complaint or commendation regarding an Austin Code Department Officer no later than 3 days after you receive this notice. Please reference your case number. The complaint or commendation should be mailed to: **City of Austin Code Department, ATTN: Code Official, P.O. Box 1088, Austin, Texas 78767.**

P E T I T I O N

Date: 7/21/2022

File Number: C14-2022-0084

Address of

Rezoning Request: 405 Browne Cir.
Austin, TX 78703

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-3-NP.

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

<u>Printed Name</u>	<u>Address</u>
Michael S. Mettcauer	602 Harthan St.
Annette Nagon	701 Brownlee Circle
Kim Overton	703 Brownlee Circle
Mary Blockley	702 Brownlee Circle
Tom Bray	707 Brownlee Cr.
Julie J. Orchid	604 Harthan St.
Peter F MacNillage	606 Harthan St.
Peter F MacNillage	608 Harthan St.

Date: 12/8/2022

Contact Name: Maureen Metheaver
Phone Number: ~~202~~ 512-472-7980

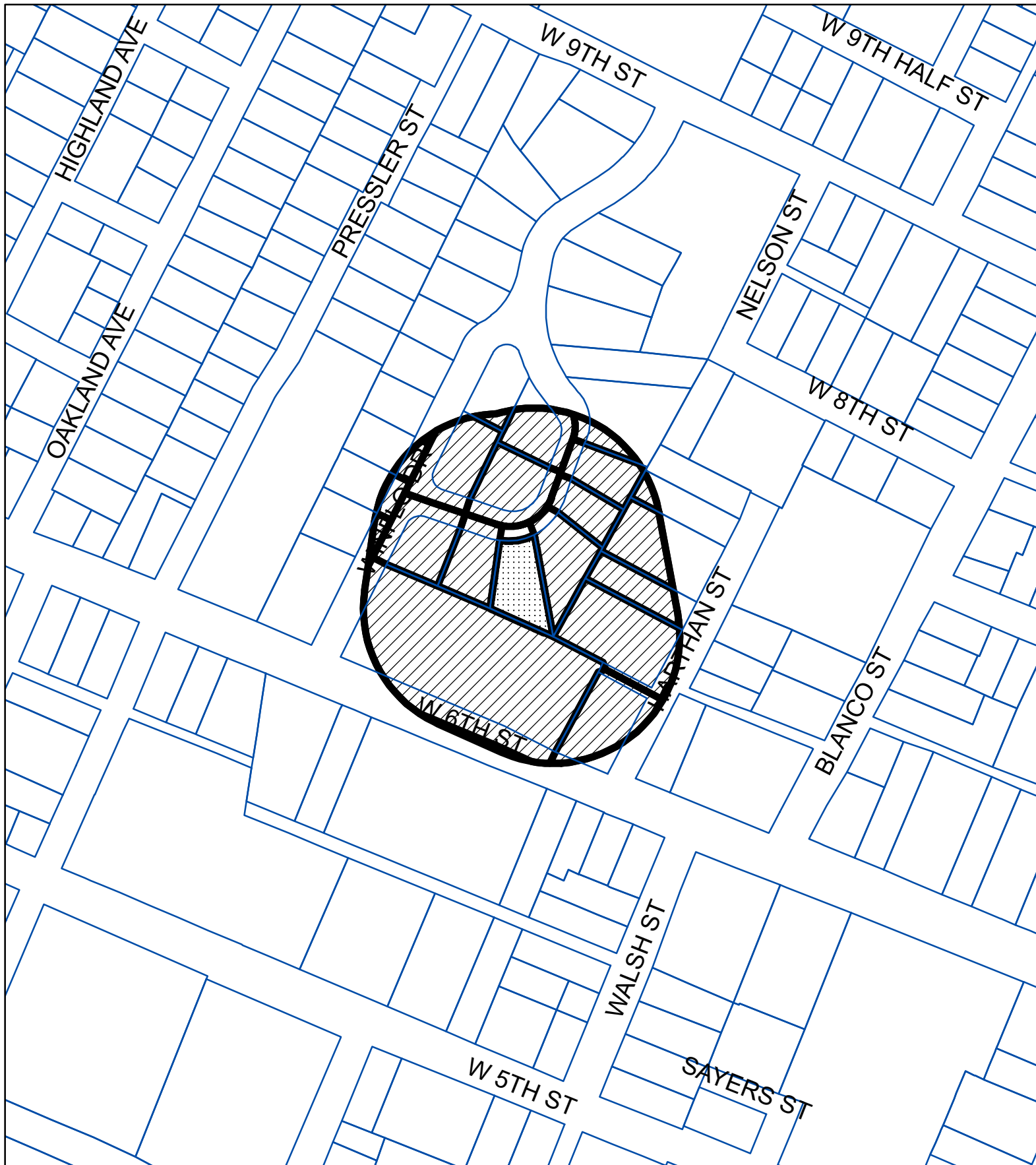
Case Number:
C14-2022-0084

PETITION

Date: 12/16/2022
Total Square Footage of Buffer: 212864.3506
Percentage of Square Footage Owned by Petitioners Within Buffer: 39.49%

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
0108031401	701 WINFLO DR 78703	BAIRD KEITH ALLEN & LAURA MARG LAURA MARGARET KOBLER	no	13474.42	0.00%
0108031404	702 BROWNLEE CIR AUSTIN 78703	BLOCKLEY MARY EVA	yes	12550.98	5.90%
0108031504	707 BROWNLEE CIR 78703	BRAY THOMAS DUSTIN	yes	11513.09	5.41%
0108031403	712 BROWNLEE CIR AUSTIN 78703	BROWN SEAN & HYEYEON	no	8416.20	0.00%
0108031539	HARTHAN ST ST 78703	HARTHAN LLC	no	13385.62	0.00%
0108031505	709 BROWNLEE CIR AUSTIN 78703	JAFFEE INTERESTS LP	no	6782.33	0.00%
0108031402	716 BROWNLEE CIR 78703	KOFSKY DANA	no	938.16	0.00%
0108031506	711 BROWNLEE CIR AUSTIN 78703	LEICHT KARL PHILIP	no	7920.51	0.00%
0108031525	606 HARTHAN ST AUSTIN 78703	MACNEILAGE PETER F	yes	8680.98	4.08%
0108031524	608 HARTHAN ST 78703	MACNEILAGE PETER F & LINDA A	yes	1259.55	0.59%
0108031527	602 HARTHAN ST AUSTIN 78703	METTEAUER MICHAEL S	yes	20538.43	9.65%
0108031501	701 BROWNLEE CIR AUSTIN 78703	NARON ANGENETTE & BRANDEN CLARK BICKLEY	yes	12684.63	5.96%
0108031526	604 HARTHAN ST AUSTIN 78703	ORCHID WAYNE I & JULIE J	yes	7465.12	3.51%
0108031502	703 BROWNLEE CIR 78703	OVERTON LIVING TRUST % KIM OVERTON	yes	9372.69	4.40%
0108031135	614 WINFLO DR 78703	RAMCHANDANI SUNEIL	no	2052.41	0.00%
0108031136	612 WINFLO DR 78703	SIECK BARBARA STONE TRUSTEE	no	1070.62	0.00%
0108031134	700 WINFLO DR AUSTIN 78703	SIETE PROPERTIES LLC SERIES - F	no	1621.49	0.00%
0108031531	1214 W 6 ST 78703	SL SDC WEST 6TH LP % MARK ZIMMERMAN	no	67998.51	0.00%
0108031508	715 BROWNLEE CIR 78703	TOPODURO LLC	no	2891.84	0.00%
Total				210617.58	39.49%



N



BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

Case#: C14-2022-0084

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 completeness.



1" = 200'

From:
To: [Rhoades, Wendy](#)
Subject: Zoning Petition for Case C14-2022-0084
Date: Thursday, December 8, 2022 5:01:23 PM
Attachments: [705 Brownlee petition.pdf](#)

You don't often get email from mmetteauer@gmail.com. [Learn why this is important](#)

*** External Email - Exercise Caution ***

Hi Ms. Rhoades:

Please find attached a petition of nearby property owners to 705 Brownlee Circle that wish to Protest the zoning change from SF-3 to MF-3.

This document will be submitted to you in person so you will have the original. I also attach my email (above) and my cell.

We would like the item pulled for discussion. Please let me know if it will still be considered on 12/20 or if it will be postponed til January.

Thank you so much.

-Maureen Metteauer
202 415 4460

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

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:
<https://bit.ly/ATXZoningComment>.



During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2022-0084

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: December 20, 2022, Planning Commission

KATHLEEN DEEVER

Your Name (please print)

606 Highland Ave 78703

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

Kathleen Deever

Signature

10 Dec 2022

Date

Daytime Telephone (Optional):

Comments:

**protesting against
Zoning Change**

@ 705 Brownlee Cr.

☐ I am in favor
☐ I object

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

wendy.rhoades@austintexas.gov

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Case Number: C14-2022-0084

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: December 20, 2022, Planning Commission

SHAD REYNOLDS

Your Name (please print)

604 HIGHLAND AVE

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

EBourgeois [Signature]

Signature

12-12-22

Date

Daytime Telephone (Optional): 91

Comments:

It's a tight neighborhood and we object to rolling back zoning in order to increase density. This would be terribly intrusive to the neighbors and jack up parking in an already very tight street. We object!

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

wendy.rhoades@austintexas.gov

☐ I am in favor
☒ I object

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This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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Case Number: C14-2022-0084

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: December 20, 2022, Planning Commission

MARIANNE POSS

Your Name (please print)

☐ I am in favor
☒ I object

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

Marianne Poss

Signature

12/14/2022

Date

Daytime Telephone (Optional): _____

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

wendy.rhoades@austintexas.gov

View results

Respondent

128

Anonymous

06:14

Time to complete

1. What is the Zoning/Rezoning Case Number? *

Only Zoning/Rezoning Cases open for public comment at this time are available in this list. Not all cases may be scheduled on the PC/ZAP agendas at this time, but here are helpful links to those agendas.

You can find Zoning and Platting Commission Agendas here:

http://austintexas.gov/cityclerk/boards_commissions/meetings/54_1.htm

You can find Planning Commission Agendas here:

http://austintexas.gov/cityclerk/boards_commissions/meetings/40_1.htm

C14-2022-0084 – 705 Brownlee Circle Rezone



2. Your name (providing this information will be part of the public record and will be available online)

Chris Schorre

3. Your address (providing this information will be part of the public record and will be available online)

717 Brownlee Circle

4. Your zip code (providing this information will be part of the public record and will be available online)

78703

5. Position on Zoning/Rezoning *

I am neutral



6. Daytime telephone number (providing this information will be part of the public record and will be available online)

7. Comments

Hard to know whether to support or oppose this request when no information about what is planned is added to the notice of rezoning.



January 10, 2023

The Planning Commission
City of Austin
Austin, TX 78701

RE: 705 Brownlee: Case Number: C14-2022-0084: Agenda Item 34

Dear Mr. Shaw & Planning Commissioners,

On behalf of the Old West Austin Neighborhood Association Zoning Committee (OWANA), I write to share our opposition to upzoning from SF-3 to MF-3 for the property located at 705 Brownlee Circle.

Recent changes to the City code for compatibility now ensure that any single-family/duplex property contained within OWANA will ONLY trigger the new standards if the base zoning is SF-5 or less restrictive, now that USE has been removed.

Many of the properties in this century-old neighborhood were blanket zoned 40 years ago as "MF". Despite this up-zone, the vast majority of properties around this case are used and have been used as single-family/duplex.

It's not clear that the compatibility and development standards imposed by MF would assist the owner. The owner does not have development plans, but only a rendering of what he wants to do. Setbacks have been added to the proposed plan to show non-conforming concerns (See included PDF). In this case, the 16 foot side setbacks do not apply to the structure for a second story addition, but they would apply for a total demolition.

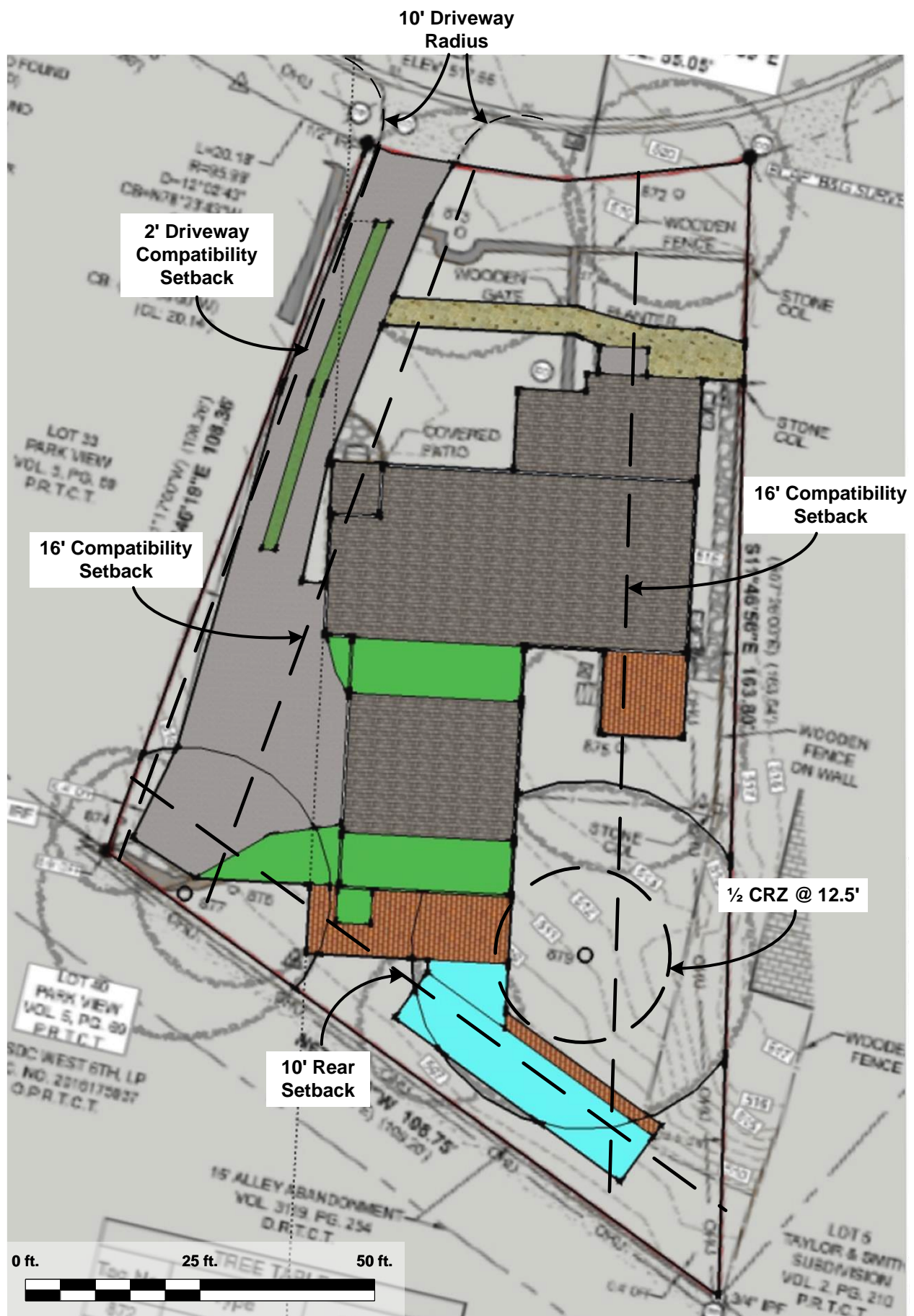
We support the ability of the owner to increase the building size and to adjust the property to suit his needs. However, we do not support removing the SF base zoning in light of the recent compatibility changes approved by this Commission and City Council.

If compatibility were further amended to define a "triggering" property as one that includes residential houses that are used as SF-5 or less restrictive, then our Zoning Committee could remain neutral on the property.

We respectfully oppose the change to MF and request that the Commission and City Staff suggest alternative ways that SF zoning could be used to accommodate the need to have a third, smaller unit on this property without having to amend the base zoning.

Sincerely,

OWANA Zoning Committee



Disclaimer: This 705 Brownlee Circle proposed plan with added setbacks is provided for general reference purposes only. It is not to be construed as a survey or legal document. OWANA assumes no liability whatsoever with the use or misuse of such data.