THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2007-0218 (620-183 Limited Partnership)

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 10700-10704 Lakeline Mall Drive from GR-MU, Community Commercial-Mixed Use District, zoning to MF-4, Multifamily Residence-Moderate-High Density District, zoning.

The ordinance reflects the conditions imposed by Council on 1st reading.

PROPERTY OWNER: 620-183 Limited Partnership (Fred Thomas)

AGENT: Smith, Robertson, Elliott, Glen, Klein, & Bell, L.L.P. (David Hartman)

DEPARTMENT COMMENTS:

The property in question is undeveloped and sparsely vegetated. The site is located across from an existing retail center that takes access to U.S. Highway 183 North, Lakeline Boulevard, North Lake Creek Parkway, and Lakeline Mall Drive (all arterial roadways). This lot is adjacent to the west of the Leander Rehabilitation PUD and a recently approved Northwest Transit Oriented (TOD) site. Tract MU-CRE-8 of the Leander Rehabilitation PUD is currently planned for office and commercial development.

The staff recommends the applicant's request for MF-4, Multifamily Residence-Moderate-High Density District, zoning for the site under consideration because the property meets the purpose statement of the MF-4 zoning district. The property is located at the intersection of two arterial roadways, North Lake Creek Parkway and Lakeline Mall Drive. In addition, this site is approximately a quarter mile to the southeast of the future intersection of Lakeline Boulevard and Lyndhurst Drive, where there is a proposed transit station for the commuter rail stop planned by Capital Metro. The staff encourages commercial and high density residential development in proximity to this major intersection and transit link.

The applicant agrees with the City Council's recommendation at 1st reading.

DATE OF FIRST READING/VOTE:

December 13, 2007 / Approved MF-4 district zoning (6-0, McCracken-off dias); 1st reading

January 31, 2008 / Approved MF-4 by consent on 2nd reading, with additional condition for staff to incorporate green building restrictions offered by applicant into appropriate documents before 3rd reading (7-0)

CITY COUNCIL DATE: February 28, 2008

CITY COUNCIL ACTION:

ASSIGNED STAFF: Sherri Sirwaitis **PHONE:** 974-3057
sherri.sirwaitis@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0218 **Z.A.P. DATE:** November 20, 2007

ADDRESS: 10700-10704 Lakeline Mall Drive

OWNER/APPLICANT: 620-183 Limited Partnership (Fred Thomas)

AGENT: Smith, Robertson, Elliott, Glen, Klein, & Bell, L.L.P. (David Hartman)

ZONING FROM: GR-MU **TO:** MF-4 **AREA:** 8.32 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant MF-4, Multifamily Residence-Moderate-High Density District, zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

11/20/07: Approved MF-4-CO zoning, limit the property to MF-3 density regulations/36 units per acre (7-0, S. Hale-absent, T. Rabago-left early); J. Martinez-1st, K. Jackson-2nd.

DEPARTMENT COMMENTS:

The property in question is undeveloped and sparsely vegetated. The site is located across from an existing retail center that takes access to U.S. Highway 183 North, Lakeline Boulevard, North Lake Creek Parkway, and Lakeline Mall Drive (all arterial roadways). This lot is adjacent to the west of the Leander Rehabilitation PUD and a recently approved Northwest Transit Oriented (TOD) site. Tract MU-CRE-8 of the Leander Rehabilitation PUD is currently planned for office and commercial development.

The staff recommends the applicant's request for MF-4, Multifamily Residence-Moderate-High Density District, zoning for the site under consideration because the property meets the purpose statement of the MF-4 zoning district. The property is located at the intersection of two arterial roadways, North Lake Creek Parkway and Lakeline Mall Drive. In addition, this site is approximately a quarter mile to the southeast of the future intersection of Lakeline Boulevard and Lyndhurst Drive, where there is a proposed transit station for the commuter rail stop planned by Capital Metro. The staff encourages commercial and high density residential development in proximity to this major intersection and transit link.

The applicant agrees with the staff's recommendation for this rezoning request.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	GR-MU	Undeveloped
North	CS-MU-CO	Under Development for a office center (Case SP-07-0028C)
South	GR	Undeveloped
East	PUD (Hog Farm PUD)	Undeveloped (According to the PUD Land Use Plan: Approved uses are for Mixed Use-Commercial Residential on tract MU-CRE-8)
West	GR	Retail Shopping Center

AREA STUDY: N/A

TIA: N/A

WATERSHED: Lake Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

485 – Riviera Springs Community Development Association
604 – Davis Spring HOA
701 – Avery Ranch Neighborhood Association
786 – Home Builders Association of Greater Austin
1037 – Homeless Neighborhood Organization

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14R-85-366(RCA2)	To amend the restrictive covenant to remove lots 9 and 10 from any limits or restrictions.	10/16/07: Approved staff's recommendation to amend the restrictive covenant by consent (6-0, C. Hammond, J. Gohil-absent)	11/29/07: Pending
C14-04-0166	GO to CS	06/21/05: Approved CS-CO zoning with conditions to prohibit Pawn Shop Services, Exterminating Services, and Adult Oriented Businesses by consent (8-0, K. Jackson-absent); J. Martinez-1st, J. Gohil-2nd.	7/28/05: Approved CS-CO on all 3 readings (7-0)
C14-04-0165	GR to CS	06/21/05: Approved CS-MU-CO zoning with conditions to prohibit Pawn Shop Services, Exterminating Services, and Adult Oriented Businesses by consent (8-0, K. Jackson-absent); J. Martinez-1st, J. Gohil-2nd.	7/28/05: Approved CS-MU-CO on all 3 readings (7-0)

C14-04-0164	GO to CS	06/21/05: Approved CS-MU-CO zoning with conditions to prohibit Pawn Shop Services, Exterminating Services, and Adult Oriented Businesses by consent (8-0, K. Jackson-absent); J. Martinez-1st, J. Gohil-2nd.	7/28/05: Approved CS-MU-CO on all 3 readings (7-0)
C14-01-0173	DR to GR	1/15/02: Approved GR-CO zoning, with a condition prohibiting pawn shop services, by consent (8-0, K. Jackson- absent)	2/14/02: Approved GR-CO on 3 readings (7-0)
C14-00-2094	DR to GR	7/11/00: Approved staff rec. of GR by consent (7-0)	8/17/00: Approved GR on 1st reading (6-0, Goodman-absent) 8/31/00: Approved 2nd/3rd readings (6-0, KW-absent)
C14-00-2107	MF-3 to GO	8/29/00: Approved staff rec. of GO by consent (7-1, RC-Nay)	9/7/00: Approved GO on 1st reading only (7-0) 12/14/00: Approved GO (7-0); 2nd/3rd readings
C14-98-0266	DR to GR	3/2/99: Approved GR by consent (8-0)	12/2/99: Approved PC rec. of GR (6-0, WL-absent); 1st reading 5/24/01: Approved GR (6-0); 2nd/3rd readings
C14-97-0041	GR to CS	6/3/97: Approved CS (5-0-1)	6/26/97: Approved CS (7-0); all 3 readings
C814-97-0001	I-RR to PUD	9/30/97: Approved PUD w/ conditions (6-3)	11/20/97: Denied PUD zoning because it does not conform to purpose and is not a superior development (7-0) 7/1/99: State over-rode/ Approved PUD
C14-95-0044	DR to GR	10/17/95: Approved CS, subject to ROW (5-0)	11/30/95: Approved CS, subject to ROW (6-0); 1st reading 12/7/95: Approved CS (7-0); 2nd/ 3rd reading
C14-94-0134	CH to GR	1/10/95: Approved GR-CO (7-0)	2/9/95: Approved GR w/ conditions (6-0); 1st reading 2/29/95: Approved GR (6-0); 2nd/3rd readings
C14-94-0132	CH to GR GO to GR IP to GR LR to GR	12/20/94: Approved GR w/ conditions (7-0)	1/10/95: Approved GR w/ conditions (6-0); 1st reading 2/9/95: Approved GR w/ conditions (6-0); 2nd/ 3rd readings

RELATED CASES: C14-06-0212 – Previous Rezoning Case

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
North Lake Creek Parkway	140'	Varies	Arterial

CITY COUNCIL DATE: December 13, 2007 — **ACTION:** Approved MF-4 district zoning (6-0, McCracken-off dias); 1st reading

January 17, 2008 — **ACTION:** Postponed to January 31, 2008 at the applicant's request (7-0)

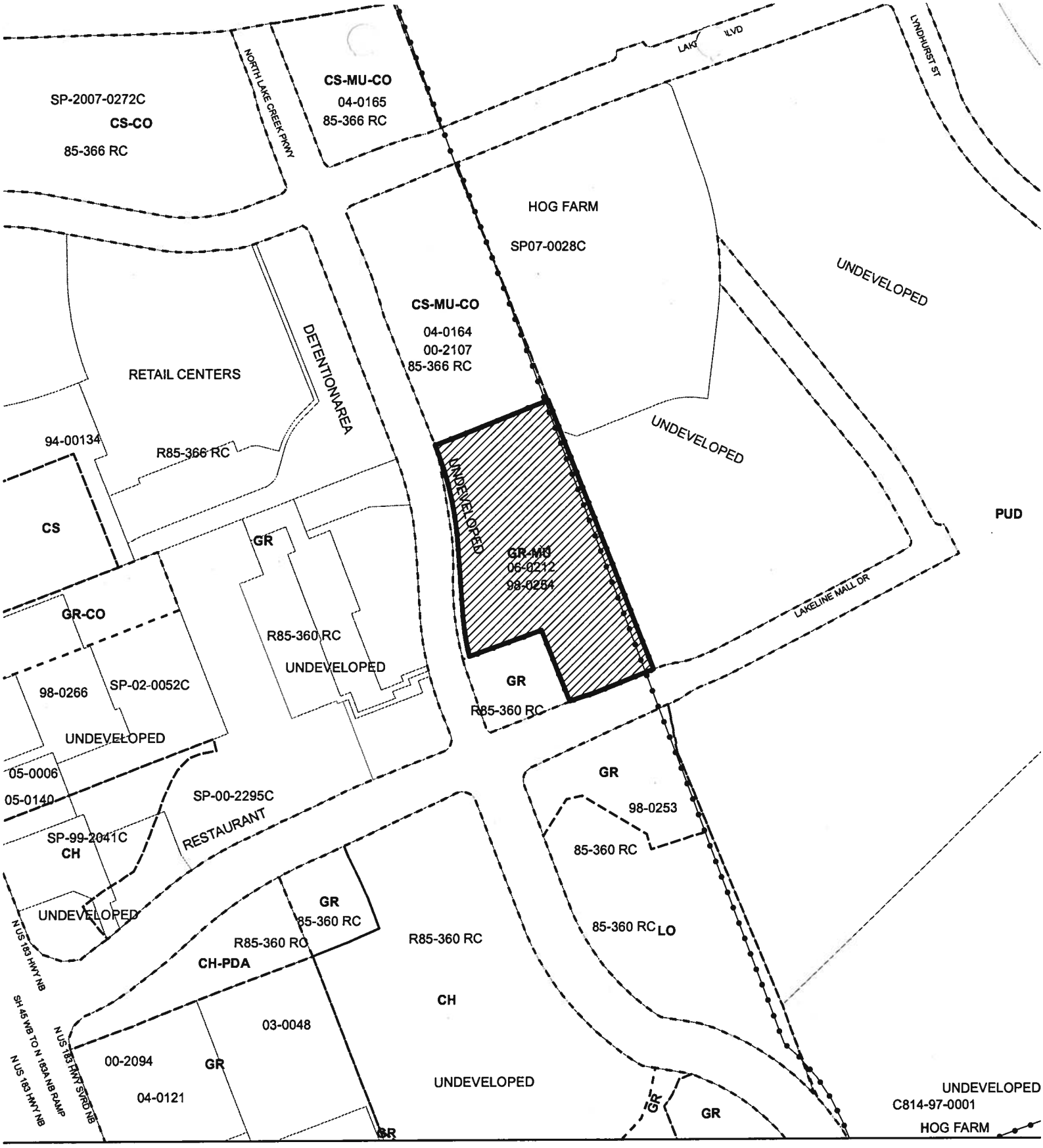
January 31, 2008 — **ACTION:** Approved MF-4 by consent on 2nd reading, with additional condition for staff to incorporate green building restrictions offered by applicant into appropriate documents before 3rd reading (7-0)

February 28, 2008 — **ACTION:**

ORDINANCE READINGS: 1st 12/13/07 — 2nd 1/31/08 — 3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis — **PHONE:** 974-3057, sherri.sirwaitis@ci.austin.tx.us



ZONING

N

Subject Tract

Zoning Boundary

Pending Cases

ZONING CASE#: C14-2007-0218
ADDRESS: 10700-10704 LAKELINE MALL DR
SUBJECT AREA: 8.32 ACRES
GRID: F40
MANAGER: S. SIRWAITIS

1" = 400' OPERATOR: S MEEKS

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.

CITY OF AUSTIN FOUNDED 1839

STAFF RECOMMENDATION

The staff's recommendation is to grant MF-4, Multifamily Residence-Moderate-High Density District, zoning.

BASIS FOR RECOMMENDATION

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

   Multifamily residence moderate - high density (MF-4) district is the designation for multifamily and group residential use with a maximum density of 36 to 54 units per acre, depending on unit size. An MF-4 district designation may be applied to high density housing in a centrally located area near supporting transportation and commercial facilities, in an area adjacent to the central business district or a major institutional or employment center, or in an area for which moderate to high density multifamily use is desired.

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

   The MF-4 zoning district would be compatible and consistent with the surrounding uses because this property is located adjacent to CS-MU-CO zoning to the north and GR zoning to the south and west. The surrounding zoning will permit commercial services that can be utilized by the residents of this proposed development. In addition, the site is located approximately a quarter mile to the east, southeast of the future intersection of Lakeline Boulevard and Lyndhurst Drive, where there is a proposed transit station for the commuter rail stop planned by Capital Metro. The staff encourages commercial and high density residential development in proximity to this major intersection and transit link.

3. *Intensive multi-family zoning should be located on major arterials and highways.*

   The property in question is located near the northeast corner of the intersection of two arterial roadways, Lakeline Mall Drive and North Lake Creek Parkway.

EXISTING CONDITIONS

Site Characteristics

The subject tract is currently undeveloped and sparsely vegetated.

Impervious Cover

The maximum impervious cover allowed by the MF-4 zoning district would be 70%. However, if the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

The site is in the Lake Creek Watershed, 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:

Development Classification	% of Net Site Area	% NSA with Transfers
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%

One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

Environmental

The site is located over the North Edward's Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the Lake Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species in conjunction with subdivision and/or site plan process.

Transportation

This site is within the area covered by State legislation (S.B. 1396), which went into effect September 1, 1995. Under this legislation, the City may not "deny, limit, delay, or condition the use of development of land...because of traffic or traffic operations that would result from the proposed use or development of the land." A traffic impact analysis is not required for any development within this area, and traffic issues may not be considered in the approval of the application. Right-of-way dedication, however, may still be required.

No additional right-of-way is needed at this time.

Existing Street Characteristics:

Name	ROW	Pavement	Class	Side-walks	Bike Route	Bus Routes
N Lakeline Creek Pkwy	140'	117'	Arterial	Yes	No	214 Lago Vista 383 Research 983 US 183 984 NW Direct 987 Leander Exp

Water and 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 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 a City of Austin water and wastewater utility tap permit.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

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. However, this site is not subject to compatibility development regulations.

For MF-4 zoning, the following regulations apply (25-2-563)

The minimum site area for each dwelling unit is:

a. 800 sq. ft. for an efficiency dwelling unit;
b. 1,000 sq. ft., for a one bedroom dwelling unit;
c. 1,200 sq. ft. for a dwelling unit with two or more bedrooms

AND

d. The minimum open space for each dwelling unit is 100 sq.ft.

For a condominium use, the regulations in section 25-2-776 apply, including at least 3,500 sq. ft. of site area is required for each condo.

SIMMONS
VEDDER &
COMPANY

November 15, 2007

Ms. Sherri Sirwaitis
City of Austin
Neighborhood Planning & Zoning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

RE: Rezoning of approximately 8.32 acres at 10700 – 10704 Lakeline Mall Drive to MF-4 "Multi-Family Residence, Moderate High Density" zoning category; Rezoning Case No. C-14-2007-0218

Dear Sherri:

As a principal in SV – ONA Lakeline Land Limited Partnership, I am writing to express strong support for rezoning the property at 10700 – 10704 Lakeline Mall Drive to multifamily (MF-4) as requested by the landowner.

SV – ONA Lakeline Land Limited Partnership is the owner of The Crossings at Lakeline development which is located on the north and east property lines of the subject property. The Crossings at Lakeline is planned for a large, multi-phased mixed use development. We believe the apartment community as proposed by the landowner provides a reasonable project density and offers an appropriate and compatible land use. In addition, construction of a quality apartment project would provide a much more desirable neighbor than its current status as a vacant lot, which often breeds negative environmental conditions.

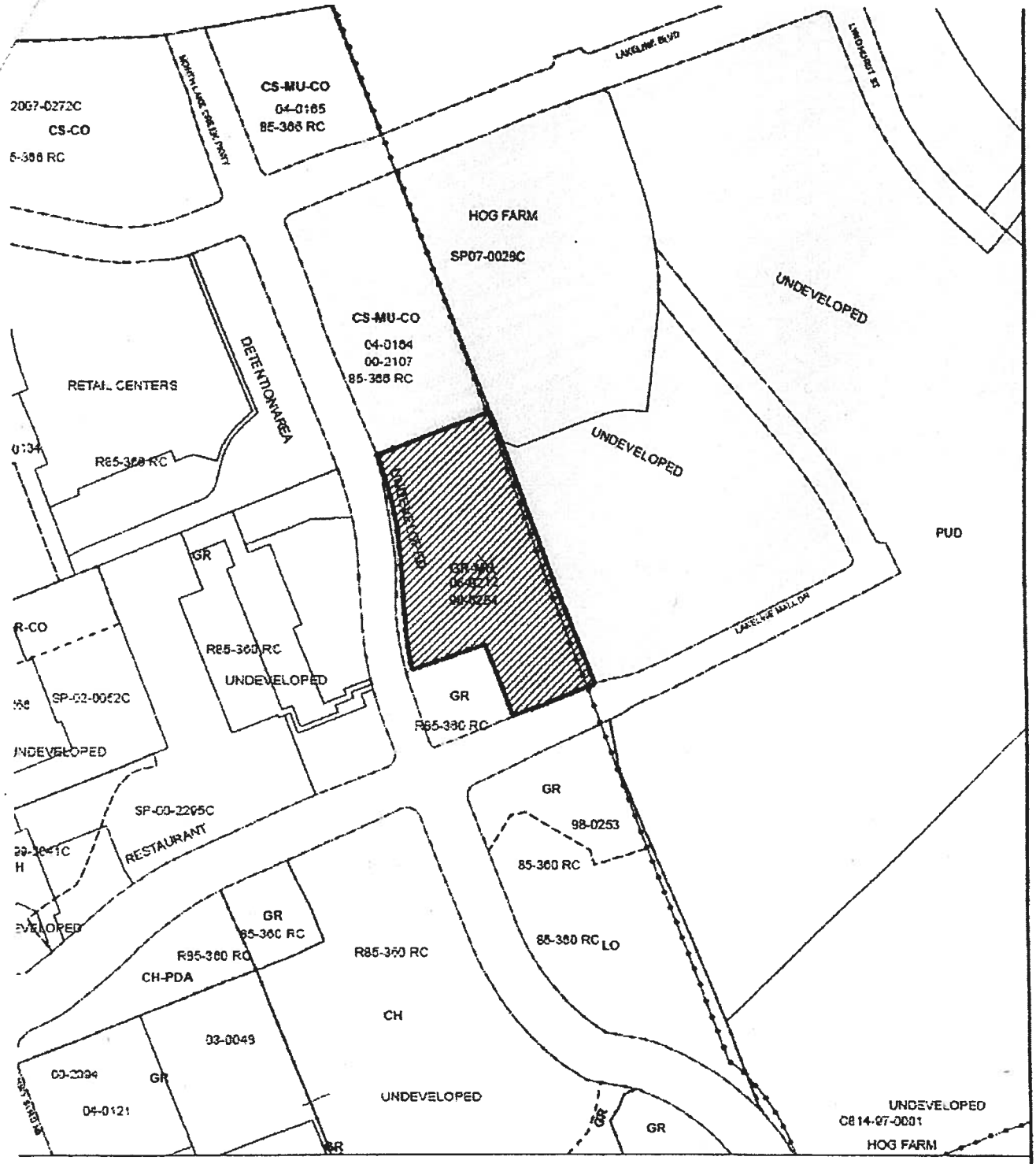
As the largest and most impacted adjacent landowner, we offer our strong support of the landowner's rezoning request. Please contact me with any questions you might have.

Sincerely,

Jeff Pace, Principal
SV – ONA Lakeline Land Limited Partnership

cc: Steve Oden, Jr.

221 West Sixth Street
Suite Number 1900
Austin, Texas 78701
Phone: 512.499.0088
www.simmonsvedder.com



ZONING

Subject Tract

Zoning Boundary

Pending Cases

ZONING CASE#: C14-2007-0218
ADDRESS: 10700-10704 LAKELINE MALL DR
SUBJECT AREA: 8.32 ACRES
GRID: F40
MANAGER: S. SIRWAITIS

00' OPERATOR: S MEEKS

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DIRECT DEVELOPMENT

November 15, 2007

Ms. Sherri Sirwaitis
City of Austin
Neighborhood Planning & Zoning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

RE: Rezoning of approximately 8.32 acres at 10700 – 10704 Lakeline Mall Drive to MF-4 "Multi-Family Residence, Moderate High Density" zoning category; Rezoning Case No. C-14-2007-0218

Dear Sherri:

As a principal in Walden Park Shopping Center, L.P., I am writing to express strong support for rezoning the property at 10700 – 10704 Lakeline Mall Drive to multifamily (MF-4) as requested by the landowner.

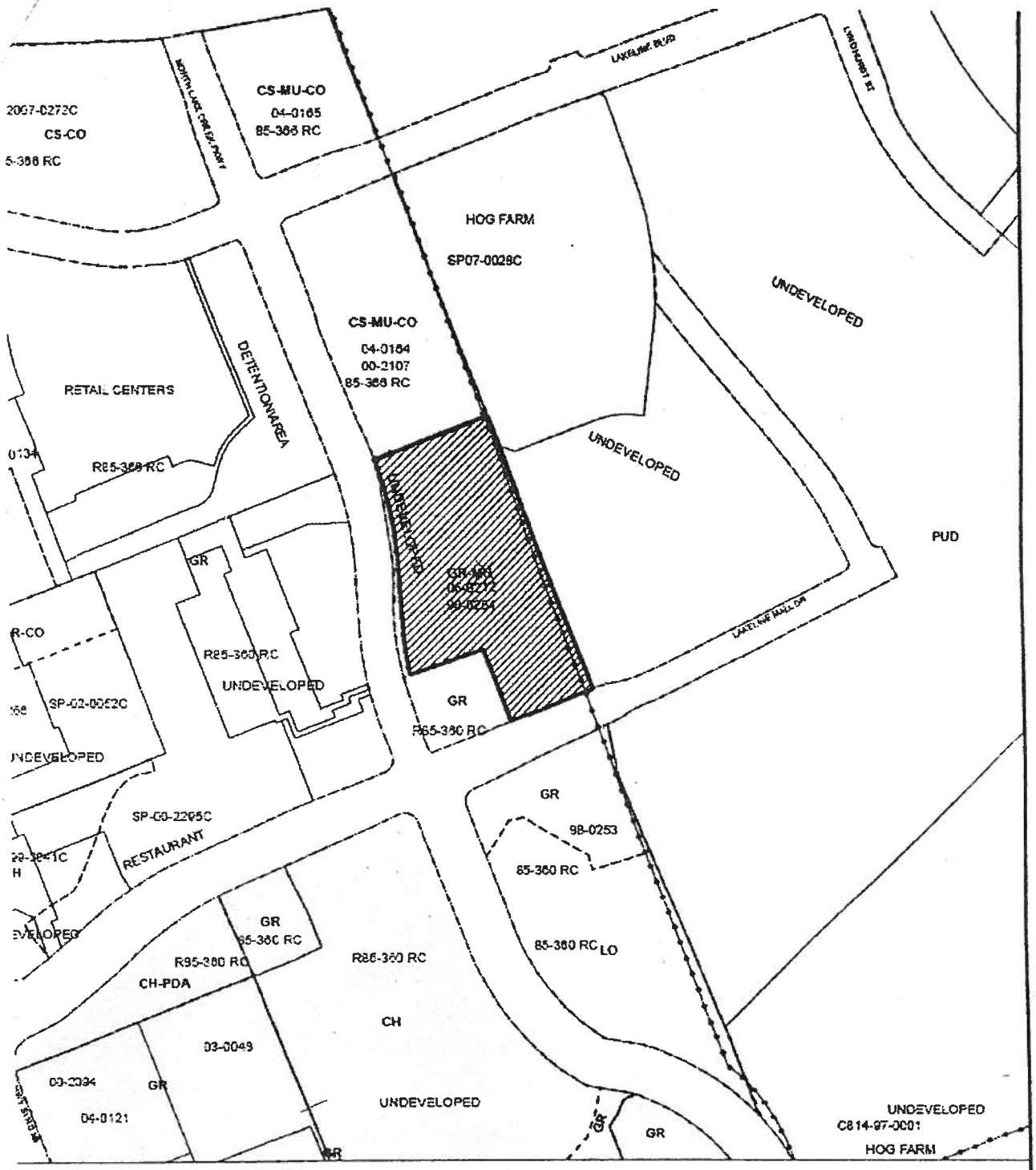
Walden Park Shopping Center, L.P. is the owner of the to be built Shops at Walden Park which is located on N. Lakecreek Parkway to the southwest of the subject property. The Shops at Walden Park is a large multi phased mixed used development. We believe the apartment community as proposed by the landowner provides a reasonable and fair project intensity that offers an appropriate and compatible land use. In addition, construction of a quality apartment project would provide a much more desirable neighbor than the current situation that involves many of the negative consequences inherent in being located adjacent to the existing vacant lot.

As one of the largest and most impacted adjacent landowners, we offer our strong support of the landowner's rezoning request. Please contact me with any questions you might have.

Sincerely,

Jon Andrus
Principal

cc: Steve Oden, Jr.



ZONING

Subject Tract

Zoning Boundary

Pending Cases

ZONING CASE#: C14-2007-0218
ADDRESS: 10700-10704 LAKELINE MALL DR
SUBJECT AREA: 8.32 ACRES
GRID: F40
MANAGER: S. SIRWAITIS

00' OPERATOR: S MEEKS

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CITY OF AUSTIN
FOUNDED 1839

ENDEAVOR

REAL ESTATE GROUP

November 16, 2007

Ms. Sherri Sirwaitis
City of Austin
Neighborhood Planning & Zoning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

RE: Rezoning of approximately 8.32 acres at 10700 – 10704 Lakeline Mall Drive to MF-4 "Multi-Family Residence, Moderate High Density" zoning category; Rezoning Case No. C-14-2007-0218

Dear Sherri:

On behalf of Lakeline ERG Limited, I am writing to express strong support for rezoning the property at 10700 – 10704 Lakeline Mall Drive to multifamily (MF-4) as requested by the landowner.

Lakeline ERG Limited is the owner of the Lakeline Walden Park Shopping Center which is located on the northwest corner of N. Lakecreek Parkway and Lakeline Mall Drive directly across the street from the subject property. We believe the apartment community as proposed by the landowner provides a reasonable and fair project intensity that offers an appropriate and compatible land use. In addition, construction of a quality apartment project would provide a much more desirable neighbor than the current situation that involves many of the negative consequences inherent in being located adjacent to the existing vacant lot.

As one of the largest and most impacted adjacent landowners, we offer our strong support of the landowner's rezoning request. Please contact me with any questions you might have.

Sincerely,

Bryan Dabbs, Principal
Endeavor Real Estate Group

cc: Steve Oden, Jr.

221 WEST 6TH STREET ♦ SUITE 1300 ♦ AUSTIN, TEXAS 78701
T 512-682-5500 ♦ F 512-682-5505
www.endeavor-re.com

Wachovia Bank, N.A.
98 San Jacinto Boulevard
Suite 850
Austin, TX 78701

William C. Wilson
President
General Banking Group
Central Texas Region

Tel 512 482-4301
Fax 512 482-4310
Cell 512 422-9882
bill.wilson@wachovia.com



November 16, 2007

WACHOVIA

Ms. Sherri Sirwaitis
City of Austin
Neighborhood Planning & Zoning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

RE: Rezoning of approximately 8.32 acres at 10700–10704 Lakeline Mall Drive to MF-4 'Multi-Family Residence, Moderate High Density' zoning category; Rezoning Case No. C-14-2007-0218

Dear Sherri:

As Central Texas Regional President of Wachovia Bank, I am writing to express strong support for rezoning the property at 10700–10704 Lakeline Mall Drive to multifamily (MF-4) as requested by the landowner.

Wachovia Bank operates a bank branch located at the northwest corner of N. Lakecreek Parkway and Lakeline Mall Drive. We believe the apartment community as proposed by the landowner provides a reasonable and fair project intensity that offers an appropriate and compatible land use. In addition, construction of a quality apartment project would provide a much more desirable neighbor than the current situation that involves many of the negative consequences inherent in being located adjacent to the existing vacant lot.

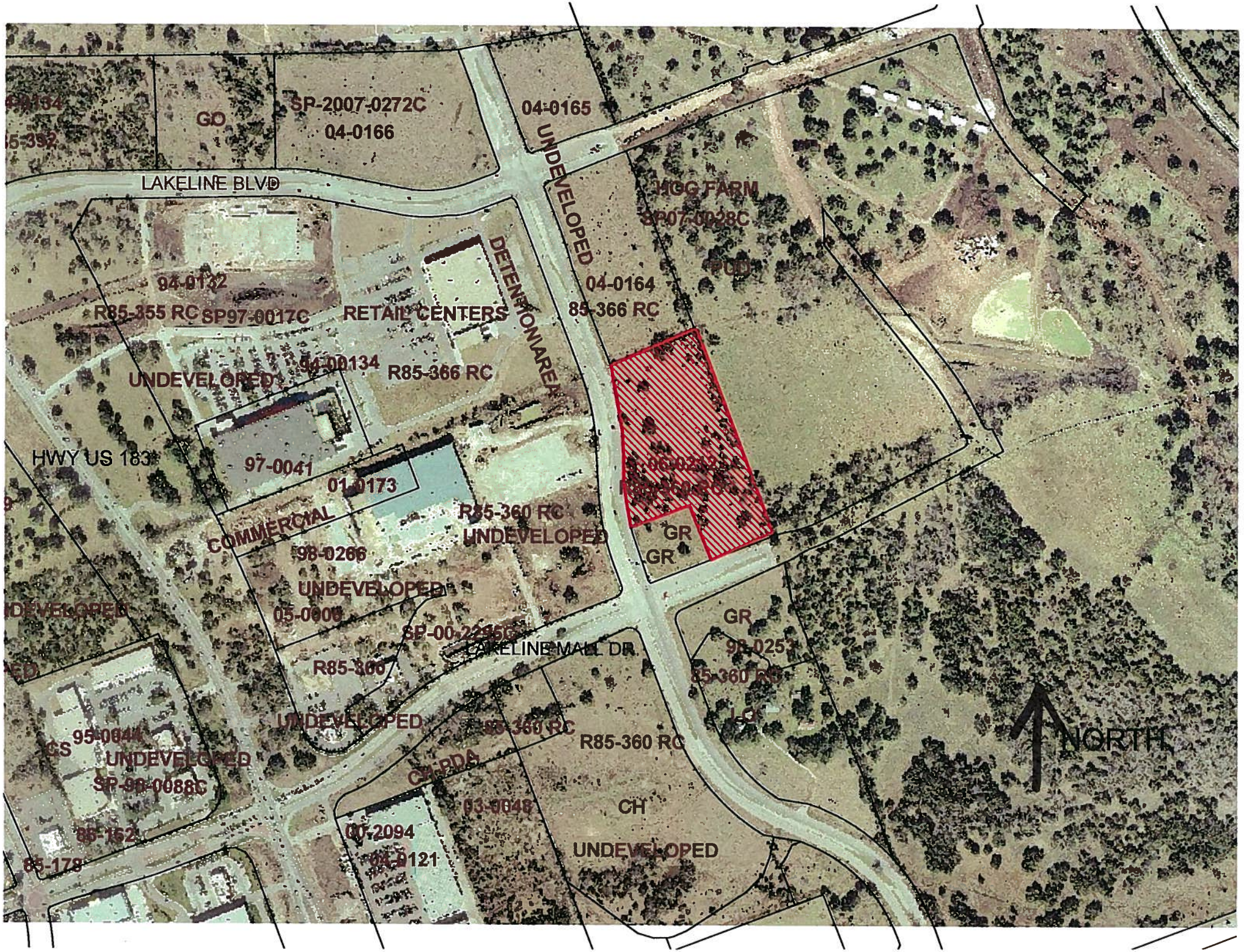
As an impacted business adjacent to the subject property, we offer our strong support of the landowner's rezoning request.

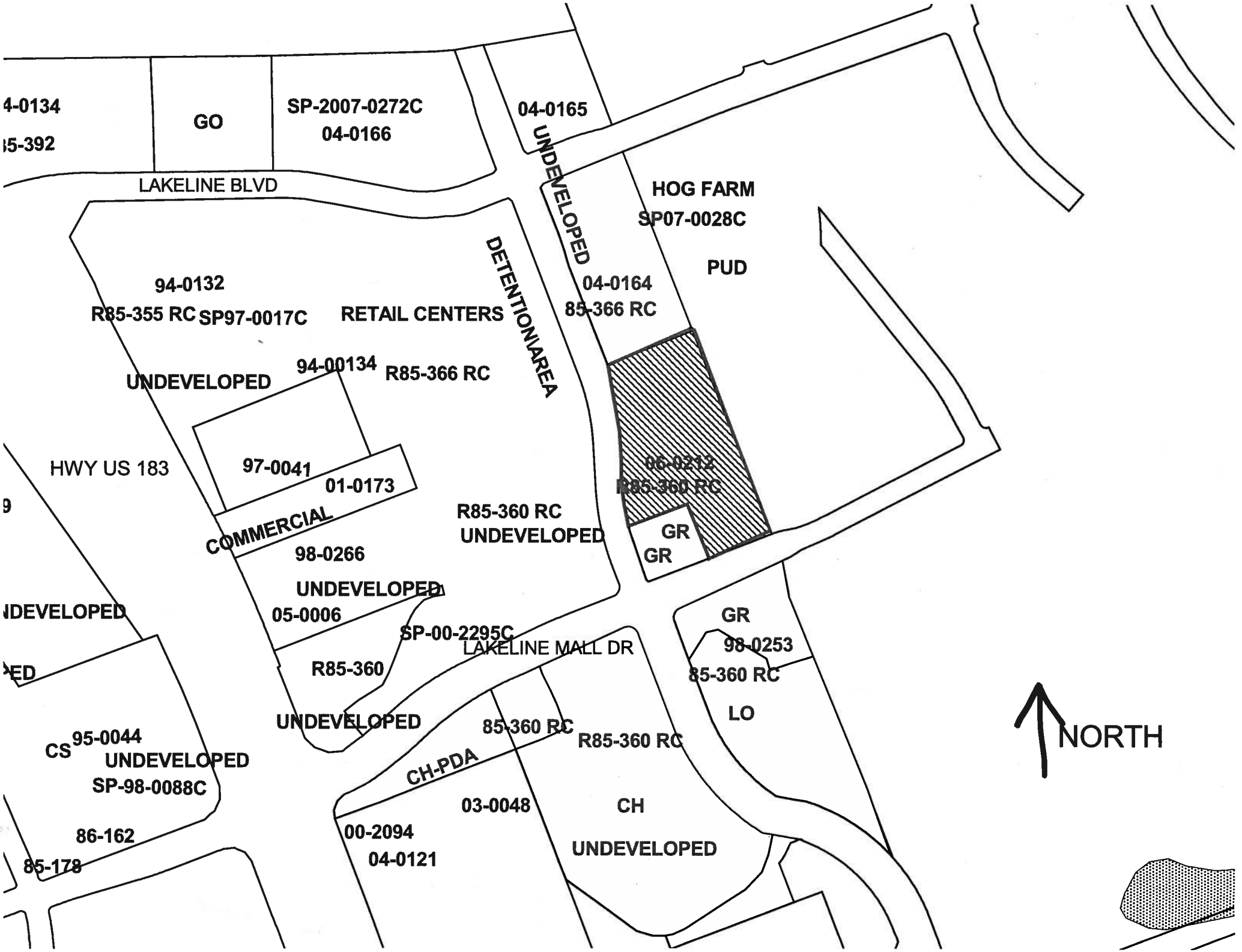
Sincerely,

Bill Wilson

Bill Wilson, President
Central Texas Region of Wachovia Bank

cc: Steve Oden, Jr.


LAKELINE BLVD
GO
SP-2007-0272C
04-0166
04-0165
UNDEVELOPED
HCG FARM
SP07-0028C
PUD
04-0164
85-366 RC
DETENTION AREA
94-0132
R85-355 RC
SP97-0017C
RETAIL CENTERS
94-00134
R85-366 RC
UNDEVELOPED
HWY US 183
97-0041
01-0173
COMMERCIAL
R85-360 RC
UNDEVELOPED
GR
GR
98-0266
UNDEVELOPED
05-0000
SP-00-2296C
LAKELINE MALL DR
R85-360
GR
98-0253
85-360 RC
LO
UNDEVELOPED
95-0044
UNDEVELOPED
SP-96-0088C
CS
CH-PDA
R85-360 RC
R85-360 RC
NORTH
93-0048
CH
85-162
85-178
00-2094
04-0121
UNDEVELOPED


4-0134
5-392
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04-0165
UNDEVELOPED
LAKELINE BLVD
HOG FARM
SP07-0028C
PUD
DETENTIONAREA
94-0132
R85-355 RC
SP97-0017C
RETAIL CENTERS
04-0164
85-366 RC
94-00134
R85-366 RC
UNDEVELOPED
HWY US 183
97-0041
01-0173
06-0212
R85-360 RC
COMMERCIAL
R85-360 RC
UNDEVELOPED
GR
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UNDEVELOPED
05-0006
SP-00-2295C
LAKELINE MALL DR
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85-360 RC
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85-360 RC
R85-360 RC
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UNDEVELOPED
SP-98-0088C
CH-PDA
03-0048
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UNDEVELOPED
85-178
NORTH