ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0037 -- Berkman Terraces DISTRICT: 1

ZONING FROM: LR-MU-NP and SF-6-NP

TO: GR-MU-NP

ADDRESS: 6203, 6205, 6207 Berkman Drive; 6210 Hickman Avenue

SITE AREA: 1.28 Acres

PROPERTY OWNERS:
Berkman Terrraces, LLC
(Pierre Fay)

AGENT:
Keepers Consulting
(Ricca Keepers)

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

STAFF RECOMMENDATION:

Staff does not support the Applicant's request of GR-MU-NP for this property, and offers an alternate recommendation of LR-MU-NP. *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

October 23, 2018: TO GRANT GR-MU-CO-NP, WITH THE FOLLOWING CONDITIONS:

1. THE MAXIMUM BUILDING HEIGHT SHALL BE 40 FEET OR 3 STORIES;

2. VEHICULAR ACCESS TO HICKMAN AVENUE SHALL BE PROHIBITED;

3. THE FOLLOWING LAND USES SHALL BE PROHIBITED: AUTOMOTIVE RENTALS, AUTOMOTIVE REPAIR SERVICES, AUTOMOTIVE SALES, AUTOMOTIVE WASHING (OF ANY TYPE), BAIL BOND SERVICES, BUSINESS OR TRADE SCHOOL, BUSINESS SUPPORT SERVICES, COMMERCIAL OFF-STREET PARKING, COMMUNICATIONS SERVICES, DROP-OFF RECYCLING COLLECTION FACILITY, EXTERMINATING SERVICES, FOOD PREPARATION, FUNERAL SERVICES, HOTEL-MOTEL, INDOOR ENTERTAINMENT, INDOOR SPORTS AND RECREATION, OUTDOOR ENTERTAINMENT, OUTDOOR SPORTS AND RECREATION, PAWN SHOP SERVICES, RESEARCH SERVICES, SHORT TERM RENTAL, THEATER, AND HOSPITAL SERVICES—GENERAL;

4. THE FOLLOWING LAND USES SHALL BE CONDITIONAL: ALTERNATIVE FINANCIAL SERVICES, MEDICAL OFFICES—EXCEEDING 5,000 SQ/FT, COMMUNITY RECREATION—PRIVATE, COMMUNITY RECREATION—PUBLIC, CONGREGATE LIVING, GROUP HOME CLASS II, HOSPITAL SERVICES—LIMITED, AND RESIDENTIAL TREATMENT;

5. THE FOLLOWING LAND USES ARE SUBJECT TO SECTION 25-2-587(D) OF CITY CODE: GENERAL RETAIL SALES—GENERAL, PERSONAL IMPROVEMENT SERVICES, AND RESTAURANT (GENERAL).

Vote: 8-3. [C. Kenny- 1st, J. Schissler- 2nd; P. Seeger, K. McGraw, T. Witte- Nay; A. De Hoyos Hart- Absent]

October 9, 2018: TO GRANT POSTPONEMENT TO OCTOBER 23, 2018 AS REQUESTED BY APPLICANT, ON CONSENT. (9-0) [P. Seegar- 1st, K. McGraw-2nd; C. Kenny, J. Shieh, T. Witte- Absent]

CITY COUNCIL ACTION:

November 1, 2018:

October 18, 2018: TO GRANT POSTPONEMENT TO NOVEMBER 1, 2018 AS REQUESTED BY STAFF, ON CONSENT. (11-0) [D. Garza- 1st, O. Houston- 2nd]

ORDINANCE NUMBER:

ISSUES:

Planning Commission recommendation is to approve GR zoning with LR land uses and building height limits, and to prohibit vehicular access to Hickman Avenue.

The Applicant has stated that they intend to provide approximately 2 to 4 affordable rental residential units with the proposed mixed use development. Since the case is not participating in any City density bonus program, an affordable housing element could not be enforced by the City. Affordable housing would require a private restrictive covenant between the property owner and a private party.

CASE MANAGER COMMENTS:

The subject property is located near the northeast corner of Berkman Drive and Wheless Lane and is composed of 5 lots. Facing Berkman Drive are three undeveloped lots. The southernmost of these lots is zoned LR-MU-NP and the other two lots are zoned SF-6-NP. The rezoning request also includes 2 flag lots to the east that access Hickman Street. These lots are also zoned SF-6 and undeveloped. To the east of these lots is a property zoned SF-6 that is developed with a duplex. Also to the east of the rezoning tract is land zoned MF-3-NP and land zoned SF-6-NP. The MF-3-NP property is developed with a single family residence; the SF-6-NP properties with duplexes. South of the rezoning tracts is property zoned MF-3-NP that is developed with apartments. South of that is Wheless Lane, and south of that is Harris Elementary School which is zoned P-NP. Southwest, across Berkman Drive, is property zoned SF-3-NP that is developed with a church. Also across Berkman Drive to the west are single family residences zoned SF-3-NP. North of the rezoning tracts are properties zoned MF-3-NP and SF-6-NP, developed with apartments and single family, respectively. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

The Applicant is proposing a mixed use project with residential units over ground floor commercial. The Applicant has stated that they plan to offer 4 affordable dwelling units as part of the project Staff supports mixed use at this location but believes GR-MU-NP is too intensive for this location. Staff recommends LR-MU-NP for the site which would allow a transition from the MF-3-NP to the south and east of the property to the primarily single family areas to the north, west, and east. If developed entirely with multifamily, a GR-MU-NP site would have a density comparable to MF-4-NP, which is more intense than the adjacent MF-3-NP properties. The alternate recommendation would allow intensity comparable to MF-2-NP or MF-3-NP. Finally, Staff does not believe that many of the land uses permitted in GR would be appropriate for this location.

The Windsor Hills Neighborhood Plan Contact Team supports the Applicant's request for GR-MU-NP. Staff has also received correspondence in opposition to the proposed rezoning. ***Please see Exhibit C - Correspondence.***

BASIS OF RECOMMENDATION:

Staff does not support the Applicant's request of GR-MU-NP for this property, and offers an alternate recommendation of LR-MU-NP.

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

GR-MU-NP would permit more intensive commercial land uses than any of the surrounding properties. The character and intensity of residential proposed is also not compatible with the primarily SF-3-NP, SF-6-NP, and MF-3-NP properties in the area.

2. *Zoning should be consistent with approved and existing residential densities.*
If developed entirely with multifamily, a GR-MU-NP site would have a density comparable to MF-4-NP, which is more intense than the adjacent MF-3-NP properties. LR-MU-NP is comparable to MF-2/ MF-3 zoning density, which is more suitable for this location.

3. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*
GR-MU-NP would be an increase in intensity transitioning from the MF-3 and SF-6 to the south and southeast to the SF-3-NP, SF-6-NP and MF-3-NP to the north and northeast. LR-MU-NP, on the other hand would allow mixed use at a more appropriate density.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LR-MU-NP, SF-6-NP	Undeveloped
North	MF-3-NP, SF-6-NP	Multifamily, Single family
South	MF-3-NP, P-NP	Multifamily, Public primary educational facility
East	MF-3-NP, SF-6-NP, SF-3-NP	Single family, Duplex residential
West	SF-3-NP	Religious assembly, Single family

NEIGHBORHOOD PLANNING AREA: University Hills/Windsor Park Combined

TIA: No traffic mitigation is required. ***Please see Exhibit D - Neighborhood Traffic Analysis memorandum.***

WATERSHED: Boggy Creek

OVERLAYS: N/A

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association
AISD
SELTexas
Friends of Austin Neighborhoods
Friends of Northeast Austin
Windsor Park Neighborhood Contact Team
Neighborhood Empowerment Foundation
Responsible Growth for Windsor Park
Windsor Park Neighborhood Association
Del Valle Community Coalition
Anberly Airport Association
Austin Neighborhoods Council
Austin Innercity Alliance
Preservation Austin
Sierra Club
Black Improvement Association
Neighbors United for Progress
Claim Your Destiny Foundation

AREA CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-06-0018 6203 Berkman Dr.	SF-3 to MF-3, Amended to LR-MU	09/26/2006: To grant LR-MU as rec. by Staff	11/30/2006: To grant LR-MU as rec. Ord. No. 20061130-044

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Berkman Drive	60'	40'	Minor arterial	Yes	Yes, Bicycle Lane	Routes 10, 300
Hickman Drive	50'	35'	Residential collector	Yes (west side)	No	No

OTHER STAFF COMMENTS:

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. 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 s.f. cumulative is exceeded, and on site control for the two-year storm.

SITE PLAN

SP 1. Site plans will be required for any new development other than single-family or duplex residential.
SP 2. 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.
SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
Compatibility Standards
SP 4. The site is subject to compatibility standards.

- ☐ 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 may be 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.
☐ For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
☐ An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

TRANSPORTATION

TR1. A Neighborhood Traffic Analysis is required for this project. Results will be provided in a separate memo. LDC 25-6-114.
TR2. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113. LDC.

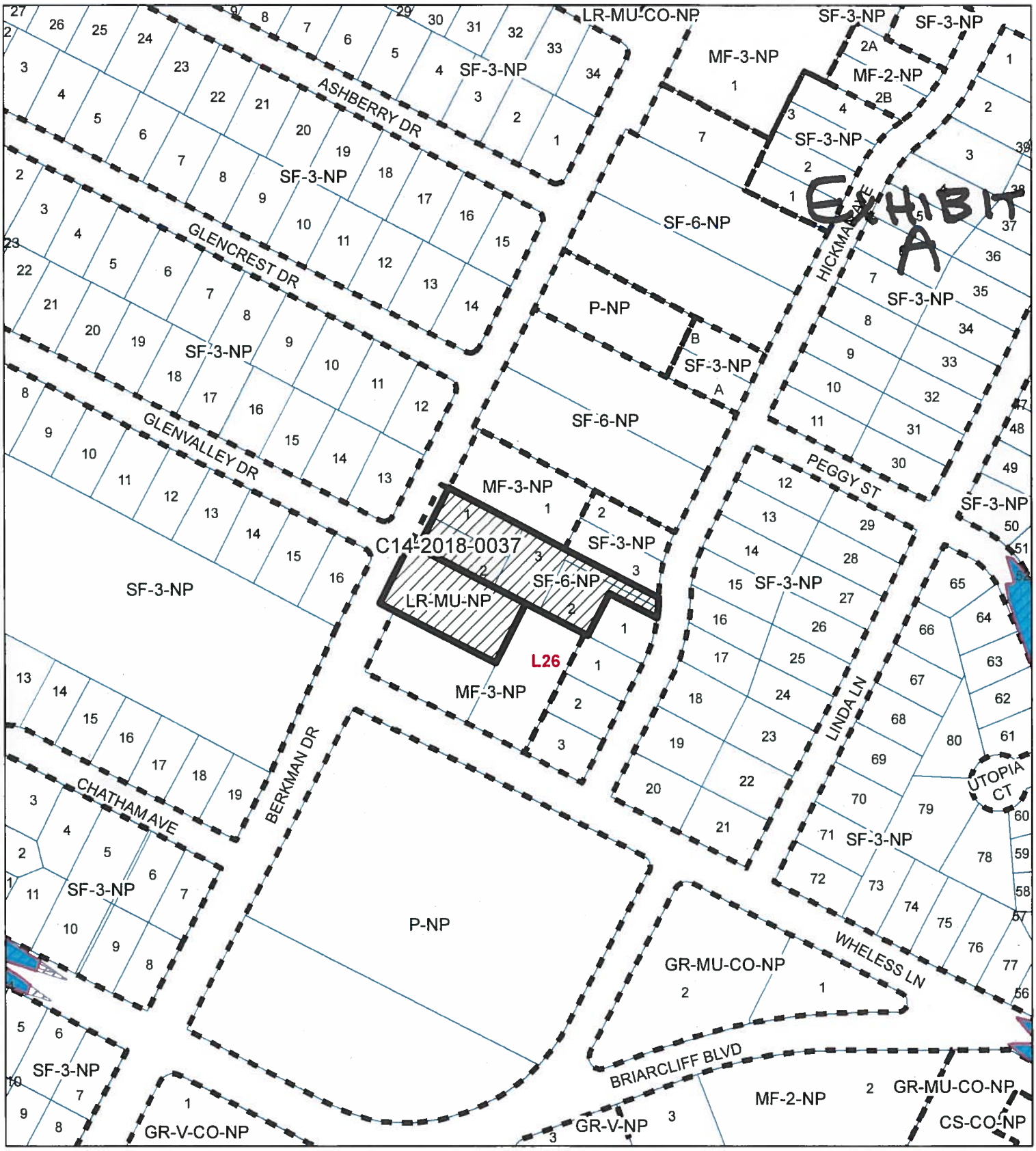
Name	**ROW**	**Pavement**	**Classification**	**Sidewalks**	**Bicycle Route**	**Capital Metro (within ¼ mile)**
Berkman Drive	60'	40'	Minor arterial	Yes	Yes, Bicycle Lane	Routes 10, 300
Hickman Drive	50'	35'	Residential collector	Yes (west side)	No	No

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. Correspondence
D. NTA Memorandum



N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

1" = 200'

BERKMAN TERRACES

ZONING CASE#: C14-2018-0037
LOCATION: 6203, 6205, & 6207 BERKMAN DR.
SUBJECT AREA: 1.28 ACRES
GRID: L26
MANAGER: HEATHER CHAFFIN

CITY OF AUSTIN · FOUNDED 1839

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.



EXHIBIT B

N

1" = 200'

SUBJECT TRACT

ZONING BOUNDARY

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EXHIBIT C

MEMORANDUM

TO: Heather Chaffin
Planning and Zoning Department

CC: Lee Austin, P.E.
Austin Transportation Department

FROM: Katie Wettick, AICP
Scott A. James, P.E., PTOE
Development Services Department/ Land Use Review - Transportation

DATE: August 17, 2018

SUBJECT: Neighborhood Traffic Analysis for Berkman Terrace
C14 – 2018 - 0037

The Land Use Review/Transportation staff has performed a Neighborhood Traffic Analysis (NTA) for the above referenced zoning application and offers the following comments.

The 1.33 acre site is located at 6203 Berkman Drive in northeast Austin. It is bounded by Berkman Drive and Hickman Avenue to the west and east, respectively, and multi-family residential tracts to the north and south. The site is currently vacant. A 0.5 acre portion of the site is zoned LR-MU-NP with the remaining 0.832 acres zoned SF-6-NP. The zoning request is for GR-MU to allow for general retail land uses.

Roadways

Berkman Drive is classified as a minor arterial local collector roadway and measures 40 feet in width. The land uses along Berkman Drive are primarily residential. There are sidewalks and bicycle lanes on both sides of Berkman Drive.

Hickman Avenue is classified as a residential collector roadway and measures 35 feet in width. The land uses along Hickman Drive are primarily residential. There are sidewalks on the western side of Hickman Drive.

Trip Generation and Traffic Analysis

The City Council may deny a rezoning or site plan application if the neighborhood traffic analysis demonstrates that the traffic generated by a project combined with existing traffic, exceeds the desirable operating level established on a residential local or collector street in the study area.

Based on the Institute of Transportation Engineers Trip Generation Manual, 10th Edition, the proposed mixed use development would generate approximately 2,190 daily trips at maximum build-out (summarized in Table 1).

Table 1 – Estimated Daily Trip Generation*

TRACT NUMBER	TRACT ACRES	ZONING	INTENSITY	LAND USE (ITE Code)	TRIPS PER DAY
6203, 6205, 6207	1.33	GR-MU	58,022 s.f.	Shopping Center (Code 820)	2,190

*This is maximum development intensity.

Driveway locations for this development will be designed and reviewed during the site plan permit process. Therefore, this analysis assumes an even distribution of trips to Hickman Avenue and Berkman Drive. Table 2 presents the expected distribution of the 2,190 daily trips:

Table 2 – Trip Distribution

Street	Vehicle Trips
Berkman Drive	1,095 (50%)
Hickman Avenue	1,095 (50%)

According to the traffic data collected during the days of July 31 to August 2, 2018, the current average daily traffic volume on Hickman Avenue is 392 vehicles. As shown in Table 3 below, the projected daily trips from the site would increase the observed volumes on Hickman Avenue by up to 280%, if developed at maximum intensity.

Table 3 – Estimated increase in daily traffic volumes

Street	Existing Traffic (VPD)	Site Traffic	Total Traffic	Percentage Increase
Hickman Avenue	392	1,095	1,487	280%

Desirable Operating Levels

According to Section 25 – 6 – 116 of the City of Austin Land Development Code, neighborhood residential streets are operating at a desirable level of congestion if the daily volumes do not exceed the following thresholds:

Table 4 – LDC Thresholds	
Pavement Width	**Vehicles Per Day**
Less than 30'	1,200
30' to less than 40'	1,800
40' or wider	4,000

Conclusion and Recommendations

Should the rezoning request be granted, the estimated number of daily trips generated by this site, even if developed to maximum intensity, in combination with the existing traffic on Hickman Avenue does not exceed the threshold set forth in the LDC 25 – 6 – 116. Therefore, no mitigation is required for development of this site.

If you have any questions or require additional information, please contact me at (512) 974 – 3529.

Katie Wettick, AICP
Development Services Department

Chaffin, Heather

Subject: FW: Case Number: C-14-2018-0037

EXHIBIT D

From: Rodney Ahart
Sent: Friday, May 18, 2018 2:06 AM
To: Ricca Keepers < >
Cc: Pierre Fay < >; Scooter Cheatham; Jaime X. Guerra < >; Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: Case Number: C-14-2018-0037

Dear Ms. Keepers,

On Monday, May 14, 2018, the Windsor Park Neighborhood Plan Contact Team voted unanimously in support of the zoning change for Case Number: C-14-2018-0037, Berkman Terraces, 6203, 6205, and 6207 Berkman Drive, from LR-MU-MF-6-NP to GR-MU-NP with the dedication of at least two affordable housing units.

The team also supports you filing the neighborhood plan amendment required for this case immediately.

Please do not hesitate to contact me if I can provide any additional information.

My best,
Rodney Ahart
Windsor Park Neighborhood Plan Contact Team, Chair

Chaffin, Heather

Subject: FW: Berkman Terraces

From: Venita Womble
Sent: Tuesday, October 09, 2018 10:57 AM
To: Chaffin, Heather
Subject: Re: Berkman Terraces

Dear Heather,

Thank you for the info. It was helpful. Looking at the map again we think our condo is actually beside an empty lot that has the flag lot next to it.

Our biggest concerns are privacy, noise & traffic on Hickman. With all the street parking there is already a traffic issue. A few months ago one of our renters that has to park on the street had her car sideswiped. I believe there were a couple of other cars that were also sideswiped.

I personally do not think Hickman can handle more traffic.

Will the developer have a tall fence or wall for privacy of the existing backyards?
Will there be an entry or exit onto Hickman or only on Berkman?
Will there actually be enough parking for what they are building?

I am curious why on all the new developments sufficient driveway parking isn't required so that there is less street parking. We purchased our new condo last July & didn't understand why the driveway wasn't wide enough to accommodate all the people who lived there. The months we spent looking for a place to purchase we noticed the large amount of street parking throughout most of the neighborhoods.

If we had known what the future plans were for the surrounding area we would not have purchased the condo.

I wish we could be at the meeting. Please let us know what other issues are brought up.

Thank you,

Venita Womble

Sent from my iPad

On Oct 8, 2018, at 3:30 PM, Chaffin, Heather <Heather.Chaffin@austintexas.gov> wrote: