

## **ZONING CHANGE REVIEW SHEET**

CASE: C14-2021-0171 Harris Branch and Howard Lane

DISTRICT: 1

ZONING FROM: DR

TO: CS-MU

ADDRESS: 12704 and 12706 Harris Branch Parkway

SITE AREA: 1.58 acres

PROPERTY OWNER:

Homer H. and Sue Rich Revocable Living  
Trust (David Michael Rich)

AGENT:

Armbrust & Brown PLLC (Michael  
Whellan)

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

STAFF RECOMMENDATION:

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

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

January 18, 2021: To grant CS-MU as recommended by staff, on consent.

CITY COUNCIL ACTION:

February 17, 2022:

ORDINANCE NUMBER:

ISSUES:

The 1.58 acre rezoning tract is part of a larger property that is mostly in the ETJ. In addition to the rezoning tract the overall property includes approximately 10.7 acres of land in the ETJ. The proposed development of approximately 300 multifamily units and possible commercial uses are permitted in the ETJ/Travis County portion of the property but not currently in the DR portion of the property. ***Please see Exhibits C and D- Applicant Letter and Property Exhibit.***

CASE MANAGER COMMENTS:

The subject property is located at the southwest corner of the intersection of Howard Lane and Harris Branch Parkway. Harris Branch Parkway is designated as an Activity Corridor, and the property also falls within the Harris Branch Neighborhood Center. The property is zoned DR and is currently used for automotive sales and rentals, which are not permitted in DR zoning. All of the surrounding properties are currently undeveloped. Land uses in the wider area include a mix of uses including agricultural and commercial uses. Properties to the southwest, west and northwest are in the ETJ. Properties north and south of the subject property are also zoned DR. Across Harris Branch Parkway to the east and northeast is the Harris Branch Planned Unit Development (PUD); parcels in this area are generally zoned for Industrial park, Park (public and private), and single family land uses. Most of the PUD tracts in this area are currently undeveloped, excluding a single family neighborhood that has frontage on Howard Lane. The remainder of the PUD includes a mix of residential, commercial and limited industrial tracts. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

Staff supports the Applicant's request. CS-MU zoning will allow development of the property in conjunction with the remainder of the lot that is located in the ETJ. CS-MU allows a range of land uses consistent with those permitted in the PUD to the east.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
2. *Zoning should allow for reasonable use of the property.*

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	DR	Automotive sales and rentals
North	DR, CS-CO, Unzoned (Travis County)	Undeveloped, Construction sales and services
South	DR, LO-CO, IP-CO	Undeveloped, Limited warehousing and distribution, Convenience self storage
East	PUD	Undeveloped, Single family residential
West	Unzoned (Travis County)	Stables, Undeveloped

NEIGHBORHOOD PLANNING AREA: N/A

TIA: Deferred to time of site plan, if triggered.

WATERSHED: Gilleland Creek and Harris Branch (Suburban)

OVERLAYS: N/A

NEIGHBORHOOD ORGANIZATIONS:

North Gate Neighborhood Association  
 Neighborhood Empowerment Foundation  
 Harris Branch Residential Property Owners Association  
 Gilleland Creek Neighborhood Association  
 Bike Austin  
 Homeless Neighborhood Association  
 Friends of Austin Neighborhoods  
 Sierra Club  
 SELTexas

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2018-0052 12408 Harris Branch Parkway	I-RR and LO to IP	6/17/2018: IP-CO as rec by Staff; CO: elec. Prototype assembly is conditional use; ROW dedication	10/4/2018: To grant IP-CO as rec by ZAP
C814-90-0003 Harris Branch PUD	DR to PUD	12/11/90: PUD, with conditions	12/13/90: Approved PUD as rec. by ZAP, Ord. # 901213-H

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Howard Lane	116'	73'	Level 3	Yes	Bike Lane	No
Harris Branch Parkway	134'	69'	Level 3	Yes	Shared Lane	No

OTHER STAFF COMMENTS:

COMPREHENSIVE PLANNING

This zoning case is located on the southwest corner of Howard Lane and Harris Branch Parkway, on a 1.58 acre parcel. The site is located along the Harris Branch Parkway Activity Corridor, within the Harris Branch Neighborhood Center, and between two east-west Imagine Austin Activity Corridors (Gregg Lane/Howard Lane to the north and

Parmer Lane to the south.) The subject property is not located within the boundaries of the neighborhood planning area.

#### Connectivity

Both Howard Lane and Harris Branch Parkway have public sidewalks and unprotected bike lanes located along both sides of these roads. There are no public transit stop, parks, public schools, goods or services located within a quarter of a mile radius of this site. The site is north of a planned future Project Connect MetroRapid route along Parmer Lane that will connect to a planned future Green Line rail extension. Mobility options are fair while connectivity options in the area are below average.

#### Imagine Austin

The property is located within the boundaries of ‘Neighborhood Center’ and along an ‘Activity Corridor’, as identified on the Imagine Austin’s Growth Concept Map. Imagine Austin Centers are represented by a circle or globular shape that reflects the general location where the center should be located in the future. The center’s actual boundaries would need to be clarified through a small area planning process. Regional, town, and neighborhood centers are supposed to be walkable, bikable, and supported by transit. A Neighborhood Center is the smallest and least intense of the three types of activity centers outlined in the Growth Concept Map, with a focus on creating local businesses and services—including doctors and dentists, shops, branch libraries, dry cleaners, hair salons, coffee shops, restaurants, and other small and local businesses that generally serve the center and surrounding neighborhoods. Activity corridors are characterized by a variety of activities and types of buildings located along the roadway, and are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. The following IACP policies are also relevant to this case:

- ☐ LUT P1. Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- ☐ LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, 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.

#### Analysis:

There are mobility options in the area (bike lanes, public sidewalks) but this portion of Austin is still rural in nature and lacks public transit, civic uses (parks and schools) and goods and services within a quarter mile radius of the property. However, based on this property being located within a Neighborhood Center and along an Activity Corridor, which supports multifamily uses and workforce housing; and the Strategic Housing Blueprint objectives that support additional residential housing, 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 Harris Branch and Gilleland Creek Watersheds 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. 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.

#### SITE PLAN

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

SP2. 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.

SP3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP4. FYI: Additional design regulations will be enforced at the time a site plan is submitted.

#### COMPATIBILITY STANDARDS

SP5. The site is subject to compatibility standards due to adjacency of DR zoning to the south and the proximity of DR zoning approximately 120 feet to the north, across Howard Lane.

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.
- ☐ 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 zoned SF-5 or more restrictive.
- ☐ For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

- ☐ No parking or driveways are allowed within 25 feet of the property line.
- ☐ Landscaping or screening is required along the south property line in accordance with the screening requirements (Section 25-2-1006 and ECM 2.9.1.), Parking Design Standards (Section 25-6-563) and/or Screening Standards (Section 25.2.1066) to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- ☐ An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from property in an SF-5 or more restrictive zoning district.
- ☐ A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

#### **DEMOLITION AND HISTORIC RESOURCES**

SP6. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

#### **WILDLAND-URBAN INTERFACE**

SP7. This site is within the Wildland/Urban Interface and will need additional related review. Please reference <https://www.austintexas.gov/departments/wildland-urban-interface-code> for additional information. Or, work directly with the fire reviewers during the site plan process.

#### **TRANSPORTATION**

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

The adjacent street characteristics table is provided below:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Howard Lane	116'	73'	Level 3	Yes	Bike Lane	No
Harris Branch Parkway	134'	69'	Level 3	Yes	Shared Lane	No

#### **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.

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

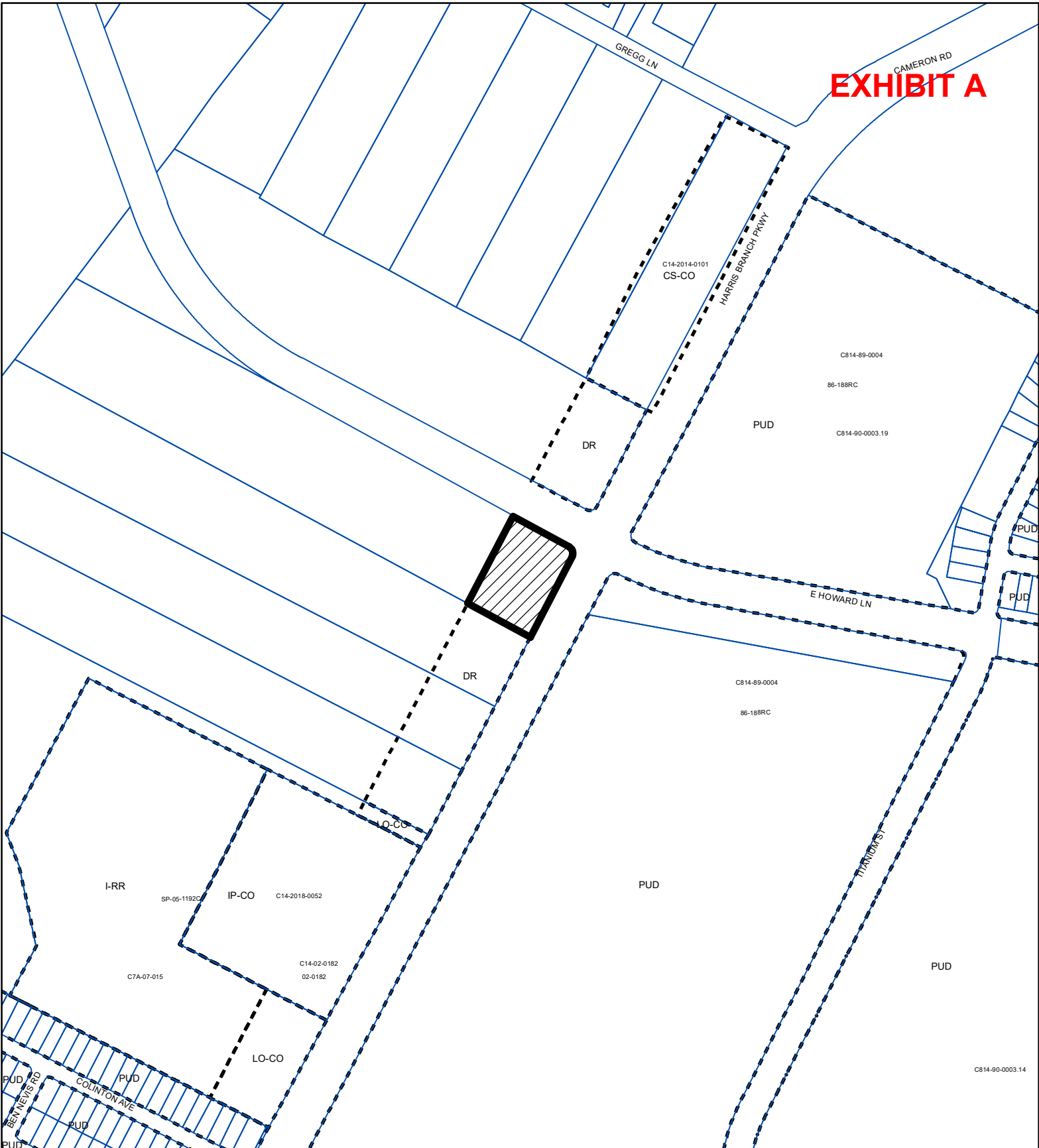
pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at [ser@austintexas.gov](mailto:ser@austintexas.gov).

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 Letter
- D. Property Exhibit

# EXHIBIT A



## ZONING

ZONING CASE#: C14-2021-0171



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

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: 10/12/2021





# Property Profile

## EXHIBIT B



- Street Labels
- Jurisdiction
- FULL PURPOSE
  - LIMITED PURPOSE
  - EXTRATERRITORIAL JURISDICTION
  - 2 MILE ETJ AGRICULTURAL AGR
  - OTHER CITY LIMITS
  - OTHER CITIES ETJ
- Zoning Review Cases- IN REV
- Zoning Text

0.3 0 0.15 0.3 Miles

NAD\_1983\_StatePlane\_Texas\_Central\_FIPS\_4203\_Feet

Date Printed:

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Notes

# ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
512-435-2300

FACSIMILE 512-435-2360

**EXHIBIT C**

October 7, 2021

Jerry Rusthoven, Chief Zoning Officer  
City of Austin  
Housing and Planning Department  
1000 E. 11th St.  
Austin, Texas 78702

Re: Rezoning application related to 12706 Harris Branch Pkwy (the "Site")

Dear Mr. Rusthoven:

I am submitting an application to rezone roughly 1.58 acres of the Site from interim Development Reserve ("DR") zoning to General Commercial Services with a Mixed-Use Overlay ("CS-MU"), in order to provide an estimated 300 multi-family units and the potential for commercial ("Project"). It is currently used for automotive sales and rentals.

The larger Site is located partially within the City's full-purpose jurisdiction (about 1.58 acres, "Rezoning Tract") and partially within its extraterritorial jurisdiction (about 10.7 acres, "ETJ Tract"). While the Project is already allowed to proceed on the ETJ Tract, the interim DR zoning on the Rezoning Tract would restrict the Project's access only to Howard Lane.

As a result, the applicant is requesting rezoning for the Rezoning Tract in order to allow vehicular access onto Harris Branch Parkway (providing greater connectivity) as well as to allow the Project to activate the corner at Harris Branch Parkway and Howard Lane.

The Site is located on an Imagine Austin Corridor (Harris Branch Parkway), in an Imagine Austin Center (Harris Branch), and between two east-west Imagine Austin Corridors (Gregg Lane/Howard Lane to the north and Parmer Lane to the south), marking it as an appropriate location for growth. It is also located just north of a planned future Project Connect MetroRapid route along Parmer Lane that will connect to a planned future Green Line rail extension; because of this, the Austin Strategic Mobility Plan designates Parmer Lane as a Transit Priority Network Roadway.

The Site is currently bordered to the north (across Howard Lane) and to the south by lots also designated for interim DR zoning; beyond that, lots are designated for commercial, office, residential, and industrial entitlements (including CS-CO zoning to the north). Lots to the east of the Property are part of a larger Planned Unit Development (the overall PUD includes residential, industrial, and commercial entitlements), and lots to the west of the Property are in the City's extraterritorial jurisdiction.

Most of the nearby residential currently consists of internal single-family areas. The Project will provide a multi-family option for residents on an Imagine Austin Corridor and in an Imagine Austin Center. Additionally, many other nearby properties are either built as or entitled for businesses; this

Project will provide housing options for workers near those existing and future employment opportunities.

We believe that the City's plans designate this as an appropriate area for growth and that approving CS-MU for the Rezoning Tract will allow a more successful Project with better connectivity and circulation. I appreciate your consideration and look forward to answering any questions and providing further details.

Respectfully,

A handwritten signature in black ink, appearing to read 'Michael J. Whellan', with a long, sweeping horizontal flourish extending to the right.

Michael J. Whellan



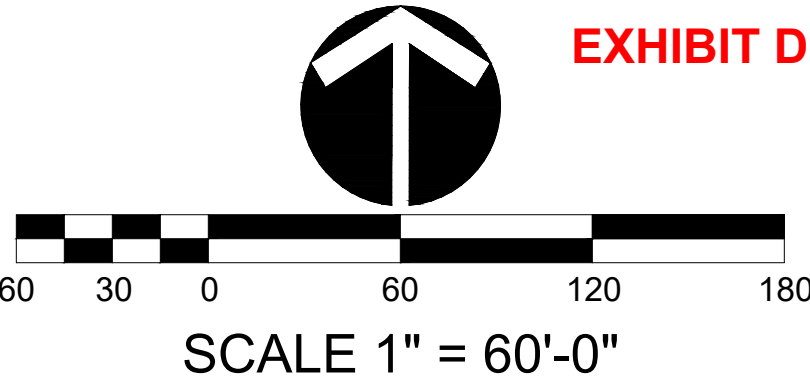
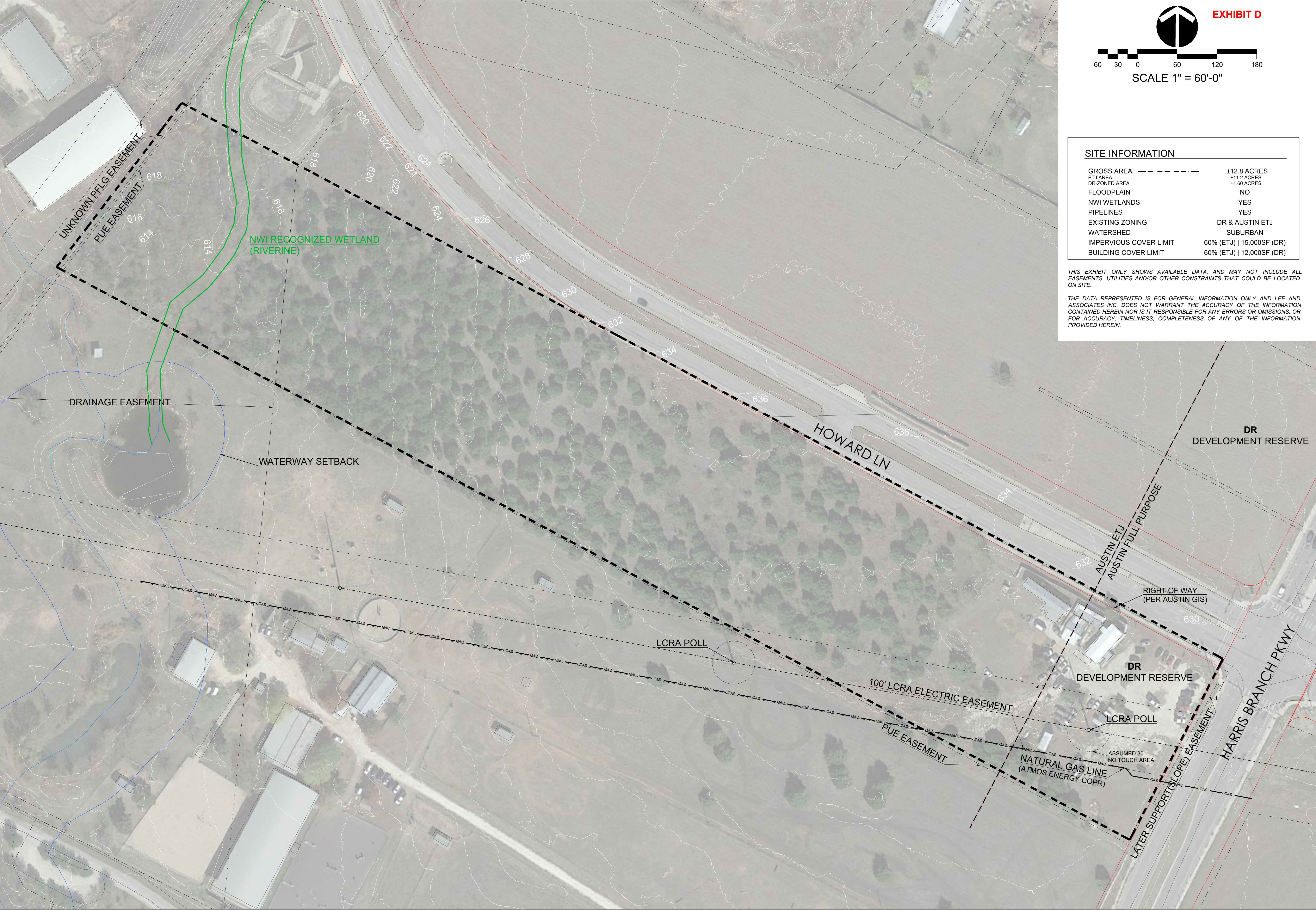


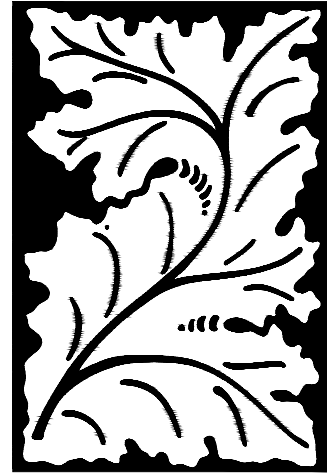
EXHIBIT D

SITE INFORMATION

GROSS AREA	-----	±12.8 ACRES
ETJ AREA		±11.2 ACRES
DR-ZONED AREA		±1.60 ACRES
FLOODPLAIN		NO
NWI WETLANDS		YES
PIPELINES		YES
EXISTING ZONING		DR & AUSTIN ETJ
WATERSHED		SUBURBAN
IMPERVIOUS COVER LIMIT		60% (ETJ)   15,000SF (DR)
BUILDING COVER LIMIT		60% (ETJ)   12,000SF (DR)

THIS EXHIBIT ONLY SHOWS AVAILABLE DATA, AND MAY NOT INCLUDE ALL EASEMENTS, UTILITIES AND/OR OTHER CONSTRAINTS THAT COULD BE LOCATED ON SITE.

THE DATA REPRESENTED IS FOR GENERAL INFORMATION ONLY AND LEE AND ASSOCIATES INC. DOES NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED HEREIN NOR IS IT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS, OR FOR ACCURACY, TIMELINESS, COMPLETENESS OF ANY OF THE INFORMATION PROVIDED HEREIN.



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8601 RANCH ROAD 2222  
BUILDING I, SUITE 290  
AUSTIN, TX 78730  
(512) 345-8477  
www.leeandassociates.net

DATE	7/6/2020
PROJ. NO.	2574
FILE NAME	2574 BASE 1 RECOVER
XREF	
XREF	

DERBY HILL MULTIFAMILY  
AUSTIN ETJ, TEXAS

PRELIMINARY CONSTRAINTS

THIS DRAWING IS  
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