

**ZONING CHANGE REVIEW SHEET**CASE: C14-2021-0184 – 7201 FM Road 2222DISTRICT: 10ZONING FROM: I-RRTO: MF-4-COADDRESS: 7201 FM Road 2222SITE AREA: 38.62 acresAPPLICANT: West Lake Vistas LLC (Kimberly de la Fuente)AGENT: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson Lynch)CASE MANAGER: Wendy Rhoades (512-974-7719, [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov))STAFF RECOMMENDATION:

**The Staff recommendation is to grant multifamily residence – moderate-high density – conditional overlay (MF-4-CO) combining district zoning. The Conditional Overlay restricts development to a 25-foot wide front yard setback; a maximum of 50 percent building coverage; a maximum of 60 percent impervious cover; and a maximum of 23 units per acre. For a summary of the basis of Staff's recommendation, see page 2.**

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:**January 18, 2022:**CITY COUNCIL ACTION:**February 17, 2022:**ORDINANCE NUMBER:ISSUES:

None at this time.

CASE MANAGER COMMENTS:

The subject platted lot is located along the west side of FM Road 2222 and contains a four-story multifamily residential development that was constructed in three phases and appears to have been completed in 2009. A segment of Bull Creek extends across the FM 2222 frontage and a tributary runs in a north – south direction through the property's eastern half. Driveway access to FM 2222 aligns with Jester Boulevard on the north side. The zoning area and adjacent lots were annexed into the City limits in December 2007 and zoned interim – rural residence (I-RR) at that time. In November 2006, prior to annexation, a "D" (non-land use) site plan was approved for the multifamily residences (SP-06-0592D).

The zoning area is surrounded by an undeveloped lot owned by the City and another undeveloped L-shaped lot approximately 560 feet to the north that is privately owned and proposed for GO-MU zoning (both currently I-RR); office and commercial uses across FM 2222 to the east (PUD; GR-CO; LR); undeveloped land to the south (County; DR; LR-CO), and undeveloped land owned by the City to the west (I-RR; County). ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).***

The Applicant requests multifamily residence – moderate-high density – conditional overlay (MF-4-CO) district zoning consistent with the existing four-story apartments. The requested Conditional Overlay establishes multifamily residence – low density (MF-2) development standards for the property (front yard setback, building coverage, impervious cover and maximum units per acre) except for height which will remain at 60 feet to account for the existing four-story buildings. Note that the property’s location on a Hill Country Roadway and within the West Bull Creek Watershed prescribe more restrictive development standards than those listed above and would apply if redevelopment were to occur.

#### BASIS FOR RECOMMENDATION

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

The multi-family residence – moderate-high density (MF-4) district is intended for residential and multi-family use with a maximum density of up to 54 units per acre, depending on unit size and mix. This district is appropriate for multi-family residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas. The Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. *The property takes access to FM Road 2222, a major arterial roadway.*

2. *Intensive multi-family zoning should be located on highways and major arterials.*
3. *Zoning changes should promote compatibility with adjacent and nearby uses.*
4. *The proposed zoning should allow for a reasonable use of the property.*

Staff recommends MF-4-CO zoning for the property based on the following considerations: 1) multifamily residential development is appropriate on FM 2222, an arterial (Level 4) road, 2) it brings the existing development into compliance with the zoning regulations, and 3) with the exception of height, the Conditional Overlay accounts for the existing development and limits development to MF-2 zoning standards.

#### EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Multifamily residences (total of 338 units in the West Lake Vistas apartments)
<i>North</i>	I-RR	Undeveloped (Lot 3, owned by City); Undeveloped

		(proposed for GO-MU zoning)
<i>South</i>	County; DR; LR-CO	Undeveloped
<i>East</i>	PUD; LR; GR-CO	Offices, Financial services, Pet services, Restaurant uses within the Canyon Ridge PUD; Child care facility, Medical office, Business office, Restaurants, Personal services within the Jester Village Shopping Center
<i>West</i>	I-RR; County	Undeveloped (Lot 1, owned by City)

AREA STUDY: Not Applicable

TIA: Is not required

WATERSHED: West Bull Creek – Water Supply Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes

HILL COUNTRY ROADWAY: Yes – Moderate Intensity

SCHOOLS:

Highland Park Elementary School      Lamar Middle School      McCallum High School

COMMUNITY REGISTRY LIST:

98 – Lakewood Homeowners Association      161 – Glenlake Neighborhood Association  
 184 – Bull Creek Homeowners Association      269 – Long Canyon Homeowners Association  
 416 – Long Canyon Phase II & Phase III Homeowners Association, Inc.  
 425 – 2222 Coalition of Neighborhood Associations, Inc.      475 – Bull Creek Foundation  
 608 – Jester Homeowners Association, Inc.      742 – Austin Independent School District  
 762 – Steiner Ranch Community Association      943 – Save Our Springs Alliance  
 1169 – Lake Austin Collective      1228 – Sierra Club, Austin Regional Group  
 1260 – Mountain Neighborhood Association (MNA)      1363 – SEL Texas  
 1463 – River Place HOA      1530 – Friends of Austin Neighborhoods  
 1564 – Canyon Creek H.O.A.      1596 – TNR BCP – Travis County Natural Resources  
 1603 – Westminster Glen HOA      1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2021-0159 – 6529 Vaught Ranch Rd – Vaught Ranch Rezoning	I-RR to GO-MU	Scheduled for 1-18- 2022	To be scheduled
C14-2017-0067 – Champion Tract 1C – 6500 RM 2222 Rd	LR-CO to CS- CO	12-5-2017 – Denied CS-CO	5-10-2018 – Apvd CS- CO w/CO limiting development to the trip allocation allotted by Ordinance No. 000309-80, list of

			conditional and prohibited uses, and identifying remaining 1,148 trips for other dev't.
C14-2010-0163 – Austin Cribs – 6320 City Park Rd	DR to LR	01-18-2011 – Apvd LR-CO	02-17-2011 – Apvd LR-CO w/CO limiting trips to 500 / day; prohibit drive-in services 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 <sup>rd</sup> Reading within 360 days of 1 <sup>st</sup> Reading.
C14-02-0181 – Champion Tract – City Park Road West, 6404 City Park Rd	DR and LR-CO to GR-MU	1-14-2003 – Apvd LR-CO; R-O-W dedication	12-2-2004 – Zoning change denied.
C14-99-0077 – 6100-6404 City Park Rd – Champion Tract 2	DR to GR	8-31-1999 – Apvd Staff rec of GR-MU-CO	3-09-2000 – Apvd LR-CO w/CO for 6,500 adjusted trips/day, retail limited to 4,000 sf

#### RELATED CASES:

The property was annexed into the Full purpose City limits on December 31, 2007 and assigned I-RR zoning (C7a-07-018).

The zoning area is platted as Lot 2, Block A, Vaught Ranch Section Two, a subdivision recorded on May 25, 2006 (C8J-05-0160.0A – Vaught Ranch Sec 2).

The 38.62 acre zoning area is included in the Alexan at Vaught Ranch (Resubmittal of SP-05-1499D) site plan approved and released on November 29, 2006 (SP-06-0592D). The approved site plan also included the adjacent, City-owned Lots 1 and 3 in order to create a cohesive development on 89.5 acres, and is subject to a recorded Restrictive Covenant for an Integrated Pest Management (IPM) Control Plan. On May 16, 2006, the Zoning and Platting Commission approved variances for construction of a utility in the Critical Water Quality Zone (LDC 25-8-261(E)); exceeding cut / fill maximums (Title 30-5-341/342); and construction on slopes greater than 15 percent (Title 30-5-302(A)).

As information, a Development Permit “D” site plan does not include a land use element because the subject property was within the Extra-Territorial Jurisdiction at the time of

application. Also, a complete site plan application was filed with the City before the date the annexation proceedings were instituted, and the Applicant has continuation of land use rights, as outlined in Section 43.002 of the Texas Local Government Code. The City allows for the development of properties to be completed in accordance with the site plan on file, without requiring zoning consistent with the existing uses.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
FM Road 2222	248 feet	85 feet	Level 4 (Major Arterial Divided); Hill Country Road w/42,000 vpd	No	Shoulder	No

OTHER STAFF COMMENTS:

Comprehensive Planning

This zoning case is located on the west side of FM 2222. The parcel is approximately 38.6 acres in size and contains several large apartment buildings on the site. The property is not located within a neighborhood planning area, nor it is located along an Activity Corridor or within or near an Activity Center. Surrounding land uses includes office and residential uses to the north, to the south and west is undeveloped land; and to the east are office and commercial uses.

Per the agent, the property was annexed into the City of Austin in 2007 with an approved multifamily site plan, and the property was zoned I-RR upon annexation. This zoning will acknowledge what has been on the property for years, specifically a multifamily land use.

**Connectivity**

There are no public sidewalks, bike lanes, or public transit options available along this portion of FM 2222. Although there are commercial and office uses located on the other side of FM 2222, there are no crosswalks to access them along this busy highway. Mobility options in the area are below average while connectivity is mediocre because it necessitates a car to access them.

**Imagine Austin**

The property is not located along an Activity Corridor or within an Activity Center. The following IACP policies are 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.

Analyzing the land uses within a one mile of radius of this subject property, there appears to be both benefits and challenges to this location. Most importantly, this area of Austin lacks a variety of goods and services for nearby residents and office workers to safely access them via public sidewalks, bike lanes or public transit within several miles of this location. Based on the apartment buildings already existing on the site but mobility weaknesses in this area, this zoning only partially supports the Imagine Austin Comprehensive Plan.

### Drainage

As information, the developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

### Environmental

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.

Under the current watershed regulations, 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%.

According to floodplain maps there is a floodplain within and adjacent to 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.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm on site.

#### Impervious Cover

Within the West Bull Creek watershed, the maximum impervious cover allowed by the MF-4 zoning district is 40% (55% with transfers), which is based on the more restrictive watershed regulations. The approved site plan is for 89.5 acres and covers Lot 1 (owned by the City), Lot 2 (the zoning area) and Lot 3 (also owned by the City). Of the 10.1 acres of allowed impervious cover, Lot 2 contains 7.4 acres (8.27 percent). There is a remainder of 2.7 acres of impervious cover allowed on Lots 1 and 3 where no development is proposed. Steep slopes would potentially limit further use of remaining impervious cover.

#### PARD – Planning & Design Review

Parkland dedication may be required at the time of a future subdivision or site plan for any proposed residential units, or any that have not previously satisfied the requirement, per City Code § 25-1-601.

If the applicant wishes to discuss parkland dedication requirements in advance of any potential future site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination of the requirements.

#### Site Plan

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.

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

#### Compatibility Standards

The site is subject to compatibility standards due to a SF-2 lot located approximately 410 feet from the southeast property line (on the north side of RM Road 2222).

#### Hill Country Roadway

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

<u>Slope</u>	<u>Maximum FAR</u>
0-15%	0.25
15-25%	0.10
25-35%	0.05

Except for clearing necessary to provide utilities or site access, a 100-foot vegetative buffer will be required along RM 2222 with any redevelopment. 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, and beyond 200 feet the maximum height is 40 feet in a moderate intensity zone. Please note that the site was in the ETJ at the time a site plan was approved and released on the property, and Hill Country Roadway requirements did not apply.

This site is within the Wildland / Urban Interface and will need additional related review. Please reference <https://www.austintexas.gov/department/wildland-urban-interface-code> for additional information.

#### Austin Transportation Department

##### *Transportation Assessment*

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of new site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

#### Water / 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 Austin Water for compliance with City criteria and suitability for operation and maintenance.

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.



INDEX OF EXHIBITS AND ATTACHMENT TO FOLLOW:

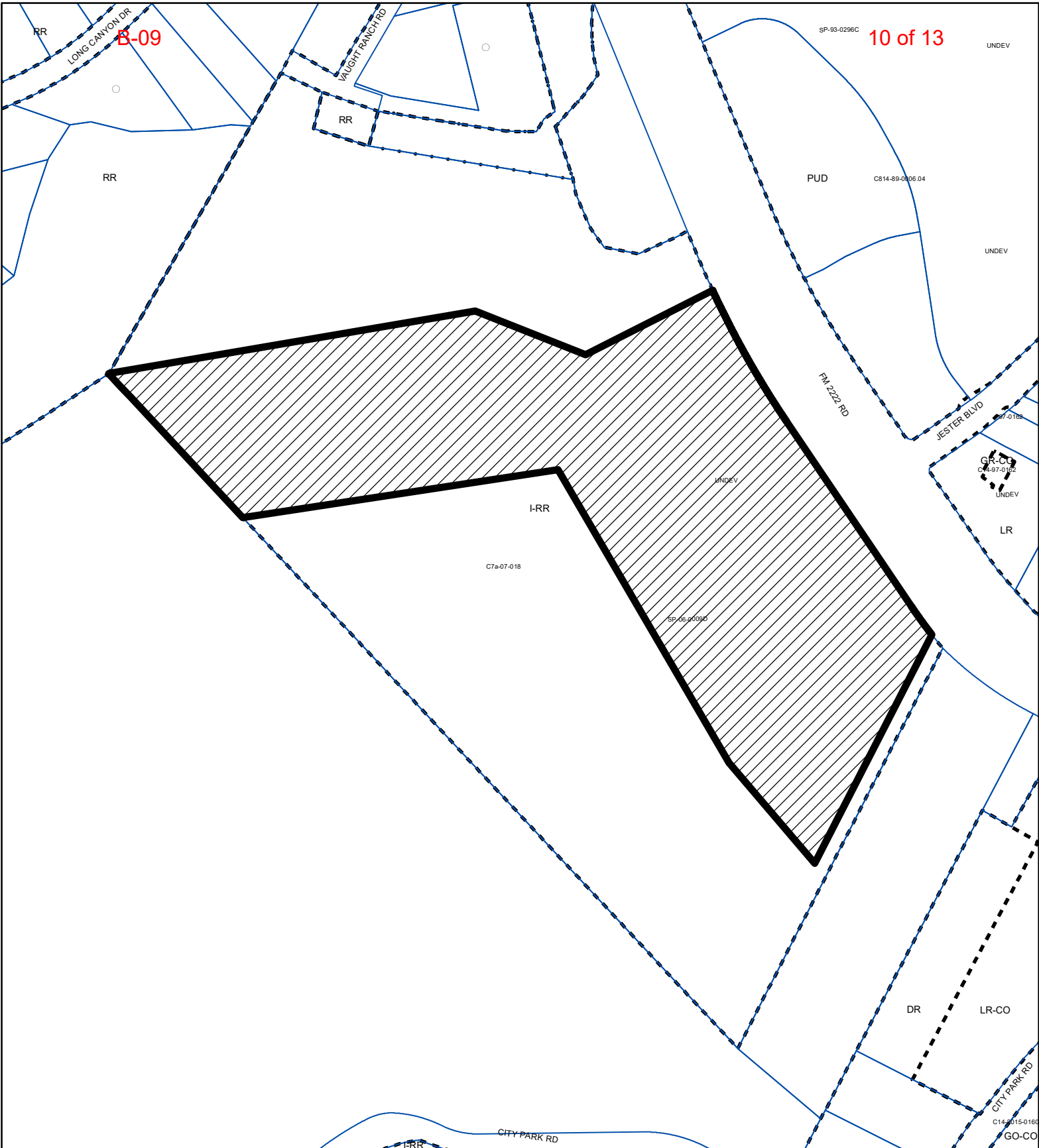
A: Zoning Map




A-1: Aerial Map

Applicant's correspondence

B-09

10 of 13



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

## ZONING

Exhibit A

ZONING CASE#: C14-2021-0184

1" = 400'

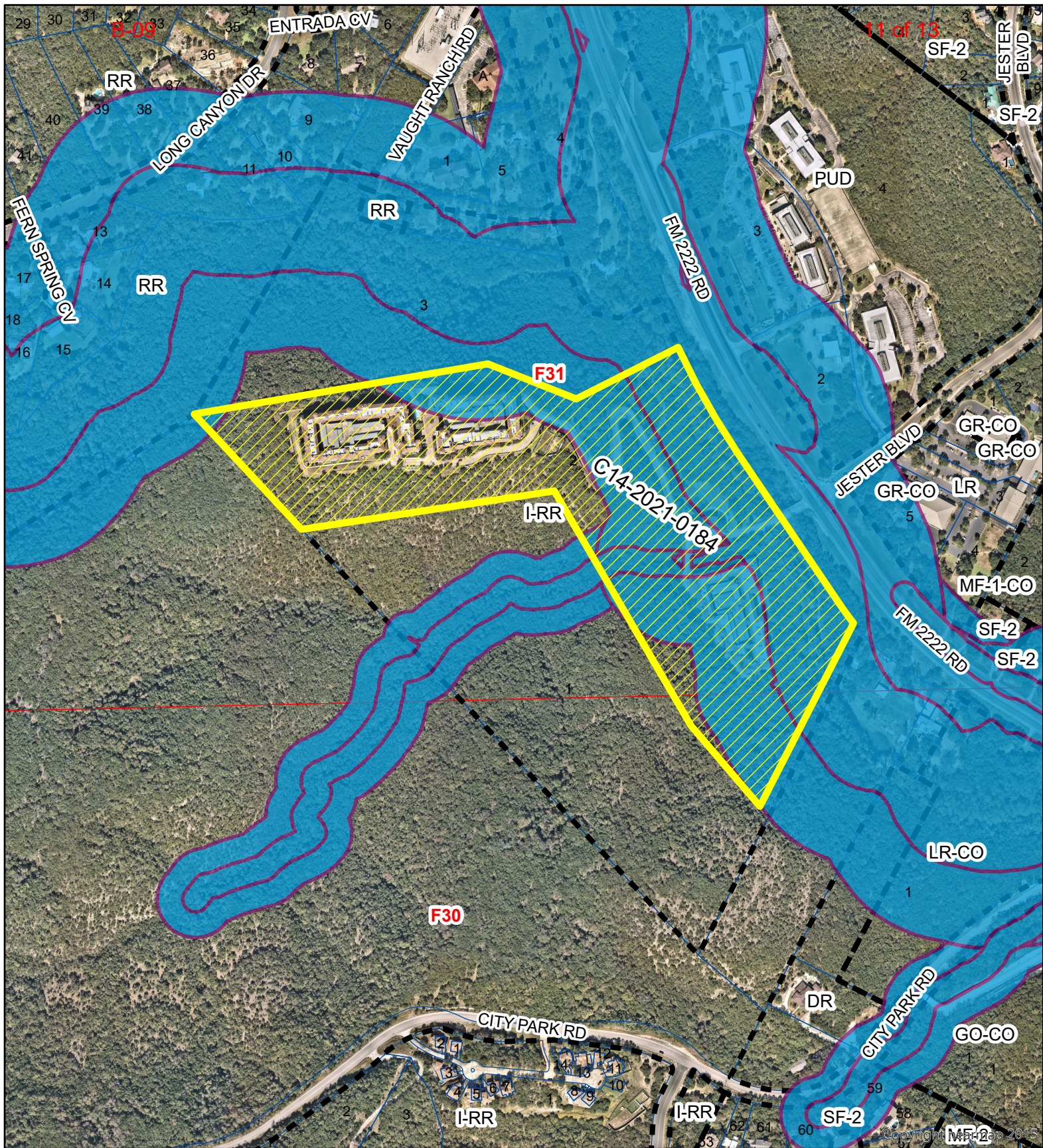
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Created: 12/6/2021





1" = 500'

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

## 7201 FM 2222 ROAD Exhibit A - 1

ZONING CASE#: C14-2021-0184  
 LOCATION: 7201 FM 2222 ROAD  
 SUBJECT AREA: 38.6213 ACRES  
 GRID: F31  
 MANAGER: WENDY RHOADES



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METCALFE WOLFF  
STUART & WILLIAMS, LLP

MICHELE ROGERSON LYNCH  
Director of Land Use &  
Entitlements

mlynch@mwswtexas.com  
512-404-2251

November 23, 2021

Mr. Jerry Rusthoven, Zoning Officer  
Housing and Planning Department  
505 Barton Springs Road, 5<sup>th</sup> Floor  
Austin, Texas 78704

*Via Online Submittal*

Re: Application for Zoning; 38.6 acres located at 7201 FM RD 2222 (the "Property").

Dear Mr. Rusthoven:

As representatives of the owner of the above stated Property we respectfully submit the attached Application for Zoning. The Property is located at 7201 FM RD 2222 (see Location Map attached) and is not located in a Neighborhood Plan. The Application for Zoning requests to zone the Property from Interim-Rural Residential (I-RR) to Multifamily Residence Moderate-high Density – Conditional Overlay Combining District (MF-4-CO). A site plan for the existing multifamily development was approved while in the City of Austin's Extraterritorial Jurisdiction and was later annexed by the City of Austin in 2007. A temporary zoning category of I-RR was assigned at the time of annexation.

The goal of this Application for Zoning is to establish permanent zoning to bring the existing development into compliance with City of Austin zoning regulations. A conditional overlay is proposed to limit the site to Multifamily Residence Low Density (MF-2) site development regulations except for height, which shall remain with the MF-4 site development regulation of 60 feet in height.

The Property is not within any designated neighborhood plan. Surrounding zoning includes Neighborhood Commercial (LR), Limited Office (LO), Neighborhood Office (NO), Planned Unit Development (PUD), Multifamily-Limited Density (MF-1), and Single-Family Standard Lot (SF-2).

A Traffic Impact Analysis is not required pursuant to the TIA Determination form attached to the Application for Rezoning.

If you have any questions about this Application for Rezoning or need additional information, please do not hesitate to contact me at your convenience. Thank you for your time and attention to this project.

Very truly yours,

A handwritten signature in black ink that reads "Michele Rogerson Lynch". The signature is written in a cursive, flowing style.

Michele Rogerson Lynch

## ZONING EXHIBIT

