

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0071.SH – 5900 S. Pleasant Valley Apts. DISTRICT: 2

ADDRESS: 5900 South Pleasant Valley Road (AKA 5901 Rapid Creek Trail)

ZONING FROM: PUD-NP

TO: GR-MU-CO-NP

SITE AREA: 2.495 acres

PROPERTY OWNER: Austin Housing Finance Corporation

AGENT: Austin Housing Finance Corporation (Courtney Banker)

CASE MANAGER: Nancy Estrada (512-974-7617, nancy.estrada@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – mixed use – conditional overlay – neighborhood plan (GR-MU-CO-NP) combining district zoning.

The Conditional Overlay prohibits the following uses: Automotive Rentals, Automotive Repairs & Services, Automotive Sales, Automotive Washing (of any type), Bail Bond Services, Club or Lodge, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Hotel/Motel, Off-Site Accessory Parking, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services and Service Station. For a summary of the basis of Staff's recommendation, please see pages 2 - 3.

PLANNING COMMISSION ACTION / RECOMMENDATION:

September 26, 2023: APPROVED GR-MU-CO-NP DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT

**[A. AZHAR; F. MAXWELL – 2ND] (10--0) A. WOODS – RECUSED;
VC HEMPEL, P. HOWARD, J. MUSHTALER – ABSENT**

CITY COUNCIL ACTION:

November 2, 2023:

ORDINANCE NUMBER:

ISSUES:

On Wednesday, July 12, 2023, City of Austin staff sponsored a virtual community meeting to provide an opportunity for the neighborhood planning contact team, nearby residents, property owners, and any other interested parties to discuss the proposed neighborhood plan amendment request as well as fulfill the intent of the meeting requirement outlined in Section 25-2-786.02(F)(2) (Regulating Plan) of the LDC.

CASE MANAGER COMMENTS:

The subject rezoning area is currently undeveloped and consists of 2.495 acres. This property has frontage on both South Pleasant Valley Road and Village Square Drive. The site will take its primary access to South Pleasant Valley Road while emergency only ingress and egress is being proposed for Village Square Drive. City maps show that the subject property is within a Critical Water Quality Zone and that a creek buffer runs through the southern portion of the site; therefore, close to 50% of the lot is expected to be open space.

The rezoning area is surrounded by single family residences to the west and south (SF-3). Directly to the north is Mendez Middle School (P-NP), and to the east are townhouse / condominium residences (PUD-NP). Within one mile of the property are the Dove Springs District Park and Williamson Creek Greenbelt, as well as the George Morales Dove Springs Recreation Center. ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).***

The Applicant is requesting to rezone the property to community commercial – mixed use – conditional overlay – neighborhood plan (GR-MU-CO-NP) combining district zoning. The property is certified by S.M.A.R.T Housing and the applicant proposes to build a 96-unit new multifamily rental development with the following affordability levels:

- Proposed Unit mix:
 - 5% (5 units) at or below 30% MFI
 - 40% (38 units) at or below 50% MFI
 - 45% (43 units) at or 60% MFI
- Proposed Residential mix (approximate):
 - 30 (1 Bedroom) – 27 affordable
 - 56 (2 Bedroom) – 51 affordable
 - 10 (3 Bedroom) – 9 affordable

The affordability period for S.M.A.R.T. Housing units is five years.

There are two Capital Metro bus stops less than ¼ mile from the property on South Pleasant Valley Road as well as available bicycle lanes.

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 Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. 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 collectors.*

Staff is recommending (GR-MU-CO-NP) zoning for the subject property based on the following considerations: 1) community commercial – mixed use (GR-MU) is appropriate due to its frontage on South Pleasant Valley Road and its location at an intersection of a major arterial street and collector, 2) possible community amenities would be available to serve residents of the proposed future development, as well as the surrounding community, and 3) transit options such as Capital Metro bus routes and bicycle lanes are available.

3. *Zoning should promote clearly identified community goals, such as creating employment opportunities or providing for affordable housing.*

The proposed development will help meet the City of Austin's affordable housing needs and increase the number of housing choices for the City and the neighborhood.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	PUD-NP	Undeveloped
<i>North</i>	P-NP	Mendez Middle School
<i>South</i>	SF-3-NP	Single-family residences
<i>East</i>	P-NP	Townhouse / Condominiums
<i>West</i>	SF-3-NP	Single-family residences

NEIGHBORHOOD PLANNING AREA: Southeast Combined (Franklin Park)

WATERSHED: Williamson Creek – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Widen Elementary School

Mendez Middle School

Akins High School

COMMUNITY REGISTRY LIST:

Austin Independent School District,
Del Valle Community Coalition Non-Profit,
Friends of Austin Neighborhoods,
Homeless Neighborhood Association,
Neighborhood Empowerment Foundation,
Onion Creek Homeowners Association,
Indian Hills Neighborhood Watch,
Sierra Club, Austin Regional Group,
Southeast Combined Neighborhood Plan Contact Team

Dove Springs Proud,
Austin Lost and Found Pets,
Austin Neighborhoods Council,
Go Austin Vamos Austin 78744,
SELTexas,
Caracol Southeast

AREA CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-05-0117.SH – Arbor Ridge S.M.A.R.T. Housing 5503-5507 Nuckols Crossing Road	SF-3-NP to SF-6-NP	To Grant SF-6-NP with conditions of the NTA	Approved (12-1-2005)
C14-02-0043 – 5905 Nuckols Crossing Road	SF-3 to P	To Grant P, Public District Zoning	Approved (6-27-2002)

RELATED CASES:

NPA-2023-0014.01.SH – from Single Family, Open Space to Mixed Use

ADDITIONAL STAFF COMMENTS:

Site Plan and Compatibility Standards

A site plan will be required for any new development other than single-family, two-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.

The site is subject to compatibility standards along the East & West property lines. The following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories and 30 feet in height may be constructed within 50 feet of the property line of the compatibility-triggering property.
- No structure in excess of three stories and 40 feet in height may be constructed within 100 feet of the property line of the compatibility-triggering property.
- A landscape area at least ____ 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, the height is limited to 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.
- 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 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.

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.

Additional design regulations will be enforced at the time a site plan is submitted.

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 (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 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.

PARD – Planning & Design Review

Residential units that are certified affordable under the S.M.A.R.T Housing Policy are exempt from the parkland dedication requirements per City Code § 25-1-601(C)(3). Parkland dedication will be required for any new market-rate residential units that may be proposed by this development, multifamily with GR-MU-CO-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601.

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. At the applicant's request, PARD can provide an early determination of parkland dedication requirements.

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 ¼ mile)
S. Pleasant Valley Road	Level 3 – Major Arterial	116'	84'	60'	Yes	Yes	Yes

Village Square Drive	Level 1 – Residential Collector	58'	66'	44'	Yes	No	Yes
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The Austin Strategic Mobility Plan (ASMP) calls for 116 feet of right-of-way for S. Pleasant Valley Road. It is recommended that 58 feet of right-of-way from the existing centerline should be dedicated for S. Pleasant Valley Road 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

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.

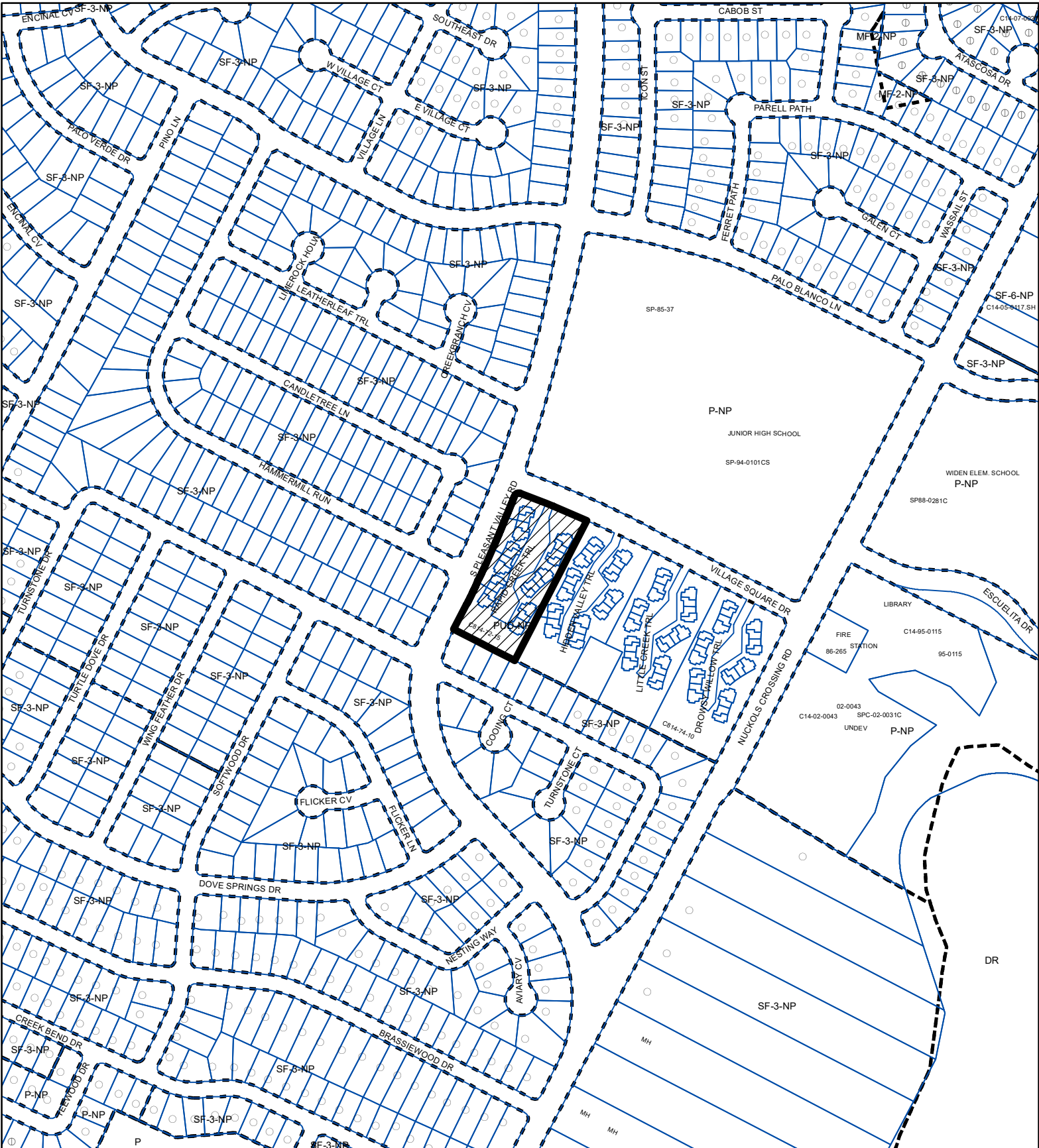
INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map – 5900 South Pleasant Valley Apartments

Exhibit A-1: Aerial Map – 5900 South Pleasant Valley Apartments

Applicant's Summary Letter

S.M.A.R.T. Housing Certification



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING
ZONING CASE#: C14-2023-0071.SH
EXHIBIT A

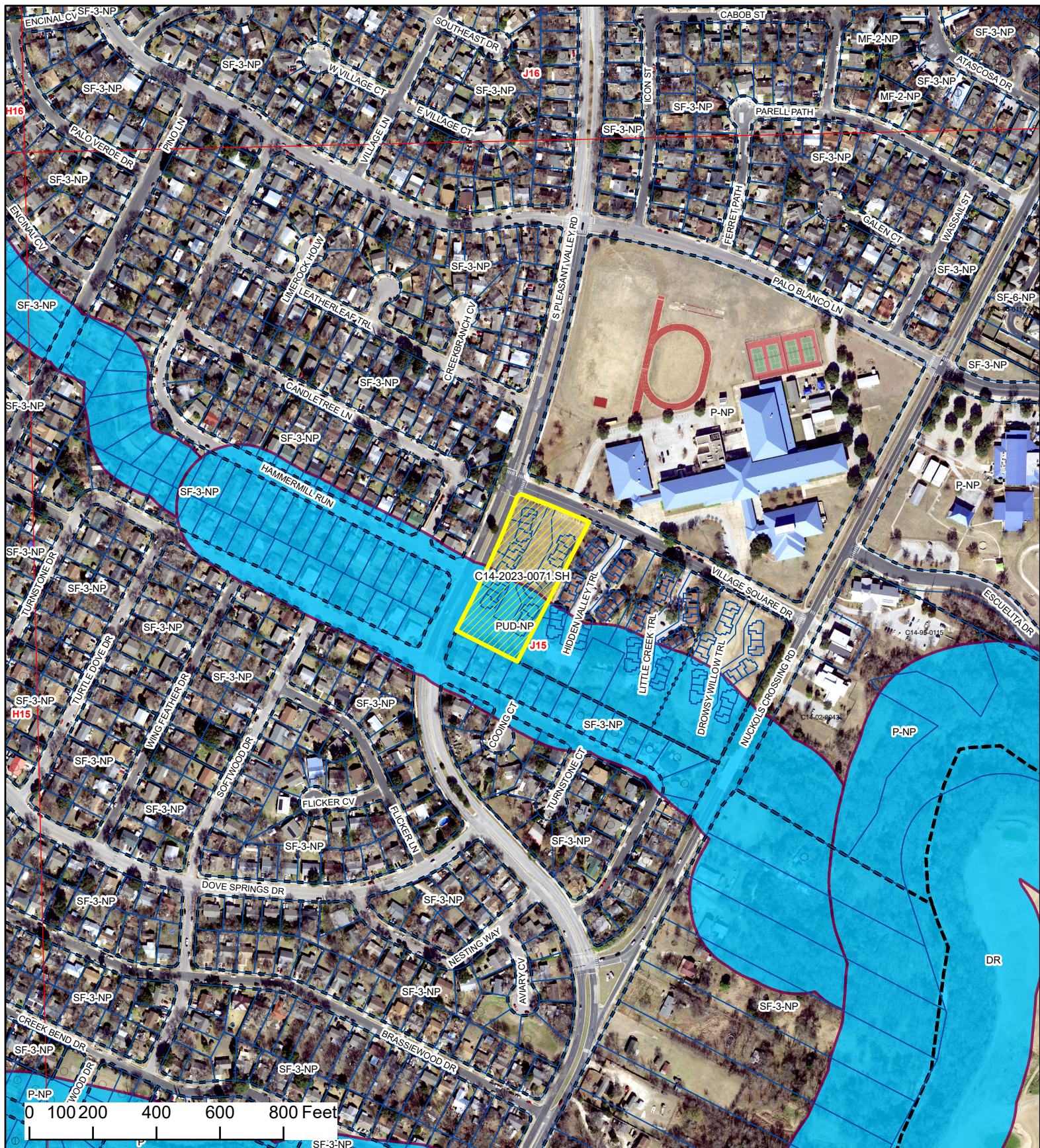


1" = 400'

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.

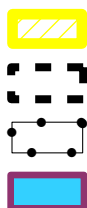
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Created: 6/1/2023



5900 S Pleasant Valley Apartments

EXHIBIT A-1



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

ZONING CASE#: C14-2023-0071.SH
 LOCATION: 5900 S Pleasant Valley Rd
 SUBJECT AREA: 2.495 Acres
 GRID: J15
 MANAGER: Nancy Estrada



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Created: 7/11/2023

May 24, 2023

Re: ***5900 S. Pleasant Valley Apartments & 5901 Drowsy Willow Trail Ownership Units
City of Austin Zoning and Neighborhood Plan Amendment Applications
5900 S. Pleasant Valley Road & 5901 Drowsy Willow Trail
Austin, Texas 78744***

To Whom It May Concern,

This letter provides background on the Zoning and Neighborhood Plan Amendment applications for the above referenced tracts.

Site Background

The Austin Housing Finance Corporation (AHFC) purchased both 5900 S. Pleasant Valley Rd. and 5901 Drowsy Willow Trail in 2021 using 2018 General Obligation Bond funds earmarked for expanding the city's affordable housing stock. In 2022, AHFC initiated the first steps in preparing for the solicitation and ultimate redevelopment of these tracts by engaging h+uo architects to determine preliminary site yields and conceptual massing, and in turn, create preliminary development concepts and priorities for presenting to the community. Due to the creek at the southern border of the sites and corresponding Critical Water Quality Zone, close to 50% of both lots is expected to be open space in accordance with city regulations; the original PUD, which anticipated building housing within this zone, was platted prior to current flood standards. These preliminary development concepts deviate from the PUD in order to better accommodate health and safety, and to provide more affordable housing

Community Engagement

Between January and March 2023, AHFC invited the community to provide feedback on these preliminary development priorities and concepts. To help share information, AHFC launched a bilingual project website with an online survey, overview video, and additional informational materials: <https://publicinput.com/5900southpleasantvalley>. To solicit feedback, AHFC met with ten community groups and stakeholders, tabled at five community events, promoted the website and survey through social media and newsletters, posted yard signs in the immediate neighborhood advertising ways to provide feedback on the project, and mailed flyers and surveys to all addresses within 500 feet of the project site.

Among the feedback received, the following themes were identified:

- Support for **mix of ownership and rental housing** opportunities.
- Support for **serving existing residents at risk of displacement** from and **households with generational ties** to the neighborhood.
- Concerns related to **traffic on Village Square Drive, Nuckols Crossing Road, and Pleasant Valley Road**; some residents requested ingress/egress to the developments on Nuckols Crossing Road and Pleasant Valley Road, in addition to Village Square Drive, as the road

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Anne Morgan, General Counsel

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and will provide reasonable modifications and equal access to communications upon request.*

currently experiences heavy school and resident traffic; others shared concerns about inadequate capacity on Nuckols Crossing Road / Pleasant Valley Road to accommodate additional residents.

- Concerns related to **parking**, including not enough parking provided within the development concepts and limited/strained existing street parking supply.
- Concerns related to **flooding** and desire for flood mitigation considerations as well as evacuation plans.
- Concerns related to **good neighbor practices**, particularly with regards to the existing Village at Pleasant Valley condominiums; desire for consideration of construction noise, traffic, debris, safety, and fencing; desire for a permanent fence around the development; desire for no balconies along eastern lot line; desire for lower building heights overall and/or adjacent to existing condominiums.
- Concerns related to **incomes served**; mixed input with some residents preferring deeper income targeting (e.g., majority of rental units serving $\leq 50\%$ MFI), higher incomes served, or no income-restricted housing whatsoever.
- Desire for **additional community amenities**, including general interest in indoor facilities (e.g., laundromat, daycare, community space, theater, weight room, coffee shop, affordable grocery, bike storage) and outdoor spaces (e.g., playground, dog park, pickleball/hand ball courts, trails, garden, bike and e-bike rental, pool).

AHFC incorporated community input into the development concepts and priorities, as well as a competitive Request for Qualifications (RFQ). A summary of the feedback received during these efforts and ways feedback was addressed in the RFQ is available on the Active RFP webpage:

<https://www.austintexas.gov/page/request-proposals>.

Solicitation and Entitlements

On March 29, 2023, AHFC released the RFQ solicitation to develop, own, and operate a proposed approximately 90 to 100-unit multifamily apartment on 5900 S. Pleasant Valley Road. Later this year, AHFC will release a separate solicitation to identify a preferred developer to partner with AHFC to develop approximately 40 to 50 units using AHFC's community land trust (CLT) model on the eastern lot (Block 4, 5901 Drowsy Willow Trail). Both solicitations feature the development concepts refined through community engagement efforts. **However, as this site is currently a PUD with future land uses of open space and single-family, rezoning and amending the Southeast Combined Neighborhood Plan is necessary in order to bring these development and programmatic concepts to fruition. AHFC staff are initiating SMART Housing, rezoning, and a neighborhood plan amendment for both sites now so that 5900 S Pleasant Valley is entitled in time for low income housing tax credit (LIHTC) funding timelines, and so that both sites go through entitlements simultaneously. Should 5900 S. Pleasant Valley be awarded LIHTC in early 2024, the development would need to be fully entitled and permitted by summer 2024 in order to meet the funding requirements.** Thus, staff are applying for the following changes in May 2023 so that the developments may be ready for construction by next summer:

- **5900 S. Pleasant Valley Road (Block 1, 2.495 acres):** Rezone from PUD to GR-MU-CO-NP and amend the Neighborhood Plan from open space, single-family to mixed use.

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- This zoning category would allow for potential commercial uses, as requested by the community. A conditional overlay would ensure that specific commercial uses granted under GR would be prohibited (e.g., automotive rentals, repairs, and sales).
- **5901 Drowsy Willow Trail (Block 4, 2.734 acres):** Rezoning from PUD to MF-3-NP and amend the Neighborhood Plan from open space, single-family to multifamily.

Next Steps

Public engagement will continue throughout the development process, with the next phase of engagement involving public evaluation of the 5900 S. Pleasant Valley Road RFQ applications. Public Comment on the RFQ responses will be open from May 19, 2023, through June 8, 2023. AHFC anticipates the AHFC Board of Directors will award the rental housing development opportunity to a selected developer at the July 20, 2023 Board meeting. The solicitation for the ownership development opportunity will be considered a few months later. **Once awarded, the selected development partners will become the primary contacts for the zoning and neighborhood plan amendment application processes, if either application is still outstanding.**

Please contact me if additional information is required.

Sincerely,



Alex Radtke

Housing Development Manager, Housing Department | Austin Housing Finance Corporation
1000 E. 11th Street Suite 200
Austin, TX 78702 (512) 974-2108

Board of Directors: Kirk Watson, President; Paige Ellis, Vice President
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City of Austin

P.O. Box 1088, Austin, TX 78767
www.austintexas.gov/department/housing-and-planning

Housing and Planning Department

S.M.A.R.T. Housing Program

May 17, 2023

S.M.A.R.T. Housing Certification
Austin Housing Finance Corporation
5900 S. Pleasant Valley (ID 863-5996)

TO WHOM IT MAY CONCERN:

Owner Austin Housing Finance Corporation (development contact Courtney Banker; ph: 512-974-3114; email: courtney.banker@austintexas.gov) is planning to develop 5900 S. Pleasant Valley Apartments, an 96-unit new multifamily rental development at 5900 South Pleasant Valley Drive, Austin, Texas 78744.

S.M.A.R.T. Housing – Rental – 5900 S. Pleasant Valley	
Total units: 96 units	
<u>Minimum Required:</u> 40% (39 units) at or below 80% MFI - Requirements for 100% fee waiver	<u>Proposed unit mix:</u> 5% (5 units) at or below 30% MFI 40% (38 units) at or below 50% MFI 45% (43 units) at or below 60% MFI
Affordability Period (S.M.A.R.T. units): 5 Years	
Fee waiver level: 100%	
AWU Capital Recovery Fees: 86/96 units eligible	

Note: This certification letter only reflects the minimum requirements for the relevant program (S.M.A.R.T. Housing). Should the owner choose to participate in other affordability programs, the development may be subject to additional affordability restrictions and/or a longer affordability period.

Because the applicant has proposed a unit mix that meets the minimum program thresholds, the development will be eligible for a waiver of fees listed in Land Development Code, Chapter 25-1-704, as amended or other fees waived under a separate ordinance except for Austin Water Utility Capital Recovery Fees (see below). The fee waiver level is listed above. The project will be subject to its minimum affordability period after issuance of a certificate of occupancy, unless funding requirements are longer.

Based on the requirements under the Texas Local Government Code, Chapter 395.16(g) and 42 U.S.C. Section 12745 (A)(1) as it relates to how housing qualifies as affordable housing, only a certain number of units may be eligible to receive Austin Water Utility Capital Recovery Fee (CRF) waivers. The table above lists the number of units which are eligible to receive CRF fee waivers.

The Housing and Planning Department (HPD) certifies the proposed project meets the S.M.A.R.T. Housing standards at the pre-submittal stage. The expected fee waivers include, but are not limited to, the following fees:

~~AWU Capital Recovery Fees~~
Building Permit
Site Plan Review
Construction Inspection
Demolition Permit Fee

Concrete Permit
Electrical Permit
Subdivision Plan Review
Parkland Dedication Fee
(by separate ordinance)

Mechanical Permit
Plumbing Permit
Regular Zoning Fee
Zoning Verification
Land Status Determination

Building Plan Review

Prior to issuance of building permits and starting construction, the developer must:

- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Contact Austin Energy Green Building: 512-482-5300 or greenbuilding@austinenergy.com).
- ◆ Submit plans demonstrating compliance with the required accessibility or visitability standards.

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

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- ◆ Pass a final inspection to certify that the required accessibility or visitability standards have been met.
- ◆ An administrative hold will be placed on the building permit, until the following items have been completed: 1) the number of affordable units have been finalized and evidenced through a sealed letter from project architect and/or engineer, 2) a Restrictive Covenant stating the affordability requirements and terms has been filed for record at the Travis County Clerk Office.

The applicant must demonstrate compliance with S.M.A.R.T. Housing standards after the certificate of occupancy has been issued or repay the City of Austin, in full, the fees waived for this S.M.A.R.T. Housing certification.

Please contact me by phone 512.978.1594 or by email at brendan.kennedy@austintexas.gov if you need additional information.

Sincerely,



Brendan Kennedy, Project Coordinator
Housing and Planning Department

Cc: Kristin Martinez, AE

Jonathan Orenstein, AWU

Mashell Smith, ORS