

ZONING CHANGE REVIEW SHEET**CASE:** C14-2015-0160 – Champion’s Tract #3**Z.A.P DATE:** May 3, 2016**ADDRESS:** 6409 City Park Road**DISTRICT AREA:** 10**OWNER/APPLICANT:** Champion Assets LTD & Champion-Meier & Champion Legacy Partners LP**AGENT:** Armbrust & Brown, PLLC (Richard Suttle)**ZONING FROM:** GO-CO **TO:** GO-CO-MU* **AREA:** 45.35 acres

*The request was amended to maintain the conditions imposed by the current CO with the exception of the trip limitation set at 6,500 trips per day (see Exhibit I).

SUMMARY STAFF RECOMMENDATION:

Staff recommends general office-mixed use-conditional overlay (GO-CO-MU) combined district zoning. The existing conditional overlay will be modified to remove the 6,500 daily trip limit which will be replaced by the conditions of the new Traffic Impact Analysis. All other items in the existing conditional overlay will remain, unchanged.

ZONING & PLATTING COMMISSION RECOMMENDATION:

May 3, 2016; *Postponed to May 17, 2016 [S. Harris / B. Evans-2nd] (6-0-2).*
 Voting Nay: J. Kiolbassa, B. Greenberg.

May 17, 2016;

DEPARTMENT COMMENTS:

The subject property is approximately 45 acres of undeveloped land on the south side of FM 2222 and between City Park Road to the west and Loop 360 to the east (see Exhibits A & B). There are single family homes and condominiums to the south. The property is heavily wooded and has high degree of topographical changes with a difference of 250 feet in elevation between the highest elevation and the lowest elevation (see Exhibit C). In general, the property slopes downward toward FM 2222. There is driveway access at two locations along east bound FM 2222.

A rezoning to GO-MU-CO has been requested to allow the development of 325 apartment dwelling units. Additionally, a request has been made to remove an existing condition that establishes a 6,500 daily trip limit for this property, considered cumulatively and collectively with the properties that make up Champion Tracts 1 and 2, established by ordinance No. 000309-78 (Exhibit D).

Background/History - The subject Tract, Champions Tract 3, is 45 acres out of over 250 once owned by the Champions Family in the area of FM2222 and Loop 360. In the 1970's the State

obtained right-of-way from the acreage to construct FM 2222 and Loop 360, therefore, dividing the land into 5 pieces that were, from that point on, referred to as *Champions Tracts 1-5* (see Exhibit E).

In 1986, the City Council adopted the Comprehensive Watershed Ordinance (CWO) that would impose more restrictive environmental regulations on future development than that of the Lake Austin Watershed Ordinance that was previously adopted in 1980. The CWO was amended in 1993 to add additional protections some of which were specific to land within the Bull Creek and West Bull Creek Watersheds. This amendment became known as the “Bull Creek” ordinance.

In 1994, as a result of the “Bull Creek” amendments to the CWO, the Champion Family filed a lawsuit against the City. The premise of the lawsuit was that projects had been initiated on the properties prior to the adoption of the CWO. Therefore, development on the properties would not be subject to the CWO and instead would follow the regulations of the Lake Austin Watershed Ordinance. In effect, the purpose of the lawsuit was to seek grandfathering rights before the State of Texas and the City of Austin had such policy. The lawsuit resulted in a Compromise Settlement Agreement between the City of Austin and the Champions Family that was signed in July of 1996 (see Exhibit F).

Per the 1996 Settlement Agreement, Council approved a Special Exception Ordinance (see Exhibit G). Later, in 1998 and 1999, a series of zoning cases were filed with the City for the properties of the 5 *Champions Tracts* (see *Case Histories* table below). The properties were rezoned by Council in March of 2000. The rezoning of Tracts 1, 2, and 3 included a condition that the properties would share a 6,500 daily trip limit.

In addition to the shared trip limit, additional conditions were imposed on Tract 3 which included limiting office development to no more than 30,000 square feet and prohibiting development of a building or structure within 100 feet of the southern property line (Exhibit D).

Later, in 2002 and 2003, the Champion Family sought to remove the 6,500 daily trip limit from Tracts 1 and 3 with the filing of two more re-zoning cases (C14-02-0181 and C14-03-0140). Both cases were recommended by the Zoning and Platting Commission. While the re-zoning cases were awaiting public hearing with City Council, the Champion Family filed another lawsuit against the City in February, 2004, alleging that the application of City zoning ordinances most recently approved in March of 2000 were in violation of the 1996 Compromised Settlement Agreement because the 6,500 limitation did not allow for the actualization of development that would have been allowed under the Lake Austin Watershed Ordinance. Amidst the pending lawsuit, on March 25, 2004, City Council approved first reading of the rezoning request for Tract 3 with instructions to Staff to return on second and third readings with a proposal for an alternative trip limitation to the existing 6,500 limit. While Staff was conducting the analysis requested by City Council, the Applicant amended the zoning request from GO-CO to GO-MU in July, 2004. The amended request was reviewed by Commission on October 19, 2004 and then heard by City Council for 2nd and 3rd readings on December 2, 2004. The request was ultimately denied.

The pending lawsuit filed in February of 2004 moved forward and resulted in another mediated settlement agreement that was executed in September of 2005. Per the new settlement agreement, the City agreed to re-zone Champions Tracts 1, 2 and 3 to remove the 6,500 trip limit by December 1, 2005. In doing so, The Champions Family would dismiss the lawsuit against the City with each party bearing their own costs and attorney fees. However, should the City not fulfill the agreement, the Champion Family would pursue the lawsuit.

As a result, the City initiated re-zoning cases for Champions Tracts 1, 2, and 3 with the filing of cases C14-05-0159, C14-05-0158, and C14-05-0157. The re-zonings included a new daily trip limit of 11,000, to be shared among Tracts 1, 2, and 3, and were approved by Council at 2nd reading. However, the three cases expired before the third reading occurred, voiding the proposed 2005 Meditated Settlement Agreement. After several years, the courts dismissed the 2004 lawsuit due to lack of prosecution. Today, the 6,500 trip limit remains for the properties that make up Champion Tracts 1, 2, and 3.

Staff Review: This current request for rezoning is similar to the previous request in 2005 (C14-05-0157), but different in that the applicant does not wish to remove the 30,000 sq. foot office use restriction and has submitted a new TIA which will replace the 6,500 trip limit.

The subject Tract is a legal, platted lot (Exhibit H) fronting FM 2222, a Hill Country Roadway. Development on the property would typically be reviewed against the provisions of the Hill Country Roadway Overlay. However, the Special Exceptions Ordinance (Exhibit G) may modify certain requirements. Currently, the plat for the property (Exhibit H) prohibits residential uses. If zoning is granted, the Applicant will need to seek an amended plat to remove the prohibition in order to proceed with the proposed multi-family project. A rezoning to add the mixed-use overlay (-MU) is required before the plat can be amended. Due to an established 100 foot, no build buffer along the southern property line, per Ordinance No. 000309-78 (Exhibit D) and a high degree of topographic changes on the property, the proposed location of the development within the 45 acres will be in the northwest corner of the 45 acres where the topography is least varied.

Staff recommends GO-MU-CO zoning for the subject Tract because the request would allow land uses that are supported by the Imagine Austin Comprehensive plan at a location of an arterial and major highway where greater intensity of land uses are typically encouraged. The proposed multi-family project will contribute to the mix of office, commercial and residential uses in the general area and the addition of 325 apartment dwelling units will help to alleviate the existing housing shortage. Further, a new traffic impact analysis submitted for the proposed project indicates that traffic generated by the proposed development will be accommodated.

ISSUES: Local residents have expressed opposition as they are concerned about additional traffic generated by the proposed development and its impact to existing conditions on City Park Road and FM 2222.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO-CO	Undeveloped
<i>North</i>	GO-CO, LR-CO	Champion Office Park, undeveloped land
<i>South</i>	SF-2, MF-2, SF-6	Single Family, Multi-Family and Condominiums
<i>East</i>	Unzoned	Capitol of Texas Highway 360
<i>West</i>	LR-CO and DR	Retail/Office

NEIGHBORHOOD PLANNING AREA: N/A

TIA: Yes

WATERSHED: West Bull Creek

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

Community Registry Name	ID
2222 Coalition of Neighborhood Associations Inc	425
Bull Creek Foundation	475
Austin Independent School District	742
Austin City Parks Neighborhood Association	180
River Place HOA	1463
The Real Estate Council of Austin, Inc.	1236
Austin Heritage Tree Foundation	1340
Steiner Ranch Community Association	762
Glenlake Neighborhood Association	161
Long Canyon Phase II & III Homeowners Assn. Inc.	416
Sierra Club, Austin Regional Group	1228
Long Canyon Homeowners Assn.	269
SEL Texas	1363
Bull Creek Homeowners Association	184
Preservation Austin	1424
Northwest Austin Civic Association	53
Lakewood Homeowners Association	98

SCHOOLS: Highland Park Elementary, Lamar Middle, McCallum High

CASE HISTORIES ON NEAR-BY PROPERTIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2010-0163 – Austin Cribs; 6320 City Park Road	DR to LR	1/18/2011 – Apvd LR-CO.	2/17/2011 – Apvd LR-CO; trips limited to 500 per day; drive in services is prohibited as an accessory use.
C14-05-0158 – Champion Tract – City Park Road West; City Park Road	LR-CO and DR to GO-CO and LR-CO	11/1/2005 – Apvd GR-MU-CO	Case Expired – did not have 3 rd reading within 360 days of 1 st reading.
C14-05-0159 – Champion Tract – Tract 1; 3502 ½ FM 2222	MF-1-CO, LR-CO, GO-CO, SF-2 to MF-1-CO, GR-CO, GO-CO, SF-2-CO	11/01/2005 – Apvd MF-1-CO, GR-MU-CO, GO-MU-CO, SF-2.	Case Expired – did not have 3 rd reading within 360 days of 1 st reading.
C14-02-0181 -	DR and LR-CO to GR-MU	1/14-2003 – Apvd LR-CO; ROW dedication.	12/2/2004 – Zoning change denied.
C14-01-0019 – Champion	DR to SF-2	4/10/2001 – Apvd SF-2-CO.	7/19/2001 – Apvd SF-2-CO; establishing minimum lot widths

Tract 1, 2, 1-A			and setbacks.
C14-99-0077 – Champion Property (Tract 2); City Park Road	DR to LR	8/31/1999 – Apvd GR-MU-CO	3/9/2000 – Apvd LR-CO; Trips/day limited to 6,500 cumulatively with other tracts; retail gross floor area is limited to 4,000 square feet.
C14-99-0076 – Champion Tract 1B, 1C, 1D; 5800 – 6802 FM 2222 Rd	DR & SF-2 to MF-2	8/31/1999 – Apvd TR 1B: MF-1-CO; TR 1C & 1D: GR-MU-CO.	3/9/2000 – Apvd TR 1 (1B): MF-1-CO; townhouse and condominium development regs/ max height of 40ft.; trips/day limited to 6,500 cumulatively with other tracts TR 2 (1C): LR-CO; retail may not exceed 40,000 sq. ft. of GFA; clean up of lead deposits; trips/day limited to 6,500 cumulatively with other tracts. TR 3 (1D): GO-CO; office development may not exceed 230,000 sq. ft. of GFA, clean up of lead deposits; trips/day limited to 6,500 cumulatively with other tracts.
C14-98-0163 – Champion Tract 4; 5614 – 5620 FM 2222	SF-2 to GR	8/31/1999 – Apvd GR-MU-CO.	3/9/2000 – Apvd GR-CO; may not exceed 782 trips/day; there is a 75 foot setback away from the eastern property line where the gradient is 25% or more; 50ft vegetative buffer along the eastern pl; Vehicular access to Lakewood Drive is prohibited; a bldg. may not exceed 6,000 sq. ft. of gross floor area; cut and fill in excess of 4 feet is no permitted, highly reflective materials may not be used on the property; noise level of mechanical equipment may not exceed 70 DBA at the eastern pl; a building may not exceed 28 feet in height; list of prohibited uses, exterior lighting must be hooded or shielded.
C14-98-0161 – Champion Tract 1-A; 6507 Winterberry Drive	DR to SF-2	8/31/1999 – Apvd SF-2-CO.	3/9/2000 – Apvd SF-2-CO; vehicle trips may not exceed 6,500, considered cumulatively.

C14-95-0135 – Jester 3.81 Acres; Jester Blvd	DR to SF-1	10/24/1995 – Apvd SF-1	11/30/1995 – Apvd SF-1
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CASE HISTORIES SPECIFIC TO THIS PROPERTY:

C14-98-0162 (1998) - a rezoning from SF-2 to GO-CO; the conditional overlay did the following:

1. Limit office uses to no more than 30,000 square feet,
2. Prohibit development of a building or structure within 100 feet of the southern property line,
3. Impose a 6,500 daily trip limit, to be considered cumulatively with Champions Tracts 1 and 2.

C8-02-0083.09 (2002) – a subdivision case of 45.357 acres, platted as Lot 1 Block A of the Champion Park East Subdivision, approved May 12, 2003.

C14-03-0140 (2003) – request to rezone from GO-CO to GO-MU-CO; the CO was to be modified to remove the 6,500 trip limit and the condition that limits office development to no more than 30,000 sq. ft. The request was denied.

C14-05-0157 (2005) – request to rezone from GO-CO to GO-MU-CO; the existing CO was to be replaced with a new CO that would impose a new daily trip limit of 11,000, to be shared with Tracts 1 and 2 among other items. The request was approved by Council at 2nd reading and expired before 3rd reading.

C14-2015-0057 (2015) – a rezoning from GO-CO to GO-MU-CO; the CO was to be modified to remove the 6,500 trip limit and the condition that limits office development to no more than 30,000 sq. ft. The zoning application expired after 181 days without being scheduled for a public hearing with Zoning and Platting Commission.

CITY COUNCIL DATE:

June 16, 2016;

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Victoria Haase

PHONE: 512-974-7691

EMAIL: tori.haase@austintexas.gov

EXISTING CONDITIONS

Site Characteristics

The property is undeveloped and is heavily wooded with a high degree of topographical changes. There is a difference of 250 feet in elevation between the highest elevation at approximately 790 feet along a portion of the southern property line, and the lowest elevation of 540 feet closer to the northern property line. In general, the property slopes downward toward FM 2222. There is driveway access at two locations along east bound FM 2222.

Comprehensive Planning – Kathleen Fox, 512-974-7877

**Comments were made according to the original request in the rezoning application and do not reflect the amended request.*

This zoning case is located on the south side of City Park Road and FM 2222 Road, and to the west of Hwy 360. The property is a vacant tract of land, which is approximately 45.35 acres in size. The property is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses includes Champion City Park, an office building, and apartment complex to the north; single family subdivisions and a large apartment complex to the south; Hwy 360 to the east; and single family housing and vacant land to the west. The proposed use is mixed use project and the removal of the conditional overlay, which limits the trips per day. More specifically, the developer wants to construct a 325 unit apartment complex, 50,000 sq. ft. of office uses, and 42,000 square feet of hospital services limited use, which replaces the specialty retail use.

Imagine Austin

The overall goal of the Imagine Austin Comprehensive Plan (IACP) is to achieve ‘complete communities’ across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. On page 107 in Chapter 4 of the IACP it states, “While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas. New commercial, office, larger apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its context. It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city.”

The following IACP policies are also applicable to this case:

- **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.

Analysis and Conclusions

Analyzing the land uses within a mile of radius of this subject property, there appears to be both benefits and challenges to this location. Most importantly, this area of Austin is currently lacking a variety of goods and service options for nearby residents and office workers, a variety of retail and commercial uses, and especially safe routes for pedestrian (sidewalks and hike and bike trails) or public transportation stops available within several miles of this location.

Although this project is not located along an Activity Corridor or within an Activity Center, which the Imagine Austin Growth Concept Map targets for growth, FM 2222 is a heavily traveled arterial road, which contains myriad of office parks, residential subdivisions and multi-family apartment complexes. The proposed project could contribute to making this area a more 'complete community' (where people can live, work and play) by adding a much needed retail component and making this area more connected to adjoining land uses. To add connectivity to the area, the developer should consider installing sidewalks, hike and bike trails, and negotiating public transportation options for the users of the residential and offices uses located both within and around this site, thus reducing dependency on privately owned automobile. Based on this project contributing various land uses (medical, offices and multifamily housing), this proposal appears to be partially supported by the Imagine Austin Comprehensive Plan.

Impervious Cover

The site is subject to the regulations established by the Lake Austin Watershed Ordinance per the 1996 Settlement Agreement between the Champions and the City of Austin.

Environmental – Mike McDougal, 512-974-6380

*****Development is subject to Ordinance No. 96-0613-J, which may amend portions of the comments below:**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the West Bull Creek Watershed of the Colorado River Basin, which is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.
2. Under the 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>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Development within a Water Quality Transition Zone is limited to 18%.

3. According to floodplain maps there is a floodplain within the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Water Quality Transition Zone / Critical Water Quality Zone exist within the project location. Development within the Water Quality Transition Zone and Critical Water Quality Zone are limited per LDC 25-8.

4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Numerous 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.
6. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

DSD Transportation – Ivan Naranjo, 512-974-7649

See attached TIA memo at the back of this report.

Water and Wastewater – Neal Kepple

FYI: Currently only City water is in the area. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.

Storm Water 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 Storm water Management Program if available.

Site Plan and Compatibility Standards – Nikki Hoelter, 512-974-2863

SP1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP2. The site is subject to compatibility standards. Along the SOUTH and WEST property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- 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.

SP3. The site is located within 1,000 feet of RM 2222 and within a Hill Country Roadway Corridor. The site is located within the low intensity zone of the Hill Country Roadway. The site may be developed with the following maximum floor-to-area ratio (FAR):

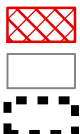
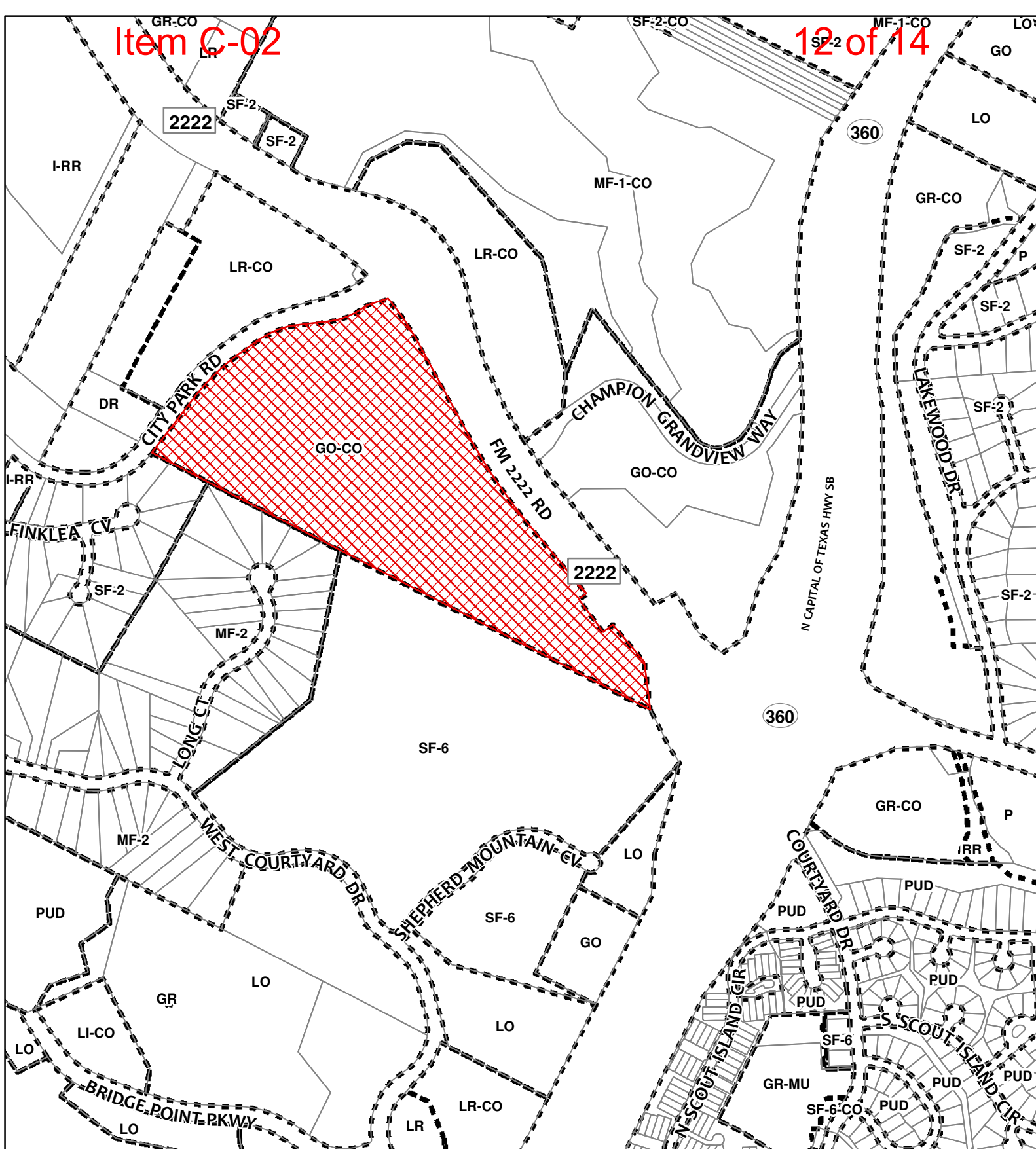
Slope	Maximum FAR
0-15%	.20:1
15-25%	.08:1
25-35%	.04:1

Except for clearing necessary to provide utilities or site access, a 100 foot vegetative buffer will be required along RM 2222. At least 40% of the site (excluding dedicated right-of-way) must be left in a natural state.

The allowable height is as follows: Within 200 feet of RM 2222 the maximum height is 28 feet.

Development is subject to Ordinance No. 96-0613-J, which may amend portions of the above referenced comments.

Prior to the issuance of a building permit for the proposed use, a site plan must be approved by the Planning Commission



Subject Property

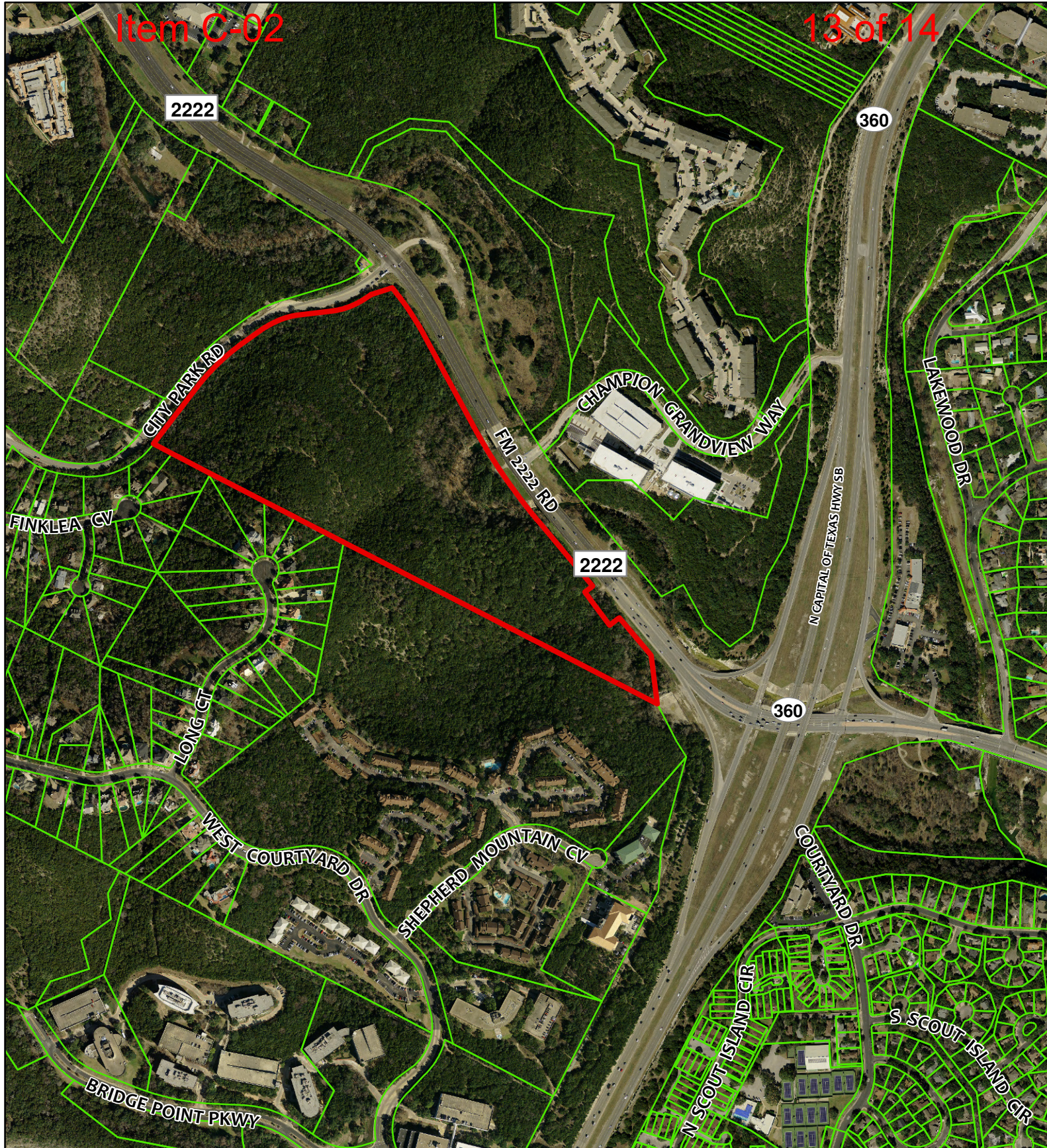
Base Map

Zoning

1' = 400'

ZONING MAP - EXHIBIT A**ZONING CASE: C14-2015-0160****ZONING CHANGE: GO-CO TO GO-MU****LOCATION: 6409 Park Rd., 5909, 6103, 6425 FM 2222****SUBJECT AREA: 45.35 acres****CASE MANAGER: Victoria Haase**

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Subject Property



Base Map

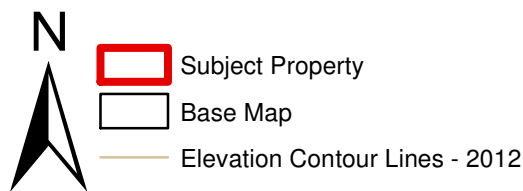
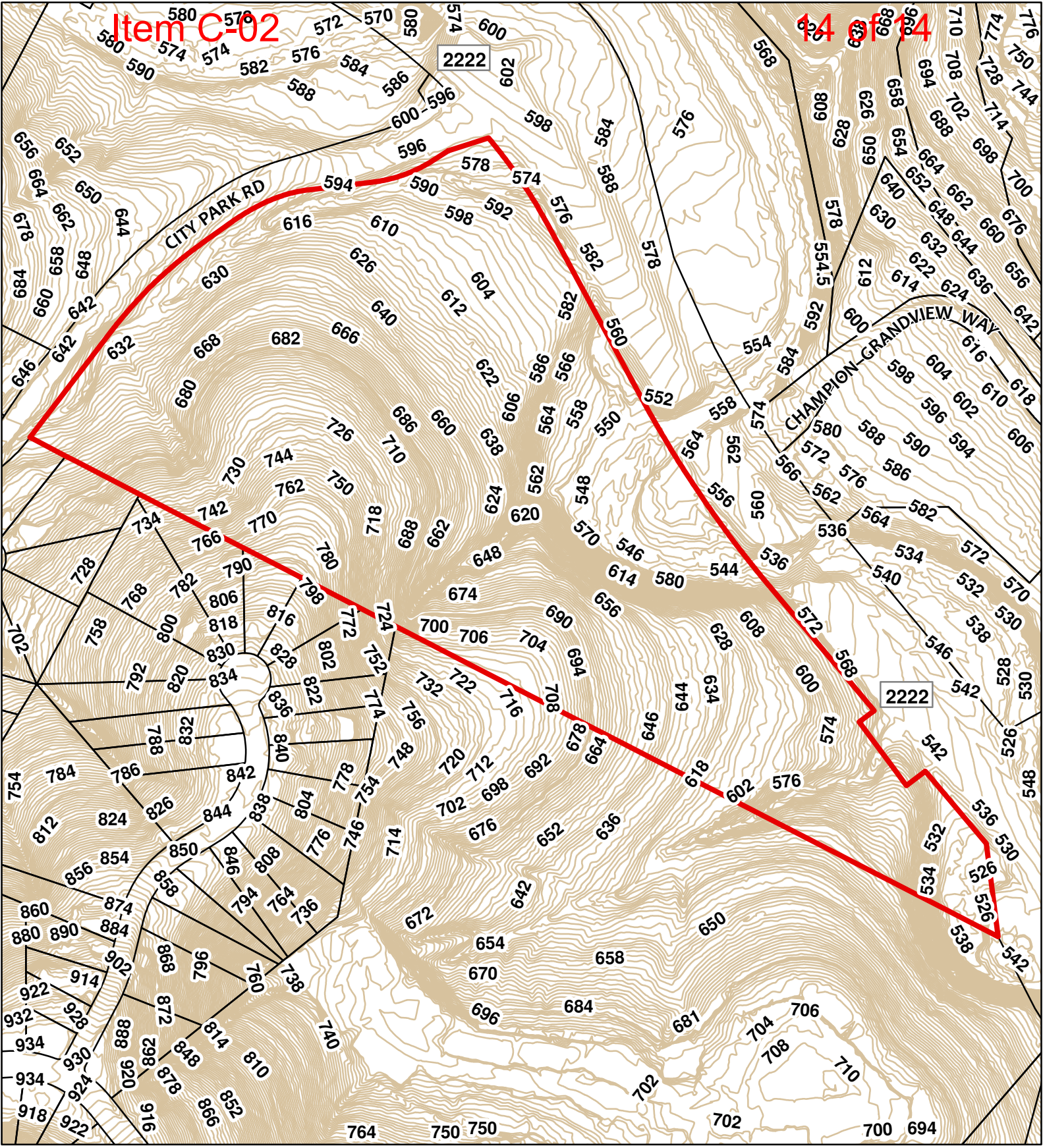
1' = 400'

ARIAL MAP - EXHIBIT B

ZONING CASE: C14-2015-0160
ZONING CHANGE: GO-CO TO GO-MU
LOCATION: 6409 Park Rd., 5909, 6103, 6425 FM 2222
SUBJECT AREA: 45.35 acres
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TOPOGRAPHY MAP - EXHIBIT C

ZONING CASE: C14-2015-0160
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