

ZONING CHANGE REVIEW SHEETCASE: C14-2021-0026 – Urbana IDISTRICT: 1ZONING FROM: DRTO: GR-MU-COADDRESS: NW corner Plaza Dr. at Wedgewood Dr.SITE AREA: 4.21 acres (183,387 sq. ft.)PROPERTY OWNER:

Big Opp Zone, LLC, (Stacy Dukes-Rhone)

AGENT:

Husch Blackwell, LLP, (Nikelle Meade)

CASE MANAGER: Mark Graham (512-974-3574, mark.graham@austintexas.gov)STAFF RECOMMENDATION:

Staff's recommendation is to grant neighborhood commercial - mixed use - conditional overlay (LR-MU-CO). The Conditional Overlay prohibits Alternative Financial Services and Service Station. *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:**May 4, 2021:**CITY COUNCIL ACTION:**June 10, 2021:**ORDINANCE NUMBER:ISSUES

This is one of three related zoning cases that are divided by Wedgewood Drive and Plaza Drive rights-of-way. This case, Urbana I, (C14-2021-0026) is a request to rezone 4.210 acres at the northwest corner of Wedgewood Drive and Plaza Drive from DR to GR-MU-CO. Urbana II (C14-2021-0027) is a request to rezone 27.443 acres northeast of the intersection of Wedgewood Drive and Braker Lane from SF-4A, and GR-CO to MF-2 and GR-MU-V-CO. Urbana III, Case (C14-2021-

0028) is for a parcel located south and west of the Plaza Drive and Wedgewood Drive intersection. The request for Urbana III is to rezone 3.394 acres from SF-2, SF-4A and GR-CO to MF-2 (Tract 1) and GR-MU-V-CO (Tract 2).

CASE MANAGER COMMENTS:

Location and Access

The rezoning tract is located about a quarter mile east of Interstate Highway 35 and a quarter mile north of Braker Lane in north central Austin. Access to the property is from a future Plaza Drive or Wedgewood Drive currently an Austin Strategic Mobility Plan (ASMP) level one road. Wedgewood is a narrow, two-lane paved road without a paved shoulder, curbs, sidewalks, bike paths or lights.

The Traffic Impact Assessment (TIA) has been deferred to the site planning phase when development details are better defined. The previously proposed land uses were different from the current proposal.

Request

Applicant requests rezoning a 4.21-acre tract of undeveloped land from development reserve (DR) district zoning to community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning. The requested zoning would use neighborhood commercial (LR) development regulations and have LR uses. In addition, the following community commercial (GR) district use would remain a permitted use: Commercial Off-Street Parking. The following five GR uses would be allowed as conditional uses:

- Indoor Entertainment
- Indoor Sports and Recreation
- Outdoor Entertainment
- Outdoor Sports and Recreation
- Theater
- *Note: All other GR uses would be prohibited.*

By adding the mixed use (MU) combining district, the land use list almost doubles. The MU adds mixtures of land use and residential uses to the base commercial zone. (25-2-Zoning. *Subchapter E, Article 4: Mixed Use*).

2. Commercial uses that are permitted in the base district;
3. Civic uses that are permitted in the base district;
4. Townhouse residential;
5. Multifamily residential;
6. Single-family residential;
7. Single-family attached residential;

8. Small lot single-family residential;
9. Two-family residential;
10. Condominium residential;
11. Duplex residential;
12. Group residential;
13. Group home, class I (limited);
14. Group home, class I (general); and
15. Group home, class II; and
16. Short-term rental.

The applicant is not required to provide site plans, building elevations, drainage engineering or other plans with a rezoning request. Nevertheless, it is useful for staff to estimate the number of units that may be built based on some of the known factors, such as property size and land area per unit requirements.

With the requested GR-MU-CO zoning, residential development would be required to meet regulations for the type of housing built. For example, multifamily housing, the density permitted is based on the mix of efficiency, one and two-or-more bedrooms proposed. GR zoning requires a specific amount of land for each efficiency (800 square feet), one bedroom (1000 square feet) and two or more bedroom units (1200 square feet). If the developer decides, for example, to build “two or more bedroom units” then they could divide the property area (4.2 acres = 182,952 sq. ft.) by the area required for each “two or more bedroom unit” in the base zone district (1,200 sq.ft. in GR) and get 152 units on the 4.2 acres. Dividing by the size of the parcel (4.2) works out to about 36 dwelling units per acre. That explains the significance of the base zone district on housing density with mixed use zoning. The required amount of land varies by the base zone district.

Staff is supporting an alternative base zone district, (LR) neighborhood commercial together with the MU-CO request. This district requires 2,400 square feet of land for each two-or-more bedroom unit. With twice the land required per unit, the density is cut in half. LR base zoning would permit about 76 two or more bedroom units on the 4.2 acre parcel, or about 18 dwelling units per acre. This number is only a rough estimate based on the stated assumptions. If the developer chooses to build efficiencies or one-bedroom units, the total number of units would go up in both districts.

The proposed multifamily residence - low density (MF-2) zone district uses the same (as LR-MU-CO) 2400 square feet per unit requirement for dwellings with 2 or more bedrooms. Staff believes that this density is appropriate next to the existing single-family standard lot (SF-2) zoned neighborhood and distance from Braker Lane. With the LR-MU-CO zoning, the applicant has the zoning flexibility to build entirely residential, entirely commercial or some combination of residential and some commercial buildings on the tract.

With the staff recommended neighborhood commercial (LR) base zone district option, the conditional overlay (CO) would prohibit two uses: Alternative Financial Services and Service Station. Staff believes that the neighborhood commercial uses would be an amenity to the neighborhood with less intense uses than the applicant's requested GR uses. The uses proposed as Conditional would have to go through a Conditional Use Permit (CUP) review process before operation. That process requires a site plan approved by a Land Use Commission. It is staff's view that the subject parcel is too far from the major roads (Braker Lane) to accommodate the GR uses.

Wedgewood, a level 1 road connects to Braker Lane, an ASMP level 4 (Arterial) road, about a quarter mile to the south of the Urbana I parcel. Capitol Metro Buses on Braker connect this area west to the Domain with the MetroRapid 803, MetroRail Red Line and the MetroRapid 801 at Lamar all providing service south into downtown or north. To the east and north the 392 bus terminates at Tech Ridge. The I-35 Frontage Road is about a half mile from the subject tract. Until the streets are built (Plaza Drive) and sidewalks installed (required as part of the subdivision and site plan application approvals), it is unsafe for pedestrians and bicyclists to use Wedgewood to access the subject tract from Braker Lane.

BASIS OF RECOMMENDATION:

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

Applicant Request: 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. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The Conditional Overlay (-CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

Staff Recommendation: The neighborhood commercial district (LR) is intended for neighborhood shopping facilities which provide limited business service and office facilities predominately for the convenience of residents of the neighborhood. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The Conditional Overlay (-CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

The requested community commercial (GR) base zone district is too intensive for the neighborhood. Since the Applicant is seeking to address neighborhood needs for recreation and small neighborhood businesses that would serve existing and future residents, Staff believes that neighborhood commercial (LR) district together with the mixed use and proposed conditional overlay (LR-MU-CO) achieves this goal better than the requested (GR-MU-CO) district.

The residential densities with LR zoning are more compatible and consistent with the MF-2 zoning proposed on the adjacent Urbana II parcel, in areas close to established single family residential neighborhoods. Most of the applicant requested commercial uses (10 out of 16) are permitted in the LR base zone.

2. *Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

The requested community commercial (GR) zoning, even developed with neighborhood commercial regulations for height and density would be suitable for a location on major collector and arterial road. The community commercial (GR) uses including Commercial Off-Street Parking and the five Conditional Uses are not recommended for the subject location on a level one neighborhood local or residential collector road. The request is premature for this area that does not yet have full width roads with shoulders, sidewalks, bike paths and lights. The staff recommended neighborhood commercial (LR) would not constitute a grant of special privilege to an individual owner and would be permitted on similarly situated properties.

3. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission*

In the context of the related zoning cases, Urbana II and Urbana III, rezoning the subject Urbana I parcel to LR-MU-CO would be consistent with City policies to build mixed use developments where possible to encourage walking in compact communities. The multi-family housing density would be consistent with the proposed multifamily, low density residential (MF-2) zoning on the northern tracts of Urbana II and Urbana III.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	DR	Vacant
North	SF-2	Detached residences
South	(Across Plaza Dr. not constructed) (pending rezoning) SF-2, SF-4A, MF-2	Vacant, multi-family residences
East	SF-4A (pending rezoning)	Vacant
West	SF-2	Detached residences

NEIGHBORHOOD PLANNING AREA: Not applicable

TIA: The Traffic Impact Analysis has been waived for the Rezoning. The determination is deferred to site plan application, when land use and intensity will be finalized.

WATERSHED: Walnut Creek-Suburban

OVERLAYS: ADU Approximate Area Reduced Parking

SCHOOLS: AISD

Graham Elementary

Dobie Middle

Northeast High

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

Friends of Austin Neighborhoods

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

North Growth Corridor Alliance

Northeast Walnut Creek Alliance

Northeast Walnut Creek Neighborhood Assn.

SELTexas

Sierra Club, Austin Regional Group

TechRidge Neighbors

Yager Community

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-02-0130 Braker Lane 900 E. Braker Ln.	Rezone 0.069 ac. from CS-1 to GR	To grant	Apvd. 10/10/2002 Ord.#021010-Z-8
C14-2007-0185 Braker Lane Center 900 E Braker Lane	Rezone from GR to CS-1	To deny	Withdrawn

RELATED CASES:

Number	Request	Commission	City Council
C14-2021-0027 Urbana II	Rezone 27.443 ac. from SF-4A & GR-CO to MF-2 and GR-MU-CO	Scheduled for 5-4-2021	Scheduled for 6-10-2021
C14-2021-0028 Urbana III	Rezone 3.394 ac. from SF-4A, SF-2A & GR to MF-2 and GR-MU-CO	Scheduled for 5-4-2021	Scheduled for 6-10-2021
C14-2017-0100 E. Braker Lane Rezoning Pt. B 914 E. Braker Lane	Rezone 23.558 ac. from SF-2 to SF-4A on Tract 1; and 3.277 ac. of SF-2 to GR-CO on Tract 2.	To grant	Apvd. 03/07/2019 Ord.# 20190307-045
C14-2017-0066	Rezone from SF-2 to SF-4A (Tract 1, 1.906 ac.) and GR-CO (Tract 2, 1.150 ac.)	To grant	Apvd. 03/07/2019

E. Braker Lane Rezoning Pt. A 914 E Braker Lane	Part 2. Conditions. Prohibited uses on Tract 2: Alternative financial services, bail bond services, pawn shop services, residential treatment, service station.		Ord.# 20190307-044
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Legal Description: The property consists of unplatted acreage.

OTHER STAFF COMMENTS:

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Walnut 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.
2. 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 (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.
7. 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.

Parks and Recreation Department

Parkland dedication will be required for the new residential units proposed by this development, multifamily with MF-2 zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be 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

It appears the subject property has not been subdivided or may not be a legal lot. A subdivision application must be submitted for review and approved prior to site plan approval (25-1-61) or an exception to platting must be obtained; contact DSD_SubdivisionReview@austintexas.gov to discuss a Land Status Determination.

SP2. Site plans will be required for any new development other than single-family or duplex residential.

SP3. Any development which occurs in an SF-6 or less restrictive zoning district which is located <540 feet from property in an SF-5 or more restrictive zoning district will be subject to residential compatibility development regulations.

The site is subject to residential compatibility standards along the north and western property lines:

- 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 adjacent to single-family zoning. 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.

SP4. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when a site plan is submitted.

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.

Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies sufficient right-of-way for Plaza Drive and Wedgewood Drive. There is a proposed Urban Trail adjacent to this site, along the southern property boundary. Traffic impact analysis was waived, the determination is deferred to site plan application, when land use and intensity will be finalized. A neighborhood traffic analysis may be required at the time of site plan when uses and intensities are known.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Plaza Dr	58'	Existing ROW	28'	1	No	No	Yes
Wedgewood Dr	66'	Existing ROW	38'	1	Yes	Yes	Yes

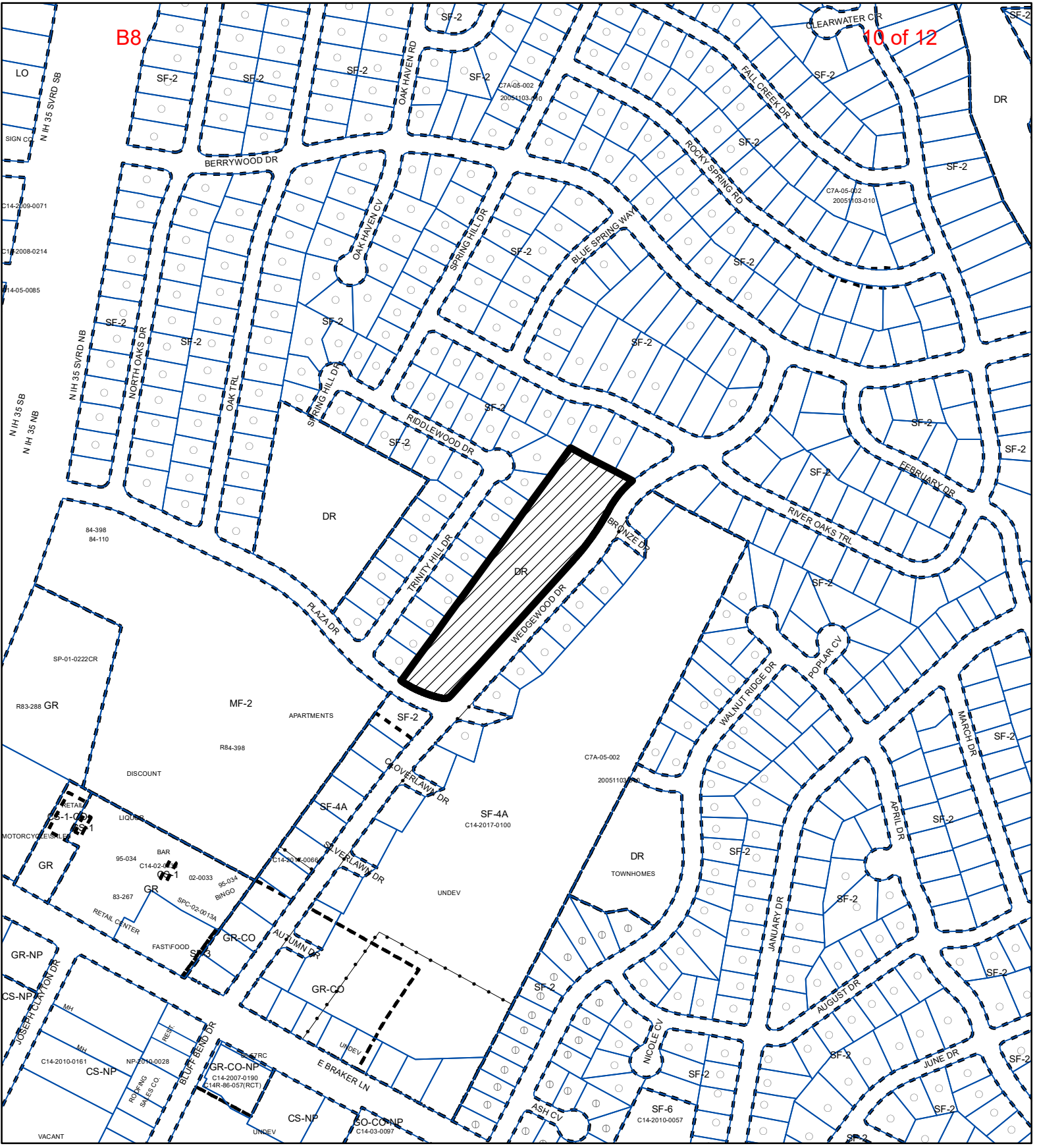
INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

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ZONING

ZONING CASE#: C14-2021-0026



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

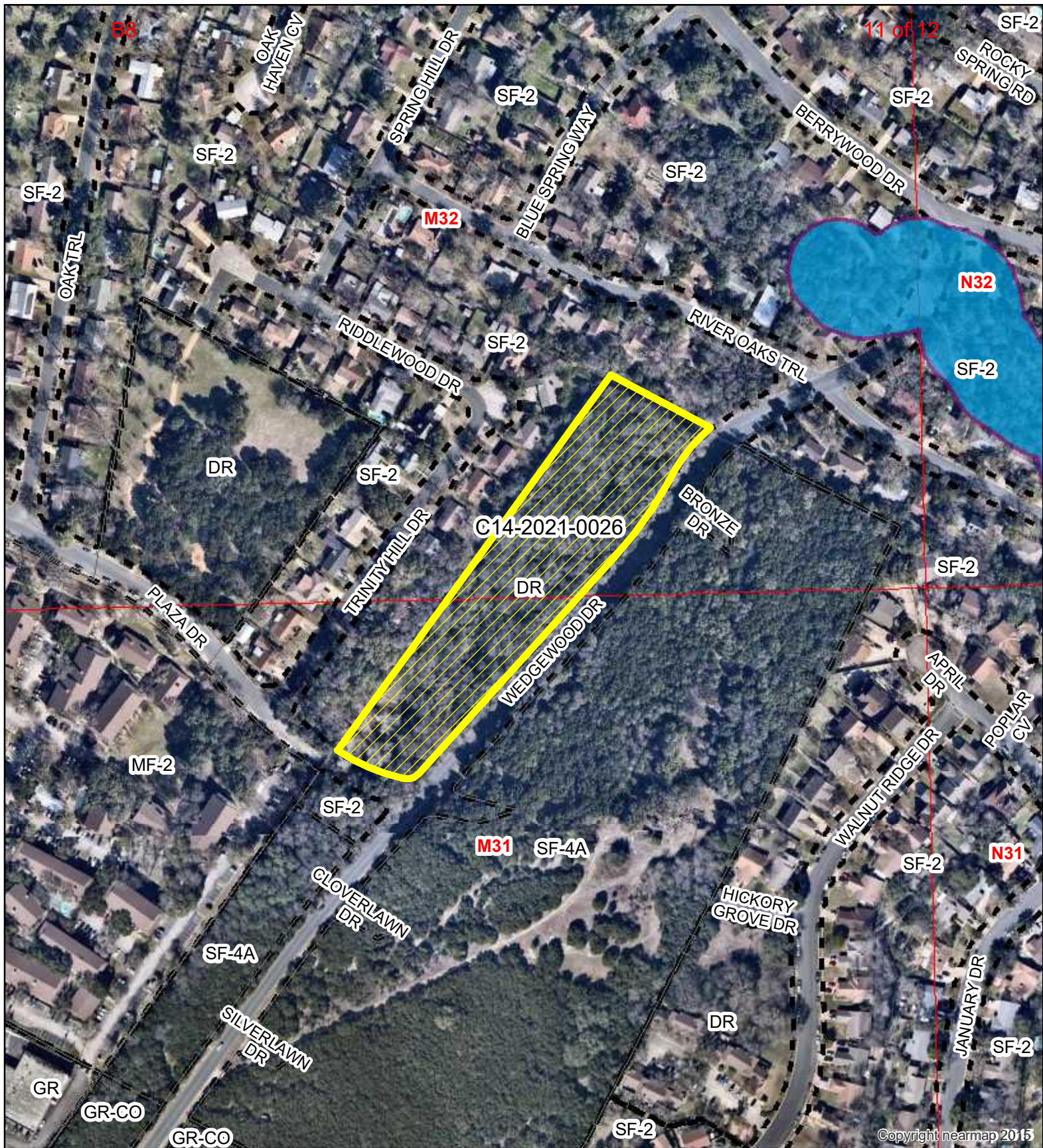
1" = 400'

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Created: 3/9/2021



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1" = 250'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

Urbana I

ZONING CASE#: C14-2021-0026
 LOCATION: Plaza Dr at Wedgewood Dr
 SUBJECT AREA: 4.210 Acres
 GRID: M31 & M32
 MANAGER: MARK GRAHAM

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.

Case Address: NW corner Plaza Dr. at Wedgewood Dr.

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