

ZONING CHANGE REVIEW SHEETCASE: C14-2020-0016 7113 Burnet RoadDISTRICT: 7ZONING FROM: CS-1-CO-NP, CS-CO-NP, LO-CO-NPTO: MF-6-NPADDRESS: 7113 Burnet RdSITE AREA: 4.3881 acres (191,145.64 sq. ft.)PROPERTY OWNER:Ronan Corporation
(Craig Hopper)AGENT:Armbrust & Brown, PLLC
(Michael Gaudini)CASE MANAGER: Mark Graham (512-974-3574, mark.graham@austintexas.gov)STAFF RECOMMENDATION:

Staff offers an alternative recommendation to grant Multifamily Residence (Moderate-High Density) - conditional use - neighborhood plan (MF-4-CO-NP) district zoning. *For a summary of the basis of staff's recommendation, see case manager comments below.*

PLANNING COMMISSION ACTION / RECOMMENDATION:**June 23, 2020**CITY COUNCIL ACTION:**Planned to be scheduled for July 30, 2020**ORDINANCE NUMBER:ISSUES

The Future Land Use Map from Commercial to Multi-family residential is also under consideration (NPA-2020-0017.01). Access to Burnet Road requires agreement with adjacent property owner and approval by the Austin Transportation Department. Neighbors are concerned about potential impacts from the proposed building and multi-family residential use.

CASE MANAGER COMMENTS:

Applicant seeks zoning to build 360 residential units on the 4.39 acre (191,228.4 sq. ft.) parcel of land at 7113 Burnet Road. The requested zoning is multi-family residence highest density-neighborhood plan (MF-6-NP) zoning. The subject tract is mid-block with frontage only on Burnet Road and currently has 3 curb cuts.

Current Conditions

The site is a commercial development with a parking lot fronting Burnet Road. The buildings are set back more than 150 feet from the road. The largest single space appears to be the bar closest to Burnet Road. The adjacent buildings are occupied by small businesses providing, for instance: driving instruction and martial arts coaching; coffee and kolaches; hair-cuts and massages. The site is auto oriented. With the exception of the bar, the businesses face north and are not visible from the street. There is a large multi-tenant sign only about half full with business names. There appear to be several vacant tenant spaces. There is a free-standing building in the office zoned (east) part of the site. There appear to be new vehicles stored on that portion of the site as they are on the adjacent commercially zoned lot to the south. Buffers to residences have not been maintained.

Vehicle Access and Circulation

Safe access to and from Burnet Road is one key issue. Making safe left turns onto Burnet Road during peak traffic hours would be difficult without signalization. There is a traffic signal on the adjacent lot to the north which is part of the problem and part of the solution. Traffic stopped at the Greenlawn signal queues at the red light and stacks across the driveways of the subject parcel. Historically the subject parcel property has enjoyed cross access with the property to the north which has access to Burnet Road at the signalized intersection with Greenlawn. The City requested that documentation be provided showing that the subject parcel has and will continue to have joint access to Burnet Road via the signal at Greenlawn Parkway. Receiving Austin Transportation Department support is contingent on that.

Building height, setbacks, buffers

Maximum building height with the requested multifamily residence-highest density-neighborhood plan (MF-6-NP) zoning is 90 feet. The existing general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) zoning allows 60 feet, yet most of the buildings are only one or two stories (less than 30 feet). Building height is limited at the east end of the property by Land Development Code Compatibility Standards, which will be addressed during site plan review. Those standards reduce permitted building height and increase setbacks near family residence zone districts.

Staff is supporting multifamily residence - moderate-high density-neighborhood plan (MF-4-NP) zone district which permits up to 60 feet in height like current zoning, though lower near the family residence due to Compatibility Standards which also require increased setbacks, buffering and screening.

Future Land Use Map (FLUM)

The site is within the Crestview/Wooten Combined Neighborhood Plan boundaries. The Future Land Use Map shows the subject property as commercial and an amendment to multifamily residential is required for the proposed residential rezoning and development. An amendment to the Future Land Use Map was requested and a neighborhood meeting was held March 3, 2020 to present the request to Crestview residents (NPA-2020-0017.01).

The Crestview Neighborhood Plan Contact Team (NPCT) planned to vote on the request at a meeting in April, but was unable to meet in person because of government orders for social distancing which prohibited meetings of more than 10 people. City staff encouraged the group to consider other methods for getting the consensus of the group. As of June 12, 2020 the City staff has not received a letter from the neighborhood group taking a position on the request. To Staff's knowledge the NPCT have not scheduled or held a meeting or virtual meeting to discuss the proposed development. If the Crestview NPCT is able to provide a letter to Staff in time, it will be included in the backup material with the Staff report. City Council approved the existing Future Land Use Map (FLUM) for the Crestview / Wooten Neighborhood in April 2004 and Council approval is required to change the FLUM.

The current FLUM shows approximately the west 700 feet as commercial along with neighboring properties fronting on Burnet Road. The eastern approximately 275 feet of the subject property shown as office. That end of the property has residential uses on three sides. Two sides of the subject tract have single family zoning and uses including one and two-story detached and attached residences. The single family residences are along the north, duplexes along the east. Along the south part of the site shown as office is multifamily residences-medium density, townhomes and condominiums.

Current Zoning and Use

The subject site is primarily zoned general commercial services – conditional overlay-neighborhood plan (CS-CO-NP). There is commercial-liquor sales – conditional overlay – neighborhood plan (CS-1-CO-NP) zoning for the footprint of the cbar, currently called the Local Post. Approximately 700 feet east of the Burnet Road property line, there is limited office – conditional overlay - neighborhood plan (LO-CO-NP) zoning.

Crestview/Wooten Neighborhood Plan

A City initiated rezoning that was approved on April 1, 2004 (Ordinance No. 040401-32B) added the neighborhood plan combining district (NP) and conditional overlays (CO) on many of the lots in the 650.5 acre Crestview Neighborhood Plan area. The subject lots are listed in the Ordinance as Tracts 134, 135 and 136. Tract 134 is the CS portion; Tract 135 is the 8,800 square foot CS-1 footprint zoned portion; Tract 136 is the LO zoned portion. Part 7. (2) of the Ordinance includes the following list of conditional overlay uses prohibited in Tract 134 and 135, the portion of the property zoned CS-1 and CS.

| | |
|--|---|
| <i>Adult oriented businesses</i> | <i>Equipment repair services</i> |
| <i>Agricultural sales and services</i> | <i>Equipment sales</i> |
| <i>Automotive rentals</i> | <i>Kennels</i> |
| <i>Automotive sales</i> | <i>Limited warehousing and distribution</i> |
| <i>Bail bond services</i> | <i>Maintenance and service facilities</i> |
| <i>Campground</i> | <i>Monument retail sales</i> |
| <i>Commercial blood plasma center</i> | <i>Outdoor entertainment</i> |
| <i>Construction sales and services</i> | <i>Pawn shop services</i> |
| <i>Convenience storage</i> | <i>Vehicle storage</i> |

Compatibility

Another condition imposed by the same Ordinance Part 7. (27) applies to six tracts including 135 and 136:

A 50-foot wide vegetative buffer shall be provided and maintained along and adjacent to a property line that adjoins an urban family residence (SF-5) or more restrictive district. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

C14-72-032 (RCT), was filed concurrently with this case to terminate a 1972 Restrictive Covenant on the east end of the subject property in the portion zoned (LO-CO-NP).

- 1. No building or any part thereof shall be located within twenty (20) feet of the north property line of said property.*

Both the “vegetative buffer” imposed by the Neighborhood Plan zoning and the restrictive covenant above were intended to reduce the impacts of the LO-CO-NP zoned tract on the adjoining residences. In the current Land Development Code, Compatibility Standards (in this case, for large sites 25-2-1063) are intended to accomplish the same thing and achieve specific results, for example: screening surface parking, mechanical equipment and dumpsters. The standards also address building height, setback and bulk. Briefly summarized, if the building setback from the residences in SF-3-NP (north and east sides of LO-CO-NP zoned tract) is less than 50 feet, the building is limited to two stories and 30 feet. If the building setback is more than 50 feet, it can be three stories and 40 feet tall. If setback even further, it can be taller. There are more required design standards and screening requirements (Article 10 of Chapter 25-2) to improve the buffer and thereby compatibility of multifamily buildings to less intense residential uses.

The commercial property south of the subject property at Burnet Road is used for vehicle storage and has a vacant freestanding building. Compatibility Standards are **not** required between the subject lot and the **commercially** zoned lots. The commercial property north of the subject property is anchored by a Tuesday Morning retail store and also has inline tenants including restaurants, a bakery, hair and foot care, and a pad site with restaurant.

Street Access

There are three curb cuts accessing Burnet Road. Depending on time of day and day of week, full access to and egress from the property may be difficult. The left turn lane on Burnet serves northbound traffic turning west on Greenlawn Parkway. There is cross access from the subject property to the northern property that occurs toward the middle of the property. Once on the northern property, there is driveway access to the traffic signal at Greenlawn making it possible to safely turn left on Burnet. There is joint access language on the subdivision plat for the subject lot and for the adjoining lot south. Staff requested documentation for the shared access agreement that would allow residents of the new multifamily building(s) to access Burnet Road at the traffic signal. The applicant provided a draft copy of the joint access agreement (not yet

signed or recorded). Without access to the traffic signal on the lot north of the subject property, Austin Transportation Department would oppose this rezoning.

Core Transit Corridor

Burnet Road was identified in 2005 as a Core Transit Corridor and continues to enjoy MetroRapid bus service at frequent intervals. Along Core Transit Corridors like Burnet and in Activity Centers are where the Imagine Austin Plan envisions Austin's growth occurring. Building multi-family residences near transit service supports transit and allows more people to access that location and public transportation services.

BASIS OF RECOMMENDATION:

The Staff recommendation is to grant multifamily residence, moderate high density - neighborhood plan (MF-4-NP) district zoning.

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

Applicant's request:

The applicant requested MF-6-NP – **Multifamily Residence (Highest Density) district** based in part on the absence of a land area requirement for units that would enable building 360 residential units on the property (an estimated 81 units per acre).

Staff recommendation:

MF-4 – **Multifamily Residence (Moderate-High Density) district** is intended to accommodate multifamily and group residential use with a maximum density of 36 to 54 units per acre, depending on unit size. This district is appropriate for moderate-high density housing in centrally located areas near supporting transportation and commercial facilities, in areas adjoining downtown Austin and major institutional or employment centers, and in other selected areas where moderate-high density multifamily use is desirable.

The applicant proposes to build 360 multifamily residences on the property. The property is centrally located on a core transit corridor with supporting commercial facilities including groceries, personal services and entertainment. The 803 Rapid Bus stop is approximately 725 feet south and the number 3 local bus transit stop is less than 300 feet north of the site. There is good transit access to UT and the downtown employment center.

2. *The proposed zoning should satisfy a real public need and not provide special privilege to the owner.*

The demand for housing in Austin is high. Job and population growth coupled with low interest rates are credited with creating the demand. "The Texas Workforce Commission reported that the Austin region added 29,000 new jobs in the 12 months that ended in November" (2019). (reported in the Austin Statesman, Jan. 14, 2020). Housing continues to be an important community need.

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

With the Compatibility Standards required for multifamily residential zoning by the Land Development Code, the MF-4-NP zoning will be more compatible with adjacent and nearby uses. Setbacks are increased near the Single-Family zones and building heights are reduced. Screening is required for parking lots, mechanical equipment, and dumpsters. There is currently no evidence of the previous required “50 foot wide vegetative buffer” adjacent to the single family residences. The area is currently used as a drive aisle and vehicle storage. The new development will provide fencing and vegetative buffering as well as screening of parking, mechanical equipment and trash dumpsters. The specific measures to meet the Compatibility Standards are reviewed as part of the site plan during the broader development review process.

EXISTING ZONING AND LAND USES:

| | Zoning | Land Uses |
|-------|----------------------------------|---|
| Site | CS-1-CO-NP, CS-CO-NP, LO-CO-NP | Bar/Restaurant, coffee shop, personal services, auto repair, vehicle storage |
| North | CS-CO-NP, SF3-NP | Retail with restaurants, retail specialty stores and freestanding restaurant, detached residences |
| South | MF-3-NP, GR-MU-CO-NP, GR-V-CO-NP | Car storage lot, former restaurant |
| East | SF-3-NP | Detached residences |
| West | (across Burnet Road) CS, SF-2 | Car rental and sales, personal services |

NEIGHBORHOOD PLANNING AREA: Crestview/Wooten Combined Neighborhood Plan Ordinance 040401-Z-2

TIA: Deferred to site plan.

WATERSHED: Shoal Creek - Urban 70% Impervious coverage maximum in MF-4
80% Impervious coverage maximum in MF-6

OVERLAYS: ADU Approximate Area Reduced Parking Neighborhood Planning Areas:
CRESTVIEW Residential Design Standards: LDC/25-2-Subchapter F

SCHOOLS:

Brentwood Elementary

Lamar Middle

McCallum High

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

Crestview Neighborhood Assn.

Crestview Neighborhood Plan Contact Team

Friends of Austin Neighborhoods

Homeless Neighborhood Association

NW Austin Neighbors

Neighborhood Empowerment Foundation

North Austin Neighborhood Alliance

SELTexas

Shoal Creek Conservancy

Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

| Number | Request | Commission | City Council |
|--|--|------------|------------------|
| C14-04-0004 The area bounded by Anderson Lane on the north, Lamar Blvd. on the east, Burnet Road on the west, Justin Lane on the south. | Add a NP to the base zoning districts on approximately 650.5 acres of land generally known as the Crestview Neighborhood Plan and to change the base zoning district on 43 tracts of land. | To Grant | Apvd. 04/01/2004 |
| C14-2009-0065 The area bounded by Anderson Lane/US Highway 183 on the north, Justin Lane on the south, North Lamar Boulevard on the east and Burnet Road on the west. | Crestview Vertical Mixed Use Bldg (V) Zoning/ Opt-in / Opt-out process. 62.70 Acres. (City Initiated) Ordinance 20090924-091 is for 29.70 acres. Part 4. Excludes Tract 8 that includes 7113 Burnet Rd. | To Grant | Apvd. 9/24/2009 |

RELATED CASES:

NPA-2020-0017-01 Request for Neighborhood Plan Amendment from commercial land use to multifamily residential land use. Neighborhood meeting held March 3, 2020.

C14-72-032 (RCT) Request to terminate the restrictive covenant (RC) that requires a 20 foot setback to the north property line in the portion of the property zoned LO-CO-NP. Staff recommends to grant restrictive covenant termination. The RC is no longer necessary because the Land Development Code has Compatibility Standards that better accomplish the goal of buffering the single family residences.

OTHER STAFF COMMENTS:

Right-of-way per the ASMP exists for Burnet Road. ATD staff does not recommend the proposed zoning for multi-family residence-highest density as it would create significant traffic conflicts, especially in the peak periods. The TIA determination will be deferred to site plan submittal when land uses and intensities have been finalized.

| Name | Existing ROW | ASMP Required ROW | Pavement | ASMP Classification | Sidewalks | Bicycle Route | Capital Metro (within ¼ mile) |
|------------|--------------|-------------------|----------|---------------------|-----------|---------------|-------------------------------|
| Burnet Rd. | ~122' | 120' | 55' | 4 | Yes | Yes | Yes |

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal 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.
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. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. 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

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. Along the north 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.
 - 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.
 - A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.

Additional design regulations will be enforced at the time a site plan is submitted.

Overlays

- SP 5. FYI – This site is located with the Crestview Neighborhood Plan and the Crestview/Wooten Combined NPA. Additional comments may be generated during the site plan review process.

Austin Water Utility

WW1. 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.

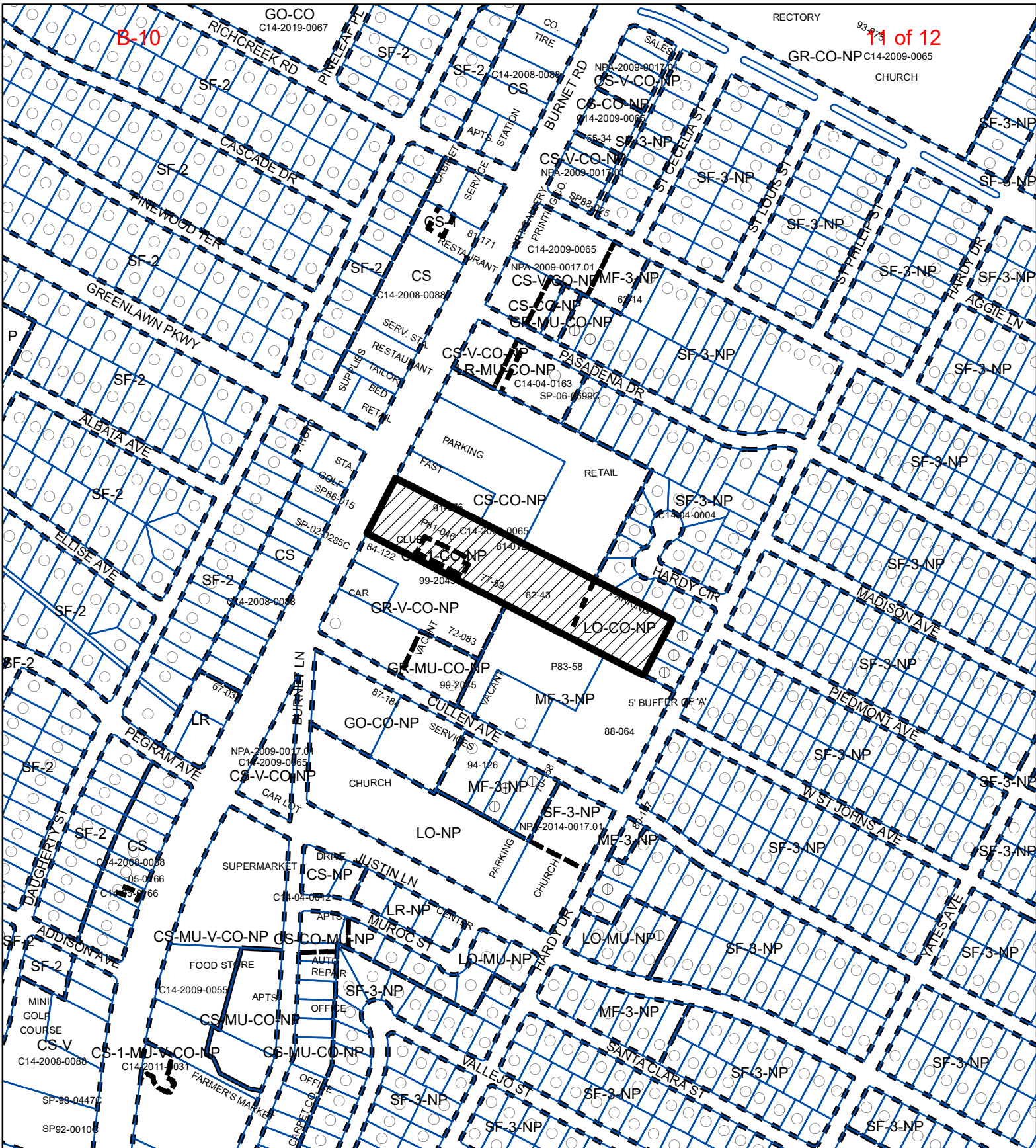
Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

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

Exhibit A: Zoning Map

Exhibit B: Aerial Map






ZONING

Exhibit A

ZONING CASE#: C14-2020-0016



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

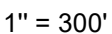
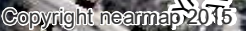
1" = 400'

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