

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0074 – TXDOT 6

DISTRICT: 6

ZONING FROM: I-RR

TO: MF-4

ADDRESS: 9203 ½ North Lake Creek Parkway

SITE AREA: 6.182 acres (269,287.92 sq. ft.)

PROPERTY OWNER: State of Texas (Kyle Madsen)

APPLICANT: Avery Land Investors, LP (Alex Clarke)

AGENT: Alice Glasco Consulting (Alice Glasco)

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:

July 19, 2022: Approved staff's recommendation of MF-4 zoning by consent (7-0, C. Acosta, N. Barrera-Ramirez, A. Denkler and R. Woody-absent); H. Smith-1st, D. King-2nd.

CITY COUNCIL ACTION:

September 1, 2022

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is undeveloped and moderately vegetated. This 6.182 acre tract of land is located near the intersection of Avery Ranch Boulevard and North Lake Creek Parkway. To the north and east, there are single-family residential lots (zoned PUD as part of the Avery Ranch Planned Unit Development). To the south of the site, there is undeveloped land and an office complex and state offices (Texas Department of Transportation Cedar Park Campus). The tract of land to the west is developed with a new multifamily residential complex (Avery Oaks Apartments). The applicant is requesting zoning to MF-4 to permit the development of an additional 164 multifamily residential units in this area.

The staff recommends MF-4, Multifamily Residence-Moderate-High Density, District zoning because the property meets the purpose statement of the district. This tract of land is located adjacent to existing MF-4 zoning at the intersection of two arterial roadways, Avery Ranch Boulevard and North Lake Creek Parkway. The MF-4 zoning is compatible and consistent with the surrounding uses because there is MF-4 zoning to the south and west of the site. The property is located within the Transition zone of the Northwest Park & Ride Town Center Transit Oriented Development District (TOD) and by the Lakeline Station Regional Center as identified on the Growth Concept Map in the Image Austin Comprehensive Plan. MF-4 zoning will allow for additional housing opportunities in this area of the City adjacent to a planned transit oriented development (TOD) that will access onto the proposed extension of North Lake Creek Parkway.

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.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The MF-4 zoning district is compatible and consistent with the surrounding uses because there is MF-4 zoning and multifamily land uses (Avery Oaks Apartments) to the south and west.

The property is located within the Northwest Park & Ride Town Center Transit Oriented Development District (TOD) and by the Lakeline Station Regional Center as identified on the Growth Concept Map in the Image Austin Comprehensive Plan.

3. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The tracts of land under consideration are located near the southeast intersection of two arterial roadways, Avery Ranch Boulevard and North Lake Creek Parkway.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	I-RR	Undeveloped
North	PUD	Single Family Residences
South	MF-4, I-RR	Undeveloped, Office Complex, Texas Department of Transportation Cedar Park Campus
East	PUD	Single Family Residences
West	MF-4	Multifamily (Avery Oaks Apartments)

NEIGHBORHOOD PLANNING AREA: N/A

TIA: Not Required

WATERSHED: South Brushy Creek Watershed

SCHOOLS: Round Rock I.S.D.
Sommer Elementary School
Elsa England Elementary School
Pearson Ranch Middle School
McNeil High School

NEIGHBORHOOD ORGANIZATIONS:

Avery Ranch Owners Association Inc.
Friends of Austin Neighborhoods
Davis Spring HOA
Leander ISD Population and Survey Analysts
Neighborhood Empowerment Foundation
Northwoods Avery Ranch OA
SELTEXAS
Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2019-0035 - Lakeline Mixed Use (9500 North Lake Creek Parkway)	I-RR to MF-4 (Tract 1) and CS-MU (Tract2)	4/16/19: Approved MF-4 zoning for Tract 1 and CS-MU zoning for Tract 2 (7-0, N. Barrera-Ramirez, B. Evans, A. Tatkow-absent); J. Duncan-1 st , S. Lavani-2 nd .	5/23/19: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20190523-049 for MF-4 district zoning for Tract 1 and CS-MU combining district zoning for Tract 2 was approved on Council Member Flannigan's motion, Council Member Harper-Madison's second on a 9-0 vote. Council Members Alter and Casar were off the dais.
C14-2018-0134 (Avery Ranch at 183A: U.S. Highway 183A Toll Road and Avery Ranch Boulevard)	I-RR to MF-4	2/05/19: Approved MF-4 zoning by consent (7-0, A. Aguirre, N. Barrera-Ramirez, D. Breithaupt, S. Lavani-absent); A. Denkler-1 st , B. Evans-2 nd .	3/07/19: Approved MF-4 zoning on consent on all 3 readings (11-0); L. Pool-1 st , J. Flannigan-2 nd .
C14-2018-0133 (Lakeline at 183A: 14115 North U.S. Highway 183A North Bound Service Road)	CH, GO, GR to GR-MU	1/15/19: Approved GR-MU-CO zoning, with a conditional overlay to prohibit Alternative Financial Services, Bail Bond Services and Pawn Shop Services uses by consent (10-0, N. Barrera-Ramirez-absent); S. Lavani-1 st , J. Duncan-2 nd .	2/07/19: Approved GR-MU zoning on all 3 readings (11-0); P. Renteria's motion, J. Flannigan-2 nd .
C14-2007-0046 (Wolf Hester Tract: 14000 U.S. Highway 183 North)	DR to GR	6/05/07: Approved GR-CO with condition to prohibit Pawn Shops by consent (7-0, S. Hale, J. Martinez-absent); J. Pinnelli-1 st , J. Shieh-2 nd .	7/26/07: Approved GR-CO by consent on all 3 readings (6-0); J. Kim-1 st , B. Dunkerely-2 nd .
C14-04-0166 (Lake Creek, Lakeline Boulevard and North Lake Creek Parkway)	GO to CS	06/21/05: Approved CS-CO zoning with conditions to prohibit Pawn Shop Services, Exterminating Services, and Adult Oriented Businesses by consent (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd .	7/28/05: Approved general commercial services-conditional overlay (CS-CO) district zoning on all 3 readings.
C14-04-0165 (Lakeline Boulevard at Lake Creek Parkway)	GR to CS	06/21/05: Approved CS-MU-CO zoning with conditions to prohibit Pawn Shop Services, Exterminating Services, and Adult Oriented Businesses by consent (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd .	7/28/05: Approved CS-MU-CO on all 3 readings (7-0)

C14-01-0173	DR to GR	1/15/02: Approved GR-CO zoning, with a condition prohibiting pawn shop services, by consent (8-0, K. Jackson-absent)	2/14/02: Approved GR-CO on 3 readings (7-0)
C14-00-2094	DR to GR	7/11/00: Approved staff rec. of GR by consent (7-0)	8/17/00: Approved GR on 1 st reading (6-0, Goodman-absent) 8/31/00: Approved 2 nd /3 rd readings (6-0, KW-absent)
C14-00-2107	MF-3 to GO	8/29/00: Approved staff rec. of GO by consent (7-1, RC-Nay)	9/7/00: Approved GO on 1 st reading only (7-0) 12/14/00: Approved GO (7-0); 2 nd /3 rd readings
C14-94-0134	CH to GR	1/10/95: Approved GR-CO (7-0)	2/9/95: Approved GR w/ conditions (6-0); 1 st reading 2/29/95: Approved GR (6-0); 2 nd /3 rd readings
C14-94-0132	CH to GR GO to GR IP to GR LR to GR	12/20/94: Approved GR w/ conditions (7-0)	1/10/95: Approved GR w/ conditions (6-0); 1 st reading 2/9/95: Approved GR w/ conditions (6-0); 2 nd / 3 rd readings

RELATED CASES: N/A

EXISTING STREET CHARACTERISTICS:

NAME	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (with 1/4 mile)
(Proposed) North Lake Creek Parkway Extension	Local Mobility - Level 1	64 feet	None	None	Recommended 5 ft	Recommended 2 ft off the shoulder	None

OTHER STAFF COMMENTS:Comprehensive Planning

Project Name and Proposed Use: 9203-1/2 NORTH LAKE CREEK PKWY. C14-2022-0074. Project: TXDOT 6. 6.18 acres from I-RR to MF-4. Undeveloped to Multifamily. 164 Units

Yes	Imagine Austin Decision Guidelines
	Compact and Connected Measures
	Imagine Austin Growth Concept Map: Located close to, within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified on the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center:
	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
Y	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.
	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center. (Not within 0.50 walking or driving distance)
	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market. (Not within 0.50 walking or driving distance)
	Connectivity and Education: Is located within 0.50 miles from a public school or university.
	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreational area, park or walking trail. (Not within 0.50 walking or driving distance)
	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
Y	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Mixed Use: Provides mixed use development (minimum 10% residential and 10% non-residential floor area).
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
2	Total Number of "Yes's"

Environmental

The site is located over the North Edwards Aquifer Recharge Zone. The site is in the South Brushy 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 preexisting approvals that preempt current water quality or Code requirements.

Fire

No comments.

Parks and Recreation

Parkland dedication will be required at the time of subdivision or site plan application for new residential units, per City Code § 25-1-601, as amended. The proposed development meets the criteria for land dedication in City Code Title 25, Article 14. As such, a partial land dedication will be required, as well as any remaining fees in-lieu.

The surrounding neighborhood area is currently lacks sufficient access to future and existing parks. The development as proposed will require parkland dedication for the new residential units that will serve these neighborhoods through the additional park investment. The Parks and Recreation Department (PARC) would consider a connection from the Avery Oaks trail to Laurinburg Drive, toward satisfying the requirement at time of permitting (whether subdivision or site plan). Such a connection would improve neighborhood connectivity, a code criterion for parkland dedication.

Should there be any remaining fees in-lieu, 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).

Should the applicant wish to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov.

Site Plan

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

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

Compatibility Standards

The site is subject to compatibility standards due to the SF uses abutting the north and east property lines.

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.

Wildland Urban Interface

FYI: This site is located in a wildland area, in the Wildland Urban Interface (WUI). Please see this:

website for more information about construction in the WUI:

<http://www.austintexas.gov/department/wildland-urban-interface-code>

Transportation

The traffic impact analysis for this site is deferred to site plan application when the land use and intensity will be finalized.

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
(Proposed) North Lake Creek Parkway Extension	Local Mobility – Level 1	64 Feet	None	None	Recommended 5 ft	Recommended 2 ft of shoulder	None

The ASMP requires 64 feet of right-of-way for the proposed extension of North Lake Creek Parkway extension. Dedicate 32 feet of right-of-way from the future centerline in accordance with the ASMP (LDC 25-6-55). Provide a street deed showing right-of-way to be dedicated to the reviewer for processing through City legal.

Austin Water Utility

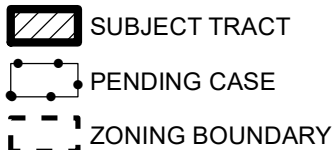
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water 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.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Northwest Park & Ride Town Center Map
- E. Imagine Austin Comprehensive Plan Growth Concept Map

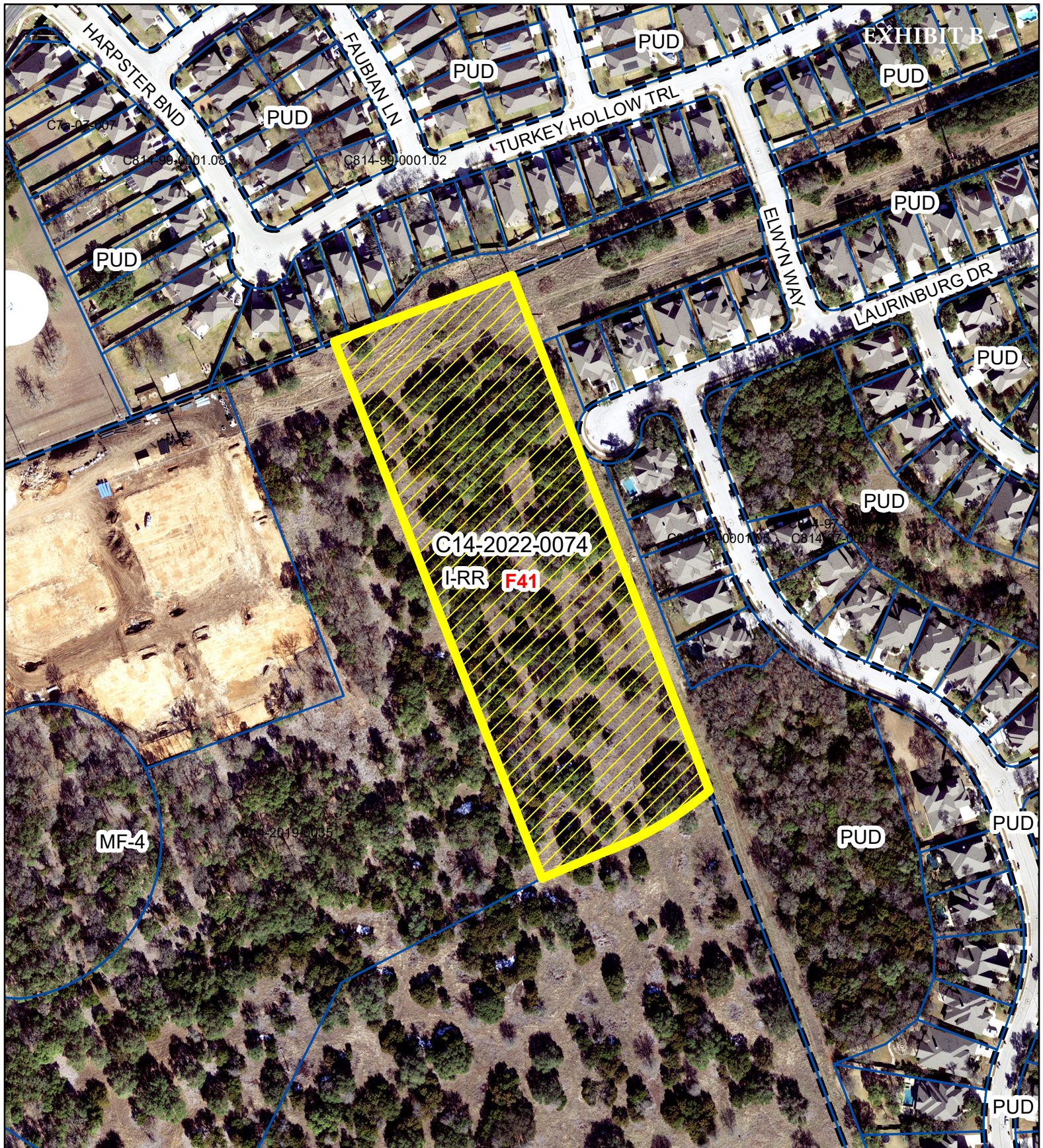


ZONING CASE#: C14-2022-0074

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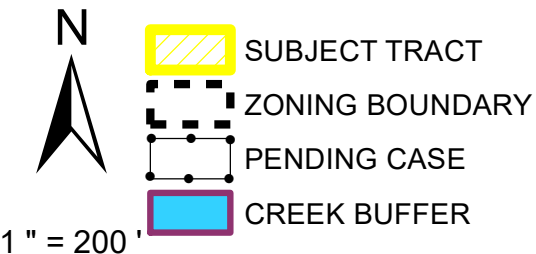


TXDOT 6

ZONING CASE#: C14-2022-0074
 LOCATION: 9203-1/2 North Lake Creek Pkwy
 SUBJECT AREA: 6.18 Acres
 GRID: F41
 MANAGER: Sherri Sirwatis



Created: 7/12/2022
 by: MeekSS



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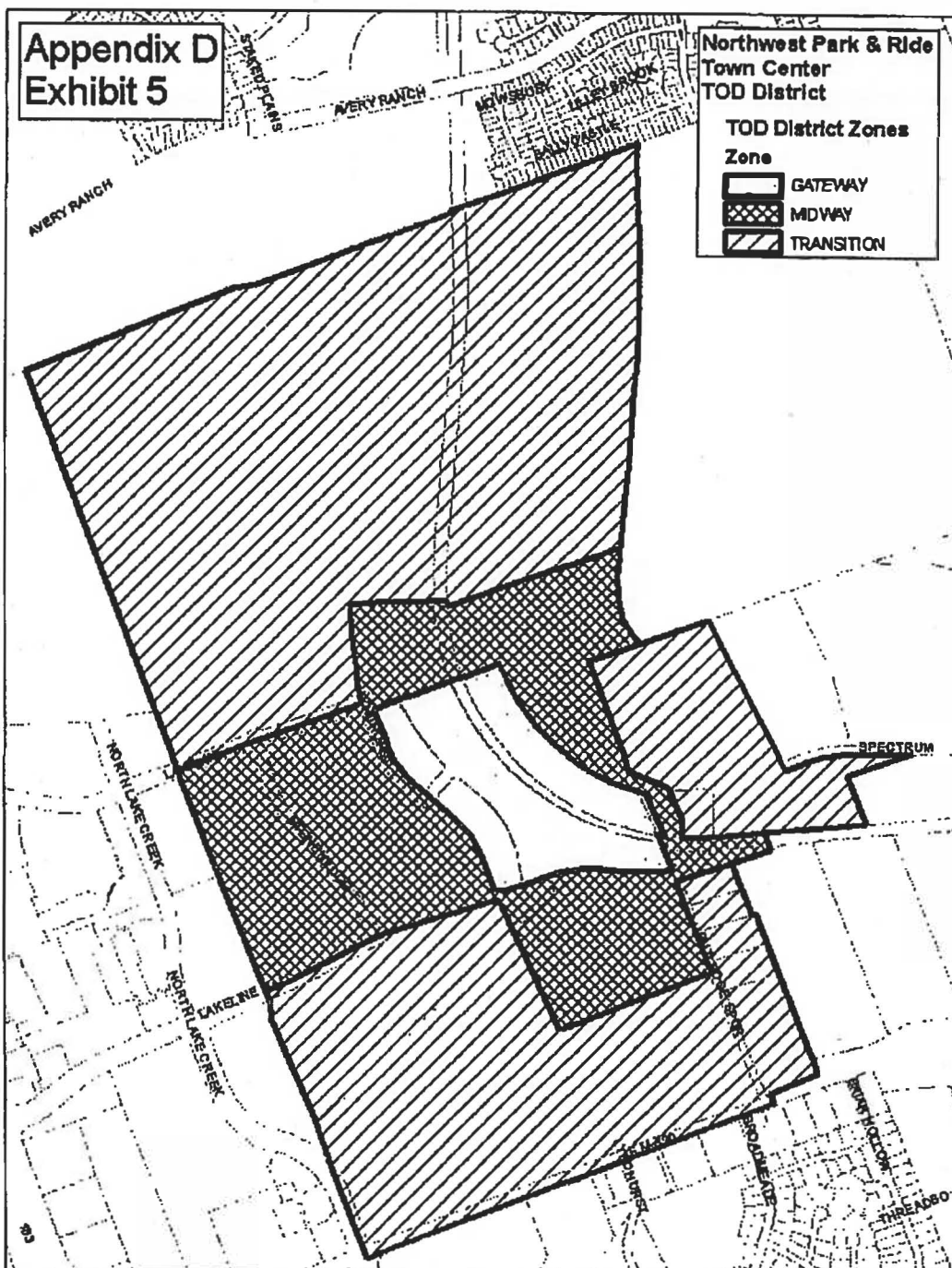
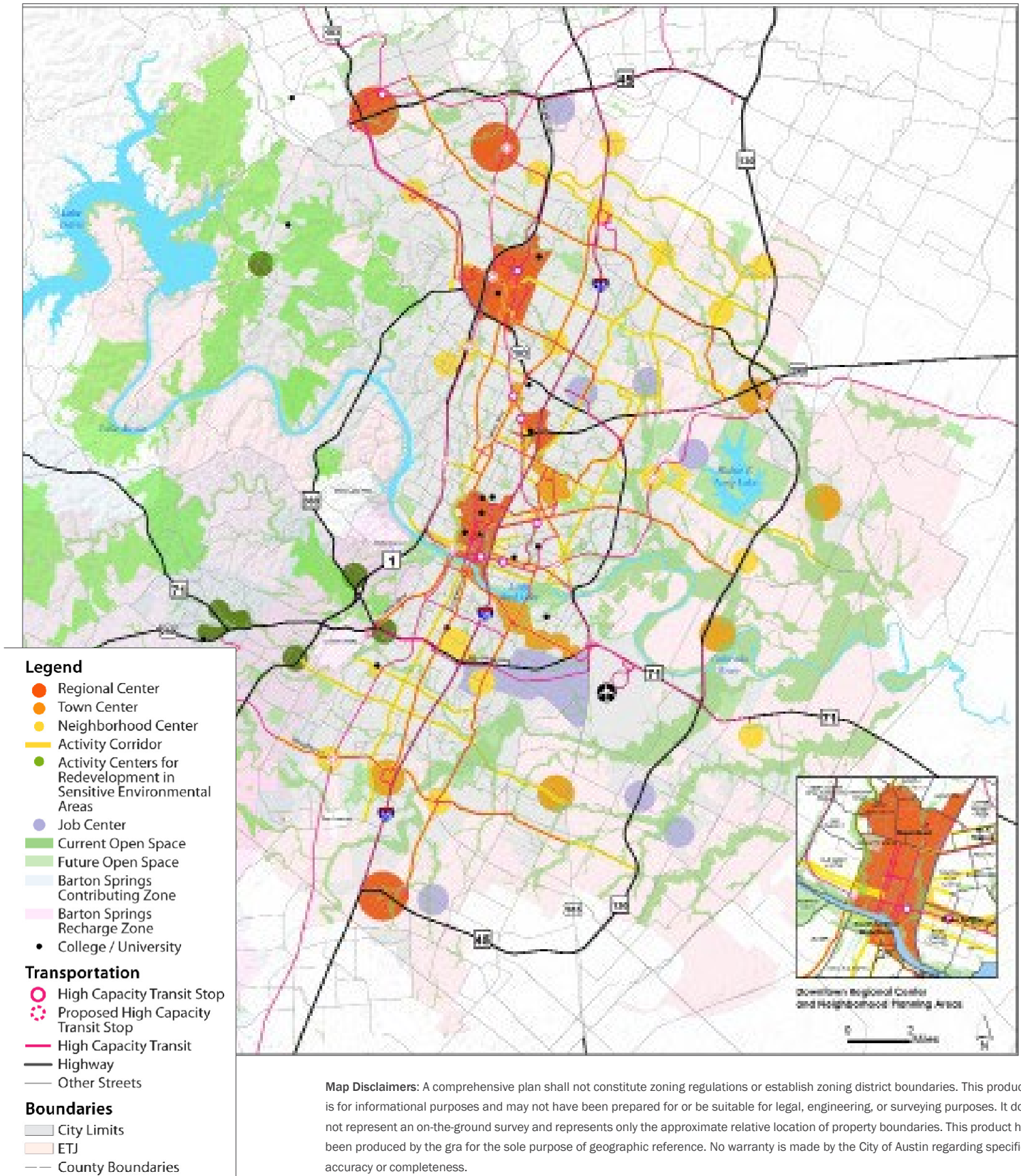


Figure 4.5 Growth Concept Map



PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:
<https://bit.ly/ATXZoningComment>



During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2022-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: July 19, 2022, Zoning and Platting Commission

Mustafa AlObaidi
Your Name (please print)

☒ I am in favor
☐ I object

11621 Faubian Ln, Austin, Tx 78717
Your address(es) affected by this application (optional)

[Signature]
Signature

07.17.22
Date

Daytime Telephone (Optional): _____

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

sherri.sirwaitis@austintexas.gov