

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0056 – Moore’s Crossing Mixed Use

DISTRICT: 2

ZONING FROM: SF-2; SF-4A; MF-2; GR-CO ZONING TO: MF-4 for Tracts 1, 2 and 4

ZONING FROM: MF-2

ZONING TO: GR for Tract 3

ADDRESS: 7012 Elroy Road

TRACTS 1, 2 and 4: 11.579 acres

TRACT 3: 0.128 acres

TOTAL SITE AREA: 11.707 acres

PROPERTY OWNER: SR Development, Inc.
(Bill Gurasich)

AGENT: Alice Glasco Consulting
(Alice Glasco)

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

STAFF RECOMMENDATION:

The Staff recommendation is to grant multi-family residence – moderate-high density (MF-4) district zoning for Tracts 1, 2 and 4, and community commercial (GR) district zoning for Tract 3.

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 14, 2019: APPROVED MF-4 DISTRICT ZONING FOR TRACTS 1, 2 AND 4, AND GR DISTRICT ZONING FOR TRACT 3, AS STAFF RECOMMENDED, BY CONSENT [J. SHIEH, C. KENNY – 2ND] (13-0)

CITY COUNCIL ACTION:

June 6, 2019:

ORDINANCE NUMBER:

ISSUES:

None at this time.

CASE MANAGER COMMENTS:

The subject unplatted property is undeveloped and has access to Elroy Road and Ross Road, and contains a mix of zoning districts approved by 1998 and 2014 cases. The majority of the property is zoned multi-family residence – low density (MF-2), but there are also remnants of single family residence-standard lot (SF-2), single family residence-small lot (SF-4A), and community commercial – conditional overlay (GR-CO) zonings. The existing configurations of the SF-2 and GR-CO portions accounted for the Elroy Road right-of-way until it was

vacated in March 2009, and realignment to the southeast subsequently occurred. Around the same time, Ross Road was extended and forms the eastern property line. There is a single family (detached) subdivision to the north (SF-4A), a single family (attached) subdivision under construction to the east (MF-2). The Del Valle ISD Popham Elementary School to the south (GR, I-RR) and there is undeveloped land to the west (MF-2, P, SF-4A). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone the SF-2, SF-4A, MF-2 and GR-CO portions (Tracts 1, 2 and 4) to multifamily residence – moderate-high density (MF-4) for the construction of up to 250 apartments, and a 5,572 square foot MF-2 zoned portion (Tract 3) to GR so that it can be incorporated into abutting GR-CO zoned property for commercial development. Please refer to the Applicant’s illustration of the proposed zoning changes by tract, provided as Exhibit B.

BASIS OF RECOMMENDATION:

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

For Tracts 1, 2 and 4: The multi-family residence – moderate-high density (MF-4) district is intended for residential and multi-family use with a maximum density of up to 54 units per acre, depending on unit size and mix. This district is appropriate for multi-family residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas.

For Tract 3: The proposed community commercial (GR) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways.

2. Intensive multi-family zoning should be located on highways and major arterials.
3. Zoning changes should promote a balance of intensities and densities.

Staff recommends the Applicant’s request for MF-4 and GR zonings given its access to an arterial and a collector roadway, and location within the Moore’s Crossing MUD which provides for a variety of housing types and residential zoning districts, commercially zoned land, and civic and park facilities.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2; SF-4A; MF-2; GR-CO	Undeveloped
<i>North</i>	SF-4A	Single family residences in the Stoney Ridge Phase B, Section 1 subdivision
<i>South</i>	GR-CO; GR; I-RR	Undeveloped; Popham Elementary School
<i>East</i>	MF-2; GR-CO	Under construction for 94 single family attached

		residential lots, plus green belt, private park, and HOA amenity lots; Undeveloped and proposed for general retail sales (convenience), service station and food sales uses
<i>West</i>	MF-2; P; SF-4A	Undeveloped

MUNICIPAL UTILITY DISTRICT: Moore’s Crossing TIA: Is not required
(also known as Stoney Ridge)

WATERSHED: Dry Creek East – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

The subject property is within the Del Valle Independent School District boundaries. Popham Elementary School is located to the southwest, on Elroy Road. Del Valle Middle School and Del Valle High School are located to the north, on Ross Road in proximity to State Highway 71 East.

NEIGHBORHOOD ORGANIZATIONS:

627 – Onion Creek Homeowners Association 774 – Del Valle Independent School District
 1005 – Elroy Preservation Association 1138 – Far Southeast Improvement Association
 1228 – Sierra Club, Austin Regional Group 1258 – Del Valle Community Coalition
 1350 – Friends of Austin Neighborhoods 1528 – Bike Austin

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2018-0146 – SAJA Commercial – 7201 Elroy Rd	GR-CO to GR-CO to change a condition of zoning	Scheduled for 5-14-2019	Scheduled for 6-6-2019
C14-2015-0154 - LMLM Investments – 7050 Elroy Rd	LR to GR	To Grant GR-CO w/CO for list of prohibited uses	Apvd GR-CO as Commission recommended w/add’l prohibited uses, minimum 5K food sales use (4-14-2016).
C14-2014-0182 – Moore’s Crossing 7.9 Acre Rezone – 7400 McAngus Rd	GR to SF-4A	To Grant SF-4A	Apvd SF-4A as Commission recommended (03-26-2015).
C14-2014-0187 – Moore’s Crossing	SF-2; GR to MF-2	To Grant MF-2	Apvd MF-2 as Commission

1.5 Acre Rezone – 7012 Elroy Rd (within the rezoning area)			recommended (03-26- 2015).
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RELATED CASES:

The property was originally annexed into the City limits on July 17, 1986 and was released to the City’s Limited Purpose Jurisdiction on January 1, 1996 (C7A-86-002; C7A-95-013). There are no subdivision or site plan cases on the subject property.

This tract is within the Moore’s Crossing Municipal Utility District (MUD) created in 1986 and revised in June 1998. The primary purpose of the Land Plan is to identify the collector street network and public facilities, the latter including sites for City-financed housing, parks, school sites, library and a Fire/EMS station. The property to the north, east, south and west is undeveloped.

Approximately 73 acres of the Moore’s Crossing area located at the southwest corner of Elroy Road and McAngus Road / Heine Farm Road were rezoned on January 7, 1999. The GR-CO portion of the current Tract 3 was designated as a portion of Tract 3 by a 1998 case that zoned approximately 73 acres (C14-98-0054 – Moore’s Crossing (South)). The CO is for a list of prohibited uses including auto sales, auto rentals, drop-off recycling collection facility, exterminating services, funeral services, hotel-motel, indoor entertainment, outdoor entertainment, pawn shop services and theater.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Elroy Road	110 feet	70 feet	Level 3	Yes	Yes, shared lane	No
Ross Road	70 feet	46 feet	Level 3	Yes	No	No

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on Ross Road. Elroy Road serves bike route no. 72 with an existing Shared Lane and recommended Bike Lane.

OTHER STAFF COMMENTS:

Comprehensive Planning

This rezoning case is located on an undeveloped 11.71 acre parcel, abutting the northwest side of the X shaped intersection of Ross Road and Elroy Road. The property is located outside the boundaries of a community without an adopted neighborhood plan. Surrounding

land uses include a single family subdivision to the north; to the south is undeveloped land, a gas station and a mobile phone store, and a single family subdivision; to the east is undeveloped land and a ranch house; and to the west the Popham Elementary School, a single family subdivision, undeveloped land, and the 12.74 acre Old Moore's Crossing Neighborhood Park. The proposed use is a 250-unit multifamily development on 11.58 acres of the site, while the remaining portion of the site (0.13 acres or 1 percent of the site) is earmarked for an undefined commercial use.

Connectivity

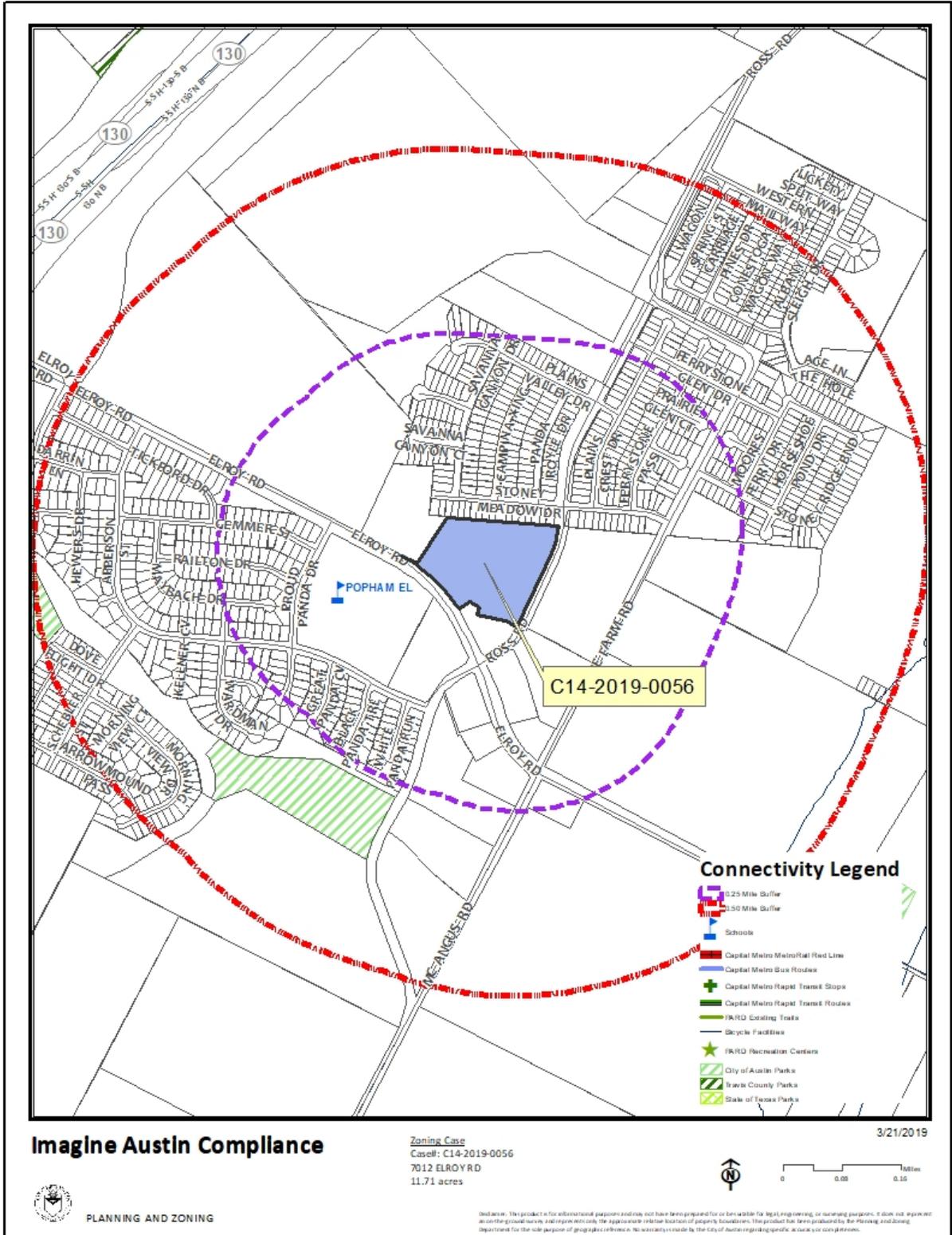
Public sidewalks are located along this portion of Elroy Road and Ross Road. There are no public transit stops, bike lanes or urban trails located within a mile of this site. The Walkscore for this site is **12/100, Car Dependent**, meaning almost all errands require a car. The mobility and connectivity options in this area are below average.

Imagine Austin

While this area of Austin is not identified as being located by an Activity Center or along an Activity Corridor, it is quickly transitioning from a rural agricultural area to a neighborhood node. The following Imagine Austin policies are applicable to this case:

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **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 healthy food, schools, retail, employment, community services, and parks and recreation options.

The area's transition from a rural agricultural area to a neighborhood node is demonstrated by the presence of several single family subdivisions, a park, a public school and a gas station near the subject property. If this property is thoughtfully developed into a true mixed use project, it has the potential to provide much needed local goods and services to this developing neighborhood and the apartment residents in this complex being developed on this site. Based upon: (1) the Imagine Austin text and policies above that support mixed use; but (2) the lack of mobility and connectivity in the area; and (3) this proposed mixed use project not offering a commensurate portion of the site to commercial or office land use component, this project appears to only partially support the Imagine Austin Comprehensive Plan.



Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Dry Creek East 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. The site is in the Desired Development Zone.

The maximum impervious cover allowed by the *MF-4 zoning district* is 70%, which is a consistent figure between the *zoning* and *watershed* regulations.

The maximum impervious cover allowed by the *GR zoning district* would be 80%, which is based on the more restrictive *watershed* regulations.

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.

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

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.

Site Plan and Compatibility Standards

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.

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

The site is subject to compatibility standards. Along the northern property line, 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 property zoned SF-5 or more restrictive.
- 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.
- 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.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- 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.

Along the eastern property line, the following standards apply:

- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of property zoned SF-5 or more restrictive.
- 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.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

Along the western property line, the following standards apply:

- 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.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

Transportation

The traffic impact analysis has been waived for the following reason: TIA determination will be deferred until the time of site plan as final land use mix and intensities are not known and details will be available with the site plan application.

- 120' of ROW is required along Ross Rd. 60' of ROW shall be dedicated from the existing centerline before site plan approval.
- 120' of ROW is required along Elroy Rd. 60' of ROW shall be dedicated from the existing centerline before site plan approval.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for Elroy Rd. On the Ross Road frontage, the Applicant will be required to build the sidewalk as a 10' wide shared use path with 5' minimum setback from the roadway. There is a Travis County project moving forward to install bike lanes on Ross Road to the north of this site, but this portion of Ross Road will remain as a gap in the absence of these segments being developed [LDC 25-6-55 and LDC 25-6-101]. Please review the [Bicycle Master Plan](#) for more information.

FYI – This property is within the Moore's Crossing MUD. Additional comments may be generated at the time of the subdivision and/or site plan application.

FYI – The existing driveways and sidewalks along Ross Road and Elroy Road may be required to be removed and/or reconstructed at the time of the site plan application in accordance with the Land Development Code and Transportation Criteria Manual.

FYI – Joint use access is recommended with the adjacent site at the time of the subdivision and site plan application. Additional access to Elroy Road (level 3) may require approval from the Austin Transportation Department at the time of the site plan application.

Water and Wastewater

FYI: 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.

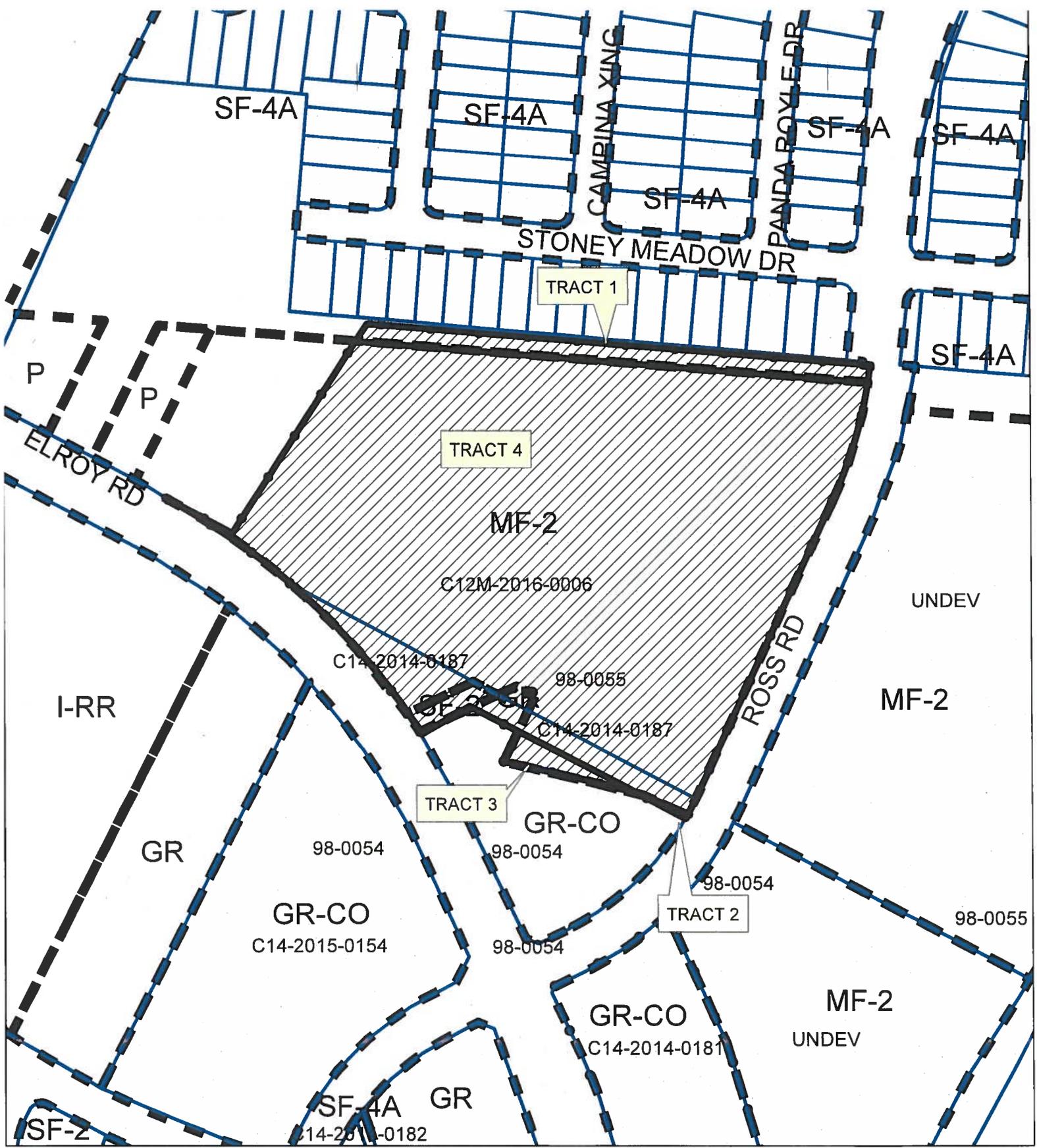
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

A: Zoning Map

A-1: Aerial Map

B: Applicant's Illustration of Proposed Zoning Changes



ZONING

EXHIBIT A

ZONING CASE#: C14-2019-0056



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 3/14/2019

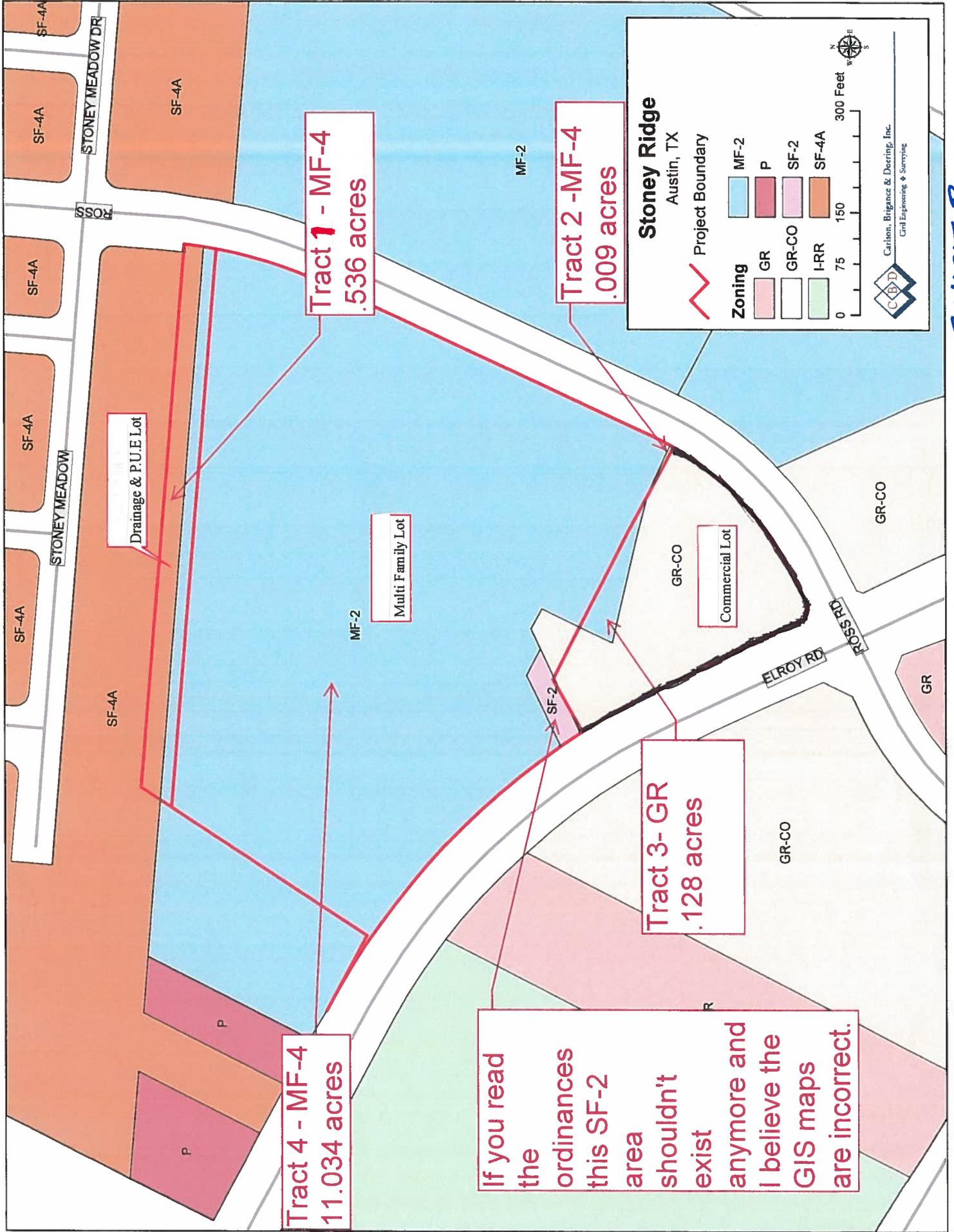



 1" = 200'
 SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CREEK BUFFER

MOORE'S CROSSING MIXED USE *EXHIBIT A-1*
 ZONING CASE#: C14-2019-0056
 LOCATION: 7012 ELROY RD.
 SUBJECT AREA: 11.707 ACRES
 GRID: P13
 MANAGER: WENDY RHOADES



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.



If you read the ordinances this SF-2 area shouldn't exist anymore and I believe the GIS maps are incorrect.

EXHIBIT B

13. Rezoning: **C14-2019-0056 - Moore's Crossing Mixed Use; District 2**
Location: 7012 Elroy Road; Moore's Crossing MUD, Dry Creek East Watershed
Owner/Applicant: SR Development Inc. (Bill Gurasich)
Agent: Alice Glasco Consulting (Alice Glasco)
Request: SF-2; SF-4A; MF-2; GR-CO to MF-4 for Tracts 1, 2 and 4; GR for Tract 3
Staff Rec.: **Recommended**
Staff: Wendy Rhoades, 512-974-7719
Planning and Zoning Department

Question: Thompson

Can you provide more information about C13 and why it is on our agenda rather than ZAP? I realize we've seen some of these PUD/MUD's before, I just wanted to understand how this issue came to us.

Answer: Staff

Development applications within a Municipal Utility District are reviewed by the Planning Commission according to Water and Wastewater section of the Land Development Code. Specifically, Section 25-9-155 (*Review of Petition by City Employees*) identifies the Planning Commission as one of the reviewing bodies for the creation of a MUD and Section 25-9-156 (*Review by Certain Boards and Commissions*) states that: "Each board and commission identified in 25-9-155(C)(5) shall review the petition and prepare a recommendation on the petition". Subsequent development applications (such as rezoning cases) for properties within a MUD fall under the purview of the Planning Commission.

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 attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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 or at a 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.

Case Number: C14-2019-0056

Contact: Wendy Rhoades, 512-974-7719

Public Hearings: May 14, 2019, Planning Commission
June 6, 2019, City Council

G. B. T. & D Ltd.
Your Name (please print)

10401 Burnet Rd.
Your address(es) affected by this application

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Wendy
Signature

05-16-19
Date

Signature

713-641-6628
Daytime Telephone:

Comments:

Our concerns are about traffic.

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

City of Austin
Planning & Zoning Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810