

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0058

DISTRICT: 5

ADDRESS: 11540, 11600, 11602 Menchaca Road

ZONING FROM: I-RR

TO: MF-5

SITE AREA: 12.66 acres

PROPERTY OWNER: DTTW Investments, LP (Matt Sitra)

AGENT: Drenner Group, PC (David Anderson)

CASE MANAGER: Dana Moses (512-974-8008), dana.moses@austintexas.gov

STAFF RECOMMENDATION:

The staff's recommendation is to grant multifamily residence moderate – high density (MF-4) district zoning.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

September 19, 2023: *Motion to approve staff's recommendation to grant multifamily residence moderate – high density (MF-4).*

[B. GREENBURG; A. FLORES – 2ND] (8-0)

CITY COUNCIL ACTION:

November 9: 2023:

ORDINANCE NUMBER:

ISSUES: N/A

There are not any issues currently.

CASE MANAGER COMMENTS:

The subject property is a single tract located on Menchaca Road and is 12.66 acres. Currently, the property has an automotive repair service, roller rink, manufacturing business, barber shop, restaurant, and commercial recreation facility. To the west are single family residences. To the south are condominiums and a vacant. To the east are commercial uses, including a tattoo shop, hair salon, and a fence/roofing company. To the north are commercial buildings. Zoning the property will allow for many compatible land uses in the surrounding area such as commercial, industrial, and residential uses.

The applicant is requesting multifamily residence high density (MF-5) district zoning to support additional density of 438 residential units.

The staff is recommending MF-4 district zoning due to high density housing in a centrally located area near supporting transportation and commercial facilities.

BASIS OF RECOMMENDATION:

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The zoning change promotes compatibility with the nearby land uses. To the east across Menchaca road are several commercial businesses. Condominiums are to the south and have a density of more than 54 units per acre. To the west is a single-family neighborhood. MF-4 zoning allows up to 54 units per acre.

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

The proposed zoning of MF-4 meets the purpose of the district sought by the intent to support moderate to high multifamily density units that are within the area of transportation hubs, residential units, and commercial services. This project is intended to support additional housing, with a fair density request of 34 units per acre. This is below the MF-4 density requirements of 54 units per acre.

3. *The proposed zoning should satisfy a real public need and not provide special privilege to the owner.*

The proposed rezoning will support hundreds of multifamily dwelling units. The location along an ASMP level 3 corridor is appropriate, and the zoning would not provide special exceptions to the owner.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Sites</i>	IRR	Automotive Repair Service; Gym; Roller Skating Rink; Smoke Shop; Food Sales; Restaurant
<i>North</i>	CS-CO; CS-1-CO; W/LO-CO	Offices; Arcade
<i>South</i>	IRR; GR	Condominiums
<i>East</i>	I-SF-2; Austin ETJ	Car dealership; Landscaping company; Tattoo Shop; Beauty salon;
<i>West</i>	I-SF-4A	Single family residences

NEIGHBORHOOD PLANNING AREA: This property is not within a neighborhood planning area.

WATERSHED: Slaughter Creek – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin ISD

Baranoff Elementary School

Bailey Middle School

Akins High School

COMMUNITY REGISTRY LIST:

Travis County Natural Resources
 Neighborhood Empowerment Foundation
 South Austin Neighborhood Alliance
 Olympic Heights Homeowners Association
 Sierra Club, Austin Regional Group
 Bauerle Ranch Owners Association, Inc.
 Austin Independent School District
 Smithfield Condominium Community Inc.

Palomino Park HOA
 Austin Lost and Found Pets
 SELTexas
 Save Our Springs Alliance
 Friends of Austin Neighborhoods
 Onion Creek HOA

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2021-0187	Rezone 4.0901 acres from I-RR to CS-1 for Tract 1 and CS for Tract 2.	To Grant CS-1-CO zoning for Tract 1 and CS-CO zoning for Tract 2 per staff recommendation.	Apvd (Sept-1-2022)
C14-2017-0143	Rezone from I-RR to CS-CO for Tract 1, GR-CO for Tract 2, and W/LO-CO for Tract 3.	To Grant CS-CO zoning for Tract 1, GR-CO for Tract 2, and W/LO-CO for Tract 3.	Apvd (02-01-2018)
C14-2021-0151	Rezone approximately 0.85 acres from I-SF-2 to CS.	To Grant GR-CO district zoning per staff recommendation.	Apvd (01-27-2022)
C14-2017-0063	Rezone 2.089 acres from I-RR to GR	To Grant GR district zoning per staff recommendation.	Apvd (10-16-2016)
C14-2021-0151	Rezone 0.85 acres from I-SF-2 to CS.	To Grant community commercial-conditional overlay (GR-CO) combining district.	Apvd (01-27-2022)

RELATED CASES:

There are not any related cases.

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Menchaca Drive	Level 3 Major Arterial	116'	116'	78'	Yes	Yes	No

OTHER STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 11540, 11600, and 11602 MENCHACA RD. C14-2023-0058. 12.66 acres from I-RR to MF-5. Commercial shopping center (gym, roller rink, barber shop, smoke shop) to 428 unit apartment building.

Yes	Imagine Austin Decision Guidelines
	Complete Community Measures
	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Names of Activity Centers/Activity Corridors/Job Centers:
	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.
Y	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.
	Connectivity and Education: 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 recreation area, park or walking trail.
	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)
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.
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Mixed use: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
3	Total Number of "Yes's"

Environmental

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

PARD – Planning & Design Review

Parkland dedication will be required at the time of subdivision or site plan application for new residential units proposed by this rezoning, multifamily with MF-5, per City Code § 25-1-601, as amended.

The intensity of the proposed development creates a need for over six acres 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). As such, land dedication shall be required, unless the land available for dedication does not comply with the standards for dedication. Any remaining fees in-lieu after dedication shall also be required.

If the land available for dedication complies with the parks standards, the Parks and Recreation Department (PARD) would consider a small park toward satisfying the requirement at time of permitting (whether subdivision or site plan). The dedication would

satisfy the need for additional parks in park deficient areas of South Austin, a specific recommendation 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).

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 letter of the requirements.

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.

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.

The site is subject to compatibility standards. Along the north, south, east and west property lines, 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.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is 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, 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.
- 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.
- 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.
- Additional design regulations will be enforced at the time a site plan is submitted

Water Utility

No comments on zoning change.

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.

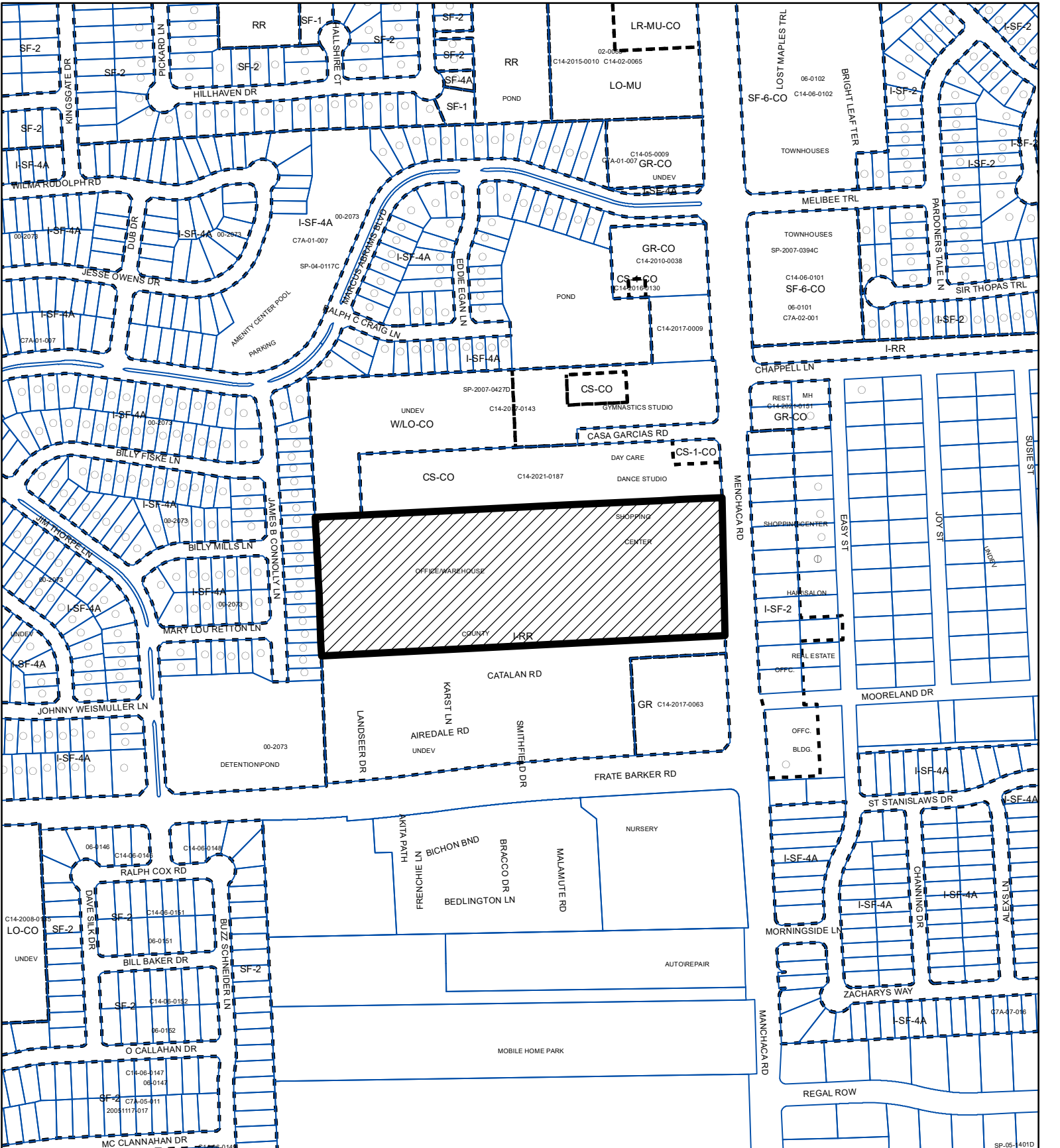
Depending on the development plans submitted, water and or wastewater service extension requests may be required.


All new development within the proposed project will be subject to City Code Chapter 25-9 and any future amendments relating to reclaimed water connections, water benchmarking, and mandatory onsite water reuse.


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. Applicant's Request Letter
- D. Correspondence from Interested Parties



 **N**

 **SUBJECT TRACT**

 **PENDING CASE**

 **ZONING BOUNDARY**

ZONING

ZONING CASE#: C14-2023-0058

EXHIBIT A

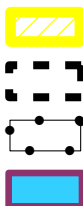


1" = 400'

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: 5/2/2023



CREEK BUFFER

EXHIBIT B

MANAGER: Jonathan Tomko



Created: 5/31/2023

EXHIBIT C

April 21, 2023

Mr. David Gray
Planning Department
City of Austin
Street Jones Building
1000 E. 11th St, Ste 200
Austin, TX 78702

Via Electronic Delivery

Re: 11540, 11600, and 11602 Menchaca Road – Rezoning application for the 12.66-acre piece of property located at 11540, 11600, and 11602 Menchaca Road, Austin, Travis County, Texas (the “Property”)

Dear Mr. Gray,

As representatives of the owner of the Property, we respectfully submit the enclosed rezoning application package. The project is titled 11540, 11600, and 11602 Menchaca Road, consists of 12.66 acres, and is located at 11540, 11600, and 11602 Menchaca Road. The Property is currently developed with indoor entertainment, fitness club, automotive services, restaurant, medical offices, personal services, office, grocery, and retail uses.

The site is zoned I-RR (Interim – Rural Residence). The proposed rezoning is from I-RR to MF-5 (Multifamily – High Density). This proposed rezoning will support additional residential density on the Property. The MF-5 zoning designation is appropriate for this site’s location on Menchaca Road, a 4-lane, Corridor Mobility roadway per the Austin Strategic Mobility Plan. Additionally, this rezoning will expand Austin’s housing capacity, working towards the Strategic Housing Blueprint goal to create 75,000 housing units between 2018 and 2027.

A Traffic Impact Analysis is not required per the attached TIA Determination worksheet, executed by Maria Cardenas, dated March 31, 2023. However, mitigation may be required per Land Development Code § 25-6-101. The Property is not located within a Neighborhood Planning Area, and, accordingly, does not require a Future Lane Use Map Amendment. Additionally, the project will partially satisfy parkland dedication requirements on-site pending discussion and confirmation with Parks and Recreation Department staff.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Anderson", with a long horizontal line extending to the right.

David J. Anderson

cc: Joi Harden, Planning Department (*via electronic delivery*)

EXHIBIT D

Moses, Dana

From: Keri Wilson
Sent: Sunday, September 3, 2023 6:21 PM
To: Moses, Dana
Subject: Re: Rezoning issue (C14-2023-0058)
Attachments: image001.png

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for your response.

I find this disappointing. I do not feel comfortable to see a bunch of renters coming in and out every year and over peek in our backyards. Our intention is to claim this side of townhouses with private yards at higher cost than the rest of other townhouses that have no-privacy. I have seen a bunch of wildlives (squirrels, birds, and small ones living in those trees as if they are in their homes. You see.. that new church across the street WIPED the nature off which it looks a lot uglier now.

I am hoping that zone is similar to our townhouses which would be safer since it will be the owners than renters. I really need to know when it will start and I can be prepared to put my home on the market and hope to find a home with my low mortgage interest rate. :(

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: C14-2023-0058

Contact: Dana Moses, 512-974-8008

Public Hearing: September 19, 2023, Zoning and Platting Commission

Tracy Reed
Your Name (please print)

☐ I am in favor
☒ I object

1502 Catalan Rd
Your address(es) affected by this application (optional)

[Signature]
Signature

15 Sep 2023
Date

Daytime Telephone (Optional): n/a

Comments: I object

If you use this form to comment, it may be returned to:
City of Austin, Planning Department

Dana Moses

P. O. Box 1088, Austin, TX 78767

Or email to:

Dana.moses@austintexas.gov





On Wed, Jul 19, 2023 at 2:29 PM Moses, Dana wrote:

Hi Keri,

I hope your day is going well so far! I apologize for the delay responding to your questions. I was recently assigned this case due to a backlog of zoning cases in the queue. My name is Dana, and I am the case manager for the project of C14-2023-0058 (11540, 11600, and 11602 Menchaca road). Your concerns are very valid regarding obstruction of your view and the environment. The applicant is requesting a rezoning application from IRR (Interim-Rural Residential) to MF-5 (Multifamily High Density). The project description is requesting 34 units per acre on 12.66 acres total. The proposed number of multifamily residential units is 428. Staff has recommended MF-4 zoning which is between 36 to 54 units per acre. This zoning density is more appropriate for MF-4 zoning due to it being a moderately dense zoning instead of MF-5 which is a high-density district designation. Currently, this is the recommendation of the project. I will be sure to have your concerns included for the commission to review when this case is heard.

Thank you,

Dana Moses

Planner III | Current Planning

City of Austin

Phone: 512-974-6001

Email: dana.moses@austintexas.gov

From: Keri Wilson
Sent: Thursday, May 18, 2023 5:02 PM
To: Watson, Michael
Subject: Rezoning issue

Hello,

Case: C14-2023-0058,

I want to express my biggest concern about the rezoning issue. I am 50 years old and I have lived in Smithfield I since 2017 . My backyard is facing the large oak tree which was the reason I chose this unit because nature is good for my mentality and health. Also, it has more privacy away from other people's sight in my backyard.

I see that this rezoning will become a high density district which means it will build tall buildings. It could ruin my view of nature and trees. Also, it will invade my backyard privacy that high-rise residents can see, which is not good. Can you clarify about this rezoning, please?

Can you please **reconsider to preserve those trees & wildlife** in that zone (115040, 11600 and 11602 Menchaca road)? It is important for the eco-environment for our homes. It is nice to see a lot of stars at night, smelling fresh air and great oxygen from trees.

We do not need more residents in this area because the Menchaca road traffic has been extended and more extended going to work by every year. Also, crime is climbing up. We don't want that in our neighborhood.

Please do not build more residents in this area.

Also, the another lot on the corner between Frate Barker and Menchaca should be left alone (across from that future church) due to the ecosystem by having flowers, trees and clean air.

Thanks for your timing to read this.