# Zoning **CITY OF AUSTIN** RECOMMENDATION FOR COUNCIL ACTION

**AGENDA ITEM NO.: Z-11** AGENDA DATE: Thu 07/28/2005

PAGE: 1 of 1

SUBJECT: C14-04-0164 - Lake Creek - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as North Lake Creek Parkway and Lakeline Boulevard (Lake Creek Watershed) from general office (GO) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Applicant: SPF Joint Venture (Mike Reynolds). Agent: Minter, Joseph and Thornhill (John M. Joseph). City Staff: Sherri Sirwaitis, 974-3057.

REQUESTING

Neighborhood Planning

**DIRECTOR'S** 

**DEPARTMENT:** 

and Zoning

**AUTHORIZATION:** Greg Guernsey

RCA Serial#: 9441 Date: 07/28/05 Original: Yes Published:

Disposition:

Adjusted version published:

#### ZONING CHANGE REVIEW SHEET

**CASE:** C14-04-0164 **Z.A.P. DATE**: November 16, 2004

December 21, 2004 June 21, 2005

**ADDRESS:** North Lake Creek Parkway at Lakeline Boulevard

**OWNER/APPLICANT:** SPF Joint Venture (Mike Reynolds)

AGENT: Minter, Joseph and Thornhill (John M. Joseph)

**ZONING FROM:** GO

TO: CS

AREA: 6.981acres

## **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant GR-MU, Community Commercial-Mixed Use District. zoning.

## **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

11/16/04: Postponed by the applicant to December 21, 2004 (9-0); J. Matinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>

12/21/04: Postponed indefinitely by the applicant (9-0); J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>sd</sup>.

06/21/05: Approved CS-MU-CO zoning with conditions to prohibit Pawn Shop Services. Exterminating Services, and Adult Oriented Businesses by consent (8-0, K. Jackson-absent); J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.

#### ISSUES:

In an e-mail dated June 16, 2005, Mr. Brian Conroy stated that D&CH Trust was not opposed to applicant seeking a rezoning of the property in question (Attachment B).

The staff received a request from an adjacent property owner in opposition to the applicant's request for CS zoning on this site (Attachment A). Mr. Brian Conroy has stated that he will not be able to attend the December 21, 2004 meeting and is requesting a postponement of this case to the January 18, 2005 Zoning and Platting Commission meeting.

## **<u>DEPARTMENT COMMENTS:</u>**

The property in question is undeveloped and sparsely vegetated. The site is located across from an existing retail center that takes access to U.S. Highway 183 North, Lakeline Boulevard, and North Lake Creek Parkway. The property is directly to the west of the Leander Rehabilitation PUD and a recently approved Northwest Transit Oriented (TOD) site. Tract MU-CRE-8 of the Leander Rehabilitation PUD is currently planned for office and commercial development.

The staff is recommending GR-MU, Community Commercial-Mixed Use District, zoning for the site under consideration because the property meets the purpose statement of the GR-MU district. The property is located at the intersection of two arterial roadways, North Lake Creek Parkway and

Lakeline Boulevard. North Lake Creek Parkway, however, currently dead-ends into the Texas Department of Transportation Cedar Park Campus to the north and is not planned for extension.

The staff is recommending the addition of the MU Combining District to this zoning request because approximately a quarter mile to the east, southeast of the future intersection of Lakeline Boulevard and Lyndhurst Drive, there is a proposed transit station for the commuter rail stop planned by Capital Metro. The staff encourages commercial-mixed use development in proximity to this major intersection and transit link.

## **EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
Site	GO	Undeveloped
North	GR	Undeveloped
South	GR	Undeveloped
East	PUD (Hog Farm PUD)	Undeveloped (According to the PUD Land Use Plan: Approved uses are for Mixed Use-Commercial Residential on tract MU-CRE-8)
West	GR	Retail Shopping Center (Kohl's Department Store, Oshman's Sports Store, Bed Bath & Beyond, Home Depot)

AREA STUDY: N/A TIA: N/A

WATERSHED: Lake Creek DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A HILL COUNTRY ROADWAY: N/A

## NEIGHBORHOOD ORGANIZATIONS:

485 - Riviera Springs Community Development Association

604 - Davis Spring HOA

701 - Avery Ranch Neighborhood Association

985 - Davis Springs HOA

## **CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0173	DR to GR	1/15/02: Approved GR-CO zoning, with a condition prohibiting pawn shop services, by consent (8-0, K. Jackson-absent)	2/14/02: Approved GR-CO on 3 readings (7-0)
C14-00-2094	DR to GR	7/11/00: Approved staff rec. of GR by consent (7-0)	8/17/00: Approved GR on 1st reading (6-0, Goodman-absent)  8/31/00: Approved 2nd/3nd readings (6-0, KW-absent)
C14-00-2107	MF-3 to GO	8/29/00: Approved staff rec. of GO by consent (7-1, RC-Nay)	9/7/00: Approved GO on 1 <sup>st</sup> reading only (7-0) 12/14/00: Approved GO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

C14-98-0266	DR to GR	3/2/99: Approved GR by consent (8-0)	12/2/99: Approved PC rec. of GR (6-0, WL-absent); 1st reading
			5/24/01: Approved GR (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-97-0041	GR to CS	6/3/97: Approved CS (5-0-1)	6/26/97: Approved CS (7-0); all 3 readings
C814-97-0001	I-RR to PUD	9/30/97: Approved PUD w/ conditions (6-3)	11/20/97: Denied PUD zoning because it does not conform to purpose and is not a superior development (7-0) 7/1/99: State over-rode/ Approved
		}	PUD
C14-95-0044	DR to GR	10/17/95: Approved CS, subject to ROW (5-0)	11/30/95: Approved CS, subject to ROW (6-0); 1st reading
			12/7/95: Approved CS (7-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> reading
C14-94-0134	CH to GR	1/10/95: Approved GR-CO (7-0)	2/9/95: Approved GR w/ conditions (6-0); 1st reading
			2/29/95: Approved GR (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-94-0132	CH to GR GO to GR IP to GR	12/20/94: Approved GR w/ conditions (7-0)	1/10/95: Approved GR w/ conditions (6-0); 1st reading
	LR to GR	-	2/9/95: Approved GR w/ conditions (6-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings

**RELATED CASES:** C14-04-0165, C14-04-0166

## **ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION
Lakeline Boulevard	120'	2@40'	Arterial
Lake Creek Parkway	140'	Varies	Arterial

**CITY COUNCIL DATE:** July 28, 2005

**ACTION**:

ORDINANCE READINGS: 1st

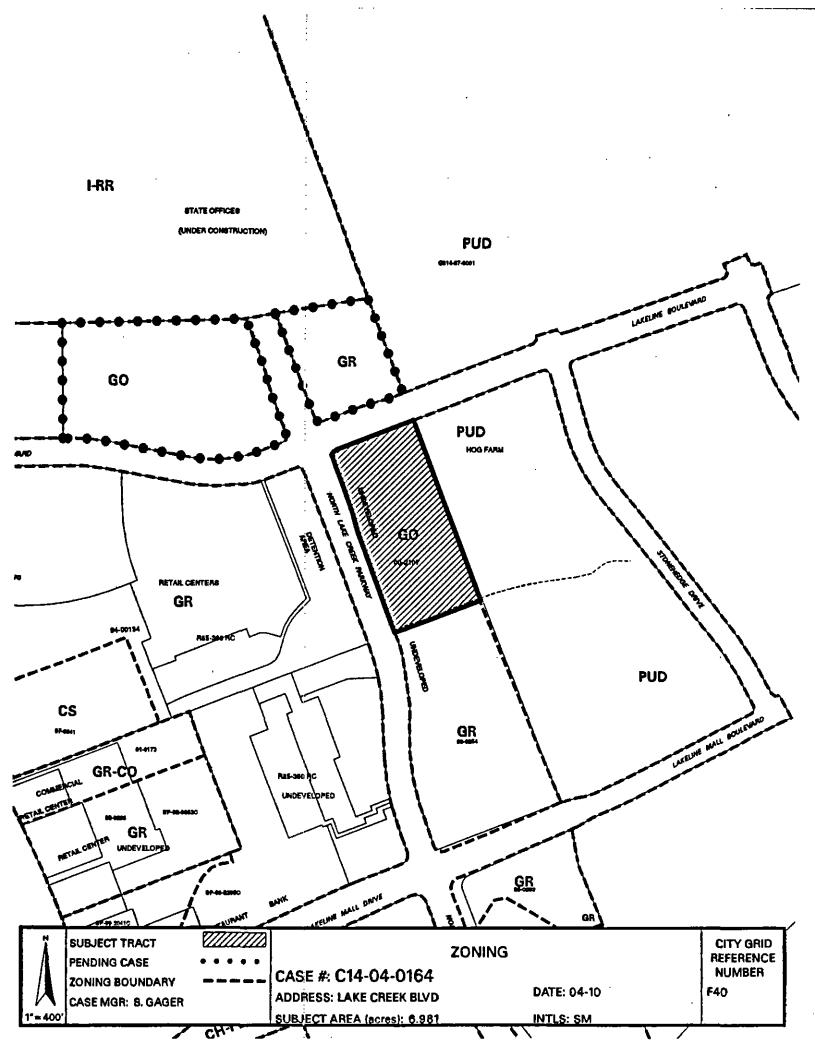
2<sup>nd</sup>

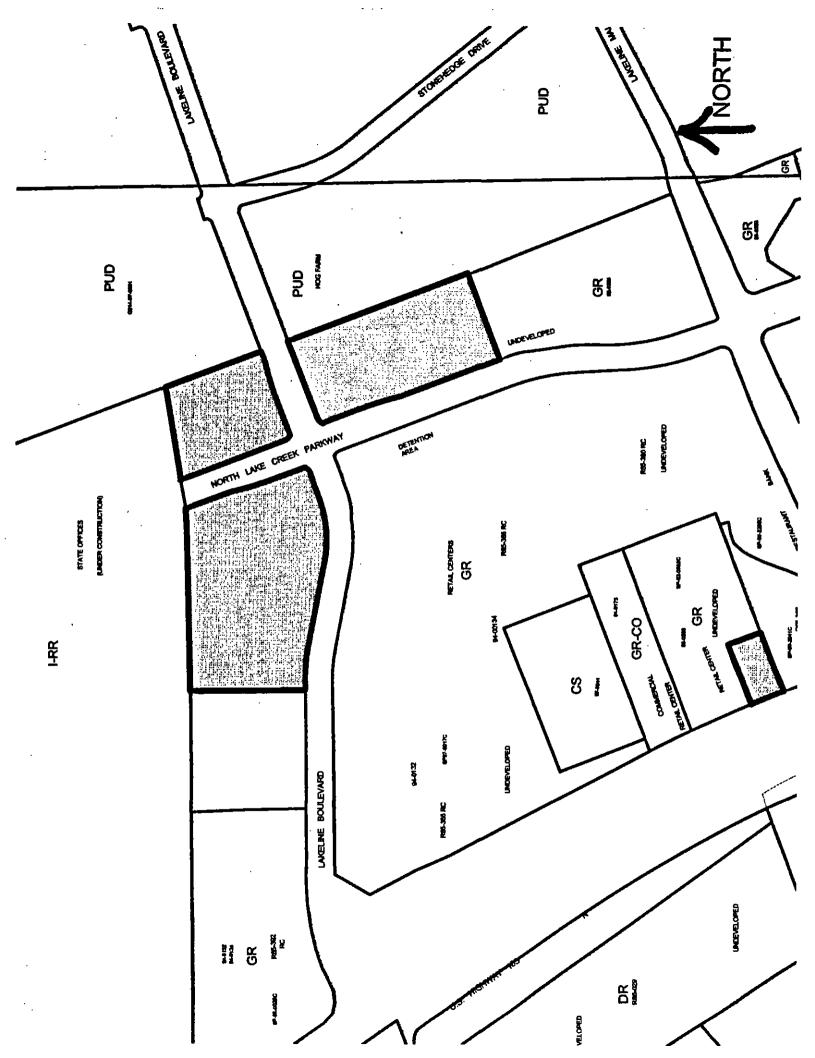
**ORDINANCE NUMBER:** 

**CASE MANAGER:** Sherri Sirwaitis

PHONE: 974-3057,

sherri.sirwaitis@ci.austin.tx.us





## STAFF RECOMMENDATION

The staff's recommendation is to grant GR-MU, Community Commercial-Mixed Use District, zoning.

## **BASIS FOR RECOMMENDATION**

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

The Community Commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The purpose of the 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 GR-MU zoning district would be compatible and consistent with the surrounding uses because there is GR zoning to the north, south and east of this site. In addition, there are office and commercial uses planned for Tract MU-CRE-8 of the Leander Rehabilitation PUD to the east.

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

The GR-MU zoning district would allow for a fair and reasonable use of the site because it will allow the applicant to develop a mixture of residential, office, and commercial development on the property.

4. Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.

The property in question is located at the southeast corner of the intersection of two arterial roadways, Lakeline Boulevard and North Lake Creek Parkway. At this time, North Lake Creek Parkway dead-ends into the Texas Department of Transportation Cedar Park Campus to the north and is not planned for extension. However, approximately a quarter mile to the east of this site, southeast of the future intersection of Lakeline Boulevard and Lyndhurst Drive, there is a proposed transit station for the commuter rail development planned by Capital Metro (TOD site).

#### **EXISTING CONDITIONS**

#### Site Characteristics

The subject tract is currently undeveloped and sparsely vegetated.

## Impervious Cover

The maximum impervious cover allowed by the CS zoning district would be 95%. However, if the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% NSA with Transfers
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.

## **Environmental**

The site is located over the North Edward's Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the LAKE 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 no floodplain 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.

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.

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.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species in conjunction with subdivision and/or site plan process.

### <u>Transportation</u>

This site is within the area covered by State legislation (S.B. 1396), which went into effect September 1, 1995. Under this legislation, the City may not "deny, limit, delay, or condition the use of development of land...because of traffic or traffic operations that would result from the proposed use or development of the land." A traffic impact analysis is not required for any development within this area, and traffic issues may not be considered in the approval of the application. Right-of-way dedication, however, may still be required.

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

Capital Metro bus service is available along US Highway 183.

There are existing sidewalks along Lakeline Boulevard and Lake Creek Parkway.

## **Existing Street Characteristics:**

NAME	ROW	PAVEMENT	CLASSIFICATION
Lakeline Boulevard	120'	2@40'	Arterial
Lake Creek Parkway	140'	Varies	Arterial

## Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

#### Water and Wastewater

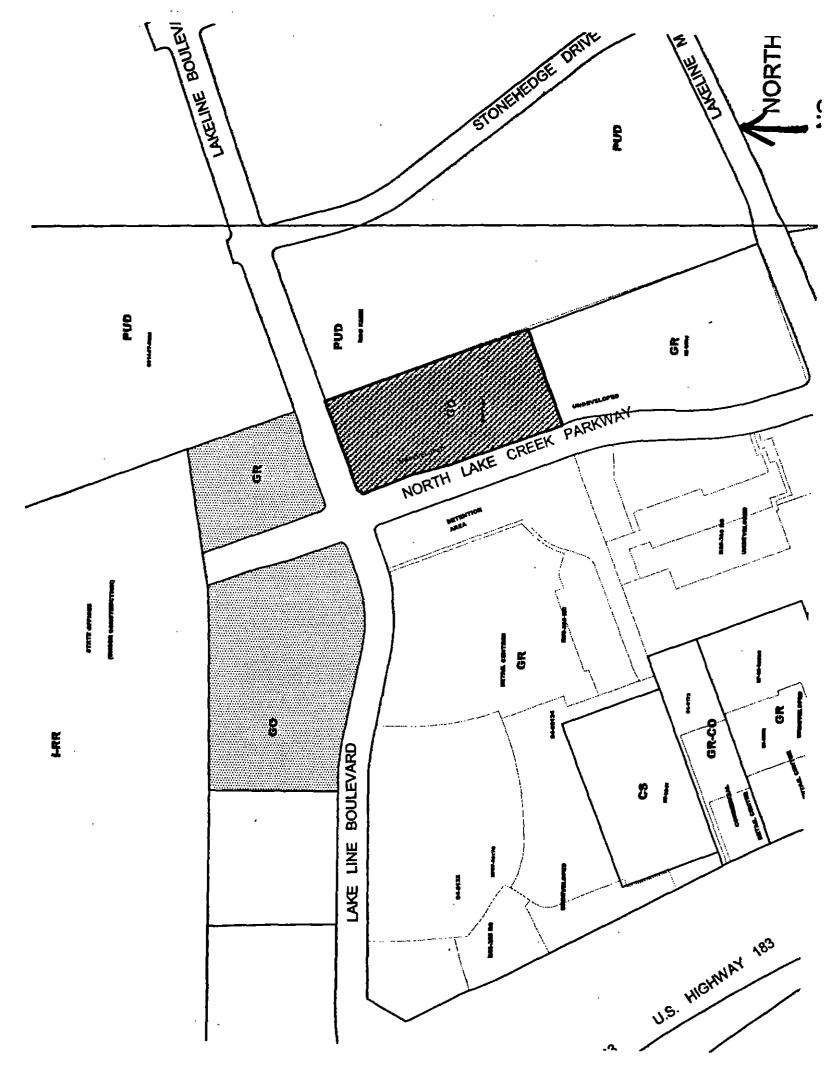
The landowner intends to serve the site with City water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, system upgrades, utility relocation, and adjustment to serve each lot and land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria and specifications. The utility construction must be inspected by the City. The landowner must pay the tap and impact fee once the landowner makes an application for a City water and wastewater

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

### Compatibility Standards

This site is not subject to compatibility development regulations.









Sherri Gager
City of Austin
Neighborhood Planning and Zoning Department
PO Box 1088
Austin, TX 78767-8810

Fax: 974-2269

December \$. 2004

RE: CASE # C14-04-0164, C14-04-0165, C14-04-0166, Owner SPF Joint Venture

SCHEDULED DATE OF HEARING: DECEMBER 21, 2004

PROPERTY OWNER: D & CH TRUST

Dear Ms. Gager:

We have spoken on the phone a few times regarding opposition to the requested zoning changes for the cases listed above. I represent the interests of D & CH Trust.

We are still in opposition to the requested zoning changes to CS. We are not opposed to the owners seeking a change to GR.

We wish to have an opportunity to present our case in person, and not merely in writing.

It is my understanding that the property owner will seek another postponement when this matter comes up for a second time on December 21. It was originally postponed at the November 16 hearing. I will not be able to attend the December 21 meeting, and so I am requesting that this matter be postponed again if the owner decides to proceed at the December 21 meeting. Someone will be there to represent D & CH Trust, but they are not prepared to present a case against, so that is why I am requesting the postponement.

Please add this letter to the case file on behalf of D & CH Trust.

Please call me at 339-9771, or email me at brian@conroyselect.com to confirm receipt of this letter.

A GI A TEMP TOMP

Brian Conroy

Real Enate Management & Marketing

to provide solve s

Fax: (512) 497-7826

WWW.HARTMAN-IJC.COM



811 Barton Springs Rd. Suite 800 Austin, Texas 78704-1196 phone \$12.478.1075 fax 512.478.5838 www.mjtpc.com

December 13, 2004

Sheri Gager 505 Barton Springs Rd. Austin, Texas 78704

Re: SPF Joint Venture; Case # C14-04-0164,65,& 66

Dear Sheri:

Representing SPF Joint Venture, I am requesting that the above referenced zoning cases be postponed indefinitely.

As you will recall, this is our second request for postponement. The first was to allow an opportunity to meet with adjacent property owners. This request is needed for the investigation of two matters that are of significant importance and go to the very issue of whether or not the applicant would benefit from the requested zoning change on the subject tracts. The first issue involves he staff assertion that the impervious cover, regardless of zoning, would be limited by the Uplands Zone Overlay. The second issue involves the failure of the City of Austin to provide regional detention as it is required to do through the Lake Creek Regional Detention Agreement.

Both issues directly impact the amount of development that would be allowed on the subject properties and therefore would limit the allowable impervious cover provided for under the zoning being sought.

This postponement is to provide the applicants representatives the opportunity to interact with the City Staff and Legal Department to determine the applicability of the Overlay and the intentions of the City of Austin on the provision of regional detention.

Please contact me with any questions regarding this matter.

Very truly yours,

cc: Betty Baker

Mike Reynolds

# Attachment B

## Sirwaltis, Sherri

From:

Dowe Gullatt [dgullatt@mjtpc.com]

Sent:

Friday, June 17, 2005 11:09 AM

To:

Sirwaitis, Sherri

Subject: FW: Lakeline Property rezoning, P&Z Commission Agenda; 6/21/05 items 10,11 and 12

Sherri.

This is from the property owner adjacent on Lakeline to our client.

Regards, Dowe

From: Brian Conroy [mailto:brian@conroyselect.com]

Sent: Thursday, June 16, 2005 5:21 PM

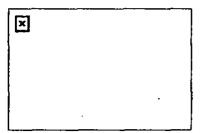
To: dgullatt@mjtpc.com

Subject: Lakeline Property rezoning

Dowe:

D&CH Trust is not opposed to your client seeks CS zoning for the properties on Lakeline Bivd. and Lake Creek Parkway.

Best regards, .



BRIAN CONROY, Real Estate Broker 512-751-3052 mobile

512-997-7828 fax 512-339-9771 phone 10711 Burnet Road, Suite 340 Austin, TX 78758

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UK	DIN	ANE	E NO.

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT NORTH LAKE CREEK PARKWAY AND LAKELINE BOULEVARD FROM GENERAL OFFICE (GQ) DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-CO) 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 general office (GO) district to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district on the property described in Zoning Case No. C14-04-0164, on file at the Neighborhood Planning and Zoning Department, as follows:

A 6.981 acre tract of land, more or less, out of the Rachel Saul Survey, Abstract No. 551, Williamson County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as the property located at North Lake Creek Parkway and Lakeline Boulevard, in the City of Austin, Williamson County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

The following uses are prohibited uses of the Property:

Pawn shop services
Exterminating services
Adult oriented businesses

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district and other applicable requirements of the City Code.

36<sup>°</sup>

APPROVED:  David Allan Smith City Attorney  ATTEST:  Divid City Clerk	PART 3. This ordin	ance takes effect on			<b>, 200</b> 5
APPROVED:  David Allan Smith City Attorney  ATTEST:  David City Attorney  ATTEST:  City Clerk	PASSED AND APP	ROVED	\$   100     10		
APPROVED:  David Allan Smith City Attorney  ATTEST:  David City Clerk		, 2005	§	Will Wynn	The state of the s
David Allan Smith City Attorney  Shirley A. Brown City Clerk			. 15 . 15 . 10	Mayor	ð.
	APPROVED:		ATTEST:	Shirley A City C	. Brown lerk
	,		A TOTAL CONTROL OF THE PARTY OF		

FIELD NOTES
FOR

## 6,981 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE RACHEL SAUL SURVEY, ABSTRACT NO. 551 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 90.00 ACRE TRACT OF LAND CONVEYED TO SPV VENTURE BY INSTRUMENT RECORDED IN VOLUME 1066, PAGE 121 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a ½ inch iron pin found at the Southeast corner of said 90.00 acre tract;

THENCE along the South line of said 90.00 acre tract, S 70°19'39" W for a distance of 1.95 feet to a 5/8 inch capped iron pin found at an angle point in that certain Boundary Line Agreement recorded in Document No. 2001036200 of the Official Public Records of Williamson County, Texas, for the Southeast corner and PLACE OF BEGINNING hereof;

THENCE continuing along the South line of said 90.00 acre tract, S 70°19'39" W for a distance of 382.83 feet to a ½ inch capped iron pin set in the East r.o.w. line of North Lake Creek Parkway, a public right-of-way varying in width, for the Southwest corner hereof;

THENCE along the East r.o.w. line of North Lake Creek Parkway for the following courses:

N 19°40'21" W for a distance of 439.13 feet to a 1/2 inch iron pin set at a point of curve

Along a curve to the left whose radius is 1615.07 feet, whose arc is 188.61 feet and whose chord bears N 16°19'37" W for a distance of 188.50 feet to a 1/2 inch capped iron pin set

N 19°40'21" W for a distance of 161.55 feet to a ½ inch capped iron pin set at the intersection of the East r.o.w. line of North Lake Creek Parkway and the South r.o.w. line of Lakeline Boulevard, a public right-of-way varying in width, for the Northwest corner hereof:

THENCE along the South r.o.w. line of Lakeline Boulevard for the following courses:

Along a curve to the right whose radius is 39.99 feet, whose arc is 32.44 feet and whose chord bears N 47°05'23" E for a distance of 31.56 feet to a ½ capped iron pin set

N 69°57'19" E for a distance of 343.67 feet to a ½ inch capped iron pin set in the aforesaid Boundary Line Agreement, for the Northeast corner hereof,

FIELD NOTES
FOR

6.981 ACRES OF LAND - Page Two

THENCE along the aforesaid Boundary Line Agreement, S 19°36'47" E for a distance of 803.54 feet to the PLACE OF BEGINNING and containing 6.981 acres of land, more or less.

SURVEYED BY:

Roy D. Smith Surveyors, P.C.

ROY D. SMITH REGISTERED PROFESSION

April 10, 2003

