

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 14400 THE LAKES BOULEVARD FROM MULTI FAMILY RESIDENCE MEDIUM DENSITY (MF-3) DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE (CS-MU) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from multi family residence medium density (MF-3) district to general commercial services-mixed use (CS-MU) combining district on the property described in Zoning Case No. C14-2013-0124, on file at the Planning and Development Review Department, as follows:

Lot 4B, Block B, Resubidvision of Lot 4, Block B, Lakes at Techridge Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Document No. 200900151 of the Official Public Records of Travis County, Texas (the "Property"),

locally known as 14400 The Lakes Boulevard in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. This ordinance takes effect on _____, 2013.

PASSED AND APPROVED

§
§
§

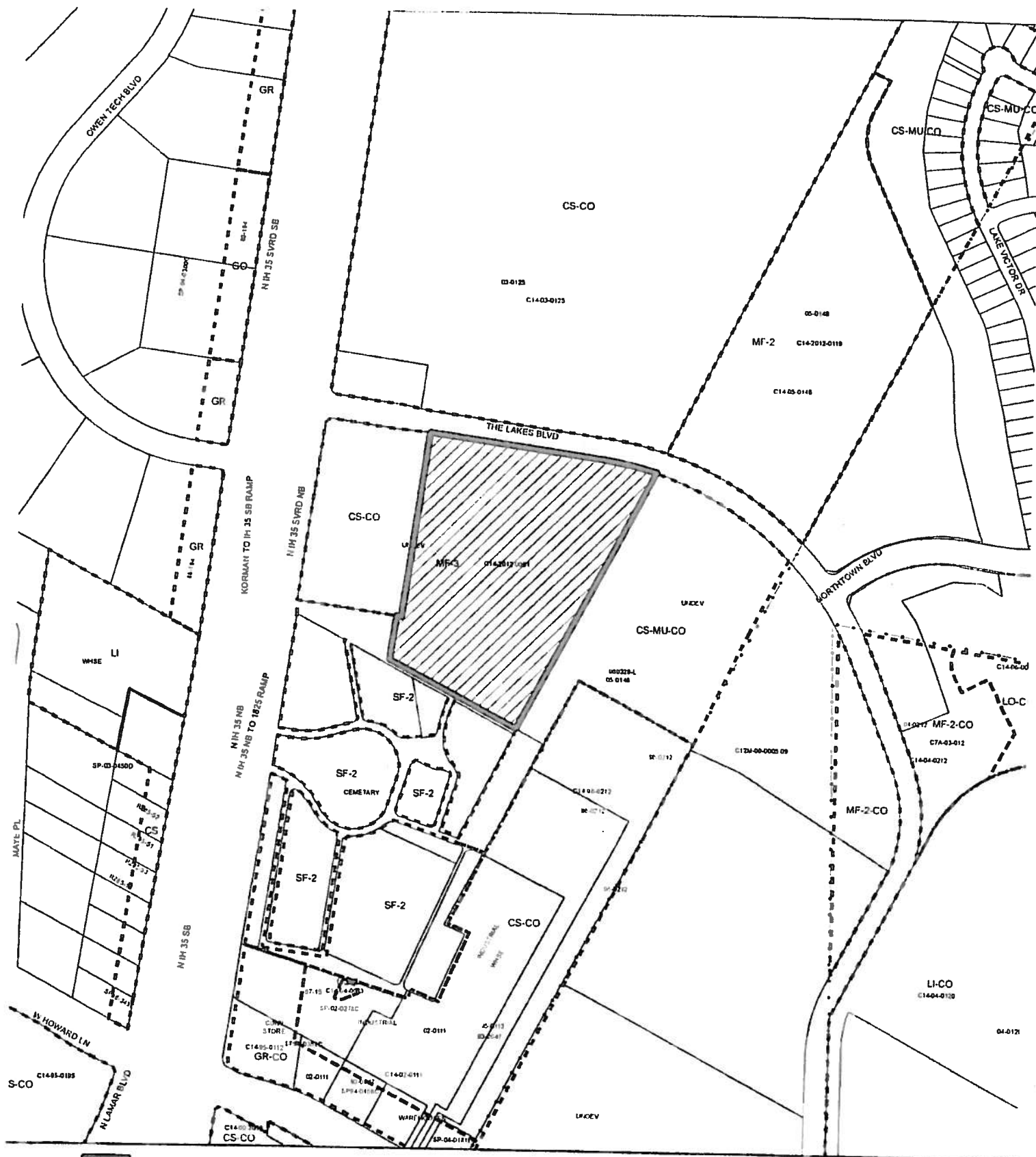
_____, 2013

Lee Leffingwell
Mayor

APPROVED: _____ **ATTEST:** _____

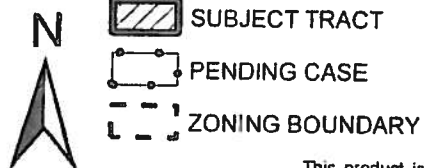
Karen M. Kennard
City Attorney

Jannette S. Goodall
City Clerk



ZONING

ZONING CASE#: C14-2013-0124



1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Exhibit A

ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0124
(Oaks at Techridge, Lot 4B)

Z.A.P. DATE: November 5, 2013

ADDRESS: 14400 The Lakes Boulevard

OWNER/APPLICANT: Tech Ridge Spectrum B.C., L.P.

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

ZONING FROM: MF-3 **TO:** CS-MU **AREA:** 10.950 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommends CS-MU, General Commercial Services-Mixed Use Combining District, zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

11/05/13: Approved staff's recommendation of CS-MU zoning by consent (7-0); C. Banks-1st, P. Seeger-2nd.

DEPARTMENT COMMENTS:

The applicant is requesting CS-MU, General Commercial Services-Mixed Use District, zoning for the property in question because they would like to have the ability to develop the site with commercial uses in the future. The property will take access to The Lakes Boulevard, a commercial collector roadway.

The staff is recommending CS-MU zoning for the site because the property is located adjacent to CS-CO zoning to the north and west and CS-MU-CO zoning to the east. The property meets the intent of the CS district as it will have access to a commercial collector roadway and will provide services to the multifamily and single family residential uses in the Northtown MUD to the east.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-3	Undeveloped
<i>North</i>	CS-CO	Undeveloped
<i>South</i>	SF-2, CS-CO	Cemetery (Cook-Walden/Capital Parks Memorial Hill Cemetery), Limited Warehousing and Distribution
<i>East</i>	CS-MU-CO	Undeveloped
<i>West</i>	CS-CO	General Sales-General (Star Furniture)

AREA STUDY: N/A

TIA: Waived

WATERSHED: Walnut Creek, Harris Branch

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
 Bike Austin
 Homeless Neighborhood Association
 North Growth Corridor Alliance
 Pflugerville Independent School District
 SELTEXAS
 Sierra Club, Austin Regional Group
 The Real Estate Council of Austin, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2012-0119 (The Oaks Phase III: 14233 The Lakes Boulevard)	CS-MU-CO to MF-2	11/06/12: Approved MF-2 zoning on consent (6-0, G. Rojas-absent); P. Seeger-1 st , C. Banks-2 nd .	12/06/12: Approved MF-2 zoning on consent on all 3 readings (7-0); M. Martinez-1 st , B. Spelman-2 nd .
C14-2012-0061 (The Oaks at Techridge Phase 2b: 14400 The Lakes Boulevard)	CS-CO to MF-3	8/07/12: Approved MF-3 zoning on consent (5-0, S. Baldrige and J. Meeker-absent); P. Seeger-1 st , G. Rojas-2 nd .	9/27/12: Approved MF-3 zoning on consent on all 3 readings (7-0); B. Spelman-1 st , S. Cole-2 nd .
C14-05-0148 (SCI Tract: North IH-35 and West Howard Ln.)	I-RR to CS-MU	10/18/05: Approved staff's recommendation for CS-MU-CO zoning, with 2,000 vehicle trip limit, by consent (9-0); J. Martinez-1 st , J. Gohil-2 nd .	11/17/05: Approved ZAP Recommendation of CS-MU-CO zoning by consent (7-0); all 3 readings
C14-04-0212 (Dessau Park: 1000 West Howard Lane)	I-RR to MF-2, LI	3/29/05: Approved staff's recommendation for MF-2-CO zoning for Tract 1 and LI-CO zoning for Tract 2, w/ 2,000 vtpd limit, by consent (9-0)	4/28/05: Granted MF-2-CO for Tract 1 and LI-CO for Tract 2 (5-0-McCracken/Wynn-off the dais); all 3 readings
C14-03-0125 (Wagner Tract: 13801-14409 North IH-35 Service Road North Bound)	SF-2 to CS	6/1/04: Approved GR-CO zoning with the following prohibited uses: Automotive Repair Services; Drop-Off Recycling Collection Facility; Pawn Shop Services (8-0, Pinnelli-absent)	6/17/04: Granted CS-CO as recommended by staff, with additional conditions agreed to between the applicant and the neighborhood association (7-0); 1 st reading 3/24/05: Approved CS-CO with TIA conditions (public restrictive covenant) on 2 nd /3 rd readings (7-0)
C14-02-0111 (The Shops on	TR1: GR-CO to GR	10/15/02: Approved staff's rec. of GR-CO; CS-CO zoning	12/5/02: Granted GR-CO for Tract 1 and CS-CO for Tract 2 on

Howard Lane: 1200 Block of West Howard Lane)	TR2: CS-CO to CS	with added condition to prohibit Automotive Sales; by consent (7-0, D. Castaneda- absent	all 3 readings (7-0)
---	---------------------	---	----------------------

RELATED CASES: C14-2012-0061 (Previous Zoning Case)
C14-03-0125 (Previous Zoning Case)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic City of Austin traffic counts:
The Lakes Blvd.	70'	48'	Commercial Collector	Not Available

CITY COUNCIL DATE: December 12, 2013

ACTION:

ORDINANCE READINGS: 1st

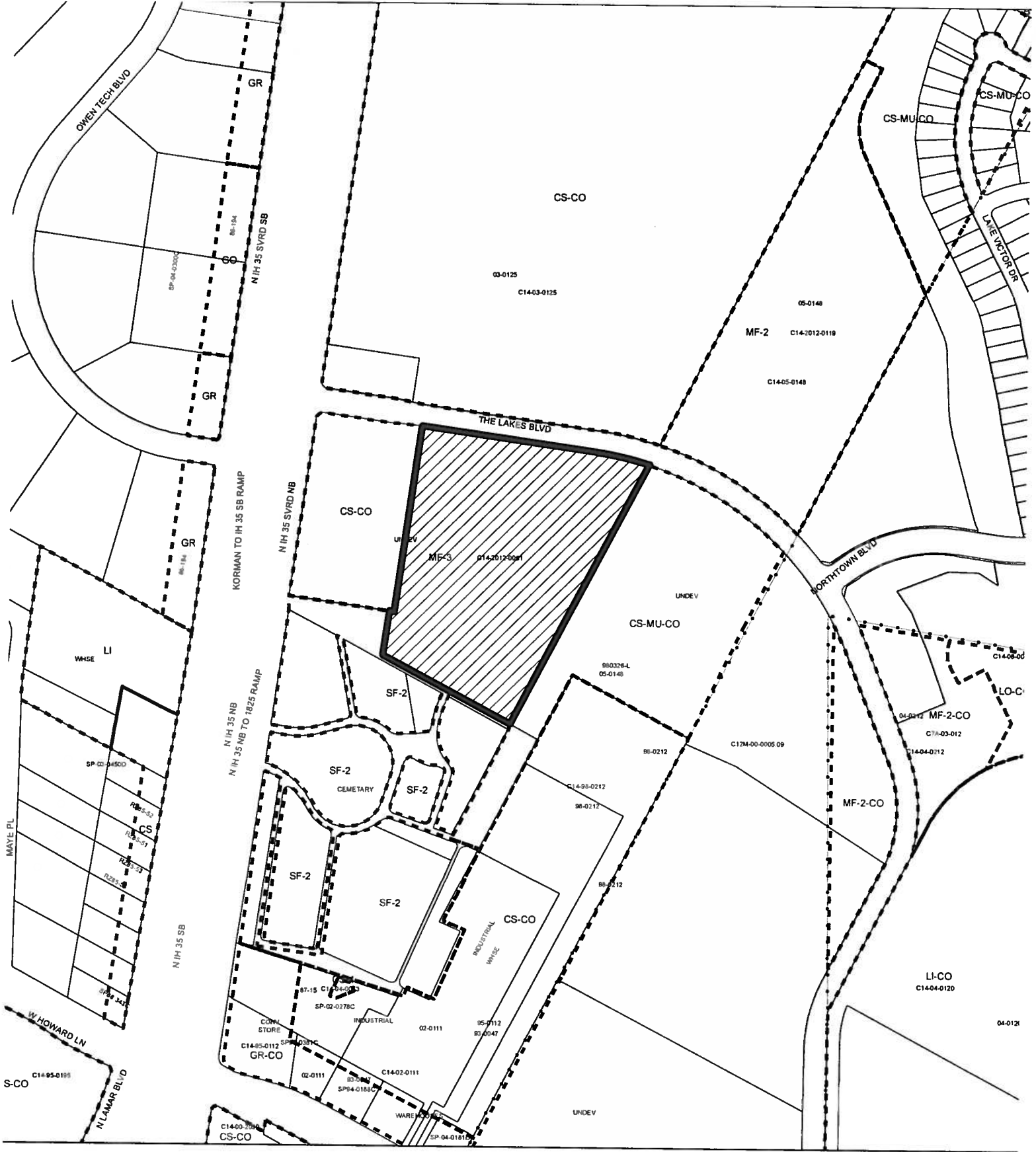
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



ZONING

ZONING CASE#: C14-2013-0124

- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





STRICKLING DR

OATMEAL DR

BETHEL WAY

LAKE VICTOR DR

NORTHTOWN BLVD

THE LAKES BLVD

OWEN TECH BLVD

GIBLIN BLVD

MAYE PL

WHOWARD LN

NORTH

CS-MU-CO

CS-CO

CS-MU-CO

MF-2-CO

CS-CO

SF-2

CS-CO

3-A-B

F-2

SF-2

CS-CO

2-A-B

GR

LOT 5 GR

GR

LOT 2

GR

LOT 1

GR

LOT 3

GR

LOT 4

GR

LOT 6

GR

STAFF RECOMMENDATION

The staff recommends CS-MU, General Commercial Services-Mixed Use Combining District, zoning.

BASIS FOR RECOMMENDATION

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

The General Commercial Services (CS) zoning district is intended for commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

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

The CS-MU zoning district would be compatible and consistent with the surrounding uses because there is CS-CO zoning to the north and west of this site and CS-MU-CO zoning to the east.

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

The CS-MU zoning district would allow for a fair and reasonable use of the site. The site exceeds the minimum size requirements for commercial development in the General Commercial Services district. The property has access to a commercial collector roadway, The Lakes Boulevard, and will provide services to the multifamily and single family residential uses in the Northtown MUD to the east.

EXISTING CONDITIONS

Site Characteristics

The property in question is a large undeveloped tract of land that relatively flat and sparsely vegetated. The properties to the north and east are also undeveloped parcels. To the west, there is a furniture sales business (Star Furniture) that is located at the southeast corner of the Interstate Highway-35 NB Service Road and The Lakes Boulevard. The property to the south contains a cemetery (Cook-Walden Memorial Hill Cemetery).

Comprehensive Planning

MF-3 to CS

This zoning case is located on the south side of The Lakes Boulevard, one property over from IH-35, which is located to the west. This rezoning is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses include vacant land to the north and west, Star Furniture and IH-35 to the east, and a small warehouse to the south. The proposed use for this 10.95 acre property is a 250,000 square foot office/retail project.

Imagine Austin

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan, identifies this property as being within the boundaries of a Neighborhood Center. A Neighborhood Center is the smallest and least intense of the three types of activity centers outlined in the Growth Concept Map. Of the three, these will have a more local focus. Businesses and services—doctors and dentists, shops, branch libraries, dry cleaners, hair salons, coffee shops, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses commercial development:

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Based on the property being within a Neighborhood Center as identifies by the Imagine Austin Growth Concept Map; the adjacent commercial use and I-35 located to the east; and the Imagine Austin policies referenced above, staff believes that the proposed commercial use is supported by the Imagine Austin Comprehensive Plan. The addition of residential uses and good connectivity would make this proposal further promote the goals of Imagine Austin.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek and Harris Branch Creek Watersheds of the Colorado River Basin, which are both classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps there is no flood plain 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.

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 CS zoning district would be 95%. 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.

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%

Note: The most restrictive impervious cover limit applies.

Site Plan

SITE PLAN REVIEW OF ZONING CASES

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Additional design regulations will be enforced at the time a site plan is submitted.

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 waived for this case because a TIA was previously conducted for this development with Case No. C14-03-0125. The estimated traffic that will be generated by the proposed rezoning will be within the capacity that is allowed for this development. [LDC, 25-6-117]

The Lakes Blvd. is not classified in the Bicycle Plan.

Capital Metro bus service is not available along The Lakes Blvd.

There are existing sidewalks along The Lakes Blvd.

Eric Dusza in the Neighborhood Connectivity Division may provide additional comments regarding mobility enhancement and bicycle/pedestrian facilities.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
The Lakes Blvd.	70'	48'	Collector	N/A

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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

November 1, 2013

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

RE: Rezoning of approximately 10.950 acres, The Oaks at Techridge Lot 4b, 14400 The Lakes Boulevard, to CS-MU "General Commercial Services-Mixed Use Combining District" zoning; Rezoning Case No. C14-2013-0124

Dear Sherri:

I am writing to express the strong support of Oaks at Techridge Phase 2 Partners LP, a Delaware limited partnership, for rezoning the property at 14400 The Lakes Boulevard (the "Property") to General Commercial Services-Mixed Use Combining District (CS-MU) as requested by the landowner.

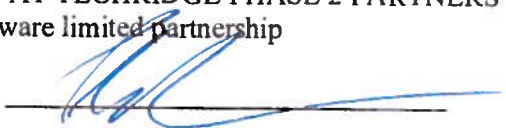
The undersigned owns an approximately 16.055 acre tract located at 14178 The Lakes Boulevard adjacent to the Property, and we are currently developing a 336 unit multi-family project on the land we own. We believe the proposed development of the Property provides a reasonable and fair project intensity that offers an appropriate, compatible land use transition from our multi-family project and adjacent land uses. In addition, construction of a quality commercial and/or mixed use development 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 land.

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

Sincerely,

OAKS AT TECHRIDGE PHASE 2 PARTNERS LP,
a Delaware limited partnership

By:



Patrick B. Patterson, Senior Vice President

November 1, 2013

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

RE: Rezoning of approximately 10.950 acres, The Oaks at Techridge Lot 4b, 14400 The Lakes Boulevard, to CS-MU "General Commercial Services-Mixed Use Combining District" zoning; Rezoning Case No. C14-2013-0124

Dear Sherri:

I am writing to express the strong support of The Lakes Landscape Maintenance Association, Inc., a Delaware corporation, for rezoning the property at 14400 The Lakes Boulevard (the "Property") to General Commercial Services-Mixed Use Combining District (CS-MU) as requested by the landowner.

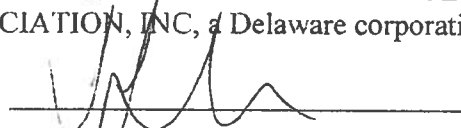
The undersigned owns an approximately 6.2805 acre tract located on Northtown Boulevard adjacent to the Property, and we are proposing a commercial use on the land we own. We believe the proposed development of the Property provides a reasonable and fair project intensity that offers an appropriate, compatible land use transition from our commercial project and adjacent land uses. In addition, construction of a quality commercial and/or mixed use development 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 land.

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

Sincerely,

THE LAKES LANDSCAPE MAINTENANCE
ASSOCIATION, INC, a Delaware corporation

By:



Ian Asselstine, Director