

## ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0065

DISTRICT: 7

ADDRESS: 5506 and 5514 Grover Avenue & 5515 Roosevelt Avenue

ZONING FROM: MF-4-NP and SF-3-NP

TO: MF-6-NP

SITE AREA: 2.33 acres

PROPERTY OWNER: Brentwood Townhomes, L.P., Laura and Steve Beuerlein, and Biagini, LP.

AGENT: DuBois, Bryant & Campbell, L.L.P. (David Hartman)

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

STAFF RECOMMENDATION:

**The staff recommendation is to grant multifamily residence highest density – conditional overlay – neighborhood plan (MF-6-CO-NP) combining district zoning. The conditional overlay will restrict the maximum height of the building or structure to 45 feet and 4 stories.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

**October 24, 2023: Motion to approve staff's recommendation to grant multifamily residence highest density – conditional overlay – neighborhood plan (MF-6-CO-NP) combining district zoning.**

*[G. ANDERSON; F. MAXWELL – 2<sup>ND</sup>] (12-0) T. SHAW - ABSENT*

**October 10, 2023: APPROVED A POSTPONEMENT REQUEST BY STAFF TO OCTOBER 24, 2023.**

*[A. AZHAR; F. MAXWELL – 2<sup>ND</sup>] (11-0) G. COX, A. PHILLIPS – ABSENT*

**September 12, 2023: APPROVED A POSTPONEMENT REQUEST BY STAFF TO OCTOBER 10, 2023.**

*[C. HEMPEL; A. AZHAR 2<sup>ND</sup>] (12-0) One vacancy on the dias.*

CITY COUNCIL ACTION:

**November 30, 2023:**

ORDINANCE NUMBER:

ISSUES: None at this time.

CASE MANAGER COMMENTS:

The subject rezoning area is 2.33 acres and is located at 5506 and 5514 Grover Avenue and 5515 Roosevelt Avenue. Currently, 5506 Grover Avenue is developed with multifamily units, is 2.002 acres, and is zoned (MF-4-NP). Currently, 5514 Grover Avenue and 5515 Roosevelt Avenue are 0.33 acres and are each developed with a single-family residence. To the north is a multifamily complex (MF-3-NP). To the west are single family and multifamily residences (SF-3-NP; MF-3-NP). To the south are single family residences and to the east is the McCallum High School (SF-3-NP).

The applicant is requesting to rezone the property to (MF-6-NP) in order to construct a unified development that will include 195 multifamily units.

The staff is recommending multifamily residence highest density – conditional overlay – neighborhood plan (MF-6-CO-NP) combining district zoning because there is a precedent for high density multifamily zoning in the direct vicinity, the conditional overlay will limit the height to 45 feet, and the area is supported by public transportation. The proposed rezoning will also support the City's goal to provide additional housing options, and it is consistent with the proposed neighborhood plan amendment.

BASIS OF RECOMMENDATION:

The staff recommendation is to grant multifamily residence highest density (MF-6-CO-NP).

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

Multifamily residence highest density (MF-6) district is the designation for multifamily and group residential use. An MF-6 district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which the high-density multifamily use is desired. The purpose of the conditional overlay (CO) combining district is to modify use and site development regulations to address the specific circumstances presented by a site. The purpose of a neighborhood plan (NP) combining district is to allow infill development by implementing a neighborhood plan that has been adopted by the council as an amendment to the comprehensive plan.

- 2. Zoning should allow for reasonable use of the property.*

The proposed unified development will provide for additional multifamily housing options in an area where high density multifamily zoning and transit services exist. The conditional overlay will restrict the maximum height to 45 feet and four-stories, which is significantly lower than the maximum height permitted in the MF-6 district.

NEIGHBORHOOD PLANNING AREA: Brentwood/Highland (Brentwood) Combined

WATERSHED: Shoal Creek – Urban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

Brentwood Elementary School

Lamar Middle School

McCallum High School

COMMUNITY REGISTRY LIST:

Austin Independent School District  
Austin Neighborhoods Council  
Brentwood Townhomes LP  
Austin Lost and Found Pets  
Friends of Austin Neighborhoods  
Shoal Creek Conservancy  
Preservation Austin  
SELTexas

Central Austin Community Development  
Brentwood Neighborhood Association  
Brentwood Neighborhood Plan Contact Team  
Neighborhood Empowerment Foundation  
North Austin Neighborhood Alliance  
Sierra Club, Austin Regional Group  
Homeless Neighborhood Association

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2021-0018	Rezone from SF-3-NP to MF-3-NP of 0.32 acres.	To Grant MF-3-NP zoning per staff recommendation.	Approved MF-3-NP zoning (08-22-

RELATED CASES:

NPA-2023-0018.03

The Neighborhood Plan Area of Brentwood / Highland was adopted and passed by Ordinances 040513-33A & 040513-33B.

OTHER STAFF COMMENTS:

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal 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. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

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.

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.

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 for the new applicable uses proposed by this development, multifamily with MF-6-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. Should 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](mailto: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.

#### Site Plan

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet from property in an SF-5 or more restrictive zoning district will be subject to residential compatibility development regulations.

The site is subject to residential compatibility standards along the north, south, east and west property lines:

- 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 western 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.

A site plan is 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 a site plan is submitted.

#### Tenant Notification

- The proposed demolition of a multi-family residential structure is subject to Tenant Notification regulations. Please contact Housing Department staff at [TenantRelocation@austintexas.gov](mailto:TenantRelocation@austintexas.gov) for compliance verification before submitting demolition permit application to Development Services Dept. [25-1-712].

#### Austin Transportation Department – Engineering Review

A Neighborhood Traffic Analysis is required. LDC 25-6-114. NTA requires three (3) consecutive 24-hour tube counts, preferably on Tuesday, Wednesday, and Thursday, during a non-holiday week when school is in session. Please contact Maria Cardenas at [Maria.Cardenas@austintexas.gov](mailto:Maria.Cardenas@austintexas.gov) for the location of the tube counts. LDC 25-6-114. NTA fees will be added in AMANDA. This comment will be cleared once the Memo is approved, and the fees are paid.

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Houston St. Please dedicate 29 feet of right-of-way from the existing centerline with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Grover Ave. Please dedicate 29 feet of right-of-way from the existing centerline with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Roosevelt Ave. Please dedicate 29 feet of right-of-way from the existing centerline with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Sites</i>	MF-4-NP; SF-3-NP	Multifamily residences; Single family residences;
<i>North</i>	MF-3-NP	Multifamily residences
<i>South</i>	SF-3-NP	Single family residences
<i>East</i>	SF-3-NP	High School; High School Baseball Field
<i>West</i>	SF-3; MF-3-NP	Single family residences; Multifamily residences

Austin 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.

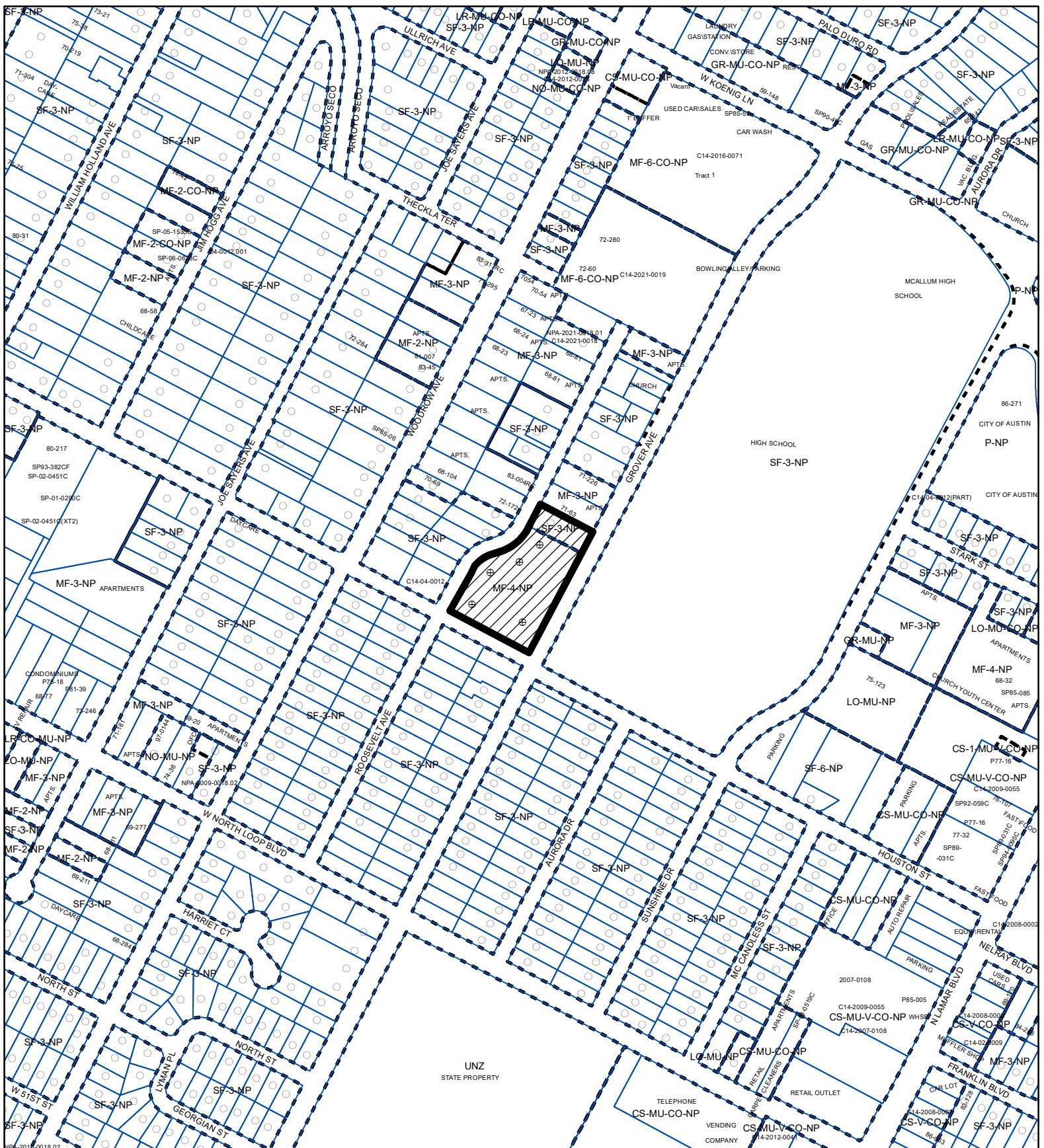
Depending on the development plans submitted, water and or wastewater service extension requests may be required. Based on current public infrastructure configurations, it appears that service extension requests (SER) for wastewater service will be required to provide service to this lot as the site is within an area of capacity concern. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at [ser@austintexas.gov](mailto:ser@austintexas.gov).




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. Neighborhood Traffic Analysis
- E. Correspondence from Interested Parties



-  SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY

## ZONING

ZONING CASE#: C14-2023-0065

$$1'' = 400'$$

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: 5/23/2023**









**David Hartman**  
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303 Colorado, Suite 2300  
Austin, TX 78701  
[www.dbcllp.com](http://www.dbcllp.com)

August 22, 2023

Joi Harden, Zoning Director  
Planning Department  
City of Austin  
1000 E. 11<sup>th</sup> St., Suite 200  
Austin, TX 78702

Re: Request to Amend Rezoning Application for 5506 Grover Avenue, 5514 Grover Avenue,  
and 5515 Roosevelt Avenue – Case C14-2023-0065

Dear Ms. Harden:

As the applicant's agent in the above-referenced zoning application, I filed the initial zoning application (case #C14-2023-0065) on May 12, 2023 for 5506 Grover Avenue, 5514 Grover Avenue, and 5515 Roosevelt Avenue (the "Property"). The initial zoning application requested rezoning the Property from SF-3-NP and MF-4-NP, to MF-6-NP.

I'm writing to formally request some amendments to the initial zoning application for the Property. The requested amendments to the zoning application are to rezone the property to MF-6-CO-NP, with the following Conditional Overlays:

- 1) The maximum height of a building or structure on the Property shall not exceed forty-five feet (45').
- 2) The maximum height of a building or structure on the Property shall not exceed four (4) stories.

Let me know if you have any questions or if anything further is needed to make the above-requested amendments to the zoning application. Thank you for your time and attention to this project.

Very truly yours,

David Hartman

cc: Dana Moses, Planning Department (via electronic delivery)



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## MEMORANDUM

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**To:** Kelly Rees, P.E, (Kimley-Horn)  
**CC:** Renee Johns, AICP; Ramin Komeili, P.E (Austin Transportation & Public Works)  
**FROM:** Nathan Aubert, P.E.  
**DATE:** October 17, 2023  
**SUBJECT:** 5506, 5514 Roosevelt Ave and 5515 Grover Ave NTA (C14-2023-0065)

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The proposed development includes a 195-unit multifamily complex, comprising both three-story buildings and four-story buildings. It is a 2.33-acre tract on the NW corner of Grover Avenue between Roosevelt Avenue and Grover Avenue north of Houston Street, see Figure 1 below. The only proposed access is onto Grover Avenue, a level 1 street. The proposed, adjusted trip generation exceeds the 300-trip threshold for a local street specified in 25-6-114 of the LDC. The Transportation Development Services (TDS) division has conducted a Neighborhood Traffic Analysis (NTA) and offers the following comments.

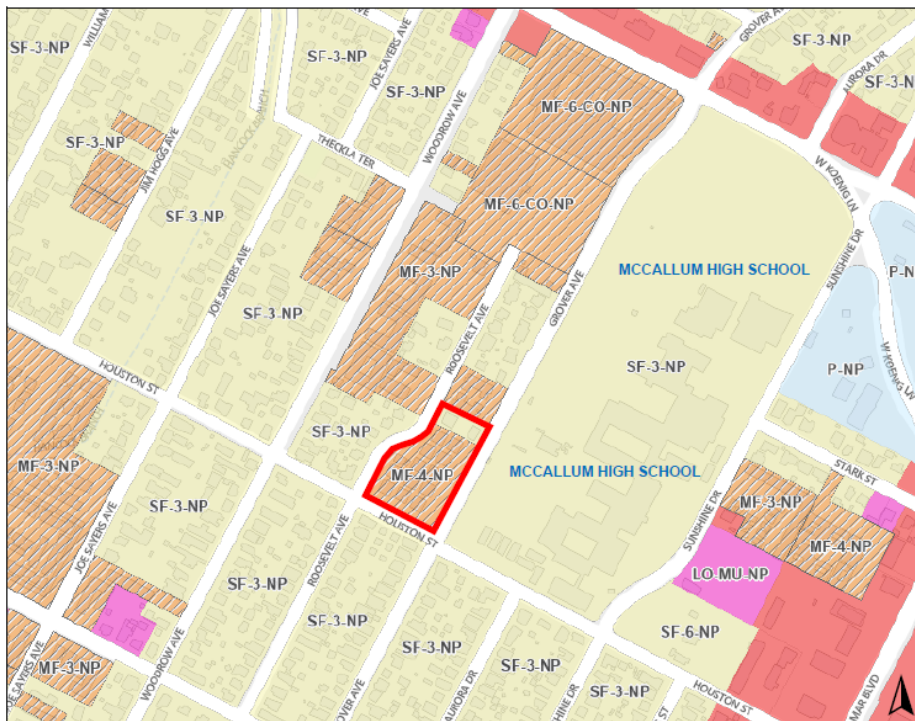


Figure 1: Site Location. Figure from plan set submitted in Amanda dated 05/12/23.

## Roadways

The project proposes access onto Grover Avenue only, identified as a level 1 residential collector/local street in the ASMP, and no access to Houston Street, and Roosevelt Avenue. The right-of-way along Grover Avenue has an average of 64 feet and a minimum of 55 feet. There is approximately 36 feet of pavement width, two striped travel lanes, curb, gutter, sidewalk on the east side of the street only, and no bicycle facilities. The desired right-of-way along Grover Avenue is 58-64 feet according to ASMP.

Houston St has approximately 48 feet of right-of-way, 26 feet of pavement width, two unstriped travel lanes, curb and gutter with sidewalk on the north side of the street only, and no bicycle facilities. The desired right-of-way is 58-64 feet according to ASMP.

24-hour traffic volumes were collected at two points (Figure 2 below) along Grover Avenue and Houston Street on September 26<sup>th</sup>, 27<sup>th</sup>, and 28<sup>th</sup>, 2023. These counts show an average of approximately 2,825 vehicles per day (vpd) at location 1 and approximately 3,404 vpd at location 2.



Figure 2: Tube count locations. Counts were collected on Tuesday September 26<sup>th</sup>, Wednesday September 27<sup>th</sup>, and Thursday September 28<sup>th</sup>, 2023.



### Trip Generation and Traffic Analysis

Based on the Institute of Transportation Engineer's Trip Generation Manual, 11<sup>th</sup> Edition, the proposed development will generate 1,146 vehicle trips per day. The existing land uses on the site are Single-Family Housing and Multifamily Housing (Low-rise). Together, they generate 418 vehicle trips per day, based on the Trip Generation Manual. The site will generate 702 net new (unadjusted) trips. See Table 1 for a detailed breakdown of the trip generation.

**Table 1 – Trip Generation**

Land Use	ITE Code	Size	Unadjusted Trip Generation
<u>Existing</u>			
Single-Family Detached Housing	210	2 Units	28
Multifamily Housing (Low-Rise)	220	49 Units	390
		<b>TOTAL EXISTING</b>	<b>(418)</b>
<u>Proposed</u>			
Multifamily Housing (Low-Rise)	220	98 Units	704
Multifamily Housing (Mid-Rise)	221	97 Units	416
		<b>TOTAL PROPOSED</b>	<b>1,120</b>
<b>NET TRIPS</b>			<b>702</b>

Table 2 provides an assumed site distribution for the current land uses, as well as the expected distribution of net site trips for the proposed development. For the existing development, there are driveways accessing both Grover Avenue and Roosevelt Avenue. The proposed development will have access only onto Grover Avenue.

**Table 2 – Trip Distribution**

Street	Expected Trip Distribution (Percentage)	Expected Trip Distribution (vpd)
<u>Existing</u>		
Grover Avenue	75%	314
Roosevelt Avenue	25%	104
<u>Proposed</u>		
Grover Avenue	100%	702
<u>Proposed (Existing traffic that is diverted from Roosevelt Ave)</u>		
Grover Avenue	100% of existing volume on Grover Ave	104

To more accurately reflect the additional trips added to Grover Avenue, trips currently assumed to be coming from Roosevelt Avenue to access the existing land uses were added to the total future trips.

Table 3 shows existing traffic, proposed site traffic, total traffic after development, and the percentage increase in traffic. The total future traffic is the sum of existing traffic on Grover Avenue as measured by the collected counts, adjusted site-generated trips, and existing trips that are assumed to currently be accessing the businesses from Roosevelt Avenue but will not be able to in the future.

**Table 3 – Traffic Summary**

<b>Street</b>	<b>Existing Traffic from Counts (vpd)</b>	<b>Site Traffic added to Roadway (vpd)</b>	<b>ITE Existing Traffic Diverted from Roosevelt (vpd)</b>	<b>Total Future Traffic (vpd)</b>	<b>Percentage Increase in Traffic</b>
Grover Avenue, Location 1	2,825	672 (60%)	62	3,559	26%
Houston Street, Location 2	3,404	448 (40%)	42	3,894	14%

According to Section 25-6-116 of the Land Development Code, streets that have a pavement width more than 30 feet to less than 40 feet are defined to be operating at an “undesirable” traffic level if the average daily traffic volume for such roadway exceeds 1,800 vehicles per day. Grover Avenue, at location 1, is currently operating at an “undesirable” level based on the LDC and will continue to do so with the addition of site traffic. Houston Street at location 2 is currently averaging about 3,404 vehicles per day, and with projected future traffic will be around 3,900 vehicles per day. Based on existing traffic and projected future traffic in both scenarios, Houston Street will operate at an “undesirable” condition. Based on this analysis the Transportation & Public Works (TPW) Department has the following recommendations and conclusions:

**Recommendations/Conclusions**

1. Grover Avenue currently has sidewalk gaps along its length. At the time of site plan this development will be required to build sidewalks, with associated curb ramps, along their frontage, as well as fill in any gaps on the west side of Grover Avenue from West Koenig Lane to Houston Street.
2. If the number of units proposed in Table 1 is exceeded, the TDS division may reassess the NTA.
3. Street Impact Fee (SIF) Ordinances 20201220-061 and 20201210-062 have been adopted by City Council and are effective as of December 21, 2020. The City has started collecting street

impact fees with all building permits issued on or after June 21, 2022. For more information, please visit the City's Street Impact Fee website. Street Impact Fee calculation shall be performed at the time of the Site Plan submission, as a service to the applicant, and will be collected at the time the building permit application is submitted.

4. Any building permit(s) associated with this development issued on or after June 22, 2022, will be subject to the Street Impact Fee (SIF) program. During site plan review, the applicant's engineer shall draft a SIF Offset Agreement for all eligible improvements and, if applicable, an Allocation Agreement to memorialize how offsets are to be applied throughout the development.

The site development permit for the above-mentioned site shall not be released until the improvements are shown in the site plan. Please contact me at (512) 974-7136 if you have questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Nate Aubert". The signature is stylized with a large "N" and a cursive "Aubert".

Nathan Aubert, P.E.

Transportation & Public Works Department



**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 attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a 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.

**Case Number: C14-2023-0065**  
**Contact: Dana Moses, 512-974-8008**  
**Public Hearing: Sep 12, 2023, Planning Commission**

Patrick Swamy + Kendall Anderson  
Your Name (please print)

5507 Woodrow Ave  
Your address(es) affected by this application

PSD      9/7/2023  
Signature      Date

Daytime Telephone: 814-460-9647

Comments: Not part of neighborhood plan  
• Already affordable housing  
• Poor pedestrian walkways especially  
on High School side of Grover Ave.  
• Traffic/safety issues  
• Street parking issues especially during  
school day

<input type="checkbox"/>	I am in favor
<input checked="" type="checkbox"/>	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](mailto:Dana.moses@austintexas.gov)**

We are Simon Waxman and Chelsea Burns, living at 5309 Aurora Drive, 78756.

We support the rezoning plan for 5514 Grover Ave and 5515 Roosevelt Ave, from single-family to multifamily residential use (SF-3-NP to MF-6-NP) and have no concerns about this change in the Brentwood/Highland Neighborhood Plan.

Please feel free to be in touch if we can provide anything additional—all best,  
Chelsea and Simon

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Chelsea Burns  
Assistant Professor of Music Theory  
University of Texas at Austin