

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

# AGENDA



Thursday, January 25, 2007

+ Back Print

**Zoning and Neighborhood Plan Amendments  
(Public Hearings and Possible Action)  
RECOMMENDATION FOR COUNCIL ACTION**

**ITEM No 38**

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**Subject** C14-06-0212 - 620/183 Limited Partnership - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10700-10724 Lakeline Mall Drive (Lake Creek Watershed) from community commercial (GR) district zoning to community commercial-mixed use (GR-MU) combining district zoning Staff Recommendation To grant community commercial-mixed use (GR-MU) combining district zoning Zoning and Platting Commission Recommendation To grant community commercial-mixed use (GR-MU) combining district zoning Applicant 620/183 Limited Partnership (Fred Thomas) Agent Smith, Robertson, Elliot, Glen, Klein & Bell, L L P (David Hartman) City Staff Tina Bui, 974-2755

**Additional Backup  
Material**

(click to open)

- Staff\_Report
- Ordinance

**For More Information**

## ZONING CHANGE REVIEW SHEET

**CASE** C14-06-0212

**Z A P DATE** December 19, 2006  
January 9, 2007

**ADDRESS.** 10700-10724 Lakeline Mall Drive

**OWNER/APPLICANT.** 620/183 Limited Partnership (Fred Thomas)

**AGENT** Smith, Robertson, Elliot, Glen, Klein & Bell, L L P (David Hartman)

**ZONING FROM** GR                      **TO** GR-MU                      **AREA:** 8.32 acres

### **SUMMARY STAFF RECOMMENDATION**

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

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

12/19/06 Postponed to January 9, 2007 at the request of staff due to a notification error

01/09/07 Approved GR-MU on consent (J Gohil 1<sup>st</sup>, J Pinnelli 2<sup>nd</sup>, G-O, B Baker, S Hale, and J Martinez absent)

### **DEPARTMENT COMMENTS**

The property in question is undeveloped and sparsely vegetated. The site is located at the northeast corner of Lakeline Mall Drive and North Lake Creek Parkway. The property immediately to the north was rezoned from GO, General Office, to CS-MU-CO, Commercial Services-Mixed Use-Conditional Overlay combining district, in 2005 but remains undeveloped. To the east is the Leander Rehabilitation PUD (the Hog Farm PUD), which is also currently undeveloped but zoned for a wide range of mixed uses. Capital Metro's urban commuter rail stop, Lakeline station, is about half a mile to the east of the subject site, just east of the future intersection of Lakeline Mall Drive and Lyndhurst Drive. The subject property is also immediately adjacent to the City's Northwest Park and Ride (Lakeline) Town Center Transit Oriented Development (TOD) District, which is located to the east. The properties to the south and west are zoned GR and are undeveloped. The property to the southwest is zoned CH, Commercial Highway, and is undeveloped.

The staff recommends GR-MU, Community Commercial-Mixed Use District, zoning for the site because the property meets the purpose statement of the GR-MU district. The site is located at the intersection of two major arterial roadways, North Lake Creek Parkway and Lakeline Mall Drive. Additionally, given the close proximity of the future rail station, the staff encourages commercial-mixed use development at this location. GR-MU zoning will allow for a mixture of residential, office, or commercial development that can be compatible with the office development that is allowed to the east of the subject site within the Leander Rehabilitation PUD. GR-MU zoning is also compatible with the CS-MU-CO zoning to the north.

There is a public restrictive covenant that runs with the property. The restrictive covenant imposes certain design standards regarding, for example, required open space, wildflower and naturalized landscaping, lighting, and signs, requires sedimentation-filtration facilities, or other water quality controls acceptable to the City, and requires compliance with the City's Landscape Ordinance.

**EXISTING ZONING AND LAND USES**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR	Undeveloped
<i>North</i>	CS-MU-CO	Undeveloped
<i>South</i>	GR	Undeveloped
<i>East</i>	PUD (Leander Rehabilitation PUD)	Undeveloped (According to the PUD Land Use Plan, the approved land use designation adjacent to the site is Employment Center Office )
<i>West</i>	GR	Undeveloped

**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

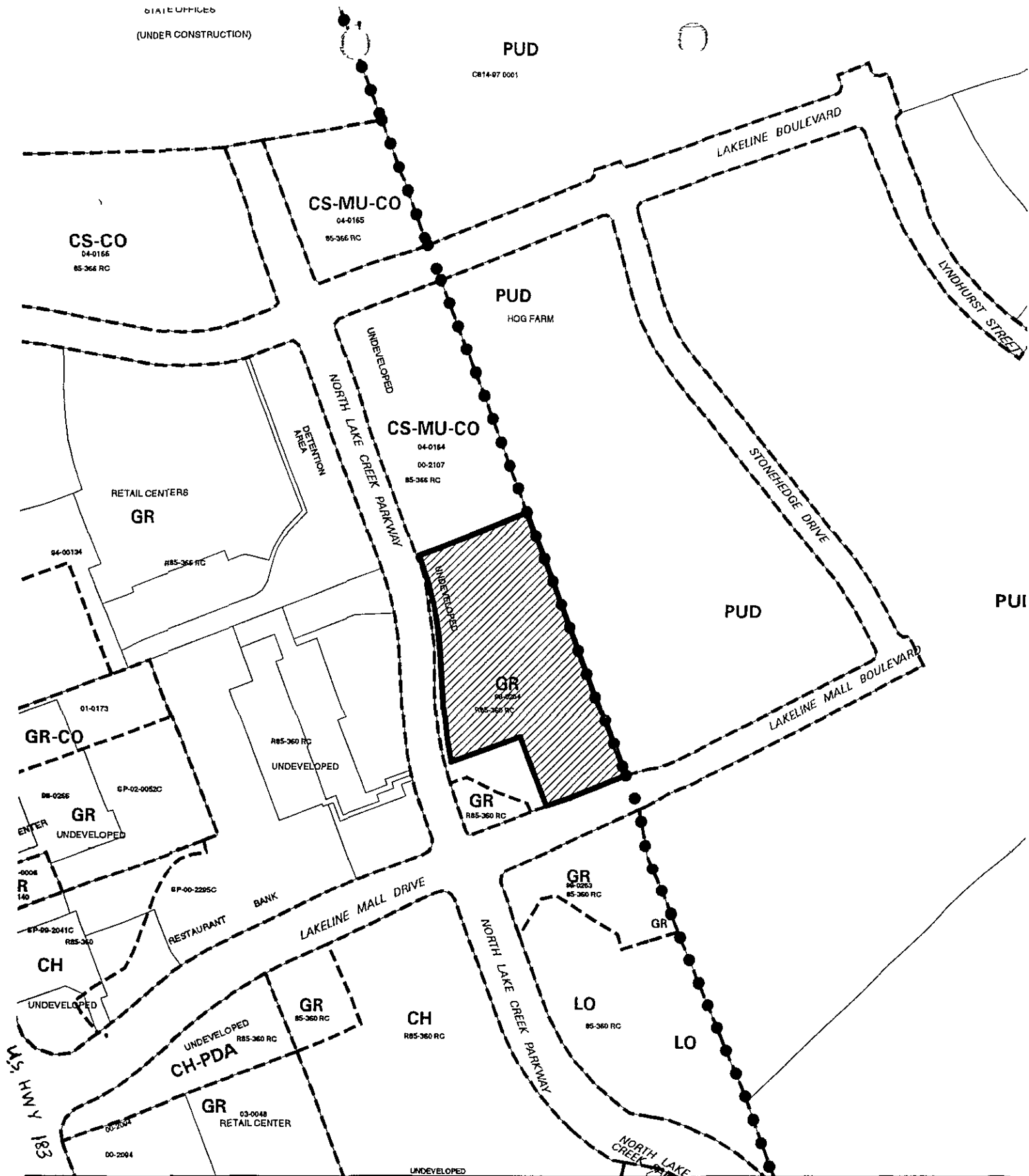
701 – Avery Ranch Neighborhood Association

417 - Home Builders Association of Greater Austin

**CASE HISTORIES.**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-98-0254 (subject site)	MF-6 to GR	4/13/99 PC approved staff recommendation of GR (8-0)	5/13/99 Approved PC recommendation of GR on 1 <sup>st</sup> reading (7-0)  6/03/99 Approved PC recommendation of GR on 2 <sup>nd</sup> and 3 <sup>rd</sup> readings (7-0)
C14-04-0166	GO to CS-CO	6/21/05 ZAP approved CS-CO, prohibiting adult-oriented businesses, exterminating services, and pawn shop services, on consent (8-0)	7/28/05 Approved CS-CO (7-0) on all 3 readings
C14-04-0165	GR to CS-MU-CO	6/21/05 ZAP approved CS-MU-CO, prohibiting adult-oriented businesses, exterminating services, and pawn shop services, on consent (8-0)	7/28/05 Approved CS-MU-CO (7-0) on all 3 readings
C14-04-0164	GO to CS-CO	6/21/05 ZAP approved CS-MU-CO, prohibiting adult-oriented businesses, exterminating services, and pawn shop services, on consent (8-0)	7/28/05 Approved CS-MU-CO (7-0) on all 3 readings
C14-03-0048	DR to GR	4/01/03 ZAP approved GR on consent (9-0)	5/08/03 Approved ZAP recommendation of GR, consent (7-0), all 3 readings

CB14-97 0001


$$1'' = 400$$

SUBJECT TRACT  
PENDING CASE  
ZONING BOUNDARY  
CASE MGR T BUI



CASE # C14-06-0212

ADDRESS 10700-10724 LAKELINE

**MALL DR**  
**SUBJECT AREA (acres) 8.320**

## ZONING

DATE 06-12

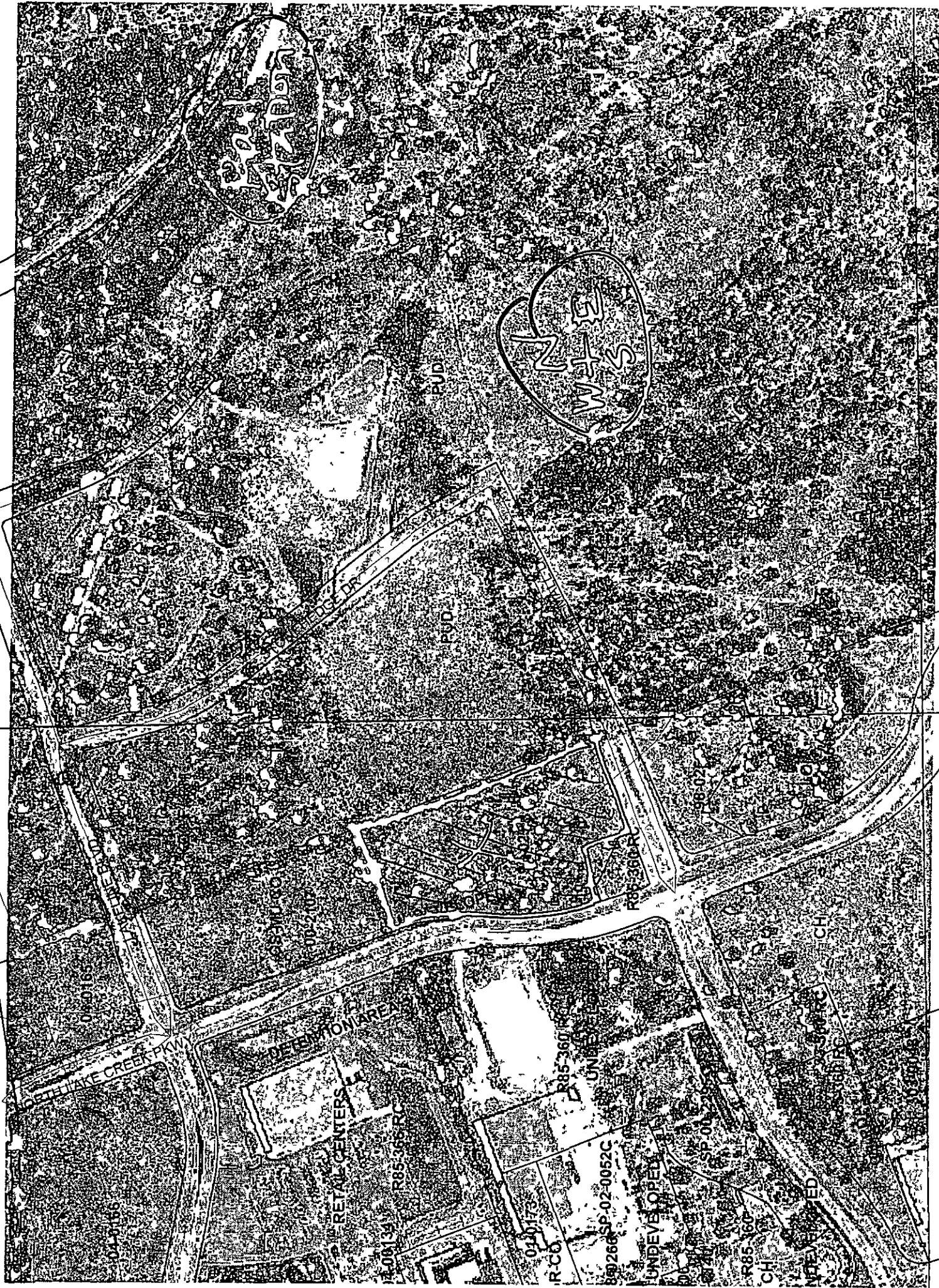
INTLS SM

CITY GRID  
REFERENCE  
NUMBER

**F40**

WATER

WATER







## 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. Zoning should not constitute a grant of special privilege to an individual owner, granting of the request should result in an equal treatment of similarly situated properties.*

The two properties immediately to the north of this site are similarly situated at the intersection of two arterials, North Lake Creek Parkway and Lakeline Boulevard. The subject property is located at the intersection of North Lake Creek Parkway and Lakeline Mall Boulevard. The two similarly situated properties to the north were both zoned CS-MU-CO in 2004. Applying the MU designation to the subject property would treat the subject property in a similar manner to those to the north

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

The proposed zoning allows a fair and reasonable use of the property because it will provide the applicant an opportunity to develop a mixture of residential, office, and commercial uses on this site, which is adjacent to planned residential uses to the east and office uses to the north

- 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 site is located in the northeast corner of the intersection of Lakeline Mall Drive and North Lake Creek Parkway, both major arterials. Capital Metro's urban commuter rail stop, Lakeline station, is about half a mile to the east of the subject site, just east of the future intersection of Lakeline Mall Drive and Lyndhurst Drive.

## EXISTING CONDITIONS

### Site Characteristics

The subject tract is currently undeveloped and sparsely vegetated.

### Impervious Cover & Environmental

- 1 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. The maximum impervious*

cover allowed under the GR zoning district would be 90%. 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.

<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%

- 2 In the Water Quality Transition Zones, impervious cover is limited to 30%
3. According to flood plain maps, there is no floodplain within, or adjacent to the project boundary
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, 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 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
- 7 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
- 8 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**

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's Lakeline commuter rail stop is approximately 0.5 miles to the east



Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	SIDEWALKS	CAPITAL METRO	BICYCLE PLAN
North Lake Creek Parkway	120'	Varies	Arterial	No	Yes	No
Lakeline Mall Boulevard	150'	Varies	Arterial	Yes	Yes	No

**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 adjustment, and relocation 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 of Austin water and wastewater utility tap permit.

**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.

Appendix D  
Exhibit 5

Northwest Park & Ride  
Town Center  
TOD District

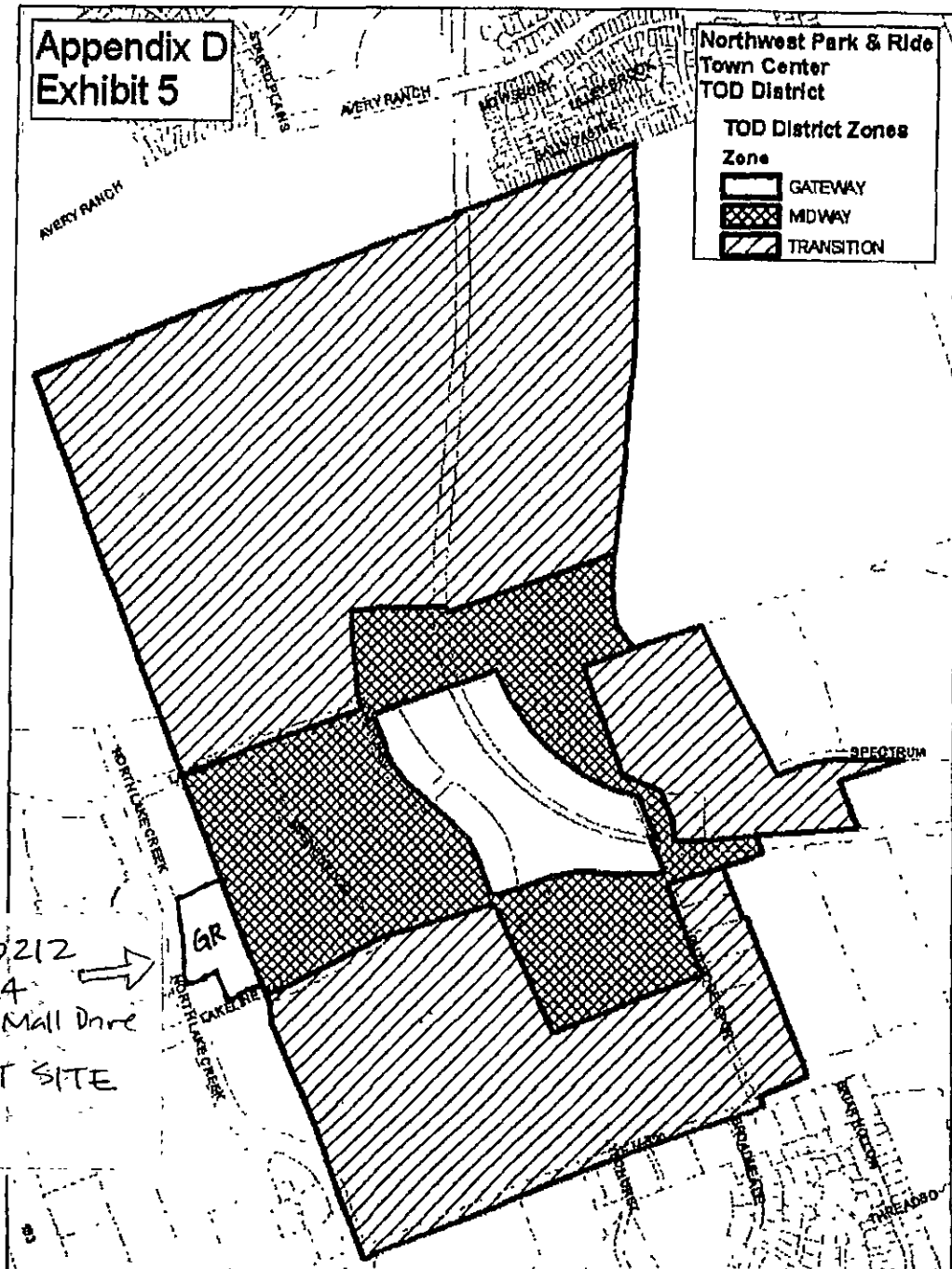
TOD District Zones

Zone

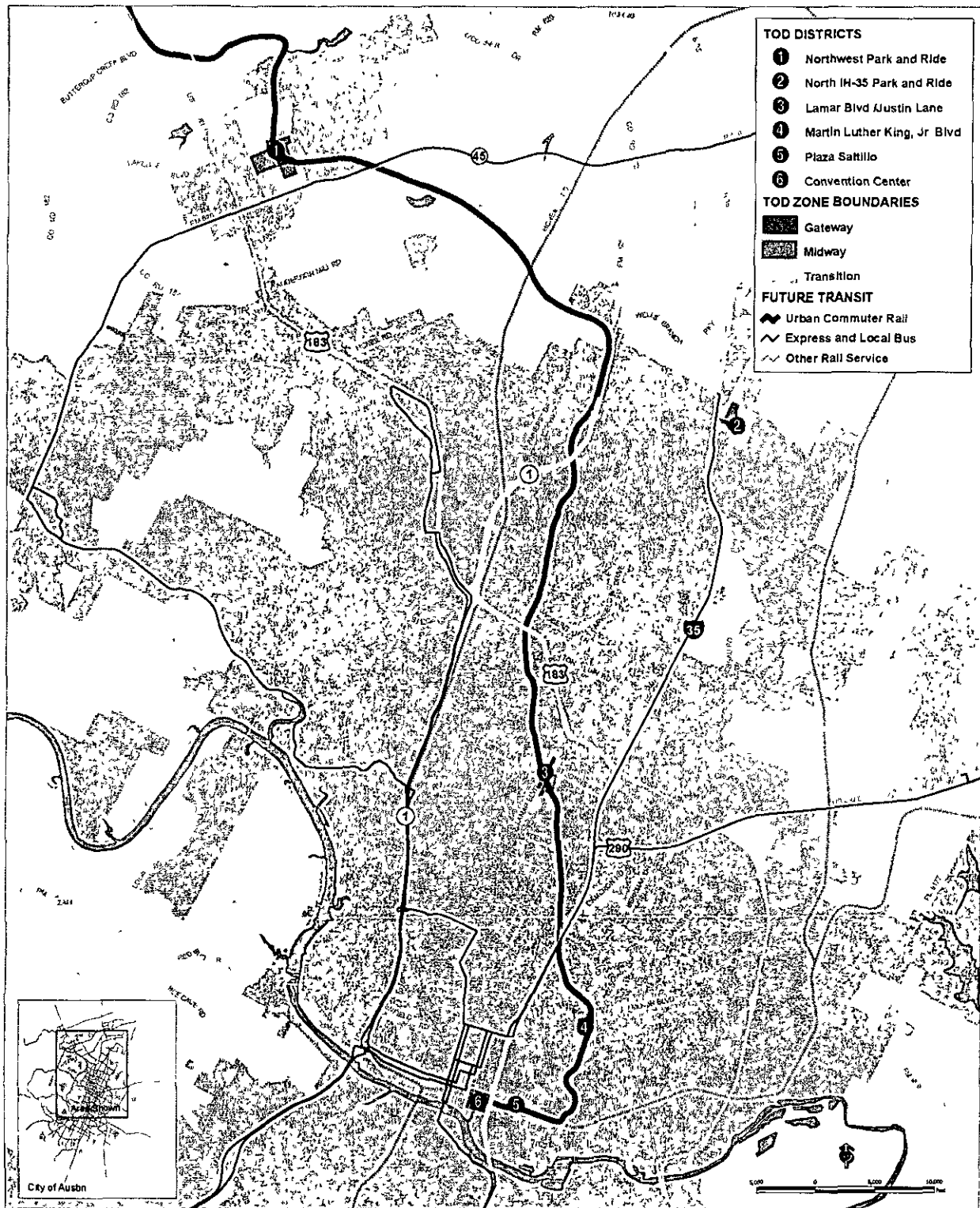
GATEWAY

MIDWAY

TRANSITION



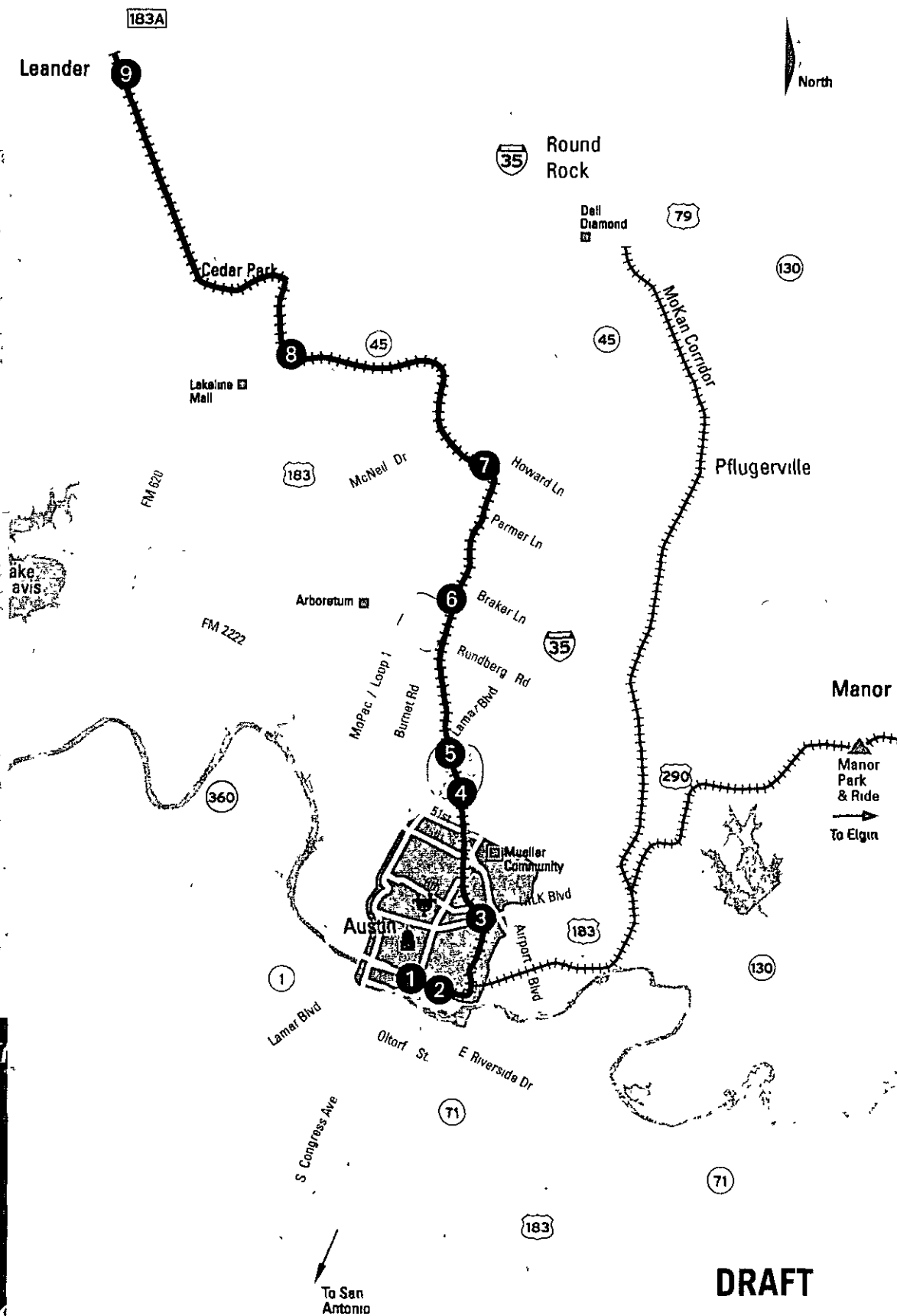
C14-06-0212 →  
D700-10724  
Lakeline Mall Drive  
SUBJECT SITE



## Transit-Oriented Development (TOD) Districts

Transit-Oriented Development (TOD) Districts establish areas around future urban commuter rail stations that provide for development that is compatible and supportive of public transit and a pedestrian-oriented environment. Each TOD may be divided into distinct zones that establish the intensity or scale of development. See <http://www.cityofaustin.org/development> for more information.

Produced by The City of Austin Neighborhood Planning and Zoning Department, November 18, 2004.  
 The information on this map has been prepared by the City of Austin for the public use. It is not intended to be used for any other purpose. The City of Austin is not responsible for any errors or omissions on this map.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 10700-10724 LAKELINE MALL DRIVE FROM COMMUNITY COMMERCIAL (GR) DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE (GR-MU) 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 community commercial (GR) district to community commercial-mixed use (GR-MU) district on the property described in Zoning Case No. C14-06-0212, on file at the Neighborhood Planning and Zoning Department, as follows:

An 8.32 acre tract of land, more or less, out of the Rachel Saul League Abstract No. 551, Williamson County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

locally known as 10700-10724 Lakeline Mall Drive, in the City of Austin, Williamson County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** This ordinance takes effect on \_\_\_\_\_, 2007.

**PASSED AND APPROVED**

§  
§  
§

2007

Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_

David Allan Smith  
City Attorney

Shirley A. Gentry  
City Clerk



## ALL POINTS SURVEYING, INC

### EXHIBIT "A"

**LEGAL DESCRIPTION OF AN 8.32 ACRE (362,536 SQUARE FEET) TRACT OF LAND BEING A PORTION OF 80.285 ACRES OUT OF THE RACHEL SAUL LEAGUE, ABSTRACT NO.551, WILLIAMSON COUNTY, TEXAS AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at an iron rod found in the Easterly right-of-way line of North Lake Creek Parkway (R.O.W varies) common with the Southwesterly corner of a 90.00 acre tract of land as recorded in Volume 1066, Page 121 of the Deed Records of Williamson County, Texas for the Northwesterly corner of the herein described tract of land,

**THENCE** N71°16'18"E with the Southerly line of said 90.00 acre tract of land a distance 67 72 feet to an iron rod found for an angle point in the Southerly line of said 90.00 acre tract of land for a Northerly angle point of the herein described tract of land;

**THENCE** N70°01'53"E with the Southerly line of said 90 00 acre tract of land a distance of 314.28 feet to an iron rod found in the Southerly line of said 90.00 acre tract of land for the Northeasterly corner of the herein described tract of land and being in the boundary agreement line per Document No 2001036200, common with the Westerly line of Lot 1, Block "A" Northwoods Section 1 as recorded in Cabinet W, Slide 14-16, Plat Records of Williamson County, Texas,

**THENCE** S19°24'22"E with said Westerly line of Northwoods Section 1 a distance of 765.22 feet to an iron rod found for an angle point in the Westerly line of said Northwoods Section 1 and being in the said boundary agreement line as recorded in Document No. 2001036200 for an angle point in the Easterly line of herein described tract of land;

**THENCE** S19°35'09"E with the said Westerly line of a Northwoods Section 1 a distance of 147.38 feet to an iron rod found for the Southwesterly corner of said Northwoods Section 1 and being in the Northerly R.O W line of Lakeline Mall Boulevard (R.O.W varies) and being in the boundary agreement line as recorded in Document No. 2001036200 for the Southeasterly corner of the herein described tract of land,

**THENCE** S70°02'55"W with the Northerly right-of-way line of said Lakeline Mall Boulevard (R O W varies) a distance of 197 99 feet to a point for the most Easterly corner of a 0.0657 acre tract of land for roadway purposes as recorded in Volume 1659, Page 141 of the Deed Records of Williamson County, Texas for a point-of-curvature in the Southerly line of herein described land,

**THENCE** with a curve to the left having a chord bearing S 73°54'07" W a distance of 84.17 feet, an arc distance of 84 18 feet and a radius of 1177.56 feet to a point in the northerly right-of-way line of said Lakeline Mall Boulevard (R O W. varies) and being in

**EXHIBIT "B"**

the northerly line of said 0.0657 acre tract of land for the most southerly southwest corner of the herein described tract of land;

**THENCE** N19°41'35"W through and across said 80.285 acre tract of land a distance of 241.31 feet to an interior angle point of the herein described tract of land;

**THENCE** S71°51'25"W through and across said 80.285 acre tract of land a distance of 241.28 feet to a point in the Easterly right-of-way line of said North Creek Parkway (R.O.W. varies) for the most Northerly Southwest corner of the herein described tract of land,

**THENCE** with a curve to the right having a chord which bears N 06°24'31" W a distance of 150.73 feet, an arc length of 150.89 feet and a radius of 940.12 feet to an iron rod found in the Easterly R.O.W. line of said North Lake Creek Parkway (R.O.W. varies) to an iron rod found for a point of tangency in the Westerly line of the herein described tract of land;

**THENCE** N02°08'09"W with the Easterly R.O.W. line of said North Lake Creek Parkway (R.O.W. varies) a distance of 201.14 feet to an iron rod found for a point of curvature in the Easterly line of the herein described tract of land,

**THENCE** with a curve to the left having a chord which bears N10°51'23"W a distance of 325.39 feet, an arc length of 326.68 feet and a radius of 1060.00 feet and with the Easterly R.O.W. line of said North Creek Parkway (R.O.W. varies) to the **PLACE-OF-BEGINNING** containing 8.32 acres (362,536 square feet) of land more or less.

*Mark C. Brown*

Date

11-9-06

**MARK BROWN**

**Registered Professional Land Surveyor No. 5059**

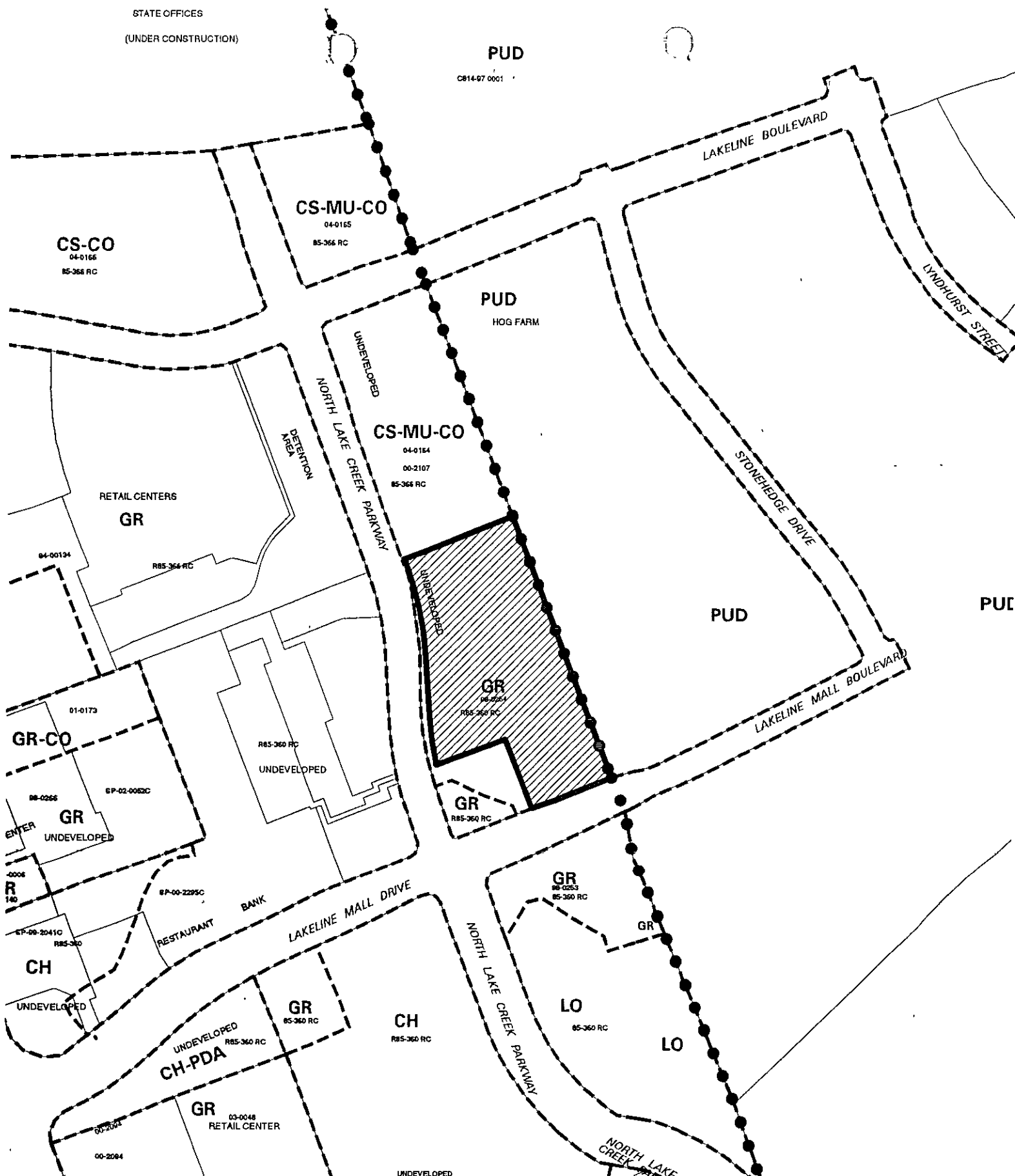
**JOB No. 10R17506**

The Bearing Basis for the herein described tract of land is a Westerly line of Lot 1 Block "A" Northwoods Section 1 as recorded in Cabinet W, Slides 14-16 of the Plat Records of Williamson County, Texas which bears S19°24'22"E a distance of 765.22'





PUD  
C814-97 0001

 $1'' \approx 400'$ 

SUBJECT TRACT  
PENDING CASE  
ZONING BOUNDARY  
CASE MGR T BUI



CASE #: C14-06-0212

ADDRESS: 10700-10724 LAKELINE

**MALL DR**  
**SUBJECT AREA (acres) 8.320**

## ZONING

DATE. 06-12

INTLS. SM

CITY GRID  
REFERENCE  
NUMBER

F40