

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0104 – Berkman Residential

DISTRICT: 4

ZONING FROM: SF-6-NP

TO: MF-5-NP

ADDRESS: 6305 Berkman Drive

SITE AREA: 0.86 Acres

PROPERTY OWNER/APPLICANT: Douglas D. Lewis CCL Revocable Trust (Douglas D. Lewis)

AGENT: Thrower Design, LLC (A. Ron Thrower)

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

STAFF RECOMMENDATION: **Staff recommends MF-3-NP zoning.** *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

January 10, 2023: To grant MF-5-CO-NP with the condition that building height is limited to 45 feet. (9-1) J. Shieh- 1st, A. Azhar- 2nd. Y. Flores off the dais. G. Anderson nay. P. Howard absent. One vacancy.

CITY COUNCIL DATE:

February 9, 2022:

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES:

No issues at this time.

CASE MANAGER COMMENTS:

The subject property is located on the east side of Berkman Drive approximately 450 north of Wheless Lane. The undeveloped property is zoned SF-6-NP and also has frontage on Hickman Drive. The property immediately to the north is also zoned SF-6-NP and is developed with a single family residence. Further north is a fire station, an undeveloped lot, duplex residential and townhouse condominium residential land uses zoned P-NP, SF-3-NP and SF-6-NP. Immediately south of the property is multifamily residential land use facing Berkman Drive (zoned MF-3-NP) and single family residential land use facing Hickman Avenue (SF-3-NP). Further south is undeveloped property zoned GR-MU-CO-NP facing Berkman Drive and townhouse/condominium land uses (zoned SF-6-NP) facing Hickman Avenue. At the intersection with Wheless Lane is property zoned MF-3-NP that is developed with multifamily and single family residential uses. Across Wheless Lane to the south is Harris Elementary School, zoned P-NP. Across Berkman Drive to the west and across Hickman Drive to the east is a are properties zoned SF-3-NP that are developed with single family residences. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

Correspondence has been received in opposition to the rezoning request. ***Please see Exhibit C - Correspondence.***

Staff does not support MF-5-NP at this location but supports an alternate recommendation of MF-3-NP. Properties on this block are zoned and developed with a mix of residential types and intensities. Residential zoning on the block includes SF-3-NP, SF-6-NP, MF-2, MF-3 and GR-MU-CO-NP. MF-5-NP is a substantially more intense zoning category than nearby properties. The prevalent zoning categories on this block are SF-6-NP and MF-3-NP; the addition of MF-3-NP is consistent with the area.

BASIS OF RECOMMENDATION:

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*
2. *Zoning should be consistent with approved and existing residential densities.*
3. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-6-NP	Undeveloped
North	SF-6-NP, P-NP, SF-3-NP, SF-6-NP	Single family residential, Fire station, Undeveloped, Duplex residential, Townhouse/condominium residential
South	MF-3-NP, SF-3-NP, GR-MU-CO-NP, SF-6-NP, MF-3-NP	Multifamily residential, Single family residential, Undeveloped, Townhouse/condominium residential, Multifamily residential, Public primary school

	ZONING	LAND USES
East	SF-3-NP	Single family residential
West	SF-3-NP	Single family residential

NEIGHBORHOOD PLANNING AREA: University Hills/Windsor Park Combined

TIA/NTA: Deferred to time of site plan.

WATERSHED: Boggy Creek

OVERLAYS: N/A

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association

AISSD

SELTexas

Friends of Austin Neighborhoods

Friends of Northeast Austin

Windsor Park Neighborhood Contact Team

Neighborhood Empowerment Foundation

Responsible Growth for Windsor Park

Windsor Park Neighborhood Association

Del Valle Community Coalition

Anberly Airport Association

Austin Neighborhoods Council

Austin Innercity Alliance

Preservation Austin

Sierra Club

Black Improvement Association

Neighbors United for Progress

Claim Your Destiny Foundation

AREA CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2018-0037 Berkman Terrace	LR-MU-NP and SF-6-NP to GR-MU-NP	10/23/2018: To Grant GR-MU-CO-NP w Conditions 1. Max. Bldg. Height 40’/3 Stories; 2. Vehicular Access To Hickman Ave. prohibited except emergency access; 3. Prohibited uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (Of Any Type), Bail Bond Services, Business Or Trade School, Business Support Services, Commercial Off-Street Parking, Communications Services, Drop-Off Recycling Collection Facility, Exterminating Services, Food Preparation, Funeral Services, Hotel- Motel, Indoor Entertainment, Indoor Sports And Recreation, Outdoor Entertainment, Outdoor Sports And Recreation, Pawn Shop Services, Research Services, Short Term Rental, Theater, And Hospital Services—General; 4. Conditional uses: Alternative Financial Services, Medical Offices—Exceeding 5,000 Sq/Ft, Community Recreation— Private, Community Recreation—Public, Congregate Living, Group Home Class Ii,	To grant GR-MU-CO- NP as rec. by PC

		Hospital Services—Limited, And Residential Treatment; 5. Subject To Section 25-2-587(D) Of City Code: General Retail Sales—General, Personal Improvement Services, And Restaurant (General). Vote: 8-3. [C. Kenny- 1 st , J. Schissler- 2 nd ; P. Seeger, K. McGraw, T. Witte- Nay; A. De Hoyos Hart- Absent]	
C14-06-0018 6203 Berkman Dr.	SF-3 to MF-3, Amended to LR-MU	09/26/2006: To grant LR-MU as rec. by Staff	11/30/2006: To grant LR-MU as rec. Ord. No. 20061130-044

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
BERKMAN DR	Local Mobility - Level 2	72 feet	50 feet	39 feet	Existing 5 feet wide sidewalks	Bike Lane - Buffered	Yes
HICKMAN AVE	Local Mobility - Level 1	58 feet	48 feet	28 feet	Existing 5 feet wide sidewalks	No	Yes

OTHER STAFF COMMENTS:

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
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. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

SITE PLAN

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

SP 2. 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.

SP 3. 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

SP 4. The site is subject to compatibility standards.

- ☐ 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.
- ☐ No parking or driveways are allowed within 25 feet of the property line.
- ☐ A landscape area at least 25 feet wide may be required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- ☐ 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 line.
- ☐ An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

TRANSPORTATION

ATD 1. 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. 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. [LDC 25-6-113].

ATD 2. The Austin Strategic Mobility Plan (ASMP) calls for 72 feet of right-of-way for BERKMAN DR. It is recommended that 36 feet of right-of-way from the existing centerline should be dedicated for BERKMAN DR according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

ATD 3. The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for HICKMAN AVE. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for HICKMAN AVE according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

ATD 4. The adjacent street characteristics table is provided below:

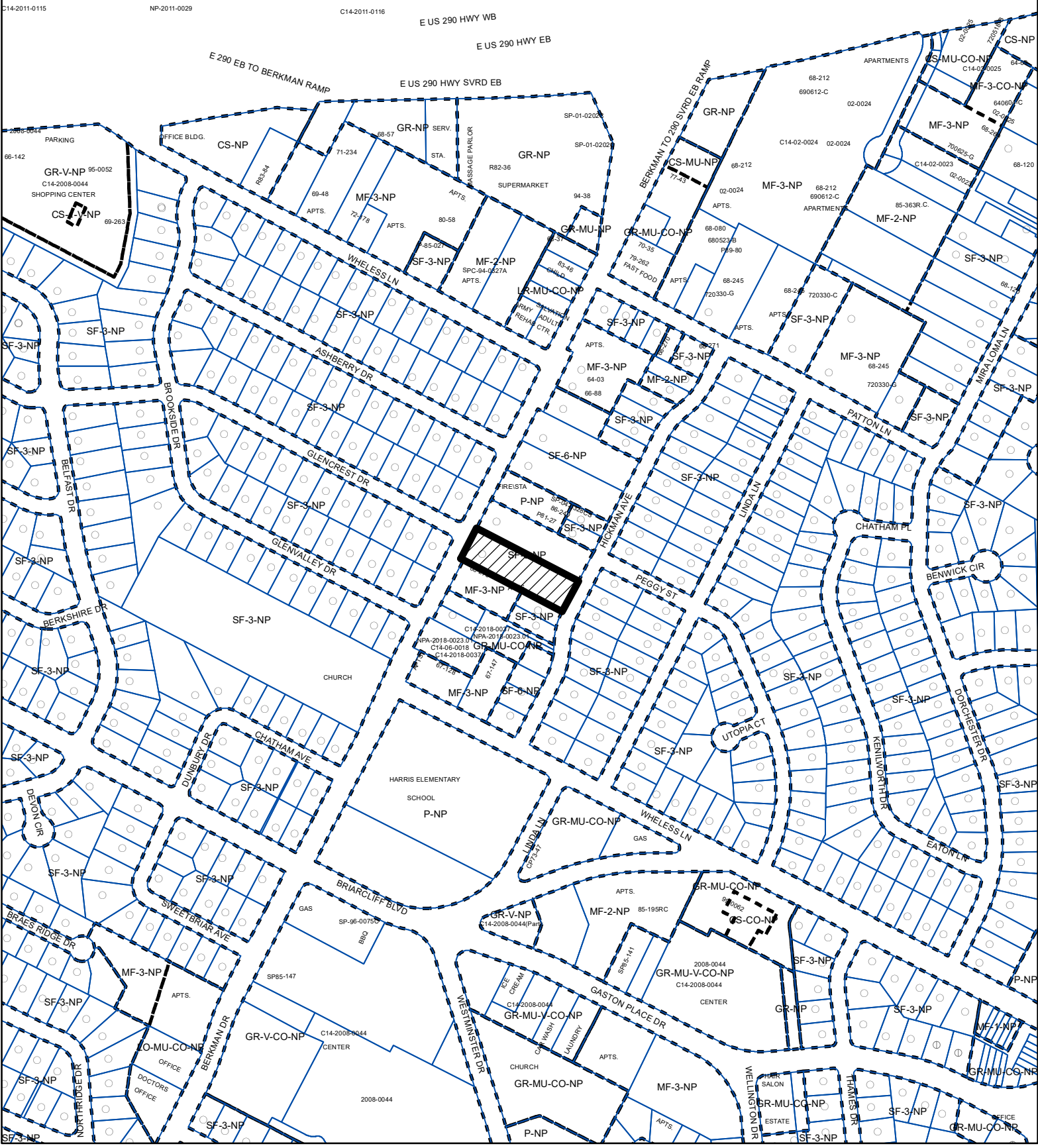
Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
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WATER UTILITY

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. Correspondence



ZONING

ZONING CASE#: C14-2022-0104



- 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: 7/27/2022

-----Original Message-----

From: Mele Juillerat

Sent: Thursday, August 11, 2022 10:48 AM

To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>

Subject: Re: 6305 Berkman

*** External Email - Exercise Caution ***

Which I think has always been a terrible policy for the city of Austin, since rezoning should REQUIRE site plans in the decision making process.

Nonetheless, there is an approved site plan for 5811 Berkman of SP-2020-0257C that is tied to to the building permit for Lot 2, which should, in theory be tied to the case number as well, shouldn't it? It is tied to 2022-068631 BP.

Thank you for your help

Mele

> On Aug 11, 2022, at 10:41 AM, Chaffin, Heather <Heather.Chaffin@austintexas.gov> wrote:

>

> The case number is C14-2022-0104. Site plans are not required at time of zoning, they are submitted at time of site plan review.

>

> -----Original Message-----

> From: Mele Juillerat

> Sent: Thursday, August 11, 2022 10:39 AM

> To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>

> Subject: Re: 6305 Berkman

>

> *** External Email - Exercise Caution ***

>

> Thank you. could you please tell me the case number for 5811 Berkman Drive? I thought I had the correct number, but it's not pulling up any site plans.

>

> Thank you for your help.

>

> Mele

>

>> On Aug 11, 2022, at 10:36 AM, Chaffin, Heather <Heather.Chaffin@austintexas.gov> wrote:

>>

>> Good morning,

>>

>> Thank you for your email; I will attach it to the staff report that will go to Planning Commission and City Council. If you live within 500' of the rezoning property you have received a notice of filing and will receive another notice when the case is scheduled for Commission and Council.

>>

>> Heather

>>

>> -----Original Message-----

>> From: Mele Juillerat

>> Sent: Thursday, August 11, 2022 9:38 AM

>> To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>

>> Subject: 6305 Berkman

>>

>> *** External Email - Exercise Caution ***

>>

>> Hi Heather.

>>

>> I'd like to become a person that is notified when things happen with 6305 Berkman Drive, Austin Texas 78723; case number C14-2022-0104.

>>

>> I am also submitting my letter of opposition to the city in regards to allowing Ron Thrower and his client to rezone 6305 Berkman from an SF-6-NP to an MF-5-NP.

>>

>> No traffic study was done, and one should be done and submitted. With the MASSIVE development located at Briarcliff and Berkman (5811 Berkman to be precise; (2021-196727 PR linked to 2022-067507) that will house over 400 units, traffic will be not be able to be sustained on Briarcliff, Berkman, and the remaining neighborhood streets.

>>

>> In 2016, a traffic study was done which indicated that most of the streets (including Hickman, Peggy, Linda, Wheelss, and Berkman had MAJOR issues and a Safe Routes To School Program was started for Harris Elementary (at the precipice of District Zone 1 and District Zone 4) located at Briarcliff and Berkman. Only part of this safe routes to school program has been completed to help children that are walking and biking to school, and only a small pedestrian island crosswalk has been created allowing students and family to walk across the school grounds to the opposite side of Berkman with a school safety patrol person adjacent to Wheelless. As it stands, vehicles rarely pay attention to these "safety" crosswalks and 90% of the time drive through them instead of stopping, as is indicated and can be observed by the bollards and turtles taken out at pedestrian islands located in other spots on Berkman (Ridgehaven and they other portion of Wheelless, closer to 290 have pedestrian islands as well).

>>

>> With this proposed unit building an entirely new complex and zoned something NEVER used in the development and neighborhood before, and allowing this to happen, the proposed development will add even more traffic on Berkman and will be located two "doors down" to the Firestation which is located on Berkman and sitting between Ashberry Drive and Glencrest. As it stands, when the two fire engines that are housed there, leave the station, or return, the traffic is backed up in both directions on Berkman and the local access streets for the people who live on Ashberry and Glencrest get the "cut through" traffic who don't want to sit and wait for the fire engines to back into their station.

>>

>> Again, this type of zoning has NEVER been approved, or used in the neighborhood, nor should it ever be allowed because the neighborhood was never set up to take on such demands from these large developments within the heart of the neighborhood. As it stands, the neighborhood will already suffer major impacts from the large development known as 5811 Berkman. Using the original zoning for the land, as an SF-6-NP would still allow the developer to make their "big money"/large profit. How much money does an entity need to make before they're satisfied with the destruction of the neighborhood

and to the detriment of the people already living there before the city says, enough. If they had any conscience or truly cared about the impact of the neighborhood and what their development had, they should've asked for a rezoning to an MF2 or an MF3 at most, instead of an SF-6-NP.

>>

>> Over the last 10 years, these small neighborhoods have been impacted by the large scale developments that have occurred in Mueller.

>>

>> Cameron Road is a prime example of the traffic issues that can be seen and studied and affecting the local access streets on the opposite side of the neighborhood (connected via Briarcliff as one of the true, perpendicular, non segmented through street, unlike, Wheelless, or Ridgehaven for example). The traffic that is now backed upon Cameron, the traffic that is backed up on the feeder road of IH 35, all now cuts through Windsor Park, University Hills and their local access streets.

>>

>> The Mueller developments also have impacted all of those streets, during peak hours, as 51st street has not been able to hold the traffic surrounding their developments and using Berkman as one of their short cuts to avoid the back up of cars on 51st, Cameron, and feeder of IH 35 traveling North bound to 290 or trying to access alternate routes around the area.

>>

>> Aside from all of the traffic issues this proposed development will add, where do they honestly believe they're going to fit all of the units in on the LESS THAN 1 acre, along with PARKING for minimum of 34 vehicles, and their TURNAROUND for dumpsters? They have a heritage Pecan tree, and two protected Pecan trees located on their property. One can only assume that this developer, as so many others, will just remove the three trees (to which, there were more than 20 pecan trees on that lot PRIOR to it being cleared of the home and survey submitted to the city) and say, "oops, my bad, I'm just going to pay the tree fund" so they can build their project and then apply for exemptions for parking and for having sufficient turn around radius for dumpsters.

>>

>> There are FOUR overhead power lines in use on adjacent properties to 6305 Berkman as well. One of which, again, is a FIRESTATION. In order to allow the building envelope for said development, what is going to happen to these overhead lines? Will the developer be allowed to build within the setbacks of 15' radial clearance for these overhead lines thus endanger the further habitants and the current neighborhood? These new codes were implemented to PROTECT people and AE employees, not created so that developers could just bypass them to again, only make a profit.

>>

>> I ask you. When does it stop? When will the city say no. Build within the space you have and if you don't like the fact that you're not going to make hundreds of thousands of dollars, or a million dollars, too bad. The people of austin and the neighborhoods, are more important than your profit?

>>

>> Thank you for your time.

>>

>> Mele Juillerat

>> 1607 Ashberry Drive

>> Austin Texas 78723.