



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-13
AGENDA DATE: Thu 07/28/2005
PAGE: 1 of 1

SUBJECT: C14-04-0166 - Lake Creek - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Lakeline Boulevard at Lake Creek Parkway (Lake Creek Watershed) from general office (GO) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) district zoning. Applicant: SPF Joint Venture (Mike Reynolds). Agent: Minter, Joseph and Thornhill (John M. Joseph). City Staff: Sherri Sirwaitis, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0166

Z.A.P. DATE: November 16, 2004
December 21, 2004
June 21, 2005

ADDRESS: Lakeline Boulevard and North Lake Creek Parkway

OWNER/APPLICANT: SPF Joint Venture (Mike Reynolds)

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

ZONING FROM: GO **TO:** CS **AREA:** 10.60 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant GR, Community Commercial District, zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

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

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

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

ISSUES:

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

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

DEPARTMENT COMMENTS:

The property in question is undeveloped and sparsely vegetated. The site is located at the northwest corner of Lakeline Boulevard and North Lake Creek Parkway directly to the south of the state offices for the Texas Department of Transportation (Cedar Park Campus). Across Lakeline Boulevard, to the south of the site, there is a developing commercial retail center containing a Kohl's department store, an Oshman's Sports Store, and a Bed Bath & Beyond store.

The staff recommends GR, Community Commercial District, zoning for the site under consideration because the property meets the purpose statement of the district. The site is located at the intersection of two arterial roadways, Lakeline Boulevard and North Lake Creek Parkway and is near the major intersection of U. S. Highway 183 North and Lakeline Boulevard. The GR zoning district is compatible and consistent with the surrounding uses because there is GR zoning to the south, east and

west of the site. There are currently office uses to the north and commercial retail uses to the south of the property in question. GR zoning is appropriate for this location because of the commercial character of the area and the frontage of the property along an arterial roadway.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO	Undeveloped
<i>North</i>	I-RR	Texas Department of Transportation Offices-Cedar Park Campus
<i>South</i>	GR	Retail Shopping Center (Kohl's Department Store, Oshman's Sports, Bed Bath & Beyond, Home Depot)
<i>East</i>	GR	Undeveloped
<i>West</i>	GO, 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
 985 – Davis Springs HOA

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0173	DR to GR	1/15/02: Approved GR-CO zoning, with a condition prohibiting pawn shop services, by consent (8-0, K. Jackson-absent)	2/14/02: Approved GR-CO on 3 readings (7-0)
C14-00-2094	DR to GR	7/11/00: Approved staff rec. of GR by consent (7-0)	8/17/00: Approved GR on 1 st reading (6-0, Goodman-absent) 8/31/00: Approved 2 nd /3 rd readings (6-0, KW-absent)
C14-00-2107	MF-3 to GO	8/29/00: Approved staff rec. of GO by consent (7-1, RC-Nay)	9/7/00: Approved GO on 1 st reading only (7-0) 12/14/00: Approved GO (7-0); 2 nd /3 rd readings
C14-98-0266	DR to GR	3/2/99: Approved GR by consent (8-0)	12/2/99: Approved PC rec. of GR (6-0, WL-absent); 1 st reading

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

RELATED CASES: C14-04-0164, C14-04-0165

ABUTTING STREETS:

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

CITY COUNCIL DATE: July 28, 2005

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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

I-RR

PUD

0014-47-0501

04-0122
04-0124

GR

FD-302
PC

GR

PUD

HOG FARM

LAKE LINE BOULEVARD

14-0132

6707-0017C

PA5-568 PC

RETAIL CENTERS

GR

14-00124

REG-200-PC

UNDEVELOPED

CS

17-541

१५१७

GR-CO

PAZ-360 HC

GO

60-2107

GR
92-0754



PENDING CASE

CASE MGR: B. GAGER

1" = 400'

ZONING

CASE #: C14-04-0166

ADDRESS: LAKELINE BLVD

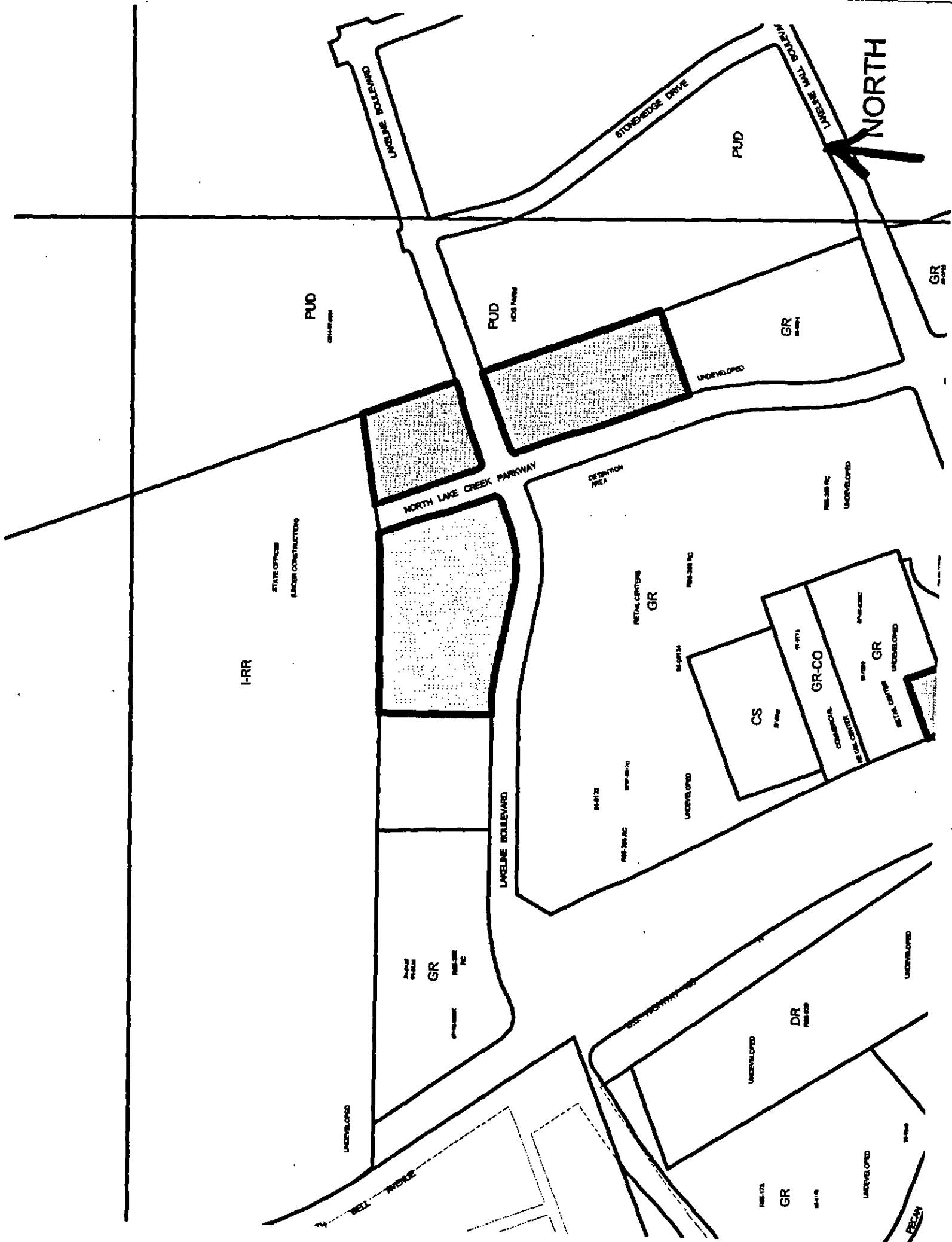
SUBJECT AREA (acres): 10.600

DATE: 04-10

INTLS: SM

CITY GRID
REFERENCE
NUMBER

F40



STAFF RECOMMENDATION

The staff's recommendation is to grant GR, Community Commercial 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 site fronts onto and will take access from Lakeline Boulevard. This tract of land is less than a block away from the major intersection of Lakeline Boulevard, an arterial roadway, and U. S. 183 North, a recently improved highway.

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

The GR zoning district would be compatible and consistent with the surrounding uses because there is GR zoning to the south, east, and west of the site. There are currently office uses to the north and commercial retail uses to the south of the property in question.

GR zoning is appropriate for this location because of the commercial character of the area and the frontage of the property along an arterial roadway.

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

The property in question is located at the northwest corner of the intersection of two arterial roadways, Lakeline Boulevard and North Lake Creek Parkway.

EXISTING CONDITIONS

Site Characteristics

The subject tract is currently undeveloped and sparsely vegetated.

Impervious Cover

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

<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%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

Environmental

The site is located over the North Edward's Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the LAKE CREEK Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

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

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

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 bus service is available along US Highway 183.

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

Existing Street Characteristics:

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

Right of Way

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

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

Water and Wastewater

The landowner intends to serve each lot with City water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, system upgrades, utility relocation, and adjustments to serve each lot and land use.

The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria and specifications. The utility construction must be inspected by the City. The landowner must pay the tap and impact fee once the landowner makes an application for a City water and wastewater 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.

I-RR

STATE OFFICES
(UNDER CONSTRUCTION)

GR

GO

LAKE LINE BOULEVARD

94-0122
94-0124

GR

988-302
PC

97-00-00000

UNDEVELOPED

GO

94-0125

UNDEVELOPED

NORTH LAKE CREEK PARKWAY

DETENTION
AREA

INITIAL CENTER

GR

988-308 PC

94-00134

CS

97-0001

94-0122

988-308 PC

987-007C

UNDEVELOPED

U.S. HIGHWAY 183

U.

BLVD

NORTH



Attachment A

**HARTMAN**
& associates, inc.

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

Fax: 974-2269

December 8, 2004

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

SCHEDULED DATE OF HEARING: DECEMBER 21, 2004

PROPERTY OWNER: D & CH TRUST

Dear Ms. Gager:

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

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

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

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

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

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

Very Truly Yours,

Brian Conroy
Real Estate Management & Marketing

M J T

MINTER, JOSEPH & THORNHILL, P.C.

811 Barton Springs Rd.
Suite 800
Austin, Texas 78704-1196
phone 512.478.1075
fax 512.478.5838
www.mjtpc.com

December 13, 2004

Sheri Gager
505 Barton Springs Rd.
Austin, Texas 78704

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

Dear Sheri:

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

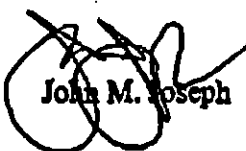
As you will recall, this is our second request for postponement. The first was to allow an opportunity to meet with adjacent property owners. This request is needed for the investigation of two matters that are of significant importance and go to the very issue of whether or not the applicant would benefit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

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

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

Please contact me with any questions regarding this matter.

Very truly yours,



John M. Joseph

cc: Betty Baker
Mike Reynolds

Attachment B

Sirwaitis, Sherri

From: Dowe Gullatt [dgullatt@mjtpc.com]
Sent: Friday, June 17, 2005 11:09 AM
To: Sirwaitis, Sherri
Subject: FW: Lakeline Property rezoning; P&Z Commission Agenda; 6/21/05 items 10,11 and 12

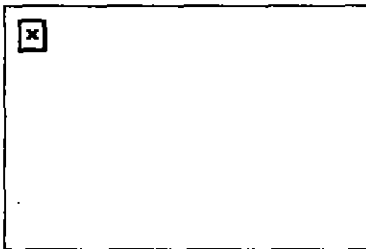
Sherri,
This is from the property owner adjacent on Lakeline to our client.
Regards,
Dowe

From: Brian Conroy [mailto:brian@conroyselect.com]
Sent: Thursday, June 16, 2005 5:21 PM
To: dgullatt@mjtpc.com
Subject: Lakeline Property rezoning

Dowe:

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

Best regards,



BRIAN CONROY, Real Estate Broker
612-761-3052 mobile

612-997-7826 fax
612-339-9771 phone
10711 Burnet Road, Suite 340
Austin, TX 78758

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7/20/2005

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT LAKELINE BOULEVARD AND NORTH LAKE
3 CREEK PARKWAY FROM GENERAL OFFICE (GO) DISTRICT TO GENERAL
4 COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING
5 DISTRICT.
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
8

9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from general office (GO) district to general commercial services-
11 conditional overlay (CS-CO) combining district on the property described in Zoning Case
12 No. C14-04-0166, on file at the Neighborhood Planning and Zoning Department, as
13 follows:
14

15 Lot 1, Parkline Section I Subdivision, a subdivision in the City of Austin,
16 Williamson County, Texas, according to the map or plat of record in Cabinet K,
17 Slide 8, and in Document No. 9124017, of the Official Records of Williamson
18 County, Texas (the "Property").
19

20 locally known as the property located at Lakeline Boulevard and North Lake Creek
21 Parkway, in the City of Austin, Williamson County, Texas, and generally identified in the
22 map attached as Exhibit "A".
23

24 PART 2. The Property within the boundaries of the conditional overlay combining district
25 established by this ordinance is subject to the following conditions:
26

27 The following uses are prohibited uses of the Property:
28

29 Pawn shop services

Exterminating services

30 Adult oriented businesses
31

32 Except as specifically restricted under this ordinance, the Property may be developed and
33 used in accordance with the regulations established for the general commercial services
34 (CS) base district and other applicable requirements of the City Code.
35
36
37

1 **PART 3.** This ordinance takes effect on _____, 2005.
2
3

4 **PASSED AND APPROVED**
5

6 _____, 2005
7

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§
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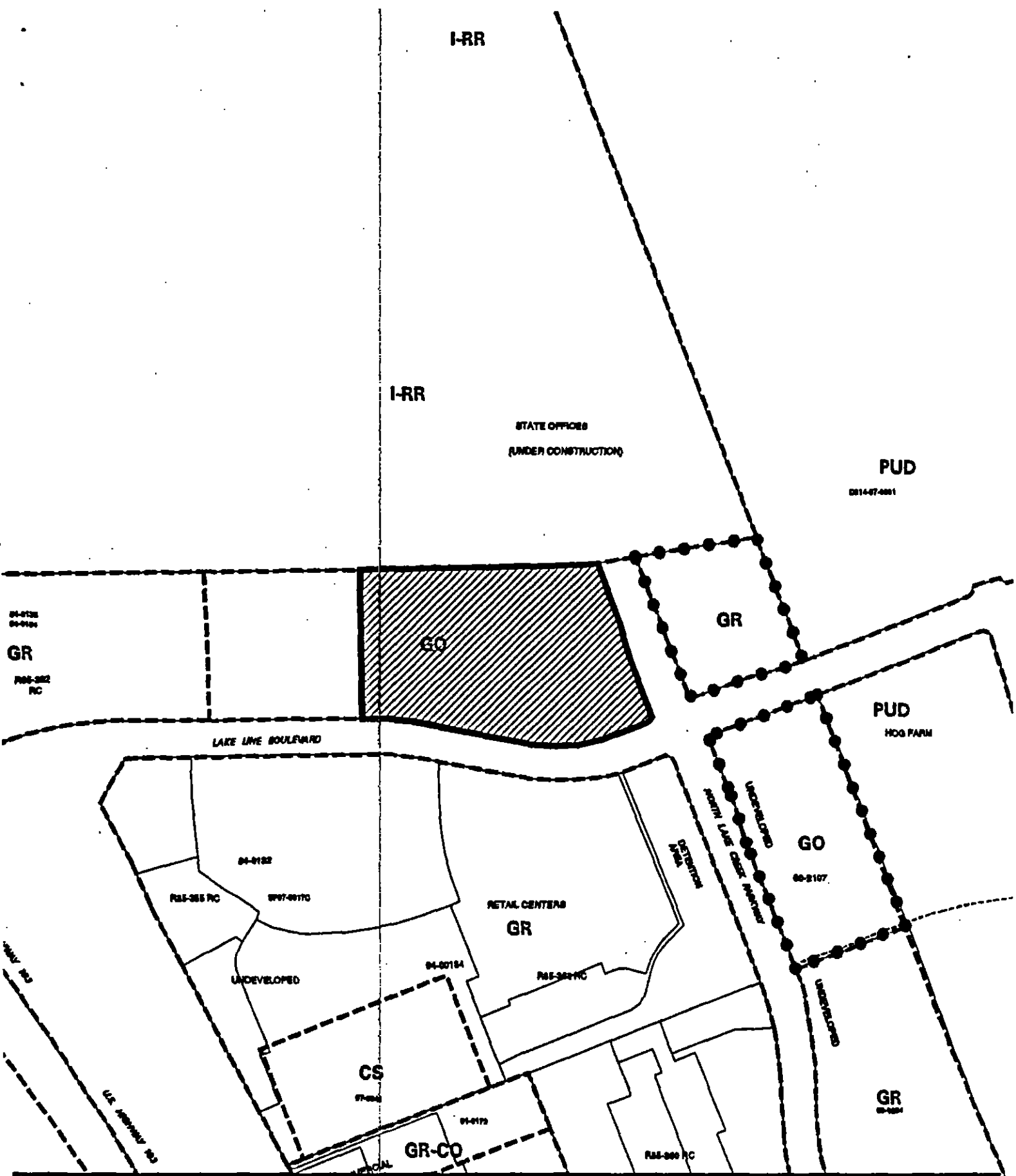
Will Wynn
Mayor





10
11
12
13 **APPROVED:** _____

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: S. GAGER	  	ZONING EXHIBIT A CASE #: C14-04-0166 ADDRESS: LAKELINE BLVD SUBJECT AREA (acres): 10.600	DATE: 04-10 INTLS: SM	CITY GRID REFERENCE NUMBER F40
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