

**ZONING REVIEW SHEET****CASE:** C14-2007-0074**Z.A.P. DATE:** June 19, 2007**ADDRESS:** 3923 Medical Parkway**OWNER:** Citiline Resortline Properties of Texas, LLC. (Tim Crawford)**AGENT:** City of Austin Neighborhood Planning and Zoning Department (Jorge E. Rousselin)**ZONING FROM:** LR (Neighborhood commercial) and CS (Commercial services)**TO:** CS-MU-CO (Commercial services – mixed use – conditional overlay) combining district**AREA:** 0.390 Acres (16,988.40 square feet)**SUMMARY ZONING AND PLATTING COMMISSION RECOMMENDATION:****June 19, 2007:****APPROVED STAFF'S RECOMMENDATION FOR CS-MU-CO ZONING; BY CONSENT.**  
**[J.MARTINEZ, T.RABAGO 2<sup>ND</sup>] (8-0) K.JACKSON – ABSENT****SUMMARY STAFF RECOMMENDATION:**

Staff recommends the rezoning from LR and CS to CS-MU-CO. The conditional overlay shall prohibit the following uses and site development standards:

1. The following uses shall be prohibited:

- Agricultural Sales and Services;
- Art Workshop;
- Automotive Rentals;
- Automotive Repair Services;
- Automotive Sales;
- Automotive Washing (of any type);
- Bail Bond Services;
- Building Maintenance Services;
- Business or Trade School;
- Business Support Services;
- Campground;
- Commercial Blood Plasma Center;
- Commercial Off-Street Parking;
- Communications Services;
- Construction Sales and Services;
- Consumer Convenience Services;
- Consumer Repair Services;
- Convenience Storage;
- Drop-Off Recycling Collection Facility;
- Electronic Prototype Assembly;
- Electronic Testing;
- Equipment Repair Services;
- Equipment Sales
- Exterminating Services
- Financial Services
- Food Preparation
- Food Sales
- Funeral Services
- Hotel-Motel
- Indoor Entertainment
- Indoor Sports and Recreation
- Kennels
- Laundry Services
- Medical Offices -- exceeding 5000 sq. ft. gross floor area
- Monument Retail Sales
- Off-Site Accessory Parking
- Outdoor Entertainment
- Outdoor Sports and Recreation
- Pawn Shop Services
- Personal Improvement Services
- Personal Services
- Pet Services

- Plant Nursery
  - Printing and Publishing
  - Research Services
  - Restaurant (General)
  - Restaurant (Limited)
  - Service Station
  - Software Development
  - Theater
  - Vehicle Storage
  - Veterinary Services
2. Maximum height of any structure on the site shall be 46 feet with a maximum height of 40 feet from the building setback line at Medical Parkway and West 40<sup>th</sup> Street. The height may increase to 46 feet at a distance of 4 feet from the setback; and
  3. The parking garage shall be screened from Medical Parkway and West 40<sup>th</sup> Street.

The Staff recommendation is based on the following considerations:

- 1.) The proposed land uses are compatible with existing land uses in the area and will be complimentary to mixed uses along Medical Parkway;
- 2.) The proposed conditional overlay further enhances compatibility of land uses to preclude adverse land uses near the established neighborhood to the east and provide for a transition in land use intensities; and
- 3.) The mixed-use overlay provides for residential and mixed uses to encourage diversification of and uses along Medical Parkway.

#### **DEPARTMENT COMMENTS:**

This rezoning request was initiated at the request of the Zoning and Platting Commission with property owner and neighborhood support. The subject rezoning area consists of an undeveloped 0.390 Acres (16,988.40 square feet) site fronting Medical Parkway and West 40<sup>th</sup> Street zoned LR and CS. A portion of the property was rezoned on August 24, 2006 from SF-3 to LR by Ordinance No. 20060824-070. The site is currently undeveloped land and the applicant proposes to rezone the property to CS-MU-CO to allow for redevelopment of the site with a mixed-use project to include residential, offices, and retail. Access to the property is proposed off Medical Parkway.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LR & CS	Undeveloped land
<i>North</i>	CS	Medical Office Building
<i>South</i>	LR	Medical Office
<i>East</i>	CS	Restaurant
<i>West</i>	CS	Shopping Center / Fast Food

**AREA STUDY:** N/A

**TIA:** Waived (See Transportation comments)

**WATERSHED:** Shoal Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

#### **NEIGHBORHOOD ORGANIZATIONS:**

66--Rosedale Neighborhood Assn.  
 283--North Austin Neighborhood Alliance  
 344--M.K. Hage  
 511--Austin Neighborhoods Council

742--Austin Independent School District  
 786--Home Builders Association of Greater Austin

**SCHOOLS:**

Austin Independent School District:

- Bryker Woods Elementary School
- O. Henry Middle School
- Austin High School

**RELATED CASES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0080	LR and SF-3 to CS	09/20/05: APVD LR FOR SF-3 PORTION; DENIED CS, LEAVING LR IN PLACE (6-3, TR/JG/KJ-NO)	12/01/05: APVD LR FOR THE SF-3 PORTION & DENY CS (4-2, DT/BD-NO); 1ST RDG;  08/24/06: APVD LR (5-0); ALL 2ND/3RD RDGS

**CASE HISTORIES:** N/A**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
W 40 <sup>th</sup>	38'	58'	Collector	Yes	Route 31	3 Burnet
Medical/Marathon	60'	63'	Collector	Yes		338 Lamar

**CITY COUNCIL DATE:**

July 26, 2007

**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)





## STAFF RECOMMENDATION

Staff recommends the rezoning from LR and CS to CS-MU-CO. The conditional overlay shall prohibit the following uses and site development standards:

1. The following uses shall be prohibited:
 

<ul style="list-style-type: none"> <li>• Agricultural Sales and Services;</li> <li>• Art Workshop;</li> <li>• Automotive Rentals;</li> <li>• Automotive Repair Services;</li> <li>• Automotive Sales;</li> <li>• Automotive Washing (of any type);</li> <li>• Bail Bond Services;</li> <li>• Building Maintenance Services;</li> <li>• Business or Trade School;</li> <li>• Business Support Services;</li> <li>• Campground;</li> <li>• Commercial Blood Plasma Center;</li> <li>• Commercial Off-Street Parking;</li> <li>• Communications Services;</li> <li>• Construction Sales and Services;</li> <li>• Consumer Convenience Services;</li> <li>• Consumer Repair Services;</li> <li>• Convenience Storage;</li> <li>• Drop-Off Recycling Collection Facility;</li> <li>• Electronic Prototype Assembly;</li> <li>• Electronic Testing;</li> <li>• Equipment Repair Services;</li> <li>• Equipment Sales</li> <li>• Exterminating Services</li> <li>• Financial Services</li> </ul>	<ul style="list-style-type: none"> <li>• Food Preparation</li> <li>• Food Sales</li> <li>• Funeral Services</li> <li>• Hotel-Motel</li> <li>• Indoor Entertainment</li> <li>• Indoor Sports and Recreation</li> <li>• Kennels</li> <li>• Laundry Services</li> <li>• Medical Offices -- exceeding 5000 sq. ft. gross floor area</li> <li>• Monument Retail Sales</li> <li>• Off-Site Accessory Parking</li> <li>• Outdoor Entertainment</li> <li>• Outdoor Sports and Recreation</li> <li>• Pawn Shop Services</li> <li>• Personal Improvement Services</li> <li>• Personal Services</li> <li>• Pet Services</li> <li>• Plant Nursery</li> <li>• Printing and Publishing</li> <li>• Research Services</li> <li>• Restaurant (General)</li> <li>• Restaurant (Limited)</li> <li>• Service Station</li> <li>• Software Development</li> <li>• Theater</li> <li>• Vehicle Storage</li> <li>• Veterinary Services</li> </ul>
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## **BASIS FOR RECOMMENDATION**

### ***1. Zoning changes should promote compatibility with adjacent and nearby uses.***

The recommended conditional overlay will address compatibility with adjacent land uses and will promote a transition of land uses in the area.

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

Established office and commercial uses along Medical Parkway contribute to the orderly planning of like land uses.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The subject rezoning area consists of an undeveloped 0.390 Acres (16,988.40 square feet) site fronting Medical Parkway and West 40<sup>th</sup> Street zoned LR and CS. A portion of the property was rezoned on August 24, 2006 from SF-3 to LR by Ordinance No. 20060824-070. The site is currently undeveloped land. Access to the property is proposed off Medical Parkway.

### **Transportation**

1. No additional right-of-way is needed at this time.
2. A traffic impact analysis is not required at this time.

### **Environmental and Impervious Cover**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

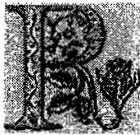
**Water and Wastewater**

1. 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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for City of Austin water and wastewater utility tap permit.

**Site Plan and Compatibility Standards**

1. Site plans will be required for any new development other than single-family or duplex residential.
2. 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 LDC Article 10, Compatibility Standards.





## Rosedale Neighborhood Association

April 22, 2007

Tim Crawford  
Citiline Resortline Properties of Texas, LLC  
2010 South Tryon Street, Suite 1D  
Charlotte, North Carolina 28203

Re: 3919, 3921, and 3923 Medical Parkway, Austin, Texas (the "Property")

Dear Mr. Crawford:

The Rosedale Neighborhood Association (the "Association") is pleased to announce its support for the mixed-use project described in more detail below on the Property, which is currently under development by Citiline Resortline Properties of Texas, LLC (the "Developer"), as well as its support for the Developer's requested zoning change for the Property, conditioned on such project meeting the requirements listed below.

The Association understands that the Developer's plans for the Property consist of potential low intensity retail, office, and residential uses in a layout and design approximately in the configuration and description set forth in Exhibit A attached hereto (the "Project"). The Association will support the Project in such general configuration and will support the Developer's current application to rezone the Property CS-MU as long as the development of the Property is restricted by zoning, conditional overlay, and/or restrictive covenants as follows:

- Although the zoning category of CS-MU for which the Developer is currently applying allows for many uses, the Property shall be restricted such that only the following uses allowed under such zoning categories will be permitted on the Property: Administrative and Business Offices, Art Gallery, General Retail Sales (Convenience), General Retail Sales (General), Medical Offices not exceeding 5,000 square feet gross floor area, Personal Services, Professional Office, and Residential.
- The height of any improvements on the Property shall be limited to forty-six (46) feet as measured by the height definitions of the City of Austin as of the date of this agreement. The building will be a maximum of 40' at the minimum setbacks from Medical Parkway and W. 40<sup>th</sup> Streets. The maximum height shall increase to 46' at 4' from those setbacks.
- Safe vehicle access and adequate queueing along Medical Parkway shall be addressed as part of the design. Any gates to the parking level will be recessed to enhance safety and minimize the visual impact of the parking garage. The garage shall be screened from both Medical Parkway and W. 40<sup>th</sup> Street.

TAH

- Landscaping shall be installed, including trees along W. 40<sup>th</sup> Street and Medical Parkway to create a more pedestrian friendly environment.
- The proposed development shall have no less than seven (7) dedicated parking spaces to serve the commercial units users and said spaces shall be reserved between the hours of 7:00 a.m. through 7:00 p.m. In addition, eight (8) day flex time spaces shall be provided for additional parking for the commercial units. The residential units shall have no less than twelve (12) dedicated and reserved spaces at all times and shall have exclusive use of all remaining fifteen (15) spaces between the hours of 7:00 p.m. through 7:00 a.m. The total amount of parking spaces on site shall be no less than twenty-seven (27) spaces as approved by the parking codes and restrictions of the City of Austin.
- The Association shall be named as a third-party beneficiary of the above-described restrictive covenants filed with respect to the Property, and such restrictive covenants shall further contain a provision stating that the owners of the Property shall reimburse the Association for its legal fees should the Association prevail in any action to enforce such restrictions.

The Association understands that the previously-listed criteria shall be incorporated into zoning, conditional overlay, and/or restrictive covenants applicable to the Property, which shall become enforceable against the Property prior to the issuance of any building permits for the Project.

Additionally, the Association acknowledges that the City of Austin currently does not have a zoning category that correlates exactly with the Association's vision for certain tracts within the neighborhood, including the Property. The Association believes that the City of Austin is currently studying creating a new zoning category of MU-CO, which is expected to be mixed use-conditional and is expected to allow for the uses planned for the Project as described above. Should such a zoning category be created by the City of Austin within one (1) year after the date of this letter, and should the Project as planned and built by the Developer qualify for such new zoning category, the Developer, at its own expense, shall apply within one (1) year after the creation of such zoning category to rezone the Property MU-CO and shall diligently pursue such rezoning. The Developer acknowledges its agreement to the terms of this paragraph by its signature below.

Subject to the qualifications listed above, the Association supports the herein-described development of the Property by the Developer and the Developer's current zoning application for CS-MU for the Property and is pleased to be a part of such an attractive and exciting Project in its neighborhood.

Yours very truly,

ROSEDALE NEIGHBORHOOD ASSOCIATION

*PA*

By: Dianne Holley Mountain  
Name: Dianne Holley Mountain  
Title: Rosedale Neighborhood Association Co-President

By: Tracy D Atkins  
Name: Tracy D Atkins, P.E.  
Title: Rosedale Neighborhood Association Co-President

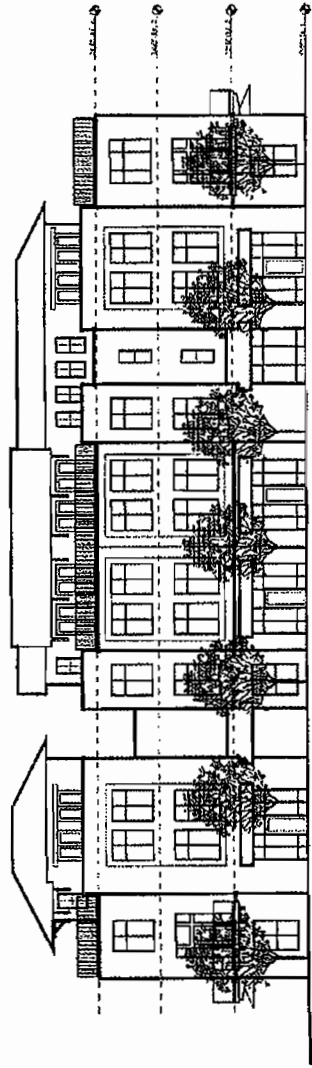
AGREED BY THE DEVELOPER:

CITILINE RESORTLINE PROPERTIES OF TEXAS, LLC

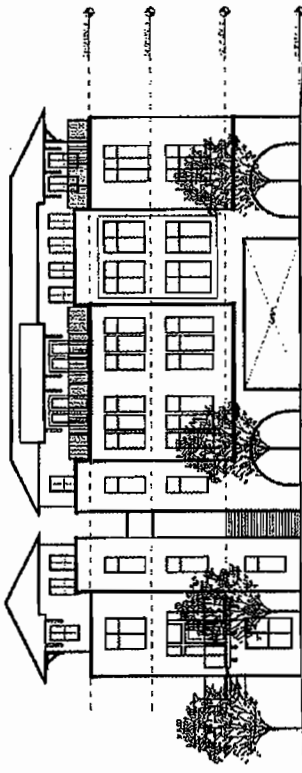
By: [Signature]  
Name: Tracy D Atkins  
Title: Manager

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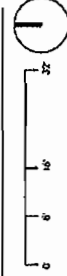
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NORTH ELEVATION



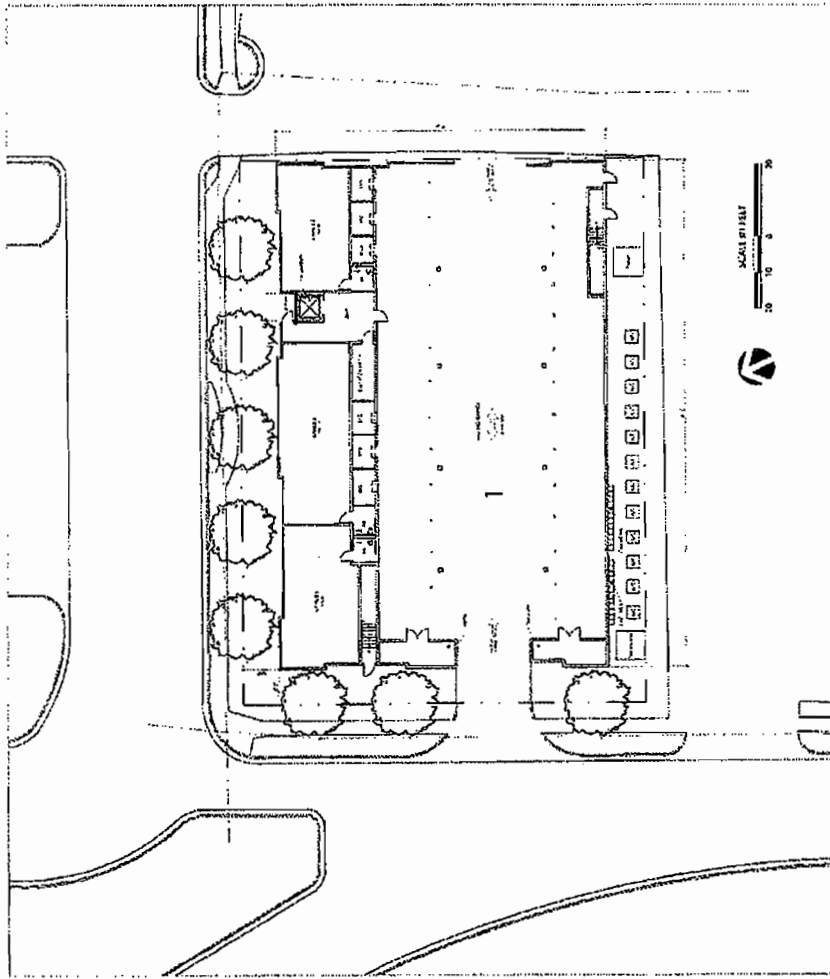
WEST ELEVATION



MEDICAL PARKWAY MIXED USE  
04.30.07

HAILEY I JOHNSON ARCHITECTS, L.L.P.  
Architecture  
Urban Design  
Interiors

*HA*



LEVEL 01

COMMERCIAL: 3 UNITS 2,772 SF TOTAL 8 COMMERCIAL PARKING SPACES PROVIDED  
 RESIDENTIAL UNITS: 17 UNITS 25,444 SF TOTAL 15 RESIDENTIAL PARKING SPACES PROVIDED  
 14 UNITS 24,228 SF TOTAL 27 PARKING SPACES TOTAL

**MEDICAL PARKWAY MIXED USE**

04.17.07

HAILEY I JOHNSON ARCHITECTS, L.L.P.  
 Architecture Urban Design Interiors

*Handwritten signature/initials*

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2007-0074  
Contact: Jorge Rousselin, (512) 974-2975  
Public Hearing:  
June 19, 2007 Zoning and Platting Commission



**ROSEDALE NA**

Your Name (please print)

Your address(es) affected by this application  
**6013 AUSTIN**  
Date  
**6-18-07**

Signature

Comments:

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

City of Austin  
Neighborhood Planning and Zoning Department  
Jorge Rousselin  
P. O. Box 1088  
Austin, TX 78767-8810