

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0088 – Sage @ Franklin Park

DISTRICT: 2

ZONING FROM: SF-2-NP, SF-3-NP, MF-2-NP, MF-3-NP

ZONING TO: MF-3-NP

ADDRESS: 4500 Nuckols Crossing Road

SITE AREA: 20.8633 acres

PROPERTY OWNERS: Austin Leased Housing Associates, V LLLP (Ryan Lunderby);
Housing Authority of the City of Austin (Ron Kowal)

AGENT: Jackson Walker L.L.P. (Pamela Madere)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant multifamily residence-medium density – neighborhood plan (MF-3-NP) combining district zoning.

PLANNING COMMISSION ACTION / RECOMMENDATION:

October 11, 2022: *APPROVED MF-3-NP DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT*

[A. AZHAR; C. HEMPEL – 2ND] (11-0) C. LLANES PULIDO – ABSENT; ONE VACANCY ON THE COMMISSION

CITY COUNCIL ACTION:

November 3, 2022:

ORDINANCE NUMBER:

ISSUES:

The Southeast Combined Neighborhood Plan Contact Team has provided a letter in support of the Applicant's requests to change the Future Land Use Map to Multifamily and the zoning to MF-3-NP. Please refer to correspondence attached to the back of this report.

CASE MANAGER COMMENTS:

The subject rezoning area on consists of undeveloped, unplatted acreage and is zoned single family residence-standard lot – neighborhood plan, family residence – neighborhood plan, multifamily residence-low density – neighborhood plan, and multifamily residence-medium density – neighborhood plan (SF-2-NP; SF-3-NP; MF-2-NP; MF-3-NP) districts. Although the property has frontage on both South Pleasant Valley Road and Nuckols Crossing Road, the Applicant does not propose vehicular access to Nuckols Crossing Road.

The St. Elmo tributary of Williamson Creek, classified as an intermediate waterway, runs along and in close proximity to the north property line, and the Pleasant Valley Courtyards apartments and undeveloped land proposed for apartments is also to the north (RR-CO-NP; MF-3-CO-NP) as well as a property with a recently approved site plan for 179 multifamily residential units known as City Heights Multifamily (SF-2-NP; MF-4-CO-NP). There is undeveloped land and single family residences in the Los Arboles community across Nuckols Crossing Road to the east (SF-2-NP); single family residences along Button Bend Road, civic and residential uses along Maufrais Lane; and the Woodway Village apartments that access Nuckols Crossing Road to the south (SF-3-NP; SF-2-NP; MF-2-CO-NP), and single family residences and office / warehouses across South Pleasant Valley Road to the west (SF-3-NP; MF-2-NP; LI-CO-NP). ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).***

The Applicant has filed a request to rezone the property to the multifamily residence-medium density – neighborhood plan (MF-3-NP) district in order to build a 100% affordable housing development with up to 298 multifamily residential units (182 2-bedroom units and 116 3-bedroom units). ***Please refer to Applicant's correspondence.***

BASIS OF RECOMMENDATION:

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

The multifamily residence – medium density (MF-3) district is intended to accommodate multifamily use with a maximum density of up to 36 units per acre, depending on unit size. This district is appropriate for multifamily residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas, and in other selected areas where medium density multiple use is desirable. The maximum height is 40 feet. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*
3. *Zoning should be consistent with approved and existing densities.*

Staff recommends MF-3-NP zoning based on the zoning patterns in the area, including the adjacent MF zoned properties to the north, south and west, compatibility with the adjacent single family residences to the south, and suitable density for its location on a minor arterial roadway, and the opportunity to provide for an affordable housing development.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2-NP; SF-3-NP; MF-2-NP; MF-3-NP	Undeveloped
<i>North</i>	RR-CO-NP; MF-3-CO-NP; SF-2-NP; MF-4-CO-NP	Undeveloped; Apartments (Pleasant Valley Courtyards); Undeveloped, w/apvd site plan for 179 multifamily units under Affordability

		Unlocked, 1- and 2-bedroom units, 66'-7" feet; 5 stories (City Heights Multifamily, apvd on 5-7-2021)
<i>South</i>	SF-3-NP; SF-2-NP; MF-2-CO-NP	Single family residences in the Franklin Park subdivision; Day care facility; Church; A couple of single family residences
<i>East</i>	SF-2-NP	Undeveloped; Single family residences in the Los Arboles community
<i>West</i>	MF-2-NP; LI-CO-NP	Undeveloped; Warehouses for parts, supply and distribution companies

NEIGHBORHOOD PLANNING AREA: Southeast Combined (Franklin Park)

TIA: Is not required

WATERSHED: Williamson Creek – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

Rodriguez Elementary School

Mendez Middle School

Travis High School

COMMUNITY REGISTRY LIST:

176 – Kensington Park Homeowners Association

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association

742 – Austin Independent School District

774 – Del Valle Independent School District

753 – Paisano Mobile Home Park Neighborhood Association

1071 – Los Arboles Homeowner's Association

1228 – Sierra Club, Austin Regional Group

1258 – Del Valle Community Coalition

1316 – Southeast Combined Neighborhood Plan Contact Team

1363 – SEL Texas

1408 – Go!Austin / Vamos!Austin – Dove Springs

1530 – Friends of Austin Neighborhoods

1550 – Homeless Neighborhood Association

1614 – Caracol Southeast

1616 – Neighborhood Empowerment Foundation

1774 – Austin Lost and Found Pets

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2017-0010.SH – Nuckols Crossing Road - SMART Housing – 4400 Nuckols Crossing Rd	SF-2-NP to MF-4-NP, as amended	To Grant MF-4-CO-NP w/the CO for MF-2 development standards except for height, and a Restrictive Covenant for the conds of a Neighborhood Traffic Analysis (7-28-2020)	Apvd MF-4-CO-NP w/the -CO and a Restrictive Covenant for the conds of a Neighborhood Traffic Analysis and an Addendum (8-27-2020).
C14-03-0176.SH – Pleasant Valley	MF-3-CO to MF-3-CO, to	To Grant MF-3-CO to allow multi-family	Apvd as Commission recommended

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
Courtyards (SMART Housing) – 4503 - 4511 E St. Elmo Rd	amend uses allowed on Tract One	residence units on Tract One, development of the property may not exceed 7 residential units, the units shall be contained in a single building not to exceed 2 stories/40' in height.	(2-5-2004).
C14-03-0026, C14-03-0027; C14-03-0121; C14-03-0122; & C14-03-0123 – All cases addressed on E St. Elmo Rd	Add a CO to establish a development setback for unclassified waterways	To Grant the add'l CO for a setback that prohibits development for 50' in both directions from the centerline of an open waterway. Exceptions include utility crossings, hike & bike trails, driveway crossings and roadway crossings	Apvd as Commission recommended (6-5-2003; 7-17-2003; 10-2-2003).
C14-02-0155.SH – Pleasant Valley Courtyards (SMART Housing) – 4503-4511 E St. Elmo Rd.	RR-NP; LO-NP; CS-NP to MF-3-CO-NP	To Grant MF-3-CO-NP w/CO for max. 163 units and 2,000 trips/day, and requiring setbacks from creek centerlines.	Apvd RR-NP and MF-3-CO-NP. The CO establishes a max of 163 units (10.038 u.p.a.); 2,000 trips, 50' creek setback; prohibits community rec (private) use on Tracts 1 & 2, and prohibits residential units on Tract One (10-31-2002).
C14-01-0041 – Woodway Village Apartments – 4500-4510 Nuckols Crossing Rd	SF-2 to MF-3-CO on 16.592 acres	To Grant MF-2-CO on 13.226 acres w/CO for SF-6 density (remainder to be left as SF-2); and conds for r-o-w on Maufrais and Nuckols Crossing Rd	Apvd MF-2-CO as Commission recommended (9-27-2001; corrective ord. 1-30-2003).
C14-01-0032(SH) – Kingfisher Creek Townhomes – 4601 E St Elmo Rd	RR; LO to SF-6	To Deny	Denied (5-10-2001).
C14-86-025(RCA) – 4503, 4511, 4601 E St. Elmo Rd –	Request to terminate Item 1 of the	To forward the request without a recommendation	Apvd vehicular access for a residential or civic use to E St Elmo Rd

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
Pleasant Valley Courtyards	Restrictive Covenant so that residential access may be taken from both E St Elmo and S Pleasant Valley Rd		from Tract Two only to occur from specific location; access to St. Elmo shall be entrance only after Pleasant Valley Rd is open to the public; prohibits access from Tract Two to St. Elmo if it is used for commercial or industrial use (1-9-2003).

RELATED CASES:

The subject property is located within the boundaries of the Southeast Combined (Franklin Park) Neighborhood Planning Area and the –NP combining district was appended to the existing zonings at that time (C14-02-0128.01 – Ordinance No. 021010-12a). There is a corresponding neighborhood plan amendment case to change the land use designation on the Future Land Use Map (FLUM) from Single Family land use to Multifamily land use on the central 15.2155 acres (SF-2-NP zoned) portion of the property (NPA-2022-0014.02).

The property is unplatted and there are no related subdivision or site plan cases in process.

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Existing Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Nuckols Crossing Road	68'	78'	40'	Level 2 (Residential Collector)	No	Shared Lane	No
South Pleasant Valley Road	110'	120'	78	Level 3 (Minor Arterial)	Yes	Bike Lane	No

ADDITIONAL STAFF COMMENTS:

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development

Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Impervious Cover

The maximum impervious cover allowed by the *MF-3-NP* zoning district would be 65%, which is based on the more restrictive zoning regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson 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.

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%

According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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.

PARD – Planning & Design Review

Parkland dedication will be required at the time of subdivision or site plan application for new applicable residential units, per City Code § 25-1-601, as amended. Any SMART Housing certified dwelling units are exempt from this requirement. Should the requirement apply to this potential future development, it would meet 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 area is currently park deficient, defined as being outside walking distance to existing parks. The development as proposed will require parkland dedication for the new residential units that will serve the neighborhood through the additional park investment. The Parks and Recreation Department (PARD) would consider a connection along the St Elmo Creek Tributary and Williamson Creek Tributary, as well as a neighborhood or pocket park along said greenbelt connection, toward satisfying the requirement at time of permitting (whether subdivision or site plan). That parkland would improve neighborhood connectivity, and satisfy an acquisition need for Williamson Creek and in park deficient areas, two recommendations identified in the Parks and Recreation Department's Long Range Plan.

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. At the Applicant's request, PARD can provide an early determination letter of the requirements as stated in this review.

Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-family, two-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

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. Compatibility compliance will be required due to the abutting SF-3-NP lots on the west and south property lines.

- 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, height limitation is 60 feet.
- 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.

Additional design regulations from LDC 25-2-1067 include the following:

- Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property:
 - (1) in an urban family residence (SF-5) or more restrictive district
 - (2) on which a use permitted in an SF-5 or more restrictive zoning district is located
- The noise level of mechanical equipment may not exceed 70 decibels at the property line.
- A permanently placed refuse receptacle, including a dumpster, may not be located 20 feet or less from property:
 - (1) in an SF-5 or more restrictive zoning district; or
 - (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

Wildland Urban Interface

FYI: This site is located within 150 feet of 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/departments/wildland-urban-interface-code>

Austin Transportation Department – Engineering Review

The Austin Strategic Mobility Plan (ASMP) calls for 78 feet of right-of-way for Nuckols Crossing Road. It is recommended that 5 feet of right-of-way from the existing centerline should be dedicated for Nuckols Crossing Road according to the Transportation Plan with the first subdivision or site plan application [LDC 25-6-51 and 25-6-55].

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.

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.

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.

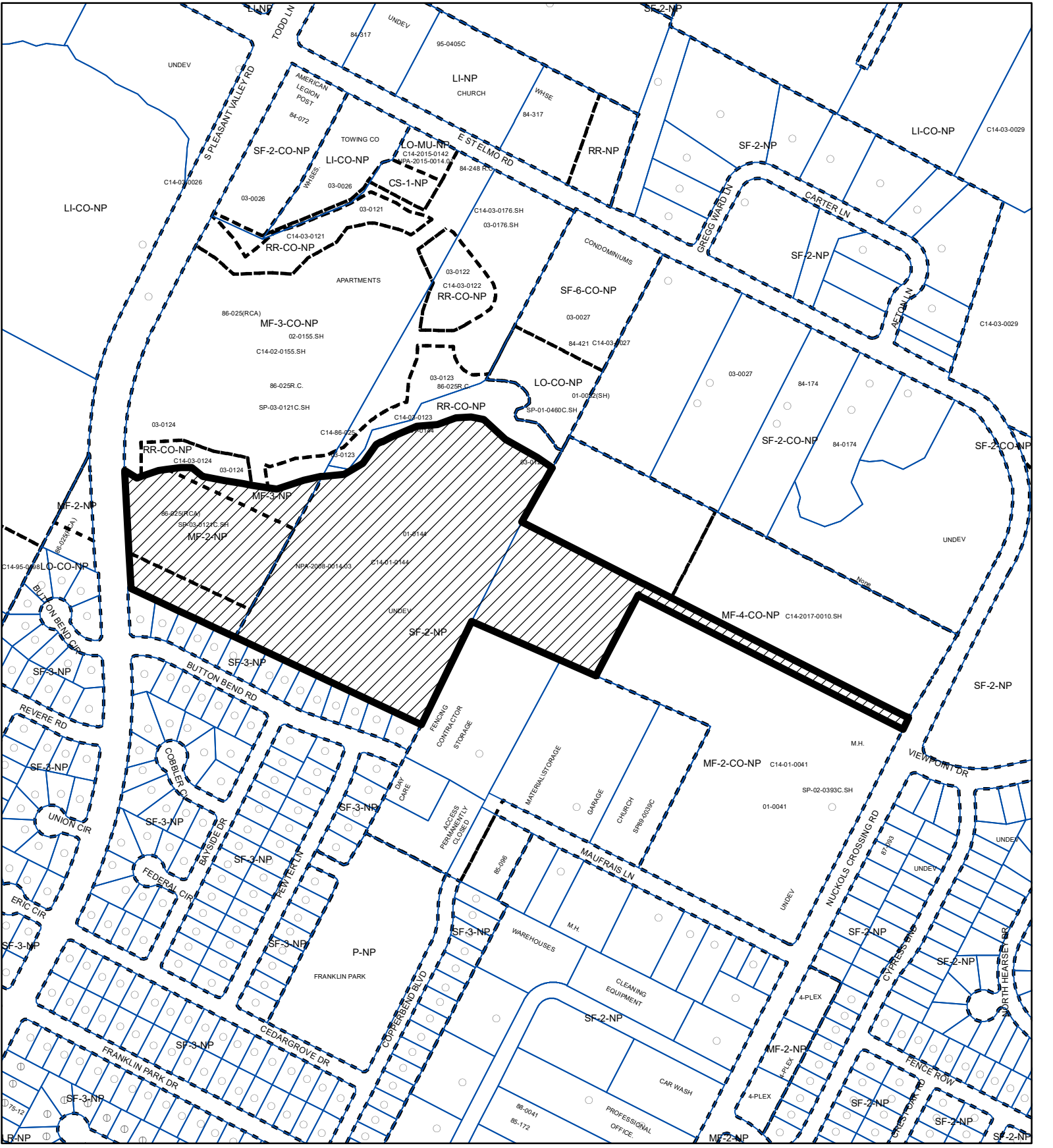
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map
Exhibit A-1: Aerial Map

Applicant's correspondence




Correspondence received



ZONING

Exhibit A

ZONING CASE#: C14-2022-0088

-  **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.

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Pamela Madere
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June 13, 2022

Rosie Trulove, Director
Housing and Planning Department
City of Austin
1000 East 11th Street, Suite 200
Austin, TX 78702

Re: 4500 Nuckols Crossing Rd., Austin, TX. – Zoning Application for 21.6 acres out of the Santiago Del Valle Grant, Abstract No. 24, Travis County, Texas known as Sage@ Franklin Park (*the “Property”*)

Dear Ms. Trulove:

As authorized by Austin Leased Housing Associated V LLLP and Housing Authority of the City of Austin (*the “Owners”*), we are submitting this zoning application for “MF-3” Multi-family Residence in order to develop the Property for an affordable multi- family use project.

The Property is currently undeveloped and is zoned SF-2-NP, SF-3-NP and MF-2-NP; it is in the SE Combined Neighborhood. A FLUM amendment is being filed in conjunction with the zoning application in order to change the area proposed to be rezoned from “SF to “MF”. The neighborhood contact team has approved the out-of-cycle FLUM amendment application.

The Sage @ Franklin Park will be a 100% affordable project, financed under Section 42 of the IRS tax code restricted to residents making at or below 60% MFI. The Housing Authority of the City of Austin will be the bond issuer for the project and as a partial landowner will lease back the land to the partnership to develop the affordable units.

The Sage @ Franklin Park will provide residents with quality affordable housing with amenities including a pool, on-site child care, a food security station and a neighborhood park.

Please contact me should you have any questions regarding this zoning request.

Sincerely,

A handwritten signature in blue ink that reads 'Pam Madere'.

Pamela Madere

Southeast Combined Neighborhood Plan Contact Team

Ana Aguirre
Immediate Past Chair
SCNPCT
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Austin, TX 78760
512-708-0647
a-aguirre@prodigy.net

October 4, 2022

Todd Shaw, Chair
Yvette Flores, Secretary
Greg Anderson
Grayson Cox
Carmen Llanes
Jeffrey Thompson

Claire Hempel, Vice-Chair
James Shieh, Parliamentarian
Awais Azhar
Patrick Howard
Robert Schneider
Jennifer Mushtaler

RE: Neighborhood Plan Amendment Case Number: NPA-2022-0014.02
Rezoning Case Number: C14-2022-0088
Project Location: 4500 Nuckols Crossing

Dear Honorable Chair Shaw and Commissioners:

The Southeast Combined Neighborhood Plan Contact Team (SCNPCT) has a history of supporting responsible development. Our Future Land Use Map (FLUM) area consists of single-family, multi-family, mixed use, commercial, office, civic, warehouse/limited office, and industry zones. The SCNPCT serves students that attend two school districts: Austin and Del Valle ISDs. With Austin Bergstrom International Airport (ABIA) being so close, we also consider the Airport Overlay.

The SCNPCT met on Monday, September 12, 2022, to discuss the presentation and information received during the scheduled neighborhood meeting held on August 18, 2022. The applicants also participated in the September 12, 2022, SCNPCT meeting to answer any new questions. The SCNPCT considered the two following requests pertaining to the property located at 4500 Nuckols Crossing: 1) Neighborhood Plan (NP) Amendment to change the land use designation on the FLUM from single family to multifamily land use; and 2) Rezoning from SF-3-NP (Family Residence District-Neighborhood Plan) zoning to MF-3-NP (Multifamily Residence Medium Density District -Neighborhood Plan) zoning. The SCNPCT also took into consideration input from surrounding neighborhood associations representing residents within the SCNPCT boundary.

With a quorum present, and based on the information provided, the SCNPCT membership voted unanimously in favor of the FLUM and Zoning change requests. The SCNPCT sees the value in changing the FLUM and zoning from single family to multifamily recognizing the need for more affordable housing stock in Austin. The SCNPCT is most appreciative of the applicant's and owner's efforts to initiate a neighborhood meeting prior to requesting a FLUM amendment application out-of-cycle. The applicant's and owner's efforts to set up multiple subsequent meetings with the SCNPCT and other neighborhood associations were intentionally designed to get to know the resident's needs and concerns, get to know and value the existing culture, and directly respond to the public safety concerns raised by the residents. These outreach efforts are very much appreciated by this community. Additionally, the applicant's efforts to reach out and connect with another community partner – Urban Roots, demonstrates the applicant's sincere effort to establish long-term relationships and develop partnerships for the benefit of the current and future residents of this area. We look forward to working with this owner – Dominion, in ongoing efforts to improve upon the quality of life in Southeast Austin. We also appreciate the city staff that have worked on this initiative.

I am available if you should have any questions. Thank you for all you do and for your service to our community.

Respectfully submitted,

Ana T. Aguirre

Ana Aguirre, Immediate Past Chair
Southeast Combined Neighborhood Plan Contact Team (SCNPCT)

File: SCNPCT

CC: Wendy Rhoades, Housing and Planning Department
Maureen Meredith, Housing and Planning Department
Pam Medere, Applicant
Austin Holmes, Dominion