

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0099 (Rezoning of 15204 N. FM 620) DISTRICT: 6

ZONING FROM: DR

TO: MF-4

ADDRESS: 15204 North FM 620 Road

SITE AREA: 5.486 acres

PROPERTY OWNER: England Ranch SE, LP (Joe F. England)

AGENT: Armbrust & Brown, PLLC (Richard Suttle)

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

STAFF RECOMMENDATION:

Staff recommends MF-4, Multifamily Residence-Moderate-High Density District, zoning.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

October 20, 2020: Approved staff recommendation of MF-4 zoning by consent (9-0, Acosta and Kiolbassa-absent).

CITY COUNCIL ACTION:

November 12, 2020

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is currently an undeveloped tract of land with moderate vegetation. This area was annexed for limited purposes on November 15, 1984. This property is located at the edge of the city limits and fronts onto North FM 620 Road. There is a personal services use (Lugo's Mane Tamers) and a plant nursery (Round Rock Landscape Supplies) to the east zoned DR, undeveloped tracts to the north located in the county and an undeveloped tract (zoned DR), monument sales use, personal services use (Edge Salon), construction sales and services use (D & B Tree Company) and the Round Rock ISD Bus Facility zoned CS-CO to the west. On the south side of FM 620 Road there is the Robinson Ranch PUD including a segment of State Highway 45. This area is currently undeveloped.

The applicant is requesting MF-4, Multifamily Residence-Moderate-High Density District, zoning to develop an apartment complex. The staff recommends the applicant's request for this property as the site meets the intent of the MF-4 district. The tract of land is located at the intersection of an arterial roadway, Pearson Ranch Road, and FM 620/ SH 45 Road. The proposed zoning will create a transition in the intensity of development from the single family residential neighborhood to the north to the commercial uses developed to the east and west. MF-4 zoning will permit the applicant to build a residential development that will provide for additional housing opportunities within this area of the city.

The applicant agrees with the staff's recommendation.

BASIS OF RECOMMENDATION:

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

Multifamily Residence (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 proposed change meets the purpose statement set forth in the Land Development Code. The property is located at the intersection of an arterial roadway, Pearson Ranch Road, and a highway, North FM 620/SH 45 Road.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed zoning will be consistent with the current zoning in the area as there is MF-3 zoning to the east fronting North FM 620 Road. The proposed zoning will create a

transition in the intensity of development from the single family residential neighborhood to the north to the commercial uses developed to the east and west.

3. *Zoning should allow for reasonable use of the property.*

The proposed MF-4 zoning will permit the applicant to build a residential development that will provide for additional housing opportunities within this area of the city.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	Undeveloped
<i>North</i>	County	Undeveloped, Single Family Residential
<i>South</i>	SH 45, PUD	Detention Pond, Undeveloped Area
<i>East</i>	DR, MF-3	Personal Services (Lugo's Mane Tamers), Plant Nursery (Round Rock Landscape Supplies)
<i>West</i>	DR, CS-CO	Undeveloped, Monument Sales, Personal Services (Edge Salon), Construction Sales and Services (D & B Tree Company); Round Rock ISD Transportation Facility

NEIGHBORHOOD PLANNING AREA: N/A

TIA: Deferred to the time of Site Plan

WATERSHED: Lake Creek

SCHOOLS: Round Rock I.S.D.

Great Oaks Elementary
Cedar Valley Middle School
Round Rock High School

NEIGHBORHOOD ORGANIZATIONS:

Bike Austin
Davis Spring HOA
Friends of Austin Neighborhoods
North Austin Coalition
Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2018-0009 (Rezoning of FM 620 and SH 45: 15218 and 15230 North FM 620 Road)	DR to MF-3	3/20/18: Approved staff's recommendation of MF-3 zoning, with conditions (9-0, Y. Flores and A. Tatkow-absent; B. Evans-1 st , J. Duncan-2 nd).	4/26/18: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180426-068 for MF-3 district zoning, with conditions was approved on Council Member Houston's motion, Council Member Garza's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.
C14-2011-0148 (620 JMJ Zoning: 14926 North FM 620 Road)	DR to CS	02/07/12: Approved staff's recommendation of CS-CO with additional conditions to prohibit the following uses: Adult Oriented Business, Pawn Shop Services, Bail Bond Services, Monument Sales, Club or Lodge, Campground, Transitional Housing and Vehicle Storage (5-0, P. Seeger and G. Bourgeios-absent); S. Baldrige-1 st , G. Rojas-2 nd .	3/01/12 : Approved CS-CO zoning on consent on all 3 readings (6-0, Spelman-off dais); S. Cole-1 st , L. Morrison-2 nd .
C14-2011-0097 (Round Rock ISD West Transportation Facility: 15000 North FM 620 Road)	DR to GR	10/04/11: Approved the staff's recommendation for GR-CO zoning, with a 2,000 vehicle trip limit per day, on consent (6-0), G. Bourgeios-1 st , P. Baldrige-2 nd .	11/03/11: Approved GR-CO on consent on all 3 readings (7-0)
C14-2008-0192 (Pearson Place South: 14608 N. FM 620 Road)	DR to GR	11/04/08: Approved staff's rec. of GR-CO zoning on consent, with a CO for a 2,000 vehicle trip limit per day (5-0, C. Hammond, R. Evans-absent)	12/11/08: Approved GR-CO zoning on consent (7-0); all 3 readings

C14-2008-0045 (St. Dominic de Savio: 9400 Neenah Avenue)	Unzoned to GO-CO	4/01/08: Approved the staff's recommendation of GO-CO district zoning, with an additional condition that the site plan will come back to the Zoning and Platting Commission for approval (This condition would make Private Secondary Educational Facility a conditional use on the site, thereby, requiring a conditional use site plan on this property for this use to go before the Zoning and Platting Commission for approval.). Vote: (6-0, T. Rabago, J. Martinez-absent); K. Jackson-1 st , C. Hammond-2 nd .	5/22/08: Approved the Zoning and Platting Commission's recommendation, with the additional condition from Transportation that specifies a bicycle-pedestrian path that connects to the abutting subdivision to the north (7-0); 1 st reading 6/18/08: Approved GO-CO zoning by consent with an effective date of July 7, 2008 (7-0); 2 nd /3 rd readings
C814-2007-0055 (Pearson Place PUD: 1200 feet north east from the intersection of Parmer Lane and SH 45)	LI, DR, CS-CO and ETJ to PUD	Case Withdrawn	N/A
C14-06-0029 (620 North: 15400 N. FM 620 Road)	I-RR; DR to CS	4/18/06: 1 ST motion: Approved GR-CO zoning; prohibit all Automotive uses, Pawn Shops, Exterminating Services and Personal Services; 2000 vehicle trip limit (3-4, B. Baker, C. Hammond, T. Rabago, J. Pinnelli – Nay, S. Hale, J. Martinez – left early); K. Jackson, M. Hawthorne-2 nd . Motion failed. 2 ND motion: Continued to 06/06/06 ZAP Commission meeting (7-0, J. Martinez, S. Hale – left early); M. Hawthorne, J. Pinnelli-2 nd . * Public Hearing remained open.	11/16/06: Approved GR-CO district zoning with restaurant (general) being the only permitted use, all LR district uses, and 2,000 trips, on 1 st reading (7-0). 01/11/07: Approved GR-CO district zoning with changes to the draft rezoning ordinance: 1) to permit general retail sales (general) and automobile sales uses and 2) to establish restaurant (general) as a conditional use, on 2 nd and 3 rd readings (7-0).

		<p>* The Commissioners requested information on floodplain, water and wastewater services for the area and projection o FM 620 improvements.</p> <p>6/06/06: Approved a postponement request to 07/18/06 by the applicant (9-0); J. Martinez-1st, J. Pinnelli-2nd.</p> <p>7/18/06: Approved a postponement request by the applicant to 8/15/06 (6-0, B. Baker, J. Martinez, J. Gohil – absent); M. Hawthorne-1st, C. Hammond-2nd.</p> <p>8/15/06: Approved a postponement request by the applicant to 9/05/06 (8-0, K. Jackson – absent); J. Martinez-1st, J. Pinnelli-2nd.</p> <p>9/05/06: 1ST Motion: Approved staff;s rec. for LR-CO zoning (4-3, B. Baker, J. Pinnelli, S. Hale – Nay); K. Jackson-1st, C. Hammond-2nd. Motion Failed.</p> <p>2nd Motion: Motion made to maintain DR district zoning and rezone the I-RR portion to DR. (5-2, S. Hale, K. Jackson – Nay, T. Rabago – off dais, J. Shieh-absent); B. Baker-1st, J. Martinez-2nd.</p>	
C814-04-0066 (Robinson Property: West Parmer Lane and North FM 620 Road)	Unzoned to PUD	6/15/04: Approved staff rec. for PUD zoning with conditions, including EV Board rec. (9-0)	6/17/11: Approved PUD zoning with conditions (7-0); all 3 readings

C814-99-0001.05 (Avery Ranch PUD Amendment #5)	To amend the PUD to rezone 14.694 acres of land from I-RR to PUD to be incorporated into Tracts III-G and III-H of the Avery Ranch Planned Unit Development (PUD) and to amend the Avery Ranch PUD Land Use Table to permit Village Center Residential (VCR) uses, Service Station use, Liquor Sales use (not to exceed 6,000 square feet and prohibiting Cocktail Lounge), and Mobile Home Residential use on Tract II-E of the PUD.	4/04/06: Approved staff's recommendation for PUD amendment by consent (7-0, T. Rabago, J. Pinnelli-absent); J. Martinez-1 st , J. Gohil-2 nd .	5/18/06: Approved PUD amendment by consent (7-0); all 3 readings
C814-99-0001.04 (Avery Ranch PUD Amendment #4)	PUD to PUD	9/06/05: Approved staff's recommendation of PUD zoning by consent (9-0)	
C814-99-0001.03 (Avery Ranch PUD Amendment #3)	PUD to PUD	9/21/04: Approved staff's recommendation of PUD amendment by consent (7-0, K. Jackson-off dais, J. Gohil-absent)	5/12/05: Postponed indefinitely by the applicant (7-0)
C814-99-0001.02 (Avery Ranch PUD Amendment #2)	PUD to PUD	1/28/03: Approved staff's recommendation of PUD zoning (6-0, J. Martinez, K. Jackson-off dais)	2/27/03: Granted PUD zoning as rec. by the ZAP Commission on 1 st reading (6-0, Goodman-off dais) 4/24/03: Approved PUD (6-0, Garcia-off dais); 2 nd /3 rd readings
C814-99-0001.01 (Avery Ranch PUD Amendment #1)	PUD to PUD	6/18/02: Postponed to 7/16/02 by the applicant (8-0, A. Adams-absent) 7/16/02: Postponed to 7/30/02 by the staff for	10/10/02: Granted PUD on 1st reading (7-0) 1/30/03: Approved PUD amendment (7-0); 2 nd /3 rd readings

		re-notification purposes (6-0, M. Casias/ D. Castaneda/ K. Jackson- absent) 7/30/02: Postponed to 9/10/02 by the applicant and neighborhood (6-0, V. Aldridge-absent) 9/10/02: Approved staff's recommendation for PUD zoning; by consent (6-0, D. Castaneda-absent)	
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RELATED CASES: N/A

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
FM 620	Variable	Defer to TxDOT	~108'	4	No	Yes	No
Pearson Ranch Road	None	120'	66'	3	Yes	No	No

OTHER STAFF COMMENTS:

Comprehensive Planning

This zoning case is situated on the west side of North FM 620 and the east side of Pearson Ranch Road, and just north of the FM 620 frontage road, which contains an undeveloped a 5.486 acre parcel. The property is located within Austin's **Limited Purpose** jurisdiction and is not located along an Imagine Austin Activity Center, Activity Corridor or within a small area planning area. Surrounding land uses include vacant land and a residential subdivision to the north; to the south is the FM 620 frontage Road, which parallels Texas Highway 45; to the east is a landscape supplier, a hair salon and vacant land; and to the west is a monument maker, a landscape supplier and the Round Rock ISD transportation center. The proposed use is a multifamily project with an unspecified number of units.

Connectivity

There are public sidewalks and an unmarked and unprotected bike lanes located along both sides of Pearson Ranch Road, but there are no public sidewalks or bike lanes along the FM 620 frontage road and North FM 620. There are also no public transit stops in this area. This area also lacks public schools, parks and goods and services within a quarter mile

radius. The mobility options in the area are below average and make it difficult to access the shopping options located approximately one mile west and one half of a mile east from the subject property, beyond using a car.

Imagine Austin

The Imagine Austin Growth Concept Map identifies this property as **not** being located near an Imagine Austin Center or along an Imagine Austin Corridor. Despite this, FM 620 is a well-travelled corridor for cars in this portion of Austin, which an expanding number of land uses.

The following Imagine Austin policy is applicable to this case:

- **LUT P3** Promote development in compact centers, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
- **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 schools, retail, employment, community services, and parks and recreation options.

Based upon the lack of mobility options beyond the car to access goods and services nearly a mile down the road but providing residential housing, the project appears to only partially support the policies of the Imagine Austin Comprehensive Plan.

Environmental

The site is located over the North Edwards Aquifer Recharge Zone. The site is in the Lake Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

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 ls that preempt current water quality or Code requirements.

Fire

No comments.

Parks

Parkland dedication will be required for new residential units proposed by this development, MF-4, at the time of development application, whether subdivision or site plan. The site is currently located in the limited purpose jurisdiction, Williamson County. As such, the parkland dedications requirements will be consistent with the regulations applicable to the limited purpose jurisdiction. See City Code § 26-1-601 for applicability:

(B) Except as otherwise provided in this section, the parkland dedication requirements of this article apply to:

- (1) a residential subdivision within the planning jurisdiction;
- (2) a site plan within the zoning jurisdiction that includes residential units or a hotel-motel use; and (3) a residential building permit, as provided under [Section 25-1-608](#) (Dedication of Land or Payment In-Lieu at Building Permit).

This reviewer acknowledges the request for an early determination of parkland dedication requirements, consistent with § 25-1-605 (C).

Site Plan

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

Multifamily developments require five percent of the site area to be designated as open space. This will need to be detailed on the site plan.

The site is subject to compatibility standards. Along the east and west property lines, the following standards apply:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.

- d. No parking or driveways are allowed within 25 feet of the property line.
- e. 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.

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

Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, recommends that right-of-way needs be deferred to TxDOT. It appears that Pearson Ranch Road is a private roadway with a public easement at this time. A traffic impact analysis should also be deferred to the site plan application when land uses and intensities will be finalized.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
FM 620	Variable	Defer to TxDOT	~108'	4	No	Yes	No
Pearson Ranch Road	None	120'	66'	3	Yes	No	No

Water Utility

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

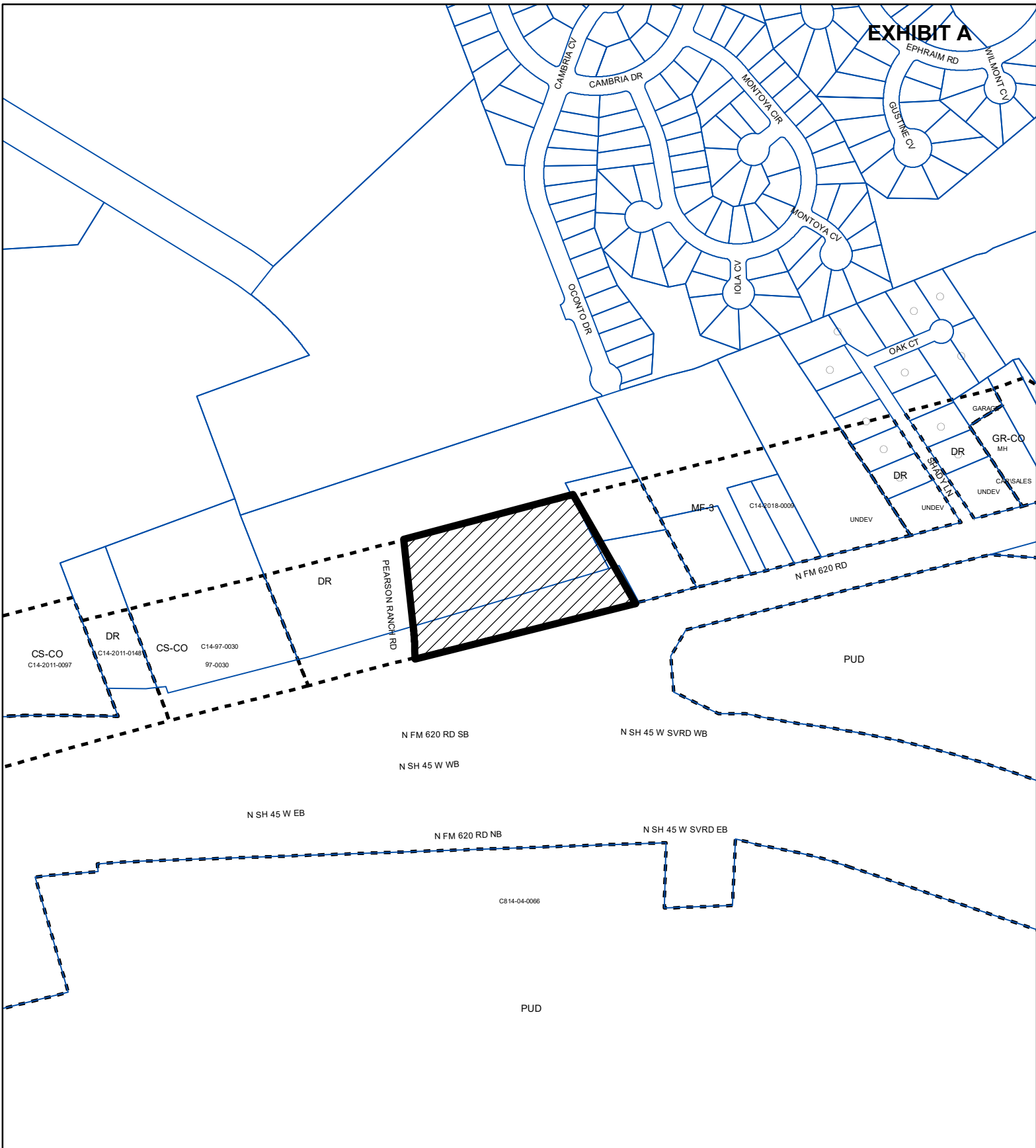
Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0211.




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

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's request letter
- D. Correspondence from Interested Parties

EXHIBIT A



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2020-0099

1" = 400'

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

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



Created: 8/31/2020

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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August 20, 2020

Jerry Rusthoven
Planning and Development Review Department
City of Austin
505 Barton Springs Road, 5th Floor
Austin, TX 78704

Re: Rezoning of 15204 N. FM 620 Road, in Austin, Williamson County, Texas (5.486 acre) (the "Application")

Dear Mr. Rusthoven:

This letter is submitted on behalf of CWS Capital Partners, LLC who has contracted with the owners to purchase the property in the above referenced Application. The area to be rezoned is 5.486 acres of land located at 15204 N. FM 620, in Austin, Williamson County, Texas (the "Property"). The Property is located in the City of Austin Limited Purpose Jurisdiction. Field notes are being submitted with this application to define the footprint of the zoning request.

The Property is zoned Development Reserve (DR) and is currently undeveloped. The request is to rezone the Property from DR to Multi-family (MF-4) to allow for a multi-family project.

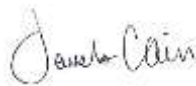
A Traffic Impact Analysis (TIA) has been waived since the proposed project will not exceed the allowable threshold established in the Land Development Code. The TIA Determination signed by Amber Mitchell on June 10, 2020 is included in the submittal package.

ARMBRUST & BROWN, PLLC

Page 2

Thank you in advance for your time and consideration of this zoning request. If you have any questions or need additional information, please do not hesitate to contact me at (512) 435-2318.

Respectfully,
ARMBRUST & BROWN, PLLC

A handwritten signature in cursive script, appearing to read "Jewels Cain".

Jewels Cain
Land Development Consultant

cc: Sherri Sirwaitis, City of Austin
Jarrett Sullivan, CWS Capital Partners, LLC