

ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0133 (Lakeline at 183A)

Z.A.P. DATE: January 15, 2018

ADDRESS: 14115 North U.S. Highway 183A North Bound Service Road

DISTRICT AREA: 6

OWNER/APPLICANT: C.H. Revocable Trust and The David A. Hartman Irrevocable Non-Exempt Family Trust (Claudette Hartman, Trustee)

AGENT: The Drenner Group, PC (Amanda Swor)

ZONING FROM: CH, GO, GR **TO:** GR-MU **AREA:** 12.306 acres

SUMMARY STAFF RECOMMENDATION:

The staff’s recommendation is to grant GR-MU, Community Commercial-Mixed Use Combining District, zoning.

In addition, if the rezoning is granted, it is recommended that 57 feet of right-of-way from the existing centerline should be dedicated for Lakeline Boulevard through a street deed according to the Transportation Plan prior to 3rd reading of this case at City Council.*

*On January 11, 2019, the DSD Transportation staff revised their comments to state that 120 feet of ROW may exist and will be confirmed during the subdivision and site plan review process. Therefore, the ROW dedication requirement has been deferred and is not required through the rezoning case.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

1/15/19: Approved GR-MU-CO zoning, with a conditional overlay to prohibit Alternative Financial Services, Bail Bond Services and Pawn Shop Services uses by consent (10-0, N. Barrera-Ramirez-absent); S. Lavani-1st, J. Duncan-2nd.

DEPARTMENT COMMENTS:

The property in question is undeveloped and sparsely vegetated. These tracts of land are located at the northeast corner of Lakeline Boulevard and US Highway 183 to the southwest of the state offices for the Texas Department of Transportation (Cedar Park Campus). The area to the north is undeveloped. Across Lakeline Boulevard, to the south of the site, there is a commercial retail center containing Wells Fargo Bank, a Kohl’s Department store, Home Depot, etc. The property to the east is developed with an office complex. The applicant is requesting a rezoning to permit residential development at this location.

The staff recommends GR-MU, Community Commercial-Mixed Use Combining District, zoning for the site under consideration because the property meets the purpose statement of the district. The site is located at the northeast intersection of two arterial roadways, Lakeline Boulevard and U.S. Highway 183 North. The GR-MU zoning district is compatible and consistent with the surrounding uses because there is GR zoning to the south and west of the site. There are currently office uses to the east and commercial retail uses to the south of the property in question. The property is located by the Lakeline Station Regional Center as identified on the Growth Concept Map in the Image Austin

Comprehensive Plan and is near the Northwest Park and Ride Transit Oriented Development (TOD). GR-MU zoning is appropriate for this location because of the commercial character of the area and the frontage of the property along an arterial roadway.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CH, GO, GR	Undeveloped
<i>North</i>	I-RR	Undeveloped
<i>South</i>	GR, CS	Parkline Retail Shopping Center (Wells Fargo Bank, Chipotle, Mama Fu's, Rock Sports Northwest, Kohl's Department Store, Bed Bath & Beyond, Home Depot, etc.)
<i>East</i>	CS-CO, PUD	Office, Texas Department of Transportation Offices-Cedar Park Campus
<i>West</i>	U.S. Highway 183A	Right-of-Way

AREA STUDY: N/A

TIA: N/A

WATERSHED: Butter Cup Creek, South Brushy Creek, and Lake Creek Watersheds

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

- Bike Austin
- Davis Springs HOA
- Friends of Austin Neighborhoods
- Neighborhood Empowerment Foundation
- Northwest Austin Coalition
- SELTEXAS
- Sierra Club, Austin Regional Group

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0046 (Wolf Hester Tract: 14000 U.S. Highway 183 North)	DR to GR	6/05/07: Approved GR-CO with condition to prohibit Pawn Shops by consent (7-0, S. Hale, J. Martinez-absent); J. Pinnelli-1 st , J. Shieh-2 nd .	7/26/07: Approved GR-CO by consent on all 3 readings (6-0); J. Kim-1 st , B. Dunkerely-2 nd .
C14-04-0166 (Lake Creek, Lakeline Boulevard and North Lake Creek Parkway)	GO to CS	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-1 st , J. Gohil-2 nd .	7/28/05: Approved general commercial services-conditional overlay (CS-CO) district zoning on all 3 readings.

C14-04-0165 (Lakeline Boulevard at Lake Creek Parkway)	GR to CS	06/21/05: Approved CS-MU-CO zoning with conditions to prohibit Pawn Shop Services, Exterminating Services, and Adult Oriented Businesses by consent (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd .	7/28/05: Approved CS-MU-CO on all 3 readings (7-0)
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
C14-94-0134	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: C14R-85-392 (Site Plan Case)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	Sidewalks	Bicycle Route	Capital Metro (with 1/4 mile)
US Highway 183	518 ft	43 ft*	Freeway	No	Yes, shared lane	Yes, Routes 214, 383
Lakeline Boulevard	115 ft	95 ft	Arterial	No	Yes, bike lane	Yes, Routes 214, 383

CITY COUNCIL DATE: February 7, 2019

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057,
sherri.sirwaitis@austintexas.gov

STAFF RECOMMENDATION

The staff's recommendation is to grant GR-MU, Community Commercial-Mixed Use Combining 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 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 GR-MU zoning district is compatible and consistent with the surrounding uses because there is GR zoning to the south and west of the site. There are currently office uses to the east and commercial retail uses to the south of the property in question. The property is located by the Lakeline Station Regional Center as identified on the Growth Concept Map in the Imagine Austin Comprehensive Plan and is within ¼ mile of the Northwest Park and Ride Transit Oriented Development (TOD).

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 northeast corner of the intersection of a freeway, North U.S. Highway 183 NB, and an arterial roadway, Lakeline Boulevard.

EXISTING CONDITIONS

Site Characteristics

The site under consideration consists of undeveloped and sparsely vegetated tracts of land located at the northeast corner of Lakeline Boulevard and U.S. Highway 183. The area to the north is undeveloped. Across Lakeline Boulevard, to the south of the site, there is a commercial retail center containing Wells Fargo Bank, a Kohl's Department store, Home Depot, etc. Directly to the east, there is an office complex.

Comprehensive Planning

Wednesday November 07, 2018

CH, GO and GR to GR-MU

This zoning case is located on the northeast corner of Lakeline Blvd and US 183A, on an undeveloped property that is approximately 12.3 acres in size, which is part of a larger property 20.65 acres site. The property is not located within the boundaries of a neighborhood planning area with an adopted plan. Surrounding land uses includes vacant land to the north; a shopping center to the south

with a variety of commercial and office land uses; to the east is a large insurance building, a Texas Department of Transportation office building, vacant land and an apartment complex; and to the west are a variety of retail uses including a grocery store and movie theater located along the US 183A frontage road and a single-family subdivision. The Lakeline Neighborhood Park is located approximately three quarters of a mile away along S. Lakeline Blvd. The proposed use is a 310 unit market rate multifamily apartment complex.

Connectivity

The Walkscore for this area is **46/100, Car Dependent**, meaning most errands require a car. There are no public sidewalks located along the perimeter of the subject property. Public sidewalks are located across the street, on Lakeline Blvd. Bike lanes are partially located along both sides of Lakeline Blvd. A public transit stop is located directly across the street on Lakeline Blvd. The mobility options in the area are above average.

Imagine Austin and Conclusions

The property is located by the ‘**Lakeline Station Regional Center**’, as identified on the Imagine Austin’s Growth Concept Map, found in the Image Austin Comprehensive Plan. A Regional Center is the most urban of the three activity centers outlined in the growth concept map. These centers are the places where the greatest density of people and jobs and the tallest buildings in the region will be located. The densities, buildings heights, and overall character of a center will vary depending on location.

The following Imagine Austin policies are applicable 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 P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

- HN P1.** Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin’s diverse population.

- HN P10.** Create **complete neighborhoods** across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Analysis and Conclusions

Over the last decade, a number of developers have built large multifamily apartment complexes along major highways and freeways throughout Austin take advantage of the easy access onto major connectors via a car. The locations of these multifamily apartment complexes are not ideal because of the detrimental effects relating to pollution, noise, and the lack of connectivity, which are often isolated from goods, services, jobs, recreation and educational opportunities unless their residents have a car.

Analyzing this specific site, there seems to be a variety of mobility options (bike lanes, public sidewalks and transit) but not much in terms of recreational or educational opportunities for the residents of the proposed apartment complex. However, this apartment complex will provide much needed workforce housing to the existing Regional Center and have an abundance of goods and services nearby for its residents. Based on this property: (1) being located by an Regional Center, which supports multifamily uses; (2) other residential uses being located within a quarter mile radius of this site, including single family houses, and another multifamily apartment complex; (3) the

existing mobility options available in the area (public sidewalks, bike lanes, and transit stops); but (4) the project not providing true mix of uses despite requesting mixed use zoning, nor being within walking distance to a park or public school, this project appears to only partially support the Imagine Austin Comprehensive Plan.

Environmental

Tuesday October 30, 2018

The site is located over the North Edwards Aquifer Recharge Zone. The site is in the Butter Cup Creek, South Brushy Creek, and Lake Creek Watersheds, which are all classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. It 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.

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 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.

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 GR zoning district would be 90%. 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 Gross Site Area</i>	<i>% of Gross Site Area 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%

Note: The most restrictive impervious cover limit applies.

Site Plan

Friday October 26, 2018

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

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.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the 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 stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

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.

The Austin Metropolitan Area Transportation Plan calls for 114 feet of right-of-way for Lakeline Boulevard. It is recommended that 57 feet of right-of-way from the existing centerline should be dedicated for Lakeline Boulevard according to the Transportation Plan prior to 3rd reading of City Council. [LDC 25-6-51 and 25-6-55]. FYI – the existing right-of-way width may be sufficient.*

*Revised comment received on January 11, 2019: The Austin Metropolitan Area Transportation Plan calls for 114 feet of right-of-way for Lakeline Boulevard. 57 feet of right-of-way should be dedicated from the centerline of Lakeline Boulevard in accordance with the TCM at the time of the subdivision and/or site plan application, whichever comes first. LDC 25-6-55; TCM, Tables 1-7, 1-12. FYI – 120 feet of right-of-way may exist and will be confirmed during the subdivision and site plan applications.

Additional right-of-way maybe required at the time of subdivision and/or site plan.

Janae Spence, Urban Trails, Public Works Department, Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, an urban trail is recommended for US Highway 183, and a protected bike lane for all ages and abilities is recommended for Lakeline Boulevard. Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments and requirements for right-of-way dedication and bicycle facility construction in accordance with LDC 25-6-55 and LDC 25-6-101. Please review the [Bicycle Master Plan](#) for more information.

FYI – sidewalks shall be constructed along US Highway 183 and Lakeline Boulevard according to City of Austin standards at the time of the site plan application.

FYI – the Texas Department of Transportation may restrict access to US HWY 183 at the time of the subdivision and/or site plan application. The existing driveway on US Highway 183 will be required to be removed at the time of the site plan application.

FYI – staff recommends provided joint use access between the three tracts to Lakeline Boulevard.

Existing Street Characteristics:

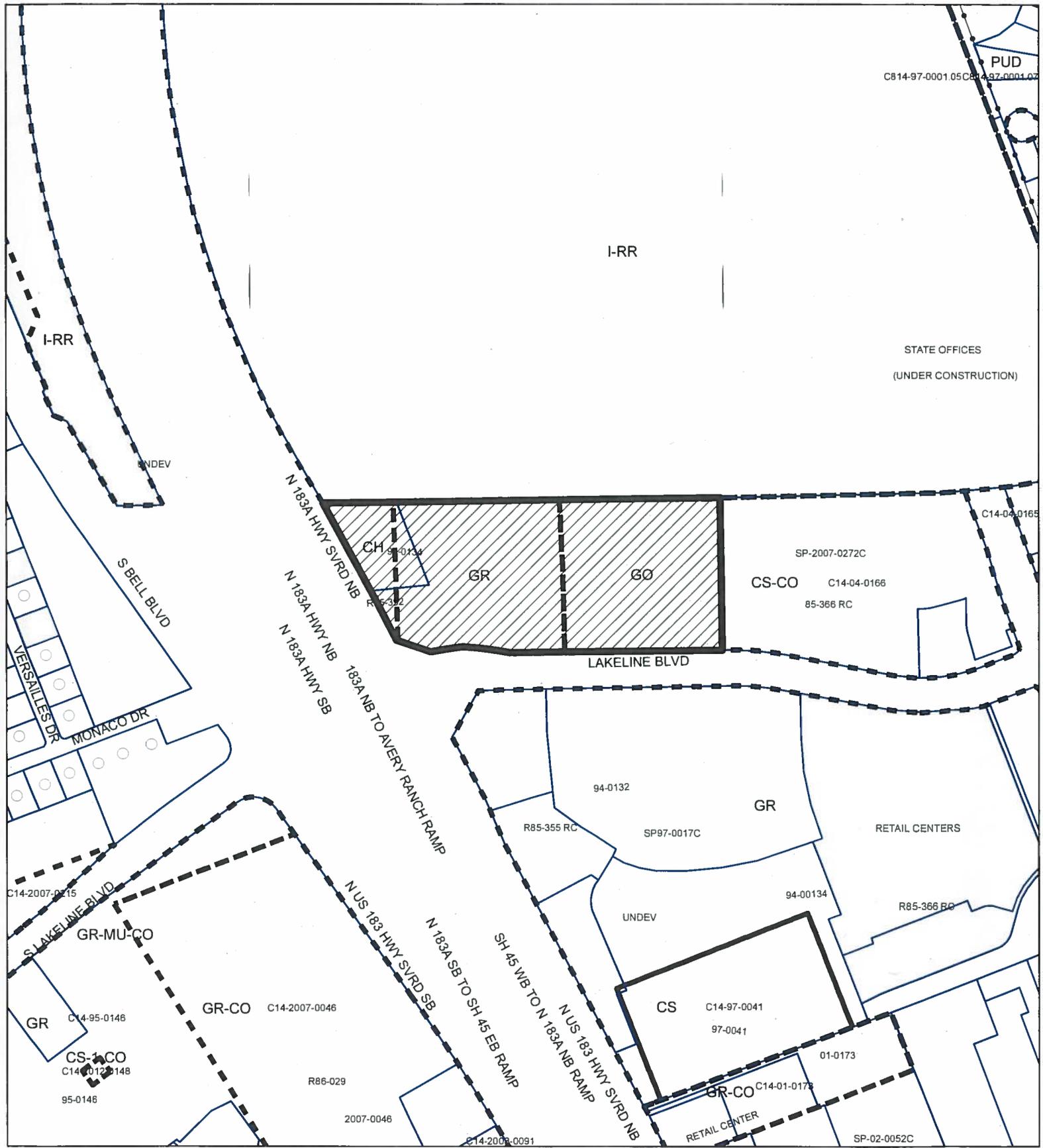
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*= Frontage road only

Water and Wastewater

Wednesday October 17, 2018

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 Austin Water 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.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2018-0133

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.

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.



Created: 10/19/2018

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Janae Spence, Urban Trails, Public Works Department, Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, an urban trail is recommended for US Highway 183, and a protected bike lane for all ages and abilities is recommended for Lakeline Boulevard. Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments and requirements for right-of-way dedication and bicycle facility construction in accordance with LDC 25-6-55 and LDC 25-6-101. Please review the Bicycle Master Plan for more information.

FYI – sidewalks shall be constructed along US Highway 183 and Lakeline Boulevard according to City of Austin standards at the time of the site plan application.

FYI – the Texas Department of Transportation may restrict access to US HWY 183 at the time of the subdivision and/or site plan application. The existing driveway on US Highway 183 will be required to be removed at the time of the site plan application.

FYI – staff recommends provided joint use access between the three tracts to Lakeline Boulevard.

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Water and Wastewater

Wednesday October 17, 2018

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 Austin Water 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.

October 16, 2018

Mr. Greg Guernsey
Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Hand Delivery

Re: Lakeline at 183A – Rezoning application and restrictive covenant termination application for the 12.306 acre piece of property located at the northeast corner of U.S. 183A and Lakeline Blvd. in Austin, Williamson County, Texas (the “Property”)

Dear Mr. Guernsey:

As representatives of the owner of the Property, we respectfully submit the enclosed zoning application and restrictive covenant termination packages. The project is titled Lakeline at 183A, consists of 12.306 acres of land, and is currently undeveloped. The Property is currently zoned CH (Commercial Highway Services), GO (General Office), and GR (Community Commercial).

The requested rezoning is from CH, GO, and GR to GR-MU (Community Commercial-Mixed Use) for the entire Property. The purpose of this rezoning is to allow for a residential project while preserving the existing commercial base district. The proposed zoning is consistent with the surrounding area – the Property is located between two major thoroughfares and within ¼-mile of multiple large commercial and multifamily developments as well as ¾ of a mile from the CapMetro Lakeline Rail Station.

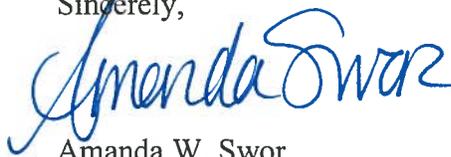
The Property was part of a larger tract of land (the “Oakline Tract”) totaling approximately 20.65 acres. As part of a previous rezoning case (C14R-85-392), the owner of the Oakline Tract and the City of Austin entered into a public restrictive covenant (the “Restrictive Covenant”) limiting the FAR on the Oakline Tract to 0.46:1 and adding a zoning site plan to the Property. Subsequently, the Texas Department of Transportation condemned approximately 8.34 acres out of the western side of the Oakline Tract for right-of-way in order to construct U.S. 183A; the Property is what remains of the Oakline Tract after condemnation. The requested restrictive covenant termination will bring the FAR into compliance with existing regulations at 1:1 FAR. Additionally, the rezoning request will remove the existing zoning site plan.

The Property proposes to take access from Lakeline Boulevard and the US 183A service road. Per the Traffic Impact Analysis (TIA) Determination Worksheet dated September 18, 2018, the proposed development does not require a TIA pursuant to the provisions of Senate Bill 1396 (75th Legislative Session).

The Property is located in City Council District 6, in the Full Purpose Jurisdiction of the City of Austin, and currently receives utilities from Austin Energy and Austin Water. The Property is located within three suburban watersheds: Buttercup Creek, South Brushy Creek, and Lake Creek. The Property is not located within the boundaries of a neighborhood planning area.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,



Amanda W. Swor

cc: Jerry Rusthoven, Planning and Zoning Review Department *(via electronic delivery)*
Joi Harden, Planning and Zoning Review Department *(via electronic delivery)*
Sherri Sirwaitis, Planning and Zoning Review Department *(via electronic delivery)*