

ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0048 (3503 Oak Creek Drive Rezoning) **Z.A.P. DATE:** August 7, 2018

ADDRESS: 3503 Oak Creek Drive

DISTRICT AREA: 7

OWNER: Rodney and Marian Chervenka

AGENT: Thrower Design (A. Ron Thrower)

ZONING FROM: SF-2 **TO:** SF-6 **AREA:** 1.214 acres (52,894 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant SF-6, Townhouse & Condominium Residence District, zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

8/07/18: Approved SF-6 zoning (8-0-1, A. Denkler-abstain, B. Evans-absent); B. Greenberg-1st, S. Lavani-2nd.

Separate policy consideration:

As part of their recommendation, the Zoning and Platting Commission proposed a condition to state that no parking shall be permitted between any setbacks and residential properties. However, the Law Department has reviewed this proposed condition and determined that it cannot be part a conditional overlay for the rezoning case (please see the "ISSUES" section below).

ISSUES:

In Article 10, Compatibility Standards dictate that for large sites (an area that exceeds 20,000 sq. ft. or has a street frontage that exceeds 100 feet) a person may not construct a structure 25 feet or less from a property that in an SF-5 or more restrictive zoning district or has a use permitted within a SF-5 or more restrictive zoning district. Unless a parking area or driveway is on a site that is less than 125 feet wide, a parking area or driveway may not be constructed within this 25 foot setback.

At the Commission meeting it was discussed that the neighbors had expressed concerns about the impact parking would have on the existing residential properties if it were in between the new residential development and the required compatibility setback. Therefore, the Zoning and Platting Commission adopted a condition that was proposed by the applicant and the neighbors to prohibit parking between any setbacks and the residential properties as part of their recommendation to City Council. The Law Department has reviewed this condition and determined that designating "no parking" areas is not a site development regulation that can be restricted as a condition of zoning.

DEPARTMENT COMMENTS:

The property in question is developed with a single family residence. The tract of land to the north, across Oak Creek Drive, is undeveloped. To the south and west, there are single family residences. The lot to the east is developed with a religious assembly use. The applicant is requesting SF-6, Townhouse & Condominium Residence District, zoning to develop a maximum of 12 residential units on the site.

The staff recommends the applicant’s request for SF-6 zoning at this location because the property meets the intent of the proposed district. The site under consideration is located on a collector roadway, Oak Creek Drive, across from a future multifamily development (Elysium Park). The requested zoning is consistent with the mixture of residential land use patterns in this area. The property to the north is zoned MF-4-CO. To the south and west there is SF-2 zoning. The lot to the east is has SF-6 zoning. The proposed Townhouse and Condominium Residence District will permit the applicant to redevelop this tract of land with condominium residences which will provide for additional housing opportunities in this area of the city.

The applicant agrees with staff’s recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Single Family Residence
<i>North</i>	SF-3, MF-4-CO, CS-CO	Undeveloped Tract, Floodplain, Convenience Storage (Mopac Self Storage)
<i>South</i>	SF-2	Single-Family Residences
<i>East</i>	SF-6, RR, LO	Religious Assembly (St. Francis Anglican Church of Austin), Office/Educational Services (Baylor MBA University)
<i>West</i>	SF-2	Single-Family Residences

AREA STUDY: North Lamar Area Study

TIA: Not Required

WATERSHED: Walnut Creek

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

- Austin Independent School District
- Bike Austin
- Friends of Austin Neighborhoods
- Homeless Neighborhood Association
- McNeil/Ashton Woods Neighborhood Association
- Neighborhood Empowerment Foundation
- North Growth Corridor Alliance
- Northwest Austin Coalition
- Northwood Neighborhood Association
- NW Austin Working Group
- SELTEXAS
- Sierra Club, Austin Regional Group

SCHOOLS: Austin Independent School District

Summitt Elementary School
Murchison Middle School
Anderson High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
<p>C14-2016-0023.SH (Elysium Park: 3300 Oak Creek Drive)</p>	<p>IP-CO, RR to MF-4</p>	<p>5/17/16: Approved staff's recommendation of MF-4-CO zoning, with the following additional conditions: 1) Maintain a 75 foot building/parking facility setback along the north, south and west property lines, with the exception for emergency access use, from the current zoning ordinance (Ordinance No. 010517-13) on the property; 2) limit impervious cover on the property to a maximum of 30%; 3) 75 feet from the northern property line to 150 feet to the south, there will be a maximum height of 42 feet; 4) from the critical water quality line along the eastern side of the tract to 100 feet to the west, there will be a maximum height of 52 feet; 5) the remainder of the property will have a maximum height of 35 feet (10-0, A. Aguirre-absent); G. Rojas-1st, B. Evans-2nd.</p>	<p>2/02/17: Approved the Zoning and Platting Commission's recommendation of MF-4-CO zoning on 1st reading (11-0); L. Pool-1st, P. Renteria-2nd.</p> <p>2/16/17: Ordinance No. 20170216-045 for multifamily residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning was approved with the following additional conditions on an 11-0 vote. Part 2. The Property within the boundaries of the conditional overlay combining district established by the ordinance is subject to the following conditions: A. Development of the Property shall not exceed 90 residential units. B. Development of the Property is limited to 30% impervious cover. C. A building may not be constructed within the 75-foot wide setback along the north, south, and west property lines; vegetative buffers shall be placed and maintained along these property lines. D. Interior driveways and parking may not be constructed within a 50-foot wide setback along the north and west property lines. E. No building or structure may be constructed within a 400-foot wide setback from the railroad easement as illustrated on Exhibit B. F. The maximum height of a building or structure may not exceed 42 feet if within the 42 foot height building footprint as described on Exhibit C. G. The maximum height of a building or structure may not exceed 52 feet if within the 52 foot height</p>

			<p>building footprint as described on Exhibit D. H. The maximum height of a building or structure on the Property outside the building footprints described on Exhibit C and D may not exceed 35 feet. I. Development of the Property shall comply with Chapter 25-2, Subchapter E, subsection 2.5.2B 1-7 (<i>Fully Shielded or Full Cut-off Light Fixtures Required</i>) requiring that the following outdoor lighting applications be illuminated by fixtures that are either fully shielded or full cut-off: 1. Public street and pedestrian lighting; 2. Parking lots; 3. Pathways; 4. Recreational areas; 5. Billboards; 6. Product display area lighting; and 7. Building overhangs and open canopies.</p>
C14-03-0160 (Reserve at Northwood: 3100 West Parmer Lane)	DR, RR to SF-2	12/16/03: Approved SF-2-CO zoning, with condition limiting the site to 38 residential units (7-1, J. Martinez-Nay, C. Hammond-absent); J. Cortez-1 st , M. Whaley-2 nd .	1/15/04 : Approved ZAP rec. of SF-2-CO by consent (6-0, McCracken-off dais); all 3 readings
C14-00-2145 (Hydrolab, 3400 Oak Creek Drive)	IP to IP-CO	8/15/00: Approved staff rec. of IP-CO (8-0), with conditions that terms of 12/20/99 MTG/Agreement between applicant and neighborhood association be part of the zoning: 1) Development shall comply with NO district site development regulations, with the exception of gross floor area which may not exceed 45,000 sq. ft., 2) development on the property shall comply with PDA performance standards, 3) limit development to 2,000 vehicle trips per day, 4) prohibit the following uses: Agricultural Sales and Services, Art and Craft Studio (general, industrial, limited), Automotive Rentals, Automotive Sales, Automotive Repair Services, Automotive Washing (of any type), Building Maintenance Services, Business or Trade School, Business	9/28/00: Approved IP-CO (7-0); 1 st reading 5/17/01: Approved IP-CO for Tract 1 and RR zoning for Tract 2 (6-0); 2 nd /3 rd readings

		<p>Support Services, Communication Services, Construction Sales and Services, Convenience Storage, Electronic Prototype Assembly, Exterminating Services, Financial Services, Indoor Entertainment, Indoor Sports and Recreation, Medical Offices, Off-site Accessory Parking, Outdoor Entertainment, Outdoor Sports and Recreation, Personal Services, Plant Nursery, Research Testing Services, Restaurant (drive-in, fast food), Restaurant (limited, general), Service Station, Software Development, Theater, Custom Manufacturing, General Warehouse & Distribution, Limited Warehousing and Distribution, club or Lodge, College or University Facilities, Communication Service Facilities, Community Events, Community Recreation (private, public), Congregate Living, Counseling Services, Cultural Services, Day Care Services (commercial, general, limited), Employee Recreation, Maintenance and Service Facilities, Major Utility Facilities, Railroad Facilities, Residential Treatment, Safety Services, Telecommunication Tower, Transitional Housing, Transportation Terminal, 5) a 75 foot wide building setback along the north, south and west property lines (8-0, SA-off dais)</p>	
C14-92-0135 (Oak Creek Self Storage: 3108 Oak Creek Drive)	SF-3, GR to CS	3/16/93: Approved CS zoning with conditions (6-1)	5/27/93: Approved CS-CO zoning (7-0) on 1 st reading, with the following conditions: 1) Only Administrative and Business Offices, Convenience Storage, Medical Offices, Day Care Services (general and limited) shall be permitted on the property, 2) maximum FAR of 0.50 to 1, 3) maximum impervious cover of 70%.

			6/10/93: Approved CS-CO zoning (6-0) on 2 nd /3 rd readings
C14-90-0081 (Hydrolab: 3200-3500 Block of Oak Creek Drive)	SF-3 to IP	No information	2/28/91: Approved IP-CO zoning (6-1); 1 st reading 5/9/91: Approved IP-CO zoning (7-0); 2 nd /3 rd readings

RELATED CASES: C14-00-2145, C14-90-0081 (Previous Zoning Cases)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Oak Creek Drive	85'	40'	Collector	Yes, portions of the street	No	No

CITY COUNCIL DATE: August 30, 2018

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057,
sherri.sirwaitis@austintexas.gov

STAFF RECOMMENDATION

The staff's recommendation is to grant SF-6, Townhouse & Condominium Residence District, zoning.

BASIS FOR RECOMMENDATION

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

Townhouse and condominium residence (SF-6) district is the designation for a moderate density single family, duplex, two-family, townhouse, and condominium use that is not subject to the spacing and location requirements for townhouse and condominium use in an SF-5 district. An SF-6 district designation may be applied to a use in an area with large lots that have access to streets other than minor residential streets. An SF-6 district may be used as a transition between a single family and multifamily residential use.

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

The requested zoning is consistent with the mixture of residential land use patterns in this area. The proposed SF-6 zoning district would be compatible and consistent with the surrounding uses because there MF-4-CO zoning to the north, SF-2 zoning to the south and west and SF-6 zoning to the east.

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

The proposed Townhouse and Condominium Residence District will permit the applicant to redevelop the property with up to 12 condominium residential units which will provide for additional housing opportunities in this area of the city.

EXISTING CONDITIONS

Site Characteristics

The subject tract is currently developed with a single family residence with moderate vegetation. The tract of land to the north, across Oak Creek Drive, is undeveloped. To the south and west, there are single family residences. The lot to the east is developed with a religious assembly use.

Comprehensive Planning

Tuesday June 05, 2018

SF-2 TO SF-6

This zoning case is located on a 1.21 acre lot on the south side of Oak Creek Drive, which contains a single family house. The property is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses includes vacant land and single family housing to the north; single family housing, a church, a bank and office uses to the south; single family housing to the west; and going east, single family housing, vacant land, a two story medical office building and a convenience storage facility along Mopac. The proposal is to build a condo project, which would contain up to 12 units on the site.

Connectivity

Public sidewalks are partially located within the residential area of this neighborhood, which abuts Parmer Lane and Mopac. There also are sidewalks located along the Mopac frontage road, and partially along Parmer Lane. A Cap Metro transit stop is not available within a half a mile of the site. The Walkscore for this property is 42/100, **Car Dependent**, meaning most errands require a car. There are no existing urban trails within a half a mile of this site.

Imagine Austin

The property is not located within a designated Activity Corridor or Center. However, one of the goals of the Imagine Austin Comprehensive Plan (IACP) is to achieve *'complete communities.'* Page 88 pf the IACP states that complete communities are areas that provide amenities, transportation, services, and opportunities that fulfill all residents' material, social, and economic needs. Page 107 of the IACP also states, *"While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas. New commercial, office, larger apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its context. It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city."*

The following IACP policies are applicable to this project:

- 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 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.
- 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 healthy food, schools, retail, employment, community services, and parks and recreation options.**

Analysis and Conclusion:

While this residential project is not located by an Activity Center or Corridor, 'missing middle' housing, including condominiums, are supported housing types to address various financial and lifestyle needs in all of Austin, including this area. Based on the location of this property, which is located next to a major expressway, commercial uses, and adjoining single family and SF-6 properties, this project appears to support Imagine Austin policies.

Environmental

Thursday May 10, 2018

The site is 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.

According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876.

At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Impervious Cover

The maximum impervious cover allowed by the SF-6 zoning district would be 55%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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.

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.

Stormwater Detention

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

Transportation

Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

Janae Spence, Urban Trails, Public Works Department, Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

FYI – sidewalks shall be constructed along Oak Creek Drive in accordance with the Land Development Code and Transportation Criteria Manual at the time of the site plan application.

FYI – stopping sight distance may be required for the driveway approval(s) on Oak Creek Drive at the time of the site plan application.

FYI – Per LDC 25-6-472, head-in, back-out parking from the site is prohibited on Oak Creek Boulevard in SF-6 or more permissive zoning.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Oak Creek Drive	85'	40'	Collector	Yes, portions of the street	No	No

Water and Wastewater

Tuesday May 08, 2018

FYI: 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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. 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 fees once the landowner makes an application for Austin Water utility tap permits.