

SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2014-0112 – Lantana Tract 28 & (a portion of) 33

REQUEST:

Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 5436 Vega Avenue and 6601 ½ Rialto Boulevard (Barton Creek Watershed – Barton Springs Zone and Williamson Creek Watershed – Barton Springs Zone) from limited office-neighborhood plan (LO-NP) combining district zoning to multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning for Tract 1 and from general office-neighborhood plan (GO-NP) combining district zoning to general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning for Tract 2.

DEPARTMENT COMMENTS:

As approved at First Reading, the Conditional Overlay (CO) limits the maximum number of residential units to 300, limits the height of buildings to 60 feet, and specifies setback and density standards reflecting multifamily limited density (MF-1) zoning district standards. The conditional overlay also limits vehicle trips per day to less than 2,000.

Associated with this case is a public Restrictive Covenant Amendment, C14-85-288.8(RCA2), that reduces the maximum allowable impervious cover from 35% in the Barton Creek Watershed and 65% in the Williamson Creek Watershed to a combined 28%. The Restrictive Covenant Amendment (RCA) also waives certain entitlements otherwise allowed under the 2001 Stratus Settlement Agreement, which covers one-half of the proposed development.

Also at First Reading, and with the motion to approve the associated neighborhood plan amendment (NPA-2014-0025.02), staff was directed to work with the applicant to explore additional constraints or enhancements beyond current code requirements, as pertains to flooding and drainage controls, that could be included in an ordinance. Staff and the applicant have added a number of provisions, including oversized detention and reduced runoff, to the proposed public Restrictive Covenant Amendment.

OWNERS: Lantana Tract 28, LP and Lantana Tract 33, LP (Barry P. Marcus).

AGENT: Smith, Robertson, Elliott, Glen, Klein & Douglas, L.L.P. (David Hartman).

DATE OF FIRST READING: November 20, 2014; Approved MF-4-CO-NP for Tract 1 and GO-CO-NP for Tract 2, with conditions, on First Reading (6-0). Council Member Spelman was off the dais.

CITY COUNCIL HEARING DATE: December 11, 2014.

ASSIGNED STAFF: Lee Heckman / lee.heckman@austintexas.gov

ZONING CHANGE REVIEW SHEET**CASE:** C14-2014-0112 / Lantana Tract 28 & (a portion of) 33**P.C. DATE:** October 28, 2014**ADDRESS:** 5436 Vega Avenue and 6601 ½ Rialto Boulevard**AREA:** 27.802 Total (Tract 1, 26.705 acres; Tract 2, 1.097 acres)**NEIGHBORHOOD PLAN AREA:** East Oak Hill
(Oak Hill Combined Neighborhood Plan Area)**OWNER:** Lantana Tract 28, LP and Lantana Tract 32, LP (Barry P. Marcus)**APPLICANT:** Smith, Robertson, Elliott & Douglas, L.L.P. (David Hartman)**ZONING FROM:****Tract 1:** 26.705 acres, LO-NP, Limited Office-Neighborhood Plan Combining District**Tract 2:** 1.097 acres, GO-NP, General Office-Neighborhood Plan Combining District**ZONING TO:****Tract 1:** MF-4-CO-NP, Multi-Family Residence—Moderate-High Density-Conditional Overlay-Neighborhood Plan Combining District**Tract 2:** GO-MU-CO-NP, General Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining District**SUMMARY STAFF RECOMMENDATION:**

To grant MF-4-CO-NP, and GO-MU-CO-NP, to Tracts 1 and 2, respectively. Conditions of the CO, or to be included in a public Restrictive Covenant, for Tract 1 include:

- 1) Applicable MF-1 standards:
 - a. The Property shall be limited to an average maximum of 17 units per acre
 - b. The Property shall be limited to a maximum number of 300 units
 - c. The minimum lot size shall be 8,000 square feet
 - d. The minimum lot width shall be 50 feet
 - e. The minimum front yard setback shall be 25 feet
 - f. The minimum street side setback shall be 15 feet
 - g. The minimum interior yard setback shall be 5 feet
 - h. The minimum rear yard setback shall be 10 feet
 - i. The minimum site area for residential units shall be: 2500 square feet for each efficiency, 3,000 square feet for each one bedroom unit, and 3,500 square feet for each two or more bedroom unit;
- 2) The maximum height of any structure shall be limited to 60 feet;

Conditions for Tract 1 and Tract 2 include:

- 3) Vehicle trips per day shall be limited to a maximum of 2,000 trips;
- 4) Development of the Property shall be in compliance with the Heritage Tree Ordinance;
- 5) Development of the Property shall be in compliance with the Commercial Landscape Ordinance;

- 6) Cut-and-fill and construction on slopes that exceed current code will be allowed on select portions of the site that account for 150 of the 300 residential units, and such areas will be depicted on an exhibit approved by staff prior to Council consideration.

PLANNING COMMISSION RECOMMENDATION:

October 28, 2014 Recommend to Grant as Recommended with Conditions by Staff (Consent Motion: J. Stevens; Second: A. Hernandez) 8-0 (Absent: B. Roark).

October 14, 2014 Pulled; Re-noticed for October 28, 2014

DEPARTMENT COMMENTS:

The subjects tracts are located south of Southwest Parkway and west of Vega Avenue; primary access will be provided by Rialto Boulevard and the tract is immediately south of Tract 32, which was rezoned last year (see Exhibits A). Tract 1, the majority of the project at 26.7 acres, is proposed to be used for multifamily development; Tract 2, which would be incorporated into the project following a resubdivision, would serve as the primary access to the proposed multifamily. None of the subject property is effected by the Hill Country Roadway Corridor, as it is too far south of Southwest Parkway.

As with the case last year, the current proposal is to rezone the property from office use to multifamily, and amend an associated public restrictive covenant (C14-85-288.8(RCA2); both of these are contingent on an associated neighborhood plan amendment (NPA-2014-0025.02). Specifically, the applications would amend the Future Land Use Map from office to multifamily, rezone the property from a base of LO to MF-4 with primarily MF-1 site development standards, rezone a flag tract from a base of GO to GO-MU, and amend the existing restrictive covenant (RC) to reduce the allowable impervious cover, reflect multifamily use, waive certain rights under a previous Settlement Letter, and other changes in the RC.

The property is characterized by slopes running from the northwest to the south and east; the property sits below Rialto Boulevard but above Vega Avenue. The site is moderately treed, but it is unknown to what extent any such trees might be deemed protected. The site is partially in the Barton Creek Watershed and partially in the Williamson Creek Watershed. Both are classified as Barton Springs Zone and Drinking Water Protection Zone. However, the tracts are not located over the Edwards Aquifer Recharge Zone, and there are no known critical environmental features on site at this time.

The current LO portion of this application was originally zoned limited office in 1986, following the Oak Hill Study Area activities of 1985. At that time, the property was identified as Tract 28 (out of 35), and was comprised of 27.89 acres out of approximately 888 acres included in the rezoning. The current GO portion of the application was zoned general office at the same time in the same ordinance, being part of a 29.6238 acre Tract 33. These tracts, along with other tracts included in the 1986 rezoning, were each encumbered with public restrictive covenants. A proposed amendment to that restrictive covenant, case C14-85-288.8(RCA2), is associated with this rezoning request, and is presented to the Planning Commission and City Council in tandem. Of note, the RC for Tract 28 (the LO portion) is proposed to be amended; a separate RC covering Tract 33 (the GO portion) is not part of the current application for RC amendment.

As regards incorporating a portion of Tract 33 (the rezoning Tract 2), this flag will provide for primary access and frontage to Rialto Boulevard. It is anticipated that the driveway constructed on this part would serve the planned multifamily project, but may also be used as a driveway (primary or secondary) for future office development to the west of the site. The Land

Development Code allows multifamily-zoned property to take access through a commercially-zoned property, but only if that commercially-zoned property is already developed with a principal use and not undeveloped or developed with a freestanding accessory use. Tract 33 is currently undeveloped. Conversely, one cannot access a commercially-zoned property through a multifamily property. So, Tract 2, which is proposed to be rezoned GO-MU-CO, will be incorporated into a subdivision with Tract 1, should the rezoning request be approved, and developed as a unified site. The CO would simply limit vehicle trips per day.

As additional background, a 2001 Settlement Agreement between the City of Austin and Stratus Properties Inc., then owner of the property, applies to both Tracts. This Agreement resulted from an approved 1984 preliminary plat for the Lantana project, and claims regarding vesting under Chapter 245 Texas Local Government Code. At the time of the preliminary plat, there were some watershed ordinances relating to Barton Springs, but the Save Our Springs ordinances had not yet been adopted. The Settlement Agreement provides relief from some requirements of these and other subsequently adopted ordinances that regulate development in this area.

Regarding some of the proposed conditions in the conditional overlay, development in compliance with the heritage tree ordinance and the commercial landscape ordinance both follow from a development agreement that affect the property. Specifically, it is unclear whether properties covered by the Agreement must meet the heritage tree ordinance requirements, or simply that a tree survey is required only at site development permitting. The applicant has proposed compliance with heritage tree protection ordinance(s) and staff recommends it. Similarly, compliance with commercial landscape ordinances is offered as a means to clarify and exceed the requirements of the Agreement. The Agreement requires compliance with landscape provisions of the Hill Country Ordinance, but this would only apply to the first 1000 feet along Southwest Parkway. The intent of this condition is to provide better landscaping throughout the entire project.

This trio of requests (NPA, rezoning, and RC amendment) is driven by a desire to develop the property as multifamily housing. Specifically, the request for limited, or conditioned, MF-4, reflects the applicant's desire to cluster buildings on the site so as to minimize building and impervious cover, and provide for a development that more closely meets or exceeds current code requirements.

Correspondence from stakeholders has been attached (see Exhibit C).

ABUTTING STREETS & TRANSIT:

Street Name	ROW Width	Pavement Width	Classification	Bicycle Route/Plan	Bus	Sidewalks
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EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LO-NP; GO-NP	Undeveloped
North	MF-4-CO-NP; GR-NP	Multifamily residential under construction; Rialto Blvd; AMD Campus
East	LO-NP; GR-CO-NP	Eiger ROW; Medical offices; Vega Avenue; Private Educational Campus (St. Andrews)
South	MF-1-NP; MF-2-NP	Multifamily residential

West	GO-NP	Undeveloped; Office
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TIA: Not required; conditioned to 2,000 vehicle trip per day maximum

AREA STUDY: Oak Hill (1985) / OHCNP (2008)

DESIRED DEVELOPMENT ZONE: No

WATERSHED: Barton Creek Watershed and Williamson Creek Watershed
– Barton Springs Zone

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:

COMMUNITY REGISTRY NAME

COMMUNITY REGISTRY ID

Oak Hill Association of Neighborhoods	298
City of Rollingwood	605
Austin Independent School District	742
Oak Hill Combined NPA	779
Save Our Springs Alliance	943
Homeless Neighborhood Organization	1037
Oak Acres Neighborhood Association	1056
Bike Austin	1075
Oak Hill Neighborhood Planning Contact Team	1166
Super Duper Neighborhood Objectors and Appealers Organization	1200
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Oak Hill Trails Association	1343
SEL Texas	1363
Austin Heritage Tree Foundation	1340

SCHOOLS:

Austin Independent School District

Oak Hill Elementary School

Small Middle School

Austin High School

An Educational Impact Statement (see Exhibit E) indicates that the impacts of the project would be minimal to area schools, noting transportation would be provided for secondary and high school students. Transportation would also be provided to elementary school students as continuous sidewalks are non-existent at this time.

ABUTTING & AREA TRANSIT:

Name	ROW	Pave- ment	Classification	Side- walks	Bike Route / Plan	Bus	ADT
Southwest Parkway	130'	2 at 36'	6-Lane MAD	No	66; Wide Shoulder	Yes	24,600 (2010)
Rialto Boulevard	80'	40'	Collector	Yes	No	Yes	3,500 (TIA est)
Vega Avenue	68'	22'	Collector	No	No	No	3,000 (2010)
Eiger	80'	Not	N/A	N/A	No	No	N/A

Road		Existing					
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ZONING HISTORY

The Oak Hill Area Study led to the rezoning of over 800 acres in 1985 (C14-85-288), including the subject tract; this approximately 800-acre area was bounded by US Hwy 290 West, and Circle Drive on the south, Thomas Springs Road and Old Bee Caves Road on the west, an area approximating the alignment of the proposed Boston Lane (now Southwest Parkway) on the north, and Patton Lane and Convict Hill Road (now Vega and Patton Ranch Road) to the east. The rezoning took 35 tracts from Interim RR and Interim SF-2 to CS, LO, GO, LR, GR, MF-1, SF-6, SF-1. Each of the rezoned tracts was accompanied by a public restrictive covenant specifying site development standards, such as height or impervious cover, or densities, such as the number of residential units or the square feet of commercial uses.

Additionally, the Combined Oak Hill Neighborhood Plan was adopted in 2008; with that, the East Oak Hill Neighborhood was assigned the Neighborhood Plan combining district zoning (in Case C14-2008-0129). This tract was not rezoned as part of the neighborhood planning process, nor was any conditional overlay added.

In 1992 (C14-92-0141 and C14-92-0142), two proposals, known as Lantana II and III, in which multiple multifamily, office, and commercial tracts were proposed to be rezoned SF-2 were approved by the land use commission, with conditions; however, the applicant requested an indefinite postponement when scheduled for Council consideration. Those applications expired. Consequently, the current zoning of the subject tracts has been in place since 1986.

ZONING CASE HISTORIES IN THE AREA:

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
6401 Rialto Boulevard C14-2013-0044	GO-NP to MF-4-CO-NP	Recommended; 08/27/2013	Approved 10/03/2013 (CO specifies site dev standards; public RC includes TIA and RCA items)
5707 Southwest Parkway (Encino Trace) C14-06-0229	DR to LO and GO	Recommended GO-MU-CO & LO-MU-CO; 06/12/2007	Approved GO-MU-CO; 07/26/2007 (CO limits uses; RC for TIA, IPM Plan, and landscaping)
5811 Southwest Parkway C14-06-0141	LR-CO	Recommended LO-CO; 07/25/2006	Approved LR-CO; 09/28/2006 (CO limits uses, drive-through)
C14-2008-0239	LR-CO to LR-CO	Recommended; 03/06/2009	Approved; 02/26/2009 (CO modified to allow drive-through)
5906-6016 Southwest Parkway C14R-86-077	Approximately 97 acres of DR to GR-CO, GO-CO, LO-CO, MF-1-CO,	Recommended; 07/01/1986	Approved; 001/23/1992 (CO limits uses and lists dev. standards)

Southwest Parkway at Vega (St. Andrews High School) C14-96-0161	& SF-6-CO MF-1-CO to GO-CO & LO-CO to GO-CO	Recommended; 02/18/1997	Approved 03/27/2007; (CO limits access and lists dev. Standards. RC address discontinuation of school & water quality requirements)
Southwest Parkway at William Cannon Lantana C14-87-145	230 Acres, 10 Tracts: MF-1, SF-6, SF-1 & UNZ to MF-2, MF-1, & SF-2	Recommended MF-2 & SF-2 w/conditions; 11/03/1987	Approved MF-1, MF-2, & SF-2; 08/16/1990 (RC specifies density and unit maximum)
Lantana Phase III C14-92-0141	From CH, GO, GR and LO to SF-2	Recommended SF-2 w/conditions; 01/19/1993	Ind. PP; 02/04/1993; Withdrawn
C14-92-0142	From CS, GR, LR, MF-2 and SF-1 to SF-2 to & SF-6.	Recommended SF-2 & SF-6 w/conditions; 01/19/1993	Ind. PP; 02/04/1993; Withdrawn
Lantana C14-94-0145 & C14-94-0146		Ind. PP; 01/24/1995 Expired N/A	N/A
Rialto at Weir Hills C14-94-0113	CS to MF-2 & RR	Recommended; 09/20/1994	Approved MF-2-CO and RR; 01/04/96 (CO limits MF units; RC addresses herbicides, landscaping, & green building)
W William Cannon C14-99-2081	I-RR to RR	Recommended; 11/16/1999	Approved; 12/16/1999
W William Cannon C14-99-2082	I-RR to RR	Recommended; 11/16/1999	Approved; 12/16/1999; Corrected 03/01/2001
North of Southwest Parkway			
Vega at SW Parkway C14-92-0116	DR to GO & GR (as amended)	Recommended GO w/conditions	Ind. PP; 02/25/1993
C14-92-0117	LO& LR to GR & SF-3	Ind. PP 02/02/93	Ind. PP; 02/04/1993
C14-92-0118	DR to GR	Recommended GR	Ind. PP; 02/04/1993

		w/conditions	
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CITY COUNCIL ACTION:

Scheduled for December 11, 2014

November 20, 2014

Closed the Public Hearing and Approved on First Reading (Motion: Council Member Morrison; Second: Mayor Pro Tem Cole) 6-0 (Council Member Spelman was off the dais).

November 6, 2014

Postponed to November 20, 2014 at the Request of the Applicant (Consent Motion: Council Member Morrison; Second: Council Member Martinez) 6-0 (Absent: Council Member Spelman).

CASE MANAGER: Lee Heckman
e-mail address: lee.heckman@austintexas.gov

PHONE: 512-974-7604

SUMMARY STAFF RECOMMENDATION

Contingent upon approval of the associated Neighborhood Plan Amendment to change the Future Land Use Map from Office to Mixed Use:

To grant MF-4-CO-NP, and GO-MU-CO-NP, to Tracts 1 and 2, respectively. Conditions of the CO, or to be included in a public Restrictive Covenant, for Tract 1 include:

- 1) Applicable MF-1 standards:
 - a. The Property shall be limited to an average maximum of 17 units per acre
 - b. The Property shall be limited to a maximum number of 300 units
 - c. The minimum lot size shall be 8,000 square feet
 - d. The minimum lot width shall be 50 feet
 - e. The minimum front yard setback shall be 25 feet
 - f. The minimum street side setback shall be 15 feet
 - g. The minimum interior yard setback shall be 5 feet
 - h. The minimum rear yard setback shall be 10 feet
 - i. The minimum site area for residential units shall be: 2500 square feet for each efficiency, 3,000 square feet for each one bedroom unit, and 3,500 square feet for each two or more bedroom unit;
- 2) The maximum height of any structure shall be limited to 60 feet;

Conditions for Tract 1 and Tract 2 include:

- 3) Vehicle trips per day shall be limited to a maximum of 2,000 trips;
- 4) Development of the Property shall be in compliance with the Heritage Tree Ordinance;
- 5) Development of the Property shall be in compliance with the Commercial Landscape Ordinance;
- 6) Cut-and-fill and construction on slopes that exceed current code will be allowed on select portions of the site that account for 150 of the 300 residential units, and such areas will be depicted on an exhibit approved by staff prior to Council consideration.

BACKGROUND/PURPOSE STATEMENTS

The current base zoning is LO for Tract 1, the majority of the site, and GO for Tract 2, which will ostensibly be used for access purposes. General office (GO) district is the designation for an office or commercial use that serves community and city-wide needs, such as medical or professional offices. A building in a GO district may contain one or more different uses. Meanwhile, 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.

The requested Multifamily Residence Moderate-High Density (MF-4) district is intended to accommodate multifamily and group residential use with a maximum density of 36 to 54 units per acre, depending on unit size and mix. Per the district's purpose statement, this district is appropriate for moderate-high density housing in centrally located areas near supporting transportation and commercial facilities, in areas adjoining downtown Austin and major institutional or employment centers, and in other selected areas where moderate-high density multifamily use is desirable.

The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development. When combined with an office base district, the mixed use option would allow for vertical mixed use buildings, as well as townhouse, multifamily, single-family, duplex, condominium, and other forms of residential development, separate from any office development. Granting MU to a site means mixed use is an option; a mix of uses either within a building or across a site, not a requirement.

As proposed by the applicant, the property would be limited to a residential unit maximum of 300 units. The project will adhere to MF-1 density standards of 17 units per acre, but by taking advantage of the additional height and floor-area-ratio offered under MF-4 and designed as a clustered development, the project would leave the majority of the site undisturbed. This in turn would allow the site to be developed well within the impervious cover limits otherwise allowed under multifamily zoning districts.

BASIS FOR RECOMMENDATION

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character; and

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

The entirety of Southwest Parkway, stretching from MoPac in the east to State Highway 71 in the west, is lightly developed – both in the sense that the majority of property remains in large and undeveloped tracts, and in the sense that properties that developed have done so in a way that is sensitive to open space and Hill Country views.

The AMD Lonestar Campus, immediately west of the subject tract and one of two developed GR-zoned properties on Southwest Parkway (the other being the St. Andrews Campus), is an example of such development (see Exhibit A-4). Though allowed 35% impervious cover in the Barton Creek Watershed and 65% in the Williamson Creek Watershed by virtue of a 2001 Agreement between the City of Austin and the property owner, the site was actually developed with approximately 23% and 30% impervious cover respectively.

Likewise, Lantana Tract 32, approved by the Planning Commission and City Council on consent in 2013 and immediately north of the subject property, was rezoned from office to multifamily, and reduced its impervious footprint. Though allowed 35% impervious cover under a then existing public restrictive covenant, the project, currently under development, will be at most 25% impervious cover. The subject property similarly has an allowance of 35% impervious cover in the Barton Creek Watershed and 65% in the Williamson Creek Watershed; the Barton Creek Watershed covering approximately the eastern two-thirds of the site. However, as proposed the impervious cover would be reduced to a maximum of 28% of the gross site area. If developed as such, staff is of the opinion the development will be in harmony with existing adjacent development and future development.

Given the existing uses - multifamily to the north and southwest, office to the south, and potential office and multifamily uses to the east and west, staff thinks the proposed multifamily use is compatible with abutting and nearby uses, and can serve as a transition from Southwest Parkway to less developed multifamily and office properties to the south. Given its limited density, staff

thinks the proposal furthers the open, Hill Country character along Southwest Parkway, and would certainly not result in detrimental impacts to the area's character

Zoning should promote the goal of environmental protection.

There are relatively few rezoning applications in which this zoning principle is advanced. Granted, given its location in the Barton Springs Zone, the project would not be entitled to the maximum 45% impervious cover allowed under MF-1, much less the 70% allowed under the MF-4 district requested, as it would if the property were in an urban watershed. Current SOS regulations limit the impervious cover maximums otherwise allowed in all zoning districts.

Yet, the property is currently entitled to a maximum of 35% impervious cover in the Barton Creek Watershed and 65% in the Williamson Creek Watershed, because of the existing public restrictive covenant, affirmed by the 2001 Settlement Agreement. As part of this rezoning request, the applicant has proposed to reduce impervious cover to a maximum of 28% of gross site area across both watersheds - a significant reduction. Clustering the buildings and taking advantage of the height and floor-area-ratio allowed under MF-4 district zoning essentially allows the applicant to leave additional acres without impervious cover. Thought of in the inverse, as proposed this nearly 28-acre site can accommodate 300 new residential units, with the usual amenities, but still leave 72% of the site - over 20 acres - undeveloped.

Zoning should allow for a reasonable use of the property.

The property has been zoned for office use for nearly thirty years. As evidenced by the lack of a site plan, there has been no attempt to date for development and use of the property as office. The proposed multifamily use, which would be developed under the MF-4 zoning district for purposes of height and floor-area-ratio but with MF-1 standards as relates to setbacks and density, would allow for a reasonable use of the property.

Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan; and

The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.

A Neighborhood Plan Amendment (NPA) application accompanies this rezoning request (NPA-2014-0025.02). Staff and the Neighborhood Plan Contact Team recommend approval of the Future Land Use Map change from Office to Multifamily. The staff recommendation to rezone the property to MF-4-CO-NP is contingent on the Planning Commission recommending, and City Council approving, the NPA.

EXISTING SITE CHARACTERISTICS AND REVIEW COMMENTS

Site Characteristics

The site is currently undeveloped. Topographically, the parcel slopes from the northwest, from Rialto, to the south and east; some slopes are relatively steep, and the property as a whole between Rialto as a high point and Vega and the low point. The site is heavily treed, but it is unknown at this time whether any trees are protected. Similarly, there are no known environmental features, and no known constraints to development, with the exception the property is located in the Barton Springs Zone. Although currently entitled to a maximum of 35% impervious cover in the Barton Creek Watershed and 65% in the Williamson Creek Watershed, by virtue of an existing public restrictive covenant and settlement agreement, the applicant has proposed a reduced maximum of 28% impervious cover for gross site area.

NOTE: Review comments below do not account for the 2001 Settlement Agreement as it pertains to the Property, which may or may not affect specific development standards. Similarly, these comments do not account for any exceptions or other provisions of the Agreement which the applicant has proposed to waive.

PDRD Environmental Review (07/15/2014) MM

1. This site is not located over the Edwards Aquifer Recharge Zone. This site is located over the Edwards Aquifer Contributing Zone. The site is in the Barton Creek and Williamson Creek Watersheds of the Colorado River Basin, which are both classified as Barton Springs Zone Watersheds by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.
2. Project applications at the time of this report are subject to the SOS Ordinance that allows 20% impervious cover in the Barton Creek Watershed and 25% impervious cover in the Edwards Aquifer Contributing Zone.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
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. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding 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 requires water quality control with increased capture volume and control of the 2 year storm on site. Runoff from the site is required to comply with pollutant load restrictions as specified in Land Development Code.

7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

PDRD Site Plan Review (08/01/2014) (RA)

1. Site plans will be required for any new development other than single-family or duplex residential.
2. 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.

PDRD Transportation Review (07/15/2014) (CG)

1. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]
2. Capital Metro bus service is not available within 1/4 mile of this property.
3. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on Vega Avenue or Eiger Road.
4. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Vega Avenue	68'	22'	Collector	No	No	No
Eiger Road	80'	Not Existing	N/A	N/A	N/A	N/A

Water Utility Review (07/08/2014) (BB)

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

C14-2014-0112 / Lantana Tract 28

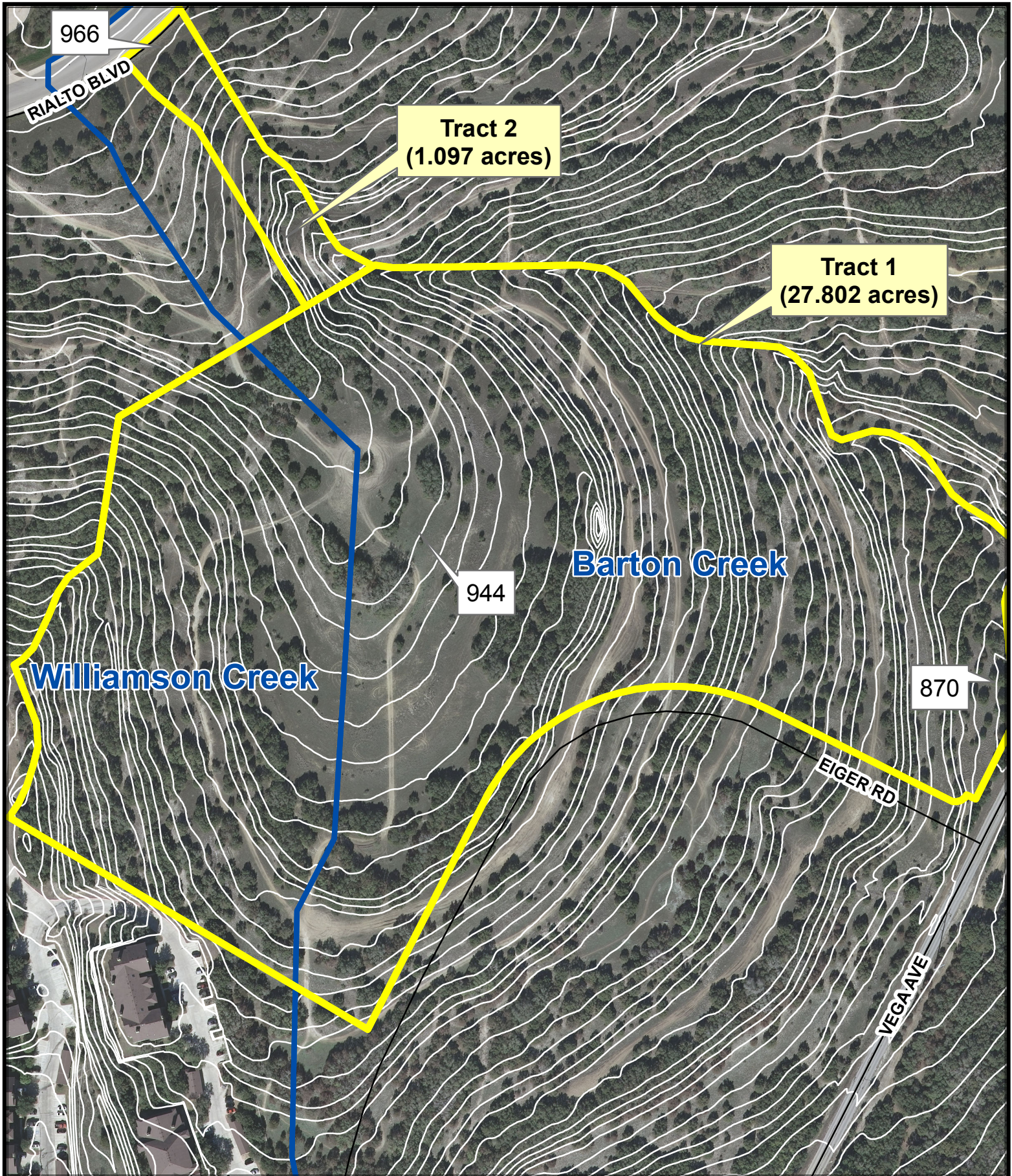


Aerial: 2012-01

Exhibit A-1
Aerial & Zoning

0 200 400 800 Feet
1 inch = 400 feet

C14-2014-0112 / Lantana Tract 28



Aerial: 2012-01
Contours: 2003

Exhibit A-2
Contours & Watersheds (approximate)

0 100 200 400 Feet
1 inch = 200 feet

*Tom Thayer, Chair
Chip Graves, Vice-Chair
Cynthia Wilcox, Secretary*



September 30th, 2014

To: Maureen Meredith, Senior Planner
City of Austin, Planning & Development Review Department,
505 Barton Springs Road, 5th Floor
Austin, TX 78704

Re: NPA Case # NPA-2014-0025.02
5436 Vega Ave
Applicant: Smith, Robertson, Elliot, and Douglas, LLP

On September 24th, 2014, the Oak Hill Neighborhood Contact Team held a meeting in accordance with our bylaws to discuss the applicant's proposed future land use amendment for the property located at 5436 Vega Ave. The applicant has requested a change in land use from **Office to Multifamily** for tract 28 and from **Office to Mixed Use** for tract 33 flag lot. The applicant has also requested a zoning change from **LO-NP to MF-4-CO-NP** for tract 28 and from **GO-NP to GO-MU-CO-NP** for tract 33 flag lot. The community meeting was held on July 23rd, 2014.

September 24th, 2014, the OHNPCT voted in favor of the proposed changes in land use and zoning with the following conditions: The City of Austin dedicates new tax revenue generated by this development to constructing genuine water quality controls that mitigate and prevent flooding of the Oak Park and Oak Acres neighborhoods; The developer makes a contribution for additional flood control to mitigate or prevent flooding in the Oak Park and Oak Acres neighborhoods, and reports progress to OHNPCT prior to October 14; Access from the project to Eiger Road be limited to emergency access only until the 4 way stop is installed at Eiger/Patton Ranch & Vega and the stop light is installed at SW Parkway and Vega; Impervious cover limited to 28%; SOS water quality standards followed; The majority of grandfather rights waived; Maximum of 300 multifamily units; Otherwise limit to MF-1 zoning standards except for height of 60 feet; Compliance with Heritage Tree and Commercial Landscape Ordinances; Sidewalks to be provided on Vega Lane adjacent to the property. See attached exhibits.

Please let me know if you have any questions.

Sincerely,

Tom Thayer
Chair, OHNPCT

Cc: Chip Graves – Vice Chair
Cynthia Wilcox – Secretary

Exhibit C

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.

R 10/27/14

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:
<http://www.austintexas.gov/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: C14-85-288.8(RCA2)

Contact: Lee Heckman, 512-974-7604

Public Hearing: Oct 28, 2014, Planning Commission

Nov 6, 2014, City Council

OAK ACRES NEIGHBOR HOOD

Your Name (please print)

☐ I am in favor
☒ I object

Your address(es) affected by this application

Rocky Baker 10-27-14
Signature *Date*

Daytime Telephone: 512-431-9652

Comments: SEE ATTACHED

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

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

**OAK ACRES NEIGHBORHOOD ASSOCIATION REQUEST FOR CITY OF
AUSTIN: MORATORIUM ON BUILDING PERMITS IN THE GAINES CREEK
TRIBUTARY WATERSHED**

RE: ZONING CASE NUMBER: C14-85-288.8(RCA2)

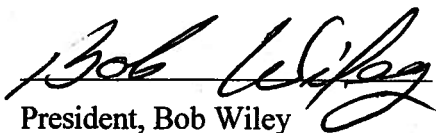
Oak Acres Neighborhood Association would like to inform the City of Austin that we have flooded three times in the last year (Oct 13 and Oct 31, 2013 and Sept 17, 2014). During all three events, Gaines Creek Tributary overflowed to the point of preventing emergency vehicle access. A foot or more of floodwater entered several homes. This level of flooding was not seen prior to recent building projects upstream, including the Southwest Medical complex on 5625 Eiger and Vega Road and the recent large additions to St. Andrews School (5901 Southwest Pkwy). It is clear to Oak Acres residents that these additions are directly impacting our major flooding. Project engineers have told us repeatedly that development will help our flooding issues but their "protections" have not accomplished what was promised. Rather, as we predicted, the flooding has worsened, not only for our neighborhood but also for a nearby subdivision, Oak Park.

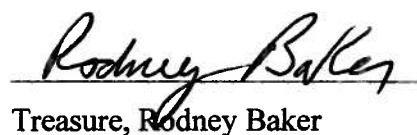
The Gaines Creek Tributary goes right through Oak Acres and Oak Park neighborhoods. Watershed Protection is currently conducting a study of the flooding problems relating to Gaines Creek.

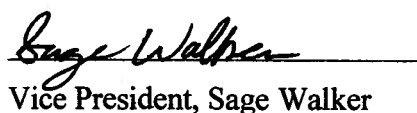
In light of this ongoing study, Oak Acres requests that no further development be permitted in the watershed until recommendations from the study provide concrete solutions. We fear that any new development will cause the flooding to worsen and if solutions are delayed, will cost the City of Austin more revenue to resolve.

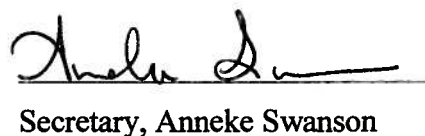
We ask city council members to protect Oak Acres and Oak Park Neighborhoods by disallowing any building permits along Vega Road until the city has a workable plan to alleviate the flooding.

Signed Officers of Oak Acres:


President, Bob Wiley


Treasurer, Rodney Baker


Vice President, Sage Walker


Secretary, Anneke Swanson

EDUCATIONAL IMPACT STATEMENT

School District:



PROJECT NAME: Lantana Tract 28

ADDRESS/LOCATION: 5436 Vega Avenue

CASE #: C14-2014-0112

CITY COUNCIL DATE: _____

☐ NEW SINGLE FAMILY

☐ DEMOLITION OF MULTIFAMILY

☒ NEW MULTIFAMILY

☐ TAX CREDIT

SF UNITS: _____

STUDENTS PER UNIT ASSUMPTION: _____

MF UNITS: 300 (225 – BDRM, 60 – 2 BDRM, 15 – 3 BDRM)

STUDENTS PER UNIT ASSUMPTION: 0.1

ELEMENTARY SCHOOL: Oak Hill

RATING: Met Standards

ADDRESS: 6101 Patton Ranch Road

PERMANENT CAPACITY: 773

% QUALIFIED FOR FREE/REDUCED LUNCH: 41.44%

MOBILITY RATE: -7.3%

ELEMENTARY SCHOOL STUDENTS	Current Population	5- Year Projected Population	5-Year Projected Population (w/ proposed development)
Number	830	800	815
% of Permanent Capacity	107%	103%	105%

☒ INCREASE

☐ DECREASE

☐ NO IMPACT

MIDDLE SCHOOL: Small

RATING: Met Standards

ADDRESS: 4801 Monterey Oaks Boulevard

PERMANENT CAPACITY: 1,239

% QUALIFIED FOR FREE/REDUCED LUNCH: 38.75%

MOBILITY RATE: 11.6%

MIDDLE SCHOOL STUDENTS	Current Population	5- Year Projected Population	5-Year Projected Population (w/ proposed development)
Number	872	865	872
% of Permanent Capacity	70%	70%	70%

☒ INCREASE

☐ DECREASE

☐ NO IMPACT

HIGH SCHOOL: Austin

RATING: Met Standards

ADDRESS: 1715 W. Cesar Chavez

PERMANENT CAPACITY: 2,205

% QUALIFIED FOR FREE/REDUCED LUNCH: 36.53%

MOBILITY RATE: 6.9%

HIGH SCHOOL STUDENTS	Current Population	5- Year Projected Population	5-Year Projected Population (w/ proposed development)
Number	2,001	2,219	2,227
% of Permanent Capacity	91%	101%	101%

☒ INCREASE

☐ DECREASE

☐ NO IMPACT

To select one of the checkboxes above, double click on the box and select "checked" from the default value menu in the middle of the page. Click OK to complete the selection.

IMPACT ON SCHOOLS

At a rate of 0.1 students per unit, the 300 unit multifamily development is projected to add approximately 30 students over all grade levels to the current projected student population. It is estimated that of the 30 students, 15 will be assigned to Oak Hill Elementary School, 7 to Small Middle School, and 8 at Austin High School. The existing permanent capacity at the schools will be able to accommodate the additional student population.

Even with the high rate of transfers into Small MS (11.6%) and Austin HS (6.9%), the percent of permanent capacity by enrollment would be within the target range of 75-115% (79% and 108% respectively), assuming the migration rates remain constant.

TRANSPORTATION IMPACT

The proposed development is located within two miles of Oak Hill Elementary School; however due to the lack of sidewalks on Vega Boulevard and Southwest Parkway, it is considered a hazardous route for students to walk and transportation would be provided by the district. If adequate sidewalks were built around the parcel (i.e. Rialto Boulevard and Southwest Parkway) and additionally along Vega Avenue to Patton Ranch Road, students would be provided a safe walking route to school.

Transportation would be provided to all secondary students because the proposed development is more than two miles from Small Middle School, and Austin High School.

The number of additional students would not affect current transportation resources, except as a possible small increase to route mileage based on the addition of a stop.

SAFETY IMPACT

There are no known safety impacts at this time.

Date Prepared: September 23, 2014

Director's Signature: Paul Turner