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ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0061 **Z.A.P. DATE:** August 7, 2012
 The Oaks at Techridge Phase 2b

ADDRESS: 14400 The Lakes Blvd.

OWNERS: Techridge Spectrum B.C., LP **AGENT:** Smith, Robertson, Elliott,
 Glen, Klein, & Douglas, LLP
 (David Hartman)

ZONING FROM: CS-CO **TO:** MF-3-CO **AREA:** 10.95 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant multifamily residence medium density (MF-3) district zoning. A conditional overlay is not needed, since the previous conditional overlay prohibited/limited specific commercial uses that are not permitted in MF-3 zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

August 7, 2012:

DEPARTMENT COMMENTS:

The subject property is currently undeveloped and is located on the south side of The Lakes Boulevard. Immediately to the west is a furniture store, which was also zoned CS-CO as part of the same ordinance (Ord. 20050324-051). The existing conditional overlay prohibits certain commercial land uses, like vehicle storage, kennels, pawn shop services, etc. The previous conditional overlay prohibited commercial uses that are not permitted in MF-3 zoning, and does not need to be continued. See attached zoning ordinance (Exhibit A). A restrictive covenant was also created at that time to limit development on the tracts to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in a Traffic Impact Analysis (TIA) approved by the City in 2005. The proposed MF-3 zoning is required to comply with the terms of the restrictive covenant, since it remains tied to the property. See attached restrictive covenant (Exhibit B). Immediately to the east of the subject property is an undeveloped parcel that is zoned CS-MU-CO. Immediately to the south is Memorial Hill Park cemetery, which is zoned SF-2. Across The Boulevard, to the north, are large tracts of undeveloped land that are zoned CS-CO and CS-MU-CO. See attached zoning map and aerial map (Exhibits C and D).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-CO	Undeveloped
<i>North</i>	CS-CO, CS-MU-CO	Undeveloped
<i>South</i>	SF-2	Cemetery
<i>East</i>	CS-MU-CO	Undeveloped
<i>West</i>	CS-CO	Furniture store

AREA STUDY: N/A**TIA:** See attached memo**WATERSHED:** Walnut Creek Watershed & Harris Branch**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

North Growth Corridor Alliance
Austin Northwest Association

SCHOOLS:

Pflugerville ISD
Northwest Elementary
Westview Middle School
Connally High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0125	SF-2 to CS	6/1/04: Approved GR-CO with prohibited uses: Auto repair, Drop-off recycling, Pawn shop. (8-0-1)	6/17/04: To grant CS-CO as recommended by staff w/neighborhood input (7-0) 1 st Reading; 3/24/05: 2 nd & 3 rd Reading (7-0)
C14-02-0111	Tract 1: GR-CO to GR Tract 2: CS-CO to CS	10/15/02: Approved staff rec. of GR-CO & CS-CO with additional prohibition of Auto sales (7-0-1)	12/5/02: Granted GR-CO (Tract 1) & CS-CO (Tract 2) All 3 readings (7-0).

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
The Lakes Blvd.	70'	45'	Collector	Yes	No	No

COUNCIL DATE: September 27, 2012**ACTION:****ORDINANCE READINGS:** 1st 2nd 3rd**ORDINANCE NUMBER:**

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 974-2122

C14
3**SUMMARY STAFF RECOMMENDATION:**

Staff recommendation is to grant multifamily residence medium density (MF-3) district zoning. The property will be required to comply with the terms of the restrictive covenant shown in Exhibit B.

Imagine Austin has identified this general area as a Neighborhood Center. Businesses and services are intended to serve the center and surrounding neighborhoods, and moderately dense housing types are recommended, including multifamily. The applicant has provided letters of support for the MF-3-CO zoning request from several adjacent property owners. See Exhibit E- Letters of Support.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The proposed zoning is intended to allow the property to be developed with 300 multifamily units.

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

Letters of support from the property owner to the east show that the adjacent CS-MU tract is planned to be developed with multifamily, similar to the subject property. As their letters state, the subject tract will provide transition from the commercial development along IH 35. The south boundary with the cemetery will be subject to compatibility standards for screening, setbacks, etc. Finally, MF-3-CO is less intensive than CS-CO and is more suitable for the Neighborhood Center designation outlined in Imagine Austin.

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed and the Harris Branch Watershed of the Colorado River Basin, which are classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<u>Development Classification</u>	<u>% of Net Site Area</u>	<u>% with Transfers</u>
Multifamily	60%	70%
Commercial	80%	90%

2. According to floodplain maps there is no floodplain within or adjacent to the project boundary.

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

4. 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 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.

5. 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.

6. 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.

Site Plan

SP 1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP2. The site is subject to compatibility standards. Along the south property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

SP3. Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

TR1. No additional right-of-way is needed at this time.

TR2. See attached TIA memo.

Water / Wastewater

The site is currently served by City of Austin water and wastewater utilities. If redeveloped 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. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.

Zoning Case No. C14-03-0125

RESTRICTIVE COVENANT

OWNER: JPMorgan Chase Bank, N.A., a national banking association,
Co-Trustee of The Karl B. Wagner Testamentary Trust for the benefit of
Karl B. Wagner, Jr., and
The Karl B. Wagner Testamentary Trust for the benefit of
Mary Ella Wagner Jones

ADDRESS: 2200 Ross Avenue, 7th Floor, Dallas, Texas 75201

OWNER: Karl B. Wagner, Jr., Individually and as Co-Trustee of The Karl B.
Wagner Testamentary Trust for the benefit of Mary Ella Wagner Jones

ADDRESS: 7 Berkshire Drive, Richmond, Texas 23229-8218

OWNER: Mary Ella Wagner Jones, Individually and as Co-Trustee of
The Karl B. Wagner Testamentary Trust for the benefit of Karl B. Wagner

ADDRESS: 33 Pine Island Road, Hilton Head Island, South Carolina 29928

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable
consideration paid by the City of Austin to the Owner, the receipt and
sufficiency of which is acknowledged.

PROPERTY: A 73.465 acre tract of land, more or less, out of the L.C. Cunningham
Survey No. 68, Abstract No. 163, in Travis County, the tracts of land
being more particularly described by metes and bounds in Exhibit "A"
incorporated into this covenant.

WHEREAS, the Owner, of the Property and the City of Austin have agreed that the
Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration,
shall hold, sell and convey the Property, subject to the following covenants and restrictions
impressed upon the Property by this restrictive covenant. These covenants and restrictions shall
run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and
assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generates traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Alliance Texas Engineering Company, dated June 2004, or as amended and approved by the Director of the Watershed Protection and Development Review Department. Development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department dated March 7, 2005. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.

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3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 14th day of March, 2005.

OWNER:

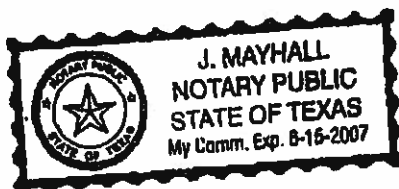
JPMorgan Chase Bank, N.A.,
a national banking association
Co-Trustee of The Karl B. Wagner Testamentary
Trust, fbo Karl B. Wagner, Jr., and
The Karl B. Wagner Testamentary Trust
fbo Mary Ella Wagner Jones

By: Terry W. Anderson
Terry W. Anderson,
Vice President

Date: 3/14/05

THE STATE OF TEXAS §
COUNTY OF DALLAS §

This instrument was acknowledged before me on this the 14th day of March, 2005, by Terry Anderson, Vice President of JPMorgan Chase Bank, N.A., a national banking association, on behalf of the association, and the association acknowledged this instrument as Co-Trustee of the Karl B. Wagner Testamentary Trust fbo Karl B. Wagner, Jr., and The Karl B. Wagner Testamentary Trust fbo Mary Ella Wagner Jones.



J. Mayhall
Notary Public, State of Texas

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EXECUTED this the 14th day of March, 2005.

OWNER:

Karl B. Wagner, Jr.

Karl B. Wagner, Jr.,
Individually and as
Co-Trustee of the Karl B. Wagner Testamentary
Trust fbo Mary Ella Wagner Jones

Date: _____

THE STATE OF Virginia §
COUNTY OF Richmond §
City

This instrument was acknowledged before me on this the 14th day of March, 2005, by Karl B. Wagner, Jr., Individually and as Co-Trustee of the Karl B. Wagner Testamentary Trust fbo Mary Ella Wagner Jones.

Debra B. Stoss

Notary Public, State of Virginia

My commission expires
March 31, 2005

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EXECUTED this the 14th day of March, 2005.

OWNER:

Mary Ella Wagner Jones
Mary Ella Wagner Jones
Individually, and as
Co-Trustee of the Karl B. Wagner Testamentary
Trust fbo Karl B. Wagner, Jr.

Date: 3.14.05

THE STATE OF South Carolina §
COUNTY OF Beaufort §

This instrument was acknowledged before me on this the 14 day of March, 2005, by Mary Ella Wagner Jones, Individually and as Co-Trustee of the Karl B. Wagner Testamentary Trust fbo Karl B. Wagner, Jr.

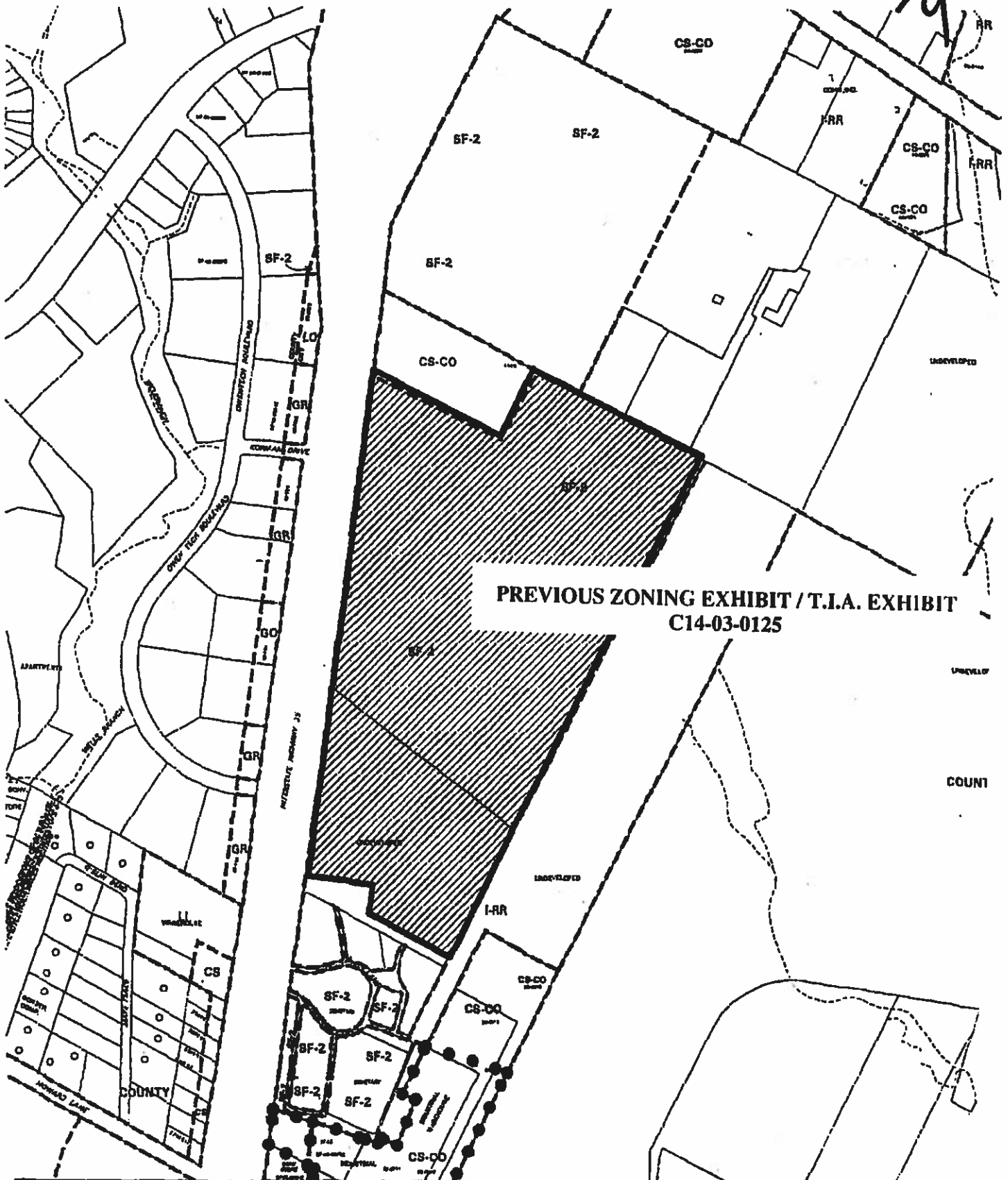
[Signature]
Notary Public Signature, State of South Carolina





APPROVED AS TO FORM:

[Signature]
Assistant City Attorney
City of Austin

Commission Expires
July 27, 2015

C14-03-0125



	SUBJECT TRACT		ZONING	CITY GRID REFERENCE NUMBER M38 N36
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: S. GAGER			
CASE #: C14-03-0125			DATE: 03-08	
ADDRESS: N I 35 SVC RD NB			INTL S: SM	
SUBJECT AREA (approx): 72 ACR				

ORDINANCE NO. 20050324-051

C140

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 13801-14409 NORTH IH-35 SERVICE ROAD NORTHBOUND FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING 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 single family residence standard lot (SF-2) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-03-0125, on file at the Neighborhood Planning and Zoning Department, as follows:

A 73.465 acre tract of land, more or less, out of the L.C. Cunningham Survey No. 68. Abstract No. 163, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 13801-14409 North IH-35 Service Road northbound, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

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

1. The following uses are prohibited uses of the Property:

Art workshop
Campground
Drop-off recycling collection facility
Equipment sales
Laundry service
Vehicle storage
Maintenance and service facilities

Building maintenance services
Commercial blood plasma center
Equipment repair services
Kennels
Pawn shop services
Veterinary services
Adult-oriented businesses

2. The following uses are conditional uses of the Property:

Automotive repair services

Convenience storage

Limited warehousing and distribution

3. For an automotive repair use a 400-foot wide building setback shall be established along the north and south property lines.

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

PART 3. This ordinance takes effect on April 4, 2005.

PASSED AND APPROVED

_____, March 24, 2005

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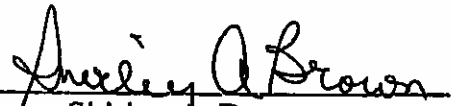
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

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1" = 400'



SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2012-0061

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



EXHIBIT D

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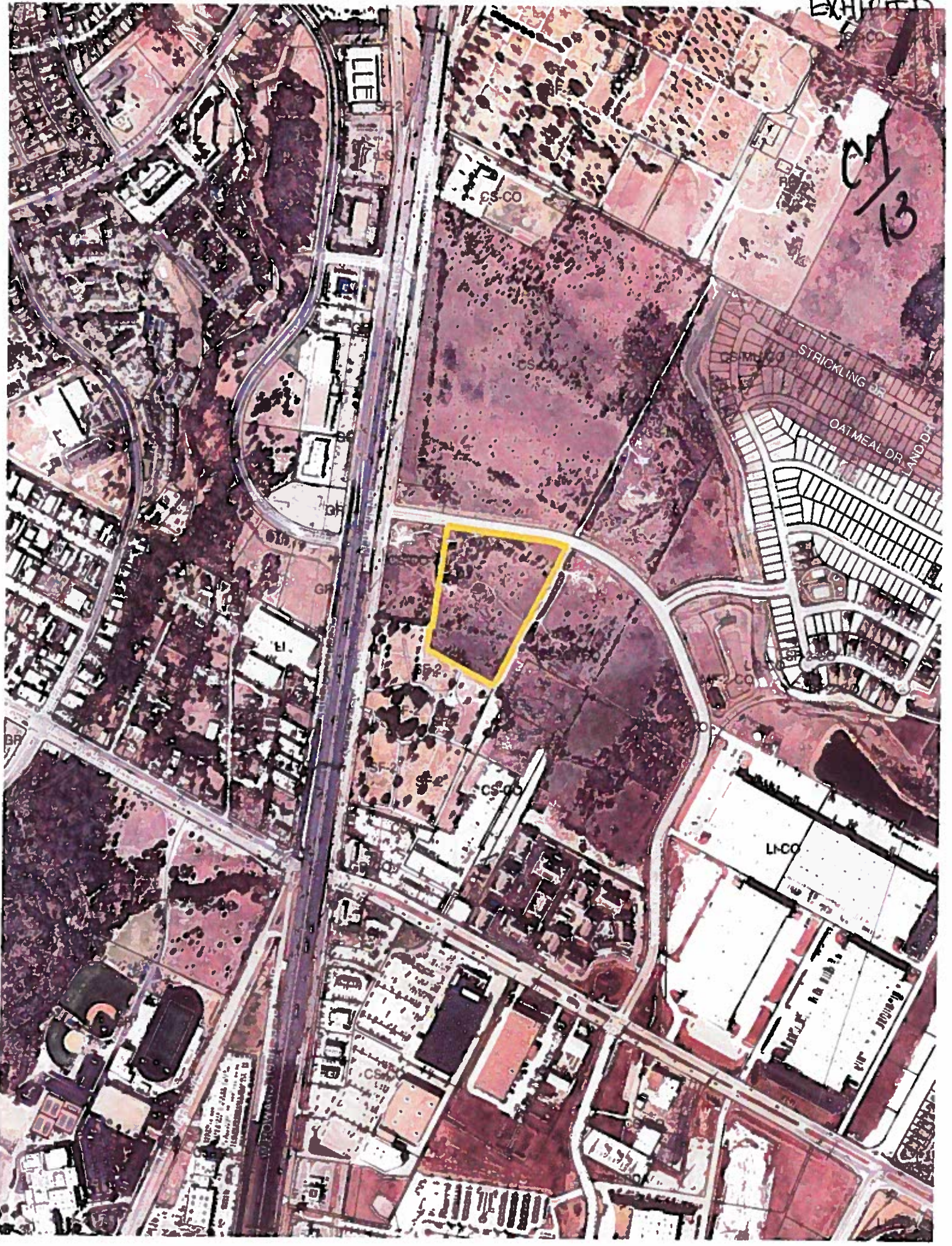


EXHIBIT E

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July 10, 2012

Ms. Heather Chaffin
City of Austin
Neighborhood Planning & Zoning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

RE: Rezoning of approximately 10.950 acres, The Oaks at Techridge Phase 2h, 14400 The Lakes Boulevard, to MF-3 "Multi-Family Residence, Medium Density" zoning category: Rezoning Case No. C-14-2012-0061

Dear Heather:

I am writing to express the strong support of Lakes TX LTHR LLC, a Texas limited liability company, for rezoning the property at 14400 The Lakes Boulevard to Multi-Family Residence, Medium Density (MF-3) as requested by the landowner.

The undersigned owns an approximately 0.9160 acre tract located at 14101 North Interstate Highway 35 and adjacent to the property at 14400 The Lakes Boulevard, and we are proposing a commercial use on the land we own. We believe the apartment community as proposed by the landowner provides a reasonable and fair project intensity that offers an appropriate, compatible land use transition from our commercial project and adjacent land uses. In addition, construction of a quality apartment project would provide a much more desirable neighbor than the current situation that involves many of the negative consequences inherent in being located adjacent to the existing vacant land.

As the one of the impacted adjacent landowners, we offer our strong support of the landowner's rezoning request. Please contact me with any questions you might have.

Sincerely,

LAKES TX LTHR LLC,
a Texas limited liability company

By: 

Name: Peter Zolferino

Title: Managing Member

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July 6, 2012

Ms. Heather Chaffin
City of Austin
Neighborhood Planning & Zoning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

RE: Rezoning of approximately 10.950 acres, The Oaks at Techridge Phase 2b, 14400 The Lakes Boulevard, to MF-3 "Multi-Family Residence, Medium Density" zoning category; Rezoning Case No. C-14-2012-0061

Dear Heather:

I am writing to express the strong support of Oaks at Techridge Partners LP, a Delaware limited partnership, for rezoning the property at 14400 The Lakes Boulevard to Multi-Family Residence, Medium Density (MF-3) as requested by the landowner.

The undersigned owns an approximately 14.638 acre tract located at 14000 The Lakes Boulevard and adjacent to the property at 14400 The Lakes Boulevard, and we are proposing a multi-family use on the land we own. We believe the apartment community, as proposed by the landowner, provides a reasonable and fair project intensity that offers an appropriate, compatible land use transition from our multi-family project and adjacent land uses. In addition, construction of a quality apartment project would provide a much more desirable neighbor than the current situation that involves many of the negative consequences inherent in being located adjacent to the existing vacant land.

As the one of the impacted adjacent landowners, we offer our strong support of the landowner's rezoning request. Please contact me with any questions you might have.

Sincerely,

OAKS AT TECHRIDGE PARTNERS LP,
a Delaware limited partnership

By: 

Name: Patrick B. Patterson

Title: Senior Vice President

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July 6, 2012

Ms. Heather Chaffin
City of Austin
Neighborhood Planning & Zoning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

RE: Rezoning of approximately 10.950 acres, The Oaks at Techridge Phase 2b, 14400 The Lakes Boulevard, to MF-3 "Multi-Family Residence, Medium Density" zoning category; Rezoning Case No. C-14-2012-0061

Dear Heather:

I am writing to express the strong support of The Lakes Landscape Maintenance Association, Inc, a Delaware corporation, for rezoning the property at 14400 The Lakes Boulevard to Multi-Family Residence, Medium Density (MF-3) as requested by the landowner.

The undersigned owns an approximately 6.2805 acre tract located on Northtown Boulevard and adjacent to the property at 14400 The Lakes Boulevard, and we are proposing a commercial use on the land we own. We believe the apartment community, as proposed by the landowner, provides a reasonable and fair project intensity that offers an appropriate, compatible land use transition from our commercial project and adjacent land uses. In addition, construction of a quality apartment project would provide a much more desirable neighbor than the current situation that involves many of the negative consequences inherent in being located adjacent to the existing vacant land.

As the one of the impacted adjacent landowners, we offer our strong support of the landowner's rezoning request. Please contact me with any questions you might have.

Sincerely,

THE LAKES LANDSCAPE MAINTENANCE
ASSOCIATION INC, a Delaware corporation

By: _____

Name: _____

Title: _____

IAN ASSOLING

DIRECTOR

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July 6, 2012

Ms. Heather Chaffin
City of Austin
Neighborhood Planning & Zoning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

RE: Rezoning of approximately 10.950 acres, The Oaks at Techridge Phase 2b, 14400 The Lakes Boulevard, to MF-3 "Multi-Family Residence, Medium Density" zoning category; Rezoning Case No. C-14-2012-0061

Dear Heather:

I am writing to express the strong support of Oaks at Techridge Phase 2 Partners LP, a Delaware limited partnership, for rezoning the property at 14400 The Lakes Boulevard to Multi-Family Residence, Medium Density (MF-3) as requested by the landowner.

The undersigned owns an approximately 16.055 acre tract located at 14178 The Lakes Boulevard and adjacent to the property at 14400 The Lakes Boulevard, and we are proposing a multi-family use on the land we own. We believe the apartment community, as proposed by the landowner, provides a reasonable and fair project intensity that offers an appropriate, compatible land use transition from our multi-family project and adjacent land uses. In addition, construction of a quality apartment project would provide a much more desirable neighbor than the current situation that involves many of the negative consequences inherent in being located adjacent to the existing vacant land.

As the one of the impacted adjacent landowners, we offer our strong support of the landowner's rezoning request. Please contact me with any questions you might have.

Sincerely,

OAKS AT TECHRIDGE PHASE 2 PARTNERS LP.
a Delaware limited partnership

By: 

Name: Patrick B. Patterson

Title: Senior Vice President