

ZONING CHANGE REVIEW SHEETCASE: C14-2020-0082 – Trailhead Phase IIDISTRICT: 3ZONING FROM: CS-MU-CO-NP; GR-NPTO: CS-V-CO-NPADDRESS: 1101 and 1109 Shady LaneSITE AREA: 2.559 acresPROPERTY OWNER: SL4 Airport, LP
(John Kiltz)AGENT: Land Use Solutions, LLC
(Michele Hausmann)CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)STAFF RECOMMENDATION:

The Staff recommendation is to grant the Applicant's request for general commercial services – vertical mixed use building – conditional overlay – neighborhood plan (CS-V-CO-NP) combining district zoning. The Conditional Overlay prohibits the following uses: automotive repair services, automotive rentals, automotive sales, automotive washing (of any type), agricultural sales and services, community events, community recreation (private), community recreation (public), construction sales and services, consumer convenience services, convenience storage, drop off recycling collection facility, electronic prototype assembly, electronic testing, equipment sales, equipment repair services, exterminating services, funeral services, guidance services, hospital services (general), hospital services (limited), hotel-motel, kennels, laundry services, marina, limited warehousing and distribution, monument retail sales, off-site accessory parking, outdoor entertainment, pawn shop services, printing and publishing, research services, residential treatment, safety services, service station, transportation terminal, vehicle storage, and veterinary services.

For a summary of the basis of Staff's recommendation, see pages 2 - 3.

PLANNING COMMISSION ACTION / RECOMMENDATION:**October 27, 2020:**CITY COUNCIL ACTION:**December 3, 2020:**ORDINANCE NUMBER:ISSUES:

PAZ Staff hosted a virtual meeting with the Applicant and invited the Govalle / Johnston Terrace Neighborhood Plan Contact Team on Tuesday, October 6th. East Austin Conservancy has provided a letter of support for the proposed rezoning and related NPA cases. *Please refer to the attached correspondence.*

CASE MANAGER COMMENTS:

The subject platted lot is undeveloped and located at the northeast corner of Shady Lane and Bolm Road. Airport Boulevard is approximately 200 feet to the south and is an Imagine Austin corridor. The northern portion was zoned general commercial services – mixed use – conditional overlay – neighborhood plan (CS-MU-CO-NP) in October 2007 and the southern portion has had community commercial – neighborhood plan (GR-NP) district zoning since Council approved the Govalle / Johnston Terrace Combined Neighborhood Plan Rezoning in March 2003. The 26 acre Govalle Neighborhood Park and the Southern Walnut Creek Hike and Bike Trail is to the north and east (P-NP). Across Bolm Road to the south is a service station and convenience store, a telecommunications tower and mini-warehouses (CS-CO-NP). Across Shady Lane to the west is Trailhead, a 308 unit multifamily residential development under construction (GR-MU-NP). ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).***

The Applicant proposes to rezone the lot to the general commercial services – vertical mixed use building – conditional overlay – neighborhood plan (CS-V-CO-NP) and construct approximately 230 mid-rise multifamily residences, 5,000 square feet of retail, 5,000 square feet of restaurant, and a multi-level parking garage. The Applicant's proposed Conditional Overlay retains the prohibited uses on the CS-MU-CO-NP zoned tract and prohibits the same uses on the GR-NP zoned tract, except for: 1) a use that can no longer be prohibited due to fair housing laws (transitional housing), and 2) restaurant (general) to allow for a restaurant on the ground floor facing Govalle Neighborhood Park.

The addition of –V provides an additional development option to a property and allows it to retain the ability to redevelop under the existing CS base district. A –V does not grant: 1) additional height to the base zoning district which is 60 feet in the CS district or 2) additional impervious cover which is limited to 95 percent in the Boggy Creek watershed. The addition of –V also does not waive applicable compatibility standards which apply along the east property line abutting Govalle Neighborhood Park.

A building constructed under vertical mixed use building (–V) standards is required to contain a mix of residential and commercial uses, and the result is typically retail, restaurants and offices on the ground floor, and residential units on the upper levels. On the subject property there is also the opportunity to waive: 1) the front setback, 2) the 2:1 floor-to-area ratio established by CS zoning, and 3) the minimum site area requirement which is the number of dwelling units on a site by requiring a certain amount of square footage for a specific type of multi-family unit (efficiency, one bedroom, two bedroom). A –V building is also eligible for 60 percent of the minimum requirement for off-street parking. Finally, a –V building has an established affordability level for rental units which is 10 percent of the residential units set aside for households earning no more than 80 percent of the current MFI (\$78,100 is the 2020 Income Limit for a 4-person household), for a period of 40 years.

BASIS FOR RECOMMENDATION

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

The proposed general commercial services (CS) district zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments. The vertical mixed use building (V) combining district may be applied in combination with any commercial base zoning district and allows for a combination of office, retail, commercial and residential uses within a vertical mixed use building. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. *Zoning should promote clearly identified community goals such as creating employment opportunities or providing for affordable housing.*

The subject property is one that is eligible and appropriate for the addition of –V because of its location within a commercially zoned area, adjacency to a City park, and proximity to a major arterial with bus stops. The proposed project includes multifamily residences with affordable housing component and ground floor commercial uses that will serve the residents and the neighborhood. The Applicant's proposed Conditional Overlay retains the prohibited uses on the CS-MU-CO-NP zoned tract and prohibits the same uses on the GR-NP zoned tract, except for: 1) the uses that can no longer be prohibited due to fair housing laws (transitional housing) and 2) restaurant (general) to allow for a restaurant on the ground floor facing Govalle Neighborhood Park.

There are other recently constructed multifamily residential developments on this stretch of Shady Lane north of Bolm Road, including the Trailhead multifamily project under construction directly west, the proposed Flats on Shady multifamily development approximately 475 feet to the north (in site plan review for up to 290 units), and the thinkAustin Planned Unit Development approximately 800 feet to the north.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-NP; CS-MU-CO-NP	Undeveloped
<i>North</i>	P-NP; GR-MU-NP	Park / Hike and bike trail; Single family residence; Building maintenance services
<i>South</i>	CS-CO-NP	Service station; food sales, Telecommunications tower; Convenience storage
<i>East</i>	P-NP	Park with athletic fields, pool and playground
<i>West</i>	GR-MU-NP; GR-MU-CO-NP	Under construction for 3 three-story multifamily residences and amenity center (Trailhead – 308 units)

NEIGHBORHOOD PLAN AREA: Govalle / Johnston Terrace Combined (Johnston Terrace)

WATERSHED: Boggy Creek – Urban

TIA: Is not required

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

An Educational Impact Statement is required. ***Please refer to Attachment A.***

Ortega Elementary School Martin Middle School Eastside Memorial High School

COMMUNITY REGISTRY LIST:

30 – Guadalupe Neighborhood Development Corporation
 389 – The Gardens Neighborhood Assn.
 477 – El Concilio Mexican – American Neighborhoods
 511 – Austin Neighborhoods Council
 681 – Govalle / Johnston Terrace Neighborhood Plan Contact Team
 742 – Austin Independent School District 1093 – Govalle Neighborhood Association
 1228 – Sierra Club, Austin Regional Group 1258 – Del Valle Community Coalition
 1320 – Springdale – Airport Neighborhood Association
 1363 – SEL Texas 1424 – Preservation Austin
 1444 – East Austin Conservancy 1528 – Bike Austin
 1530 – Friends of Austin Neighborhoods 1550 – Homeless Neighborhood Association
 1595 – Neighborhoods United for Progress
 1616 – Neighborhood Empowerment Foundation 1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2017-0094 – Flats on Shady – 1125 Shady Ln	SF-3-NP to MF-4-NP, as amended	To Grant MF-4-NP	Apvd w/Restrictive Covenant for Transportation Mitigation for the design and construction of 100% of right-turn movements from westbound Bolm Rd to northbound Airport Blvd (3-28-2019).
C14-2011-0083 – Southern Walnut Creek Hike & Bike Trail – 5200 Bolm Rd and 5509 – 5609 Stuart Cir	SF-3-NP to P-NP	To Grant P-NP	Apvd (2-2-2012).
C814-2012-0128.01.SH – thinkEAST Austin	PUD amdt, to change land use density bonus for	To Grant a PUD amdt for LU Area 3, and	Apvd as Commission recommended (11-10-2016).

– 1141 Shady Ln and 5300 Jain Ln	affordable housing in Land Use Area 3, raising the height from 40 to 50 feet and from 3 stories to 4 stories.	increase the max height from 3 stories / 40' to 4 stories / 50'	
C814-2012-0128.SH – thinkEAST Austin PUD – 1141 Shady Ln and 5300 Jain Ln	SF-3-NP; LO-MU-CO-NP to PUD-NP for 444 multifamily units, 37,400 sf of retail / office, 118,800 sf live-work studio spaces, 62,400 sf of creative studios and 2 civic facilities totaling 4,800 sf	To Grant PUD-NP w/conds of a Community Facilities Agreement for improvements to complete Shady Ln / Jain Ln transitions and improvements at Airport Blvd / Bolm Rd / Shady Ln, and a Restrictive Covenant for the TIA	Apvd as Commission recommended (6-27-2013).

RELATED CASES:

The subject property is located within the boundaries of the Govalle / Johnston Terrace Combined (Johnston Terrace) Neighborhood Planning Area. The property was identified as Tract 124 and rezoned from LI-NP to GR-NP at that time (C14-02-0183 – Ordinance No. 030327-11b). There is a corresponding neighborhood plan amendment case on the south tract (addressed as 1101 Shady Lane) to change the land use designation on the Future Land Use Map (FLUM) from Commercial to Mixed Use (NPA-2020-0016.02).

The north tract (addressed as 1109 Shady Lane) is zoned CS-MU-CO-NP by a 2007 rezoning case (C14-2007-0080). The Conditional Overlay approved by City Council limits height to 32 feet, limits impervious cover to 90%, restricts food preparation use to 2,000 square feet, and prohibits a broad range of uses.

The rezoning area is platted as Lot 1 of the Resubdivision of Shady Lane Retail, recorded on September 17, 2020 (C8-2020-0032.0A). There are no site plan applications on the property.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Shady Lane	72 feet	42 feet	Level 2	Yes	Shared Lane	Yes
Bolm Road	63 – 83 feet	43 – 56 feet	Level 2	Yes	Bike Lane	Yes

OTHER STAFF COMMENTS:

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Impervious Cover

Within the Boggy Creek watershed, the maximum impervious cover allowed by the *CS zoning district* is 95%, which is based on the *zoning* regulations.

Environmental

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

PARD – Planning & Design Review

The application is adjacent to existing parkland, which is protected by Chapter 26 of the Texas Parks and Wildlife Code, as well as the City Charter. No work may be done on or to parkland, unless meeting the requirements of Chapter 26 and the City Charter.

Parkland dedication will be required at the time of subdivision or site plan for new residential units, per City Code § 25-1-601. Parkland dedication requirements may be satisfied by either dedication of land or fees in-lieu of land. PARD will determine whether land or fees are required in accordance with criteria described in City Code, Title 25, Article 14, as amended.

Should the applicant wish 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 of whether a fee in-lieu of land will be allowed.

Site Plan

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Because affordable housing is proposed and required as part of the V zoning designation, the affordable component will need to be approved by the Housing and Planning Department prior to site plan approval. It is recommended to begin this process as early in the site plan application review process as possible.

The site is subject to compatibility standards along the east side of the site.

The property at 1111 Shady Lane is zoned GR-MU-NP and contains a single family residence. However, it does not trigger the application of compatibility standards to 1109 Shady Lane because its zoning is not SF-5 or a more restrictive base district, and it is not directly abutting or across the street from 1109 Shady Lane. That is, a property located “down the street” (yet within 540’ as cited in the City’s compatibility standards) from a single family residence use on a SF-5 or less restrictive zoned property does not trigger the application of the City of Austin’s compatibility standards.

FYI – This site is located within the Austin-Bergstrom Airport Controlled Compatible Land Use Area Overlay. No use will be allowed that can create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or

maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. For the site plan, Airport Hazard Zoning Committee review may be required prior to Planning Commission hearing. Additional comments may be generated during the site plan review process.

Transportation

The Austin Strategic Mobility Plan (ASMP) adopted April 11, 2019, calls for 74 feet of right-of-way for Bolm Road. As information, the recently recorded subdivision plat included the dedication of 37 feet of right-of-way from the existing centerline for Bolm Road in accordance with the Transportation Plan (C8-2020-0032.0A).

A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

Water / Wastewater

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.

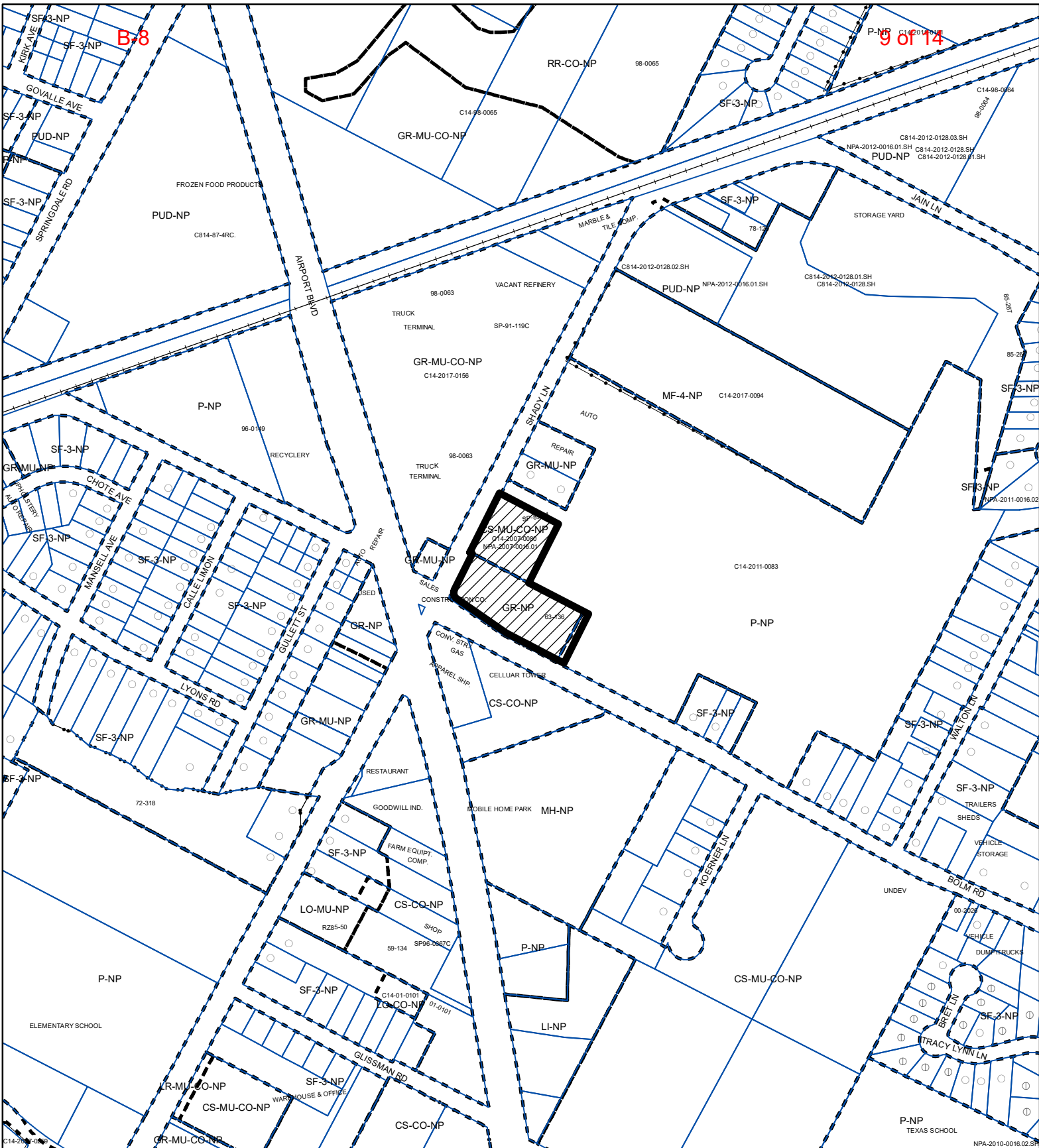
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS, ATTACHMENT AND CORRESPONDENCE TO FOLLOW

Exhibit A: Zoning Map
Exhibit A-1: Aerial Map

Attachment A: Educational Impact Statement

Correspondence from East Austin Conservancy



ZONING

Exhibit A

ZONING CASE#: C14-2020-0082



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

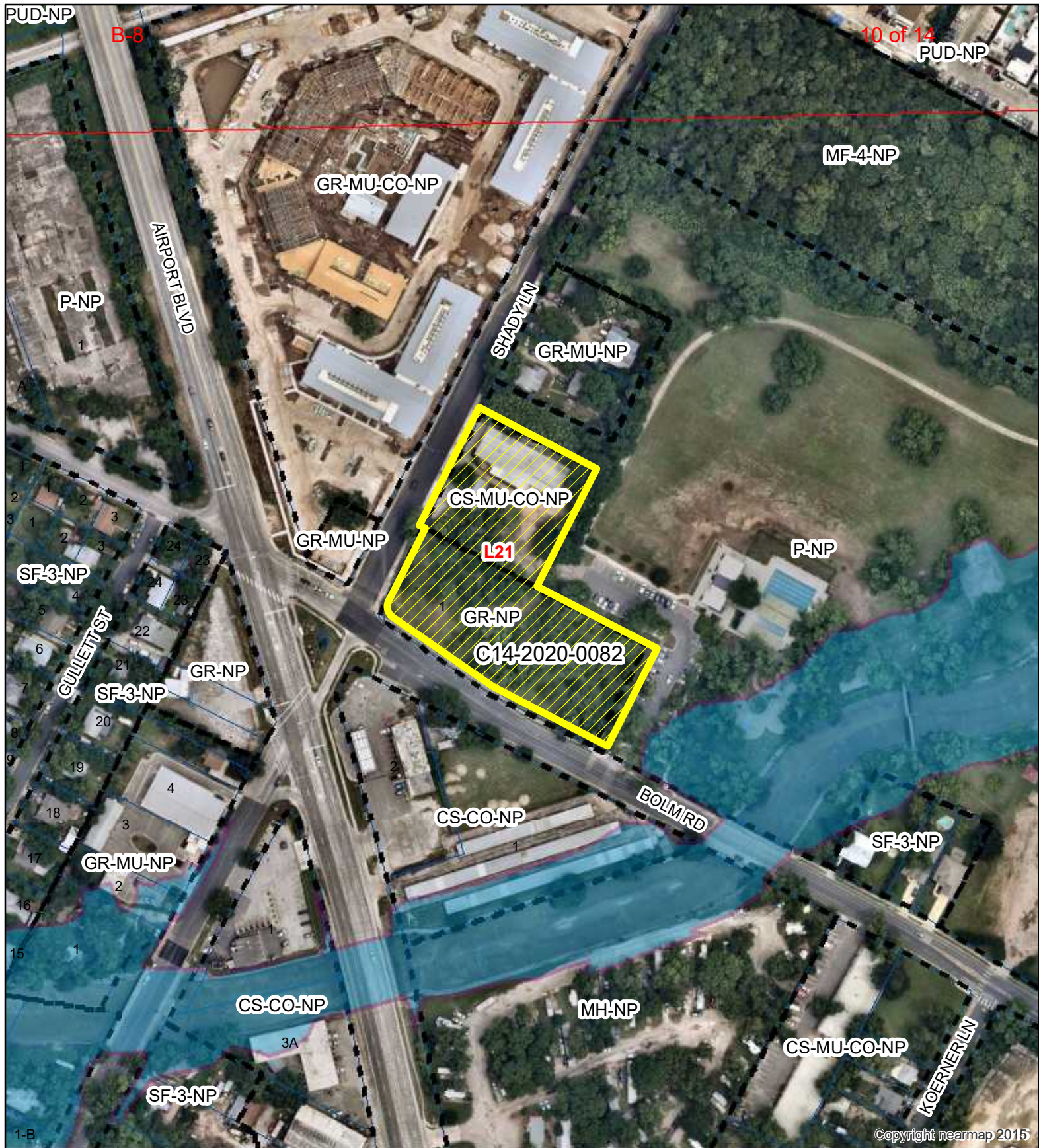
1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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



Created: 7/29/2020



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1" = 200'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

Trailhead Phase II

Exhibit A - 1

ZONING CASE#: C14-2020-0082
 LOCATION: 1101 & 1109 Shady Ln.
 SUBJECT AREA: 2.559 Acres
 GRID: L21
 MANAGER: Wendy Rhoades



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



PROJECT NAME: Trailhead Phase II

ADDRESS/LOCATION: 1101 and 1109 Shady Lane

CASE #: C-14-2020-0082

☐ NEW SINGLE FAMILY

☐ DEMOLITION OF MULTIFAMILY

☒ NEW MULTIFAMILY

☐ TAX CREDIT

SF UNITS: _____ STUDENTS PER UNIT ASSUMPTION
Elementary School: _____ Middle School: _____ High School: _____

MF UNITS: 230 STUDENTS PER UNIT ASSUMPTION
Elementary School: 0.005 Middle School: 0.008 High School: 0.008

IMPACT ON SCHOOLS

The student yield factor of 0.021 (across all grade levels) for apartment homes was used to determine the number of projected students. This factor, provided by the district's demographer, is based on similar types of market rate developments. Research indicates that these new market rate units do not yield many students.

The mixed used development consists of 230 multifamily units, a 5,000 square foot shopping center, and a 5,000 square foot restaurant. The residential units are projected to add approximately 5 students across all grade levels to the projected student population. It is estimated that of the 5 students, 1 will be assigned to Ortega Elementary School, 2 to Martin Middle School, and 2 to Eastside Memorial Early College High School.

The percent of permanent capacity by enrollment for SY 2023-24, including the additional students projected with this development, would be below the target range of 85-110% for Ortega ES (79%), Martin MS (54%) and the current Eastside Memorial ECHS (42%). A new Eastside, with a reduced capacity, is currently under construction, and is scheduled to open in School Year 2021-22. It is anticipated the projected enrollment with the additional students will be within the target range at the new Eastside. All of these schools will be able to accommodate the projected additional student population from the proposed development.

TRANSPORTATION IMPACT

Students within the proposed development attending Ortega ES or Martin MS will qualify for transportation due to the distance of the schools from the development. The current and future Eastside locations are located within 2 miles of the proposed development, and will not qualify for transportation unless a hazardous route condition is identified.

SAFETY IMPACT

No safety impacts have been identified at this time.

Date Prepared: 09/22/2020

Executive Director: Beth Wilson

[1]

ATTACHMENT A

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



DATA ANALYSIS WORKSHEET

ELEMENTARY SCHOOL: Ortega	RATING: Met Standard
ADDRESS: 1135 Garland Ave.	PERMANENT CAPACITY: 355
% QUALIFIED FOR FREE/REDUCED LUNCH: 77.35%	MOBILITY RATE: +8.1%

POPULATION (without mobility rate)			
ELEMENTARY SCHOOL STUDENTS	2019-20 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	260	285	286
% of Permanent Capacity	73%	80%	81%

ENROLLMENT (with mobility rate)			
ELEMENTARY SCHOOL STUDENTS	2019-20 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	281	281	282
% of Permanent Capacity	79%	79%	79%

MIDDLE SCHOOL: Martin	RATING: Unacceptable Performance
ADDRESS: 1601 Haskell St.	PERMANENT CAPACITY: 804
% QUALIFIED FOR FREE/REDUCED LUNCH: 74.02%	MOBILITY RATE: -43.0%

POPULATION (without mobility rate)			
MIDDLE SCHOOL STUDENTS	2019-20 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	948	669	671
% of Permanent Capacity	118%	83%	83%

ENROLLMENT (with mobility rate)			
MIDDLE SCHOOL STUDENTS	2019-20 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	540	430	432
% of Permanent Capacity	67%	53%	54%

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



HIGH SCHOOL: Eastside Memorial	RATING: Met Standard
ADDRESS: 1012 Arthur Stiles Rd.	PERMANENT CAPACITY: 1,156
% QUALIFIED FOR FREE/REDUCED LUNCH: 62.53%	MOBILITY RATE: -44.2%

POPULATION (without mobility rate)			
HIGH SCHOOL STUDENTS	2019-20 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	756	639	641
% of Permanent Capacity	65%	55%	55%

ENROLLMENT (with mobility rate)			
HIGH SCHOOL STUDENTS	2019-20 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	422	478	480
% of Permanent Capacity	37%	41%	42%

Note: As part of the 2017 Bond Program, a new Eastside is under construction, and is scheduled to open in SY2021-22, with a reduced permanent capacity.

Signature: Beth Wilson

Email: beth.wilson@austinisd.org



Eastside Guardians / East Austin Conservancy

P.O. Box 6462, Austin, Texas, 78762

(512) 785-0492

eastsideguardians@gmail.com

October 20, 2020

Ms. Maureen Meredith
Ms. Wendy Rhoades
Housing and Planning Department
VIA Electronic Mail

RE: Trailhead Phase II (Project)
Neighborhood Plan Amendment City File Number NPA-2020-0016.02 |
Zoning Application City File Number C14-2020-0082

Dear Ms. Meredith and Ms. Rhoades:

I am writing to express support for this project from the East Austin Conservancy (EAC). The applicant is providing 10% of the Project's units at 80% Median Family Income and agreed to pledge a contribution to the EAC's Family Support Fund in accordance with the EAC's Affordability Preservation Framework. For a project of this type, the Framework suggests a contribution of \$1,000 for every market rate, rental unit constructed as part of the Project. The EAC Family Support Fund provides property tax payment assistance to income-eligible, long-time Eastside homeowners in the 78702, 78721 and 78741 zip codes. The EAC's focus also includes preservation of historic/cultural resources and support for small businesses in East Austin.

Thank you for your consideration. If you have any questions or need any additional information, please feel free to contact me at (512) 785-0402 or ralvarez@canatx.org.

Sincerely,

Raul Alvarez
East Austin Conservancy
Board President