

**Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 52
AGENDA DATE: Thu 12/01/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0100 - Lake Creek Park - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 10101-10113 Lake Creek Parkway (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning, single-family-standard lot (SF-2) district zoning, limited office (LO) district zoning, and limited office-conditional overlay (LO-CO) combining district zoning to limited office-conditional overlay (LO-CO) combining district zoning for Tract 1, townhouse and condominium residence (SF-6) district zoning for Tract 2, and single-family residence-small lot (SF-4A) district zoning for Tract 3. First reading approved on September 29, 2005. Vote: 7-0. Applicant: Ardennes, L.P. By CGA Ardennes GP, LLC (David E. Castilla and Paula Vangrieken). Agent: Armbrust & Brown, L.L.P. (Richard Suttle, Jr.) City Staff: Sherri Sirwaitis, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0100

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 10101-10113 Lake Creek Parkway from I-RR (Interim-Rural Residence District) zoning, SF-2 (Single-Family-Standard Lot District) zoning, LO (Limited Office District) zoning and LO-CO (Limited Office-Conditional Overlay District) zoning to LO-CO (Limited Office-Conditional Overlay District) zoning for Tract 1, SF-6 (Townhouse & Condominium Residence District) zoning for Tract 2, and SF-4A (Single Family Residence-Small Lot District) zoning for Tract 3.

The Ordinance reflects those conditions imposed by Council on 1st reading.

PROPERTY OWNER: Ardennes, L.P. by CGA Ardennes GP, LLC
(David E. Castilla & Paula Vangrieken)

AGENT: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.)

DEPARTMENT COMMENTS:

The property in question is currently undeveloped and densely vegetated. The applicant is requesting LO, Limited Office District, zoning for the front portion of the site (Tract 1) located on Lake Creek Parkway. In addition, the applicant would like to down zone the property fronting Hymeadow Drive to SF-6, Townhouse & Condominium District, zoning (Tract 2). Finally, the applicant is requesting a down zoning of the LO-CO property to the south (Tract 3) to SF-4A, Single Family Residence-Small Lot District, zoning adjacent to the Anderson Mill residential neighborhood.

The staff recommends the applicant's request for a rezoning of the site under consideration because the proposed rezoning will create a transition in uses from Lake Creek Parkway to the established residential neighborhoods to the north and south. The staff believes that LO district zoning is appropriate for Tract 1 because these lots are located on and will take access to a primary collector roadway, Lake Creek Parkway. The staff also recommends the rezoning of Tract 2 from LO-CO to SF-6 district zoning because the site is located on a residential collector street across from an existing multifamily use (Pecan Hills Apartments). In addition, the staff recommends the down zoning of Tract 3 to SF-4A district zoning because the property is adjacent to a single-family residential neighborhood to the south (Anderson Mill Residential Neighborhood).

The applicant agrees with the City Council's recommendation at first reading.

DATE OF FIRST READING/VOTE: September 29, 2005/ Approved LO-CO zoning for Tract 1, SF-6 zoning for Tract 2, and SF-4A zoning for Tract 3 by consent (7-0); 1st reading

November 3, 2005/ Postponed to November 17, 2005 at the applicant's request (7-0)

November 17, 2005/Postponed to December 1, 2005 by consent at the neighborhood association's request (7-0)

CITY COUNCIL DATE: December 1, 2005

CITY COUNCIL ACTION:

ASSIGNED STAFF: Sherri Sirwaitis

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

ORDINANCE NO. 20051103-025

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 10101-10113 LAKE CREEK PARKWAY FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT, SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT, LIMITED OFFICE (LO) DISTRICT AND LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT TO LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT FOR TRACT ONE, TOWNHOUSE AND CONDOMINIUM RESIDENCE (SF-6) DISTRICT FOR TRACT TWO, AND SINGLE FAMILY RESIDENCE SMALL LOT (SF-4A) DISTRICT FOR TRACT THREE.

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 districts on the property described in Zoning Case No. C14-05-0100, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From single family residence standard lot (SF-2) district and limited office (LO) district to limited office-conditional overlay (LO-CO) combining district.

Lots 15-21, Block B, Woodrow Lee Subdivision, a subdivision in the City of Austin, Williamson County, Texas, according to the map or plat of record in Cabinet I, Slides 115-117 of the Plat Records of Williamson County, Texas; and

Tract Two: From limited office-conditional overlay (LO-CO) combining district to townhouse and condominium residence (SF-6) district.

A 4.076 acre tract of land, more or less, out of the Elisha Allen Survey, Abstract No. 18, in Williamson County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Three: From interim rural residence (I-RR) district and limited office-conditional overlay (LO-CO) combining district to single family residence small lot (SF-4A) district.

A 26.169 acre tract of land, more or less, out of the Elisha Allen Survey, Abstract No. 18, in Williamson County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as 10101-10113 Lake Creek Parkway, in the City of Austin, Williamson County, Texas, and generally identified in the map attached as Exhibit "C".

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

Vehicular access between Tract One and Tract Three is prohibited.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on November 14, 2005.

PASSED AND APPROVED

_____, November 3, 2005 §
 §
 §
 § _____
 Will Wynn
 Mayor

APPROVED: _____ **ATTEST:** _____
 David Allan Smith Shirley A. Brown
 City Attorney City Clerk



SHIPPING ADDRESS:
923 Loop 332
Liberty Hill, Texas 78642

3DS, Inc.
Land Surveyors

G.P.S. Services
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MAILING ADDRESS:
P.O. Box 850
Liberty Hill, Texas 78642
(512) 515-5888
Fax: (512) 515-5878
www.3DSinc.com

TRACT 2

EXHIBIT A

BEING 4.076 ACRES OF LAND OUT OF THE ELISHA ALLEN SURVEY, ABSTRACT NO. 18, SITUATED IN WILLIAMSON COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN 30.207 ACRE TRACT OF LAND RECORDED IN VOLUME 2444, PAGE 489 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at an iron rod found at a fence at the northwest corner of Anderson Mill Village, a subdivision in Williamson County, Texas, also being along the east Right-of-Way line of Hymeadow Drive (70' R.O.W.), said point also being the beginning of a curve to the right;

Thence, along said east right-of-way line of Hymeadow Drive, and along the west line of said 30.207 acre tract, the following two (2) courses and distances:

- 1.) Along said curve to the right, having a delta angle of 48°18'30", a radius of 265.00 feet, an arc length of 223.43 feet, and a chord which bears N 03°44'49" E for a distance of 216.87 feet to an iron rod found;
- 2.) N 27°51'13" E for a distance of 430.82 feet to a calculated point;

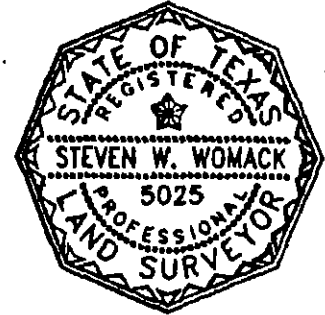
Thence through the interior of said 30.207 acre tract, the following six (6) courses and distances:

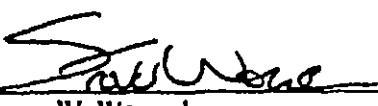
- 1.) S 87°19'39" E for a distance of 176.94 feet to a calculated point, said point being the beginning of a curve to the left;
- 2.) Along said curve to the left, having a delta angle of 6°46'49", a radius of 220.00 feet, an arc length of 26.03 feet, and a chord which bears S 35°06'09" E for a distance of 26.02 feet to a calculated point;
- 3.) S 38°29'33" E for a distance of 49.31 feet to a calculated point, said point being the beginning of a curve to the right;
- 4.) Along said curve to the right, having a delta angle of 45°02'08", a radius of 25.00 feet, an arc length of 19.65 feet, and a chord which bears S 15°58'29" E for a distance of 19.15 feet to a calculated point, being the beginning of a curve to the left;
- 5.) Along said curve to the left, having a delta angle of 152°12'30", a radius of 50.00 feet, an arc length of 132.83 feet, and a chord which bears S 69°33'40" E for a distance of 97.07 feet, to a calculated point;
- 6.) S 38°29'33" E for a distance of 94.79 feet to a calculated point along the southeast line of said 30.207 acre tract, same being the northwest line of said Anderson Mill Village;

Thence along said southeast line of the 30.207 acre tract, the following two (2) bearings and distances:

1.) S 53°08'36" W for a distance of 531.40 feet to an iron rod found;

2.) S 63°26'16" W for a distance of 187.71 feet to the Point of Beginning, and containing 4.076 acres of land.



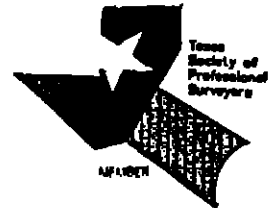

Steven W. Womack
Registered Professional Surveyor
No. 5025, State of Texas

Date

9/22/05

SURVEY SKETCH

BEING 4.076 ACRES OF LAND OUT OF THE ELISHA ALLEN SURVEY ABSTRACT NO. 18, SITUATED IN WILLAMSON COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN 30.207 ACRE TRACT OF LAND RECORDED IN VOLUME 2444, PAGE 489 OF THE OFFICIAL RECORDS OF WILLAMSON COUNTY, TEXAS.



0 50 100
APPROXIMATE
SCALE IN FEET

LEGEND
● IRON ROD FOUND
○ IRON ROD SET
() RECORD BEARING, DISTANCE
△ CALCULATED POINT

HYMEADOW DRIVE
(70' ROW)
(N27°45'36" E
441.98')
(N 27°51'13" E
430.82')

30.207 Ac.
CHRISTIANNALTD.
2444/489
30.207 Ac.

4.076 ACRES
177,532 SQ. FT.

ELISHA ALLEN SURVEY,
ABSTRACT NO. 18

ANDERSON MILL
VILLAGE

3DS
Land Surveyors
Subdivisions • Topographic
Construction • Commercial • Boundaries

CURVE TABLE

CURVE	DELTA	RADIUS	ARC LEN	CHORD BEARING	CHORD LEN
C1	48°18'30"	265.00'	223.43'	N 03°44'49" E	216.87'
C2	06°46'49"	220.00'	26.03'	S 35°06'09" E	26.02'
C3	45°02'08"	25.00'	19.65'	S 15°58'29" E	19.15'
C4	152°12'30"	50.00'	132.83'	S 69°33'40" E	97.07'

DATE: 09-22-05
DRAWN BY: SGW
FILE NAME: 04-078

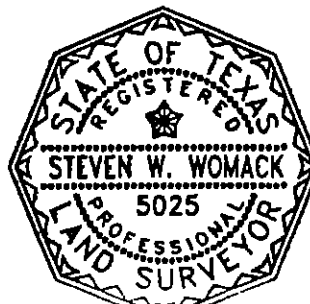
PROJ. NO. : 04-078

P.O. BOX 850
LIBERTY HILL, TX 78642
PH: (512) 515-5888
FAX: (512) 515-5878

*THIS SURVEY SURVEY WAS PREPARED FOR
THE PURPOSE OF RE-ZONING ONLY.

STEVE W. WOMACK
REGISTERED PROFESSIONAL SURVEYOR

DATE



in the Surveying Services



SHIPPING ADDRESS:
923 Loop 332
Liberty Hill, Texas 78642

3DS, Inc.
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TRACT 3
EXHIBIT B

BEING 26.169 ACRES OF LAND OUT OF THE ELISHA ALLEN SURVEY, ABSTRACT NO. 18, SITUATED IN WILLIAMSON COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN 30.207 ACRE TRACT OF LAND RECORDED IN VOLUME 2444, PAGE 489 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AND SHOWN ON THE ATTACHED SKETCH AS FOLLOWS:

Beginning at an iron rod found on the east Right-of-Way line of Hymeadow Drive (70' R.O.W.), being also at the southwest corner of the Woodrow Lee Subdivision as recorded in Cabinet I, Slides 115-117 of the Plat Records of Williamson County, Texas, for the northwest corner of the herein described tract;

THENCE N 45°34'01" E with the most southerly line of the said Woodrow Lee Subdivision and the most northwesterly corner of said 30.207 acre tract a distance of 942.69 feet to a iron rod found;

THENCE N 42°40'01" E with the most southerly line of the Maconda Park Subdivision as recorded in Cabinet I, Slides 115-117 of the Plat Records of Williamson County, Texas and the most northwesterly corner of said 30.207 acre tract a distance of 448.01 feet to a iron rod found;

THENCE with the westerly line of Forest North Estates Phase 4, a subdivision recorded in Williamson County, Texas the following four (4) courses and distances:

- 1.) N 46°30'50" E, a distance of 219.21 feet to a iron rod found,
- 2.) N 46°02'58" E, a distance of 104.90 feet to a iron rod found,
- 3.) S 20°31'48" E, a distance of 233.94 feet to a point,
- 4.) S 28°51'56" E, a distance of 79.55 feet to a point;

THENCE with the westerly line of Forest North Estates Phase 3, a subdivision recorded in Williamson County, Texas the following two (2) courses and distances:

- 1.) S 21°46'14" E, a distance of 203.21 feet to a point,
- 2.) S 20°25'44" E, a distance of 327.84 feet to a iron rod found, for the southeast corner of the herein described tract;

THENCE with the westerly line of Anderson Mill Village, a subdivision recorded in Williamson County, Texas the following with a common line between five (5) courses and distances:

- 1.) S 53°02'34" W, a distance of 123.42 feet to a iron rod found,
- 2.) S 52°49'39" W, a distance of 667.50 feet to a iron rod found
- 3.) S 53°07'44" W, a distance of 340.65 feet to a iron rod found,
- 4.) S 53°06'31" W, a distance of 312.47 feet to a iron rod found,
- 5.) S 53°08'36" W, a distance of 65.67 feet to a point;

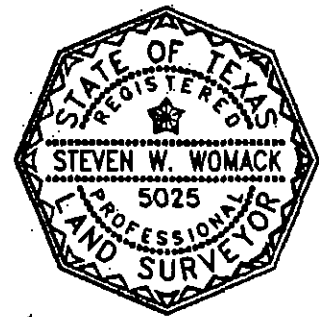
THENCE through the interior of said 30.207 acre tract, the following six (6) courses and distances:

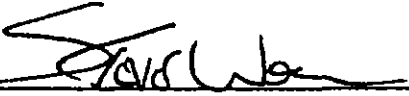
- 1.) N 38°29'33" W for a distance of 94.79 feet to a calculated point;
- 2.) Along a curve to the right, having a delta angle of 152°12'30", a radius of 50.00 feet, an arc length of 132.83 feet, and a chord which bears N 69°33'40" W for a distance of 97.07 feet, to a calculated point;
- 3.) Along a curve to the left, having a delta angle of 45°02'08", a radius of 25.00 feet, an arc length of

- 19.65 feet, and a chord which bears N 15°58'29" W for a distance of 19.15 feet to a calculated point;
- 4.) N 38°29'33" W for a distance of 49.31 feet to a calculated point;
 - 5.) Along a curve to the right, having a delta angle of 6°46'49", a radius of 220.00 feet, an arc length of 26.03 feet, and a chord which bears N 35°06'09" W for a distance of 26.02 feet to a calculated point;
 - 6.) N 87°19'39" W for a distance of 176.94 feet to a calculated point, said point being on the said easterly right-of-way;

THENCE along the said easterly right-of-way, the following two (2) bearings and distances:

- 1.) N 27°51'13" E for a distance of 17.75 feet to an iron rod found;
- 2.) Along a curve to the left, having a radius of 335.00 feet, an arc length of 247.79 feet, and a chord which bears N 06°11'09" E for a distance of 242.18 to the Point of Beginning, and containing 26.169 acres of land, more or less.




Steven W. Womack
Registered Professional Surveyor
No. 5025, State of Texas

Date 9/29/05

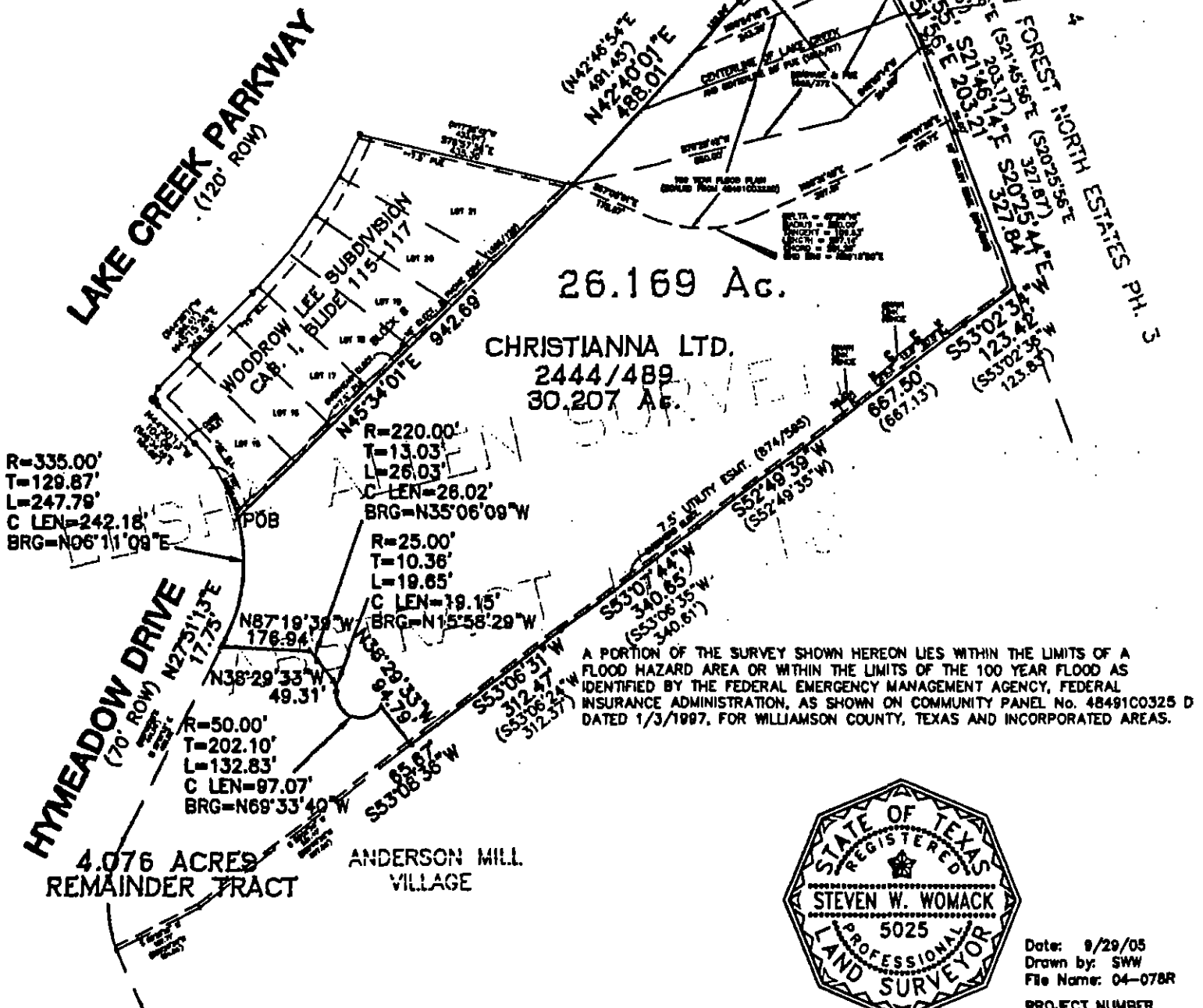
SURVEY SKETCH

26.169 ACRES OF LAND OUT OF THE ELISHA ALLEN SURVEY,
ABSTRACT No. 18, BEING A PORTION OF THE 30.207 ACRE TRACT
RECORDED IN VOLUME 2444, PAGE 489 OF THE OFFICIAL RECORDS
OF WILLIAMSON COUNTY, TEXAS.

0 150 300
APPROXIMATE
SCALE IN FEET

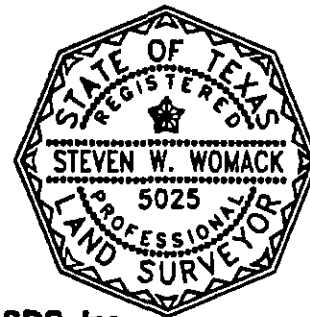
LEGEND

- IRON ROD FOUND
- IRON PIPE FOUND
- IRON ROD SET
- () RECORD BEARING, DISTANCE
- ⊙ WASTEWATER MANHOLE
- ELECTRICAL MANHOLE
- ⊙ TELEPHONE PED.



THIS SKETCH IS FOR REZONING PURPOSES.

Steven W. Womack 9/29/05
STEVEN W. WOMACK
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5025, STATE OF TEXAS

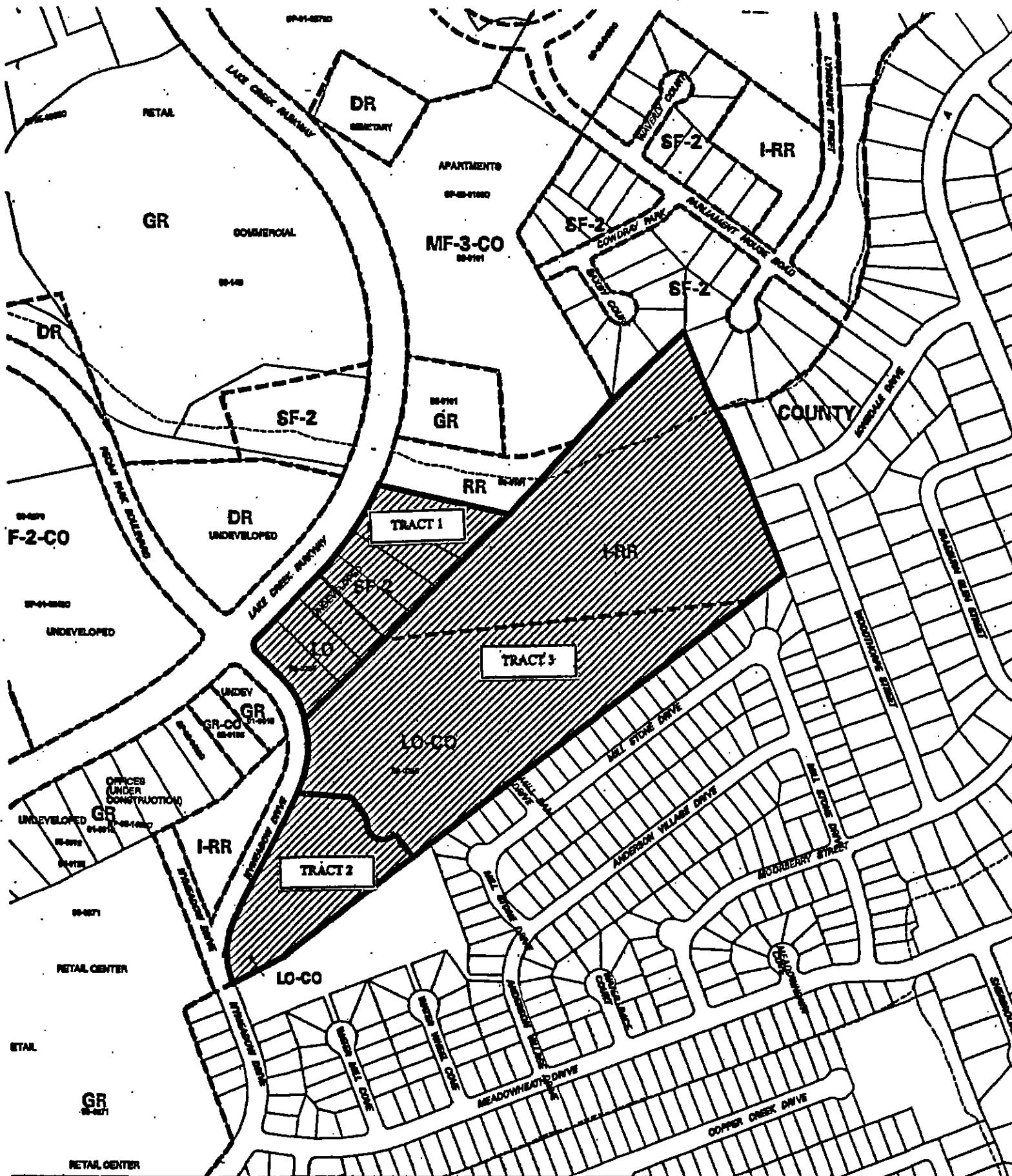






Date: 9/29/05
Drawn by: SWW
File Name: 04-078R
PROJECT NUMBER
04-078

3DS, Inc.
Land Surveyors
GPS Services
Subdivisions • Topographic
Construction • Commercial • Boundaries
P.O. Box 850
923 Loop 332
Liberty Hill, Texas 78642



(512) 515-5888
Fax 515-5878



 1" = 400'	SUBJECT TRACT		ZONING EXHIBIT C		CITY GRID REFERENCE NUMBER G39
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-05-0100	DATE: 05-10	
	CASE MGR: B.SIRWAITIS		ADDRESS: 10101 LAKE CREEK PKWY	INTLS: SM	
	SUBJECT AREA (acres): 38.014				

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0100

Z.A.P. DATE: August 2, 2005
August 16, 2005

ADDRESS: 10101-10113 Lake Creek Parkway

OWNER/APPLICANT: Ardennes, L.P. by CGA Ardennes GP, LLC
(David E. Castilla & Paula Vangrieken)

AGENT: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.)

<u>ZONING FROM:</u> Tract 1: LO, SF-2	<u>TO:</u> Tract 1: LO	<u>AREA:</u> Tract 1: 5.807 acres
Tract 2: LO-CO	Tract 2: SF-6	Tract 2: 4.080 acres
Tract 3: LO-CO, I-RR	Tract 3: SF-4A	<u>Tract 3: 26.127 acres</u>
		Total: 36.014 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant LO-CO (Limited Office-Conditional Overlay District) zoning for Tract 1, SF-6 (Townhouse & Condominium Residence District) zoning for Tract 2, and SF-4A (Single Family Residence-Small Lot District) zoning for Tract 3.

The proposed conditional overlay for Tract 1 prohibits access to Mill Dam Drive and Lonsdale Drive because these roadways serve single-family areas and are classified as local streets.

ZONING AND PLATTING COMMISSION:

8/02/05: Postponed to 8/16/05 by the neighborhood (8-0, J. Martinez-absent); J. Gohil-1st, C. Hammond-2nd.

8/16/05: Approved staff's recommendation for LO-CO, SF-6, and SF-4A zoning by consent (8-0, K. Jackson-absent); J. Gohil-1st, M. Hawthorne-2nd.

DEPARTMENT COMMENTS:

The property in question is currently undeveloped and densely vegetated. The applicant is requesting LO, Limited Office District, zoning for the front portion of the site (Tract 1) located on Lake Creek Parkway. In addition, the applicant would like to down zone the property fronting Hymeadow Drive to SF-6, Townhouse & Condominium District, zoning (Tract 2). Finally, the applicant is requesting a down zoning of the LO-CO property to the south (Tract 3) to SF-4A, Single Family Residence-Small Lot District, zoning adjacent to the Anderson Mill residential neighborhood.

The staff recommends the applicant's request for a rezoning of the site under consideration because the proposed rezoning will create a transition in uses from Lake Creek Parkway to the established residential neighborhoods to the north and south. The staff believes that LO district zoning is appropriate for Tract 1 because these lots are located on and will take access to a primary collector roadway, Lake Creek Parkway. The staff also recommends the rezoning of Tract 2 from LO-CO to SF-6 district zoning because the site is located on a residential collector street across from an existing multifamily use (Pecan Hills Apartments). In addition, the staff recommends the down zoning of Tract 3 to SF-4A district zoning because the property is adjacent to a single-family residential neighborhood to the south (Anderson Mill Residential Neighborhood).

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO, SF-2, LO-CO, I-RR	Undeveloped
<i>North</i>	RR, GR, MF-3-CO, SF-2	Floodplain, COA Fire/EMS Station, Apartments, Single-Family Residential Neighborhood
<i>South</i>	County	Pocket Park (Old Stage Park), Single-Family Residential Neighborhood
<i>East</i>	County	Single-Family Residential Neighborhood
<i>West</i>	DR, MF-2-CO, GR, I-RR, GR	Undeveloped Tracts

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:

281 – Anderson Mill Neighborhood Association

454 – Neighborhood Association of Southwest Williamson County

SCHOOLS:

Forest North Elementary School

Deer Park Middle School

McNeil High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0196	SF-2 to GR	1/28/03: Approved GR-CO zoning, prohibit all Automotive uses [Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type)] (6-0, K. Jackson, J. Martinez -off dias, J. Donisi-absent)	2/27/03: Granted GR-CO on all 3 readings (6-0, Goodman-out of room)
C14-01-0018	SF-2 to GR	3/27/01: Approved staff rec. of GR (7-2, JM/RC-No)	4/26/01: Approved GR (7-0); 1 st reading 6/14/01: Approved GR (6-0); 2 nd /3 rd readings; Lot with 10117 address pulled out of rezoning request by the applicant
C14-00-2270	DR to MF-2	2/6/01: Approved staff rec. of MF-2 w/ condition of on-site detention (9-0)	3/8/01: Approved MF-2 w/ conditions (7-0); all 3 readings
C14-98-0271	I-RR to GR	2/2/99: Approved staff rec. of GR by consent (8-0)	3/25/99: Approved PC rec. of GR (7-0); all 3 readings
C14-98-0255	Tract 1: SF-2 to LO Tract 2: DR to LO	4/13/99: Approved LO (TR1), NO-CO (TR2), RR (floodplain) & RC (7-0)	2/10/00: Approved PC rec. of LO (TR1), NO-CO (TR2), and RR (floodplain area); (6-0)
C14-97-0125	SF-2 to GR	10/28/97: Approved staff rec. of GR (9-0)	11/20/97: Approved GR zoning (7-0); all 3 readings-emergency passage due to pending sale of the property
C14-96-0101	Tract A: GO, LR to GR Tract B: LR, LO to MF-3-CO Tract C: DR to GR	10/1/96: Approved staff alternate rec. of GR (TR1&3), MF-3-CO (TR2), and RR (9-0)	10/24/96: Approved PC rec. of GR (TR1&3), MF-3-CO (Portion of TR2), and RR (Balance of TR2) w/ conditions (6-0); all 3 readings
C14-95-0012	RR to GR	2/28/95: Approved GR-CO (7-0)	3/30/95: Approved GR-CO w/conditions (6-0); all 3 readings

RELATED CASES: C14-98-0255

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Lake Creek Parkway	120'	Varies	Primary Collector
Hymeadow Drive	70'	Varies	Collector
Mill Dam Drive	50'	30'	Local
Lonsdale Drive	60'	28'	Local

CITY COUNCIL DATE: September 29, 2005

ACTION: Approved LO-CO zoning for Tract 1, SF-6 zoning for Tract 2, and SF-4A zoning for Tract 3 by consent (7-0); 1st reading

November 3, 2005

ACTION: Postponed to November 17, 2005 by the applicant (7-0)

November 17, 2005

ACTION: Postponed to December 1, 2005 by consent at the neighborhood association's request (7-0)

December 1, 2005

ACTION:

ORDINANCE READINGS: 1st 9/29/05

2nd

3rd





ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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

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ASTOR LENOX TILDEN FOUNDATION
500 5TH AVENUE
NEW YORK 17, N.Y.**



 1" = 400'	SUBJECT TRACT 	ZONING CASE #: C14-05-0100 ADDRESS: 10101 LAKE CREEK PKWY SUBJECT AREA (acres): 36.014	DATE: 05-08 INTLS: SM	CITY GRID REFERENCE NUMBER 038
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: S.SIRWAITIS			

STAFF RECOMMENDATION

The staff's recommendation is to grant LO-CO (Limited Office-Conditional Overlay District) zoning for Tract 1, SF-6 (Townhouse & Condominium Residence District) zoning for Tract 2, and SF-4A (Single Family Residence-Small Lot District) zoning for Tract 3.

The proposed conditional overlay for Tract 1 prohibits access to Mill Dam Drive and Lonsdale Drive because these roadways serve single-family areas and are classified as local streets.

BASIS FOR RECOMMENDATION

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

Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

Single-family residence small lot (SF-4A) district is the designation for a moderate density single-family residential use on a lot that is a minimum of 3,600 square feet. An SF-4A district use is subject to development standards that maintain single family neighborhood characteristics.

Townhouse and condominium residence (SF-6) district is the designation for a moderate density single family, duplex, two-family, townhouse, and condominium use that is not subject to the spacing and location requirements for townhouse and condominium use in an SF-5 district. An SF-6 district designation may be applied to a use in an area with large lots that have access to streets other than minor residential streets. An SF-6 district may be used as a transition between a single family and multifamily residential use.

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

The proposed rezoning will create a transition in uses from Lake Creek Parkway to the established residential neighborhoods to the north and south. The LO district is appropriate for Tract 1 because this site is located on and will take access to a primary collector roadway. There is GR district zoning to the north and southwest of this site, along Lake Creek Parkway.

The down zoning of Tract 2 to the SF-6 district will promote consistency because the site is located on a residential collector street across from an existing multifamily use. Tract 2 is separated from the Anderson Mill Residential Neighborhood by a pocket park, Old

Stage Park. The rezoning of Tract 2 to SF-6 district zoning will provide a variety of housing options in the area of the city.

In addition, the down zoning of Tract 3 to SF-4A district zoning promotes orderly planning because the property is located adjacent to and will take access through an existing single-family residential neighborhood to the south.

EXISTING CONDITIONS

Site Characteristics

The subject tract is currently undeveloped and densely vegetated. There appears to be floodplain running through the northern edge of the site. The property fronts Lake Creek Parkway a primary collector roadway. There are commercial uses (a retail center containing a Walmart Supercenter) to the north of the site, across Lake Creek Parkway. Old Stage Park and the Anderson Mill single-family residential neighborhood are located to the south of the property in question.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the SF-4A zoning district would be 55 %, the SF-6 zoning district would be 55%, and LO zoning district would be 70%. However, if the Watershed impervious cover is more restrictive than the GR zoning district's allowable impervious cover, the impervious cover on this site could 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>% 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%

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 a floodplain 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.

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.

Transportation

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

If the requested zoning is granted, it is recommended that access to Mill Dam Drive and Lonsdale Drive be prohibited as a condition of zoning from all non-residential uses because these roadways serve single family areas and are classified as local streets.

Capital Metro bus service is not available within 1/4 mile of this property.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
Lake Creek Parkway	120'	Varies	Primary Collector
Hymeadow Drive	70'	Varies	Collector
Mill Dam Drive	50'	30'	Local
Lonsdale Drive	60'	28'	Local

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.

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 the water and wastewater utility improvements, offsite main extension, system upgrades, utility relocation, and adjustment. 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. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

Stormwater Detention

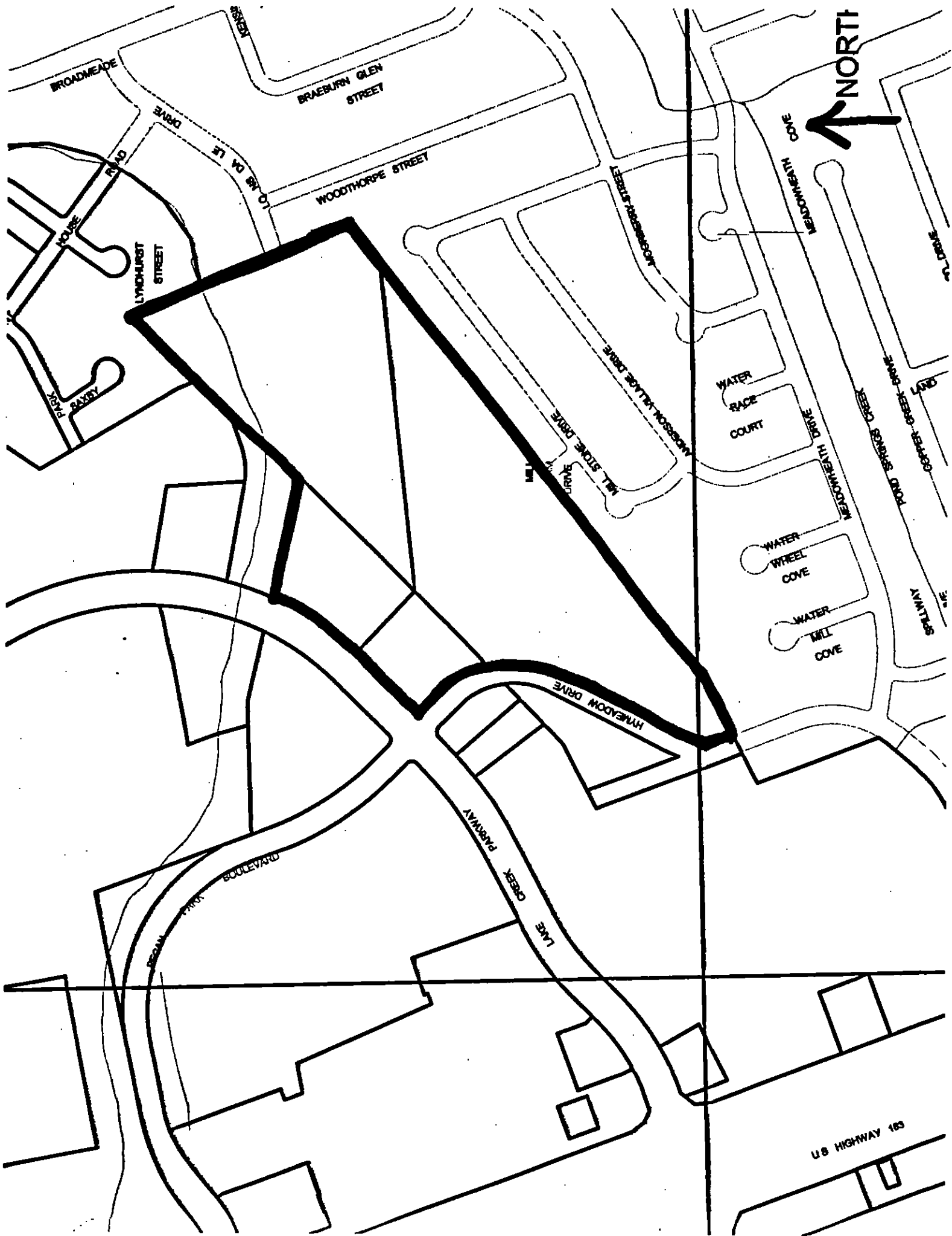
At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Compatibility Standards

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.

The site is subject to compatibility standards. Along the northwest property line along Lake Creek Parkway, 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.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- No parking or driveways are allowed within 25 feet of the property line.
- 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.





- 7. Zoning:** C14-05-0094 - Car Wash
Location: Rutherford Lane, Walnut Creek Watershed
Owner/Applicant: Sokna Loeung
Agent: Austin American Property (Kim Xong Tran)
Postponements: Postponed from 07/19/05 (staff); Postponed to 08/16/05 (neighborhood)
Request: SF-3 to GR-CO
Staff Rec.: RECOMMENDED WITH CONDITIONS
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

***DENIED STAFF'S RECOMMENDATION FOR GR-CO ZONING.
 [J.M; C.H 2ND] (8-0) K.J - ABSENT***

- 8. Rezoning:** C14-05-0100 - Lake Creek Park
Location: 10101 Lake Creek Parkway, Lake Creek Watershed
Owner/Applicant: Ardennes, L.P. by GCA Ardennes GP, LLC (David E. Castilla)
Agent: Armbrust & Brown, L.L.P. (Lynn Ann Carley)
Postponements: Postponed to 8/16/05 (neighborhood)
Request: LO, SF-2, LO-CO, I-RR to LO, SF-6, SF-4A
Staff Rec.: RECOMMENDED WITH CONDITIONS
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

***APPROVED STAFF'S RECOMMENDATION FOR LO-CO, SF-6 & SF-4A ZONING; BY
 CONSENT.
 [J.G; M.H 2ND] (8-0) K.J - ABSENT***

- 9. Rezoning:** C14-05-0104 - Smith 1.2
Location: 11912-B North Lamar Boulevard, Walnut Creek Watershed
Owner/Applicant: Clay Chip Smith
Agent: Bennett Consulting (Jim Bennett)
Request: NO to GO
Staff Rec.: RECOMMENDED
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

***APPROVED STAFF RECOMMENDATION OF GO-CO ZONING WITH ADDED
 CONDITIONS OF:***

- ***10' LANDSCAPE BUFFER;***
- ***DETENTION ADDRESSED AT TIME OF SITE PLAN***

**** RESTRICTIVE COVENANT TO PROHIBIT MODELING SERVICES AND TO BE FILED
 PRIOR TO 3RD READING AT CITY COUNCIL.***

AMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2380

LYNN ANN CARLEY
(512) 435-2378
lcarley@abastin.com

June 21, 2005

Greg Guernsey
City of Austin
Manager for Development Services
505 Barton Springs Road
Austin, Texas 78701

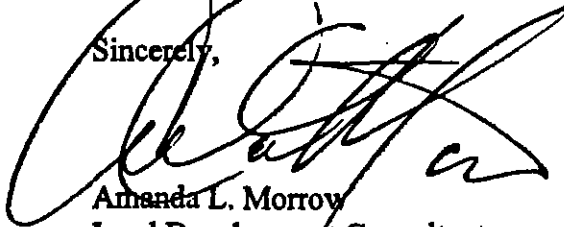
Re: Lake Creek Park Zoning Change

Dear Mr. Guernsey:

It is my client's intent to rezone approximately 36.014 acres of property located on the northeast corner of Lake Creek Parkway and Pecan Creek Parkway/Hymeadow Drive. Approximately 5.807 acres is proposed to be rezoned from LO/SF-2 to LO, in order to be utilized as medical office. Approximately 4.08 acres is proposed to be rezoned from LO-CO to SF-6, in order to be utilized as townhomes or condos and approximately 26.127 acres is proposed to be rezoned from LO-CO/I-RR to SF-4A, in order to be utilized as single family homes. Currently, the entire property is vacant. Access to the site is proposed via Lake Creek Parkway and Hymeadow Drive.

Thank you for your time and consideration. If you have any questions, comments, or need additional information, please do not hesitate to contact me.

Sincerely,



Amanda L. Morrow
Land Development Consultant

Sirwaitis, Sherri

From: Lynn Ann Carley [lcarley@abaustin.com]

Sent: Monday, August 15, 2005 1:21 PM

To: bbaker@austintexas.org; chammond1@austin.rr.com; apsinc@bga.com; jdonisi@bickerstaff.com; jay@jaygohilrealty.com; kbjackson@pbsj.com; josephmartinez@yahoo.com; Pinnelli@flash.net; trabago@austin.rr.com

Cc: Sirwaitis, Sherri; Richard Suttle, Jr.

Subject: ZAP Agenda Item #8 - Lake Creek Park (C18-05-0100)

Dear Zoning and Platting Commission Members:

Armbrust & Brown, L.L.P. represents the applicant for agenda item #8 before you on Tuesday, August 16, 2005. This property is currently zoned LO/SF-2/LO-CO/I-RR. We are requesting a zoning change to LO/SF-6/SF-4A.

The zoning change request will down zone the property nearest to the existing single family homes. Single family homes are proposed to be constructed adjacent to the existing single family homes in the neighborhood. The following provides the existing and proposed zoning for each tract. I have attached a figure that shows how the three tracts are laid out.

Tract One - proposed 40,000 square feet of office
LO/SF-2 (Existing) to LO (Proposed)

Tract Two - proposed 50 townhomes
LO-CO (Existing) to SF-6 (Proposed)

Tract Three - proposed 82 single family homes
LO-CO/I-RR (Existing) to SF-4A (Proposed)

Attached is a support letter from The Neighborhood Association of Southwestern Williamson County. Currently, there is a restrictive covenant with Neighborhood Association. We have met with the Neighborhood Association and are in the process of creating a new restrictive covenant, which would be applicable to our proposed land use plan for the property. The existing restrictive covenant, which we plan to terminate, was written in conjunction with a land use plan that has primarily commercial uses. Therefore, it is not applicable to our proposed development. The Neighborhood Association has provided their support of this project contingent on finalizing the new restrictive covenant, which our client is committed to completing.

Upon your review of this information, please feel free to contact me with any questions.

Thanks,
Lynn Ann

Lynn Ann Carley
Senior Land Development Consultant
Armbrust & Brown, L.L.P.
100 Congress Avenue, Suite 1300
Austin, Texas 78701-2744
Phone: (512) 435-2378
Fax: (512) 435-2360
Email: lcarley@abaustin.com

<<support.PDF>> <<tracts.PDF>>



August 14, 2005

Ms. Sherri Sirwaitis
City of Austin
Neighborhood Planning & Zoning Department
P.O. Box 1088
Austin, TX 78767-8810

Re: File Number C14-05-0100

Dear Ms. Sirwaitis,

The Neighborhood Association of Southwestern Williamson County (NASWC) holds Restrictive Covenants on this property dating back to 2001, which were written to support the current zoning on the property.

NASWC was contacted by representatives from Armbrust & Brown, Agent for the Owner, asking for our support in their request for rezoning the property, and for revision of our current Restrictive Covenants.

Members of the NASWC Zoning Committee have met twice with representatives of Armbrust & Brown and of the property owner to review their plans for the property and to begin discussions and revisions to the existing Restrictive Covenants.

The Owner has applied for a rezoning of the property as three tracts: LO on Tract 1, SF-6 on Tract 2, and SF-4A on Tract 3. According to the designs presented to our NASWC committee, the property would be developed with professional office buildings on Tract 1, single family condominiums on Tract 2, and single family residential homes on Tract 3.

The Neighborhood Association of Southwestern Williamson County is supportive of the proposed zoning change; however that support is contingent upon new Restrictive Covenants between the Owner and the Association being finalized, signed and filed in the Real Property Records of Williamson County, Texas before the final approval of these zoning changes by the Austin City Council.

We believe the change in zoning to allow for single family homes to be built adjacent to current neighborhood homes will make for a smoother transition from residential to commercial development along Lake Creek Parkway.

Based on the design presented to NASWC by the representatives of the Owner, and on the condition that new Restrictive Covenants are completed, we support the rezoning of this property from LO, LO-CO, I-RR to LO on Tract 1, SF-6 on Tract 2, and SF-4A on Tract 3.

Sincerely yours,

A handwritten signature in black ink, reading "Kurt B.W. Nieuwenhuis". The signature is written in a cursive, flowing style.

Kurt Nieuwenhuis
NASWC President

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.ci.austin.tx.us/development

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: C14-05-0100

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

August 2, 2005 Zoning and Platting Commission

BHAGUBHAI K. PATEL

Your Name (please print)

13019, MILL STONE DRIVE

Your address(es) affected by this application

7/27/05
Date

Comments:

I object this zoning change, because of family living nearby. This will create lots of noise, traffic and even crimes at night. We do not need office condominium re-zoning. Property value may go down for single family homes

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

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810



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Case Number: C14-05-0100

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

August 2, 2005 Zoning and Platting Commission

Lori Jacobson

Your Name (please print)

13183 Mill Stone Drive, Austin, TX 78779

Your address(es) affected by this application

Lori Jacobson

Signature

7/30/05

Date



Comments: When I bought my house I was told the lot in question was zoned for 2 story office Bldgs. That did not bother me because most offices are closed at night on the weekends. Apartments opens a whole other set of potential problems i.e. Noise @ night, potential for increase risk of theft + burglary in my neighborhood. If I knew there was potential for Apts behind my house

If you use this form to comment, it may be returned to: I may not have bought my
City of Austin
Neighborhood Planning and Zoning Department house.
Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-05-0100

Contact: Sherri Sirvaitis, (512) 974-3057

Public Hearing:

August 2, 2005 Zoning and Platting Commission

Don Moran
Your Name (please print)

13149 Mill Street

Your address(es) affected by this application

Don Moran UPLC

Signature

Date

Comments: Who will pay the financial

compensation for my lost property

value?

Compromise is that 25-50 feet of

width be left between my fence and

any development.

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

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirvaitis

P. O. Box 1088

Austin, TX 78767-8810

