

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-3  
AGENDA DATE: Thu 08/04/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-05-0065.SH - Harris Branch Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12317 Dessau Road (Harris Branch Watershed) from interim-rural residence (I-RR) district to multi-family residence-low density (MF-2) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning with conditions. Applicant: Dessau 21, Ltd. (Paul Joseph). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0065.SH

**Z.A.P. DATE:** June 07, 2005  
July 05, 2005

**ADDRESS:** 12317 Dessau Road

**OWNER/APPLICANT:** Dessau 21, Ltd. (Paul Joseph)

**AGENT:** Thrower Design (Ron Thrower)

**ZONING FROM:** I-RR      **TO:** MF-2      **AREA:** 15.0 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant MF-2-CO, Multifamily Residence-Low Density-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

In addition, the staff recommends that the applicant dedicate 70-feet of right-of-way from the existing/future centerline of Dessau Road in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55].

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

6/07/05: Postponed to July 5, 2005 by the neighborhood (9-0); J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.

7/05/05: Approved staff's recommendation for MF-2-CO district zoning with the conditional overlay limiting the site to 2,000 vehicle trips per day, requiring the dedication of 70 feet of right-of-way from the existing/future centerline of Dessau Road in accordance with the Transportation Plan, and limiting development on the site to a maximum of 248 residential units (7-1, B. Baker-Nay, M. Whaley-Absent); J. Martinez-1<sup>st</sup>, T. Rabago-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question is undeveloped and moderately vegetated. This tract of land was annexed by the City of Austin on June 23, 2005.

The applicant would like to zone the property to MF-2, Multifamily Residence-Low Density District, to develop a 248-unit apartment complex on the site. This is proposed to be a TDHCA tax credit development serving families at or below 60% median family income. The applicant has met the Neighborhood Housing and Community Development Department's requirements for S.M.A.R.T. Housing Certification (NHCD Memo-Attachment A).

The staff recommends MF-2-CO, Multifamily Residence-Low Density-Conditional Overlay District, zoning for the property in question. The proposed MF-2-CO zoning is compatible with the surrounding uses because the property is located between a manufactured home park to the north and four single-family residences to the south. MF-2-CO zoning will provide for a variety of housing opportunities in this area of the city near major employers such as Dell Computers and Samsung Electronics.

The applicant agrees with the Zoning and Platting Commission's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	County (Pending Annexation)	Undeveloped
<i>North</i>	County	Manufactured Home Park
<i>South</i>	County	Vet Clinic, Restaurant (Jack in the Box), Service Station (Shell), Single-Family Residential Homes (four residences along Parmer Lane)
<i>East</i>	County	Undeveloped
<i>West</i>	County, PUD (Pioneer Crossing PUD-CR uses)	Undeveloped

**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** Harris Branch

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

- 64 - River Oaks Lakes Estates Neighborhood
- 114 - North Growth Corridor Alliance
- 643 - NorthEast Action Group

**SCHOOLS:**

Dessau Elementary School  
Dessau Middle School  
Lanier High School

**CASE HISTORIES:**

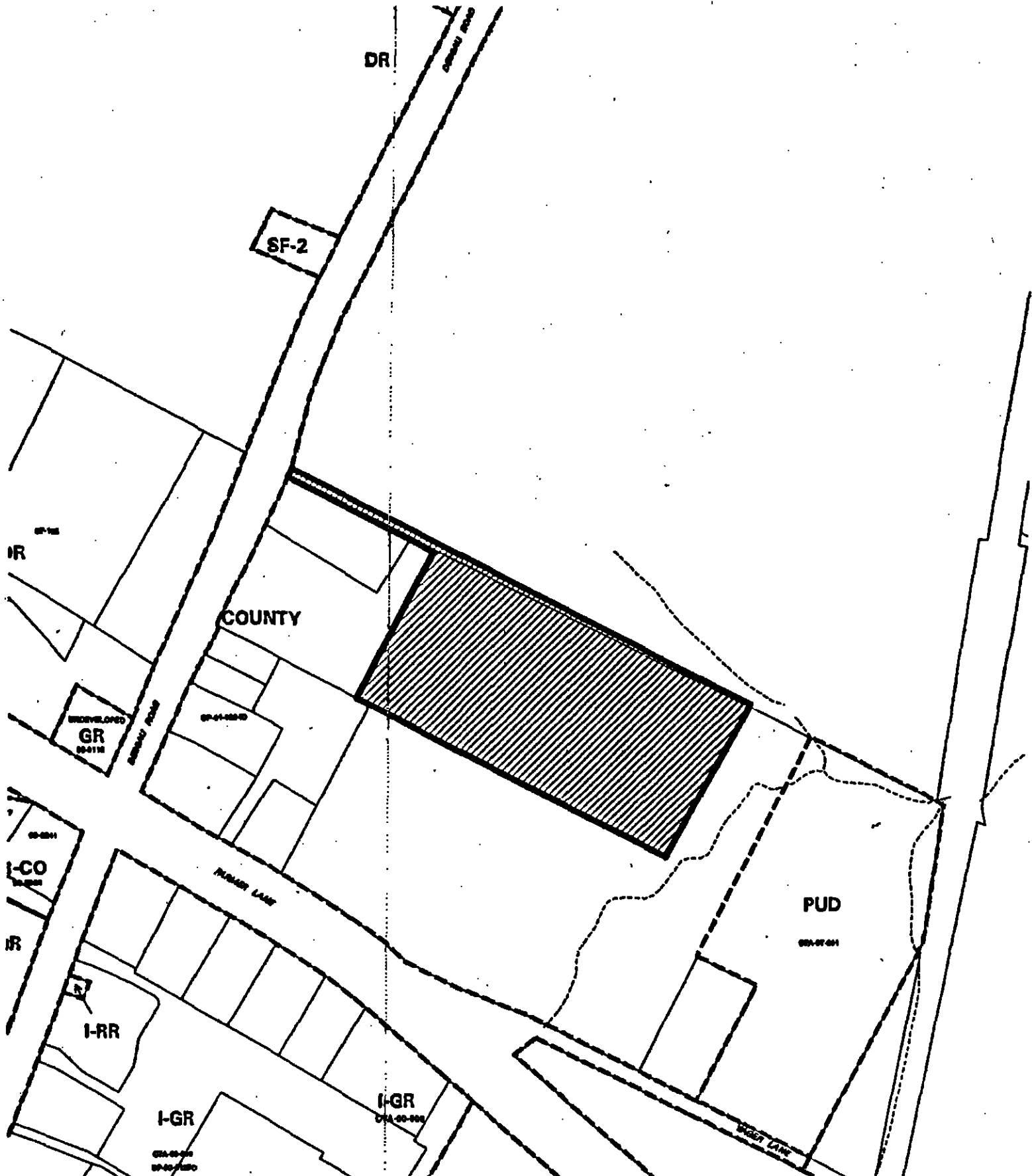
NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0056	I-RR to SF-2, SF-6, MF-3, CS	11/02/04: Approved staff's recommendation of SF-2-CO, SF-6, MF-3, LR, LR-MU, GR, GR-MU zoning by consent (9-0)	12/16/04: Granted SF-2-CO, SF-6, MF-3, LR-MU, GR and GR-MU (7-0); all 3 readings
C14-04-0127	GR-CO to GR	10/19/04: Pending	-
C14-03-0001	DR to LO	1/28/03: Approved staff's recommendation of LO-CO zoning, w/2,000 trip limit (8-0, J. Donisi-absent)	2/27/03: Granted LO-CO on all 3 (6-0, Goodman-out of room)
C14-00-2101	DR to CS	8/1/00: Approved staff rec. w/ condition of no Adult Oriented Businesses (8-0)	9/28/00: Approved GR-CO w/ conditions on TR 1 & 2 (7-0); all 3 readings
C14H-00-0005	DR to DR-H	9/12/00: Approved staff rec. by consent (6-0)	10/5/00: approved DR-H (5-0); all 3 readings
C14-98-0258	DR to MF-2	10/26/99: Approved staff rec. of MF-2-CO, w/ 400 unit limit, by consent (8-0, BH-off dias)	12/2/99: Approved PC rec. of MF-2-CO w/ conditions (6-0, WL-absent); 1 <sup>st</sup> reading  1/27/00: Approved 2 <sup>nd</sup> /3 <sup>rd</sup> readings by consent (6-0)
C14-98-0257	DR to GR	10/26/99: Approved staff rec. of LO-CO (TR 1, 2, 3) & GR (TR 4 & 5) by consent (8-0, BH-off dias)	12/2/99: Approved PC rec. of LO (TR1), LO-CO (TR 2 & 3) w/ conditions, and GR (TR 4 & 5) (6-0, WL-absent); 1 <sup>st</sup> reading  1/27/00: Approved 2 <sup>nd</sup> /3 <sup>rd</sup> readings by consent (6-0)
C14-98-0126	DR to GR	9/29/98: Approved LR-CO w/ conditions that uses limited to 'NO' uses (9-0)	11/5/98: Approved PC rec. of LR-CO (TRA) & LO-CO (TRB) w/ conditions (6-0); all 3 readings
C14-97-0126	DR to GR	12/9/97: Approved GR-CO w/ conditions (5-3)	2/5/98: Approved PC rec. of GR-CO w/ new conditions (5-0); 1 <sup>st</sup> reading  4/9/98: Approved GR-CO w/ conditions (7-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings





**RELATED CASES:** N/A

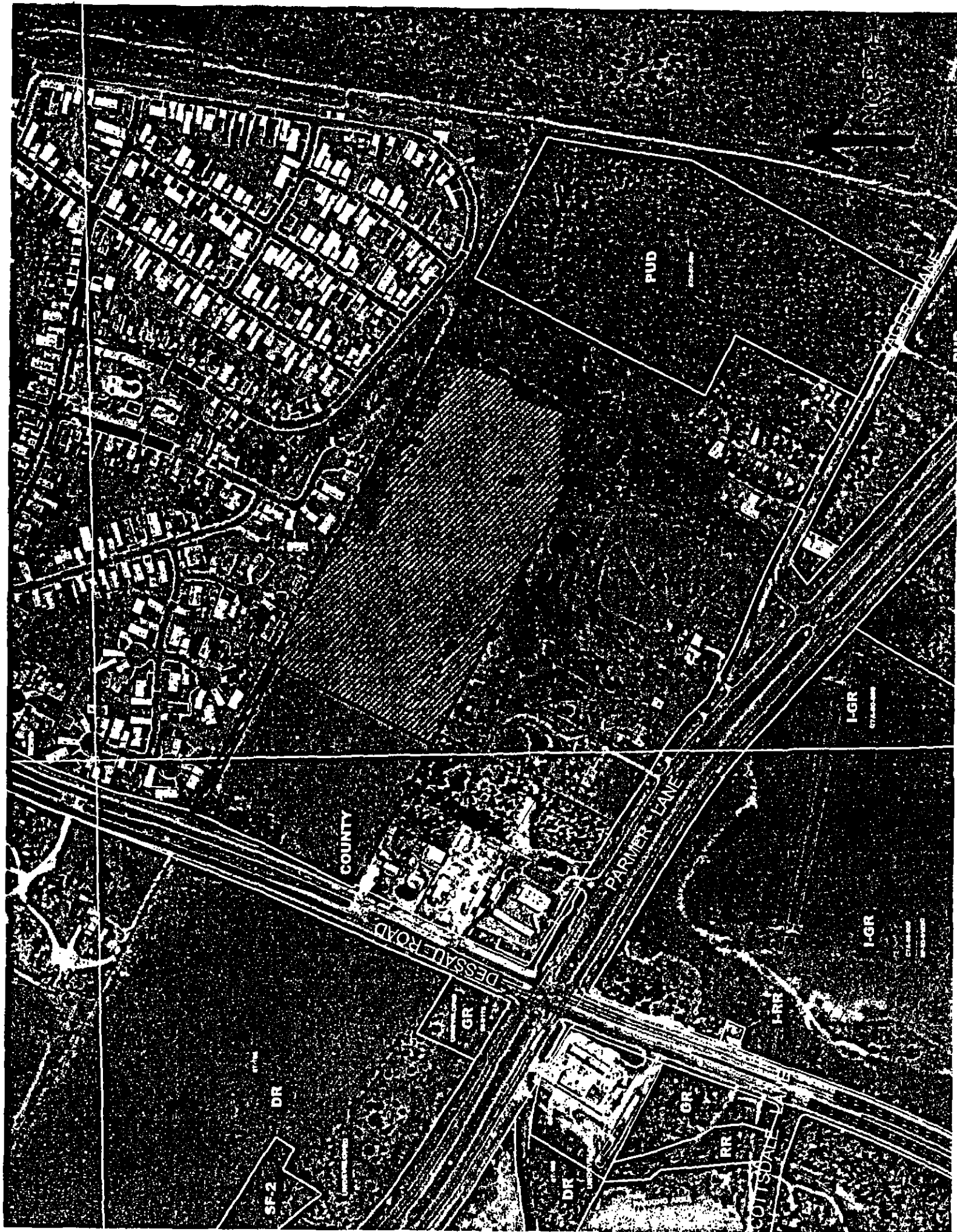
**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic	Bus Route	Bike Route
Dessau Road	Varies	2 @ 24 ft	MAD 4	1,473 (6/21/04)	Not available within 1/4 mile	Priority 1, Route 228

**CITY COUNCIL DATE:** August 4, 2005**ACTION:****ORDINANCE READINGS:** 1st2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Sherri Sirwaitis**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



 1"=400'	SUBJECT TRACT		ZONING		CITY GRID REFERENCE NUMBER  P32
	PENDING CASE		CASE #: C14-05-0065.SH		
	ZONING BOUNDARY		ADDRESS: 12317 DESSAU RD		
	CASE MGR: S. GAGER	SUBJECT AREA (acres): 15		DATE: 05-04	
				INTLS: 6M	



## **STAFF RECOMMENDATION**

The staff's recommendation is to grant MF-2-CO, Multifamily Residence-Low Density-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

In addition, the staff recommends that the applicant dedicate 70-feet of right-of-way from the existing/future centerline of Dessau Road in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55].

## **BASIS FOR RECOMMENDATION**

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

Multifamily residence low density (MF-2) district is the designation for a multifamily use with a maximum density of up to 23 units per acre, depending on unit size. An MF-2 district designation may be applied to a use in a multifamily residential area located near single family neighborhoods or in an area for which low density multifamily use is desired.

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

The proposed MF-2-CO zoning is compatible with the surrounding uses because the property is located between a manufactured home park to the north and four single-family residences to the south.

This tract of land will take access to Dessau Road, a major arterial roadway.

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

MF-2-CO zoning will allow for a reasonable use of the property, as it will provide for a variety of housing opportunities in this area of the city near major employers such as Dell Computers and Samsung Electronics.

The property in question is 15 acres and meets the minimum size requirements for the Multifamily Residence-Low Density district.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site under consideration is undeveloped. The property is relatively flat and sparsely vegetated.



### **Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.

### **Impervious Cover**

The maximum impervious cover allowed by the MF-2 zoning district would be 60%. 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 Net Site Area</i>	<i>% 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%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

### **Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Harris Branch 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. 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 Net Site Area</i>	<i>% 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%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

According to flood plain maps, there is no flood plain in, or within close proximity of, 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 existing trees and 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 on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals, which preempt current water quality or Code requirements.

### **Transportation**

The Austin Metropolitan Area Transportation Plan calls for a total of 140 feet of right-of-way for Dessau Road. If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing/future centerline of Dessau Road in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]. The AMATP calls for a 6-lane, divided major arterial (MAD 6) for 2025 traffic conditions.

The trip generation under the requested zoning is estimated to be 2,700 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

a.) For Information: The applicant is planning to develop a 248 dwelling unit multifamily project, which is estimated will generate approximately 1,641 trips per day.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

There are existing sidewalks along both sides of Dessau Road.

Dessau Road is classified in the Bicycle Plan as a Priority 1, Route 228 bike route.

Capital Metro bus service is not available within 1/4 mile of this property.

### **Existing Street Characteristics:**

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>	<u>Daily Traffic</u>
Dessau Road	Varies	2 @ 24 ft.	MAD 4	1,473 (6/21/04)

### **Right of Way**

No comments received.

### **Water and Wastewater**

The landowner intends to serve the site with water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility relocation, and utility adjustment to serve the site and land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

### **Stormwater Detention**

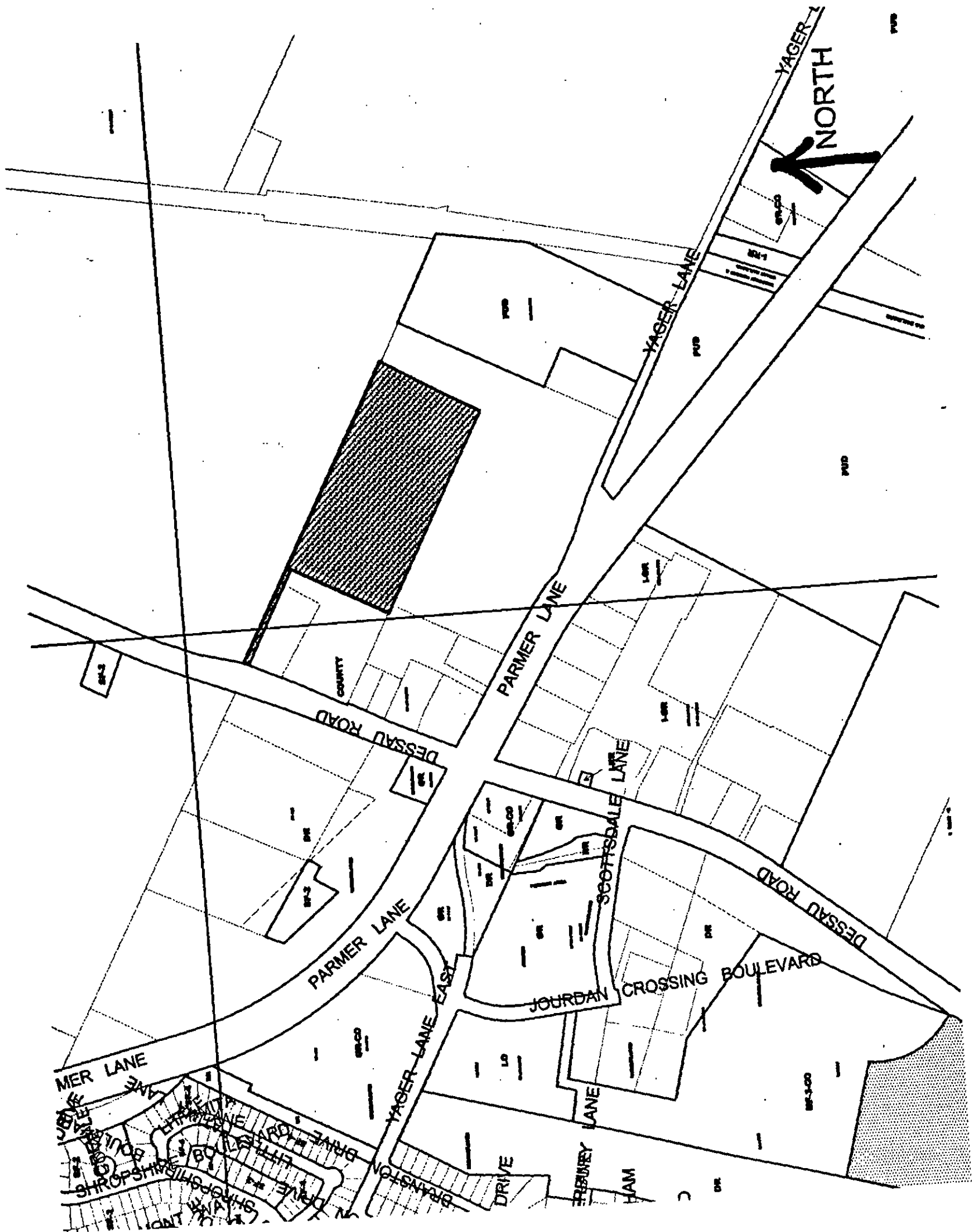
At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater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

### **Compatibility Standards**

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 within the city will be subject to compatibility development regulations.

The site is not subject to compatibility standards. The residential properties to the north and south of the property in question are located in the County. Therefore compatibility standards do not apply to this site.



Attachment A



## City of Austin

P.O. Box 1088, Austin, TX 78767  
[www.cityofaustin.org/housing](http://www.cityofaustin.org/housing)

### Neighborhood Housing and Community Development Department

Gina Copic, S.M.A.R.T. Housing Program Manager  
 (512) 974-3180, Fax: (512) 974-3112, [gina.copic@ci.austin.tx.us](mailto:gina.copic@ci.austin.tx.us)

April 20, 2005

**S.M.A.R.T. Housing Certification**  
**Harris Branch Apartments - 12317 Dessau Rd.**

#### TO WHOM IT MAY CONCERN:

Harris Branch 16, I.L.C. (Richard Janson, 219-9500 (o), 656-9500 (m), [Janson@prismnet.com](mailto:Janson@prismnet.com); Uwe Nahuis, 219-9500 (o), 963-1363 (m), [akamaitexas@austin.rr.com](mailto:akamaitexas@austin.rr.com)) is planning to develop a 248 unit multi-family development at 12317 Dessau Rd not located in a current Neighborhood Planning Area. An application to TDHCA's Housing Tax Credit program has been made for this development.

NHCD certifies that the proposed construction meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since 100% of the units will serve households at or below 60% Median Family Income (MFI), the development will be eligible for 100% waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council. The expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees  
 Building Permit  
 Site Plan Review  
 Construction Inspection

Concrete Permit  
 Electrical Permit  
 Subdivision Plan Review  
 Regular Zoning Fee

Mechanical Permit  
 Plumbing Permit  
 Zoning Verification  
 Land Status Determination  
 Building Plan Review

#### Prior to filing of building permit applications and starting construction, the developer must:

- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Austin Energy: Katie Jensen, 482-5407).
- ◆ Submit plans to NHCD demonstrating compliance with accessibility and transit-oriented standards.

#### Before a Certificate of Occupancy will be granted, the development must:

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- ◆ Pass a final inspection by NHCD to certify that accessibility and transit-oriented standards have been met.

The applicant must demonstrate compliance with the reasonably-priced standard after the completion of the units, or repay the City of Austin in full the fees waived for this S.M.A.R.T. Housing certification.

Please contact me at 974-3126 if you need additional information.

*Steve Barney*  
 Steve Barney, Neighborhood Housing and Community Development Office

Cc: Ricardo Solis, NPZD  
 Javier Delgado, NHCD  
 Timothy Kiser, Austin Energy  
 Robby McArthur, WWW Taps  
 Adam Smith, NPZD

Larry Brinkmeyer, Austin Energy  
 Dan Garcia, WPDH  
 Tim Langston, WPDH  
 Katie Jensen, Austin Energy  
 Andrei Lubomudrov, NHCD

Gina Copic, NHCD  
 Stuart Hersh, NHCD  
 Jim Lund, PW  
 Lisa Nickle, WPDH  
 Yolanda Parada, WPDH

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# Current Site Information

**Proposed Project Address:**

12317 Dessau Road, Austin, TX  
(See Exhibit A)

**Legal Description:**

Lot 2 Kruger Subd ABS 164 Sur 70  
Cushing St

**Site Acreage:**

21.270 Acres (See Exhibit B)

**Jurisdiction:**

City of Austin 2 mile ETJ

**Zoning:**

N/A (See Exhibit A)

**Utilities:**

6" DI - Wastewater and 6" CI - Water

**Flood Plain:**

No

**Watershed:**

Harris Branch

**Watershed Type:**

Suburban

# Proposed Development

**Proposed Zoning:**

**Proposed Units:**

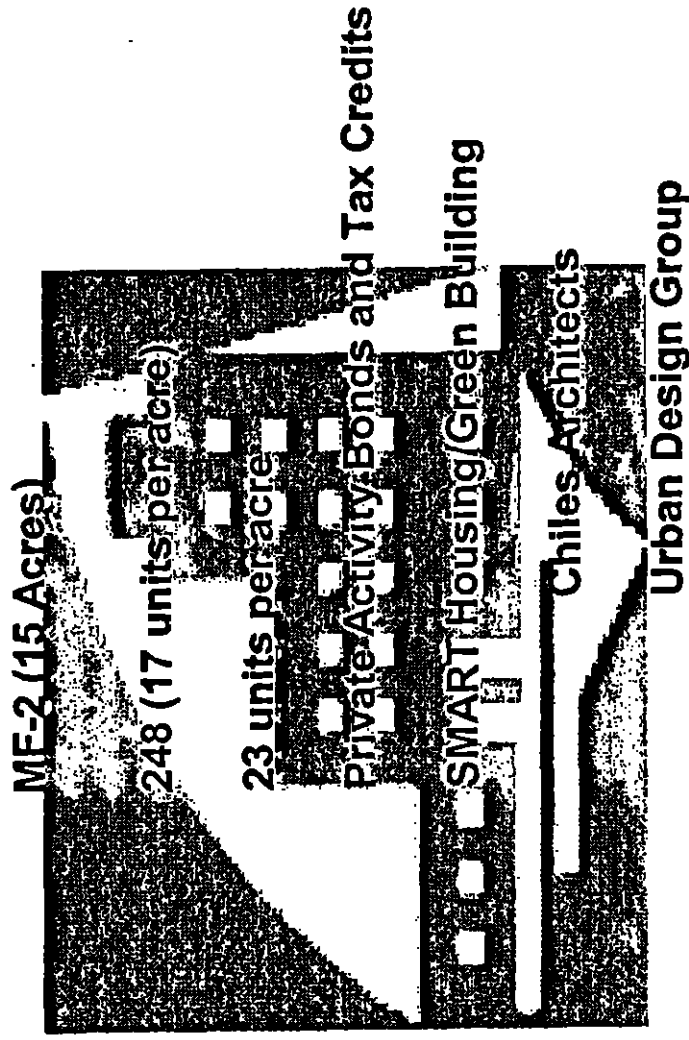
**MF-2 unit density:**

**Financing:**

**Development Standards:**

**Architect:**

**Engineer:**



February 24, 2005

12317 Dessau Road, Austin, TX

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0065.SH

Contact: Sherri Sirvaitis, (512) 974-3057

Public Hearing:

June 7, 2005 Zoning and Platting Commission

JAMES A. & LOUISE KEYTON

Your Name (please print)

12609 DESSAU ROAD

Your address(es) affected by this application

Signature

Date

Comments: DESSAU ROAD IS CURRENTLY

UNABLE TO HANDLE THE PRESENT VEHICULAR

TRAFFIC. ADDING THESE RESIDENTS WILL

ONLY INCREASE THE DRIVING HAZARDS

AND ADVERSE CONDITIONS WE CURRENTLY

FACE. CHILDREN CAN'T SAFELY WALK TO

SCHOOL DUE TO THESE CONDITIONS

UNLESS OF COURSE ALL ACCESS

WOULD BE LIMITED TO YAGER PARK

OR SOME SUCH STREET (EAST OF DESSAU)

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirvaitis

P. O. Box 1088

Austin, TX 78767-8810

<input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> I object
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