

ZONING CHANGE REVIEW SHEET**CASE:** C14-2018-0009 (Rezoning of FM 620 and SH 45)**Z.A.P. DATE:** March 20, 2018**ADDRESS:** 15218 and 15230 North FM 620 Road**DISTRICT AREA:** 6**OWNER/APPLICANT:** Equity Secured Capital, LP (Vince Dimare)**AGENT:** Armbrust & Brown, PLLC (Amanda Morrow)**ZONING FROM:** DR**TO:** MF-3**AREA:** 5.99 acres**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant MF-3, Multifamily Residence-Medium Density District, zoning.

If the requested zoning is granted, then 140 feet of right-of-way from the existing centerline should be dedicated for N FM 620 through a street deed prior to third reading at City Council.

ZONING AND PLATTING COMMISSION RECOMMENDATION:**DEPARTMENT COMMENTS:**

The property in question is currently an undeveloped tract of land with moderate vegetation. This area was annexed for limited purposes on November 15, 1984. This property is located at the edge of the City limits and fronts onto North FM 620 Road. There are undeveloped lots and single family residences within the Oak Park subdivision to the east (zoned DR), undeveloped tracts to the north located in the county, and a plant nursery and hair salon/Personal Services use (zoned DR) to the west. On the south side of FM 620 Road there is the Robinson Ranch PUD including a segment of State Highway 45. This area is currently undeveloped.

The applicant is requesting MF-3, Multifamily Residence-Medium Density District, zoning to develop an apartment complex. The staff recommends the applicant's request for this property as the site meets the intent of the MF-3 district. The tract of land is located along an arterial roadway and is near the FM 620/ SH 45 intersection. The proposed zoning will create a transition in the intensity of development from the established single family residential neighborhood on Shady Lane to the east to the commercial uses developed to the west. The proposed MF-3 zoning will permit the applicant to build a residential development that will provide for additional housing opportunities within this area of the city.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|---------------|---|
| <i>Site</i> | DR | Undeveloped |
| <i>North</i> | County | Undeveloped |
| <i>South</i> | PUD | Undeveloped |
| <i>East</i> | DR, GR-CO | Undeveloped Lot, Single-Family Residences, Multifamily (Marquis at Brushy Creek) |
| <i>West</i> | County | Plant Nursery (Round Rock Landscape Supplies), Personal Services (Lugo's Mane Tamers) |

AREA STUDY: N/A**TIA:** Not Required**WATERSHED:** Lake Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

Bike Austin
 Davis Spring HOA
 Friends of Austin Neighborhoods
 North Austin Coalition
 Sierra Club, Austin Regional Group

SCHOOLS: Round Rock I.S.D.

Great Oaks Elementary
 Cedar Valley Middle School
 Round Rock High School

CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|---|----------------|---|---|
| C14-2011-0148 (620 MJ Zoning: 14926 North FM 620 Road) | DR to CS | 02/07/12: Approved staff's recommendation of CS-CO with additional conditions to prohibit the following uses: Adult Oriented Business, Pawn Shop Services, Bail Bond Services, Monument Sales, Club or Lodge, Campground, Transitional Housing and Vehicle Storage (5-0, P. Seeger and G. Bourgeois-absent); S. Baldrige-1 st , G. Rojas-2 nd . | 3/01/12 : Approved CS-CO zoning on consent on all 3 readings (6-0, Spelman-off dais); S. Cole-1 st , L. Morrison-2 nd . |

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|--|------------------------------|--|--|
| C14-2011-0097 (Round Rock ISD West Transportation Facility: 15000 North FM 620 Road) | DR to GR | 10/04/11: Approved the staff's recommendation for GR-CO zoning, with a 2,000 vehicle trip limit per day, on consent (6-0), G. Bourgeois-1 st , P. Baldrige-2 nd . | 11/03/11: Approved GR-CO on consent on all 3 readings (7-0) |
| C14-2008-0192 (Pearson Place South: 14608 N. FM 620 Road) | DR to GR | 11/04/08: Approved staff's rec. of GR-CO zoning on consent, with a CO for a 2,000 vehicle trip limit per day (5-0, C. Hammond, R. Evans-absent) | 12/11/08: Approved GR-CO zoning on consent (7-0); all 3 readings |
| C14-2008-0045 (St. Dominic de Savio: 9400 Neenah Avenue) | Unzoned to GO-CO | 4/01/08: Approved the staff's recommendation of GO-CO district zoning, with an additional condition that the site plan will come back to the Zoning and Platting Commission for approval (This condition would make Private Secondary Educational Facility a conditional use on the site, thereby, requiring a conditional use site plan on this property for this use to go before the Zoning and Platting Commission for approval.). Vote: (6-0, T. Rabago, J. Martinez-absent); K. Jackson-1 st , C. Hammond-2 nd . | 5/22/08: Approved the Zoning and Platting Commission's recommendation, with the additional condition from Transportation that specifies a bicycle-pedestrian path that connects to the abutting subdivision to the north (7-0); 1 st reading 6/18/08: Approved GO-CO zoning by consent with an effective date of July 7, 2008 (7-0); 2 nd /3 rd readings |
| C814-2007-0055 (Pearson Place PUD: 1200 feet north east from the intersection of Parmer Lane and SH 45) | LI, DR, CS-CO and ETJ to PUD | Case Withdrawn | N/A |
| C14-06-0029 (620 North: 15400 N. FM 620 Road) | I-RR; DR to CS | 4/18/06: 1 st motion: Approved GR-CO zoning; prohibit all Automotive uses, Pawn Shops, Exterminating Services and Personal Services; 2000 vehicle trip limit (3-4, B. Baker, C. Hammond, T. Rabago, J. Pinnelli – Nay, | 11/16/06: Approved GR-CO district zoning with restaurant (general) being the only permitted use, all LR district uses, and 2,000 trips, on 1 st reading (7-0). |

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| | | <p>S. Hale, J. Martinez – left early); K. Jackson, M. Hawthorne-2nd. Motion failed.</p> <p>2ND motion: Continued to 06/06/06 ZAP Commission meeting (7-0, J. Martinez, S. Hale – left early); M. Hawthorne, J. Pinnelli-2nd. * Public Hearing remained open.</p> <p>* The Commissioners requested information on floodplain, water and wastewater services for the area and projection o FM 620 improvements.</p> <p>6/06/06: Approved a postponement request to 07/18/06 by the applicant (9-0); J. Martinez-1st, J. Pinnelli-2nd.</p> <p>7/18/06: Approved a postponement request by the applicant to 8/15/06 (6-0, B. Baker, J. Martinez, J. Gohil – absent); M. Hawthorne-1st, C. Hammond-2nd.</p> <p>8/15/06: Approved a postponement request by the applicant to 9/05/06 (8-0, K. Jackson – absent); J. Martinez-1st, J. Pinnelli-2nd.</p> <p>9/05/06: 1ST Motion: Approved staff;s rec. for LR-CO zoning (4-3, B. Baker, J. Pinnelli, S. Hale – Nay); K. Jackson-1st, C. Hammond-2nd. Motion Failed.</p> | <p>01/11/07: Approved GR-CO district zoning with changes to the draft rezoning ordinance: 1) to permit general retail sales (general) and automobile sales uses and 2) to establish restaurant (general) as a conditional use, on 2nd and 3rd readings (7-0).</p> |
|--|--|---|---|

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| | | 2 nd Motion: Motion made to maintain DR district zoning and rezone the I-RR portion to DR. (5-2, S. Hale, K. Jackson – Nay, T. Rabago – off dais, J. Shieh-absent); B. Baker-1 st , J. Martinez-2 nd . | |
| C814-04-0066 (Robinson Property: West Parmer Lane and North FM 620 Road) | Unzoned to PUD | 6/15/04: Approved staff rec. for PUD zoning with conditions, including EV Board rec. (9-0) | 6/17/11: Approved PUD zoning with conditions (7-0); all 3 readings |
| C814-99-0001.05 (Avery Ranch PUD Amendment #5) | To amend the PUD to rezone 14.694 acres of land from I-RR to PUD to be incorporated into Tracts III-G and III-H of the Avery Ranch Planned Unit Development (PUD) and to amend the Avery Ranch PUD Land Use Table to permit Village Center Residential (VCR) uses, Service Station use, Liquor Sales use (not to exceed 6,000 square feet and prohibiting Cocktail Lounge), and Mobile Home Residential use on Tract II-E of the PUD. | 4/04/06: Approved staff's recommendation for PUD amendment by consent (7-0, T. Rabago, J. Pinnelli-absent); J. Martinez-1 st , J. Gohil-2 nd . | 5/18/06: Approved PUD amendment by consent(7-0); all 3 readings |
| C814-99-0001.04 (Avery Ranch PUD Amendment #4) | PUD to PUD | 9/06/05: Approved staff's recommendation of PUD zoning by consent (9-0) | |
| C814-99-0001.03 (Avery Ranch PUD Amendment #3) | PUD to PUD | 9/21/04: Approved staff's recommendation of PUD amendment by consent (7-0, K. Jackson-off dais, J. Gohil-absent) | 5/12/05: Postponed indefinitely by the applicant (7-0) |

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|---|------------|--|--|
| C814-99-0001.02 (Avery Ranch PUD Amendment #2) | PUD to PUD | 1/28/03: Approved staff's recommendation of PUD zoning (6-0, J. Martinez, K. Jackson-off dais) | 2/27/03: Granted PUD zoning as rec. by the ZAP Commission on 1 st reading (6-0, Goodman- off dais) 4/24/03: Approved PUD (6-0, Garcia-off dais); 2 nd /3 rd readings |
| C814-99-0001.01 (Avery Ranch PUD Amendment #1) | PUD to PUD | 6/18/02: Posponed to 7/16/02 by the applicant (8-0, A. Adams-absent) 7/16/02: Postponed to 7/30/02 by the staff for re-notification purposes (6-0, M. Casias/ D. Castaneda/ K. Jackson- absent) 7/30/02: Postponed to 9/10/02 by the applicant and neighborhood (6-0, V. Aldridge-absent) 9/10/02: Approved staff's recommendation for PUD zoning; by consent (6-0, D. Castaneda-absent) | 10/10/02: Granted PUD on 1st reading (7-0) 1/30/03: Approved PUD amendment (7-0); 2 nd /3 rd readings |

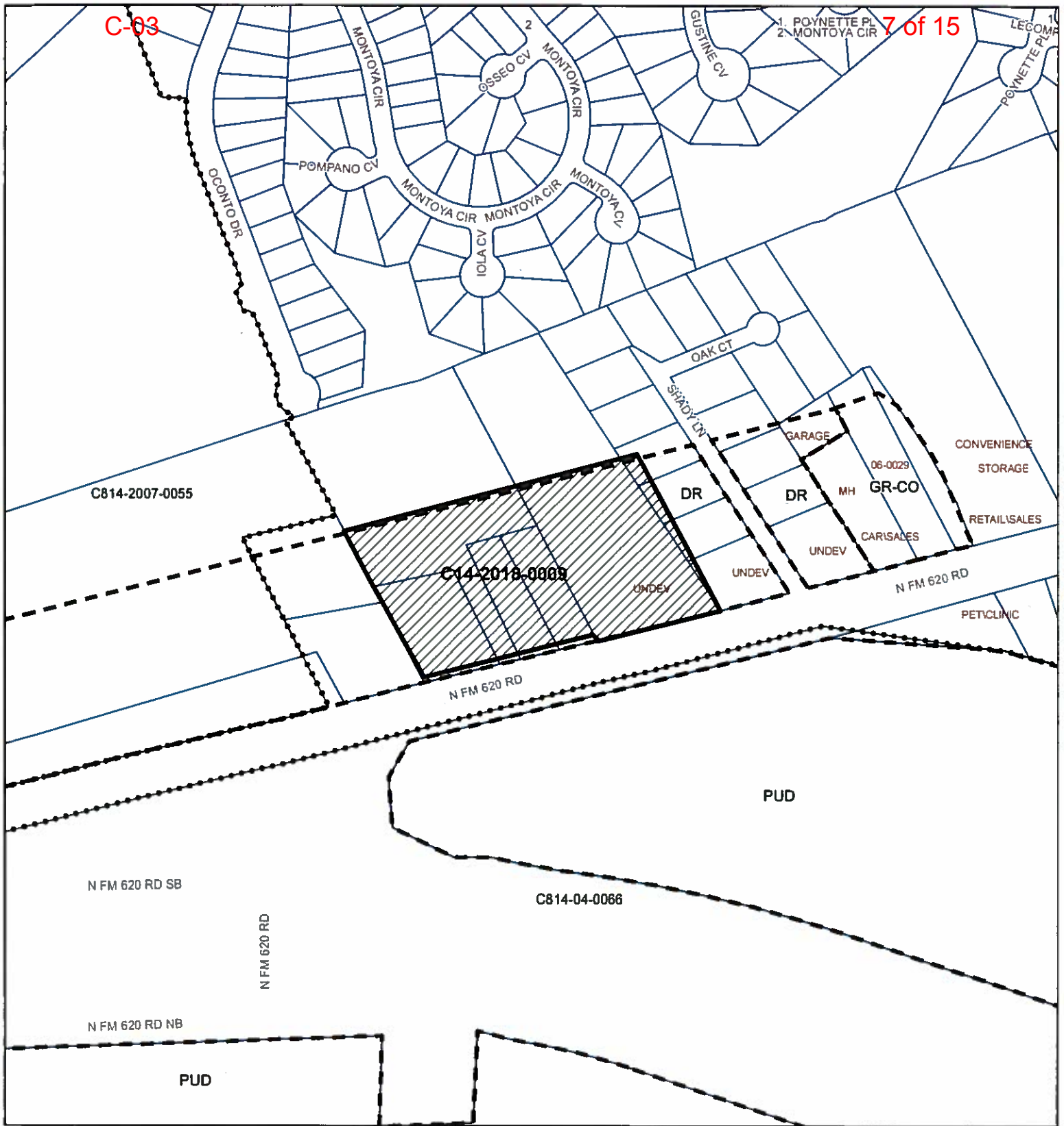
RELATED CASES: N/A**ABUTTING STREETS:**

| <u>Name</u> | <u>ROW</u> | <u>Pavement</u> | <u>Classification</u> | <u>ADT</u> |
|-------------|------------|-----------------|-----------------------|------------|
| RM 620 | Varies | 2 @ 24' | Major Arterial | 40,000 |

CITY COUNCIL DATE: April 26, 2018**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Sherri Sirwaitis**PHONE:** 512-974-3057sherri.sirwaitis@austintexas.gov

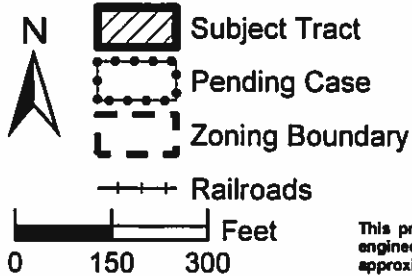
C-03

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ZONING

Case#: C14-2018-0009



1" = 300'

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.

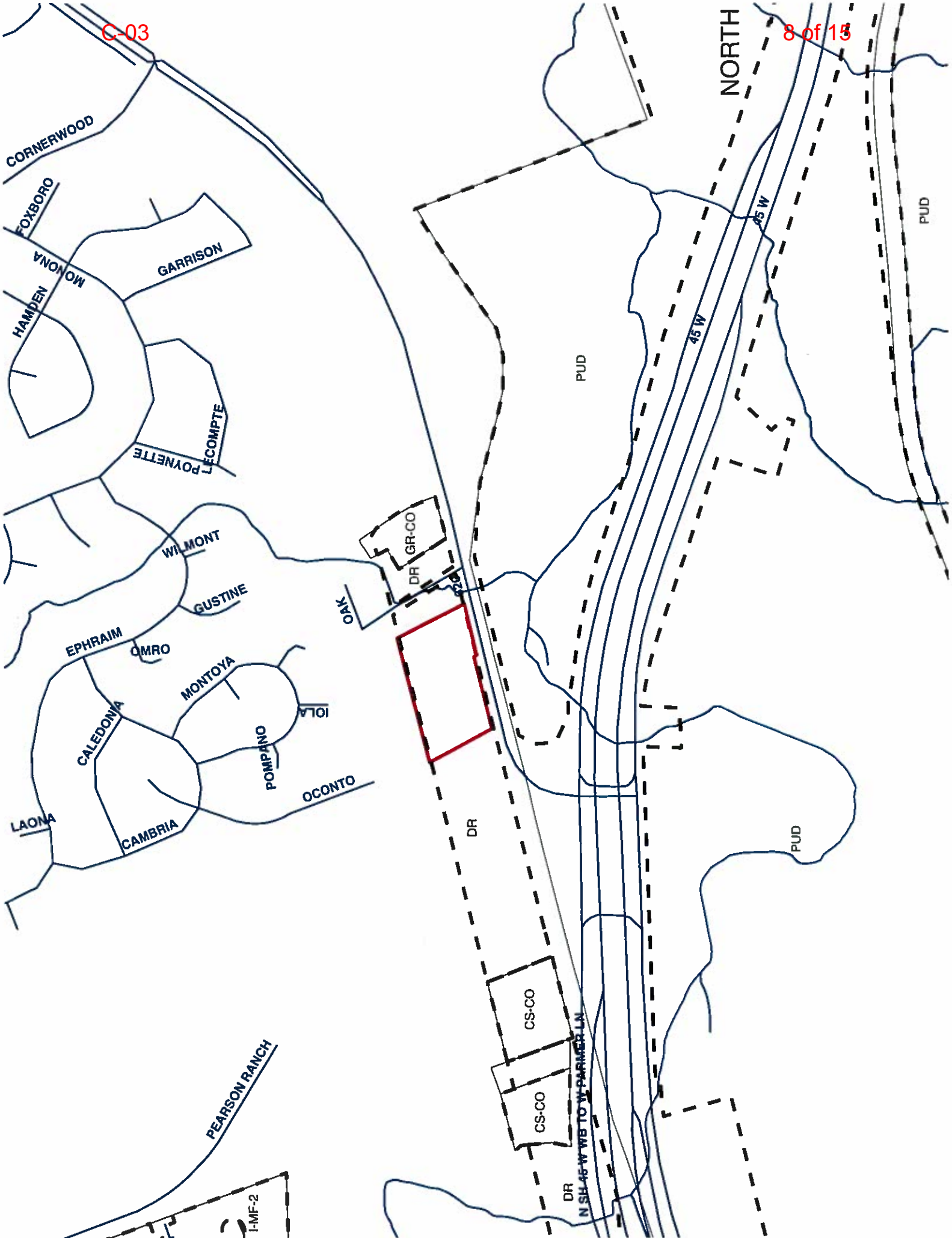
This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 1/30/2018

C-03

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STAFF RECOMMENDATION

The staff's recommendation is to grant MF-3, Multifamily Residence-Medium Density District, zoning.

If the requested zoning is granted, then 140 feet of right-of-way from the existing centerline should be dedicated for N FM 620 through a street deed prior to third reading at City Council.

BASIS FOR RECOMMENDATION

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

Multifamily residence medium density (MF-3) district is the designation for multifamily use with a maximum density of up to 36 units per acre, depending on unit size. An MF-3 district designation may be applied to a use in a multifamily residential area located near supporting transportation and commercial facilities in a centrally located area or in an area for which medium density multifamily use is desired.

The proposed change meets the purpose statement set forth in the Land Development Code. The property is located on and takes access to a major arterial roadway, North FM 620/SH 45 Road.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed zoning will be consistent with the current zoning trends in the area as there is DR and GR-CO zoned property to the east and DR and CS-CO zoned property to the west that front onto North FM 620/SH 45. The Robinson Ranch PUD, located to the south across FM 620, also allows for commercial uses.

The proposed zoning will create a transition in the intensity of development from the established single family residential neighborhood on Shady Lane to the east to the commercial uses developed to the west.

3. *Zoning should allow for reasonable use of the property.*

The proposed MF-3 zoning will permit the applicant to build a residential development that will provide for additional housing opportunities within this area of the city.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently an undeveloped tract of land with moderate vegetation.

Comprehensive Planning

Thursday February 22, 2018

This zoning case is located on the north side of FM 620, on an undeveloped parcel that is approximately 5.99 acres in size, and is not located within the boundaries of a neighborhood planning area. This property is also located in Austin's Limited District and close to Round Rock's city limits.

Surrounding land uses includes a single family subdivision to the north; undeveloped land to the south; single family houses to the east; and a landscaping supply business to the west. The proposed use is a 272 unit multi-family apartment complex.

Connectivity:

There is no public transit access within walking distance to this site, nor any public sidewalks available along this section of Rural Route 620. The Walkscore for this site is 19/100, Car Dependent, meaning almost all errands require a car. There is a Metro Rail railway line located less than a half a mile away; while the Lakeline Station to catch the train is approximately 3 ½ miles driving distance away from this location.

Imagine Austin and Conclusions

The subject area is not located along an Activity Corridor or by an Activity Center. Page 107 of Imagine Austin specifically addresses new development that occurs outside of Growth Concept Centers and Corridors, including this language: *"The type of infill housing will vary ... and include single-family houses, duplexes, secondary apartments, townhouses, row houses, and smaller-scaled apartments. New commercial, office, larger apartments... may also be located in areas outside of centers and corridors."*

Based on comparable sized residential uses in the vicinity and along the heavily travelled FM 620, including large multi-family apartment complexes and single family subdivisions, as well as the project area not being located along an existing Activity Corridor or within an Activity Center, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

Impervious Cover

The maximum impervious cover allowed by the MF-3 zoning district would be 65%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

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 Residential (min. lot size 5750 sq. ft.) | 45% | 50% |
| One or Two Family Residential (lot size < 5750 sq. ft.) | 55% | 60% |
| Multifamily Residential | 60% | 65% |
| Commercial | 65% | 70% |

Note: The most restrictive impervious cover limit applies.

Environmental

The site is located over the North Edwards Aquifer Recharge Zone. The site is in the Lake Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

According to floodplain maps there is no floodplain within or adjacent to the project location. COA GIS indicates Critical Water Quality Zones located along the eastern and southern project boundaries. Development is limited within the Critical Water Quality Zone per LDC 25-8-261 and 262.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Numerous 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.

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.

Site Plan

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

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.

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

The site is subject to compatibility standards. Along the northeast property line, 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, 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.
- ☐ 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.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Transportation

The Austin Metropolitan Area Transportation Plan calls for 140 feet of right-of-way for N FM 620 Road. If the requested zoning is granted for this site, then 140 feet of right-of-way from the existing centerline should be dedicated and/or reserved for N FM 620 according to the Transportation Plan. [LDC 25-6-51 and 25-6-55].

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC 25-6-113]

Existing Street Characteristics:

| Name | ROW | Pavement | Classification | Sidewalks | Bike Route | Capital Metro (within ¼ mile) |
|-------------|------------|-----------------|-----------------------|------------------|-------------------|--|
| N FM 620 RD | 122 | 92 | MAD 6 | no | none | no |

Water Quality

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.

Service Extension Requests for water (SER-4168) and wastewater (SER-4169) are currently in review for the subject tract. Austin Water reserves the right to make additional comments and to establish other requirements with the Service Extension Request review.

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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512-435-2300

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Amanda Morrow
(512) 435-2368
amorrow@abaustin.com

January 25, 2018

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road, 5th Floor
Austin, TX 78704Re: Rezoning of 15218 and 15230 RR 620, in Austin, Williamson County, Texas
(5.9872 acre) (the "Application")

Dear Mr. Guernsey:

This firm represents and this letter is submitted on behalf of the applicant for the above referenced Application. The area to be rezoned is comprised of five tracts that total 5.9872 acres of land located at 15218 and 15230 RR 620, in Austin, Williamson County, Texas (the "Property"). The Property is located in the City of Austin Limited Purpose Jurisdiction. A plat application is being submitted concurrently with the zoning request. Field notes are being submitted with this application to define the footprint of the zoning request.

The Property is zoned Development Reserve (DR) and is currently undeveloped. The request is to rezone the Property from DR to Multi-family (MF-3) to allow for a multi-family project.

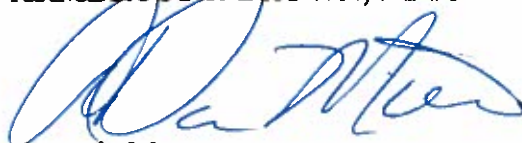
A Traffic Impact Analysis (TIA) has been waived since the proposed project will not exceed the allowable threshold established in the Land Development Code. The TIA Determination signed by Amber Mitchell on January 11, 2018 is included in the submittal package.

ARMBRUST & BROWN, PLLC
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Thank you in advance for your time and consideration of this zoning request. If you have any questions or need additional information, please do not hesitate to contact me at (512) 435-2368.

Respectfully,

ARMBRUST & BROWN, PLLC



Amanda Morrow
Director of Land Use & Entitlements

cc: Sherri Sirwaitis, City of Austin
Jarrett Sullivan, CWS Capital Partners, LLC
Jewels Nickells, Armbrust and Brown, PLLC