

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2012-0058 (Summer Grove Apartments)    **Z.A.P. DATE:** July 3, 2012

**ADDRESS:** 7905 San Felipe Boulevard

**OWNER/APPLICANT:** CREVI II Summer Grove, LLC (Wallace O. Sellers, Jr.)

**AGENT:** Alice Glasco Consulting (Alice Glasco)

**ZONING FROM:** RR                      **TO:** MF-3                      **AREA:** 5.383 acres

**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant MF-3, Multifamily Residence-Medium Density District, zoning.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

7/03/12: Approved the staff's recommendation of MF-3 district zoning on consent (4-0, B. Baker, J. Meeker and G. Rojas - absent); S. Baldrige-1<sup>st</sup>, C. Banks-2<sup>nd</sup>.

**DEPARTMENT COMMENTS:**

The property in question is currently developed with a multifamily use (Summer Grove Apartments). The apartment complex was developed on the site in 1984 prior to annexation by the City of Austin in 1997, through Ordinance No. 971218-C. The apartment complex is considered a grandfathered nonconforming use. However, the lender has required that the new owner of the complex seek the appropriate zoning to bring the existing use into conformance with land use regulations in the City of Austin Land Development Code.

The staff is recommending MF-3 zoning for this tract of land because it meets the intent of the Multifamily Residence-Medium Density zoning district. The proposed MF-3 zoning would be compatible and consistent with the multifamily residential and commercial uses surrounding the site. There is currently GR-MU-CO and GR-CO zoning to the east and CS-CO and GR-CO zoning to the south of the site. There are developed multifamily uses to the north and east of the property. The tract of land under consideration fronts onto a collector street (San Felipe Boulevard) located between two arterial roadways (Pond Springs Road and McNeil Drive) near U.S. Highway 183 North.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	RR	Multi-family (Summer Grove Apartments)
<i>North</i>	RR	Apartments (Martha's Vineyard Apartments, Summit Creek Apartments)
<i>South</i>	CS-CO, GR-CO	Convenience Storage (Store-A-Way Self Storage), Office (San Felipe Professional Building), Commercial/Retail Center (San Felipe Market)

<i>East</i>	RR, I-RR, MF-2	Multi-family (Summit Creek Apartments, Los Indios Apartments, San Felipe Townhomes)
<i>West</i>	GR-MU-CO	Undeveloped Tract, Plant Nursery (Red Barn Garden Center)

**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** Rattan Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
Austin Monorail Project  
Austin Northwest Association  
Home Builders Association of Greater Austin  
Homeless Neighborhood Association  
League of Bicycling Voters  
Pond Springs Neighborhood Association  
SELTEX  
Sierra Club, Austin Regional Group  
Super Duper Neighborhood Objectors and Appealers Organization  
The Real Estate Council of Austin, Inc.

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2012-0017 (San Felipe Boulevard Re-Zoning)	GR to GR-MU	3/20/12: Approved staff's recommendation of GR-MU-CO zoning, with the following conditions: add Restaurant (Limited) and Urban Farm back as permitted uses and prohibit Drive-in Services (7-0); P. Seeger-1 <sup>st</sup> , C. Banks-2 <sup>nd</sup> .	4/26/12: Approved GR-MU-CO zoning on consent on all 3 readings (7-0); B. Spelman-1 <sup>st</sup> , C. Riley-2 <sup>nd</sup> .
C14-2008-0241 (Rosco Jo's: 7701 San Felipe Boulevard)	GR-CO to CS-1	4/07/09: Case withdrawn by the applicant in letter to the staff on April 6, 2009.	N/A
C14-04-0162 (Arbor Square: 12885 Research Boulevard)	I-RR to GR	11/2/04: Approved staff's recommendation of GR-CO zoning, with CO to limit the development intensity to less than 2,000 vehicle trips per day, by consent (9-0); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> .	12/02/04: Approved GR-CO (7-0); all 3 readings
C14-04-0155 (San Felipe Market:	GR-CO to GR-CO	11/2/04: Approved staff's recommendation of GR-CO zoning, with CO to limit the development intensity to less	12/02/04: Approved GR-CO (7-0); all 3 readings

		than 2,000 vehicle trips per day, by consent (9-0); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> .	
C14-04-0070 (12952 Pond Springs Road)	I-RR to GR-CO	7/20/04: Approved staff's recommendation of GR-CO zoning, with CO to impose the following conditions: 1) The only permitted GR uses are Auto Sales and Auto Repair; 2) Permit LR Uses, with the exception of the following LR uses: Service Station; Restaurant (General); Restaurant (Limited); 3) Limit the development intensity to less than 2,000 vehicle trips per day; 4) Require a 25' vegetative buffer along the northern property line; by consent (8-0, J. Pinnelli-absent)	8/26/04: Granted GR-CO (7-0); all 3 readings
C14-03-0080 (Goodson 4.4 acres: San Felipe Blvd)	MF-3-CO to GR	6/10/03: Approved staff's alternate recommendation of GR-CO zoning with the following conditions: 1) Limit the site to 2,000 vehicle trips per day; 2) Prohibit the following uses: Automotive related uses [Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type)], Pawn Shop Services, Restaurant (Drive-In, Fast Food), Personal Improvement Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Adult Oriented Businesses, Urban Farm, and 3) Require a 10-foot landscape buffer along the Eastern property line. Vote: (8-0, J. Martinez-absent); M. Whaley-1 <sup>st</sup> , K. Jackson-2 <sup>nd</sup> .	7/17/03: Approved ZAP rec. of GR-CO (7-0); with the following additional permitted uses: Personal Improvement Services use and permit Drive-In Facilities, only as an accessory use to a Bank (Financial Services use).  8/14/03: Approved (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings.
C14-02-0138 (Pivot Storage: 12835 Pond Springs Road)	I-RR to CS	9/17/02: Approve staff's rec. of CS-CO zoning with the following conditions: add Equipment Sales and Automotive Rentals as allowed/permitted uses (7-0)	10/24/02: Granted ZAP rec. of CS-CO on all 3 readings (6-0, Dunkerley-absent), including the following conditions: 1) 2,000 vehicle trips per day limit; 2) Allow Convenience Storage and Equipment Sales as the only "CS" uses; 3) Limit the property to "GR" uses;

			<p>4) Prohibit the following additional uses:</p> <ul style="list-style-type: none"> <li>a) Automotive Repair Services</li> <li>b) Automotive Sales</li> <li>c) Automotive Washing</li> <li>d) Drive-Through Facilities</li> <li>e) Drop-Off Recycling</li> <li>f) Pawn Shop Services</li> </ul>
<p>C14-02-0132 (Goodson 8 Acres: Pond Springs Road at San Felipe Boulevard)</p>	<p>MF-3-CO to GR</p>	<p>10/22/02: Approved GR-CO zoning with the following conditions:</p> <ul style="list-style-type: none"> <li>1) The only permitted GR uses are Automotive Sales and Automotive Repair Services;</li> <li>2) Permit LR uses, with the exception of the following uses: <ul style="list-style-type: none"> <li>a) Service Station</li> <li>b) Food Sales</li> <li>c) Accessory Off-Site Parking</li> <li>d) Restaurant (Drive-In, Fast Food)</li> <li>e) Restaurant (Limited);</li> </ul> </li> <li>3) 2,000 vehicle trip per day limit;</li> <li>4) Require that protected trees shall remain undisturbed;</li> <li>5) Require that Compatibility Standards be applied along the eastern property line;</li> <li>6) Require a 25' vegetative buffer along the eastern property line;</li> <li>7) Limit structures to 40' in height, with an increase in height according to Compatibility Standards;</li> <li>8) Require that all Automotive Maintenance and Repair be contained within a structure;</li> <li>9) Restrict access to San Felipe Boulevard to emergency access only;</li> <li>10) Allow no inoperable vehicle storage on the site;</li> <li>11) Parking lot not allowed adjacent to the proposed vegetative buffer along the eastern property line.</li> </ul>	<p>11/21/02: Granted ZAP rec. of GR-CO zoning w/ conditions and a public restrictive covenant (6-0, Goodman-absent); 1<sup>st</sup> reading</p> <p>12/5/02: Granted GR-CO zoning (7-0); 2nd reading, with the following conditions:</p> <ul style="list-style-type: none"> <li>1) No structural detention or water quality facility shall be allowed within the proposed 25' vegetative buffer;</li> <li>2) Grow green standards shall be utilized;</li> <li>3) Structural parking shall be prohibited</li> </ul> <p>12/12/02: Granted GR-CO zoning (7-0); 3<sup>rd</sup> reading [valid petition withdrawn]</p>

C14-02-0017 (Red Barn Garden Center: 12881 Pond Springs Road)	I-RR to GR	2/26/02: Approved staff's rec. of GR-CO zoning by consent (7-0, K. Jackson-absent, A. Adams-off dias)	4/4/02: Approved ZAP rec. of GR- CO (6-0, Goodman out of room); all 3 readings, with the following conditions: 1) 2,000 vehicle trip per day limit; 2) Prohibit the following uses: a) Automotive Rentals b) Automotive Repair Services c) Automotive Sales d) Automotive Washing; e) Drive-Through Facilities
C14-01-0080 (San Felipe Green: 7800 Block of San Felipe Boulevard)	CS-CO to MF- 2	6/26/01: Approved staff rec. of MF-2 by consent (8-0)	12/6/01: Approved MF-2 (7-0); all 3 readings
C14-00-2113	I-RR to GR	7/25/00: Approved staff rec. of GR-CO by consent (7-1, RC- Nay)	8/24/00: Approved GR-CO w/ conditions on all 3 readings (7-0)
C14-99-0016	I-RR to MF-3	2/23/99: Approved staff alternate rec. of MF-3-CO by consent (6-0)	5/20/99: Approved PC rec. of MF-3- CO w/ conditions (7-0); all 3 readings
C14-99-0005	I-RR to MF-3	2/23/99: Approved staff alternate rec. of MF-3-CO by consent (6-0)	5/20/99: Approved PC rec. of MF-#- CO w/ conditions (7-0); all 3 readings
C14-98-0200	I-RR to GR	12/8/98: Approved GR-CO by consent (8-0)	1/7/99: Approved PC rec. of GR-CO w/ conditions (7-0); all 3 readings
C14-98-0127	I-RR to GR	10/13/98: Approved GR-CO (9-0)	11/19/98: Approved PC rec. of GR- CO; all 3 readings
C14-98-0093	I-RR to LI	8/18/98: Approved LI-CO by consent (7-0)	10/8/98: Approved PC rec. of LI-CO w/ conditions (6-0); all 3 readings
C14-98-0003	I-RR to LI	2/17/98: Approved W/LO w/conditions (7-0)	3/26/98: Approved PC rec. of W/LO w/ conditions (6-0); 1 <sup>st</sup> reading  4/30/98: Approved CS-CO w/ conditions (7-0); 2 <sup>nd</sup> reading  6/11/98: Approved CS-CO w/ conditions (7-0); 3 <sup>rd</sup> reading
C14-95-0131	SF-2 to GO	11/7/95: Approved GO by consent (8-0)	12/7/95: Approved GO (6-0); 1 <sup>st</sup> reading  2/29/96: Approved GO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** N/A

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Pond Springs	100'	20'	Arterial	N/A
San Felipe Boulevard	80'	40'	Collector	4,626 ('98)

**CITY COUNCIL DATE:** August 2, 2012

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)















## **STAFF RECOMMENDATION**

The staff's recommendation is to grant MF-3, Multifamily Residence-Medium Density District, zoning.

## **BASIS FOR RECOMMENDATION**

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

Multifamily residence medium density (MF-3) district is the designation for multifamily use with a maximum density of up to 36 units per acre, depending on unit size. An MF-3 district designation may be applied to a use in a multifamily residential area located near supporting transportation and commercial facilities in a centrally located area or in an area for which medium density multifamily use is desired.

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

The MF-3 zoning district would be compatible and consistent with the surrounding uses because there are multifamily residential uses located to the north and east and commercial/retail uses located to the south and west of the site.

3. *The proposed zoning should allow for a reasonable use of the property.*

The MF-3 zoning district is appropriate for this location because of the high density residential character of the area. The proposed zoning would bring the current multifamily use into conformance with use regulations in the City of Austin Land Development Code.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site under consideration is currently developed with a multifamily use (Summer Grove Apartments).

### **Environmental**

The site is located over the North Edwards Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the Rattan 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 a flood plain 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.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact

the City Arborist at 974-1876. At this time, site specific information is unavailable regarding 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.

### **Impervious Cover**

The maximum impervious cover allowed by the MF-3 zoning district would be 65%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

The site is located over the North Edwards Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the Rattan 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:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
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.

### **Site Plan**

This is an existing multi-family site, but any new development on this property may be subject to *Subchapter E: Design Standards and Mixed Use*.

Additional comments will be made when the site plan is submitted for review.

### **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 storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

### **Transportation**

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

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
San Felipe	80	40	Collector	Yes	No	No

### **Water and Wastewater**

WW1. 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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.



# Alice Glasco Consulting

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5117 Valburn Court, Suite A  
Austin, TX 78731  
aliceglasco@mindspring.com  
512-231-8110 • 512-857-0187 Fax

May 23, 2012

Greg Guernsey, Director  
Neighborhood Planning and Zoning Department  
505 Barton Spring Road, Suite 500  
Austin, Texas 78704

RE: Summer Grove Apartments @ 7905 San Felipe Blvd. Rezoning

Dear Greg:

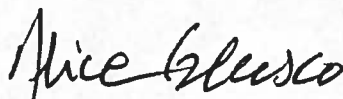
I represent the owners of CREVI II Summer Grove, LLC on the rezoning of an existing multifamily development comprising 5.383 acres. The site, which was annexed in 1997 (under ordinance number 971218-C) is currently zoned RR, Rural Residence (under ordinance number 980326-L, which converted interim zoning for all properties annexed in 1997). The site has 124 units that were built in 1984 in the ETJ. As part of the financing of the subject tract, the lender has required that the new owner seek appropriate zoning for the property since it is currently a non-conforming development. Our request is for MF-3 zoning, which would allow the currently built/net density of 124 units, thus bringing the property into conformance with zoning.

## Zoning Justification

MF-3 zoning is appropriate because it accommodates the current built density and is compatible with surround zoning and land uses, which include apartments, townhome condos and commercial uses.

We look forward to a positive staff recommendation. Please let me know if you have any questions or need additional information.

Sincerely,



Alice Glasco

Cc: Jerry Rusthoven, Zoning Division Manager  
Sherri Sirwaitis, Senior Planner

## 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.austintexas.gov](http://www.austintexas.gov)

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: C14-2012-0058

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Jul 3, 2012, Zoning and Platting Commission

Aug 2, 2012, City Council

MICHAEL F. MORGAN

*Your Name (please print)*

7920 SAN FELIPE BLVD #1203

*Your address(es) affected by this application*

Michael F. Morgan

*Signature*

22 JUN 12

*Date*

Daytime Telephone: (512) 4016251

Comments: THERE IS ALREADY TOO MUCH DEVELOPMENT  
IN THE AREA.

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2012-0058

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Jul 3, 2012, Zoning and Platting Commission

Aug 2, 2012, City Council

Karen Randle

Your Name (please print)

7708 San Felipe Blvd #61

Your address(es) affected by this application

Karen Randle

Signature

6/21/2012

Date

Daytime Telephone: (512) 345-7503 ext 4256

Comments:

I am somewhat confused by the map you supplied, because the area marked for rezoning already has some apartments on it. Why does it have to be changed?

I don't know what you are trying to do.

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810