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1**ZONING CHANGE REVIEW SHEET****CASE:** C14-2012-0114
Monaco II**P.C. DATE:** 10/23/2012**ADDRESS:** 2440 Wickersham Lane**AREA:** 1.960 acres**OWNER:** PDQ Austin Overlook, Inc.
(T. Mark Knutsen, President)**AGENT:** Vaughn & Associates
(Rick Vaughn)**ZONING FROM:** MF-2; Multifamily Residence Low Density**ZONING TO:** GR-MU; Community Commercial-Mixed Use Combining District**NEIGHBORHOOD PLAN AREA:** East Riverside/Oltorf Combined
(although not included in FLUM or NP rezoning)**SUMMARY STAFF RECOMMENDATION**

Staff recommendation is to grant Neighborhood Commercial, Mixed Use, Conditional Overlay, (LR-MU-CO) combining district zoning. The conditional overlay would limit the vehicle trips to less than 2,000 per day.

(Should a Transportation Impact Analysis be approved prior to Council approval of the rezoning, staff may no longer recommend the 2,000 vehicle trips per day conditional overlay).

PLANNING COMMISSION RECOMMENDATION:

Scheduled for consideration

DEPARTMENT COMMENTS:

The subject tract is an approximate 1.96 acre tract of undeveloped land at the northwest corner of the intersection of E Oltorf Street and Wickersham Lane. It is surrounded by apartments and condominiums, all of which are zoned MF-2 (see Exhibit A and A-1). The parcel is a combination of remnant portions of previously subdivided and replatted lots (the perceived overlap of the subject tract boundaries with existing GIS data for zoning, parcel, and subdivision boundaries is under review).

This tract, several of the tracts surrounding it, and more in the immediate vicinity, were not included in the East Riverside/Oltorf Neighborhood Plan's Future Land Use Map, or FLUM (see Exhibit A-2); other properties were included in the FLUM with land use designations, but were not rezoned as part of the zoning ordinance that accompanied adoption of that Plan (see Exhibit A-3). Excluded properties along Pleasant Valley Road to the west were designated withdrawn on the FLUM – but with the possibility to be reconsidered as part of a future core transit corridor. Other properties, such as this one, were simply designated withdrawn for future consideration. Of note, the draft East Riverside Corridor Plan does not encompass this tract.

Consequently, a neighborhood plan amendment is not required, and the tract will not be designated (differently) on the FLUM as a result of a rezoning.

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The request for the rezoning is driven by the desire to construct a multiple story, mixed use building. Specifically, a project with first floor retail, two floors of residential, and subsurface parking is envisioned. A site plan has not been submitted to the City, and the variety and mix of retail tenants proposed for the project have not been established.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|------------------------|---------------|--|
| <i>Site</i> | MF-2 | Undeveloped (concrete pads from prior temporary use) |
| <i>North-Northwest</i> | MF-2-NP | Monaco Condominiums; The Heights in Austin |
| <i>North-Northeast</i> | MF-2 | High Point Village Apartments; Wickersham Green Apartments |
| <i>East-Southeast</i> | MF-2-NP | Coppertree Apartments |
| <i>South</i> | MF-2-NP | Woodmeade Apartments |
| <i>West-Southwest</i> | MF-2 | Chamonix Condominiums; Chevy Chase Downs Apartments |

TIA: Not Required

(The applicant is in the process of preparing a TIA. In the absence of an approved TIA, staff is recommending the no more than 2,000 vtd condition)

WATERSHED: Country Club East Creek
CAPITOL VIEW CORRIDOR: No

DESIRED DEVELOPMENT ZONE: Yes
HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

| | |
|---|------|
| Southeast Austin Neighborhood Alliance | 189 |
| Crossing Garden Home Owners Association | 299 |
| Sunridge Homeowners Association | 481 |
| Austin Neighborhoods Council | 511 |
| Montopolis Area Neighborhood Alliance | 634 |
| East Riverside/Oltorf Neighborhood Plan Contact Team | 763 |
| Del Valle Independent School District | 774 |
| Home Builders Association of Greater Austin | 786 |
| Riverside Farms Road Neighborhood Association | 934 |
| PODER | 972 |
| Homeless Neighborhood Organization | 1037 |
| League of Bicycling Voters | 1075 |
| Super Duper Neighborhood Objectors and Appealers Organization | 1200 |
| Austin Monorail Project | 1224 |
| Sierra Club, Austin Regional Group | 1228 |
| The Real Estate Council of Austin, Inc. | 1236 |
| Pleasant Valley | 1255 |
| Del Valle Community Coalition | 1258 |
| Austin Heritage Tree Foundation | 1340 |
| SEL Texas | 1363 |

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Del Valle Independent School District:

Baty Elementary

John P. Ojeda Middle School

Del Valle High School

CASE HISTORIES:

The subject tract was annexed as part of an approximate 177-acre tract annexed in August 1969. In November 1970, 176 of those acres were zoned "BB"; this zoning included not only the subject tract, but essentially everything between the already existing Riverside Farms development to the east and future Pleasant Valley Road to the west, and from Riverside Drive to the north, to approximately 1,000 feet south of the current Oltorf/Wickersham intersection.

Although the first multifamily development in the area appears to be the Hills of Chevy Chase Apartments in 1973, there wasn't pronounced development of multifamily projects until the mid-1980s and again in the late 1990s. In 1984 the Council adopted the Zoning Conversion Ordinance, which converted BB zoning to MF-2 through MF-5, depending on the units per acre and height and area specifications of the BB tract. Many of the site plans for these multifamily projects were approved as a special use site plan, and required Commission approval.

| NUMBER | REQUEST | PLANNING COMMISSION |
|--|---|----------------------|
| <i>(North-Northwest)</i> | | |
| C14P-85-017 (Monaco) (plan included subject tract) | 56 Condominium Units | Approved; 05/14/1985 |
| SP-99-0018C (Heights of Austin, formerly Oltorf Apartments) | 192 Apartment Units | Approved; 07/22/1999 |
| <i>(North-Northeast)</i> | | |
| C14P-73-006 (Wickersham Greens, formerly Hills of Chevy Chase) | 190 Apartment Units | Approved; 04/18/1973 |
| C14P-79-019 (Highpoint Village, formerly The High Point) | 168 Apartment Units | Approved; 07/31/1979 |
| <i>(East-Southeast)</i> | | |
| C14P-84-065 (Coppertree Apartments) | Two Phase Apartment Complex; Ph. I – 252 Units, Ph. II – 264 Units | Approved: 09/18/1984 |
| <i>(South)</i> | | |
| C14P-84-057 (Woodmeade Apartments) | 297 Apartment Units | Approved; 08/14/1984 |
| SP-97-0427C (Mission Hills) | Multi-phased Apartment Complex: 344 Units | Approved; 04/27/1998 |

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| | | |
|------------------------------------|-----------------------|----------------------|
| (West-Southwest) | | |
| C14P-84-044 (Chamonix) | 200 Condominium Units | Approved; 06/12/1984 |
| C14P-84-038 (Chevy Chase Downs) | 240 Unit Apartment | Approved; 06/12/1984 |

RELATED CASES:

In early 2007 a site plan (case # SP-07-0095C) was submitted on the property for a proposed 32-unit condo project known as Austin Overlook Condominiums; the permit was issued on January 29, 2008. With a pending expiration on January 29, 2011, a one year extension was sought and granted (case # SP-07-0095C(XT)). Since that extension expired on January 29, 2012, a new site plan has not been submitted.

As noted above, the site was not rezoned as part of the neighborhood planning process.

| NUMBER | REQUEST | PLANNING COMMISSION | CITY COUNCIL |
|------------|--------------------------------------|---|----------------------|
| C14-69-235 | From "A" Residence to "BB" Residence | (date unavailable at time of this staff report) | Approved; 11/12/1970 |

ABUTTING STREETS:

| Street Name | Right-of-Way | Pavement Width | Classification | Daily Traffic | Bicycle Plan | Bus Service | Side-walks |
|-----------------|-----------------|----------------|----------------|---------------|--------------|-------------|------------|
| Oltorf Street | 104 to 107 feet | 60 feet | Major Arterial | 20,952 | Yes | Yes | Yes |
| Wickersham Lane | 65 to 82 feet | 42 feet | Collector | 9,150 | Yes | Yes | Yes |

CITY COUNCIL DATE: December 6, 2012

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

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

PHONE: 974-7604

STAFF RECOMMENDATION

C14-2012-0067

BACKGROUND

The property has been zoned with an multifamily base district since 1970 (BB, then MF-2). Although tracts around it have been developed with apartments and condominiums, this tract remains undeveloped. A site plan submitted in 2007 for multifamily development has expired. The adopted neighborhood plan for this community does not designate a future land use for this property.

SUMMARY STAFF RECOMMENDATION

Staff recommendation is to grant Neighborhood Commercial, Mixed Use, Conditional Overlay, (LR-MU-CO) combining district zoning. The conditional overlay would limit the vehicle trips to less than 2,000 per day and would prohibit certain uses allowed under the LR district.

(Should a Transportation Impact Analysis be approved prior to Council approval of the rezoning, staff may no longer recommend the 2,000 vehicle trips per day conditional overlay).

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The existing multifamily residence low density (MF-2) district is the designation for a multifamily use with a maximum density of up to 23 units per acre, depending on unit size. An MF-2 district designation may be applied to a use in a multifamily residential area located near single family neighborhoods or in an area for which low density multifamily use is desired.

The requested 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. Additionally, the proposed mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The GR-MU combining district would allow development of a 3-story mixed-use building as envisioned by the applicant.

Staff recommends neighborhood commercial (LR) district, which is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

This tract is fully surrounded by developed MF-2 property, with adjacent apartments and condos ranging from 2 to 3 stories. The nearest commercially zoned property is an LR tract at the corner of Pleasant Valley and Oltorf, a service station with a convenience store just over 700 feet away. While the relative lack of commercial in this area helps justify the need for additional commercial options, staff thinks neighborhood commercial, LR, is more appropriate than GR for a base commercial district at this location.

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As noted above, this application is being driven by the desire to construct a 3-story mixed use building with first floor retail, two floors of residential and subsurface parking. The applicant is amenable to significantly limiting the uses proposed with a GR base district (see Exhibit B). However, these uses are already prohibited in the LR base district. The applicant is also amenable to a private restrictive covenant prohibiting the sale of liquor for offsite consumption.

The proposal for a mixed-use development notwithstanding, staff must also consider the potential development of the site as either retail or multifamily, without the mixed-use component. In that case, staff thinks GR is simply too intense a use at this location and that LR is more compatible with surrounding development at this time. Similarly, GR-MU, if developed only as residential, approximates MF-4 standards. That is thought to be too incompatible with the existing MF-2 zoned surroundings. In contrast, LR-MU would allow development of multifamily that approximates MF-2 or MF-3 standards, which staff thinks is more compatible with the area.

If and when the surrounding multifamily properties are redeveloped, perhaps to a higher level of density or intensity, then a GR base zoning district may be appropriate, as might a less restrictive multifamily allowance; at this time, staff does not think the site is ripe for GR zoning, despite our support for commercial at the site. Despite the less intense nature of the abutting MF-2 zoned properties, compatibility standards would not apply – for either GR or LR. Commercial design standards will apply, even if the property is developed solely as residential.

2. *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.*

Staff recommends LR-MU because the intersection of Oltorf or Wickersham is not that of major roadways as noted in the GR district's purpose statement above – despite the relatively heavy traffic volume noted on each. They are classified currently as a major arterial and collector, respectively. Consequently, staff can support neighborhood commercial but cannot support community commercial zoning.

3. *Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning; and*
4. *Zoning should allow for a reasonable use of the property.*

The justification for a commercial endeavor at this location seems self-evident when considering the property's surroundings, which consist solely of residential development. Rezoning the property to commercial mixed-use can be justified because there is existing LR at the corner of Oltorf and Pleasant Valley. Additionally, and in the broader context, approximately 1,800 feet east are two GR-based tracts (both undeveloped) and a couple of GO-based tracts (one occupied by the General Services Commission of Texas). The GR-based tracts abut LI-zoned Spansion tracts south of Oltorf, while Sematech's MI-zoned property follows on the north. Commercial can also be found north on Pleasant Valley at its intersection with Sheringham Drive (CS district) and west on Oltorf near its intersection with Willow Creek Drive (GR and CS based districts). Both of these intersections are also about 1,800 feet away. Hence, it appears there could be a real need for commercial development

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at this location, and given that there is other commercial in the area, staff does not think this is spot zoning.

At the same time, staff thinks LR is the appropriate commercial base for the proposed mixed-use zoning. Should the residential component not be developed, straight LR is thought to allow for a reasonable use of the site. Similarly, if the project is developed solely to MF-2 or MF-3 standards, that is consistent with the surrounding development and consistent with a previously approved site plan. Staff thinks the approved site plan, though expired, demonstrates that additional condominium development was considered a reasonable use of the property by that applicant, as well as staff.

EXISTING CONDITIONS

Site Characteristics

The site is undeveloped and relatively bare, with the exception of some trees on the western boundary and far southern edge. It is unknown whether these are protected trees. It is a gently-sloped tract, with the southern point being the highest point. It slopes gently downward to the north and slightly to the west. There appear to be no significant topographical constraints or environmental features on the site.

Site Plan and Compatibility Standards

1. There is an existing site plan for the site, SP-07-0114C , 'Austin Overlook Condominiums; for the construction of 3 buildings, which will include 36 condo units, and associated parking and improvements.
2. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
3. Parkland dedication fees will be required to be paid during the site plan process; \$650 per unit.

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 Country Club West Watershed of the Colorado River Basin, which is 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:

| <i>Development Classification</i> | <i>% of Net Site Area</i> | <i>% with Transfers</i> |
|--|---------------------------|-------------------------|
| Single-Family (minimum lot size 5750 sq. ft.) | 50% | 60% |
| Other Single-Family or Duplex | 55% | 60% |
| Multifamily | 60% | 70% |
| Commercial | 80% | 90% |

2. According to flood plain maps there is no flood plain 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.

Transportation

1. No additional ROW is required in accordance with the AMATP at this time.
2. 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].
3. There are existing sidewalks along both sides of Oltorf ST and Wickersham LN for the subject parcel.
4. Following table shows 2009 Bicycle Plan recommendations for the boundary streets for this parcel:

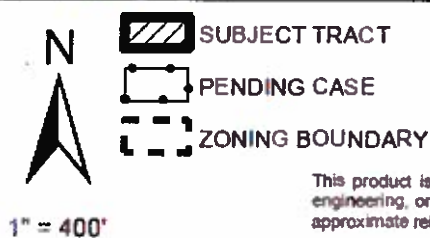
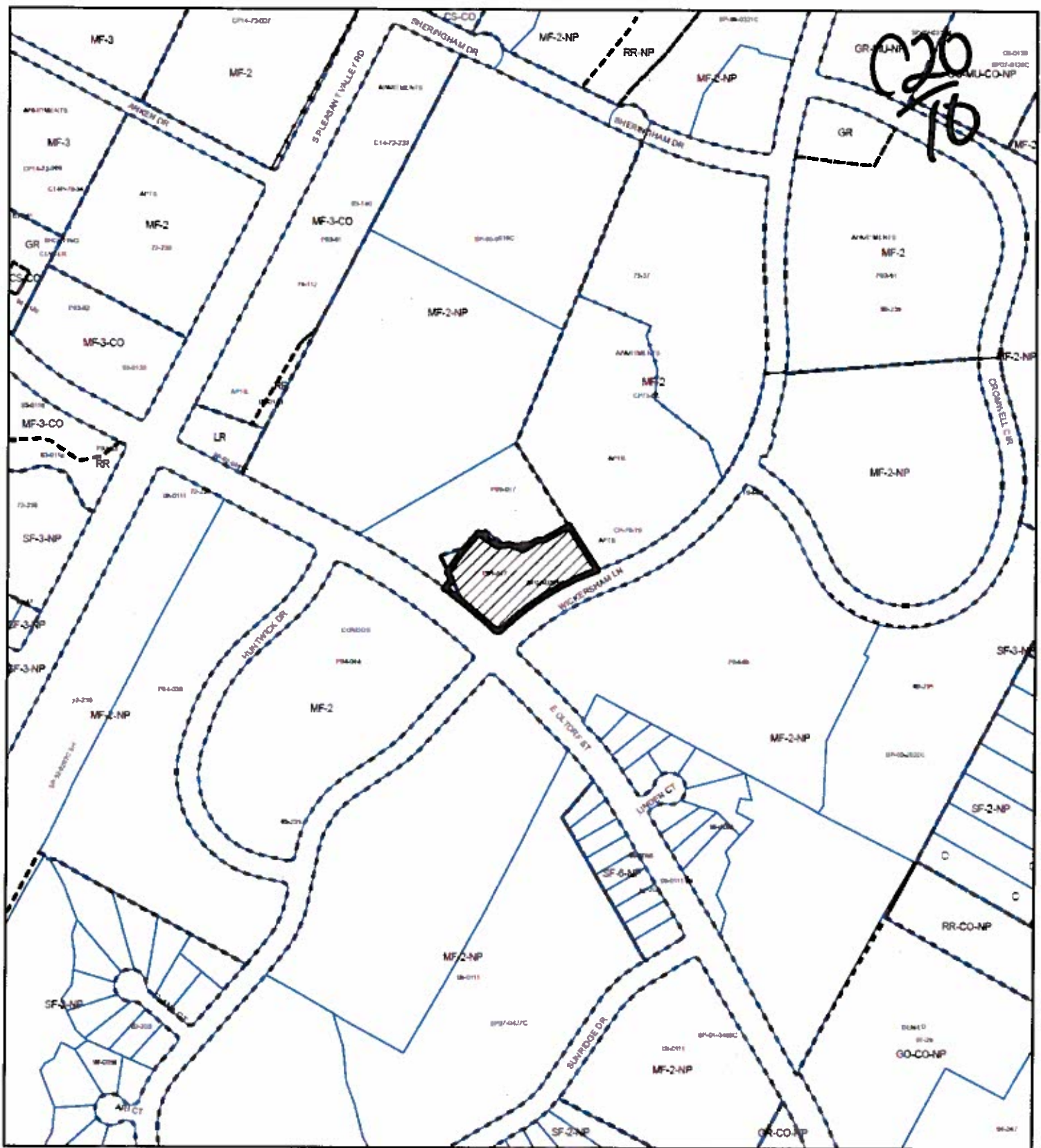
| Street Name | Existing Bicycle Facility | Recommended Bicycle Facility |
|---------------|---------------------------|------------------------------|
| Oltorf ST | Bike Lane | Bike Lane |
| Wickersham LN | None | Multi Use Path |

5. Following Capital Metro bus service routes are available in this zoning district:

331 – Oltorf
 20 – Manor RD/LBJ high
 411 – E Bus Riverside
 685 – WL/CP Wickersham LN Crossing Place
 675 – Wickersham LN/UT

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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. 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.



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2012-0114

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.





**Aerial Image
Exhibit A - 1**

0 200 400 800
Feet
1 inch = 400 feet

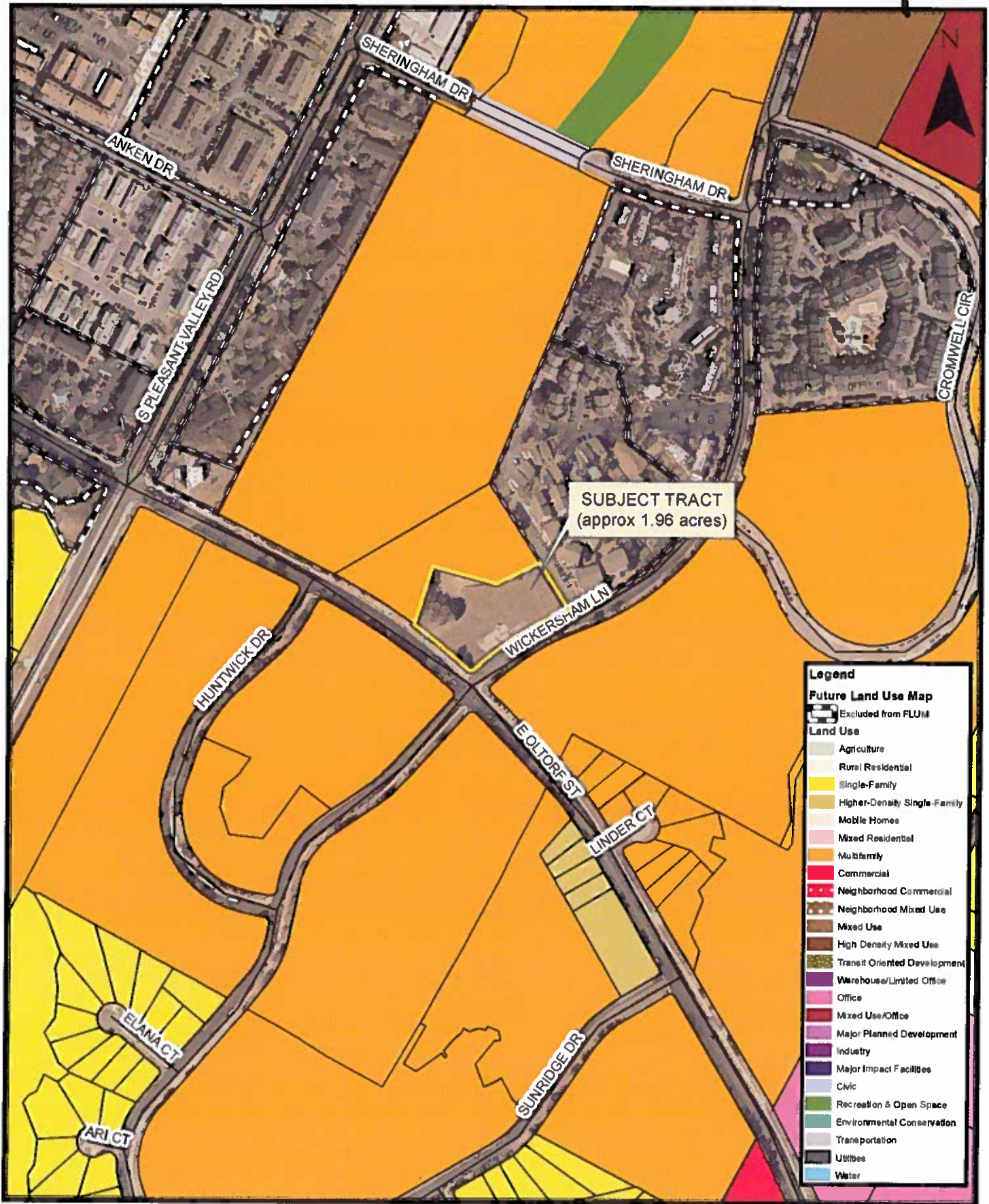
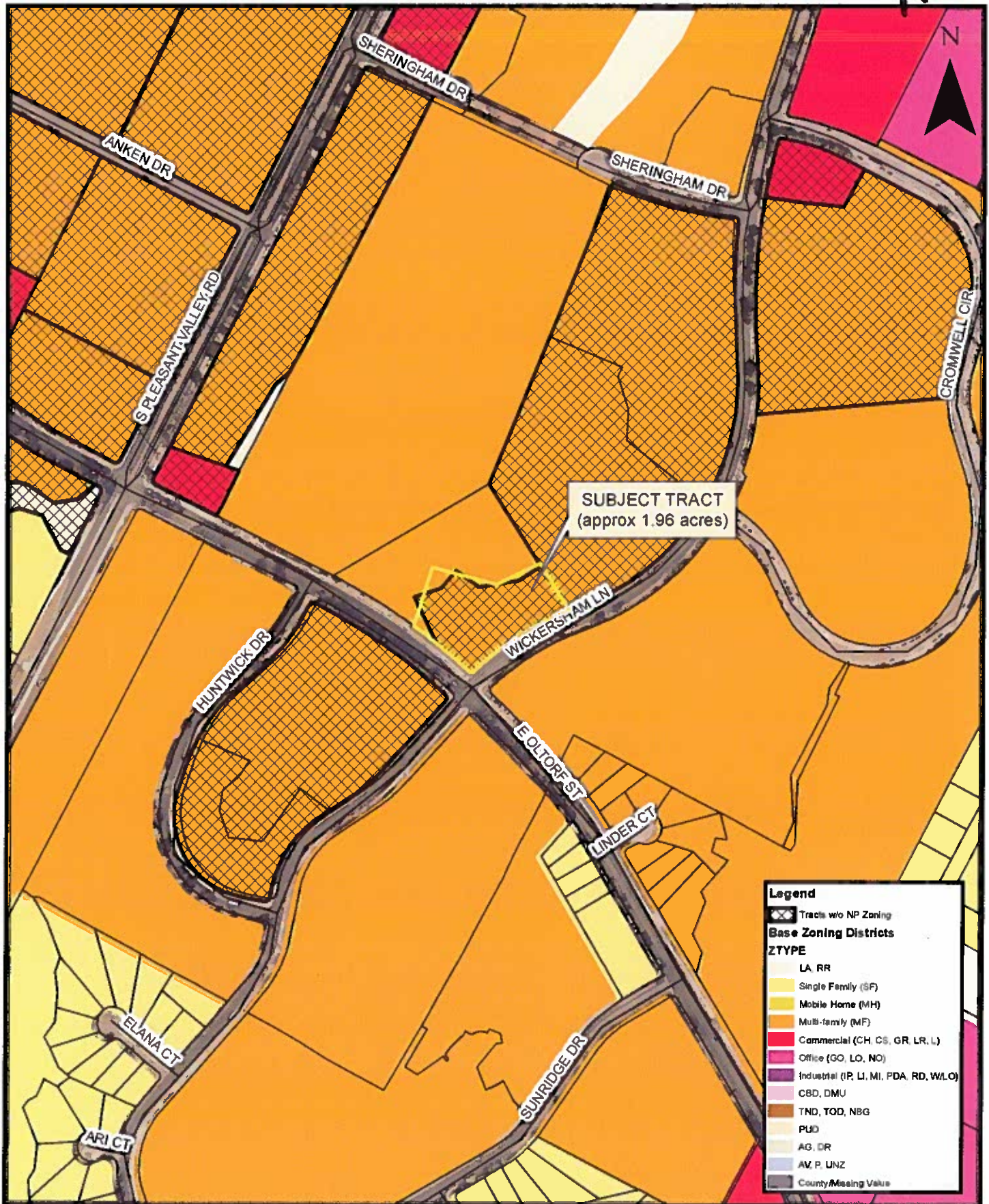


Image Data: 2009

Future Land Use Map
Exhibit A - 2

0 200 400 800 Feet
1 inch = 400 feet



Zoning & Tracts w/o NP Zoning
Exhibit A - 3

0 200 400 800 Feet

1 inch = 400 feet

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October 16, 2012

Mr. Lee Heckman, AICP
Planning and Development Review Dept.
City of Austin
505 Barton Springs Road
Austin, TX 78704

Re: Monaco II, Zoning Restricted Land Uses

Dear Mr. Heckman,

As representative of the owner of the above property located at 2400 Wickersham, I would respectfully request the following uses be restricted from the "GR-MU" zoning request submitted for your review. The property is currently zoned for MF-2 and has had multi family site plans prepared for that use. The economy has prohibited these plans from moving to completion. Furthermore, the MF-2 zoning requires a 25 ft. front building line for the site. My client wishes to design a Subchapter E compliant site plan for a mixed use development.

RESTRICTED USES:

- Family Home
- Group Home Class I-General
- Group Home Class I- Limited
- Group Home Class II
- Hospital Services-General
- Private Primary Educational Services
- Private Secondary Educational Services
- Automotive Repair Services
- Automotive Sales
- Commercial Off-Street Parking
- Drop-Off Recycling Collection Facility
- Exterminating Services
- Hotel-Motel
- Indoor Sports and Recreation
- Off-site Accessory Parking

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- Outdoor Entertainment
- Pawn Shop Services
- Service Station
- Theater
- Community Recreation-Public
- Congregate Living
- Residential Treatment

If you have any questions, please feel free to contact me at your convenience.

Sincerely,

Richard W. Vaughn, CET