

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0021 -- 7009 Ed Bluestein Blvd.

DISTRICT: 1

ZONING FROM: SF-3 and GR

TO: GR-MU

ADDRESS: 7009 Ed Bluestein Boulevard

SITE AREA: 9.26 Acres

PROPERTY OWNER/APPLICANT:

Hassan Rahimi and 726 LLC

AGENT:

Drenner Group PC, (Leah Bojo)

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

STAFF RECOMMENDATION:

Staff supports the Applicant's request to rezone the property to GR-MU. *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

ZONING AND PLATTING COMMISSION ACTION/ RECOMMENDATION:

May 18, 2021: May 18, 2021: To grant the requested restrictive covenant amendment, on consent. (9-0) [Commissioner Smith- 1st, Commissioner King-2nd; Commissioner Denkler- off the dais; 1 Vacancy on Commission]

CITY COUNCIL ACTION:

June 10, 2021:

ORDINANCE NUMBER:

ISSUES:

A restrictive covenant amendment (RCA) has been filed in conjunction with this rezoning request (City File # C14-76-083(RCA)). If approved, the RCA would allow residential land uses and eliminate some vehicular access restrictions.

The Applicant has stated that they intend to develop the property utilizing Affordability Unlocked. Granting of the GR-MU request does not obligate the Applicant to use Affordability Unlocked. ***Please see Exhibit C- Applicant Letter.***

CASE MANAGER COMMENTS:

The subject property is located on the east side of Ed Bluestein Boulevard between Loyola Lane and Manor Road, slightly south of Purple Sage Drive. Most of the undeveloped property is zoned GR (8.27 acres), while a small strip along the northern boundary is zoned SF-3 (0.99 acres). To the north is a residential neighborhood that is zoned SF-3 and will trigger compatibility standards. This neighborhood is primarily developed with duplex residences and LBJ High School. Immediately to the south and east is undeveloped land zoned GR-MU. A small tributary to Walnut Creek is located adjacent to the southern tract boundary; no floodplain or creek buffers are associated with this tributary. Further west are undeveloped properties zoned SF-2-CO. Immediately west of the property is Ed Bluestein Boulevard; across Ed Bluestein Boulevard are properties zoned GR-V-NP, GR-NP, and GR-MU-CO-NP. These properties include retail uses (including a grocery store), undeveloped property, and civic land uses (Boys and Girls Club). Immediately to the east is a small tributary to Walnut Creek that has 100-year floodplain and a 200' wide creek buffer centered on the tributary. East of the tributary is undeveloped land zoned SF-2-CO. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

Staff supports the proposed zoning. The addition of a mixed use designation would allow the Applicant to provide residential uses on the property. As described by the Applicant, affordable housing units could be provided utilizing the Affordability Unlocked tool. The addition of affordable multifamily would provide a greater variety of housing types in an area that is predominately single family and duplex residential. This reflects the policies of Commission and Council that encourage the addition of affordable housing options throughout the City.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the goals and objectives of the City Council.*
2. *Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.*

The addition of affordable rental units on this site would be consistent with the goals of the City Council as outlined in the Strategic Housing Blueprint and other Council-approved actions.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	GR, SF-3	Undeveloped
North	SF-3	Single family and duplex residential, Public high school
South	GR-MU	Undeveloped
East	GR-MU, SF-2-CO	Undeveloped
West	GR-NP, GR-V-NP, and GR-MU-CO	General retail sales (general), Civic

STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Ed Bluestein Blvd SVRD NB	157'	Defer to TxDOT	43'	4	Yes	Yes	No

TIA: Deferred to time of site plan, if triggered

WATERSHED: Walnut Creek (Suburban)

NEIGHBORHOOD ORGANIZATIONS:

Senate Hills Homeowners' Association
 East MLK Combined Neighborhood Contact Team
 Friends of Austin Neighborhoods
 University Hills Neighborhood Association
 LBJ Neighborhood Association
 Claim Your Destiny Foundation
 Friends of Northeast Austin
 Black Improvement Association
 University Hills Neighborhood Plan Contact Team

Austin Innercity Alliance
 Del Valle Community Coalition
 Neighbors United for Progress
 East Austin Conservancy
 Homeless Neighborhood Association
 Austin Neighborhoods Council
 SELTexas

OTHER STAFF COMMENTS:**COMPREHENSIVE PLANNING**

Connectivity: Newly installed public sidewalks are located all this section of the Ed Bluestein Service Road, which is located immediately adjacent to a major highway. The nearest Capital Metro transit stop is located 0.48 miles away, in front of the Delco Activity Center. The LBJ Early College High School is located to the north, approximately 0.43 miles from the subject property and is accessible by public sidewalks. The Davis/White Northeast Neighborhood Park is located to the southeast. Civic uses are abundant in the area while goods and services,

including a grocery store, are not. The mobility options in the area are fair and bus stops are located almost a half a mile from the subject property.

Imagine Austin: The property is located 0.30 miles from an Activity Center and is located along a major highway. The following Imagine Austin Comprehensive Plan policies are 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.
- ☐ 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 P1. Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.
- ☐ 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.

The Applicant has stated that this project will provide affordable housing, based on the lack of connectivity options (no grocery stores, goods or services) and only fair mobility options (bus stop, school and park are almost a half a mile away), it will be necessary for all tenants to own a car to access jobs and goods and services, and therefore this project partially supports the policies of the Imagine Austin Comprehensive Plan.

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.

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. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

4. 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.

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

SITE PLAN

SP1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP2. The site is subject to compatibility standards including noise and light limitations and screening.

SP3. 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, identifies sufficient right-of-way for Ed Bluestein Boulevard SVRD NB and is deferred to TxDOT. There is a proposed Urban Trail adjacent to this site, along the western property boundary. Traffic impact analysis was waived, the determination is deferred to site plan application, when land use and intensity will be finalized.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Ed Bluestein Blvd SVRD NB	157'	Defer to TxDOT	43'	4	Yes	Yes	No

PARKS AND RECREATION

PR1: Parkland dedication will be required for the new residential units proposed by this development, condominiums with GR-MU-NP 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.

WATER UTILITY

AW1. 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
- B. Aerial Exhibit
- C. Applicant Letter

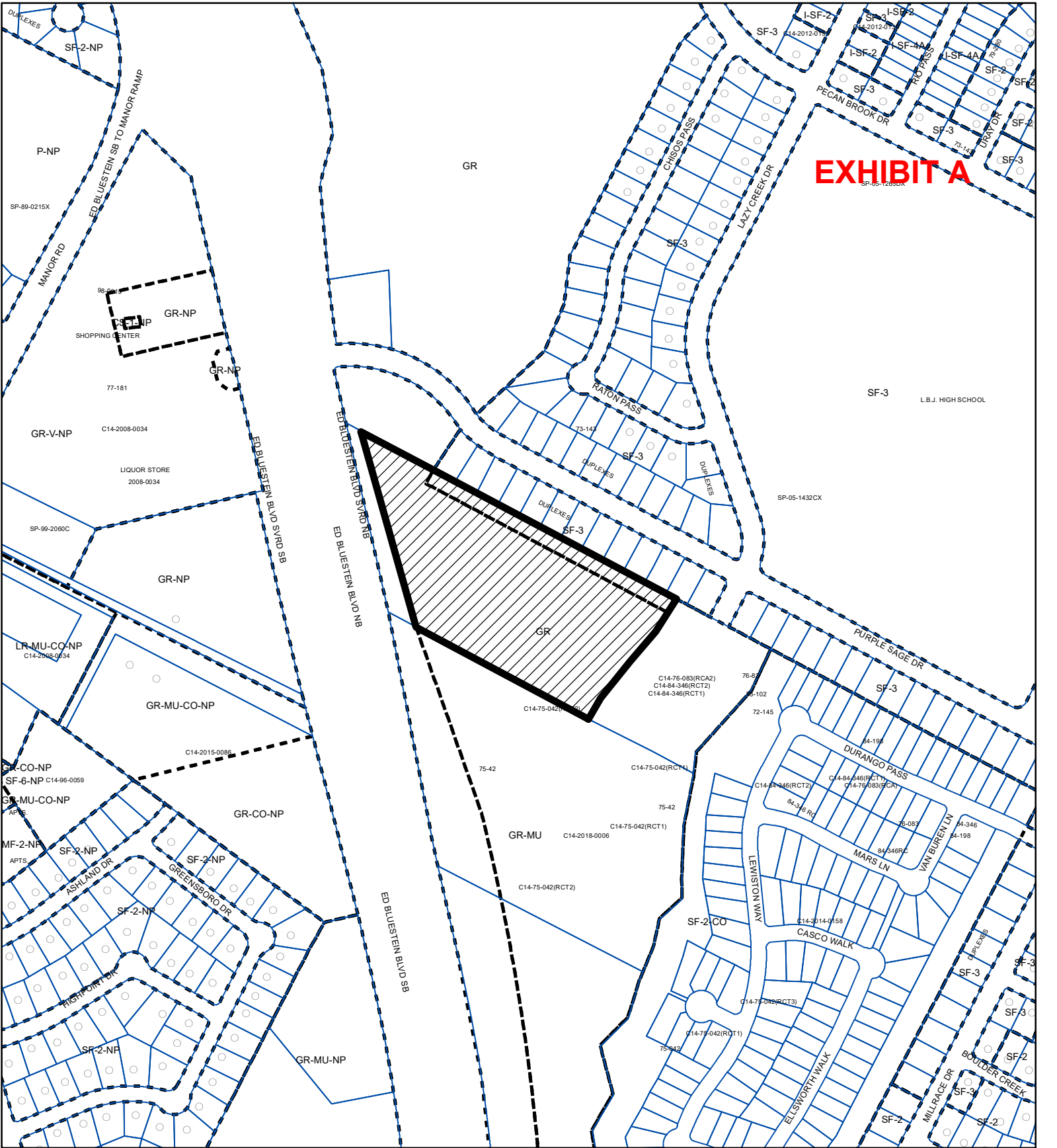


EXHIBIT A



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2021-0021

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 the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

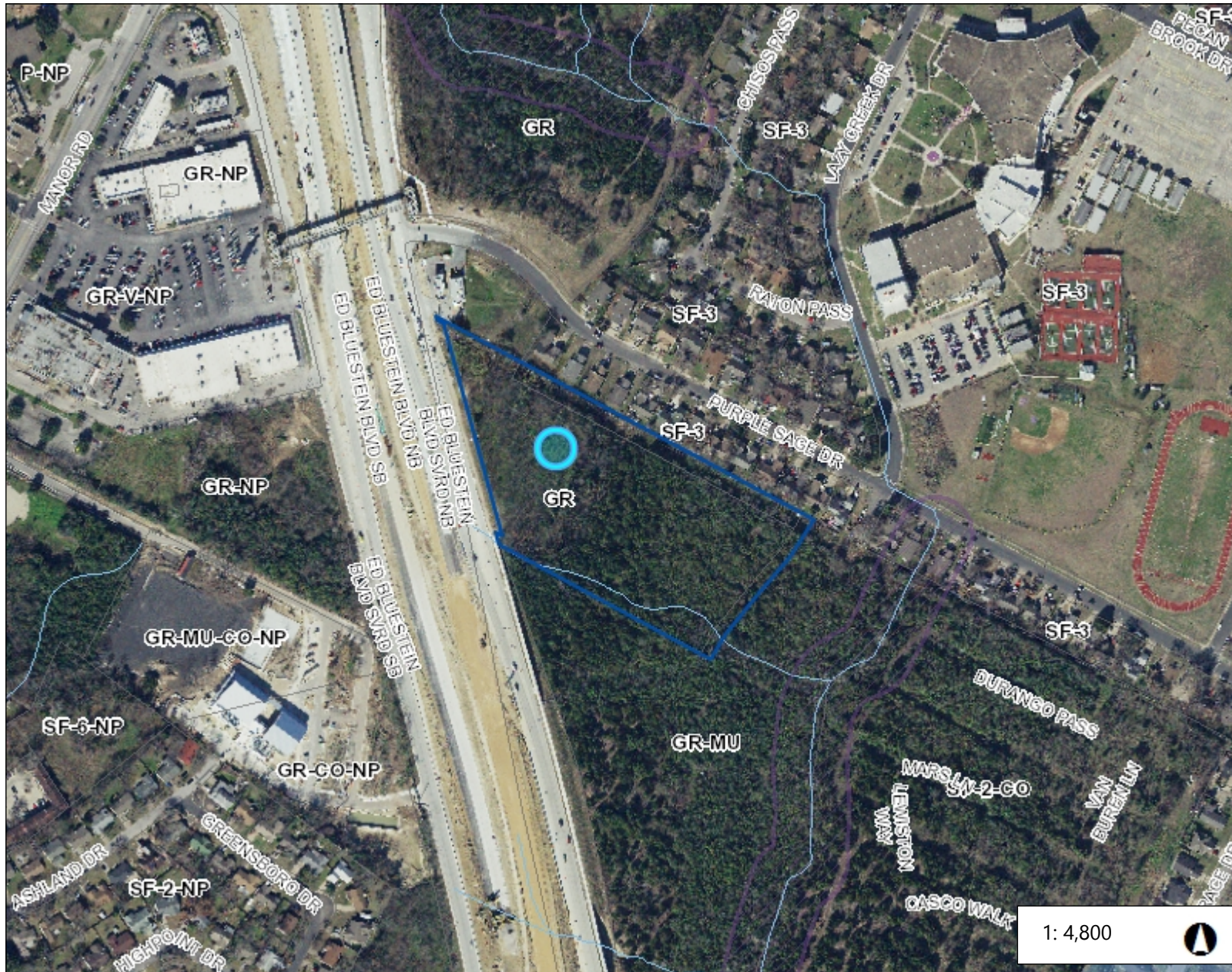


Created: 3/1/2021



Property Profile

Legend **EXHIBIT B**



Street Labels

Fully Developed Floodplain

- COA Fully Developed 25-Year
- COA Fully Developed 100-Year
- COA Master Plan 25-Year
- COA Master Plan 100-Year
- 100-Year (Detailed-AE)
- 100-Year (Shallow-AO,AH)
- 100-Year (Approx-A)

Creek Buffers/Waterway Setbacks

- Critical Water Quality Zone
- Water Quality Transition Zone

Creek Centerlines

Lakes

Zoning Text

Notes

0.2 0 0.08 0.2 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

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January 29, 2021

Rosie Truelove
Development Services
6310 Wilhelmina Delco Dr.
Austin, TX 78752

Via Electronic Delivery

Re: 7009 Ed Bluestein Blvd – Rezoning and Restrictive Covenant Amendment applications for the 9.26-acre piece of property located at 7009 Ed Bluestein Boulevard, Austin, Travis County, Texas (the “Property”)

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully submit the enclosed rezoning and public restrictive covenant amendment application packages. The project is titled 7009 Ed Bluestein Blvd, consists of 9.26 acres, and is located at 7009 Ed Bluestein Boulevard, in the full purpose jurisdiction of the City of Austin. The Property is currently undeveloped.

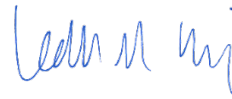
The Property is zoned GR (Community Commercial) and SF-3 (Family Residence). The requested rezoning is from GR and SF-3 to GR-MU (Community Commercial – Mixed Use). The purpose of this rezoning is to allow for residential uses on the Property. We also intend for this to be an Affordability Unlocked project. This rezoning request would match the zoning district to the south and east of the Property, which was already rezoned to GR-MU pursuant to Ordinance No. 20180426-070.

In conjunction with the rezoning, we are also requesting that a public restrictive covenant dated March 3, 1977 be amended (the “Covenant”). The Covenant currently restricts the Property to General Retail (GR) uses existing at the time of the Covenant’s execution and does not permit access across the Property’s eastern boundary. As we are requesting residential uses, we also request that this restriction in the Covenant be removed. Per the terms of the Covenant, a City Council vote is required for any amendment to the Covenant.

These requests are consistent and compatible with nearby zoning and uses and will contribute to the City reaching its’ affordable housing goals as laid out in the Austin Strategic Housing Blueprint.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,



Leah M. Bojo

cc: Joi Harden, Planning and Zoning Review Department (*via electronic delivery*)
Heather Chaffin, Planning and Zoning Review Department (*via electronic delivery*)