

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0183.SH – Lexington Parke

Z.A.P. DATE: March 3, 2009

March 17, 2009

April 7, 2009

May 5, 2009

ADDRESS: North of Pearce Lane and East of SH 130

OWNER: Lexington 281, L.P.
(Mehrdad Moayed)

AGENT: Kodiak Development
(Brian Saathoff)

ZONING FROM: DR; SF-4A

TO: GR for Tract 1 (17.876 acres);
MF-3 for Tract 2 (14.305 acres)

TOTAL AREA: 32.181 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district for Tract 1 and multifamily residence medium density (MF-3) district zoning for Tract 2. On Tract 1, the Conditional Overlay prohibits automotive sales.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated March 31, 2009, as provided in Attachment A.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

March 3, 2009: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO 3-17-09.*
[K. JACKSON; R. EVANS – 2ND] (6-0) J. GOHIL – ILL

March 17, 2009: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO 4-7-09.*
[K. JACKSON; T. RABAGO – 2ND] (5-0) R. EVANS – ABSENT; D. TIEMANN – ILL

April 7, 2009: *APPROVED A POSTPONEMENT REQUEST BY THE ADJACENT*
PROPERTY OWNER TO 5-5-09.
K. JACKSON; T. RABAGO – 2ND] (7-0)

ISSUES:

The Applicant is in agreement with the Staff recommendation.

The Applicant's agent has been in contact with representatives for the owner of an adjacent property to the east, known as the Cooper Meadows tract.

This rezoning case has been approved to participate in the City's S.M.A.R.T. (Safe, Mixed-Income, Accessible, Reasonably-priced, Transit-Oriented) Housing expedited review program. Please refer to Attachment B at the back of the staff report.

DEPARTMENT COMMENTS:

The proposed area consists of undeveloped acreage located on the northeast corner of the SH 130 frontage lanes, with the Pearce Lane frontage zoned development reserve (DR) and the remainder zoned single family residence small lot (SF-4A) district by a 2003 case. There is undeveloped land planned for single family residences within the Lexington Parke development to the north (SF-4A), a vacant manufactured home park to the east (MH-CO), single family residences on large lots to the south (County) and the northbound frontage lanes of SH 130 to the west. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View) and A-2 (Vicinity Map).

The Applicant has proposed community commercial (GR) district zoning for 17.86 (Tract 1) and multifamily residence medium density (MF-3) district zoning for 14.305 acres (Tract 2) in order to be able to develop 75,000 square feet of specialty retail, a service station with 10 fueling positions and a convenience store, and 250 apartment units. Staff supports the Applicant's request for GR given its location at the intersection of a State Highway and an arterial roadway, and commercial zoning would enable the provision of goods and services to several single family residential neighborhoods in the vicinity. The Conditional Overlay prohibits automotive sales, as it would set precedent on this segment of SH 130 and concerns of compatibility with adjacent residential uses. Staff supports MF-3 as it provides a second type of residential development to the Lexington Parke development, thereby diversifying housing choices and it provides a transition from the commercial uses on SH 130 and the planned single family residential subdivision to the east.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR; SF-4A	Undeveloped
<i>North</i>	SF-4A	Undeveloped
<i>South</i>	County	Single family residences on large lots; Undeveloped
<i>East</i>	MH-CO	Vacant manufactured home park
<i>West</i>	N/A	Northbound lanes of SH 130

AREA STUDY: N/A

TIA ADDENDUM: Please refer to Attachment A

WATERSHED: Onion Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes – SH 130

NEIGHBORHOOD ORGANIZATIONS:

627 – Onion Creek Homeowners Association

640 – Deerwood Premier Manufactured Home Association
 750 – Del Valle Neighborhood Association 774 – Del Valle Independent School District
 786 – Home Builders Association of Greater Austin 1005 – Elroy Preservation Association
 1037 – Homeless Neighborhood Association 1113 – Austin Parks Foundation

SCHOOLS:

The subject property is within the Del Valle Independent School District.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0271 – Deerwood Manufactured Home Park – 12400 Pearce Lane	I-RR to MH	To Grant MH-CO, with the CO for 2,000 trips and conditions of r-o-w on Pearce Lane and Ross Road	Approved MH-CO with a Street Deed for r-o-w on Pearce Lane and Ross Road as Commission recommended (4-24- 08).
C14-97-0005 – Deerwood - A Planned Residential Community – in the vicinity of Pearce Lane and Ross Road	DR to MH	To Grant MH, with conditions	Approved MH with a Restrictive Covenant that a landscaping buffer be maintained in the 25' setback on Pearce Lane that includes 20 2-inch caliper trees, and vehicle and pedestrian access (4-24-97).

RELATED CASES:

The Pearce Lane frontage was annexed into the City limits on July 18, 1985 and zoned DR. The remaining acreage was annexed into the City limits on September 8, 2003 (Ordinance Number 030828-31). On December 11, 2003, a zoning change from DR and I-RR to SF-4A was approved along with a Traffic Impact Analysis for 218.75 acres on Pearce Lane and Ross Road (C14-03-0135.SH).

A revision to the approved preliminary plan (Case No.: C8J-2003-0111.SH) was filed on July 8, 2008 for the proposed commercial and multifamily land uses (Case No.: C8-2008-0167.SH) and is currently under review and pending approval, subject to the approval of the rezoning request.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	ADT
Ross Road	100 – 114 feet	Varies	Two-lane, minor arterial	4,413 (2/1/05)*
Pearce Lane	90 – 114 feet	Varies	Two-lane, minor arterial	5,611 (2/1/05)**

*6200 Block, north of Pearce Lane

**12600 Block, west of Ross Road

CITY COUNCIL DATE: April 23, 2009

ACTION:

ORDINANCE READINGS: 1st

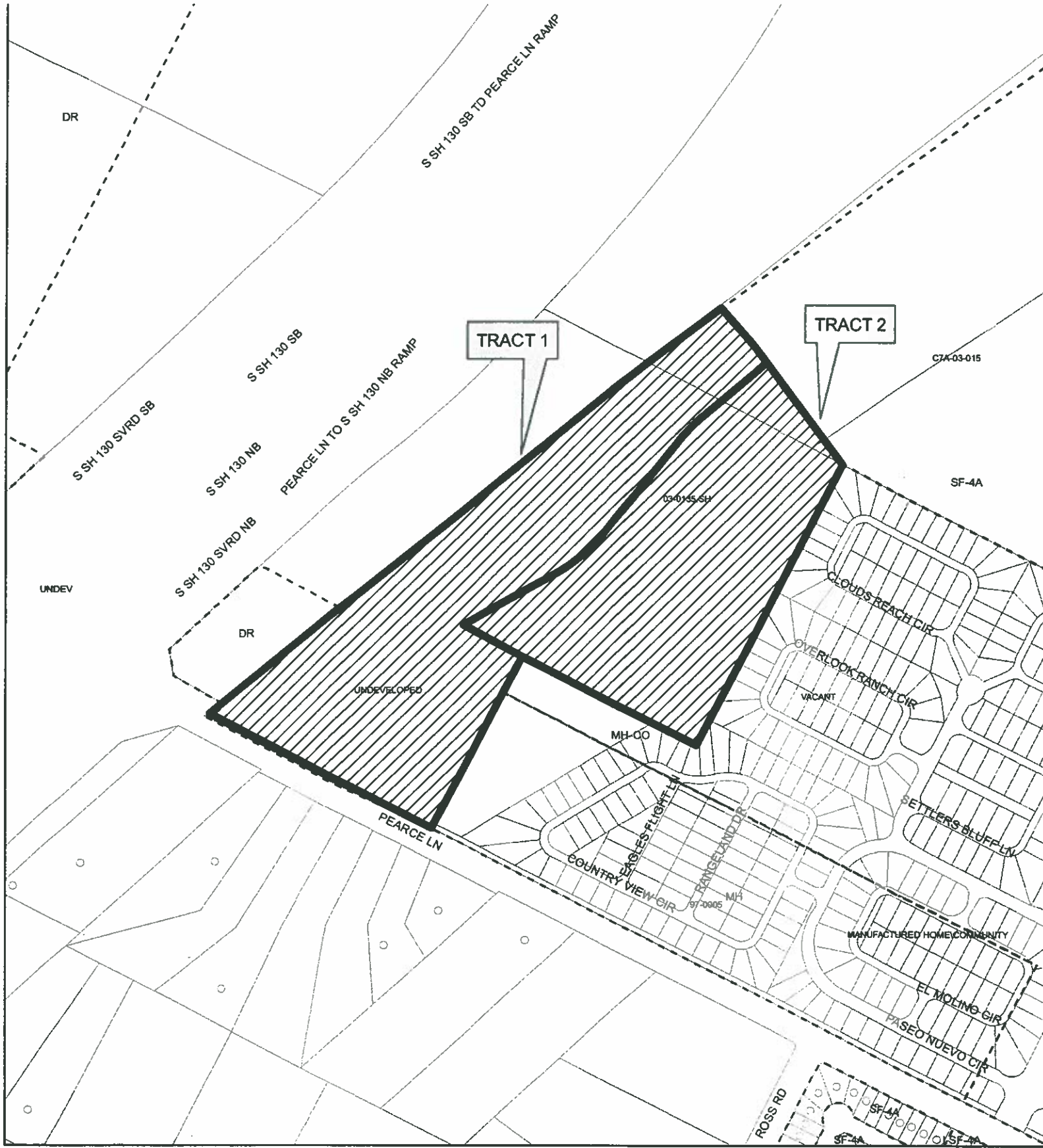
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719



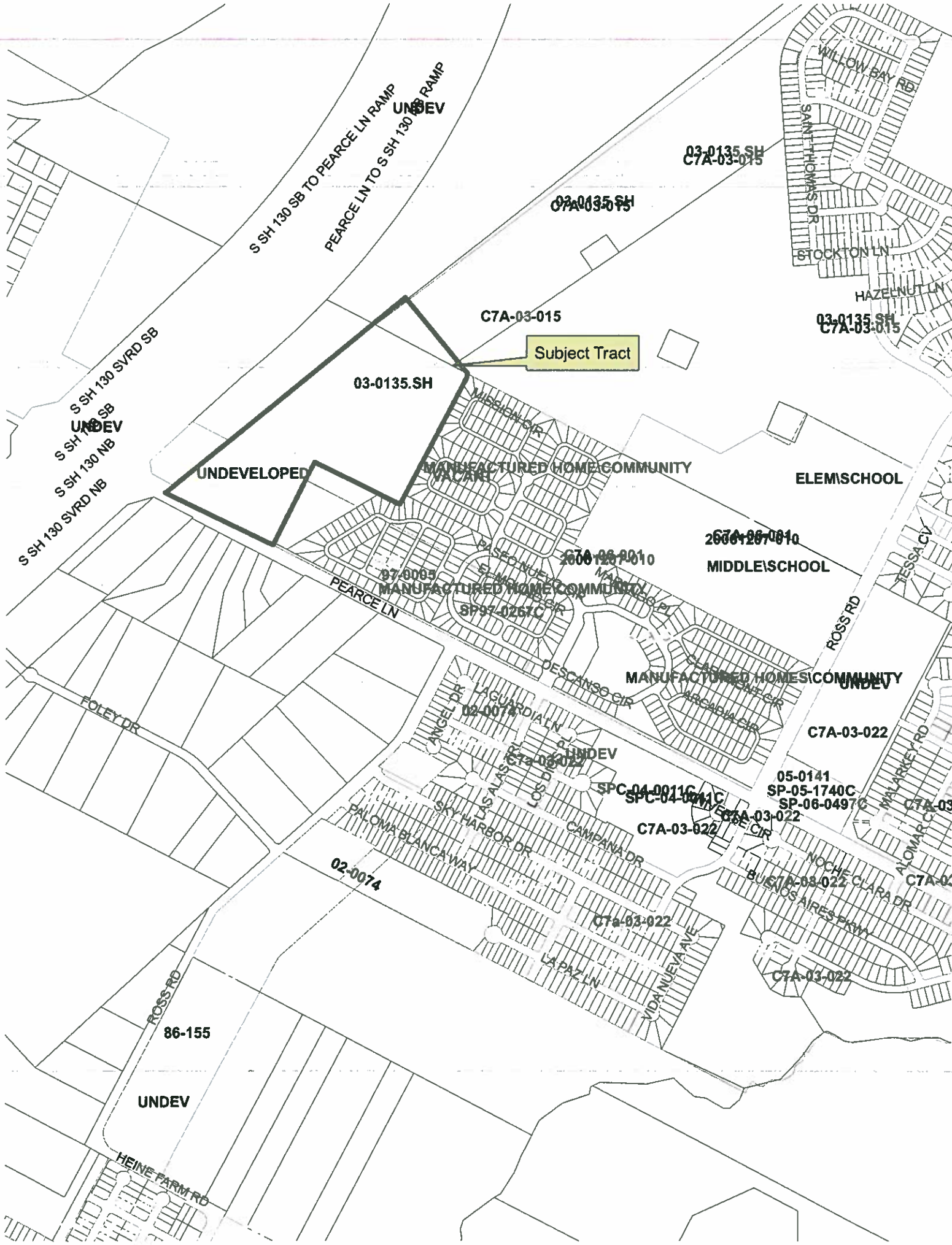

 1" = 400'
 **SUBJECT TRACT**
 **ZONING BOUNDARY**
 **PENDING CASE**
OPERATOR: S. MEEKS

ZONING
ZONING CASE#: C14-2008-0183.SH
ADDRESS: N OF PEARCE LANE & E OF SH 130
SUBJECT AREA: 32.181 ACRES
GRID: P14
MANAGER: W. RHOADES

EXHIBIT A



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.



S SH 130 SB TO PEARCE LN RAMP
PEARCE LN TO S SH 130 NB RAMP
UNDEV

03-0135.SH
C7A-03-015

03-0135.SH

WILLOW BAY RD
SAINT THOMAS DR
STOCKTON LN
HAZELNUT LN
03-0135.SH
C7A-03-015

C7A-03-015

Subject Tract

03-0135.SH

UNDEVELOPED

MANUFACTURED HOME COMMUNITY

ELEM SCHOOL

2670-2670-010

MIDDLE SCHOOL

S SH 130 SVRD SB
S SH 130 SB
S SH 130 NB
S SH 130 SVRD NB

97-0095

MANUFACTURED HOME COMMUNITY

SP97-0267C

PEARCE LN

2670-2670-010

02-0074

MANUFACTURED HOMES COMMUNITY

C7A-03-022

UNDEV

05-0141
SP-05-1740C
SP-06-0497C

SPC-04-0011C
SPC-04-0011C

C7A-03-022

SPC-03-022

02-0074

C7A-03-022

C7A-03-022

86-155

UNDEV

HEINE FARM RD

WILLOW BAY RD

SAINT THOMAS DR

STOCKTON LN

HAZELNUT LN

03-0135.SH

C7A-03-015

C7A-03-015

Subject Tract

03-0135.SH

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SP-06-0497C

SPC-04-0011C
SPC-04-0011C

C7A-03-022

SPC-03-022

02-0074

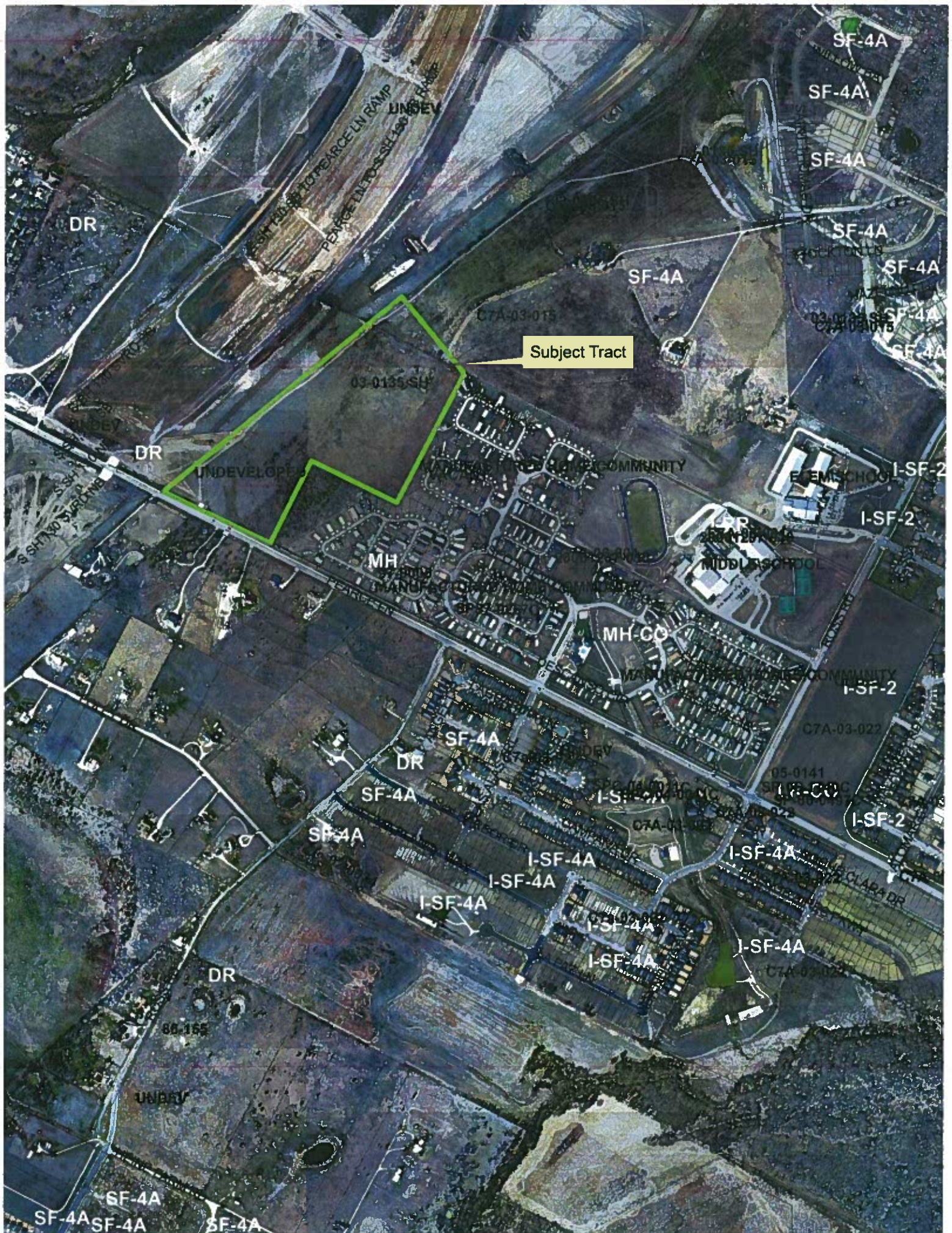
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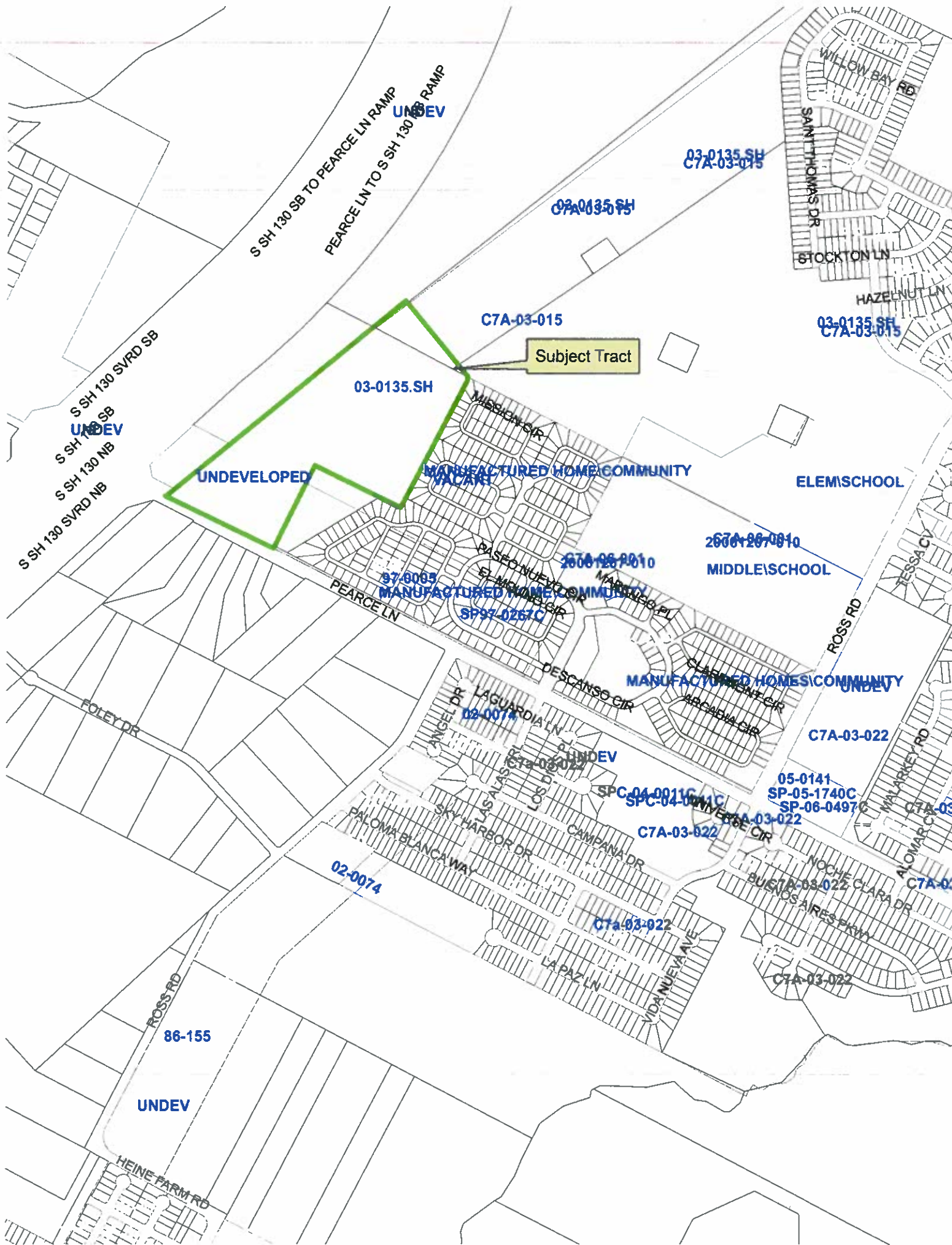
C7A-03-022

86-155

UNDEV

HEINE FARM RD





S SH 130 SB TO PEARCE LN RAMP
PEARCE LN TO S SH 130 SB RAMP

UNDEV

03-0135.SH
C7A-03-015

03-0135.SH

WILLOW BAY RD
SAINT THOMAS DR
STOCKTON LN
HAZELNUT LN
03-0135.SH
C7A-03-015

C7A-03-015

Subject Tract

03-0135.SH

UNDEVELOPED

MANUFACTURED HOME COMMUNITY

ELEM SCHOOL

2600-267-0810
MIDDLE SCHOOL

97-8095
MANUFACTURED HOME COMMUNITY
SP97-0267C

MANUFACTURED HOME COMMUNITY

C7A-03-022

05-0141
SP-05-1740C
SP-06-0497C

C7A-03-022

C7A-03-022

C7A-03-022

86-155

UNDEV

02-0074

HEINE FARM RD

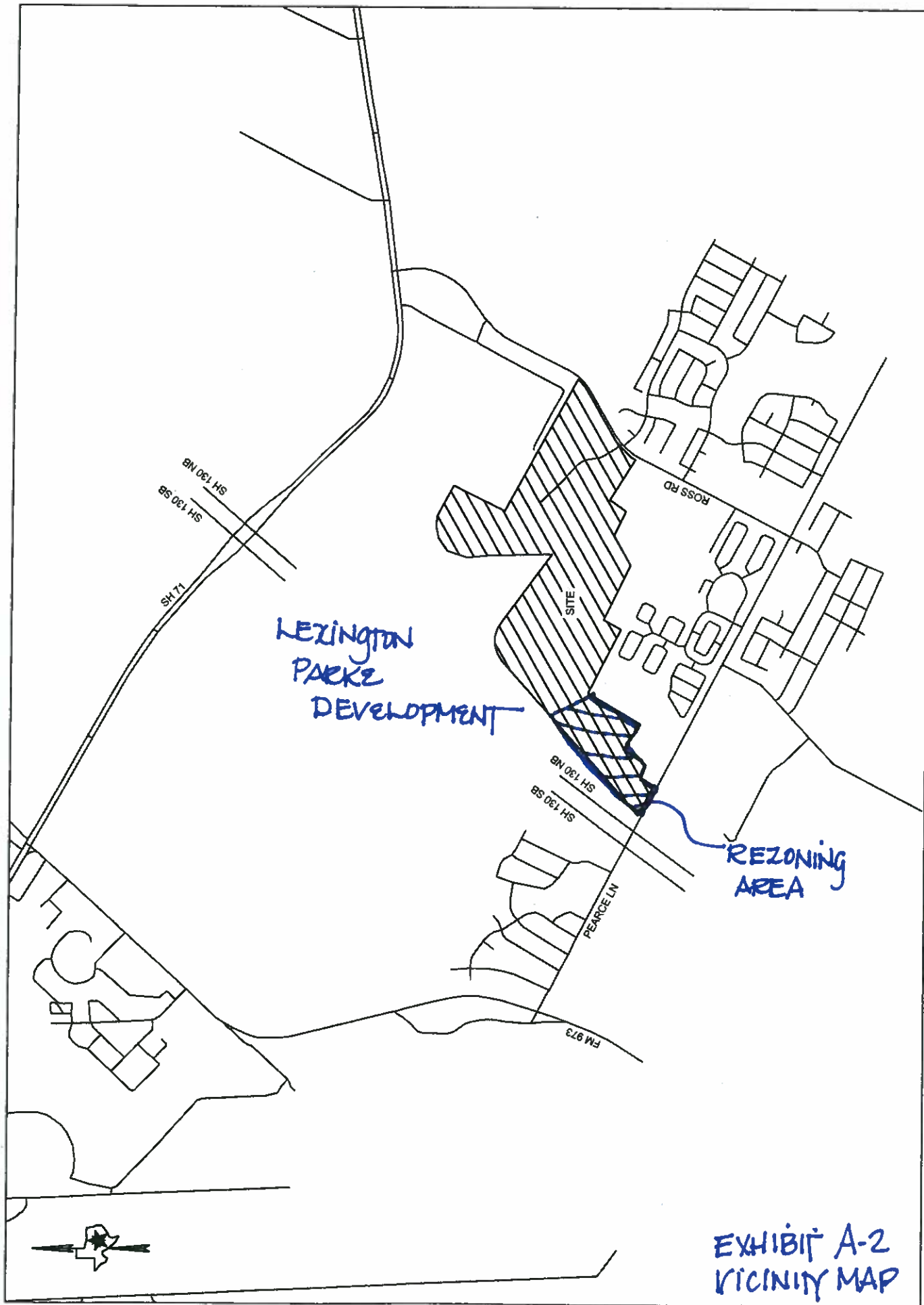


Figure 1. Study Area

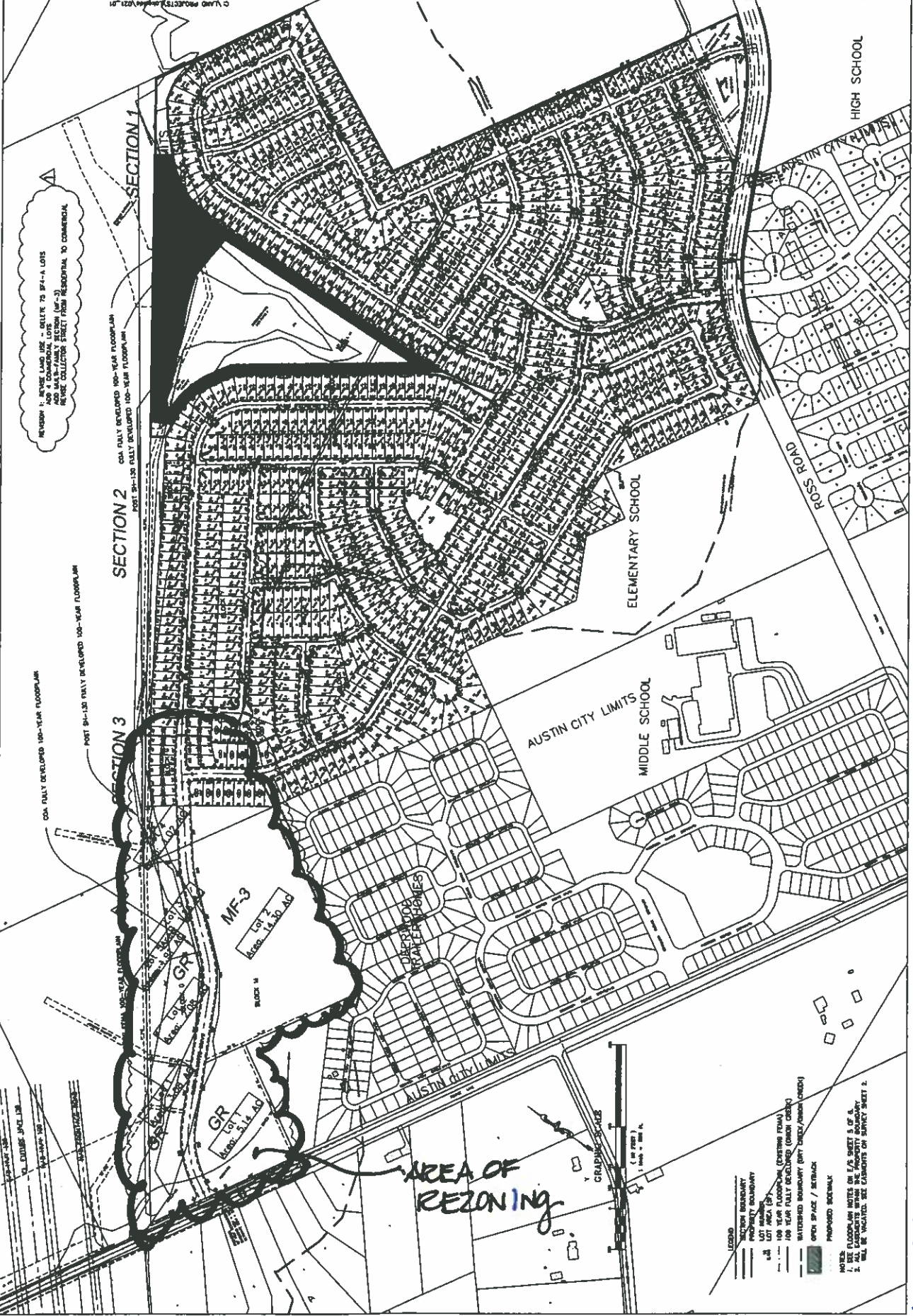


EXHIBIT B
REVISED
PRELIMINARY
PLAN



MEMORANDUM

TO: Wendy Rhoades, NPZD
CC: Members of the Zoning and Platting Commission
FROM: Joe Almazan, WPDR
DATE: March 31, 2009
SUBJECT: Lexington Parke Traffic Impact Analysis (TIA) Addendum
Zoning Case No.: C14-2008-0183.SH

The Transportation Review Section has reviewed the traffic impact analysis for the Lexington Parke development dated July 2008 and December 2008 (1st Update) and March 2009 (2nd Update), prepared by Scott A. Feldman, P.E., Alliance Transportation, Inc. and offers the following comments:

TRIP GENERATION

Lexington Parke is a planned residential and commercial development located north of Pearce Lane, between S.H. 130 and Ross Road in southeast Austin. This development was originally planned for 950 single-family residential dwelling units. The previous TIA was approved with the zoning in 2003 (Case No.: C14-2003-0135.SH). The development was expected to be completed by 2009.

Table 1: 2003 Land Use and Trip Generation (Original TIA)

Land Use	Size	ADT	AM			PM		
			Total	Enter	Exit	Total	Enter	Exit
Single-Family Residential	950 d.u.	9,092	713	181	532	960	618	342
TOTAL		9,092	713	181	532	960	618	342

This TIA Addendum has been prepared to address the change of land uses from single-family residential to single-family residential, multi-family apartments, and commercial land uses. The new development is expected to be completed in phases with Phase One by 2015 and Phase Two by 2020. Phase One of the project will consist of 583 single-family residential dwelling units, 250 apartment units, 10,000 sq.ft. general office use, and a convenience store with gas pumps. Phase Two of the project will consist of 292 single-family residential dwelling units and 65,000 sq.ft. of shopping center retail uses.

Based on the standardized trip generation rates established by the Institute of Transportation Engineers (ITE), this development will generate 16,173 trips per day. This results in an increase of 7,081 trips per day over the previous approved trips with the 2003 zoning case (9,092 trips per day). However, reductions for passer-by and internal capture were assumed for the uses. This results in an adjusted trip rate of 14,498 trips per day.

ATTACHMENT A

Table 2: Unadjusted Trip Generation

Land Use	Size	ADT	AM			PM		
			Total	Enter	Exit	Total	Enter	Exit
Single-Family Residential	875 d.u.	7,469	621	155	466	755	476	279
Apartments	250 d.u.	1,653	126	25	101	155	101	54
Shopping Center	65,000 s.f.	5,133	121	74	47	471	226	245
General Office	10,000 s.f.	110	16	14	2	15	3	13
Convenience Store with Gas Pumps	10 fueling stations	1,628	101	50	50	134	67	67
TOTAL		16,173	985	318	666	1,530	873	657

Table 3: Adjusted Trip Generation

Land Use	Size	ADT	AM			PM		
			Total	Enter	Exit	Total	Enter	Exit
Single-Family Residential	875 d.u.	7,376	621	155	466	747	476	271
Apartments	250 d.u.	1,378	126	25	101	144	87	46
Shopping Center	65,000 s.f.	4,296	121	74	47	283	136	147
General Office	10,000 s.f.	92	16	14	2	13	3	10
Convenience Store with Gas Pumps	10 fueling stations	1,356	38	19	19	60	30	30
TOTAL		14,498	922	287	635	1,247	739	508

Table 4: Trip Generation By Phase

Phases	Build-Out Year	Land Use	Size	Trip Generation		
				ADT	AM	PM
Phase I	2015	Single-Family Residential	583 d.u.	4,917	414	498
		Apartments	250 d.u.	1,378	126	144
		General Office	10,000 s.f.	92	16	13
		Convenience Store with Gas Pumps	10 fueling stations	1,356	38	60
		Phase Total		7,743	594	715
Phase II	2020	Single-Family Residential	292 d.u.	2,459	207	249
		Shopping Center	65,000 s.f.	4,296	121	283
		Phase Total		6,755	328	532
		Grand Total		14,498	922	1,247

ASSUMPTIONS

1. Reductions were assumed for pass-by and internal capture for the following uses:

Table 5: Summary of Pass-By and Internal Capture Rates

Land Use	Pass-By %		Internal Capture %	
	AM Peak	PM Peak	AM Peak	PM Peak
Single-Family Residential	0.0%	0.0%	0.0%	2.9%
Apartments	0.0%	0.0%	0.0%	14.4%%
General Office	0.0%	0.0%	0.0%	13.3%
Shopping Center Retail	0.0%	34.0%	0.0%	21.4%
Convenience Store with Gas Pumps	62.0%	56.0%	0.0%	21.4%

2. No adjustments were assumed for transit use.
3. A growth rate of 4.0% was applied to existing traffic counts of area roadways.
4. A 5.0% adjustment was also applied to existing traffic counts of area roadways for a seasonal adjustment.
5. A 5.0% adjustment was also applied to existing traffic counts of area roadways during the A.M. peak period for school traffic.

TRANSPORTATION ROADWAY SYSTEM

SH 130 – SH 130 is classified as a four-lane toll parkway. It is proposed to be upgraded to a six-lane freeway according to the 2025 Austin Metropolitan Area Transportation Plan (AMATP).

SH 71 – SH 71 is currently a four-lane, divided major arterial. It is proposed to be upgraded to a six-lane freeway according to 2025 AMATP.

FM 973 – FM 973 is currently a two-lane minor arterial. It is proposed to be upgraded to a six-lane, divided major arterial according to 2025 AMATP.

Pearce Lane – Pearce Lane is currently a two-lane minor arterial. It is proposed to be upgraded to a four-lane divided arterial according to 2025 AMATP.

TRAFFIC ANALYSIS

The TIA analyzed the existing conditions in 2008 and the two separate phases for year 2015 and 2020 estimated traffic conditions for all eight intersections, five of which are signalized. Table 6 and 7 summarizes the overall levels of service (LOS) at each intersection. The 2020 LOS assumes that any recommended intersection and roadway improvements have been implemented.

For Phase One – 2015 estimated traffic conditions, results of the analysis demonstrates that the intersections will operate at overall acceptable LOS D or better with the exception of the SH 130 and SH 71 interchange. The analysis assumed that the current two-lane cross-section of the SH 130 ramps will remain for 2015 traffic conditions. The northbound and southbound frontage roads of SH 130 will operate at unacceptable LOS F for non-site and site traffic conditions during the morning peak hour travel period. However, site traffic comprises less than one percent of peak hour traffic volumes

at this interchange. No further intersection or roadway improvements are assumed with 2015 traffic conditions and Phase One development.

Table 6: 2015 Levels of Service

Intersection	Type of Control	Background Traffic		Site + Background Traffic	
		AM	PM	AM	PM
SH 130 SB & Pearce Lane	Unsignalized	A	A	A	A
SH 130 NB & Pearce Lane	Unsignalized	A	A	A	A
SH 130 SB & SH 71 EB	Signalized	A	B	A	A
SH 130 SB & SH 71 WB	Signalized	F	A	F	A
SH 130 NB & SH 71 WB	Signalized	F	A	F	A
SH 130 NB & SH 71 EB	Signalized	A	E	A	A
Pearce Lane & FM 973	Signalized	C	B	C	C
Ducks Unlimited Drive & Pearce Lane	Unsignalized	N/A	N/A	A	D
Ducks Unlimited Drive & Convenience Store site driveway	Unsignalized	N/A	N/A	A	A
Ducks Unlimited Drive & Shopping Center site driveway	Unsignalized	N/A	N/A	A	A
Ducks Unlimited Drive & Apartments site driveway	Unsignalized	N/A	N/A	A	A

For Phase Two – 2020 estimated traffic conditions, results of the analysis demonstrates that the intersections will operate at overall acceptable LOS D or better with the exception of the SH 130 and SH 71 interchange. As with Phase One of the project, the analysis assumed that the current two-lane cross-section of the SH 130 ramps will remain for 2020 traffic conditions. Both the northbound and southbound frontage roads of SH 130 will continue to operate at unacceptable LOS E and F for non-site and site traffic conditions during the morning and evening peak hour travel periods. It should be noted that site traffic still comprises less than one percent of peak hour traffic volumes at this interchange.

Table 7: 2020 Levels of Service

Intersection	Type of Control	Background Traffic		Site + Background Traffic	
		AM	PM	AM	PM
SH 130 SB & Pearce Lane	Unsignalized	A	A	A	B
SH 130 NB & Pearce Lane	Unsignalized	A	A	A	A
SH 130 SB & SH 71 EB	Signalized	A	B	A	B
SH 130 SB & SH 71 WB	Signalized	F	A	F	A
SH 130 NB & SH 71 WB	Signalized	F	A	F	A
SH 130 NB & SH 71 EB	Signalized	A	E	A	E
Pearce Lane & FM 973	Signalized	C	B	B**	C**
Ducks Unlimited Drive & Pearce Lane	Unsignalized	N/A	N/A	A**	D**
Ducks Unlimited Drive & Convenience Store site driveway	Unsignalized	N/A	N/A	A	A
Ducks Unlimited Drive & Shopping Center site driveway	Unsignalized	N/A	N/A	A	A
Ducks Unlimited Drive & Apartments site driveway	Unsignalized	N/A	N/A	A	A

**Assumes intersection and/or roadway improvements

For the intersection of Ducks Unlimited Drive and Pearce Lane, the acceptable LOS C or better results from the assumption that Pearce Lane will be widened to four lanes with a divided median from the SH 130 northbound frontage road to approximately 600 feet east of the intersection with Ducks Unlimited Drive. This roadway improvement is recommended because of efforts by the City of Austin Transportation Department to reduce traffic signal installation along Pearce Lane in proximity to SH 130. This improvement would become necessary with 2020 traffic conditions and Phase Two of the development. Although the four-lane, divided arterial provides for maximum separation of turning movements at intersections and additional travel capacity, the City of Austin does not have any current plans to upgrade this roadway.

For the intersection of FM 973 and Pearce Lane, the acceptable LOS C or better results from the assumption that the recommended intersection and roadway improvements will be implemented as follows: (a) FM 973 will be widened to four-lanes with a divided median near Pearce Lane, and (b) a right-turn lane with 150 feet of storage space will be constructed for the westbound approach on

Pearce Lane. These improvements would become necessary with 2020 traffic conditions and Phase Two of the development. The Texas Department of Transportation (TxDOT) has no current plans to upgrade FM 973.

As with all large developments, reducing single-occupant vehicle trips should be the primary goal. It is recommended that "trip reduction techniques" be implemented for the development. Currently, fixed route transit service is not provided by Capital Metro in the neighborhood, but preliminary discussions with Capital Metro indicate that "future" service to the area will be considered. Coordination with Capital Metro on vanpooling and transit routes as well as promoting alternate modes of travel such as ridesharing, bicycling and walking could result in a significant reduction of vehicle trips to and from this development. For the commercial and multifamily development, site improvements that will encourage pedestrian, bicycle, and vehicular connectivity should be considered, including sidewalk and bike access points and driveway stub-outs, where technically feasible.

RECOMMENDATIONS

- 1) As recommended in the TIA, Pearce Lane should be reconstructed and widened to a four lane, divided arterial roadway (MAD-4) in accordance with the 2025 AMATP from the intersection of SH 130 northbound frontage road for approximately 600 feet to the east of the intersection with Ducks Unlimited Drive. At the time of site plan application for Phase Two, the applicant should submit a construction cost estimate signed and sealed by an engineer to verify the amount required for posting. Prior to any approval of the Phase Two development, the applicant should post fiscal for a pro-rata share of the estimated cost for this improvement: 20.3 percent.
- 2) As recommended in the TIA, FM 973 should be reconstructed and widened to a six lane, divided arterial roadway (MAD-6) in accordance with the 2025 AMATP between SH 71 and Pearce Lane. South of Pearce Lane, FM 973 should be reconstructed and widened to a four lane, divided arterial (MAD-4) in accordance with the 2025 Austin Metropolitan Area Transportation Plan. At the time of site plan application for Phase Two, the applicant should submit a construction cost estimate signed and sealed by an engineer to verify the amount required for posting. Prior to any approval of the Phase Two development, the applicant should post fiscal for a pro-rata share of the estimated cost for this improvement: 10.7 percent.
- 3) As recommended in the TIA, at the intersection of F.M. 973 and Pearce Lane, a right turn lane with 150 feet of storage space should be constructed for the westbound approach along Pearce Lane. At the time of site plan application for Phase Two, the applicant should submit a construction cost estimate signed and sealed by an engineer to verify the amount required for posting. Prior to any approval of the Phase Two development, the applicant should post fiscal for a pro-rata share of the estimated cost for this improvement: 25.1 percent.
- 4) As recommended in the TIA, at the intersection of Pearce Lane, Ducks Unlimited Drive should be constructed with sufficient width to accommodate separate outbound lanes for left-turn and right-turn movements for site traffic leaving the development.
- 5) It is also recommended that the developer coordinate with Capital Metro to expand transit service to the area as well as continue to work with the development to implement traffic management techniques (TDM) such as ridesharing, bicycling, and walking to reduce vehicle trips to and from this development. Between the commercial and multifamily development, site improvements that will encourage pedestrian, bicycle, and vehicular connectivity should be considered, including sidewalk and bike access points and driveway stub-outs, where technically feasible.

6) Development of this site shall be limited to land uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip characteristics, traffic distributions, roadway conditions, and other traffic related characteristics.

7) For information: Three copies of the final TIA incorporating all corrections and revisions must be submitted prior to final reading of the zoning.

If you have any questions or require additional information, please contact me at 974-2674.



Joe R. Almazan

Development Services Process Coordinator
City of Austin, Watershed Protection and Development Review Department
Land Use Review Division/Transportation Review Section/One Stop Shop
505 Barton Springs Rd., 4th Floor
Tel: 974-2674
Fax: 974-3010



City of Austin

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

Neighborhood Housing and Community Development Department

Gina Copic, S.M.A.R.T. Housing Program Manager
(512) 974-3180, Fax: (512) 974-3112, regina.copic@ci.austin.tx.us

August 29, 2003

S.M.A.R.T. Housing Certification
Lexington Parke (Berdoll Tract)
Onion Creek Partners, Ltd.: Brian Saathoff, 257-9549

TO WHOM IT MAY CONCERN:

Onion Creek Partners is proposing to develop a 986 unit single-family subdivision in the newly annexed area known as Lexington Parke adjacent to Ross Road. NHCD certifies that the proposed development meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since 40% of the homes will serve families at 80% Median Family Income (MFI) or below, the development will be eligible for 100% waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council. The expected fee waivers include, but are not limited to, the following:

- | | |
|--------------------------------|-------------------|
| — Zoning Fees | Building Permit |
| Subdivision Fees | Concrete Permit |
| Construction Inspection Fees | Electrical Permit |
| — Traffic Impact Analysis Fees | Mechanical Permit |
| Capital Recovery Fees | Plumbing Permit |
| Building Plan Review | |

Prior to commencement of 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. (Shirley Muns, Austin Energy, 322-6453).

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. (Note: this inspection is separate from any other inspections required by the City of Austin or Austin Energy).
- ◆ Pass a final inspection by NHCD to certify that Visitability standards have been met.

Please contact me at 974-3180 if you need additional information.

Gina Copic
Gina Copic, S.M.A.R.T. Housing Manager
Neighborhood Housing and Community Development Office

Cc:	Javier Delgado, NHCD	Janet Gallagher, WPDR	Steve Barney, NHCD
	Robby McArthur, WWW Taps	Stuart Hersh, NHCD	Ricardo Soliz, NPZD
	Shirley Muns, Austin Energy	Nathan Doxsey, Austin Energy	Marzia Volpe, WPDR
	Anthony Fryer, WPDR	Marisol Claudio-Ehalt, WPDR	Steve Rossiter, NPZD
	Jim Lund, PW	Shaw Hamilton, WPDR	



City of Austin

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

Neighborhood Housing and Community Development Department

Gina Copic, S.M.A.R.T. Housing Program Manager
(512) 974-3180, Fax: (512) 974-3112, regina.copic@ci.austin.tx.us

March 6, 2009

Lexington Parke Rezoning Request (C14-2008-0183.SH)

TO WHOM IT MAY CONCERN:

The S.M.A.R.T. Housing Program is in support of the proposed zoning request subject to the application meeting all the provisions and requirements of the Land Development Code and other applicable regulations.

If you need additional information, please contact Javier Delgado at 974-3154.

Javier V. Delgado
Project Coordinator
Neighborhood Housing and Community Development

Cc: Wendy Rhoades, NPZ/D
George Zapalac, WPDR
Joc Almazan, WPDR

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district for Tract 1 and multifamily residence medium density (MF-3) district zoning for Tract 2. On Tract 1, the Conditional Overlay prohibits automotive sales.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated March 31, 2009, as provided in Attachment A.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Tract 1: The proposed GR, community commercial 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.

Tract 2: The multifamily residence medium density (MF-3) district is intended to accommodate multifamily use with a maximum density of up to 36 units per acre, depending on unit size. This district is appropriate for multifamily residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas, and in other selected areas where medium density multiple use is desirable.

The property has access to the northbound frontage lanes of SH 130 and Pearce Lane, both classified as major arterial roadways.

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

Staff supports the Applicant's request for GR given its location at the intersection of a State Highway and an arterial roadway, and commercial zoning would enable the provision of goods and services to several single family residential neighborhoods in the vicinity. The Conditional Overlay prohibits automotive sales, as it would set precedent on this segment of SH 130 and concerns of compatibility with adjacent residential uses. Staff supports MF-3 as it provides a second type of residential development to the Lexington Parke development, thereby diversifying housing choices and it provides a transition from the commercial uses on SH 130 and the planned single family residential subdivision to the east.

EXISTING CONDITIONS

Site Characteristics

The subject property is undeveloped and relatively flat. There appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district is 80%, which is based on the more restrictive watershed regulations. The maximum impervious cover allowed by the MF-3 zoning district would be 60% which is based on the more restrictive 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 Onion 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 floodplain within, or adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

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

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments are provided in Attachment A.

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 or abandonments required. 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.

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. It appears the site is subject to compatibility standards. Along the northeast property line, 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 18 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.

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.
- 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.

The site is located within Austin-Bergstrom Overlay Controlled Compatible Land Use Area. No use will be allowed that create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance.



Lexington Parke SMART Housing Development

Zoning Request - GR & MF-3

Case #C14-2008-0183.SH

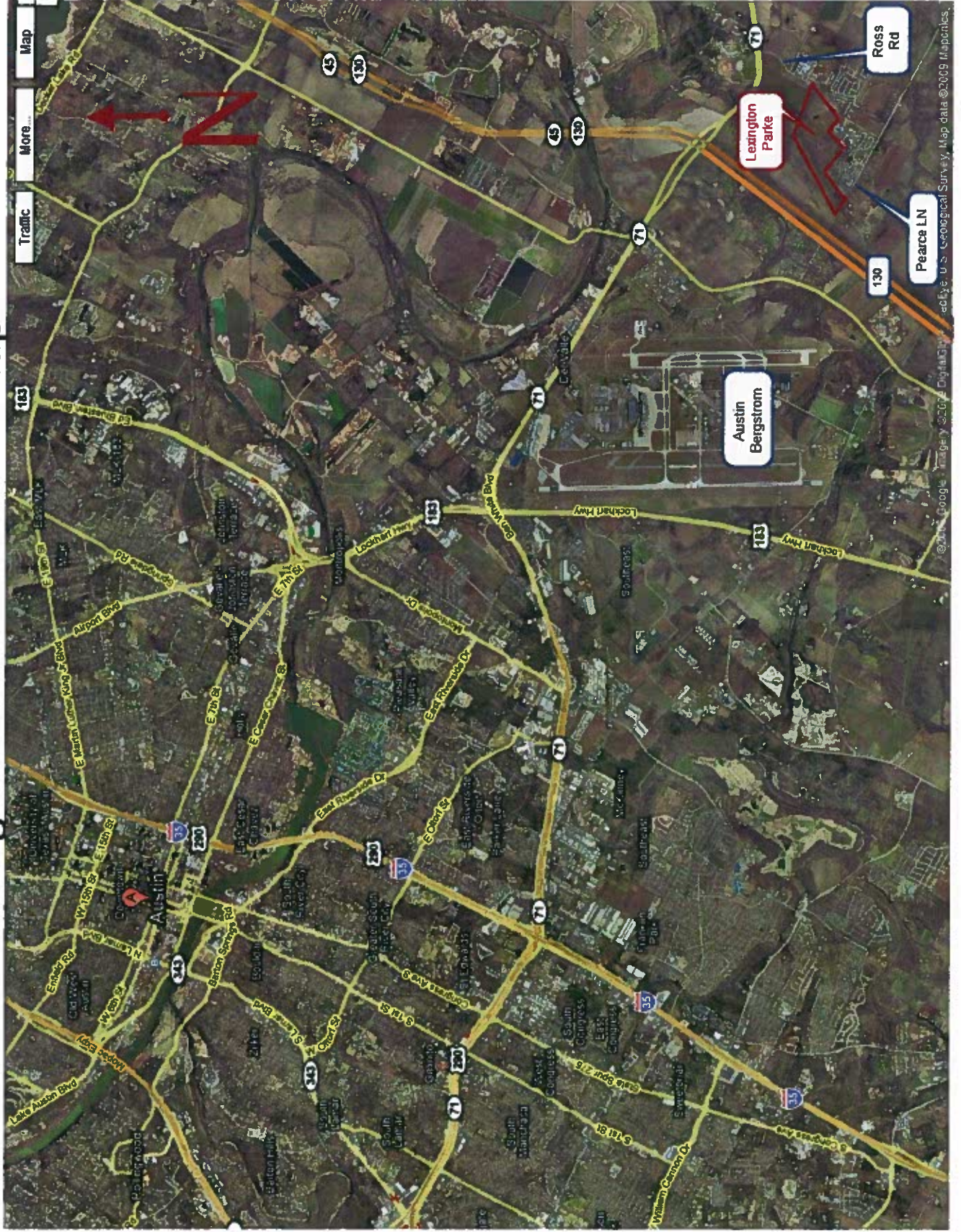
ZAP Agenda: April 7, 2009

Brian Saathoff - Project Manager

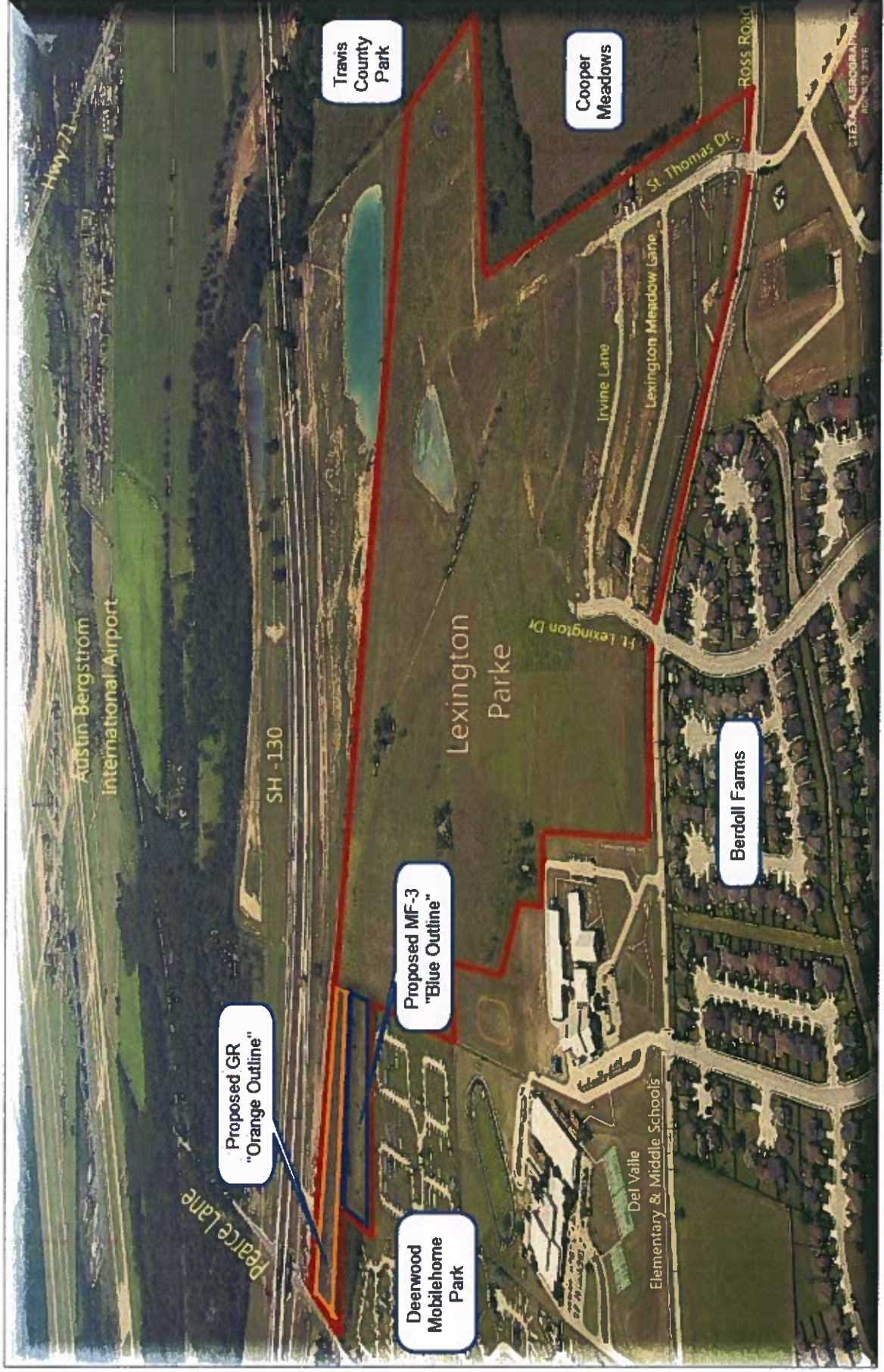
Bus: (512) 657-6420

Email: Saathoff@Texas.Net

Lexington Parke – Location Map



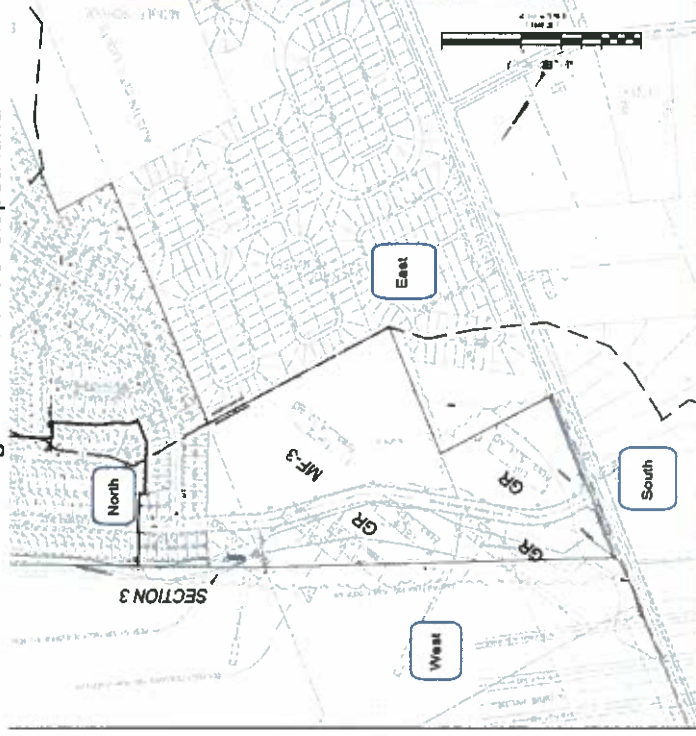
Lexington Parke - Proposed Zoning GR & MF-3



Lexington Parke Zoning Case – Surrounding Properties



North – Lexington Parke undeveloped land



West - SH-130 and Berdoll tract



East – Deerwood mobilehome park



South – Rural acreage with a homestead

Example of Proposed Commercial Use Along SH-130 and Pearce Lane



Lexington Parke – Green Builder “Three Star Rating”



Homebuilder: Cheldan Homes
*** Green Builder – 3 Star Rating**



Main Entry @ Ross Rd & Ft. Lexington Drive



McLEAN & HOWARD, L.L.P.

April 6, 2009

1004 Mopac Circle
Suite 100
Austin, TX. 78746
phone 512.328.2008
fax 512.328.2409
www.mcleanhowardlaw.com

Ms. Wendy Rhoades
City of Austin
505 Barton Springs
Austin, TX 78701

Via Facsimile and E-mail

RE: C14-2008-0183.SH Lexington Parke - Rezoning

Dear Wendy:

Our firm represents Development Alliance of Texas, with regard to the above-referenced zoning case. Our client owns the property adjacent to the Lexington Parke project.

This letter is to request a postponement of the rezoning case from its currently scheduled date of April 7, 2009. This is my client's first postponement request for this matter.

to May 5, 2009

Attached are copies of previous letters that I sent to Javier Del Gado regarding our opposition to the pending applications for Lexington Parke. As I have stated in the past to other City staff members, the only acceptable resolution of this matter would be that, prior to approval of the zoning case, the revised preliminary plan or any other development application for Lexington Parke: (1) the two spite strips (Irvine and Fort Stockton) should be dedicated as public streets; (2) the developer should be required to amend their construction plans to show proper and complete construction of the spite strips; and (3) the streets and water and wastewater lines should be constructed within the strips allowing for connection to my client's property.

It is my understanding that you have had discussions with my client's consultant, Nash Gonzales, about this matter as well. As of last week, Nash informed me that staff was recommending that this application not be considered for approval until the conditions set forth in the preceding paragraph were met. Just last month, Brian Saathoff, who represents the developer, offered to make the spite strips go away if my client paid them approximately \$232,000.00. Staff needs to stay resolved on this matter and ensure that this developer corrects their blatant and intentional disregard for City Code requirements and does not get away with trying to extract money from my client to correct a condition that is illegal and that should have never come about in the first place.

Please confirm with me that this matter is postponed and that staff is requiring the developer to correct their pending Code violations.

Sincerely,

William P. McLean

cc: Joe Almazan
George Zapalac