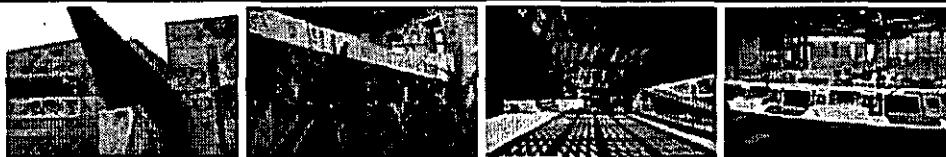


A U S T I N C I T Y C O U N C I L

AGENDA

Thursday, August 31, 2006

+ Back Print

**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION****ITEM No. 61**

Subject: C14-06-0100 - Bull Creek Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4320-4330 Bull Creek Road (Shoal Creek Watershed) from multi-family residence-moderate-high density (MF-4) district zoning to multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate-high density (MF-4) district zoning and multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. Applicant: ACS/Quali Ridge Properties (Manny Farahani). Agent: Ardent Residential (Brett Denton). City Staff: Jorge E. Rousselin, 974-2975.

Additional Backup Material

(click to open)

☐ **Staff Report****For More Information:** Jorge E. Rousselin, 974-2975.

ZONING REVIEW SHEET**CASE:** C14-06-0100**Z.A.P. DATE:** June 6, 2006
June 20, 2006
August 1, 2006**ADDRESS:** 4320-4330 Bull Creek Road**OWNER:** ACS/Quali Ridge Properties
(Manny Farahani)**AGENT:** Ardent Residential
(Brett Denton)**REZONING FROM:** MF-4 (Multi-family residence –moderate high density) district**TO:** MF-6-CO (Multi-family residence-highest density– conditional overlay) district**AREA:** 3.843 Acres**SUMMARY ZONING AND PLATTING COMMISSION RECOMMENDATION:***August 1, 2006:***APPROVE MF-6-CO WITH CONDTIONS OF:**

- **MAXIMUM BUILDING HEIGHT OF 65-FEET;**
- **F.A.R CAPPED AT 2.25 TO 1;**
- **25-FEET SETBACK FROM BULL CREEK;**
- **25-FEET SETBACK FROM 44TH STREET;**
- **ACCESS WILL BE LIMITED TO BULL CREEK;**
- **2000 VEHICLE TRIP LIMIT;**
- **MAXIMUM OF 250 UNITS;**

[K.JACKSON, C.HAMMOND 2ND] (6-3) B.BAKER, J.PINNELLI, J.MARTINEZ – NAY**SUMMARY STAFF RECOMMENDATION:**

Staff recommends denial of the rezoning from MF-4 to MF-6-CO and offers an alternate recommendation of MF-4 and MF-6-CO. The recommended conditional overlay shall limit the height on the southern portion of the property to 60 feet in height. The Staff recommendation is based on the following considerations:

- 1.) The proposed office zoning classification and height under MF-6 are incompatible with the existing, established residential neighborhood to the north along West 44th Street and Bull Creek Road;
- 2.) Although subject to compatibility standards, the proposed rezoning will infringe on the zoning buffer created by the established MF-4 district and will not provide a transition to the single-family residences north of West 44th Street;
- 3.) More intensive zoning should be located near the area zoned GO-MU-CO south of the subject site to ensure height compatibility and protect the residential character of the established neighborhood north of West 44th Street; and
- 4.) The alternate Staff recommendation allows for additional height on the southern portion of the property while maintaining the existing MF-4 zoning to the north of the subject site and allows the transition to the established residences to the north.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a 3.843 acre site bounded by West 44th Street to the north, Bull Creek Road to the east, and MoPac Expressway to the west zoned MF-4. The property is developed with two apartment complexes. The applicant wishes to rezone the property to MF-6-CO to allow for the redevelopment of the site for multi-family residential. The applicant also proposes to limit the maximum height of the building to 60 feet and offers a limit on the floor to area ratio (FAR) of 2.25:1 under a proposed conditional overlay. Furthermore, a limit on additional buildings to three stories due to compatibility standards is also offered. A parking structure is proposed along MoPac Expressway as a sound barrier. The floor to area ratio (FAR) under MF-4 will not allow for the proposed development at 75 feet as requested.

MF-4 Development Standards:

MF-4	
Maximum Height:	60 feet
Maximum Building Coverage:	60%
Maximum Impervious Cover:	70%
Maximum Floor Area Ratio:	0.75:1

Source: The Code of the City of Austin, Volume III, Chapter 25-2-492

MF-6 Development Standards:

MF-6	
Maximum Height:	90 feet
Maximum Building Coverage:	70%
Maximum Impervious Cover:	80%
Maximum Floor Area Ratio:	-

Source: The Code of the City of Austin, Volume III, Chapter 25-2-492

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-4	Apartments
<i>North</i>	SF-3	Single-family residences
<i>South</i>	MF-4	Apartments
<i>East</i>	UNZ	Texas Department of Transportation
<i>West</i>	N/A	MoPac Expressway

AREA STUDY: North Lamar

TIA: Waived (See Transportation comments)

WATERSHED: Taylor Slough North

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

55--Northwood Homeowners Assn.

480--Scofield Farms Residents Assn.

64--River Oaks Lakes Estates Neighborhood

511--Austin Neighborhoods Council

114--North Growth Corridor Alliance

742--Austin Independent School District

SCHOOLS:

Austin Independent School District

- Pillow Elementary School
- Burnet Middle School
- Anderson High School

RELATED CASES: N/A**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-99-0080	LO and SF-3 to GO	06/15/99: APVD STAFF REC OF GO-MU-CO W/ADTL CONDS (5-0-1, BH-ABSTAIN)	07/15/99: APVD PC REC OF GO-MU-CO W/CONDS (6-0) 1ST RDG 09/09/99: APVD 2ND/3RD RDGS (7-0)
C14-02-0147	SF-3 to SF-6	03/04/03: PULLED	11/06/03: EXPIRED

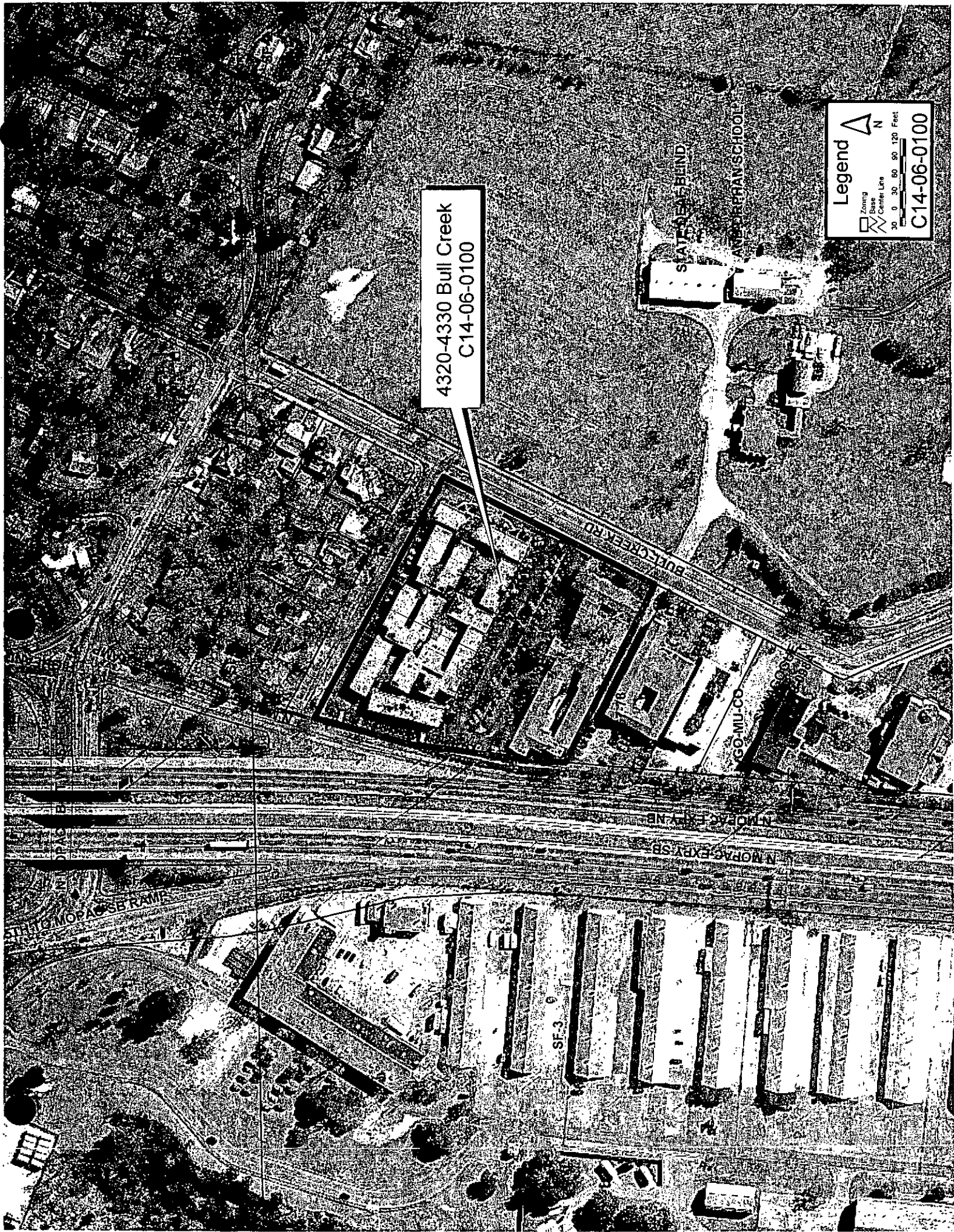
ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	SIDEWALKS
MoPac	Varies	Varies	Arterial	No	Yes
Bull Creek Road	60'	40'	Collector	Yes	Yes
West 44 th Street	50'	Varies	Local	No	No

CITY COUNCIL DATE:

August 31, 2006

ACTION:**ORDINANCE READINGS:** 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** jorge.rousselin@ci.austin.tx.us



4320-4330 Bull Creek
C14-06-0100

Legend

North Arrow

Zoning
Base
Center Line

30 0 30 60 90 120 Feet

C14-06-0100

STAFF RECOMMENDATION

Staff recommends denial of the rezoning from MF-4 to MF-6-CO and offers an alternate recommendation of MF-4 and MF-6-CO. The recommended conditional overlay shall limit the height on the southern portion of the property to 60 feet in height. The Staff recommendation is based on the following considerations:

- 1.) The proposed office zoning classification and height under MF-6 are incompatible with the existing, established residential neighborhood to the north along West 44th Street and Bull Creek Road;
- 2.) Although subject to compatibility standards, the proposed rezoning will infringe on the zoning buffer created by the established MF-4 district and will not provide a transition to the single-family residences north of West 44th Street;
- 3.) More intensive zoning should be located near the area zoned GO-MU-CO south of the subject site to ensure height compatibility and protect the residential character of the established neighborhood north of West 44th Street; and
- 4.) The alternate Staff recommendation allows for additional height on the southern portion of the property while maintaining the existing MF-4 zoning to the north of the subject site and allows the transition to the established residences to the north.

BASIS FOR RECOMMENDATION

1. Zoning changes should promote compatibility with adjacent and nearby uses.

The requested zoning is not compatible with the established single-family neighborhood to the north. Although subject to compatibility standards, the proposed zoning will infringe on the character of the neighborhood by implementing height standards incompatible with adjacent height limitations along the north side of West 44th Street. The alternate Staff recommendation allows for a transition to occur between more intensive zoning and the established neighborhood.

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

There are no other residential properties with MF-6 development standards on or near West 44th Street and Bull Creek Road that justify a change in height and FAR at the proposed location.

3. Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

The current zoning of MF-4 allows for a transition to the established residential neighborhood to the north. Properties located south of the subject property zoned GO-MU-CO are predominantly more intensive in zoning and the established MF-4 serves as a buffer to the residential properties to the north. A change in height at this location will disrupt the transition to the less intense residential land uses.

4. No change in conditions has occurred within the area indicating that there is a basis for changing the originally established zoning and development restrictions for the property.

A change in land use patterns and conditions has not been demonstrated that justifies a change in height at the subject site. The alternate Staff recommendation maintains the integrity of the established residential neighborhood.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of a 3.843 acre site bounded by West 44th Street to the north, Bull Creek Road to the east, and MoPac Expressway to the west zoned MF-4. The property is developed with two apartment complexes. The applicant wishes to rezone the property to MF-6-CO to allow for the redevelopment of the site for multi-family residential. The applicant also proposes to limit the maximum height of the building to 60 feet and offers a limit on the floor to area ratio (FAR) of 2.25:1 under a proposed conditional overlay. Furthermore, a limit on additional buildings to three stories due to compatibility standards is also offered. A parking structure is proposed along MoPac Expressway as a sound barrier. The floor to area ratio (FAR) under MF-4 will not allow for the proposed development at 75 feet as requested.

Transportation

1. No additional right-of-way is needed at this time. Additional right-of-way may be required with any redevelopment of the site.
2. The trip generation under the requested zoning is estimated to be 846 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).
3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]
4. Capital Metro bus service is not available within 1/4 mile of this property.

Environmental and Impervious Cover

PLEASE NOTE THAT THE PROPOSED ZONING CASE IS LOCATED IN TWO WATERSHEDS ACCORDING TO THE CITY'S GIS MAP. THE MAJORITY OF THE SITE IS IN THE TAYLOR SLOUGH NORTH WATERSHED, WHICH IS CLASSIFIED AS WATER SUPPLY SUBURBAN. A SMALLER PORTION ABUTTING MOPAC IS IN THE JOHNSON CREEK WATERSHED, WHICH IS CLASSIFIED AS URBAN. FURTHER INFORMATION CAN BE SUBMITTED TO CONFIRM THE WATERSHED BOUNDARIES.

FOR THE AREA LOCATED IN THE WATER SUPPLY SUBURBAN WATERSHED, THE FOLLOWING COMMENTS APPLY:

1. Part of the site is located over the Edward's Aquifer Recharge Zone. The site is in the Taylor Slough North Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code. 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%

2. According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.
3. The site is not located within the endangered species survey area .
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. At this time, sitespecific 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.
6. Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.
7. At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code requirements.

FOR THE AREA LOCATED IN THE URBAN WATERSHED, THE FOLLOWING COMMENTS APPLY:

1. Part of the site is located over the Edwards Aquifer Recharge Zone. The site is located in the Johnson Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. 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.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

1. The landowner intends to serve the site with City water and wastewater utilities.
2. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and utility relocation.
3. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility.
4. The plan must be in accordance with the City design criteria.
5. The water and wastewater utility construction must be inspected by the City.
6. The landowner must pay the associated and applicable City fees.

Site Plan and Compatibility Standards

1. Although the proposed MF-6 zoning would allow a 90' height, compatibility standards would limit the allowable height of any structure within 100' of the SF-3 property to the north to 3 stories or 40', with a 1 foot of height additional allowable for each 10 feet of lateral distance further away from the residential property. LDC [25-2-1063]

1916 W. 40th St.
Austin, TX 78731
June 16, 2006

Ms. Betty Baker
Chair, Zoning and Platting Commission
City of Austin
Austin, TX 78701

Dear Chairperson Baker:

The Oakmont Heights Neighborhood Association Executive Committee at its June 15 meeting voted unanimously to support the requested zoning change (C14-06-0100) for 4320 and 4330 Bull Creek Rd. from MF-4 to MF-6-CO, contingent on certain restrictions being included in the conditional overlay and implementation of the proposed project on the site as represented to area neighborhood residents by Ardent Residential. Our principal concern is for the residents of W. 44 St. adjacent to the proposed Bull Creek Apartments project. We urge the commission and the city council to take whatever steps are necessary to ensure that any zoning change minimizes the potential adverse impact on these residents of more intensive use of the property.

Our understanding is that the conditional overlay for the MF-6 zoning on the site would limit maximum building height to 60 feet, limit the maximum floor to area ratio (FAR) to 2.25 to 1, and require a minimum 25-foot building setback from both Bull Creek Rd. and W. 44th St.. These restrictions would be in addition to the application of city compatibility standards triggered by proximity to the residences on W. 44th St. and the limitation that any proposed development on the site generate no more than 2,000 additional traffic trips per day. Ardent Residential has represented that any project on the site would have no more than 250 apartments, that traffic access to the apartments would be primarily to and from Bull Creek Rd. rather than W. 44th St., and that every effort would be made to protect and preserve the existing mature trees on the site. Our support for the zoning change is based on these representations, and we would urge that they be taken into consideration in placing any additional necessary restrictions on MF-6 zoning for the site.

Ardent Residential, the prospective owner of the property, has committed to continuing to seek input from area residents as their plans to redevelop the site proceed. Our support for the zoning change also is based on that commitment.

We appreciate the opportunity to comment, and if we can provide any additional information or answer any questions, please contact me.

Sincerely,



Tom Whatley
President,
Oakmont Heights Neighborhood Association

Cc: Brett Denton; Michael Whellan; Jorge Rousselin

Griff Smith ~ 2806 West 44th Street ~ Austin, TX 78731
slidesmith@sbcglobal.net ~ 294-4997

6/15/06

RECEIVED

JUN 20 2006

Mayor Will Wynn and the Austin City Council
City of Austin
Neighborhood Planning and Zoning Department
C/O: Jorge Rousselin
PO Box 1088
Austin, TX 78767-8810

Neighborhood Planning & Zoning

Case Number C14-06-0100

To whom this may concern,

I live at 2806 West 44th Street, across the street from the Bull Creek Apartments. I am writing this letter with very mixed emotions. I am concerned about the impact a proposed zoning change will have on my neighborhood of nearly twenty years. If the change from MF4 to MF6 is implemented, and if the State of Texas decides to abandon their plan to place the State Cemetery Annex on the east side of 45th and Bull Creek, my fear is that this will leave a large plot of land open for the commercial development of ninety foot tall structures. I'm not very excited about the idea of having oversized structures in my neighborhood or in full view of my living room window.

If the zoning change Ardent seeks is approved, I would like you to please consider the following:

- Main entrance to the new structure should be on Bull Creek. Children are currently able play on 44th Street due to minimal traffic.
- If the main entrance is placed on 44th, I believe there will be at least four times more traffic than there is today.
- Adequate parking for apartment residents and their guests should be confined to the proposed parking garage if at all possible. My guests and I may be unable to park in front of my residence if Ardent is allowed too much overflow guest parking on 44th street.
- During a heavy rainfall, water drainage from the current Bull Creek Apartments creates flooding in my front yard. In 1990, the back floor board of my car was flooded. I would like Ardent to plan for adequate drainage on the 44th Street side of the new structure.
- Ardent has said that I will see a three story structure from my front door. I request that the new structure be set back at least 10 feet from where the current structure now stands. Ardent says they plan to landscape the 44th Street side of the new structure. I request that this part of the plan be

implemented. This will significantly improve the aesthetic nature of the new structure and enhance the quality of life for local residents, such as myself.

- Due to a concern for my health, during demolition and construction, I request that steps be taken to significantly reduce dust particles from reaching my property. After construction, if dust is present, I request that Ardent be responsible for clean up of all dust particle residue.

Ardent Residential appears to care about my neighborhood. During meetings with Ardent at Westminster Manor, they seemed to listen to, and address my concerns. They provided site plan information, answered questions, and showed an openness to my requested changes.

In closing, I understand that progress and change are inevitable in our growing city. Ardent seems like a good company. If someone is going to develop this area, they appear well qualified for the job. Should the zoning change Ardent is requesting be rejected because it is deemed not good for my neighborhood, I'll be happy with that decision too.

Thank you for your time and consideration. Please feel free to contact me by e-mail, slidesmith@sbcglobal.net or by phone, 512-294-4997.

Sincerely,



J. Griffis Smith

**Mr. Paul M. Goertz
4404 Bull Creek Road
Austin, Texas 78731**

RECEIVED

June 20, 2006

JUN 21 2006

Mayor and City Council Members
Austin City Hall
Austin, Texas 78701

Neighborhood Planning & Zoning

RE: The Bull Creek Apartments; Case No. C14-06-0100

Dear Mayor and City Council Members:

I have lived at Bull Creek Road and West 44th Street across from the Bull Creek Apartments for over 40 years. In fact, I watched as the Bull Creek Apartments were built in 1968. Over the last 38 years, the Bull Creek Apartments have deteriorated quite a bit. At least one of my neighbors has admitted that he takes photographs of the complex to show Travis County appraisers at TCAD when he wants to complain that his property value is too high.

I first heard about a possible new development for the Bull Creek Apartments a few months ago when a meeting was organized to allow Mr. Brett Denton to explain what he was considering for the redevelopment of the property. Over the past months, I have attended two neighborhood meetings and the leadership of our neighborhood has had additional communication with Mr. Denton.

I am impressed with Mr. Denton's willingness to meet with us, listen to our concerns and discuss the project. I fully support Mr. Denton's request to rezone the Bull Creek Apartments to MF-6 in order to redevelop the property.

Sincerely,



Paul M. Goertz

Ardent Residential

Bull Creek Apartments

4320 and 4330 Bull Creek Road

Zoning Case: C14-06-0100

6/17/2006

	MF-4 (current)	MF-6 (application)	Conditional Overlay (requested)
Maximum Height:	60'	90'	** 60'
Maximum F.A.R.:	0.75 to 1	n/a	2.25 to 1
Minimum Setbacks:			
Front Yard:	15'	15'	25'
Street Side Yard:	15'	15'	25'
Interior Side Yard:	5'	5'	5'
Rear Yard:	10'	10'	10'
Impervious Cover:	Subject to redevelopment provisions of City Code		

Other restrictions:

** Compatibility: The northern portion of the site is limited to a height of 40' (three stories)

Primary access to property via Bull Creek Road

Mr. Paul M. Goertz
4404 Bull Creek Road
Austin, Texas 78731

RECEIVED

June 20, 2006

JUN 21 2006

Mayor and City Council Members
Austin City Hall
Austin, Texas 78701

Neighborhood Planning & Zoning

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Sincerely,



Paul M. Goertz