

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2021-0091 (The Rhett)

DISTRICT: 1

ZONING FROM: LR-CO

TO: GR-MU

ADDRESS: 1000 East Yager Lane

SITE AREA: 2.68 acres (116,740 sq. ft.)

PROPERTY OWNER: Zydeco Development Corporation

AGENT: Thrower Design, LLC (A. Ron Thrower)

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

STAFF RECOMMENDATION:

**Staff recommends GR-MU-CO zoning, Community Commercial-Mixed Use-Conditional Overlay Combining District, zoning. The conditional overlay will prohibit Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Drop Off Recycling Collection Facility, Exterminating Services, Funeral Services, Service Station, Outdoor Entertainment and Outdoor Sports and Recreation uses on the property.**

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:  
**September 7, 2021**

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is a 2.68 acre undeveloped tract of land that fronts onto East Yager Lane. The tract of land directly to the north and west is zoned LR-CO and is undeveloped. Further to the north, there is a residential neighborhood/SF-3 zoning with single-family and duplex residences. To the east, at the northwest corner of E. Yager Lane and Tompkins Drive, there is an office/retail center (Yager Technology Center) and convenience store (Yager Food Store) with service station (Citgo) zoned GR. The tract of land to the south, across E. Yager Lane is zoned DR and is developed with townhouse residences (Coppertree). The applicant is requesting GR-MU zoning to develop a mixed-use project that with up to 250 multi-family dwelling units. This 2.68 acre tract is part of a larger development of the 5 acre site that will participate in the Affordability Unlocked program. (Please see Applicant's Request Letter – Exhibit C).

The staff is recommending GR-MU-CO zoning, with a conditional overlay that will prohibit the more intensive commercial uses of Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Drop Off Recycling Collection Facility, Exterminating Services, Funeral Services, Service Station, Outdoor Entertainment and Outdoor Sports and Recreation uses on the property adjacent to the existing residential developments to the north, south and west. The site under consideration meets the intent of the Community Commercial-Mixed Use Combining District as it is accessible from major traffic way, East Yager Lane and is approximately 0.70 linear miles from the East Farmer Lane Activity Corridor. The proposed multifamily development on the property will provide for additional housing opportunities in this area of the city.

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.*

Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways.

Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

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

GR-MU zoning would provide for a transition in the intensity of land uses from the GR and CS-1 zoning to the east and the LR-CO, SF-3 and SF-6 zoning located to the north and west of the proposed site.

The site under consideration is accessible from an arterial roadway, East Yager Lane and is approximately 0.70 linear miles from the East Farmer Lane Activity Corridor.

3. *The proposed zoning should allow for a reasonable use of the property.*

The GR-MU-CO zoning district would allow for a fair and reasonable use of the site because it would permit mixture of residential and commercial uses that would serve and be compatible with the surrounding residential area.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-CO	Undeveloped
<i>North</i>	LR-CO, SF-3	Undeveloped Area, Duplex Residences
<i>South</i>	DR	Townhouses
<i>East</i>	GR, CS-1	Office/Retail Center (Yager Technology Center) and Convenience Store (Yager Food Store), Service Station (Citgo)
<i>West</i>	LR-CO, SF-6	Undeveloped, Single Family Residences

NEIGHBORHOOD PLANNING AREA: N/A

TIA: Deferred to the time of Site Plan

WATERSHED: Walnut Creek

SCHOOLS: Pflugerville I.S.D.

Copperfield Elementary School  
Westview Middle School  
Connally High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Lost and Found Pets  
Austin Neighborhoods Council  
Copperfield Neighborhood Organization  
Friends of Austin Neighborhoods  
Friends of Copperfield Nature Trails  
Homeless Neighborhood Association

Neighborhood Empowerment Foundation  
 North Growth Corridor Alliance  
 Pflugerville Independent School District  
 SELTEXAS  
 Sierra Club, Austin Regional Group  
 Yager Community  
 Westview Canyon Homeowners Association

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2009-0034 (1112 East Yager Lane)	Tract 1: GR-CO to GR-CO and Tract 2: NO-CO to NO-CO	7/07/09: Approved GR-CO zoning for Tract 1 and NO-CO zoning for Tract 2, with a CO to limit the development intensity to less than 2,000 vehicle trips per day and to prohibit Automotive Sales, Automotive Rentals, Automotive Washing and Pawn Shop uses on Tract 1, (6-0, J. Gohil-absent); B. Baker-1 <sup>st</sup> , C. Hammond-2 <sup>nd</sup> .	7/23/09: The public hearing was closed and Ordinance No. 20090723-129 GR-CO district zoning for Tract 1 and NO-CO district zoning for Tract 2 was approved on Mayor ProTern Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Morrison recused herself from this item due to a conflict of interest with one of her staff members and was off the dais. The conditional overlay on Tracts 1 and 2 will limit the development intensity to less than 2,000 vehicle trips per day. The prohibited uses on Tract 1 are: automotive sales; washing; rental and repair; and pawnshop uses.
C14-06-0140 (1112 East Yager Lane)	SF-6, DR to GR	8/15/06: Approved staff's recommendation for GR-CO for Tract 1 and NO-CO for Tract 2, with a CO to limit the development intensity to less than 2,000 vehicle trips per day, by consent (8-0, K. Jackson-absent); J. Martinez-1 <sup>st</sup> , J. Pinnelli-2 <sup>nd</sup>	9/28/06: Approved GR-CO zoning for Tract 1 and NO-CO zoning for Tract 2 by consent (7-0); all 3 readings
C14-01-0130	DR to GR	11/13/01: Approved staff's recommendation of LR-CO zoning with a 25' vegetative buffer along the northern property line, for the properties fronting Markham Lane. (8-0, J. Martinez-absent)	12/13/01: Approved ZAP recommendation by consent (7-0)  1/17/02: Approved (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-01-0051	LR to SF-6	6/01/01: To approve staff's recommendation for SF-6 district zoning by consent (7-0, Ortiz, Robertson-absent)	7/19/01: Approved SF-6, on all 3 readings (6-0)

C14-98-0046	DR to GR-CO	7/14/98: Approved GR-CO with staff rec.(8-0) [the staff rec. was GO-CO for Tract 1 and LO-CO for Tract 2]	8/13/98: Approved PC rec. of GR w/ conditions: 2,000 vehicle trip limit per day, 70% maximum impervious cover, prohibit all Automotive uses, Commercial Off-Street Parking and Pawn Shop Services, and preserve protected trees 6 inches or greater located within 60 feet east of the drainage easement (6-0); 1 <sup>st</sup> reading  1/21/99: Approved GR-CO (7-0); 2 <sup>nd</sup> reading  2/04/99: Approved GR-CO (7-0); 3 <sup>rd</sup> reading
C14-86-233	DR to LR	11/25/86: Approved LR (8-0)	12/04/86: Approved LR zoning on 1 <sup>st</sup> reading 1/29/87: Approved LR (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-86-214	GR, CS-1	11/04/86: Approved GR and CS-1 for 1,900 sq. ft. food pkg store, subject to conditions (9-0)	12/04/86: Approved GR, CS-1 (5-0); 1 <sup>st</sup> reading  2/12/87: GR & CS-1 (7-0, 2 <sup>nd</sup> /3 <sup>rd</sup> reading, emergency pass)
C14-86-158	SF-2 to SF-6	7/22/86: Approved SF-6 (6-0)	8/28/86: Approved SF-3, on all 3 readings
C14-86-039	DR to MF-3, SF-6	—	5/08/86: Approved MF-3, SF-6 with RR for floodplain, 1 <sup>st</sup> reading  9/18/86: Approved SF-6, MF-3, RR (2 <sup>nd</sup> /3 <sup>rd</sup> readings)

RELATED CASES:

C14-01-0130 - Previous Rezoning Case

C8-84-0731.1 - Subdivision Case

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Yager Lane	71'	80'	30'	3	No	Yes	Yes

## OTHER STAFF COMMENTS:

### Comprehensive Planning

This zoning case is located on the northeast corner of East Yager Lane and Copperfield Drive, on an undeveloped tract of land that is approximately 2.68 acres in size. The tract is not located within the boundaries of a neighborhood planning area and is approximately 0.70 linear miles from the East Parmer Lane Activity Corridor. Surrounding land uses include a large single-family subdivision to the north; to the south is a large condominium complex; to the east is a church and a small retail center; and to the west are single family houses and the Copperfield Nature Trail. The proposed use is 150-unit multifamily condo complex.

### **Connectivity:**

The closest public transit stop is situated 1,200 linear feet from the subject property on Thompson Drive. Most of this portion of East Yager Lane has no public sidewalks. There are unprotected and unmarked bikes lanes located along both sides of the street. Mobility options are below average while connectivity options are fair because of a few nearby retail options and a public elementary school being located approximately 0.40 linear miles off Thompson Drive.

### **Imagine Austin**

East Yager Lane is located approximately 0.70 linear miles from an Activity Corridor. The following Imagine Austin policies are applicable to this case:

- **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.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **HN P1.** Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.

Based upon other multifamily residential uses in the area, proposing a missing middle housing type, but not a true mixed use project under mixed use zoning, below average mobility options and fair connectivity options in the area, this project only partially supports the policies of the Imagine Austin Comprehensive Plan.

### 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 ls that preempt current water quality or Code requirements.

#### Fire

No comments.

#### Parks and Recreation

Parkland dedication will be required for the new residential units proposed by this development, multifamily/condominiums with GR-MU 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).

#### 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 height compatibility standards. Along the north property line, the following standards apply:

- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- 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.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

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

### Transportation

The Austin Strategic Mobility Plan (ASMP) calls for 80 feet of right-of-way for Yager Lane. Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan/subdivision application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

### Water Utility

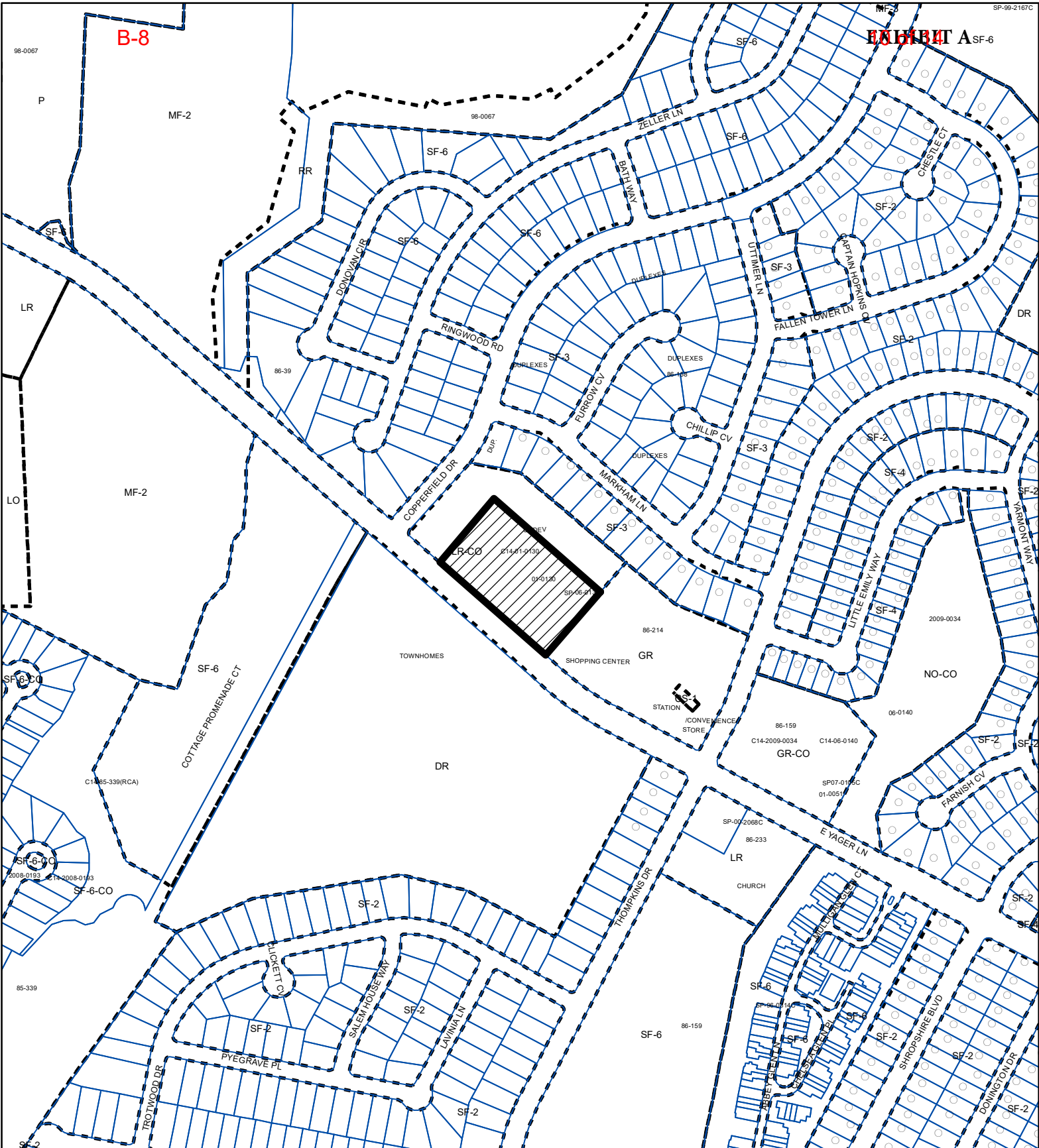
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water 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. Postponement Request by the Applicant
- E. Correspondence Received



SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

## ZONING

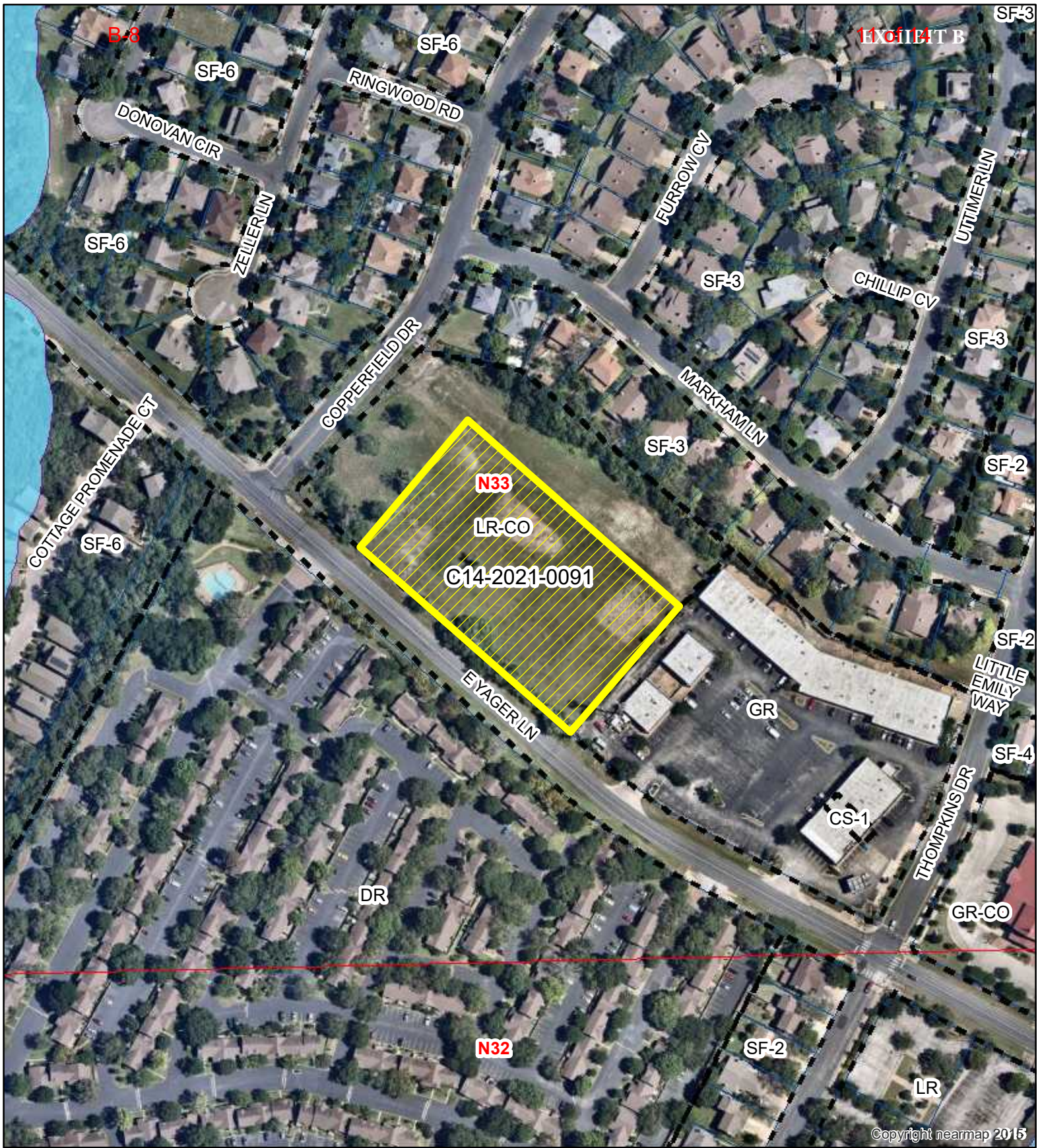
### ZONING CASE#: C14-2021-0091

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: 5/5/2021**



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

1" = 200'

### The Rhett

ZONING CASE#: C14-2021-0091  
 LOCATION: 100 East Yager Lane  
 SUBJECT AREA: 52.68 Acres  
 GRID: N33  
 MANAGER: Sherri Sirwaitis



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.

The logo for Thrower Design LLC Land Planners. The text "Thrower Design" is in a large, teal, cursive script font. Below it, "LLC" is in a smaller, teal, sans-serif font. Underneath that, "LAND PLANNERS" is written in a white, all-caps, sans-serif font, centered within a solid brown rectangular bar.

May 25, 2021

Ms. Sherri Sirwaitis  
Planner Senior  
City of Austin, Housing & Planning Depart

RE: Rezoning – C14-2021-0091 - 1000 E Yager Lane

Dear Sherri,

On behalf of the property owner of 1000 E Yager Lane, we submit the rezoning application, *The Rhett* and referenced as case C14-2021-0091. The property is in the City of Austin full purpose jurisdiction and is legally platted as LOT 1, BLK A, COPPERFIELD SEC 3-A. The tract is 5 acres of undeveloped land of which we request to rezone a 2.68-acre portion as is described in the metes and bounds survey submitted. The 2.68 acres is part of a larger development of the 5 acre site that will participate in the Affordability Unlocked program.

The property is not within a City Council adopted Neighborhood Planning Area and therefore does not have a Future Land Use designation that applies. The property has *Neighborhood Commercial (LR-CO)* zoning with the conditional overlay limiting uses that will generate more than 2K vehicular trips per day, prohibiting service station use, and requiring a 25-foot-wide vegetative buffer to be maintained along the north property line. The application requests a rezoning to GR-MU in preparation for a mixed-use project that proposes 250 multi-family dwelling units that will participate in the Affordability Unlocked program. The property is along an existing Capitol Metro Bus Route and is less than a ¼ mile to the nearest bus stop.

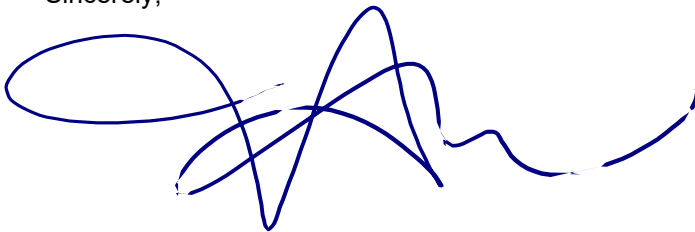
The property provides a good opportunity for additional housing units and variety of housing type as infill development that will not displace anyone from existing housing opportunities. While not along an IACP Activity Corridor, Yager Lane is classified in the ASMP as a level 3 roadway and is proposed for expansion. Opportunities for increased residential density at this location are supported by adjacent existing commercial retail uses and easy access to existing parklands and open space with a trail entry to the North Walnut Creek Greenbelt on the south side of Yager Lane. The increase in residential density is supported by many Imagine Austin Planning Principles.

**P.O. BOX 41957, AUSTIN, TEXAS 78704**

1. Creating complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offering a variety of transportation options, and having easy access to daily needs such as schools, retail, employment, community services, and parks and recreations options.
2. Supporting the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
3. Protecting neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers, corridors, redevelopment, and infill site.
4. Expanding the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
5. Ensuring harmonious transitions between adjacent land uses and development intensities.
6. Protecting Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserving open space and protecting the function of the resource.
7. Encouraging active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.

Thrower Design respectfully requests a favorable recommendation, and we are available for questions or discussion as needed.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a series of smaller, connected loops and a trailing line.

Victoria Haase

**From:** Victoria  
**To:** [Sirwaitis, Sherri](#)  
**Cc:** [Ron Thrower](#); [Rivera, Andrew](#); [Harden, Joi](#)  
**Subject:** RE: C14-2021-0091 - The Rhett  
**Date:** Monday, August 30, 2021 8:23:50 AM

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Sherri –

We need more time to have discussions with the Neighborhood on this case and therefore, we request postponement from the September 7<sup>th</sup> ZAP hearing date to September 21<sup>st</sup>.

Please confirm receipt of this request.

Thank you,

**Victoria Haase**

*Thrower Design*

[www.throwerdesign.com](http://www.throwerdesign.com)

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Austin, Texas 78704

512-998-5900 Cell  
512-476-4456 Office

