

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2007-0032 – Verde Ladera

**Z.A.P. DATE:** July 17, 2007

**ADDRESS:** 7312, 7340, 7420, 7520 and 7700 IH-35 Service Road Southbound

**OWNER:** Commemorative Brands, Inc.  
(Steven J. Bauer)

**AGENT:** Drenner & Golden Stuart  
Wolff LLP (John Donisi)

**ZONING FROM:** LI

**TO:** MF-4-CO

**AREA:** 20.314 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant multi-family residence (moderate high density) – conditional overlay (MF-4-CO) combining district zoning. The Conditional Overlay limits 1) the height to 45 feet; and 2) the number of daily vehicle trips to 2,000.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

July 17, 2007: *APPROVED STAFF'S RECOMMENDATION FOR MF-4-CO DISTRICT ZONING.*

*[J. MARTINEZ, S. HALE 2<sup>ND</sup>] (7-0-1) C. HAMMOND – ABSTAINED*

### **ISSUES:**

The Circle S Neighborhood Association has provided a letter of support for the rezoning and Restrictive Covenant Amendment applications, attached at the back of the Staff packet. The Applicant has also entered into a private Restrictive Covenant with the Circle S Neighborhood Association.

### **DEPARTMENT COMMENTS:**

The subject rezoning area is undeveloped, has direct access to the southbound IH-35 frontage road and is zoned limited industrial services (LI) district. The Applicant owns the property to the north and northwest, of which a portion is undeveloped and a portion is developed with a class ring manufacturing company (LI). The Circle S neighborhood is situated on the north side of Corral Lane. There is a cemetery to the southwest (SF-2) and South Boggy Creek forms the south property line (SF-3). Further south, along Foremost Drive there is an office building, a church and an undeveloped tract (GR). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes multi-family residence (moderate high density) – conditional overlay (MF-4-CO) district to accommodate the development of 300 apartment units in buildings that are limited to 45 feet in height. All access will be taken to the southbound IH-35 frontage road. There are two significant constraints of the property that make MF-4 a reasonable request. The southern seven acres of the property are designated as water quality zones

associated with South Boggy Creek and limited in development. There are also two pipelines that extend across the northern portion of the site. Please refer to Exhibit C. The allowable MF-4 density (between 36 and 54 units per acre, depending on unit mix) and a 45 foot height limit would assist towards offsetting the significant portion of undevelopable area.

Therefore, the Staff recommends the requested MF-4-CO, given that: 1) there are multi-family residential uses in proximity to this site; 2) a significant portion of the property is undevelopable due to the application of the critical water quality zones, water quality transition zones and setbacks from the pipelines; 3) the proposed height limit is compatible with that allowed by the surrounding zonings and corresponds with that allowed by the Restrictive Covenant that applies to the remainder of the Comemmorative Brands property; and 4) the property fronts on a major arterial roadway. The Conditional Overlay also limits the property to 2,000 vehicle trips per day.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LI	Undeveloped
<i>North</i>	LI	Undeveloped
<i>South</i>	SF-3; GR	South Boggy Creek; Offices; Church and parking areas; Undeveloped
<i>East</i>	N / A	IH-35 Service Road and main lanes
<i>West</i>	GR; SF-2; LI	Undeveloped; Cemetery; Class ring company

**AREA STUDY:** N / A

**TIA:** Is not required

**WATERSHED:** South Boggy Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

- 26 – Far South Austin Community Association
- 96 – Southeast Corner Alliance of Neighborhoods
- 300 – Terrell Lane Interceptor Association
- 428 – Barton Springs / Edwards Aquifer Conservation District
- 511 – Austin Neighborhoods Council                      627 – Onion Creek Homeowners Association
- 646 – Circle S Ridge Neighborhood Association
- 742 – Austin Independent School District
- 786 – Home Builders Association of Greater Austin
- 948 – South by Southeast Neighborhood Organization

**SCHOOLS:**

- Pleasant Hill Elementary School              Bedichek Middle School              Crockett High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-06-0135 – Private Mini Storage	SF-2; SF-3 to CS	Withdrawn by the Applicant prior to consideration of the item (10-3-06).	Not Applicable
C14-06-0078 – South IH-35 Transit Facility	GR to LI-PDA	To Grant LI-PDA with 3 conditions of the Environmental Board	Approved LI-PDA as ZAP recommended on 1st Reading 11-16-06; Scheduled for 2 <sup>nd</sup> / 3 <sup>rd</sup> Readings on 11-8-07.
C14-03-0092 – Hackney south side of Chaparral	SF-2; SF-3 to LO-MU-CO, as amended from CS	To Grant LO-MU-CO with the CO prohibiting access to Chaparral.	Denied LO-MU-CO, therefore SF-2 and SF-3 are maintained (11-20-03).
C14-79-288 – Corner of IH-35 and Chaparral Road	Interim “A” Residence, Interim First Height and Area to “C” Commercial, First Height and Area	Granted “C” Commercial, First Height and Area for all of property, save and except a 10 foot strip along the westernmost and northernmost boundaries that was approved for “A” Residence, First Height and Area	Approved PC recommendation (2-14-80)
C14-78-230 – Corner of IH-35 and Corral Lane	Interim “AA” Residence, Interim First Height and Area to “C” Commercial, First Height and Area		Approved “C” Commercial, First Height and Area, save and except the western 10’ and the southern 25’ which was approved for A” Residence, First Height and Area (5-3-79).
C14-84-232 – 2 adjacent lots on north side of Corral Lane	Interim “AA” First Height and Area to “A” Residence, First Height and Area	Approved “A” Residence, First Height and Area (9/5/84)	Approved “A” Residence, First Height and Area (11/15/84)

**RELATED CASES:**

The property was annexed in 1962. The rezoning area consists of Lots 4A, 5A and 6A, and a portion of Lots 7A and 8A of the Amended Plat of Lots 2, 4, 5, 6, 7 and 8 of the Lenox

Industrial Park Subdivision, recorded on July 11, 2003 (C8-03-0050.0A). Please refer to Exhibit B. There are no pending site plan applications on the subject property.

There is a related Restrictive Covenant Amendment to remove the rezoning area from the Restrictive Covenant that prohibits residential uses on this property (C2-66-001 (RCA)).

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	SIDEWALKS	CAPITAL METRO
IH-35	350 feet	Varies	Freeway	Yes	No	Yes

**CITY COUNCIL DATE:** August 23, 2007

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Walsh  
e-mail: wendy.walsh@ci.austin.tx.us

**PHONE:** 974-7719



ZONING **Exhibit A**

**ZONING CASE#: C14-2007-0032**  
**ADDRESS: 7312, 7340, 7420, 7520 & 7700 S IH 35 SVRD SB**  
**SUBJECT AREA: 20.314 ACRES**  
**GRID: G15**  
**MANAGER: W. WALSH**

-  N
-  Subject Tract
-  Zoning Boundary
-  Pending Cases

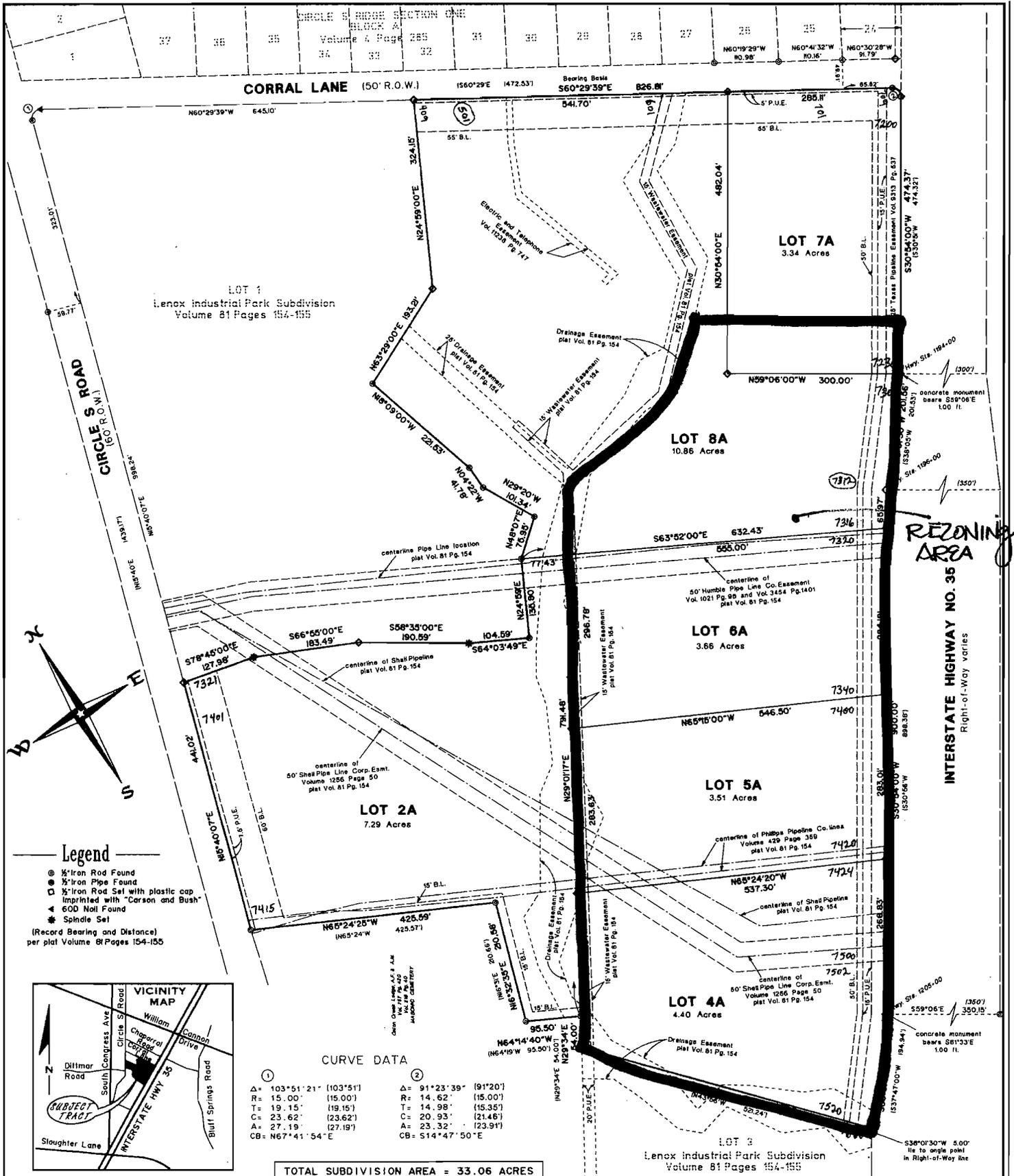
1" = 400' OPERATOR: SM

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





200300178



**REZONING AREA**

**INTERSTATE HIGHWAY NO. 35**  
Right-of-Way varies

**Legend**

- ⊙ 1/2" Iron Rod Found
  - ⊙ 1/2" Iron Pipe Found
  - ⊙ 1/2" Iron Rod Set with plastic cap imprinted with "Carson and Bush"
  - ⊙ 60D Nail Found
  - ⊙ Spindle Set
- (Record Bearing and Distance) per plat Volume 81 Pages 154-155



**CURVE DATA**

①	Δ = 103°51'21" (103°51')	②	Δ = 91°23'39" (91°20')
R = 15.00' (15.00')	R = 14.62' (15.00')	T = 14.98' (15.35')	T = 20.93' (21.46')
C = 23.62' (23.62')	A = 27.19' (27.19')	CB = 514°47'50"E	
CB = N67°41'54"E			

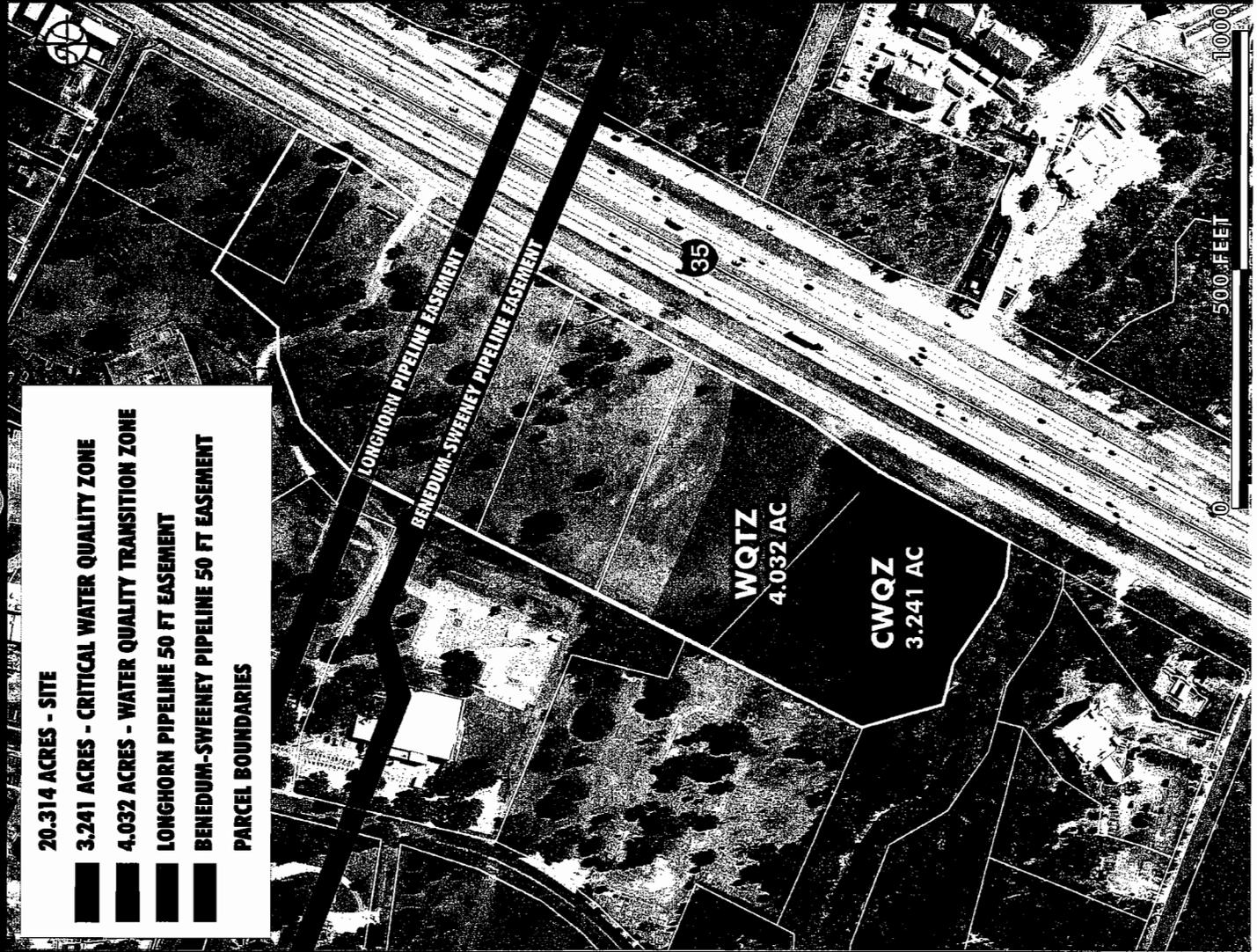
**TOTAL SUBDIVISION AREA = 33.06 ACRES**

**EXHIBIT B  
RECORDED PLAT**

**SCALE: 1" = 100'**

**AMENDED PLAT OF  
LOTS 2, 4, 5, 6, 7, AND 8  
LENOX INDUSTRIAL PARK SUBDIVISION**

Prepared February 10, 2003.



20.314 ACRES - SITE

3.241 ACRES - CRITICAL WATER QUALITY ZONE

4.032 ACRES - WATER QUALITY TRANSITION ZONE

LONGHORN PIPELINE 50 FT EASEMENT

BENEDUM-SWEENEY PIPELINE 50 FT EASEMENT

PARCEL BOUNDARIES

WQTZ  
4.032 AC

CWQZ  
3.241 AC

35

LONGHORN PIPELINE EASEMENT

BENEDUM-SWEENEY PIPELINE EASEMENT

500 FEET

1000

EXHIBIT C  
SITE CONSTRAINTS

**SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant multi-family residence (moderate high density) – conditional overlay (MF-4-CO) combining district zoning. The Conditional Overlay limits 1) the height to 45 feet; and 2) the number of daily vehicle trips to 2,000.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

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 property has frontage on the southbound service road of IH-35.

*2. Zoning changes should promote an orderly and compatible relationship among land uses.*

The Staff recommends the requested MF-4-CO, given that: 1) there are multi-family residential uses in proximity to this site; 2) a significant portion of the property is undevelopable due to the application of the critical water quality zones, water quality transition zones and setbacks from the pipelines; 3) the proposed height limit is compatible with that allowed by the surrounding zonings and corresponds with that allowed by the Restrictive Covenant that applies to the remainder of the Commemorative Brands property; and 4) the property fronts on a major arterial roadway. The Conditional Overlay also limits the property to 2,000 vehicle trips per day.

**EXISTING CONDITIONS****Site Characteristics**

The subject property is undeveloped. The property slopes to the south, towards South Boggy Creek. The Applicant's conceptual drawings show that the southern seven acres consists of the critical water quality zone (CWQZ) and the water quality transition zone (WQTZ). Two gas pipelines also extend through the northern portion of the rezoning area. Please refer to Exhibit C.

**Impervious Cover**

The maximum impervious cover allowed by the MF-4 district would be 60%. The watershed impervious cover listed below is more restrictive than the zoning district's allowable impervious cover, and therefore, the impervious cover is limited by the watershed regulations.

## **Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the South Boggy 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. 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 Net Site Area</i>	<i>% 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 flood plain maps, there is a floodplain within the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.

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 existing trees and other 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 on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

## **Transportation**

Additional right-of-way may be required at the time of subdivision and/or site plan for IH-35 and Dittmar Road. NOTE: The AMATP shows the extension of Dittmar through this property and this roadway will be required to be accommodated as part of the site development. Dittmar is planned to be a four-lane divided major arterial.

The trip generation under the requested zoning is estimated to be 4,468 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be

limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations, and abandonments. 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.

### **Site Plan and Compatibility Standards**

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.

The site is subject to compatibility standards. Along the South and 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 or 30 feet in height may be constructed within 50 feet of the property line.
- 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 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.

- 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.
- 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.

March 28, 2007

Ms. Greg Guernsey  
Neighborhood Planning and Zoning Department  
City of Austin  
505 Barton Springs Road  
Austin, TX 78704

**VIA HAND DELIVERY**

RE: Verde Ladera – Proposed Rezoning Located at 7312, 7340, 7420 and 7520  
South Interstate Highway 35

Dear Mr. Guernsey:

As representatives of the prospective purchaser of the above stated Property, we respectfully submit the enclosed zoning application packet. The owner of the Property is requesting a rezoning of the Property from LI to MF-4 zoning district. The proposed use of the Property is multifamily development. The traffic impact analysis was waived for this application and the owner has agreed to limit the vehicle trip generation to less than 2,000 vehicle trips per day.

Various tracts up and down the Interstate 35 freeway are zoned multifamily. The proposed multifamily zoning is consistent with the zoning pattern in this area. The tract will have access to the frontage road. Please see the enclosed zoning map.

The tract was annexed in 1962. We are in the process of preparing a zoning case history summary and chart summarizing the surrounding multifamily zoning cases. I will submit this information to you as soon as it is completed.

We are preparing information and zoning history regarding the adjacent LI zoned tract to the west where the Artcarved class ring production facility is located. I hope to submit that information to you very soon. Please review the enclosed City zoning map and aerial photograph.

Mr. Greg Guernsey  
March 28, 2007  
Page 2

Please let me know if you or your team members require additional information or have any questions. Please let me know when you have time to discuss the proposed rezoning. Thank you for your time and attention to this project.

Very truly yours,

  
Michele C. Hausmann

Enclosures

cc: Wendy Walsh, Neighborhood Planning and Zoning Department, via hand delivery with enclosures  
Kris Kashata, Verde Apartment Communities, via electronic mail [kris.kashata@verdeapartments.com](mailto:kris.kashata@verdeapartments.com), without enclosures  
Rupert Hays, Verde Apartment Communities, via electronic mail [rupert@trustfinancial.us](mailto:rupert@trustfinancial.us), without enclosures  
Steve Drenner, Firm, without enclosures

REQUEST FOR POSTPONMENT

CASE # C2-66-001 Scheduled for 7.17.07

PROJECT: VERDE LADERA

To: Wendy Walsh

The Circle S Ridge Neighborhood Assc. is requesting a postponement of this scheduled zoning case. We been in discussions with the projects representatives and it is going well but the neighborhood feels we have not reached a full understanding and agreement of the project citing these important concerns:

- Traffic calming. We have not received information regarding the costs of installing speed humps. This is the most important issue to our agreement.
- The location will be next to the longhorn gas pipeline and we are very concerned how this project will address this.

→ to July 31, 2007

We would be appreciative to receive two weeks postponement in order to be prepared with the necessary information that would help work out these last details between the parties.

Sincerely,

Will Larson

Will Larson  
President, CSRNA  
402 Chaparral Rd.  
Austin, TX. 78745  
512 444 7409  
willywerks@sbcglobal.net

August 7, 2007

Ms. Wendy Walsh  
City of Austin  
Neighborhood Planning and Zoning Department

VIA ELECTRONIC MAIL

**Re: Zoning Case Number C14-2007-0033 and Restrictive Covenant Amendment  
Case Number C2-66-001(RCA)**

Dear Ms. Walsh:

The Circle S Ridge Neighborhood Association supports the proposed zoning change and restrictive covenant amendment of the above referenced tract from L1 to MF-4 CO. Please include a copy of this letter in your files and provide a copy to the members of the City Council to consider when voting on these requests.

The representatives of the developer have collaboratively worked with our organization and others in the area to seek and include our input in this project. We appreciate their efforts, and believe this requested zoning request change and restrictive covenant amendment is appropriate and positive.

The Circle S Ridge Neighborhood Association looks forward to your vote to approve the proposed zoning change and restrictive covenant amendment on August 23, 2007. Please do not hesitate to contact me should you have any questions or comments.

Sincerely,



---

Will Larson  
President  
Circle S Ridge Neighborhood Association