

## NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

**NEIGHORHOOD PLAN:** University Hills/Windsor Park Combined

**CASE#:** NPA-2018-0023.01

**DATE FILED:** June 5, 2018 (Out-of-Cycle)

**PROJECT NAME:** Berkman Terraces

**PC DATES:**

October 23, 2018

October 9, 2018

**ADDRESSES:** 6203, 6205, 6207 Berkman Drive and 6210 Hickman Avenue

**DISTRICT AREA:** 1

**SITE AREA:** 1.28 acs

**OWNER/APPLICANT:** Berkman Terraces, LLC (Pierre Fay, Manager)

**AGENTS:** McLean & Howard, LLP (Jeff Howard) and Keepers Consultants (Ricca Keepers)

**CASE MANAGER:** Maureen Meredith

**PHONE:** (512) 974-2695

**STAFF EMAIL:** Maureen.meredith@austintexas.gov

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Higher Density Single Family

**To:** Mixed Use

**Base District Zoning Change**

**Related Zoning Case:** C14-2018-0037

**From:** SF-3-NP and LR-MU-NP

**To:** GR-MU-NP

**NEIGHBORHOOD PLAN ADOPTION DATE:** August 9, 2007

**PLANNING COMMISSION RECOMMENDATION:**

**October 23, 2018** – After discussion, the Planning Commission approved the applicant's request for Mixed Use land use. [C. Kenny – 1<sup>st</sup>; J. Schisser – 2<sup>nd</sup>] Vote: 8-3 [K. McGraw, P. Seeger and T. Witte voted nay. A. De Hoyos Hart absent. One vacancy].

**October 9, 2018-** Postponed on the consent agenda at the request of the Applicant to October 23, 2018. [P. Seeger – 1<sup>st</sup>; K. McGraw – 2<sup>nd</sup>] Vote: 10-0 [J. Shieh and T. Witte absent. One vacancy].

**STAFF RECOMMENDATION:** Staff recommends Neighborhood Mixed Use on the entire property, instead of the applicant's request for Mixed Use.

**BASIS FOR STAFF'S RECOMMENDATION:** Staff recommends the land use change to Neighborhood Mixed Use on the entire subject property instead of the applicant's request for Mixed Use for these reasons:

Neighborhood Mixed Use (NMU) is a more appropriate land use for this location. NMU is appropriate for areas such as minor arterials and collectors, small parcels along major arterials that abut single- family residential development. NMU may be used as a transition from high intensity commercial and residential uses to single- family residential uses.

During the UH/WP Neighborhood planning process 6205 and 6207 Berkman were rezoned from SF-3 to SF-6-NP. See page 46 of the plan document and text below. We recommend NMU because 6203 Berkman Drive is currently zoned LR-MU-NP and we recommend the land use on the entire subject property be Neighborhood Mixed Use because this land use more appropriate for this location than the applicant's for Mixed Use.

Below are sections of the University Hills/Windsor Hills Neighborhood Plan that are relevant to this request:

*Objective: Berkman Drive parcels on the east side of the street between the Windsor Village Shopping Center and Hwy 290 should serve as a transition between adjacent commercial areas and Windsor Park's residential neighborhoods on either side of the street.*

Recommendation:

- Rezone the single-family parcels on the east side of Berkman Drive, from Wheless to Patton Lane, from single family to a higher-density single family zoning district that would allow townhome and condominium uses.

The Windsor Hills NPCT supports the applicant's request for GR-MU and Mixed Use, but in lieu of a denial because it's inconsistent with the plan goals and recommendation, we recommend a less intense land use of Neighborhood Mixed Use.

## **LAND USE DESCRIPTIONS**

### ***EXISTING LAND USE ON THE PROPERTY***

**Higher Density Single- family** land use is housing, generally up to 15 units per acre, which includes townhouses and condominiums as well as traditional small- lot single family.

### **Purpose**

1. Provide options for the development of higher- density, owner- occupied housing in urban areas; and
2. Encourage a mixture of moderate intensity residential on residential corridors.

### **Application**

1. Appropriate to manage development on major corridors that are primarily residential in nature, and
2. Can be used to provide a buffer between high- density commercial and low- density residential areas.

3. Applied to existing or proposed mobile home parks.

### ***PROPOSED LAND USE ON THE PROPERTY***

**Mixed Use** land is an area that is appropriate for a mix of residential and non- residential uses.

#### **Purpose**

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live- work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non- residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;
7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on- street activity in commercial areas after 5 p.m. and built- in customers for local businesses.

#### **Application**

1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed- use corridors along the neighborhood's edge
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);
4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;

5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non- conforming use; and
6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

***STAFF’S PROPOSED LAND USE ON THE PROPERTY***

**Neighborhood Mixed Use** - An area that is appropriate for a mix of neighborhood commercial (small- scale retail or offices, professional services, convenience retail, and shopfront retail that serve a market at a neighborhood scale) and small to medium- density residential uses.

**Purpose**

1. Accommodate mixed use development in areas appropriate for a mix of residential uses and neighborhood commercial uses that serve surrounding neighborhoods; and
2. Provide transition from residential use to high intensity commercial or mixed use.

**Application**

1. Appropriate for areas such as minor arterials and collectors, small parcels along major arterials that abut single- family residential development, and areas in environmentally sensitive zones where high intensity commercial uses are discouraged; and
2. May be used as a transition from high intensity commercial and residential uses to single- family residential uses.

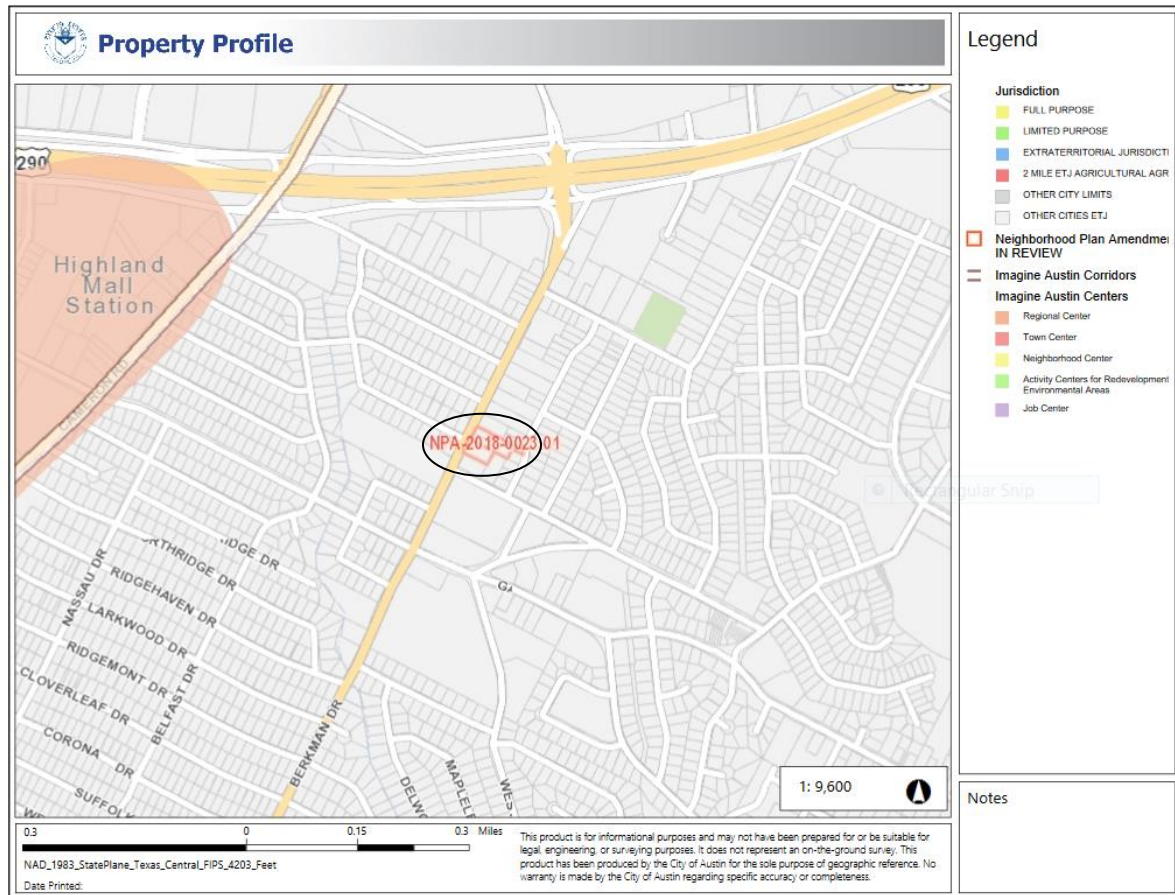
***IMAGINE AUSTIN PLANNING PRINCIPLES***

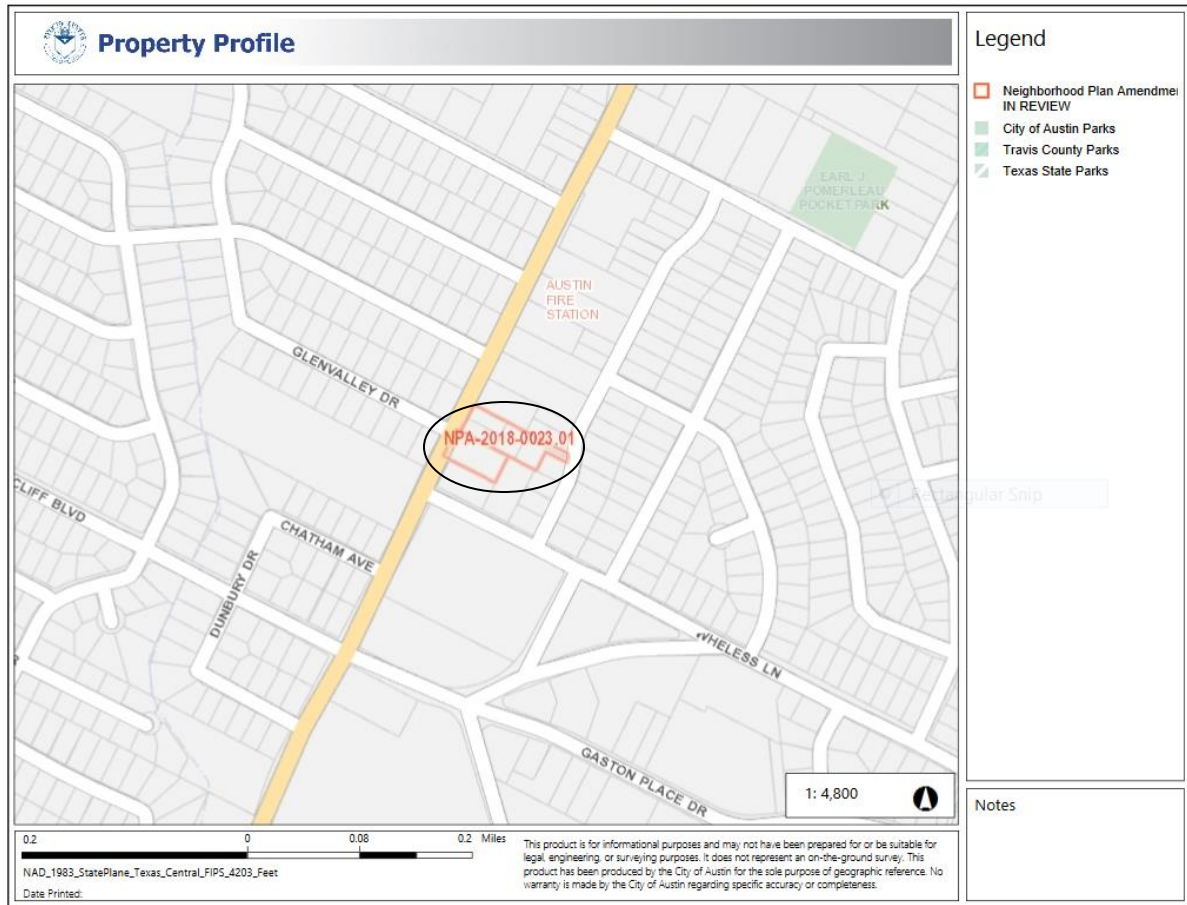
1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
  - ***The applicant proposes to build a mixed use development with residential uses. The property is located within walking distance to Harris Elementary School and the Windsor Village Shopping Center. There are bus routes within walking distance of the property.***
2. Support 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.

- ***The property is not located on an activity corridor or within an activity center. However, the property is located within walking distance to an elementary school and retail services.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
    - ***Although the property is not on an activity corridor or an activity center, it could be considered an infill site. The Staff's recommendation for Neighborhood Mixed Use land use would protect the neighborhood character by limited the intensity of the proposed development on the property.***
  4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
    - ***The proposed zoning would allow residential uses to be built along with commercial uses. If residential uses are built, they could expand the number and variety of housing choices in Austin and the planning area.***
  5. Ensure harmonious transitions between adjacent land uses and development intensities.
    - ***Staff believes Neighborhood Mixed Use is more appropriate for this location on Berkman Drive.***
  6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
    - ***The property is not located within an environmentally sensitive area.***
  7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
    - ***Not applicable.***
  8. Protect, preserve and promote historically and culturally significant areas.
    - ***Not applicable.***
  9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
    - ***Not applicable.***
  10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
    - ***Not applicable.***
  11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
    - ***Not applicable.***

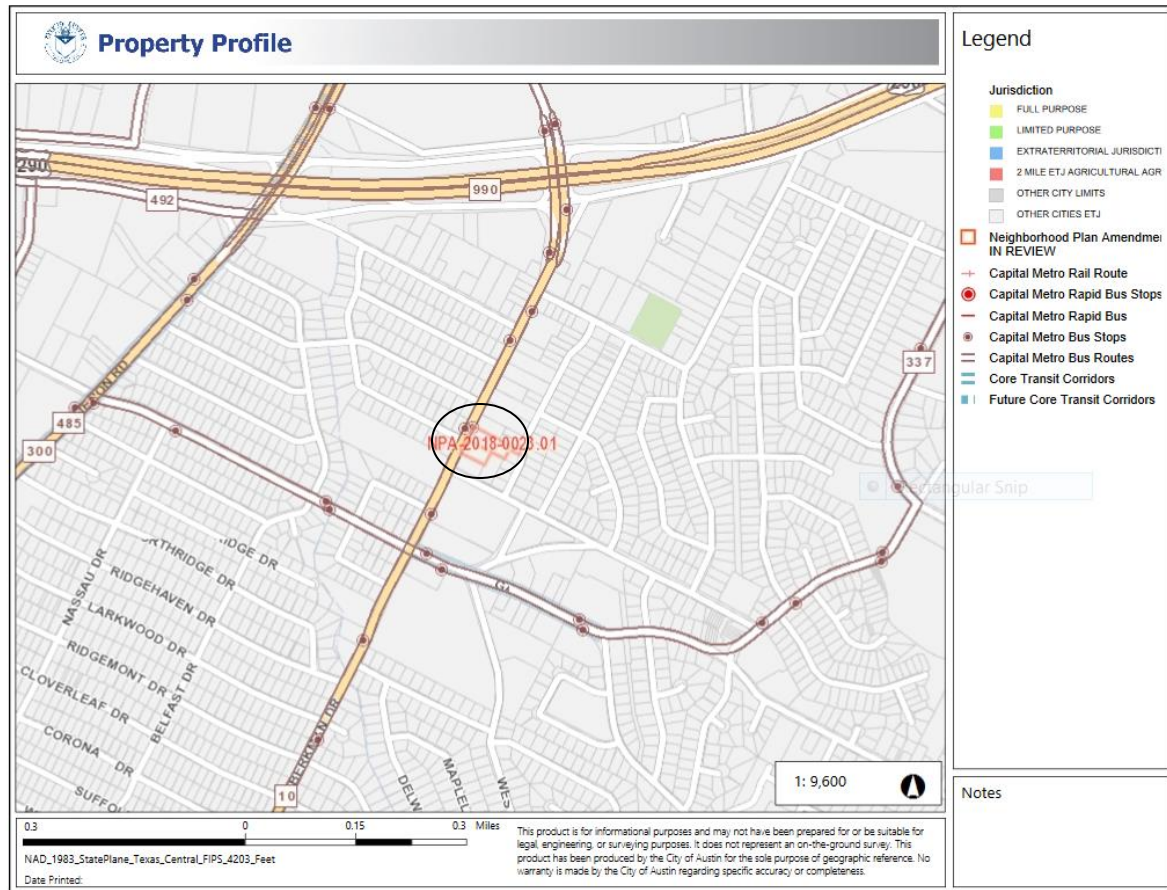
12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.

- *Not applicable.*









## IMAGINE AUSTIN GROWTH CONCEPT MAP

### Definitions

**Neighborhood Centers** - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

**Town Centers** - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although

fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

**Job Centers** - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

**Corridors** - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

**BACKGROUND:** The application was filed on June 5, 2018, which is out-of-cycle for neighborhood planning areas located on the east side of I.H.-35. The open filing period for the east side of I.H.-35 is the month of July.

The applicant is requests a change in the future land use map from Higher Density Single Family to Mixed Use land use.

The applicant is proposing to change the zoning on the property from SF-6-NP and LR-MU-NP to GR-MU-NP to build a mixed use project with apartments. For more information on the proposed zoning, please see case report for C14-2018-0037.

**PUBLIC MEETINGS:** The ordinance-required community meeting was held on July 17, 2018. Approximately 270 community meeting notices were mailed to people who own property or have a utility account within 500 feet of the property, in addition to neighborhood organizations and environmental groups who requested notification for the area through the Community Registry. Seven people attended the meeting in addition to one city staff member and the applicant's agent, Ricca Keepers.

After city staff gave a brief presentation about the planning process, Ricca Keepers said the owners are proposing to build a mixed use development with office, retail and apartments. She said they are thinking about having a pedestrian pathway from Hickman Avenue so people can walk from the residential area to the development and to Berkman Drive. She said even if they get the property rezoned, the owner wants to continue discussions with the neighborhood.

After her presentation, the following questions were asked:

***Q. Are you doing a Traffic Impact Analysis?***

A. We are required to do a TIA and the engineers are doing this now. I don't know if a roadway medium is planned for Berkman Drive that would prevent a left turn from the property and which would only require a right turn.

***Q. Will the proposed development have access to Hickman Avenue?***

A. No.

***Q. Do you know if there are plans to expand Berkman Drive?***

A. I don't know.

***Q. What are the proposed uses and number of units?***

A. We are looking at a two- to three-story building with about 28 apartment units on top and on the bottom office and retail space for small business such as yoga studio, coffee shop, these types of neighborhood uses. Two of the apartments will be affordable units for people with 80% of medium family income.

***Q. What is the main difference between LR and GR?***

A. (Note: Discussion was about the permitted uses from the information packet). We would not want to have a dry cleaner use because it generates a lot of traffic. We will have a green space where the neighborhood residents could hang out. It will be a community oriented development.

***Q. What will the parking requirement be for the residential units?***

A. It will be 1.5 parking spaces per unit.

***Q. What would the parking requirements be for the commercial uses?***

A. It would be based on the uses and then it would meet the Land Development Code parking table. We plan to have office uses which don't need a lot of parking.

***Q. Will there be parking on the street?***

A. No, we don't want people to park in the street.

***Q. Will there be underground parking?***

A. We will have self-contained parking for our area. There will be no underground parking for now, unless we find out we have issues with parking.

***Q. Things get built and then we find out here are issues with parking.***

A. The first thing we looked at was parking to make sure we had enough. We're building up to make sure we have space for parking.

***Q. Where has the owner built before?***

A. (Note: Ricca showed pictures of East 5<sup>th</sup> Condo development).

***Q. Do you know where the access will be on Berkman Drive? Will be in front of Glenvalley Street?***

A. We don't know yet. Perhaps we can make sure we have the access further to the north.

***Q. Will the store frontage be on Berkman Drive?***

A. Yes and the parking would be behind the building.

After her presentation, members of the Windsor Park Neighborhood Plan Contact Team were asked why they supported the applicant's plan amendment and zoning change request. The NPCT members said they agreed to support the applicant's request for the following reasons:

- The owners agreed to provide an area within the development where people in the neighborhood could hang-out.
- The owners agreed to a pedestrian pathway so people who live on Hickman Avenue don't have to drive to the development.
- The owner agreed to provide two affordable housing units at 80% MFI.
- The owner agreed to not have uses that would generated a lot of traffic.
- The owner agreed to not have a convenience store which attracts bad people.
- The NPCT said they want uses such as a coffee shop and art spaces.
- The owners proposed using crushed granite so the water could be absorbed.

**Comments:**

- Traffic is a problem. I need to leave for work 30-40 minutes early because of the traffic from the school
- I don't want a three-story building in the neighborhood because the neighborhood doesn't have three story buildings and I don't want them next to where I live.

**CITY COUNCIL DATE:**

**November 15, 2018**

**ACTION:** Public hearing close. Approved on 1<sup>st</sup> Reading only. Vote: 11-0.

**November 29, 2018**

**ACTION for Proposed 2/3<sup>rd</sup> Readings:**  
Postponed to Dec. 13, 2018.[L. Pool 1<sup>st</sup>; O. Houston – 2<sup>nd</sup>] Vote: 9-0 [A. Alter and E. Troxclair off the dais].

**December 13, 2018**

**ACTION Proposed for 2/3<sup>rd</sup> Readings:**

## Applicant Summary Letter from Application

### Summary Letter

June 4, 2018

City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

To Whom It May Concern,

Berkman Terraces LLC is requesting to amend the Neighborhood Plan for University Hills and Windsor Park Village (UHWP-NP). We are proposing 6203 and 6307 Berkman Drive change to Community Commercial with Mixed Use and Neighborhood Plan (GR-MU-NP). Surrounding the lots there are multi-family, single-family, and commercial-mixed use zoning. The properties on Berkman Drive are vacant and lack aesthetics for the community. The neighborhood contact team did approve the rezoning and amendment to the UHWP-NP. The land uses for the properties are similar already and will create a usable community space.

6203 Berkman Drive is zoned Neighborhood Services with Mixed Use and Neighborhood Plan (LR-MU-NP) with FLUM being the same. 6207 Berkman Drive (also referred as lots 1 and 2 of the Berkman Terrace subdivision and lots 2 and 3 of the Hickman Oaks subdivision) is Single Family-6 with NP. The Future Land Use Map (FLUM) does recommend properties to be zoned mixed use, multi-family, and higher density single family residential. Land uses we are requesting are a mix of how the FLUM defines these lots.

Prior to applying for the rezoning Pierre Fay and Ricca Keepers have met with the Contact Team to ask for their recommendations, thoughts, and ideas concerning Berkman Terraces. On May 14, 2018 the contact team did approve the rezoning of Berkman Terraces.

A primary consideration for the approval was the UHWP-NP and the future land use map. Below there is a section pulled out of the neighborhood plan on land use and development for Berkman Drive and the vicinity. The resolutions focused on rezoning these lots to higher density residential and pedestrian friendly commercial mixed-use zoning for development.

*Section Land Use and Development - Berkman Drive and Vicinity Map (page 46)*

*Objective: Berkman Drive parcels on the east side of the street between the Windsor Village Shopping Center and Hwy 290 should serve as a transition between adjacent commercial areas and Windsor Park's residential neighborhoods on either side of the street.*

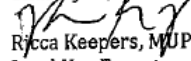
*Recommendation: Rezone the single-family parcels on the east side of Berkman Drive, from Whelless to Patton Lane, from single family to a higher-density single family-zoning district that would allow town home and condominium uses.*

*Objective: Transform the Windsor Village Shopping Center and surrounding area into a pedestrian-friendly and neighborhood-oriented urban center that also includes space for neighborhood gatherings and allows for residential mixed-use development.*

We request a plan amendment to the FLUM to show 6203, 6205, and 6307 Berkman Drive zoning as Community Commercial with Mixed Use, and Neighborhood Plan.

We respectfully request the plan amendment and future land use map be amended to show properties rezoned to fit the surrounding land uses on Berkman Drive. Please contact Ricca Keepers with any questions you have at (512) 550-6508.

Thank you,

  
Ricca Keepers, MUP  
Land Use Expert  
Keepers Consulting

**Out-of-Cycle Approval from Windsor Park  
Neighborhood Plan Contact Team (NPCT)**

**From:** Rodney Ahart

**Sent:** Friday, May 18, 2018 2:06 AM

**To:** Ricca Keepers

**Cc:** Pierre Fay <Scooter Cheatham <>; Jaime X. Guerra <Meredith, Maureen  
<Maureen.Meredith@austintexas.gov>

**Subject:** Case Number: C-14-2018-0037

Dear Ms. Keepers,

On Monday, May 14, 2018, the Windsor Park Neighborhood Plan Contact Team voted unanimously in support of the zoning change for Case Number: C-14-2018-0037, Berkman Terraces, 6203, 6205, and 6207 Berkman Drive, from LR-MU-MF-6-NP to GR-MU-NP with the dedication of at least two affordable housing units.

The team also supports you filing the neighborhood plan amendment required for this case immediately.

Please do not hesitate to contact me if I can provide any additional information.

My best,

Rodney Ahart

Windsor Park Neighborhood Plan Contact Team, Chair

Letter of Recommendation from the Windsor Park  
Neighborhood Plan Contact Team (NPCT)

**From:** Rodney Ahart **Sent:** Friday, May 18, 2018 2:06 AM

**To:** Ricca Keepers <

**Cc:** Pierre Fay <Scooter Cheatham <>; Jaime X. Guerra <>; Meredith, Maureen  
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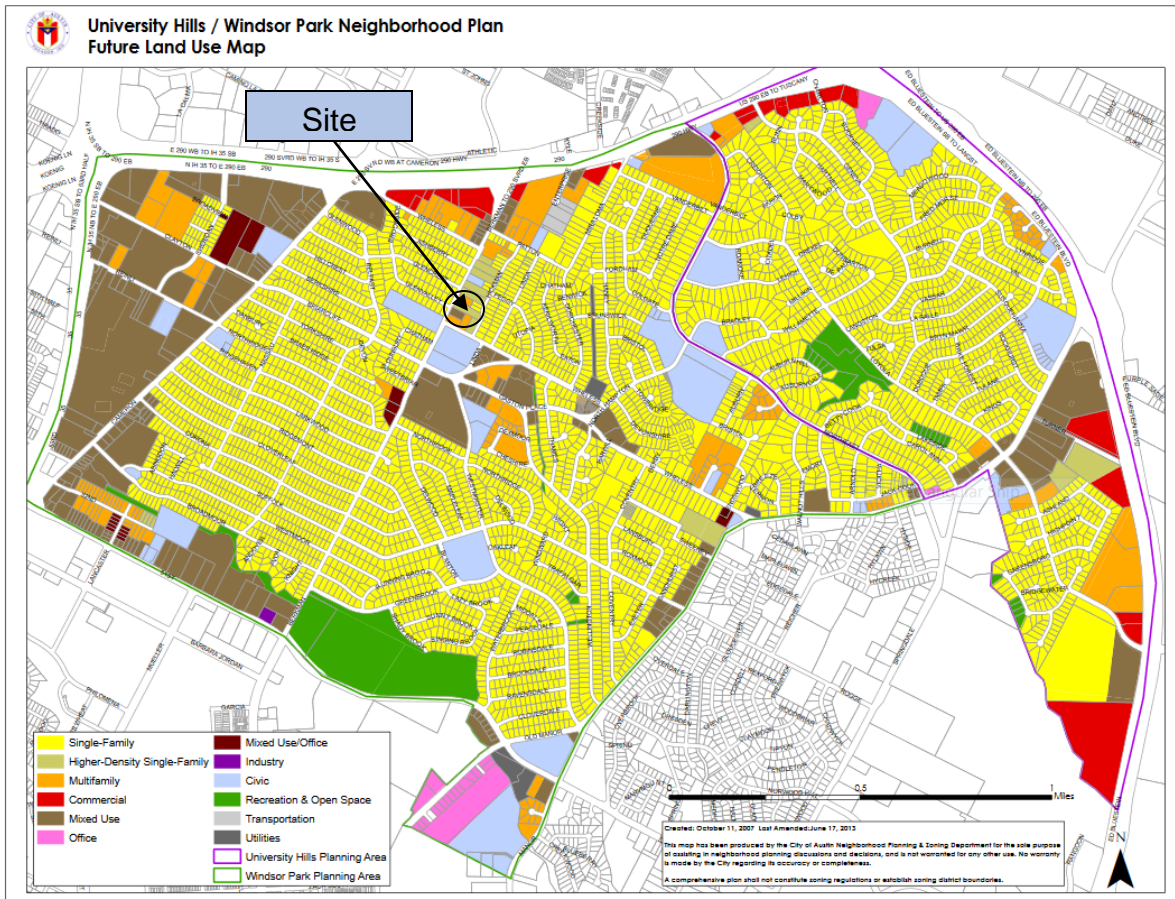
Please do not hesitate to contact me if I can provide any additional information.

My best,

Rodney Ahart

Windsor Park Neighborhood Plan Contact Team, Chair







## University Hills/Windsor Park Combined Neighborhood Planning Area NPA-2018-0023.01

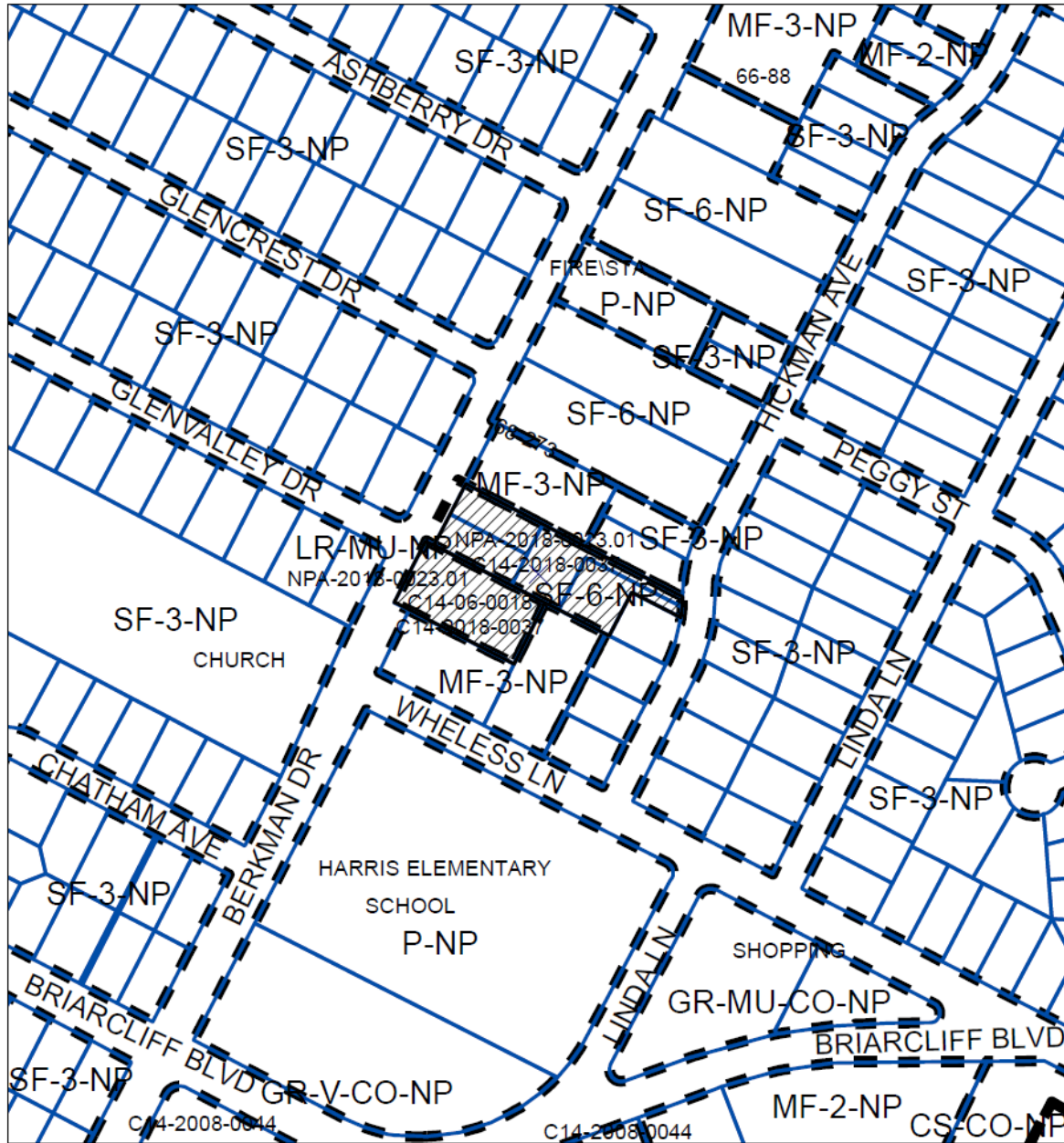
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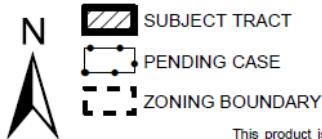
City of Austin  
Planning and Zoning Department  
Created on 6/13/2018, by: meredithm

### Future Land Use

500 ft. Notif. Boundary	Mixed Use
Subject Property	Mixed Use/Office
Single-Family	Civic
Higher-Density Single-Family	Recreation & Open Space
Multi-Family	Transportation
Commercial	Utilities



# Zoning



Zoning Case: C14-2018-0037

1" = 200'

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# PUBLIC HEARING COMMENT FORM

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

City of Austin  
Planning and Zoning Department  
Maureen Meredith  
P. O. Box 1088  
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2018-0023.01  
Contact: Maureen Meredith, Ph: 512-974-2695  
Public Hearings: Oct. 9, 2018, Planning Commission  
Nov. 15, 2018, City Council

☒ I am in favor  
☐ I object

*Davis Tucker*

Your Name (please print)

*1604 Chapman Ave 78723*

Your address(es) affected by this application

*10/1/18*

Date

*[Signature]*

Signature

Comments:

*Good location*