

## ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0042 – 7135 E. Ben White Blvd

DISTRICT: 2

ZONING FROM: LI-NP

TO: MF-4-NP

ADDRESS: 7135 East Ben White Boulevard Service Road Eastbound

SITE AREA: 18.068 acres

PROPERTY OWNER: Jill Dorough Houghton,  
Trustee

AGENT: Smith Robertson LLP  
(David Hartman)

CASE MANAGER: Wendy Rhoades (512-974-7719, [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov))

### STAFF RECOMMENDATION:

The Staff recommendation is to deny the Applicant's request for multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. ***For a summary of the basis of Staff's recommendation, see pages 2 - 3.***

### PLANNING COMMISSION ACTION / RECOMMENDATION:

**August 11, 2020: *APPROVED MF-4-NP DISTRICT ZONING AS THE APPLICANT REQUESTED***

***[C. KENNY; J. THOMPSON – 2<sup>ND</sup>] (10-0) C. LLANES PULIDO NOT PRESENT FOR PASSAGE OF THIS ITEM; Y. FLORES, J. SHIEH – ABSENT***

**July 28, 2020: *APPROVED A POSTPONEMENT REQUEST BY STAFF AND THE APPLICANT TO AUGUST 11, 2020***

***[F. KAZI; J. THOMPSON – 2<sup>ND</sup>] (12-0) C. HEMPEL – ABSENT***

### CITY COUNCIL ACTION:

**August 27, 2020:**

### ORDINANCE NUMBER:

### ISSUES:

PAZ Staff hosted a virtual meeting with the Applicant and the Southeast Combined Neighborhood Plan Contact Team on Wednesday, June 24<sup>th</sup>. The Contact Team and the Los Arboles HOA have provided letters of support for the proposed rezoning and related NPA cases. ***Please refer to the attached correspondence.***

CASE MANAGER COMMENTS:

The subject unplatted tract contains one vacant residence and is located on the East Ben White Boulevard frontage road. It has had limited industrial services – neighborhood plan (LI-NP) district zoning since Council approval of the Southeast Combined Neighborhood Plan Rezoning in October 2002 (C14-02-0128.03 – Tract 67). Carson Creek extends through the south portion of the property. There is a commercial / industrial park to the east (LI-NP), a data center within the Met Center development and fronts on Metro Center Drive to the south (LI-NP), and a hotel and an office building to the west on Caseybridge Court and manufactured home sales further west (CS-MU-CO-NP; LI-CO-NP). ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).***

The Applicant proposes to rezone the property to the multifamily residence – moderate-high density – neighborhood plan (MF-4-NP) and construct up to 375 apartment units in a garden style development and a mix of 2, 3 and 4-story buildings. Under the MF-4-NP district, the maximum height is 60 feet. The Applicant also intends to dedicate 16.6 acres to the south of the rezoning area and along Carson Creek as public parkland. This acreage would be dedicated as parkland as part of a site plan. ***Please refer to the attached correspondence.***

BASIS FOR RECOMMENDATION

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

*Applicant's request:* The multi-family residence – moderate-high density (MF-4) district is intended for residential and multi-family use with a maximum density of up to 54 units per acre, depending on unit size and mix. This district is appropriate for multi-family residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

*Staff recommendation:* The limited industrial services (LI) district is for a commercial service use or limited manufacturing use generally located on a medium or large sized site. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

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

After careful consideration and deliberation, Staff is unable to recommend the Applicant's rezoning request and recommends maintaining LI-NP zoning, for the following reasons:

- Rezoning would continue the trend of reducing the amount of industrial acreage in the City
- Adding residential uses to the area could result in the loss of more industrial uses
- The property is located in an Imagine Austin Jobs Center and industrial areas generally do not support residential uses

- Vehicular access is solely taken from East Ben White Boulevard, a highway
- Public transportation options in proximity to the property are lacking
- The Southeast Neighborhood Plan supports maintaining the industrial uses, and encouraging new industrial and commercial uses
- Although an adjacent Airport Gateway subdivision to the west allows for a Mixed Use component (CS-MU-CO-NP), all platted lots have access to a local street and the existing and planned uses are office and commercial

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI-NP	Single family residence (vacant); Undeveloped
<i>North</i>	Not Applicable	East Ben White Boulevard Service Road and main lanes
<i>South</i>	LI-NP; RR-NP	Undeveloped; Data center; Warehouse
<i>East</i>	LI-NP; RR-NP	Two office / warehouse buildings; Office
<i>West</i>	CS-MU-CO-NP	Hotel; Office; Undeveloped

NEIGHBORHOOD PLAN AREA: Southeast Combined (Southeast)    TIA: Is not required

WATERSHED: Carson Creek – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes

SCHOOLS:

The subject property is located within the Del Valle Independent School District.

NEIGHBORHOOD ORGANIZATIONS:

299 – The Crossing Gardenhome Owners Association  
 511 – Austin Neighborhoods Council                      627 – Onion Creek Homeowners Association  
 742 – Austin Independent School District              774 – Del Valle Independent School District  
 1145 – Carson Ridge Neighborhood Association  
 1228 – Sierra Club, Austin Regional Group  
 1227 – Montopolis Neighborhood Plan Contact Team              1255 – Pleasant Valley  
 1258 – Del Valle Community Coalition  
 1316 – Southeast Combined Neighborhood Plan Contact Team  
 1321 – Montopolis Tributary Trail Association              1357 – Montopolis Community Alliance  
 1363 – SEL Texas    1408 – Go Austin Vamos Austin 78744  
 1424 – Preservation Austin                                      1441 – Dove Spring Proud  
 1474 – East Riverside Corridor Staff Liaison              1528 – Bike Austin  
 1530 – Friends of Austin Neighborhoods              1550 – Homeless Neighborhood Association  
 1616 – Neighborhood Empowerment Foundation              1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2019-0092 – Ben White and Montopolis - 6017, 6029-½, 6109, 6125 E Ben White Blvd Svc Rd EB; 6108, 6108-½, 6204 Daffodil Dr; and 3216-½ Montopolis Dr	CS-NP to CS-MU-NP	To Grant, as requested	Apvd (10-3-2019).
C14-2018-0108 and C14-2018-0109 – Airport Gateway, Lots 1, 5, 6 and 9 – 3111 and 3112 Caseybridge Court	CS-MU-CO-NP; LI-CO-NP, to remove the 2,000 daily vehicle trip limit and replace w/the conds of a Traffic Impact Analysis for 12 fueling positions, a 120 room hotel, 7,000 sf retail sales, 3,000 sf restaurant, 125,000 sf office, and 293,410 sf warehousing	To Grant, as requested	Apvd (5-9-2019).
C14-03-0035 – Southeast Combined Creek Setback – South of E Ben White Blvd and East of Montopolis Dr 183 on 129.15 acres – City-Initiated	P-NP; CS-MU-NP and CS-MU-CO-NP, to establish a setback that prohibits development for 50' in both directions from the centerline of an open waterway, with certain exceptions	To Grant, as requested	Apvd (6-12-2003).

RELATED CASES:

This property was annexed into the Full-Purpose Jurisdiction on December 31, 1985 (C7a-85-023).

The subject property is located within the boundaries of the Southeast Combined (Southeast) Neighborhood Planning Area and the –NP combining district was rezoned from DR to LI-NP at that time (C14-02-0128.01 – Ordinance No. 021010-12c). There is a corresponding

neighborhood plan amendment case to change the land use designation on the Future Land Use Map (FLUM) from Industry to Multifamily (NPA-2020-0014.01).

A Land Status Determination was completed on August 9, 2013 and excepts this property from the requirement to plat (C8I-2013-0290). ***Please refer to Exhibit B.***

There are no subdivision or site plan applications on the property.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
SH 71 East	360 feet	235 feet (Divided)	Level 5	Yes	Shared Lane	None

OTHER STAFF COMMENTS:

Drainage

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

Impervious Cover

Within the Carson Creek watershed, the maximum impervious cover allowed by the *MF-4 zoning district* is 70%, which is a consistent figure between the *zoning* and *watershed* regulations. The maximum amount of impervious cover allowed by the *LI zoning district* is 80%, which is based on the more restrictive watershed regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Carson 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 preexisting approvals that preempt current water quality or Code requirements.

#### 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 compatibility standards. Along the southeastern corner, there is a property zoned RR-NP and the following standards apply to the property line abutting this site:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of property zoned SF-5 or more restrictive.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.

- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- 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.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

**Airport Overlay**

FYI – This site is located within the Austin-Bergstrom Airport Controlled Compatible Land Use Area Overlay. No use will be allowed that can create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. For the site plan, Airport Hazard Zoning Committee review may be required prior to Planning Commission hearing. Additional comments may be generated during the site plan review process.

**Scenic Roadways**

This site is within the Scenic Roadway Sign District. All signs must comply with Scenic Roadway Sign District regulations.

**Demolition and Historic Resources**

The Applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

**Transportation**

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

**Water / Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater

utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Based on current public infrastructure configurations, service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7<sup>th</sup> floor. Ph: 512-972-0211.

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 AND CORRESPONDENCE TO FOLLOW

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

Exhibit B: Land Status Determination

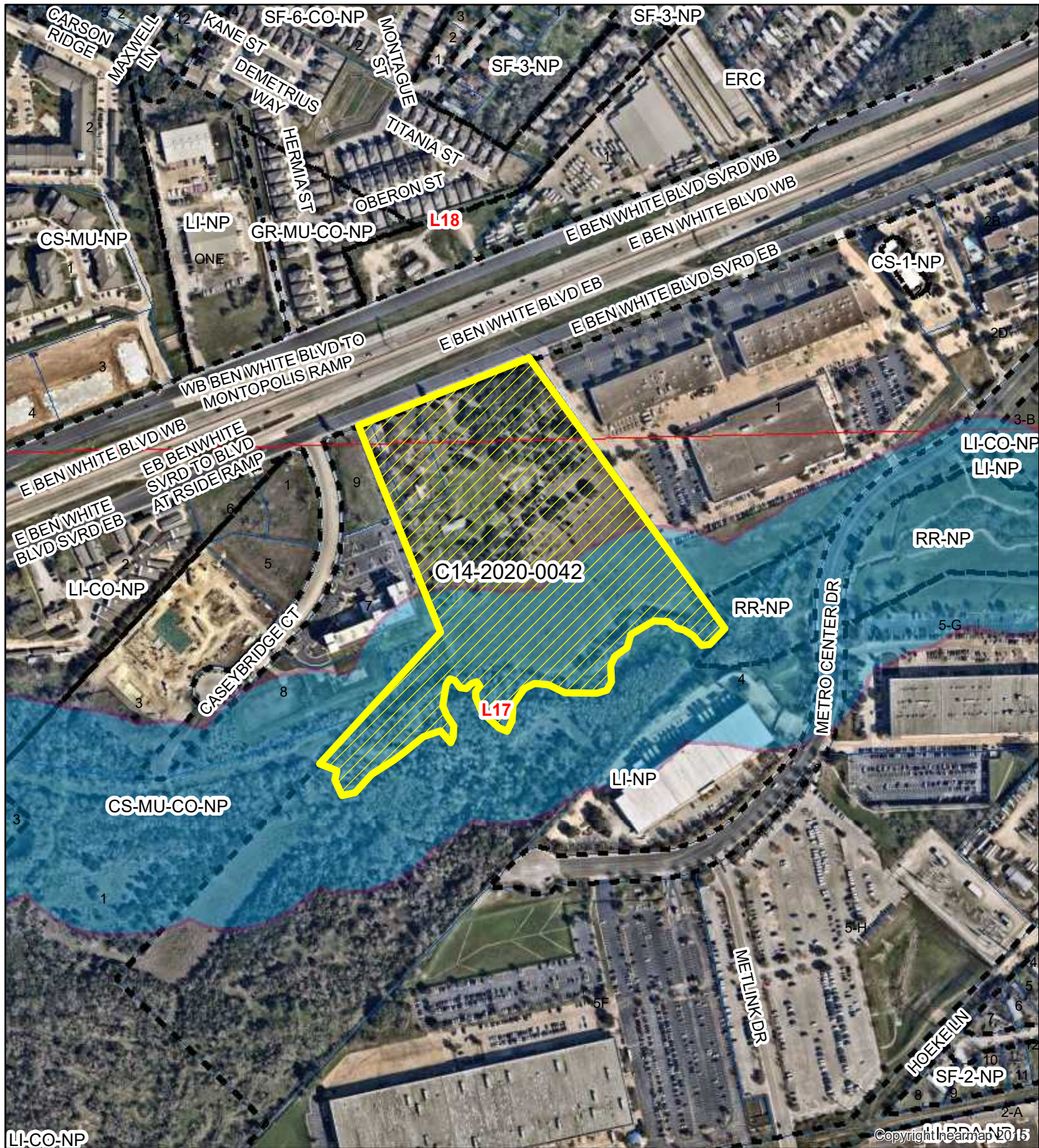
Applicant's Transmittal Letter

Correspondence from the Southeast Combined Neighborhood Plan Contact Team and the Los Arboles HOA









Copyright here map 2015



1" = 400'

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

7135 E. BEN WHITE BLVD.

Exhibit A - 1

ZONING CASE#: C14-2020-0042  
 LOCATION: 7135 E. Ben White Blvd.  
 SUBJECT AREA: 18.068 Acres  
 GRID: L17  
 MANAGER: Wendy Rhoades



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





**Planning and Development Review  
Land Status Determination  
Legal Tract Platting Exception  
Certification**

**August 09, 2013**

File Number: **C8I-2013-0290**

Address: **7203-1/2 E BEN WHITE BLVD EB**

Tax Parcel I.D. #**0315110802**

Tax Map Date: **07/09/2013**

The Planning and Development Review Department has determined that the property described below and **as shown on the attached tax map:**

**is over five acres consisting of 39.585 acres of land, a portion of the Santiago del Valle Grant, Abstract No 24, in Travis County, Texas, said 39.585 acres of land being a portion of a 136.78 acre tract, more or less in Travis County, Texas, according to the deed recorded in Volume 11363, Page 3223, of the Travis County Deed Records on Feb 4, 1999, and is eligible to receive utility service.**

The cost of water and/or wastewater service improvements, including easements, tap and impact fees, are the landowner's responsibility and expense, and must be accomplished according to the City of Austin Utility Design Criteria, Specifications and Procedures.

This determination of the status of the property is based on the five-acre subdivision exception provided in Texas Local Government Code, Section 212.004(a). Recognition hereby does not imply approval of any other portion of the Austin City Code or any other regulation.

By: *Michelle Casillas*  
**Michelle Casillas, Representative of the Director  
Planning and Development Review Department**

**Map Attachment**

**Exhibit B**





31511

Revision Date:

0 400 Feet



Italic	= 100 scale map
Thin	= 100 scale map
Bold	= 400 scale map

NAD\_1983\_StatePlane\_  
Texas\_Central\_FIPS\_4203\_Feet  
projection: Lambert\_Conformal\_Conic



This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.

**Travis Central Appraisal District**  
8314 Cross Park Drive  
Austin, Texas 78754  
P.O. Box 149012  
Austin, Texas 78714  
**Internet Address: [www.traviscad.org](http://www.traviscad.org)**  
Main Telephone Number (512)-834-9317  
Appraisal Information (512) 834-9318  
TDD (512) 836-3328





March 18, 2020

Ms. Denise Lucas  
Planning and Zoning Department  
City of Austin  
505 Barton Springs Road, 5th Floor  
Austin, Texas 78704

Re: 7135 E Ben White Boulevard - Rezoning and NPA Applications for 18.068 acres located at 7135 E Ben White Blvd., Austin, Texas ("Property")

Dear Ms. Lucas:

We respectfully submit the enclosed rezoning and neighborhood plan amendment applications for 7135 E Ben White Boulevard as representatives of the owners of the above stated Property.

The current zoning of the Property is LI-NP, and we are requesting MF-4-NP zoning for the entire Property. Surrounding zoning includes CS-MU-CO-NP, SF-6-CO-NP, LI-CO-NP, ERC, and GR-MU-CO-NP. The purpose of the rezoning is to allow for multifamily uses on the Property. This rezoning request is consistent with surrounding land uses including hotel, datacenter, and office. Development of the Property involves considerable site constraints, including heritage trees, parkland dedication, and property setbacks. Therefore, the application proposes to rezone the Property to MF-4-NP zoning designation primarily to provide for flexibility in the height of buildings as authorized pursuant to MF-4-NP zoning.

The Property is located within Southeast Combined (Southeast) Neighborhood Plan Area. The Future Land Use Map shows the Property as Industry, therefore the Neighborhood Plan Amendment application is also requested to change the FLUM designation to "Multifamily." We met with the Southeast Combined Neighborhood Plan Contact Team at their monthly meeting March 9, 2020, and they voted to consent to file this application out-of-cycle.

If you have any questions about the rezoning application or need additional information, please do not hesitate to contact me at your convenience. Thank you for your time and attention to this project.

Very truly yours,

David Hartman

cc: Wendy Rhoades, Planning and Zoning Department, via electronic mail  
Maureen Meredith, Planning and Zoning Department, via electronic mail  
Mac McElwath, Wayfinder Properties, LLC, via electronic email



# Southeast Combined Neighborhood Plan Contact Team

Ana Aguirre  
Immediate Past Chair  
PO Box 19748  
Austin, TX 78760  
512-708-0647  
a-aguirre@prodigy.net

July 16, 2020

Conor Kenny, Chair  
Yvette Flores, Secretary  
Greg Anderson  
Claire Hempel  
Carmen Llanes Pulido  
Patricia Seeger  
Jeffrey Thompson  
Richard Mendoza

Fayez Kazi, Vice-Chair  
James Shieh, Parliamentarian  
Awais Azhar  
Patrick Howard  
Robert Schneider  
Todd Shaw  
Don Leighton-Burwell  
Ann Teich

RE: Neighborhood Plan Amendment Case Number: NPA-2020-0014.01  
Rezoning Case Number: C14-2020-0042  
Project Location: 7135 E. Ben White Blvd

Dear Honorable Chair Kenny and Commissioners:

The Southeast Combined Neighborhood Plan Contact Team (SCNPCT) has a history of supporting responsible development. Our Future Land Use Map (FLUM) area consists of single-family, multifamily, mixed use, commercial, office, civic, warehouse/limited office, and industry zones. The SCNPCT also serves students that attend the Austin and Del Valle Independent School Districts. With Austin Bergstrom International Airport (ABIA) being so close, we also have to consider the Airport Overlay.

With this in mind, the SCNPCT met on Monday, July 13, 2020, to discuss the presentation and information received during a neighborhood meeting held on June 24, 2020. The applicant and the owner also participated in the July 13, 2020 meeting to make one final presentation and answer any new questions. The SCNPCT considered the two following requests pertaining to the property located at 7135 E. Ben White Blvd: 1) Neighborhood Plan Amendment to change the land use designation on the FLUM from industry to multifamily land use; and 2) Rezoning from limited industrial service district - neighborhood plan (LI-NP) combining district zoning to multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. The SCNPCT also took into consideration input from neighborhood associations representing residents within the SCNPCT boundary.



With a quorum present, and based on the information provided, the SCNPCT membership voted unanimously in favor of the following conditions as offered by the applicant:

- Changing the zoning from limited industrial to multifamily;
- 16.6 acres of parkland;
- Commitment to affordable housing of 10% of the units at 80% MFI for a minimum of 40 years;
- Preferred discount rental rate for Del Valle ISD, Austin ISD, KIPP, and IDEA employees; and
- On-site courtesy police officer with discount rental rate.

The SCNPCT also voted unanimously and is respectfully requesting the following conditions for consideration by the applicant:

- Request to add Austin Bergstrom International Airport (ABIA) employees to the preferred discount rental rate; and
- Request a guarantee to codify the discount rates to Del Valle ISD, Austin ISD, KIPP, IDEA, and ABIA employees.

The SCNPCT sees the value in changing the FLUM and zoning from industrial to multifamily recognizing the need for more housing stock in Austin. Additionally, the availability of parkland along Carson Creek will enhance the environment and quality of life for the future occupants of this proposed development as well current residents and employees in Southeast Austin. The SCNPCT is very appreciative of the affordable housing being offered. The affordable housing will benefit employees of the AISD and DVISD school districts, the charter schools and a courtesy police officer. We hope the applicant will consider including ABIA employees, so they too can benefit from this opportunity.

Respectfully submitted,



Ana Aguirre, Immediate Past Chair

Southeast Combined Neighborhood Plan Contact Team (SCNPCT)

CC: Wendy Rhoades, Planning and Zoning Department  
David Hartman, Applicant

August 7, 2020

RE: Rezoning Case: C14-2020-0042  
Neighborhood Plan Amendment: NPA-2020-0014.01

Honorable Commissioners,

Los Arboles Homeowners Association supports the request for rezoning from LI-NP Limited Industrial to MF-4-NP Multifamily Residential (C14-2020-0042), and amendment of the SE Combined Neighborhood Plan (NPA-2020-0014.01) at 7135 E Ben White Blvd Service Rd Eastbound.

Los Arboles is a community of 314 single family homes; the west border is on Nuckols Crossing Rd and the east border is the green space separating Los Arboles from Stassney Rd, just a little south of Burleson Rd. The area along Burleson Rd and Stassney Rd/Montopolis Dr from Hwy 71 (Ben White Blvd) to Hwy 183 has had numerous industrial complexes built in recent years. Currently TXDOT is building their headquarters off of Stassney Rd on the other side of the green space from Los Arboles. Allowing residential use at 7135 E Ben White would balance all of the industry and give workers an opportunity to live close to where they work. The Applicant has committed to affordable housing of 10% of the units at 80% MFI for a minimum of 40 years plus discounts to teachers and ABIA employees. Additionally, this residential property would include parkland and a hiking trail that would extend to a current trail and open to the public. Los Arboles supports this residential use as appropriate and useful for the community.

Respectfully On behalf of the Los Arboles Homeowners' Association,  
Laurel Francel  
Los Arboles HOA Vice President/Secretary  
5609 Apple Orchard Lane  
Austin, TX 78744  
l.francel@yahoo.com