

**ZONING CHANGE REVIEW SHEET**

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**CASE:** C14-2014-0152  
(The Oaks at Techridge, Lot 1B)

**Z.A.P. DATE:** October 7, 2014

**ADDRESS:** 14401 The Lakes Boulevard

**OWNER/APPLICANT:** Tech Ridge Spectrum B.C., L.P.

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

**ZONING FROM:** CS-CO    **TO:** CS-MU-CO\*    **AREA:** 55.284 acres

\*The applicant has stated that they only want to add MU (Mixed Use Combining) District zoning designation to the property and they propose to leave the existing Conditional Overlays from Ordinance No. 20050324-051 in the previous zoning case C14-03-0125 (Wagner Tract).

**SUMMARY STAFF RECOMMENDATION:**

The staff recommends CS-MU-CO, General Commercial Services-Mixed Use Combining District, zoning. The conditional overlay will 1) prohibit Art Workshop, Building Maintenance Services, Campground, Commercial Blood Plasma Center, Drop-off Recycling Collection Facility, Equipment Repair Services, Equipment Sales, Kennels, Laundry Service, Pawn Shop Services, Vehicle Storage, Veterinary Services, Maintenance and Service Facilities and Adult Oriented Businesses, 2) make conditional uses: Automotive Repair Services, Convenience Storage, Limited Warehousing and Distribution and 3) For an Automotive Repair use, a 400-foot wide building setback shall be established along the north and south property lines.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

**DEPARTMENT COMMENTS:**

The applicant is requesting CS-MU-CO, General Commercial Services-Mixed Use-Conditional Overlay Combining District, zoning for the property in question because they would like to have the ability to develop the site with mixed use in the future. The property will take access to The Lakes Boulevard, a commercial collector roadway.

The staff is recommending CS-MU zoning for the site because the property is located adjacent to CS-CO zoning to the south, MF-2 zoning to the east and CS-CO zoning to the north. The property meets the intent of the CS district as it will have access to a commercial collector roadway and will provide services to the multifamily and single family residential uses in the Northtown MUD to the east.

The applicant agrees with the staff's recommendation.

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**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	CS-CO	Undeveloped
<i>North</i>	CS-CO, SF-2, RR	Undeveloped, Cemetery (Cook-Walden/Capital Parks Memorial Hill Cemetery)
<i>South</i>	CS-CO, CS-MU	General Sales-General (Texas Leather, Star Furniture), Undeveloped
<i>East</i>	MF-2	Undeveloped
<i>West</i>	GR, GO	Interstate Highway-35.

**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** Walnut Creek, Harris Branch

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

- Austin Heritage Tree Foundation
- Austin Northwest Association
- Bike Austin
- Homeless Neighborhood Association
- North Growth Corridor Alliance
- Pflugerville Independent School District
- SELTEXAS
- Sierra Club, Austin Regional Group
- The Real Estate Council of Austin, Inc.

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2013-0124 (Oaks at Techridge, Lot 4B: 14400 The Lakes Boulevard)	MF-3to CS-MU	11/05/13: Approved staff's recommendation of CS-MU zoning by consent (7-0); C. Banks-1 <sup>st</sup> , P. Seeger-2 <sup>nd</sup> .	12/12/13: Approved CS-MU zoning on consent on all 3 readings (7-0); B. Spelman-1 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .
C14-2012-0119 (The Oaks Phase III: 14233 The Lakes Boulevard)	CS-MU-CO to MF-2	11/06/12: Approved MF-2 zoning on consent (6-0, G. Rojas-absent); P. Seeger-1 <sup>st</sup> , C. Banks-2 <sup>nd</sup> .	12/06/12: Approved MF-2 zoning on consent on all 3 readings (7-0); M. Martinez-1 <sup>st</sup> , B. Spelman-2 <sup>nd</sup> .
C14-2012-0061 (The Oaks at Techridge Phase 2b: 14400 The Lakes Boulevard)	CS-CO to MF-3	8/07/12: Approved MF-3 zoning on consent (5-0, S. Baldrige and J. Meeker-absent); P. Seeger-1 <sup>st</sup> , G. Rojas-2 <sup>nd</sup> .	9/27/12: Approved MF-3 zoning on consent on all 3 readings (7-0); B. Spelman-1 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .

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<p>C14-05-0148 (SCI Tract: North IH-35 and West Howard Ln.)</p>	<p>I-RR to CS-MU</p>	<p>10/18/05: Approved staff's recommendation for CS-MU-CO zoning, with 2,000 vehicle trip limit, by consent (9-0); J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.</p>	<p>11/17/05: Approved ZAP Recommendation of CS-MU-CO zoning by consent (7-0); all 3 readings</p>
<p>C14-04-0212 (Dessau Park: 1000 West Howard Lane)</p>	<p>I-RR to MF-2, LI</p>	<p>3/29/05: Approved staff's recommendation for MF-2-CO zoning for Tract 1 and LI-CO zoning for Tract 2, w/ 2,000 vtpd limit, by consent (9-0)</p>	<p>4/28/05: Granted MF-2-CO for Tract 1 and LI-CO for Tract 2 (5-0-McCracken/Wynn-off the dais); all 3 readings</p>
<p>C14-03-0125 (Wagner Tract: 13801-14409 North IH-35 Service Road North Bound)</p>	<p>SF-2 to CS</p>	<p>6/1/04: Approved GR-CO zoning with the following prohibited uses: Automotive Repair Services; Drop-Off Recycling Collection Facility; Pawn Shop Services (8-0, Pinnelli-absent</p>	<p>6/17/04: Granted CS-CO as recommended by staff, with additional conditions agreed to between the applicant and the neighborhood association (7-0); 1<sup>st</sup> reading</p> <p>3/24/05: Approved CS-CO zoning, with a conditional overlay to 1) prohibit Art Workshop, Building Maintenance Services, Campground, Commercial Blood Plasma Center, Drop-off Recycling Collection Facility, Equipment Repair Services, Equipment Sales, Kennels, Laundry Service, Pawn Shop Services, Vehicle Storage, Veterinary Services, Maintenance and Service Facilities and Adult Oriented Businesses, 2) make conditional uses: Automotive Repair Services, Convenience Storage, Limited Warehousing and Distribution and 3) Require a 400-foot wide building setback shall be established along the north and south property lines for an Automotive Repair use, with TIA conditions in a public restrictive covenant; on 2<sup>nd</sup>/3<sup>rd</sup> readings (7-0)</p>
<p>C14-02-0111 (The Shops on Howard Lane: 1200 Block of West Howard Lane)</p>	<p>TR1: GR-CO to GR  TR2: CS-CO to CS</p>	<p>10/15/02: Approved staff's rec. of GR-CO; CS-CO zoning with added condition to prohibit Automotive Sales; by consent (7-0, D. Castaneda-absent</p>	<p>12/5/02: Granted GR-CO for Tract 1 and CS-CO for Tract 2 on all 3 readings (7-0)</p>

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**RELATED CASES:** C14-03-0125 (Previous Zoning Case)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic City of Austin traffic counts:
IH-35	300'	FWY-6	Freeway	158,000
The Lakes Boulevard	70'	48'	Commercial Collector	Not Available

**CITY COUNCIL DATE:** November 6, 2014

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

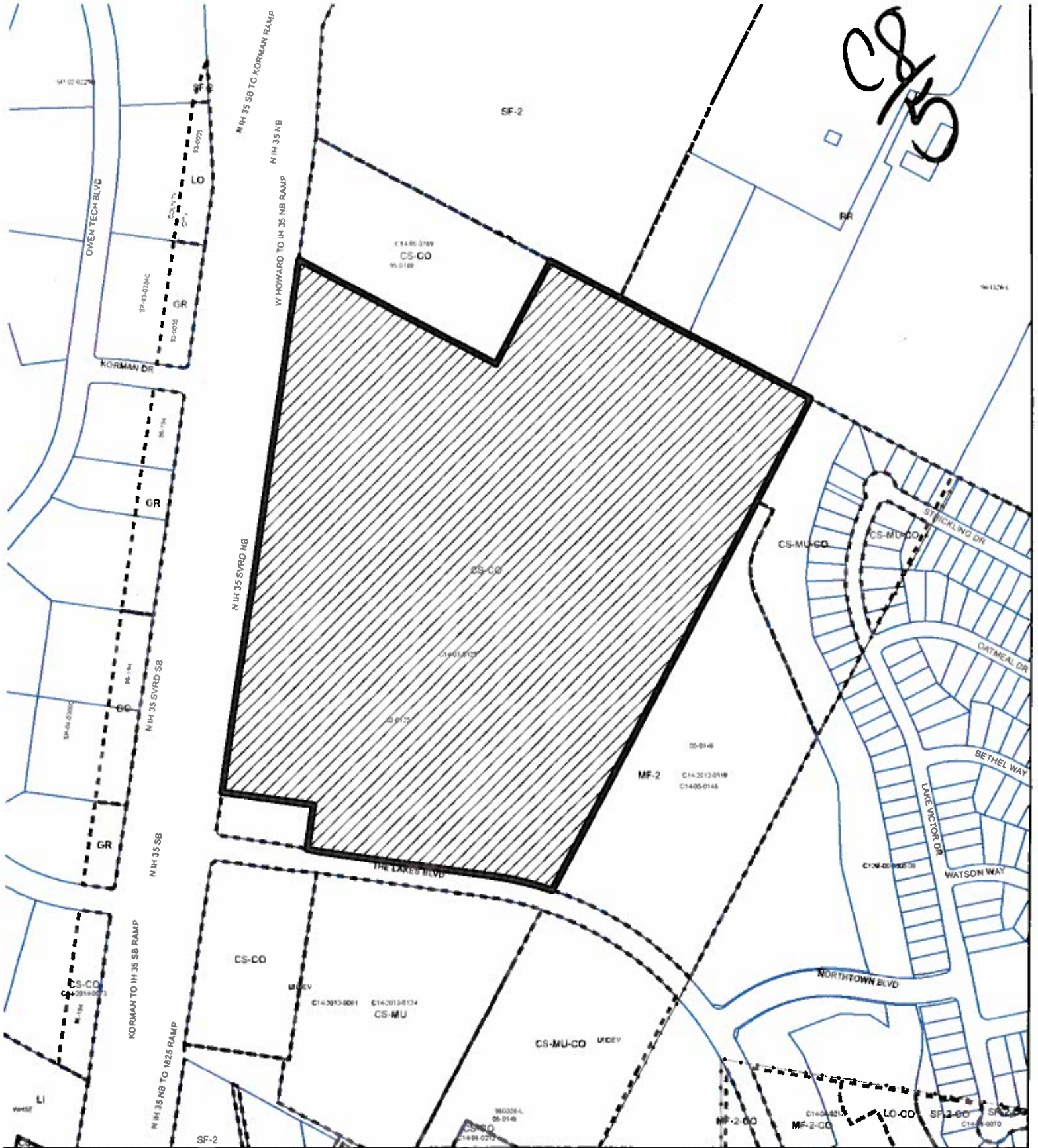
3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 512-974-3057




[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



**ZONING**

**ZONING CASE#: C14-2014-0152**



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

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.

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## **STAFF RECOMMENDATION**

The staff recommends CS-MU-CO, General Commercial Services-Mixed Use Combining District, zoning. The conditional overlay will 1) prohibit Art Workshop, Building Maintenance Services, Campground, Commercial Blood Plasma Center, Drop-off Recycling Collection Facility, Equipment Repair Services, Equipment Sales, Kennels, Laundry Service, Pawn Shop Services, Vehicle Storage, Veterinary Services, Maintenance and Service Facilities and Adult Oriented Businesses. 2) make conditional uses: Automotive Repair Services, Convenience Storage, Limited Warehousing and Distribution and 3) For an Automotive Repair use, a 400-foot wide building setback shall be established along the north and south property lines.

## **BASIS FOR RECOMMENDATION**

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

The General Commercial Services (CS) zoning district is intended for commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

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.

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

The CS-MU-CO zoning district would be compatible and consistent with the surrounding uses because there is CS-CO zoning to the north and CS-MU zoning to the south of the site under consideration.

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

The CS-MU-CO zoning district would allow for a fair and reasonable use of the site. The site exceeds the minimum size requirements for commercial development in the General Commercial Services district. The property has access to a commercial collector roadway, The Lakes Boulevard, and will provide services to the multifamily and single family residential uses in the Northtown MUD to the east.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The property in question is a large undeveloped tract of land that front onto the IH-35 North Bound Service Road. The site is relatively flat and sparsely vegetated. There is a cemetery use (Cook-Walden Memorial Hill Cemetery) to the north, general retail sales-general uses (Texas Leather, Star Furniture) to the south, Interstate Highway-35 Northbound to the west and undeveloped land to the east.



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## Comprehensive Planning

### CS to CS-MU-CO

This zoning case is located on the north side of The Lakes Boulevard and along the frontage road of IH-35, which is located to the west. The property is undeveloped, is 55 acres in size, and is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses includes vacant land and an office complex to the north, vacant land to the south, vacant land and a residential subdivision to the east, and a furniture store and IH-35 to the west. The proposed use is a mixed use development.

### **Imagine Austin**

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan, identifies this property as being just outside the boundaries of a Neighborhood Center, which is located to the south. A Neighborhood Center is the smallest and least intense of the three types of activity centers outlined in the Growth Concept Map. These centers are intended to have a more local focus, and “may be focused on a dense mixed-use core surrounded by a mix of housing.” (p. 105). The following IACP policies are also relevant to this case:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a **compact and connected city** in line with the growth concept map.
- **LUT P3.** Promote development in **compact centers**, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P7.** Encourage infill and redevelopment opportunities that **place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.**

Based on the property: (1) being adjacent to IH-35, a major commercial corridor; (2) being similar to other mixed use projects located along IH-35; and (3) immediately adjacent to a Neighborhood Center as identified on the Imagine Austin Growth Concept Map, which supports neighborhood serving mixed use projects, this project appears to be consistent with Imagine Austin.

### Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Walnut Creek and Harris Branch Creek Watersheds of the Colorado River Basin, which are classified as Suburban Watersheds by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

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

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

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

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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 requires water quality control with increased capture volume and control of the 2 year storm on site.

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.

**Impervious Cover**

The maximum impervious cover allowed by the CS zoning district would be 95%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

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 Gross Site Area</i>	<i>% of Gross Site Area 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%

Note: The most restrictive impervious cover limit applies.

**Site Plan**

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

The site is subject to compatibility standards. Along the north and east 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.
- Additional design regulations will be enforced at the time a site plan is submitted.

**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 storm water runoff will be mitigated through on-site

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storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

**Transportation**

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for IH 35. TxDOT may request the reservation of additional right-of-way in accordance with the Transportation Plan when the site is developed [LDC, Sec. 25-6-51 and 25-6-55]. No additional right-of-way is needed for The Lakes Blvd.

A traffic impact analysis (TIA) was waived for this case because a TIA was previously conducted with zoning case C14-03-0125 and the proposed Mixed Use development is not expected to increase the daily vehicle-trips previously allowed. If the requested zoning is granted, development should be limited through a conditional overlay to not exceed the vehicle trips per day previously allowed with case C14-03-0125. [LDC, 25-6-117]. Note: A TIA Addendum may be required during the site plan application.

The Lakes Blvd. is not classified in the Bicycle Plan. IH-35 NB Frontage Road is classified in the Bicycle Plan as Bike Route No. 421.

Capital Metro bus service is not available along The Lakes Blvd. Capital Metro bus service (Route No. 1082 NB) is available along IH-35.

There are existing sidewalks along The Lakes Blvd. There are no sidewalks along IH-35.

The Neighborhood Connectivity Division of the Public Works Dept. may provide additional comments regarding mobility enhancement and pedestrian facilities.

This case is being evaluated by the Bike Program Division with the Austin Transportation Dept. Additional comments may be generated.

**Existing Street Characteristics:**

Name	ROW	Pavement	Classification	ADT
IH-35	300'	FWY-6	Freeway	158,000
The Lakes Blvd.	Varies	2 @ 24'	Collector	N/A

**Water and Wastewater**

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.