

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0089

11114 and 11206 Joseph Clayton Drive

DISTRICT: 1

ZONING FROM: CS-NP and CS-CO-NP

TO: CS-MU-V-CO-NP

ADDRESS: 11114, 11206, 11206 ½, 11212 ½ & 11220 Joseph Clayton Drive

SITE AREA: 5.95 Acres

PROPERTY OWNER:

Steve A. Stratton

AGENT:

Drenner Group PC
(Leah Bojo)

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

STAFF RECOMMENDATION:

Staff supports the request of CS-MU-V-CO-NP. The conditional overlay includes the following prohibited land uses: Adult oriented businesses, Agricultural sales and services, Exterminating services, Pawn shop services, and Vehicle storage.

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

PLANNING COMMISSION ACTION / RECOMMENDATION:

October 11, 2022: To grant CS-MU-V-CO-NP as recommended by Staff, on consent.

CITY COUNCIL ACTION:

November 15, 2022:

ORDINANCE NUMBER:

ISSUES:

No issues at this time. The rezoning request initially included two lots that front Braker Lane; the Applicant amended their request September 13, 2022.

CASE MANAGER COMMENTS:

The subject property is located on the west side of Joseph Clayton Drive between Ruby Drive and Braker Lane and is comprised of two tracts. The tract zoned CS-NP is currently developed with limited warehousing and distribution land use, the tract zoned CS-CO-NP is undeveloped. The conditional overlay (CO) on the undeveloped tract includes the list of prohibited land uses on Page 1 of this report; the Applicant proposes continuing the CO and applying it to both tracts. The Applicant has stated that they intend to demolish the existing commercial/light industrial buildings and redevelop with approximately 315 multifamily units.

North of the subject property is undeveloped land zoned GR-NP that has frontage on Braker Lane. West of the subject property, between the site and IH 35, is property zoned GR-NP that is developed with a mix of land uses including Convenience store, Personal services, Limited retail, Limited restaurant and Hotel/motel. Southwest of the subject property is CS-CO-NP zoned property that includes General retail. Across Joseph Clayton Drive to the east are properties zoned CS-NP that include Convenience store and Single family residential land uses and Undeveloped tracts. ***Please see Exhibits A and B- Zoning Map and Aerial Exhibit.***

While there are not any properties zoned with Vertical mixed use or Mixed use (V-, MU-) on this block, there are several properties in the vicinity with these designations. Approximately 700 feet to the south, at the intersection of Joseph Clayton Drive and Ruby Drive are several properties with V- and MU- designations, specifically LR-MU-V-NP and CS-MU-V-NP. An additional property zoned CS-MU-V-NP is located one block east of the subject property, on Bluff Bend Drive.

Correspondence has been received regarding the rezoning request. ***Please see Exhibit C- Correspondence.***

Staff supports the rezoning request to CS-MU-V-CO-NP. The surrounding area is a mix of land uses including single family residential, commercial and limited industrial uses. There are also several undeveloped properties. There are a range of zoning designations in the area, including properties with V- and MU- designations. Rezoning this property to CS-MU-V-CO-NP will show equal treatment of similarly situated properties in the area and allow a mix of uses as currently exists in the area. If developed utilizing the V- tool, affordable housing units or a fee-in-lieu would be required. If not, any residential units would increase residential opportunities and possible increase the variety of housing types in the area in accordance with the Strategic Housing Blueprint. Additionally, the Applicant has agreed to keep the prohibited land uses that currently exists on part of the rezoning tract and extend the prohibition to the entire site.

BASIS FOR RECOMMENDATION

- 1. The proposed zoning should be consistent with the purpose statement of the district sought.*
- 2. The proposed zoning should satisfy a real public need and not provide special privilege to the owner.*
- 3. The proposed zoning should be consistent with the goals and objectives of the City Council.*
- 4. Granting of the request should result in an equal treatment of similarly situated properties.*

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-NP, CS-CO-NP	Limited warehousing and distribution, Administrative office, Undeveloped
North	GR-NP	Undeveloped
South/Southwest	CS-CO-NP	Retail- general
East	CS-NP	Convenience store, Single family residential, Undeveloped
West	GR-NP	Convenience store, Personal services, Limited retail, Restaurant- limited, Hotel/motel

NEIGHBORHOOD PLANNING AREA: Heritage Hills/Windsor Hills Combined NP (Windsor Hills)

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

WATERSHED: Walnut Creek (Suburban)

SCHOOLS: Graham Elementary Dobie Middle Northeast High

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District	North Growth Corridor Alliance
Austin Lost and Found Pets	Northeast Walnut Creek Alliance
Austin Neighborhoods Council	Northeast Walnut Creek Neighborhood Assn.
Bike Austin	SELTexas
Friends of Austin Neighborhoods	Sierra Club, Austin Regional Group
Homeless Neighborhood Association	TechRidge Neighbors
Neighborhood Empowerment Foundation	Yager Community

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2021-0027 Urbana II	Rezone 27.443 ac. from SF-4A & GR-CO to MF-2 and GR-MU-CO	To grant	Approved 6/10/2021 Ord. # 20210610-109
C14-2021-0028 Urbana III	Rezone 3.394 ac. from SF-4A, SF-2A & GR to MF-2 and GR-MU-CO	To grant	Approved 6/10/2021 Ord. # 20210610-108
C14-2017-0100 E. Braker Lane Rezoning Pt. B 914 E. Braker Lane	Rezone 23.558 ac. from SF-2 to SF-4A on Tract 1; and 3.277 ac. of SF-2 to GR-CO on Tract 2.	To grant	Apvd. 03/07/2019 Ord.# 20190307-045
C14-2017-0066 E. Braker Lane Rezoning Pt. A 914 E Braker Lane	Rezone from SF-2 to SF-4A (Tract 1, 1.906 ac.) and GR-CO (Tract 2, 1.150 ac.) Part 2. Conditions. Prohibited uses on Tract 2: Alt. financial svcs, bail bond svcs, pawn shop svcs, service station.	To grant	Apvd. 03/07/2019 Ord.# 20190307-044

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Joseph Clayton Drive	Local Mobility – Level 1	58 feet required; 64 feet recommended	60 feet	27 feet	Missing sidewalks to be completed	None	On E Braker Lane
East Braker Lane	Corridor Mobility – Level 4	120 feet required	102 feet	60 feet	Existing 6 feet sidewalks.	Existing bike lane is unprotected, protected One-Way Bike Lane recommended	2 Stops

ADDITIONAL STAFF COMMENTS:**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. According to floodplain maps there is a floodplain 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

SP 1. Site plans will be required for any new development other than single-family, two-family or duplex residential.

SP 2. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 3. This tract is already developed and the proposed zoning change affects within the existing development. 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.

Transportation

ATD 1. The traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code.

ATD 2. 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)
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Parks & Recreation

PR1: Parkland dedication will be required for the new applicable uses proposed by this development, multifamily, office, and retail with CS-MU-V-CO-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. The intensity of the proposed development creates a need of nearly six acre of additional parkland, per requirements described in § 25-1-602; when over six acres, parkland must be dedicated – see § 25-1-605 (A)(2)(a). Land may be required to meet this critical need. Should any 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.

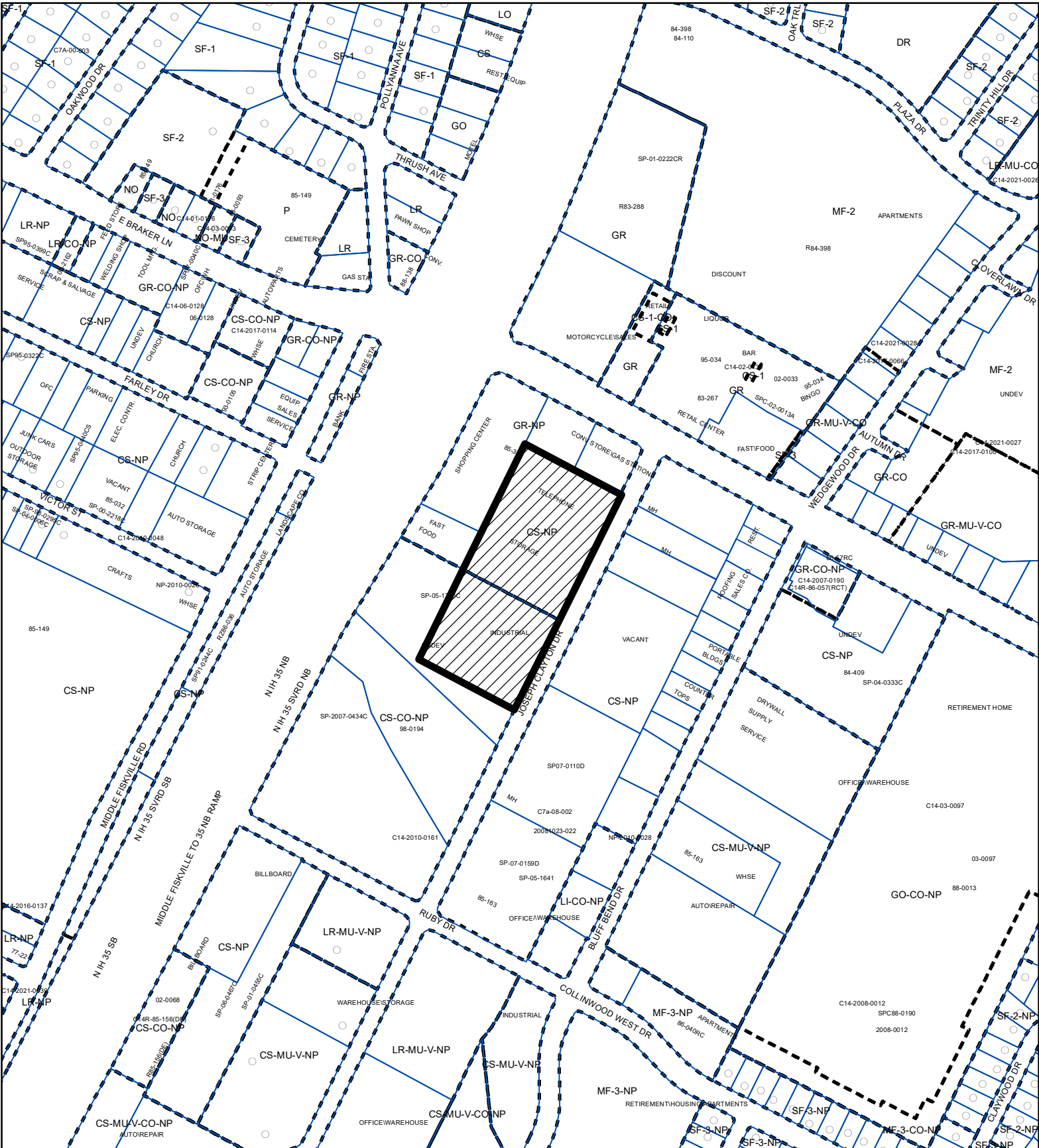
Water Utility

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. Correspondence



ZONING

ZONING CASE#: C14-2022-0089



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

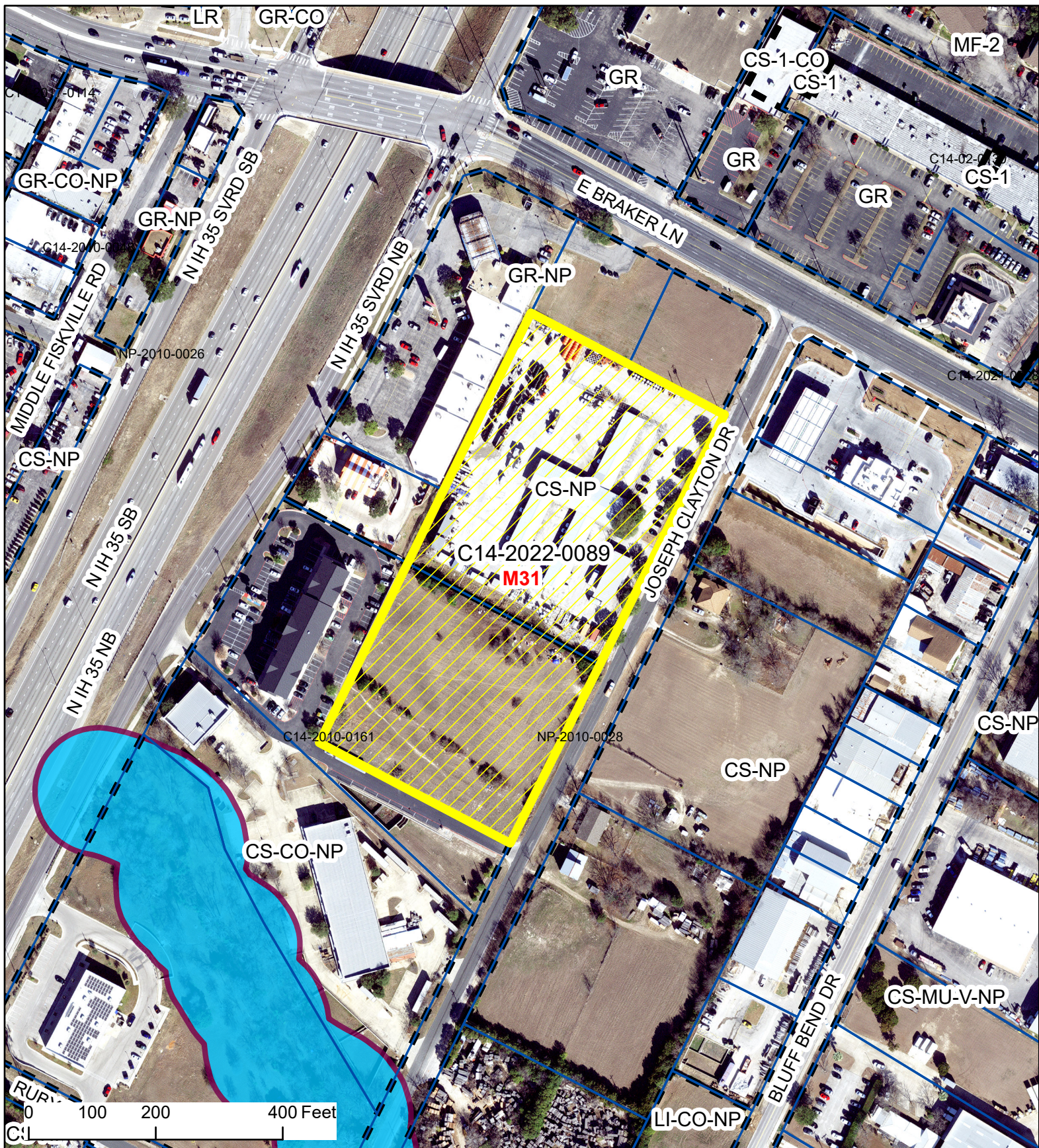
$$1'' = 400'$$

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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: 8/9/2022



821 & 833 East Braker Lane

ZONING CASE#: C14-2022-0089
 LOCATION: 821 & 833 E Braker Ln
 SUBJECT AREA: 7.3 Acres
 GRID: M31
 MANAGER: Heather Chaffin



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

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Created: 10/4/2022

August 8, 2022

Ms. Rosie Truelove
Housing and Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: 11114 and 11206 Joseph Clayton Drive – Zoning and Neighborhood Plan Amendment application packages for the approximately 5.95-acre property located at 11114 and 11206 Joseph Clayton Drive in Austin, Travis County, Texas (the “Property”)

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully submit the updated rezoning and Neighborhood Plan Amendment (NPA) materials to amend two previously submitted applications: C14-2022-0089 and NPA-2022-0028.01. These applications were titled 821 and 833 E. Braker Lane and encompassed approximately 7.30 acres of land located at the southwest corner of E. Braker Lane and Joseph Clayton Drive, east of IH-35 Service Road NB.

We are amending these applications to remove the two parcels known as 821 and 833 E. Braker Lane and update the project to refer to the remaining two parcels, 11114 and 11206 Joseph Clayton Drive. The new size of our rezoning and NPA applications is 5.95 acres.

The requested zoning change remains from the current CS-CO-NP (General Commercial Services – Conditional Overlay – Neighborhood Plan) and CS-NP (General Commercial Services – Neighborhood Plan) to CS-MU-V-CO-NP (General Commercial Services – Mixed Use – Vertical Mixed Use – Conditional Overlay – Neighborhood Plan). The existing conditional overlay on 11114 Joseph Clayton Drive and recorded in Ordinance No. 991202-51, prohibits adult oriented businesses, agricultural sales, exterminating services, pawn shop services, and vehicle storage. The amended applications maintain and intend to apply these prohibited uses on the entire Property.

The requested change to the Future Land Use Map designation remains from Commercial to Mixed Use. The Neighborhood Contact Team supported an out-of-cycle application; see attached correspondence. This amendment to the Heritage Hills/Windsor Hills Combined Neighborhood Plan FLUM would allow for a mixed-use development on the Property.

August 8, 2022

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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.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Leah Bojo". The signature is fluid and cursive, with the first name "Leah" being more prominent than the last name "Bojo".

Leah Bojo

cc: Heather Chaffin, Housing and Planning Department (*via electronic delivery*)
Maureen Meredith, Housing and Planning Department (*via electronic delivery*)
Joi Harden, Housing and Planning Department (*via electronic delivery*)
Jerry Rusthoven, Housing and Planning Department (*via electronic delivery*)

Heritage Hills/Windsor Hills Neighborhood Plan Contact Team
Austin, Texas 78753

October 4, 2022

Maureen,

This is a letter concerning NPA and zoning case (C14-2022-0089) and the property on Joseph Clayton Drive. From meetings I attended, there were no major objections to the rezoning. Residents wanted to be sure that any business in the mixed-used section is a local business, not a chain. The major concern is the traffic that will be introduced.

The light at Braker and N135 Frontage Road is very congested most of the day. We hope that there will be a traffic survey conducted.

- There are currently other projects planned (expansion of Braker Lane at Dessau, development on the north side of Braker Lane) that will also increase the amount of traffic in this location.
- There isn't an easy way to turn left on Joseph Clayton Dr to go West on Braker. Because of this, new residents will be forced to turn right (east) to find a way back to I35. It is probably they will use Bluff Bend through existing neighborhoods as a way to avoid the traffic.
- Since it is currently hard (impossible at times) to turn left here, new residents will need to use the existing access road and Ruby Dr to get to the frontage road to access I35.
- There is not a safe way to get across Braker at Joseph Clayton to get to the westbound bus stop.

Aside from the traffic, there were no major objections to this proposal.

Thank you,
Gina Rosenthal
HHWH Contact Team Member