

ZONING CHANGE REVIEW SHEET

CASE: C14-90-0003.21 -- Harris Branch PUD Amendment 21

DISTRICT: 1

ZONING FROM: PUD

TO: PUD, to change a condition of zoning

ADDRESS: US Highway 290 and Harris Branch Parkway

SITE AREA: +/-2,100 Acres

PROPERTY OWNER/APPLICANT: Austin HB Residential Properties, Ltd.

AGENT: Coats Rose PC (John M. Joseph)

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

STAFF RECOMMENDATION:

Staff supports the Applicant's request to modify the PUD to allow building height to be measured in feet (40' maximum) instead of feet and stories (40' and 3 stories maximum). The amendment only applies to parcels in the PUD that are designated as LO, LR, MF-2 and MF-3.

For a summary of the basis of staff's recommendation, see case manager comments on page 2.

ZONING AND PLATTING COMMISSION ACTION/ RECOMMENDATION:

January 4, 2022: To approve PUD amendment as recommended by Staff, on consent.

December 21, 2021: To postpone to January 4, 2022 as requested by Commission, on consent.

December 7, 2021: Meeting cancelled due to lack of quorum.

CITY COUNCIL ACTION:

January 27, 2022:

ORDINANCE NUMBER:

ISSUES:

Under the current PUD zoning, building height is measured in feet and stories—40’ and 3 stories. The request would allow buildings to be measured in feet only (remaining 40’) but eliminating the story requirement. The amendment only applies to parcels in the PUD that are designated as LO, LR, MF-2 and MF-3. The amendment is related to construction differences that have changed since the original zoning ordinance in 1990, as well as differences in how the International Building Code (IBC) definitions and City of Austin zoning definitions have been clarified in recent years. The amendment does not increase any PUD entitlements.

The rezoning request was initially determined by Staff to be an administrative amendment which does not require Commission or Council review. After additional review, it was determined that the amendment would need to be approved by City Council because the amendment affects items that are located in the ordinance and not on the PUD land use plan.

No other changes to the PUD are requested with this amendment.

CASE MANAGER COMMENTS:

Harris Branch Planned Unit Development (PUD) was created in 1990 in northeast Austin. The PUD is generally located northwest of the intersection of US Highway 290 and State Highway 130. Harris Branch includes over 2,000 acres and includes parcels with a wide range of zoning designations. Zoning designations range from SF-2 to LI and include most other residential, office, and commercial designations, as well as P zoned tracts for parkland and infrastructure. More than half of the original 2,000 acres has already been developed. ***Please see Exhibit A—Zoning Map.***

As stated in the Issues section, the PUD measures building height in feet and stories—40’ and 3 stories. The request would allow buildings to be measured in feet only (remaining 40’) but eliminating the story requirement. The amendment only applies to parcels in the PUD that are designated as LO, LR, MF-2 and MF-3. The amendment is related to construction differences that have changed since the original zoning ordinance in 1990, as well as differences in how the International Building Code (IBC) definitions and City of Austin zoning definitions have been clarified in recent years. Zoning code only describes building height in terms of feet and “stories”, the definition of stories does not reflect the more detailed definitions of the IBC. The IBC includes a definition for “basement” that is not in Zoning code. Per the IBC, the floor level must be surrounded by natural grade for at least 50% of its perimeter to be classified as a basement. This can be problematic for buildings constructed on a slope that do not fully build out the area below grade. The applicant has a site plan in review that requires that less than 50% of the lowest level not meet the perimeter requirement. The proposed site plan has a lesser amount of building below grade, a design that provides required safety features (fire access, etc.) while building into a slope.

The amendment does not increase any PUD entitlements. Building square footage and densities are unchanged by the removal of the 3 stories portion of the PUD definition of building height. The Applicant has provided a letter and redlined copy of the ordinance to show the change. The change is only to Exhibit C, which is located on page 13 of this report. ***Please see Exhibits B and C- Applicant Letter and Redlined Ordinance.***

Staff supports the Applicant's request. The request has little effect on the intent of the PUD ordinance and reflects current construction standards. Any increase in square footage that may be gained by modifying the height measurement will be required to comply with the existing traffic impact analysis (TIA).

BASIS OF RECOMMENDATION:

21. *Rezoning should not contribute to the over zoning of the area.*
22. *Zoning changes should promote a balance of intensities and densities.*

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	PUD	Undeveloped
North	Unzoned (ETJ)	Mixed residential, commercial, and light industrial; Undeveloped
South	Unzoned (ETJ)	Mixed residential, commercial, and light industrial; Undeveloped
East	Unzoned (ETJ)	Mixed residential, commercial, and light industrial; Undeveloped
West	Unzoned (ETJ)	Mixed residential, commercial, and light industrial; Undeveloped

STREET CHARACTERISTICS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Parmer Lane	200'	Varies	Arterial	
US Hwy 290	Varies	Varies	Arterial	
SH 130	Varies	Not constructed	Toll Facility	

TIA: N/A

WATERSHED: Gilleland, Harris Branch, and Decker Creek Watersheds (Suburban)

NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation	Austin Neighborhoods Council
Gilleland Creek Neighborhood Association	Harris Branch Master Association, Inc.
Homeless Neighborhood Association	North East Action Group
North Growth Corridor Alliance	Pflugerville Independent School District
Sierra Club, Austin Regional Group	
Harris Branch Residential Property Owners Association	

OTHER STAFF COMMENTS:

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in Gilleland, Harris Branch, and Decker Creek Watersheds of the Colorado River Basin, which are 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.

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.

TRANSPORTATION

ATD has no objection to the proposed PUD ordinance modification of building height limit.

SITE PLAN

SP1. Site plans will be required for any new development other than single-family or duplex residential.

PARKLAND

PR 1: No comments

Reviewer Notes: The only alteration to the PUD is to remove the height limitation for lots zoned MF2, MF3, LO, LR. As there is no difference between a 1 story building or a 3 story building from a Parkland Dedication review standpoint, there is no issue with this. Parkland Dedication requirements will be administered in compliance with the PUD at the time of development application for each lot/development.

WATER UTILITY

1. 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. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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
- D. Redlined Ordinance