

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2020-0046 (Jollyville Apartments)

DISTRICT: 10

ADDRESS: 12182 Jollyville Road

ZONING FROM: SF-2

TO: MF-3

SITE AREA: 0.7779 acres (34,919 sq. ft.)

PROPERTY OWNER: Jollyville Development, LLC (David M. Spatz)

AGENT: Spatz Development (David Spatz)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov))

STAFF RECOMMENDATION:

**Staff recommends MF-3, Multifamily Residence-Medium Density District, zoning.**

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**May 19, 2020**

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is currently a vacant 0.78 acre tract of land that fronts onto Jollyville Road. To the north, across Jollyville Road, there is GR/GR-CO zoning developed with a commercial retail center (North Brooke Shopping Center). The lots to the south and east are zoned SF-3 and developed with duplex residences (Ranch Stone Residential Neighborhood). Further to the east along Jollyville Road, there is a MF-2 zoned tract that is developed with a multifamily residential use (Shadow Oaks Apartments). To the west, there is a PUD zoned lot that contains a financial services use (Austin Telco). The applicant is requesting MF-3 zoning to redevelop the property with a multifamily use with approximately 20-26 residential units (Please see Applicant's Request Letter – Exhibit C).

The staff recommends MF-3, Multifamily Residence-Medium Density District, zoning for this property. The tract of land meets the intent of the MF-3 district as it is located on an arterial roadway in an area with available commercial services. The property fronts onto Jollyville Road, a designated Activity Corridor, and is located within the 183 and McNeil Neighborhood Center.

The applicant agrees with the staff's recommendation.

BASIS OF RECOMMENDATION:

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

Multifamily Residence (Medium Density) district is intended to accommodate multifamily use with a maximum density of up to 36 units per acre, depending on unit size. This district is appropriate for multifamily residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas, and in other selected areas where medium density multiple use is desirable.

This tract of land is fronts onto Jollyville Road, an arterial roadway, and is located across from an existing commercial center (North Brooke Shopping Center) that contains restaurant, retail and personal services uses.

- 2. Zoning changes should promote an orderly and compatible relationship among land uses.*

The proposed rezoning will be compatible with surrounding land uses because there are commercial services to the north and west and residential uses to the south and east of the site.

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

The proposed re-zoning to the MF-3 district would allow the applicant to develop a vacant property with multifamily uses which will provide for additional housing opportunities along the designated Jollyville Activity Corridor and within the 183 and McNeil Neighborhood Center.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Vacant (formerly developed with Single Family Residence)
<i>North</i>	LO	North Brooke Shopping Center: Karate, Best Brains Learning Center, Mind Body Yoga Studio, Massage Therapy, Kung Fu & Self Defense Studio, Kanji Ramen Restaurant, Smoke Shop, etc.)
<i>South</i>	SF-3	Ranch Stone Residential Neighborhood (Duplexes)
<i>East</i>	SF-3, MF-2	Ranch Stone Residential Neighborhood (Duplexes), Multifamily (Shadow Oaks Apartments)
<i>West</i>	PUD	Financial Services (Austin Telco)

PLANNING AREA: U.S. 183/Jollyville Road Area Study

TIA: Waived - until the time of site plan

WATERSHED: Walnut Creek

SCHOOLS: Austin I.S.D.

Davis Elementary School  
Murchison Middle School  
Anderson High School

NEIGHBORHOOD ORGANIZATIONS:

Bike Austin  
Bull Creek Foundation  
Friends of Austin Neighborhoods  
Laurel Oaks Neighborhood Association  
Long Canyon Homeowners Association  
Mountain Neighborhood Association  
Neighborhood Empowerment Foundation  
North Oaks Neighborhood Association  
SELTEXAS  
Sierra Club, Austin Regional Group  
TNR BCP- Travis County Natural Resources

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2019-0097 (Abhyas Kendra 1 Inc. - Part 2: 12636 Research Boulevard South Bound, Building C, Suite C-108)	LR to GR	September 3, 2019: Approved staff's recommendation of GR zoning by consent (9-0); A. Denkler-1 <sup>st</sup> , E. Goff-2 <sup>nd</sup> .	10/03/19: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20191003-088 for GR district zoning was Approved on Council Member Alter's motion, Council Member Pool's second on a 10-0 vote. Council Member Harper-Madison was absent.
C14-2016-0036 (Abhyas Kendra 1 Inc.: Best Brains Franchise – Tutoring Center, 12636 Research Boulevard South Bound, Building C, Suite C-108)	LO to LR	6/21/16: Approved staff's recommendation for LR zoning by consent (11-0); A. Denkler-1 <sup>st</sup> , G. Rojas-2 <sup>nd</sup> .	8/11/16: The public hearing was conducted and a motion to close the public hearing and approve Ordinance 20160811-054 for neighborhood commercial (LR) district zoning was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Pool's second on an 11-0 vote.
C14-2010-0176 (12636 Research Suite 109)	GR-CO to CS-1	12/07/10: Approved staff's rec. of CS-1 zoning on consent (5-0, Seeger, Tiemann-absent); Baldrige-1 <sup>st</sup> , Bourgeois-2 <sup>nd</sup> .	1/13/11: Approved CS-1 zoning on consent on all 3 readings (7-0); Spelman-1 <sup>st</sup> , Morrison-2 <sup>nd</sup> .
C14-05-0060	GR-CO to CS-1-CO	6/21/05: Postponed indefinitely at the applicant's request (8-0, K. Jackson-absent); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> .  12/21/05: Case expired.	N/A
C14-99-0099	SF-3 to LI	6/29/99: Approved staff's alternate rec. of LI-CO, w/ 2,000 vtpd limit, by consent (8-0)	7/29/99: Approved PC rec. of LI-CO (6-0); all 3 readings
C14-98-0143	GR to CS-1	11/17/98: Approved LO (TR1) and CS-1-CO (TR2), prohibit Adult Oriented uses and limit development to 2,000 vtpd, by consent (9-0)	1/7/99: Approved PC rec. of LO (TR1) and CS-1-CO (TR2) w/conditions (7-0); 1 <sup>st</sup> reading  4/8/99: Approved retaining LO (TR1) and CS-CO on (TR2); (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-96-0144	I-SF-2 to CS	1/28/97: Approved staff alternate rec. of GR-CO, w/ 2,000 vtpd limit (7-0)	2/27/97: Approved PC rec. of GR-CO (7-0); 1 <sup>st</sup> reading

			4/10/97: Approved GR-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-94-0045	LO to CS-CO	6/7/94: CS not recommended (5-0)	7/14/94: Postponed for 6 months to January 1995 by applicant (7-0)  3/31/05: Case expired
C14-93-0053	SF-2 to GR	5/18/93: Approved GR (7-0)	5/20/93: Approved GR (7-0); all 3 readings
C14-92-0105	LO to LR	11/10/92: Approved LR-CO; prohibiting Consumer Repair Services, Consumer Convenience Services, Food Sales, General Retail Sales (Convenience), Off-site accessory parking, Personal Services, Pet Services, Restaurant (Limited), Service Station, College and University Facilities, and Guidance Services	12/3/93: Approved LR-CO on all 3 readings
C14-92-0045	SF-2 to GR-MU	7/7/92: Approved GR-MU	7/9/92: Approved GR-MU on all 3 readings
C14-90-0076	LO, GR, GR-CO	12/18/90: Approved GR-CO, permit all LR uses and Medical Offices, Restaurant (General), General Retail Sales (General), Communication Services, Personal Improvement Services, Business Support Services, and Business or Trade School, by consent (5-0)	1/10/91: Approved GR-CO (7-0); all 3 readings

RELATED CASES: N/A

EXISTING STREET CHARACTERISTICS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Jollyville Road	108'	58'	Arterial

OTHER STAFF COMMENTS:

#### Comprehensive Planning

This property is located on the south side of Jollyville Road, on a 0.777 acre property, which recently contained a house but is now vacant. The property is also located along the **Jollyville Activity Corridor** and within the **183 and McNeil Neighborhood Center**. Surrounding land uses include three restaurants, a retail shopping center and SH 183 to the

north; to the south are single family houses; to the east are single family houses and to the west is a credit union and single family houses. The proposed use is an apartment complex with a S.M.A.R.T. housing component.

### **Connectivity**

No public sidewalks are located along this section of Jollyville Road. Bike lanes are located along both sides of Jollyville Road. A CapMetro transit stop is located approximately 1,200 feet away on Research Boulevard, with limited pedestrian accessibility. The connectivity options in the area are good; while the mobility options are fair, and could be greatly improved with a public sidewalk system located along both sides of Jollyville Road.

### **Imagine Austin**

The subject tract is located along an **Activity Corridor** and an Imagine Austin designated **183 and Neil Road Neighborhood Center**. Like many Imagine Austin Centers, this center is represented by a circle that reflects the general location where the center should be located in the future. The center's actual boundaries would need to be clarified through a small area planning process. **Activity Corridors** (Jollyville Road) are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. The following policies apply to this request:

- **LUT P3.** Promote development in compact centers, communities, or **along corridors** that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **HN P10.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

### **Conclusion**

Based upon this property being located along an Activity Corridor and within a Neighborhood Center that supports a mixture of uses, including apartment buildings; connectivity strengths, and supporting the Imagine Austin policies, the proposed project appears to partially support the policies of the Imagine Austin Comprehensive Plan. It is hoped in the near future that a public sidewalk system is installed along both sides of Jollyville Road to improve non-vehicular mobility options along this key arterial roadway.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. 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.

#### Site Plan

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

#### COMPATIBILITY

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 east property line, the following standards apply:

- No structure may be built within 25 feet of the property line of the triggering 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 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.

Additional design regulations will be enforced at the time a site plan is submitted.

### SUBCHAPTER E

Any new development is subject to Subchapter E Design Standards and Mixed Use. Jollyville Road is a Future Core Transit Corridor roadway. Additional comments will be made when the site plan is submitted.

### Transportation

The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, calls for 104 feet of right-of-way for Jollyville Road. Existing right-of-way appears sufficient. A traffic impact analysis is waived until the time of site plan when land uses and intensities are finalized.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Jollyville Road	~108'	104'	58'	4	No	Yes	No

### Water Utility

The site is served by an On-Site Sewage Facility. With the change of use, the owner must connect the site to city wastewater service through the cutover process. For more information pertaining to the wastewater cutover process, contact the AW OSSF team at [OSSF@austintexas.gov](mailto:OSSF@austintexas.gov) or call 512-972-0050. The cutover process may also initiate a required review by the Industrial Waste Division and/or the Cross Connection Division depending on building usage.

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

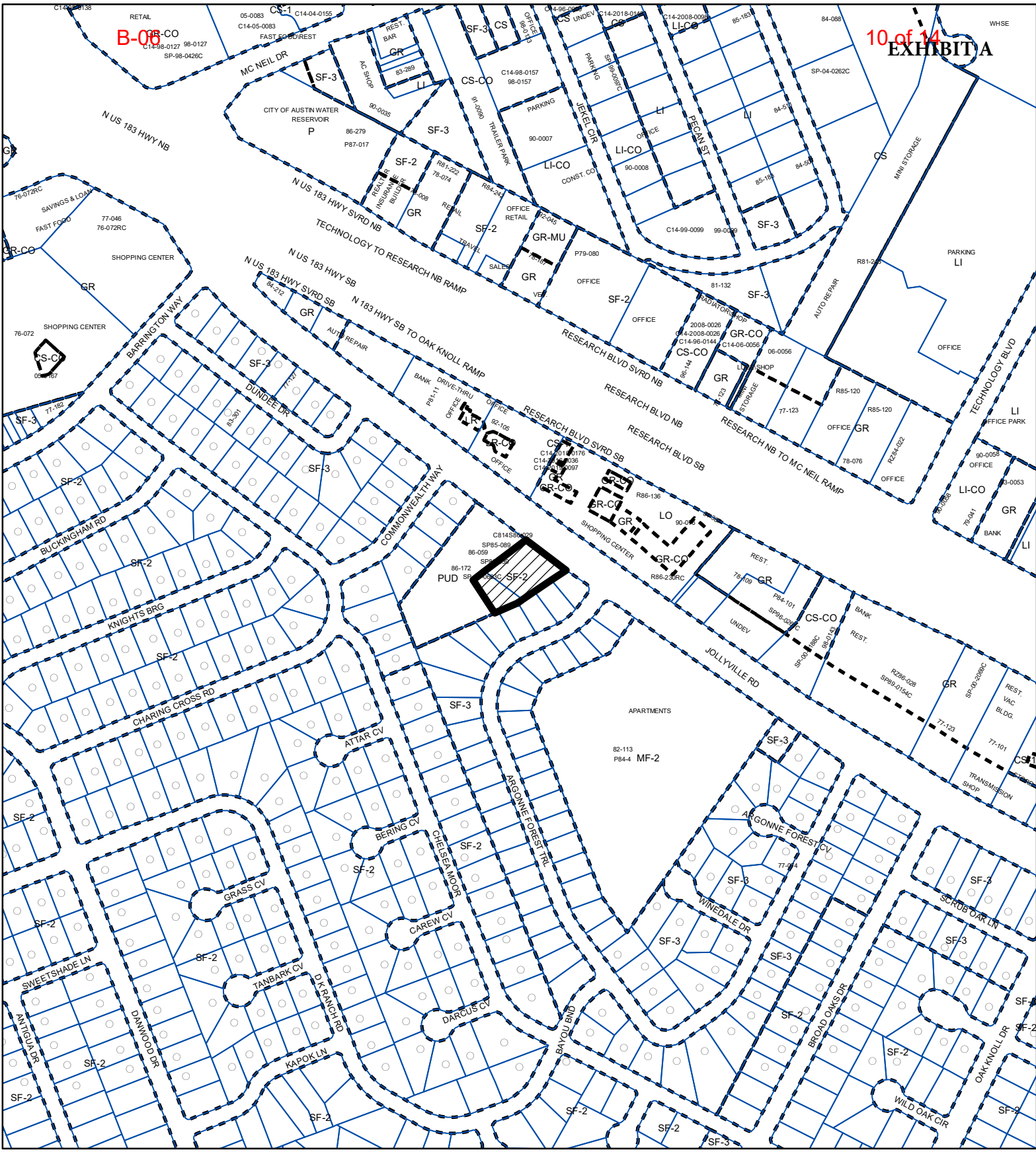


Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

#### INDEX OF EXHIBITS TO FOLLOW




- A: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter
- D. Correspondence from Interested Parties



### ZONING

ZONING CASE#: C14-2020-0046



-  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.

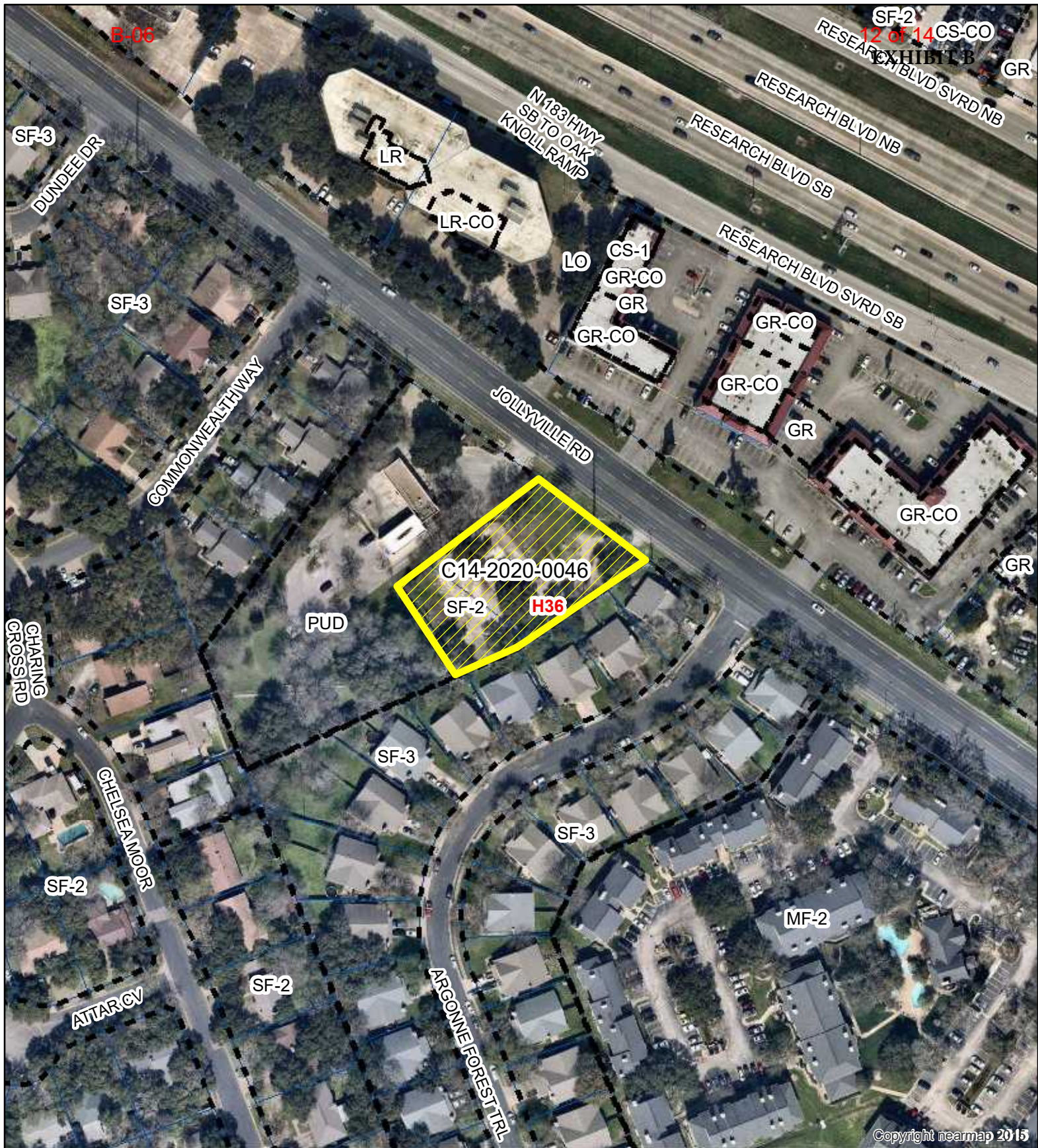
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Created: 4/2/2020







## JOLLYVILLE APARTMENTS

ZONING CASE#: C14-2020-0046  
 LOCATION: 12182 JOLLYVILLE APARTMENTS  
 SUBJECT AREA: .7779 ACRES  
 GRID: H36  
 MANAGER: Sherri Sirwaitis



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

1" = 150'

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## REZONING APPLICATION

12182 JOLLYVILLE ROAD

## CITY OF AUSTIN:

12182 is a 0.78 acre site currently Zoned SF-2. I propose Rezoning to MF-3.

The site is flat and level with commercial uses directly North and across the street on Jollyville.

There is a Metro Bus Route 383 bus stop North 0.2 miles away at the corner of Jollyville, Barrington and Research. There is another Metro Stop South 0.3 miles away on Research Blvd. The Metro Pavilion Park and Ride is about 0.5 miles South.

There are many many service businesses easily walkable from the site.

The developer plans to use the increased density for S.M.A.R.T. designated units and development.



David M. Spatz. Manager

Jollyville Development LLC

## 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 online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. 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 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.

**Case Number: C14-2020-0046**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: May 19, 2020, Zoning and Platting Commission**

Kenneth Ittigson

Your Name (please print)

Austin, TX

12148 Jollyville Rd. #1103 78759

Your address(es) affected by this application

Kenneth Ittigson

Signature

5/10/20

Date

Daytime Telephone: 512-696-3726

Comments: Jollyville can be hard to pull out onto from my apartment complex already. We just don't need ~~at~~ this so close to my apartment complex. Things seem to be fine the way they are. Why that piece of land on Jollyville Rd. There is a lot of cars and bikes that use this road. I am not for this at all!

<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 & Zoning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)