

## ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0042

DISTRICT: 2

ADDRESS: 714 Turtle Creek Boulevard

ZONING FROM: MF-2-NP

TO: GR-MU-V-NP

SITE AREA: 5.36 acres

PROPERTY OWNER: 714 Turtle Creek LP, a Texas limited partnership (Anthony Clarke)

AGENT: DuBois, Bryant & Campbell, L.L.P. (David Hartman)

CASE MANAGER: Dana Moses, 512-974-8008, dana.moses@austintexas.gov

### STAFF RECOMMENDATION:

**Staff recommendation is to grant community commercial – mixed use – vertical mixed use building – neighborhood plan (GR-MU-V-NP) combining district zoning.**

### PLANNING COMMISSION ACTION / RECOMMENDATION:

**October 10, 2023: *Motion to approve staff's recommendation to grant community commercial – mixed use – vertical mixed use building – neighborhood plan (GR-MU-V-NP) combining district zoning.***

*[A. AZHAR; F. MAXWELL – 2<sup>nd</sup> (11-0)] J. MUSHTALER, G. COX– ABSENT*

September 26, 2023: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO OCTOBER 10, 2023*

*[A. AZHAR; F. MAXWELL – 2<sup>ND</sup>] (10-0) C. HEMPEL, P. HOWARD, J. MUSHTALER – ABSENT*

### CITY COUNCIL ACTION:

**November 9, 2023:**

### ORDINANCE NUMBER:

### ISSUES:

There are not any issues at this time.

### CASE MANAGER COMMENTS:

The property in question is 5.36 acres and is currently developed with multifamily units on one tract of land. The property has a frontage along South 1<sup>st</sup> Street and is on the northwest corner of Turtle Creek Boulevard and South 1<sup>st</sup> Street. There is a Capitol Metro bus stop less than 1/4 of a mile from the property on South 1<sup>st</sup> Street. Demolition is proposed for the existing multifamily units in 2025. To the north there are single family homes and a Baptist church and to the west are single family homes (GR-CO-NP; SF-3-NP).

Furthermore, directly to the east is South 1<sup>st</sup> street and across from South 1<sup>st</sup> street are single family homes and a law office (LO-MU-NP; SF-3-NP). To the south is a multifamily complex and a massage clinic (LR-V-NP; GO-V-NP).

The Applicant has requested community commercial – mixed use – vertical mixed use building – neighborhood plan (GR-MU-V-NP) combining district zoning in order to construct 200 multifamily units. The GR-MU-V-NP combining district zoning allows for a combination of residential, commercial, and office uses. ***Please refer to Exhibits A (Zoning Map) and B (Aerial Exhibit).***

### BASIS OF RECOMMENDATION

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

The proposed community commercial (GR) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The vertical mixed use building (V) combining district may be applied in combination with any commercial base zoning district and allows for a combination of office, retail, commercial and residential uses within a vertical mixed use building. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

- 2. Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The proposed development will be located at the intersection of South 1<sup>st</sup> Street and Turtle Creek Boulevard, a major arterial and collector street. There are existing multifamily units to the south. There is also GR-CO-NP zoning to the north and GR-MU-CO-NP zoning to northeast on South 1<sup>st</sup> Street. The property is within a transit priority network that includes capital metro bus stops as well as bicycle lanes.

### EXISTING ZONING AND LAND USES:

|              | ZONING            | LAND USES                         |
|--------------|-------------------|-----------------------------------|
| <i>Site</i>  | MF-2-NP           | Multifamily units                 |
| <i>North</i> | GR-CO-NP          | Single-family residences          |
| <i>South</i> | GO-V-NP; LR-V-NP  | Multifamily units; Massage Clinic |
| <i>East</i>  | LO-MU-NP; SF-3-NP | Single-family residences          |
| <i>West</i>  | SF-3-NP           | Single-family residences          |

NEIGHBORHOOD PLANNING AREA: South Austin Combined “Garrison Park”

WATERSHED: Williamson Creek – Suburban

SCHOOLS:

Odom Elementary School

Bedichek Middle School

Crockett High School

COMMUNITY REGISTRY LIST

Armadillo Park Neighborhood Association

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

South Austin Neighborhood Alliance

Onion Creek Homeowners Assoc.

South Congress Combined Neighborhood Plan Contact Team

Friends of Austin Neighborhoods

Austin Independent School District

Austin Lost and Found Pets

Go Austin Vamos Austin 78745

Preservation Austin

SELTexas

Austin Neighborhoods Council

AREA CASE HISTORIES:

| NUMBER        | REQUEST                                                                                                                                                               | PLANNING COMMISSION                                      | CITY COUNCIL                                                                                                                                                                                                                                                                                                             |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| C14-2014-0019 | Zoning change proposed to add a -NP Combining District, as well as design tools & special use infill options, restricted parking, and restricted mobile food vending. | No recommendation was made at the July 22, 2014 hearing. | Approved infill options of small lot amnesty area-wide, secondary apartments, east of the railroad tracks.<br>Approved design tools of parking placement & impervious cover restrictions, garage placement for new construction, and front porch setbacks.<br>Mobile food vending restrictions approved.<br>(11/6/2014). |
| C14-2019-0133 | SF-3-NP and LO-NP to LR-V-NP                                                                                                                                          | Approved LR-V-NP and GO-V-NP, with conditions.           | Approved LR-V-NP and GO-V-NP, with conditions as Commission recommended.<br>(01/23/2020).                                                                                                                                                                                                                                |
| C14-2019-0135 | SF-3-NP to GR-NP                                                                                                                                                      | Approved GR-NP as Staff recommended.                     | Approved GR-NP as Commission recommended.<br>(December 5, 2019).                                                                                                                                                                                                                                                         |

RELATED CASES:

NPA-2023-0030.02 – 714 Turtle Creek Multifamily: This is the NPA case being considered with this rezoning case, from commercial to residential.

C14-2020-0134 – 6311 South 1<sup>st</sup> Street: The property located at the northeast corner of the intersection at South 1<sup>st</sup> Street and Eberhart Lane was rezoned from GR-MU-CO-NP to GR-MU-V-NP. The Vertical Mixed-Use Overlay was proposed for an additional 96 multifamily units to the already approved 155 units per site plan permit number SP-2018-0405C, for a total of 251 units in the multifamily development. The Planning Commission recommended this case to City Council and GR-MU-V-CO-NP zoning was approved.

ADDITIONAL 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 requires that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson 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<br>(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 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.

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.

#### PARD – Planning & Design Review

Parkland dedication will be required for the new applicable uses proposed by this development, multifamily with GR-MU-V-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

#### Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

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.

#### Compatibility Standards

The site is subject to compatibility standards. There are SF-3 zoned properties immediately to the west, across South First Street to the east and northeast, and across Turtle Creek Boulevard to the southwest. The following standards may apply at time of site plan:

- No structure may be built within 25 feet of the single family zone/use property lines.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the triggering property lines.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the triggering property lines.

- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- Additional design regulations will be enforced at the time a site plan is submitted.

#### Austin Transportation Department – Engineering Review

The adjacent street characteristics table is provided below:

| Name                         | ASMP Classification          | ASMP Required ROW | Existing ROW | Existing Pavement | Sidewalks | Bicycle Route | Capital Metro (within $\frac{1}{4}$ mile) |
|------------------------------|------------------------------|-------------------|--------------|-------------------|-----------|---------------|-------------------------------------------|
| Turtle Creek Boulevard       | Level 2 Collector            | 84'               | 65'          | 39'               | Yes       | Yes           | Yes                                       |
| South 1 <sup>st</sup> Street | Level 3 Minor/Major Arterial | 80'               | 83'          | 42'               | Yes       | Yes           | Yes                                       |

The Austin Strategic Mobility Plan (ASMP) calls for 84 feet of right-of-way for Turtle Creek Boulevard. It is recommended that 42 feet of right-of-way from the existing centerline should be dedicated for Turtle Creek Boulevard according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

A Traffic Impact Analysis is not required.

#### Austin Water Utility:

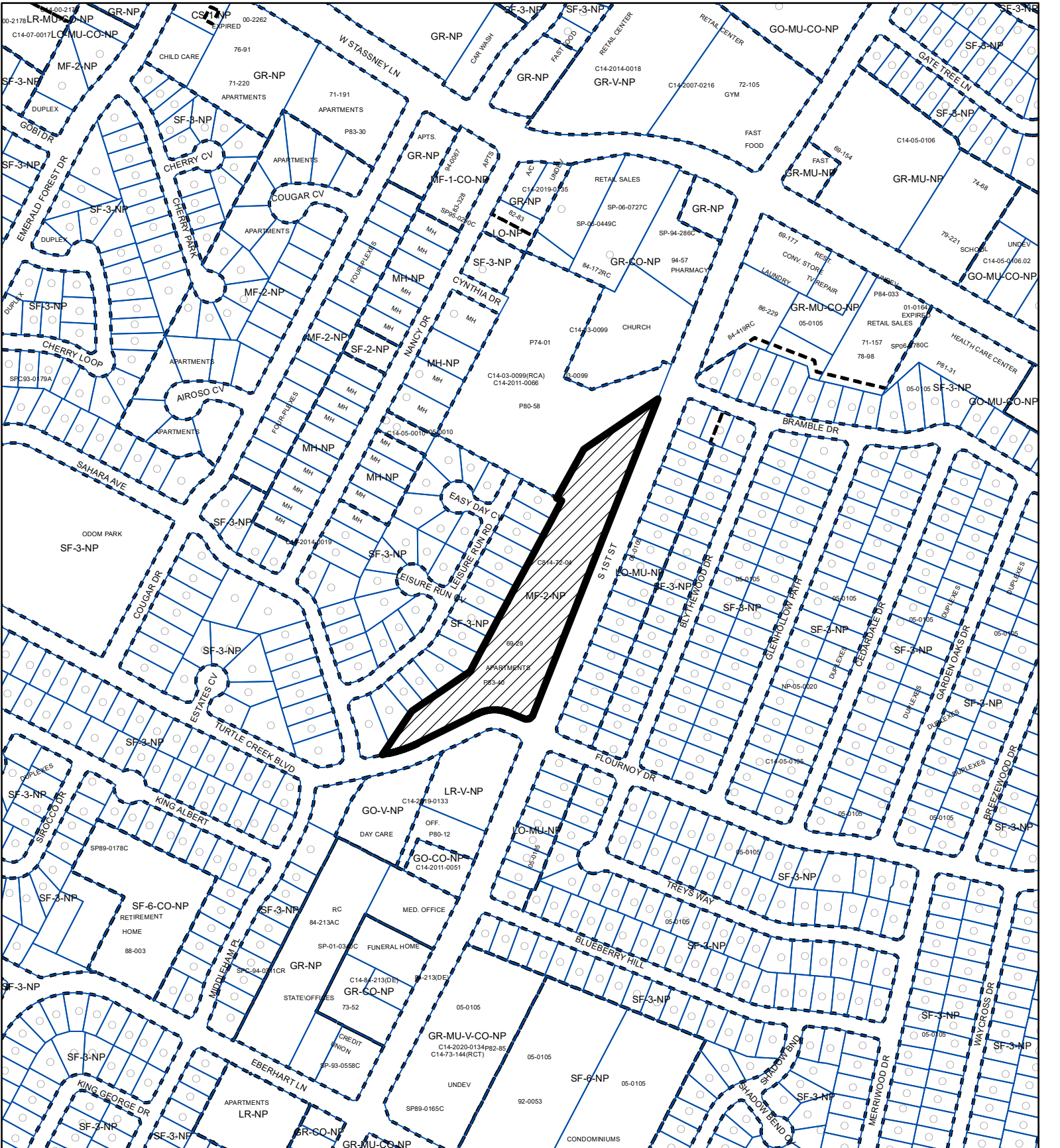
No comments on zoning change.

The landowner intends to serve the site with existing City of Austin water utilities.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at [ser@austintexas.gov](mailto:ser@austintexas.gov).

#### INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter
- D. Correspondence from Interested Parties



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2023-0042

EXHIBIT A



1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

Created: 4/7/2023



## 714 Turtle Creek Multifamily

### EXHIBIT B

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

ZONING CASE#: C14-2023-0042  
 LOCATION: 714 Turtle Creek Boulevard  
 SUBJECT AREA: 5.36 Acres  
 GRID: G17  
 MANAGER: Nancy Estrada



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Created: 5/24/2023



**David Hartman**  
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Austin, TX 78701  
[www.dbcllp.com](http://www.dbcllp.com)

March 24, 2023

Rosie Truelove  
Director, Housing and Planning Department  
City of Austin  
1000 E. 11<sup>th</sup> Street, Suite 200  
Austin, Texas 78702

Re: 714 Turtle Creek Multifamily – Rezoning and Neighborhood Plan Amendment Application for 5.36 acres located at 714 Turtle Creek Boulevard, Austin, TX 78745 (“Property”)

Dear Ms. Truelove:

We respectfully submit the enclosed zoning application for 714 Turtle Creek Boulevard as representatives of the owner of the above stated Property.

The Property covers 5.36 acres located at 714 Turtle Creek Boulevard, Austin, TX 78745, located along S. 1<sup>st</sup> Street. The current zoning of the Property is MF-2-NP and we are requesting GR-MU-V-NP zoning for the entire Property. The Property is currently developed with multifamily project. There are no immediate plans for demolition, and any demolition will occur in 2025 at the earliest.

The Property is located within South Austin Combined Neighborhood Plan. The Future Land Use Map shows the Property as Neighborhood Transition, therefore the Neighborhood Plan Amendment application is also requested to change the FLUM designation to “Mixed-Use Activity Hub/Corridor” for the entire Property.

The purpose of the rezoning and NPA is to authorize development of a multifamily project on the Property, including income-restricted affordable housing for households earning up to 60% Median Family Income. The site is an excellent location for multifamily use, since it is served by Capital Metro bus stop at the Property, and S. 1<sup>st</sup> Street is an ASMP Transit Priority Network.

The TIA Determination form dated March 6, 2023, and signed by Maria Cardenas states that the Traffic Impact Analysis is **not required**.

If you have any questions about the applications 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: Joi Harden, Housing and Planning Department (via electronic delivery)  
Maureen Meredith, Housing and Planning Department (via electronic delivery)

**From:** Prescott, Meredith  
**To:** Moses, Dana  
**Subject:** Case#: C14-2023-0042  
**Date:** Tuesday, September 26, 2023 10:01:40 AM

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Hi Dana,

I'm sorry that I don't have a copy of the comment form to submit - unfortunately, my 16 month-old got to it before I did. But I wanted to submit a formal comment ahead of the hearing. I hope this format is okay.

Case #:C14-2023-0042

Contact: Dana Moses, 512-974-8008

Public Hearing: September 26, 2023, Planning Commission

Name: Meredith Daigneault

Address: 6004 Leisure Run Rd, Austin, TX 78745

### **I Object**

Comment: There is a huge difference between the existing two-story residential apartments that are there today to the 3-5 story commercial property they intended to build. What new commercial "services" could this property possibly provide to a residential neighborhood with an elementary school that's already adjacent to South Congress and between busy Stassney Lane and William Cannon Drive? The benefit to rezoning this to anything besides a type of low-density neighborhood district would lie entirely with a single private developer - not with the community or surrounding residents. Thank you.