

**ZONING CHANGE REVIEW SHEET**CASE: C14-2023-0139DISTRICT: 3ZONING FROM: MF-6-CO-NPZONING TO: MF-6-NPADDRESS: 2302 Durwood St and 2324 Wilson StSITE AREA: 4.95 acres  
(215, 622 sq. ft.)PROPERTY OWNER: 2018 Austin OCV, LLC (Rene Campos)AGENT: Armbrust & Brown, PLLC (Michael Gaudini)CASE MANAGER: Cynthia Hadri 512-974-7620, [Cynthia.hadri@austintexas.gov](mailto:Cynthia.hadri@austintexas.gov)STAFF RECOMMENDATION:

**The staff recommendation is to grant multifamily residence (highest density) - neighborhood plan (MF-6-NP) combined district zoning.**

PLANNING COMMISSION ACTION / RECOMMENDATION:**February 13, 2024:**CITY COUNCIL ACTION:ORDINANCE NUMBER:ISSUES:

There are no issues at this time.

CASE MANAGER COMMENTS:

The property in question is 4.95 acres, developed with multiple multifamily residential buildings, has access to Durwood street (level 1), and is currently zoned multifamily residence (highest density)-conditional overlay-neighborhood plan (MF-6-CO-NP). The property has guidance services and single family residences (MF-3-NP and SF-3-NP) to the north, commercial offices, restaurants, and single family residences (GR-CO-NP, LO-CO-NP, and SF-3-NP) to the south, multifamily residences and single family residences (MF-3-NP and SF-3-NP) to the east, offices, retail and commercial mixed use (CS-MU-V-CO-NP and CS-V-CO-NP) to the west. ***Please refer to Exhibits A (Zoning Map) and B (Aerial View).***

Staff is recommending the grant multifamily residence (highest density) - neighborhood plan (MF-6-NP) combined district zoning for the second phase of Oak Creek Village. The applicant is looking to remove the conditional overlay (CO) that is on the first phase which restricts the height to 60 feet and limits the unit count to 486 units. The applicant is requesting 90 feet in height, no limit in density, and 80% for impervious cover. The first phase was for new income-restricted affordable housing, which was fulfilled. The second phase of the development is for market rate family housing.

Per the comprehensive plan review comments this site meets seven (7) of the Imagine Austin Decision Guidelines. The site is located within 0.13 miles of the South 1<sup>st</sup> Street Activity Corridor, adjoins a public sidewalk, shared path, and/or bike lane and is located within 0.25 miles of public transit stop and/or light rail station. It is also located within 0.50 miles from, a public school or university, and a recreation area, park or walking trail. This site expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population in support of Imagine Austin and the Strategic Housing Blueprint, will provide a minimum of ten percent of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.

BASIS OF RECOMMENDATION:

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

The multifamily residence (highest density) (MF-6) district is intended to accommodate multifamily and group residential use. This district is appropriate for highest density housing in centrally located areas near supporting transportation and commercial facilities, in areas adjoining downtown Austin and major institutional or employment centers, and in other selected areas where highest density multifamily use is desirable.

The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. *Zoning changes should promote a balance of intensities and densities.*

Multifamily Residence (highest density)-Neighborhood Plan (MF-6-NP) combined district zoning will allow for the proposed residential development and is suitable since it would be a step down from the commercial development to the single family residential development to the east.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-6-CO-NP	Multifamily Residences
<i>North</i>	MF-3-NP & SF-3-NP	Guidance Services, Single Family Residences
<i>South</i>	GR-CO-NP, LO-CO-NP & SF-3-NP	Commercial Offices, Restaurants, Single Family Residences

<i>East</i>	MF-6-CO-NP, SF-3-NP	Multifamily Residential & Single Family Residential
<i>West</i>	CS-MU-V-CO-NP, CS-V-CO-NP	Offices, Retail & Commercial

NEIGHBORHOOD PLANNING AREA: Bouldin Creek Neighborhood Plan

WATERSHED: East Bouldin Creek

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Travis Heights Elementary School    Lively Middle School

Travis High School

COMMUNITY REGISTRY LIST:

Austin Independent School District  
Austin Lost and Found Pets  
Austin Neighborhoods Council  
Bouldin Creek Neighborhood Association  
Bouldin Creek Neighborhood Plan  
Contact Team  
Bouldin Creek Zoning Committee  
Friends of Austin Neighborhoods

Homeless Neighborhood Association  
Neighborhood Empowerment Foundation  
Preservation Austin  
SELTexas  
Sierra Club  
Austin Regional Group  
South Central Coalition  
South First IBIZ District

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0220	Vertical mixed use (V) combining district for the Bouldin Creek Neighborhood Plan	To Grant Vertical mixed use (V) combining district for the Bouldin Creek Neighborhood Plan (11/13/2007)	Approved Vertical mixed use (V) combining district for the Bouldin Creek Neighborhood Plan as Planning Commission Recommended (01/10/2008)

RELATED CASES:

C14-2013-0020: To grant MF-6-CO district zoning with Conditions as Staff Recommended, with strong suggestion that Agreements between the Applicant and the Oak Creek Village Tenants' Association, and between the Applicant and Bouldin Creek Neighborhood Association, be finalized prior to Third Reading. Approved by City Council on June 27, 2013.

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning:

**Project Name and Proposed Use:** 2302 DURWOOD ST. C14-2023-0139. Project: Oak Creek Village - Phase 2. 4.95 acres from MF-6-CO-NP to MF-6-NP. Bouldin Creek NP. FLUM: Multifamily. Remove existing conditional overlay limiting building height, unit count and coverage standards. **Proposal: construct building to go up to 90 ft. in height.** Phase 1 included affordable units. Phase 2 will only have market rate units. Demolish 65 multifamily units and construct 425 mf units in its place.

Yes	Imagine Austin Decision Guidelines
<b>Complete Community Measures *</b>	
Y	<b>Imagine Austin Growth Concept Map:</b> Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. <b>Names of Activity Centers/Activity Corridors/Job Centers *: 0.13 miles from the South 1<sup>st</sup> Street Activity Corridor</b>
Y	<b>Mobility and Public Transit *:</b> Located within 0.25 miles of public transit stop and/or light rail station.
Y	<b>Mobility and Bike/Ped Access *:</b> Adjoins a public sidewalk, shared path, and/or bike lane.
Y	<b>Connectivity, Good and Services, Employment *:</b> Provides or is located within 0.50 miles to goods and services, and/or employment center.
	<b>Connectivity and Food Access *:</b> Provides or is located within 0.50 miles of a grocery store/farmers market.
	<b>Connectivity and Education *:</b> Located within 0.50 miles from a public school or university.
Y	<b>Connectivity and Healthy Living *:</b> Provides or is located within 0.50 miles from a recreation area, park or walking trail.
	<b>Connectivity and Health *:</b> Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)
Y	<b>Housing Choice *:</b> Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	<b>Housing Affordability *:</b> Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	<b>Mixed use *:</b> Provides a mix of residential and non-industrial uses.
	<b>Culture and Creative Economy *:</b> Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	<b>Culture and Historic Preservation:</b> Preserves or enhances a historically and/or culturally significant site.
	<b>Creative Economy:</b> Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	<b>Workforce Development, the Economy and Education:</b> Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	<b>Industrial Land:</b> Preserves or enhances industrial land.
Y	<b>Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone</b>
7	<b>Number of "Yes's"</b>

Drainage:

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental:

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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.

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

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

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.

<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%

Fire:

There are no comments at this time.

PARD – Planning & Design Review:

Parkland dedication will be required at the time of subdivision or site plan application for new residential units, per City Code § 25-1-601, as amended. The proposed development meets the criteria for land dedication in City Code Title 25, Article 14. As such, a partial land dedication will be required, as well as any remaining fees in-lieu.

The development as proposed will require parkland dedication for the new residential units that will serve the Bouldin Creek neighborhood through the additional park investment. The Parks and Recreation Department (PARD) would consider a connection along East Bouldin Creek, from S 1<sup>st</sup> Street to the north end of the site, toward satisfying the requirement at time of permitting (whether subdivision or site plan). Such a connection would improve neighborhood connectivity, and satisfy an acquisition need for East Bouldin Creek, a recommendation identified in the Parks and Recreation Department's Long Range Plan.

Should there be any remaining fees in-lieu, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

Should the applicant wish to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination letter of the requirements as stated in this review.

Site Plan:

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.

The site is subject to compatibility standards. Along the NW 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.

- A landscape area at least 25 feet wide is required along 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.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO. A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH. Additional design regulations will be enforced at the time a site plan is submitted.

This tract is already developed, and the proposed zoning change is a footprint within the existing development.

This tract is within the Bouldin Creek Neighborhood Plan.

Austin Transportation Department – Engineering Review:

This site must demonstrate compliance with the TIA and TIA Memo approved with Oak Creek Village (C14-2013-0020). The TIA may require an update based on further review.

A Neighborhood Traffic Analysis is required and will be performed for this project by ATD staff. Results will be provided in a separate memo. LDC 25-6-114. NTA requires three (3) consecutive 24-hour tube counts, preferably on Tuesday, Wednesday, and Thursday, during a non-holiday week when school is in session. Staff will contact the applicant to discuss the location of the tube counts. Results will be provided in a separate memo. LDC 25-6-114. NTA fees will be added in AMANDA. This comment will be cleared once the Memo is approved and the fees are paid.

Existing Street Characteristics:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Durwood Street	Level 1	58'	40'	32'	Yes	No	Yes

TIA:

Not required at this time.

Austin Water Utility:

No comments on zoning change.

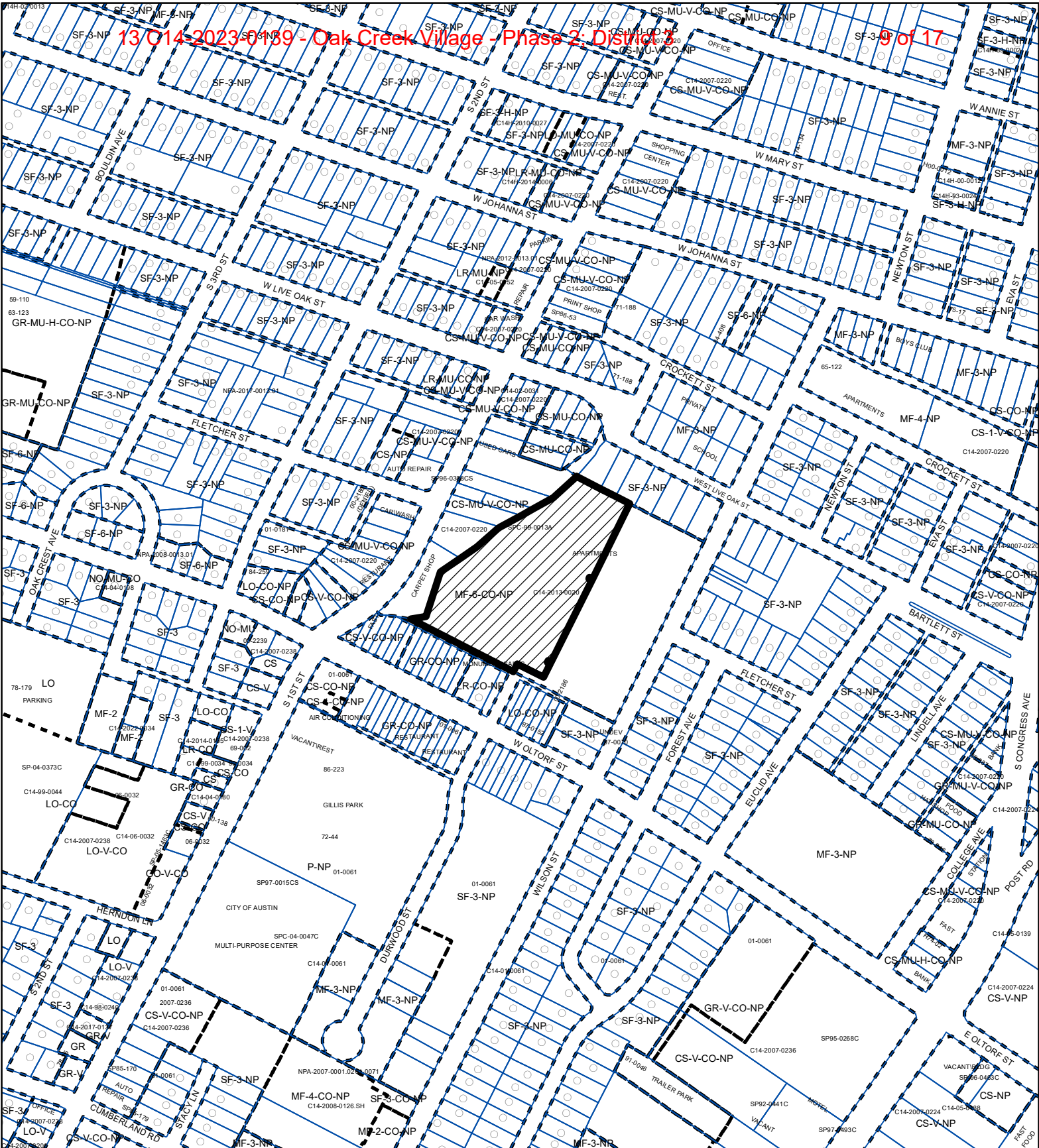
FYI: The landowner intends to serve the site with existing City of Austin water utilities.




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. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at [ser@austintexas.gov](mailto:ser@austintexas.gov).

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter
- D. Existing Ordinance





-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

## ZONING

ZONING CASE#: C14-2023-0139



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 the Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

**Created: 11/15/2023**







**ARMBRUST & BROWN, PLLC**

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
512-435-2300

FACSIMILE 512-435-2360

November 8, 2023

Joi Hardin, Zoning Officer  
City of Austin  
Housing and Planning Department  
1000 E. 11th St.  
Austin, Texas 78702

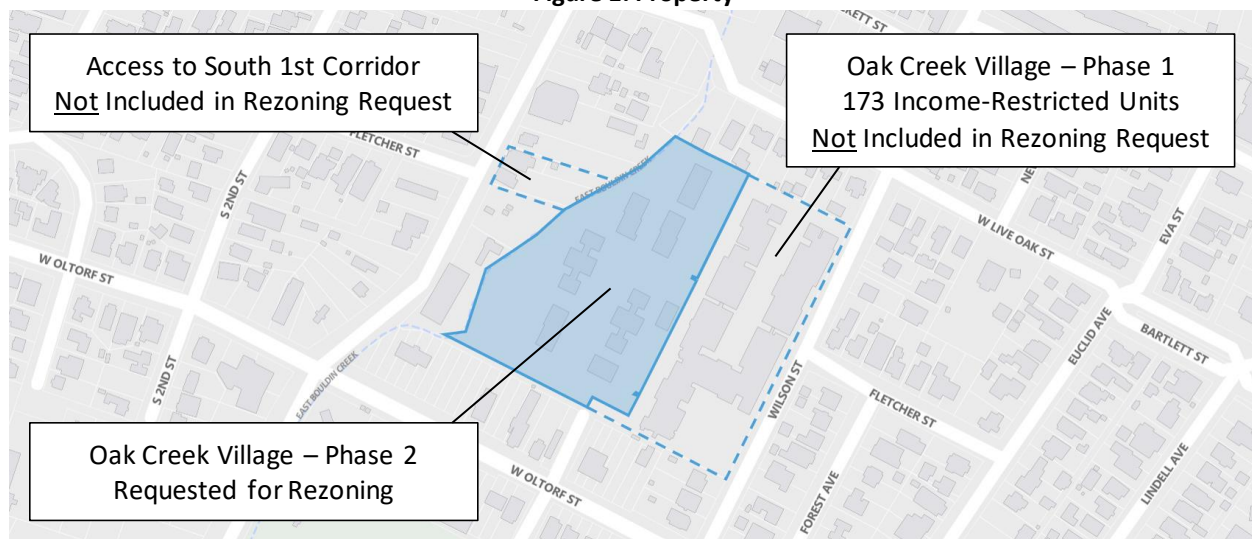
Re: Rezoning application for Lot 1B of the Oak Creek Village Resubdivision (the "Property")

Dear Ms. Hardin,

On behalf of 2018 Austin OCV, LLC (the "Applicant"), please accept the attached application package requesting that the City rezone the Property from MF-6-CO-NP to MF-6-NP, to remove an outdated conditional overlay limiting the height, unit count, and coverage standards, among other things.

This request – known as "Oak Creek Village – Phase 2" – is a follow-up to the Applicant's 2013 zoning case, C14-2023-0020 ("Oak Creek Village 1"). In that prior case, the Applicant proposed a two-phase project, including both affordable and market-rate multifamily housing. In the first phase, the Applicant proposed to build 173 units of new income-restricted affordable housing to fully replace the 170 multifamily units that had existed since 1970. In the second phase, the Applicant proposed to develop new, market-rate housing under MF-6 standards.

The Applicant has since followed through on their Phase 1 commitment and constructed the promised 173 units of new income-restricted affordable housing – and are now in the process of planning for Phase 2. In doing so, the Applicant wants to re-evaluate the outdated conditional overlay that arbitrarily limits Phase 2's height and unit cap, particularly considering the many new land use policies and goals the City has adopted over the past decade. Importantly, this request does not affect Phase 1, guaranteeing that Oak Creek Village will remain a rare example in which a project provided a full, one-to-one replacement of existing affordable units.

**Figure 1. Property**

### Land Use Context

The Property is roughly 4.95 acres – part of a larger, approximately 9.33-acre tract that includes two South 1st Street parcels (to the west) and the 173 units of completed on-site affordable housing in Phase 1 (to the east), as shown in Figure 1 above. It is characterized by the following land use context:

- **It sits at the intersection of two corridors.** As shown in Figure 1, the Property sits to the northeast of the intersection of South 1st Street (an Imagine Austin corridor, Corridor Overlay corridor, and Transit Priority Network roadway) and Oltorf Street (a Transit Priority Network roadway), just behind the commercial frontage. The full tract has frontage on South 1st Street and direct access to Oltorf Street (through a stub-out of Durwood Street). This location identifies the Property as an appropriate site for directing growth.
- **It is within a 10-minute walking distance of the future Austin Light Rail Oltorf Station.** The Property lies within walking distance of the forthcoming Oltorf Station, and its Federal Transit Administration (“FTA”)-defined “station area.” One of the key indicators the FTA evaluates when awarding transit grants is the number of people living within station areas. Thus, residential growth on this Property will support Austin’s investment in its new light rail system as well as make Austin more competitive for FTA grants.

Supporting transit use in the Oltorf Station Area is particularly important because it is the southern terminus of the Austin Light Rail’s first phase – the first and last stop for South Austin, until the system is expanded. Robust ridership at the Oltorf Station and along the entire Austin Light Rail will ultimately be a major deciding factor in whether and when Austin can implement future light rail phases and extend the rail farther south.

- **It provides a transition between corridor uses and internal neighborhood areas.** As discussed above, the Property sits at the northeastern intersection of two corridors, just behind the commercial frontage. This commercial frontage is designated for Mixed Use on the Bouldin Creek Neighborhood Plan’s Future Land Use Map (“FLUM”) and zoned for a mix of uses, as shown in Figure 2 below.

As one moves eastward, away from this commercial frontage, these land uses ‘step down’ in intensity, transitioning to middle-scale multifamily and, beyond that, to smaller-scale single-family (Figure 3). Thus, the Property sits in an intermediary area between more intense corridor areas to the west, middle-scale multifamily to the east, and smaller-scale single-family beyond that. MF-6 is an appropriate designation for this intermediary area between more intensive corridor areas and middle-scale multifamily.

**Figure 2. Land Use Context**

Relation to Property	Future Land Use Map	Zoning
Northwest	Mixed Use	CS-MU-V-CO-NP, CS-MU-CO-NP
Southwest	Mixed Use	CS-V-CO-NP, GR-CO-NP, LR-CO-NP
Southeast	Multifamily, Mixed Use	MF-6-CO-NP, LO-CO-NP
Northeast	Single Family	SF-3-NP

**Figure 3. Land Use Context – Step-Down in Intensity**



### Case History and Rationale

This case will update the zoning regulations at this important site by removing an outdated conditional overlay that arbitrarily limits the new project and the number of units it could provide.

As noted, Council approved MF-6-CO-NP zoning for the Property in 2013 (Ordinance No. 20130627-093), as part of a larger, 8.99-acre case, known as “Oak Creek Village 1,” which the Applicant envisioned as a two-phase project:

- **Phase 1: Full Replacement of Existing Affordable Units (Completed).** The broader 8.8-acre site previously included a total of 170 existing units, all of which were proposed for demolition. Through the Oak Creek Village 1 zoning case, the Applicant worked with the Bouldin Creek Neighborhood Association and the City to develop a plan by which the Applicant would construct 173 new, income-restricted affordable units in Phase 1 of the project – a full replacement of all 170 existing units, on a one-to-one basis.

This commitment to a full, one-to-one replacement of affordable units is not only substantial, but is also extremely rare. The Applicant has since delivered on this commitment and built the promised 173 full-replacement units. Of the pre-existing 170 units, 105 were already demolished to complete Phase 1, and the remaining 65 units are scheduled for demolition in Phase 2.

- **Phase 2: New Market-Rate Housing (Pending).** With the full replacement of the pre-existing 170 units completed, the Applicant is now planning for Phase 2, which was always envisioned to provide new market-rate units.

However, the policymaking context was much different in 2013, when Council approved the Oak Creek Village 1 zoning case. The staff report for that case described the status quo in 2013 as follows:

*“MF-6 zoning has been granted sparingly in the City. In fact, there are only 20 tracts with MF-6 zoning designation. Of those, 18 are accompanied by some form of conditional overlay.”*

Council similarly adopted a restrictive conditional overlay in the Oak Creek Village 1 case, limiting height, unit count, and coverage, among other things, as shown in Figure 4.

The City’s housing policies and priorities have changed significantly since 2013. Council has since adopted new, ambitious housing and transit goals. The City has worked to meet these goals by, among other things, designating more properties for MF-6 zoning, allowing more projects to develop up to 90 ft. of height, and modifying compatibility standards. Unfortunately, these efforts are often limited by outdated conditional overlays that freeze properties’ regulations at a certain point in time, regardless of newer policy changes.

In this case, we are asking to address this issue by removing the conditional overlay and allowing the Property’s MF-6 zoning to control Phase 2 of the project, as outlined in Figure 4 below. We believe this request is appropriate due to the site’s location at the intersection of two corridors, within the Austin Light Rail Oltorf Station Area, and in an intermediary area between more intensive corridor uses and middle-scale multifamily, as discussed on Page 2.

**Figure 4. Current Conditional Overlay Provisions vs. Applicant Request**

Standards	Under Conditional Overlay	Applicant Request
Zoning	MF-6-CO-NP	MF-6-NP
Height	60 ft.	90 ft.
Housing Limit		
Unit Cap	486 units	No Limit
Density Limit	55 units per acre	No Limit
Building Cover	70%	70%
Impervious Cover	70%	80%

Finally, while the Applicant has already provided full replacement for all pre-existing units, we also recognize that 65 of those pre-existing units have been temporarily retained until demolition proceeds in Phase 2. The Applicant will fully comply with new City tenant relocation notification requirements for these temporarily retained units. Additionally, the Applicant will go above and beyond those requirements by providing relocation compensation to any tenants eligible for tenant relocation notification.

### **Conclusion**

The Property is ready to provide meaningful housing growth at the intersection of two corridors, less than a 10-minute walk from the new Oltorf Station, the Austin Light Rail's southern terminus. Current City housing and transit policies support such growth at this location – but an outdated, decade-old conditional overlay is keeping the Property's height and housing regulations locked at 2013 levels.

We are requesting the City remove this outdated conditional overlay entirely and instead allow the Property to be governed by its base MF-6 zoning standards. The Property is allowed to be redeveloped either way – but removing the outdated conditional overlay would provide additional housing, consistent with City policies. Finally, the Property's intermediary location between more intensive corridor areas (to the west) and middle-scale multifamily (to the east) indicates that MF-6 zoning is appropriate without a conditional overlay.

I appreciate your consideration and look forward to answering any questions and providing further details.

Respectfully,

A handwritten signature in black ink, appearing to read 'Michael J. Whellan', with a stylized, flowing script.

Michael J. Whellan

**Attachment A – Existing Conditional Overlay Provisions (Requested to Be Removed)**

- A. Maximum height, as defined in City Code, of a building or structure on the property may not exceed 60 feet.
- B. Upon the issuance of a certificate of occupancy for the final residential unit as shown on an approved site plan on the Property, vehicular access to Wilson Street shall be limited to a single driveway serving an approximately 36-space surface parking lot, and no vehicular access from the surface parking lot shall be allowed, directly or indirectly, to any internal driveways providing vehicular access to Durwood Street or South First Street.<sup>1</sup>
- C. Building coverage on the Property may not exceed 60 percent.
- D. Development of the Property may not exceed an impervious coverage of 70 percent.
- E. Development of the Property may not exceed an average of 55.0 residential units per acre.
- F. Notwithstanding the provisions in paragraph E, above, development of the Property may not exceed 486 residential units.

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<sup>1</sup> This condition affected other portions of the larger, 8.8-acre site and are not relevant to the Property in this case. The Property in this case does not have any Wilson Street frontage.

**ORDINANCE NO. 20130627-093**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2324 WILSON STREET IN THE BOULDIN CREEK NEIGHBORHOOD PLAN AREA FROM MULTI FAMILY RESIDENCE MEDIUM DENSITY-NEIGHBORHOOD PLAN (MF-3-NP) COMBINING DISTRICT TO MULTI FAMILY RESIDENCE HIGHEST DENSITY-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (MF-6-CO-NP) 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 multi family residence medium density-neighborhood plan (MF-3-NP) combining district to multi family residence highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district on the property described in Zoning Case No. C14-2013-0020, on file at the Planning and Development Review Department, as follows:

Lot 1, Oak Creek Village Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 50, Page 11 of the Plat Records of Travis County, Texas (the "Property"),

locally known as 2324 Wilson Street in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

**PART 2.** Except as specifically provided in Part 3 and Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the multi-family residence highest density (MF-6) base district and other applicable requirements of the City Code.

**PART 3.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. Maximum height, as defined in City Code, of a building or structure on the property may not exceed 60 feet.



- B. Upon the issuance of a certificate of occupancy for the final residential unit as shown on an approved site plan on the Property, vehicular access to Wilson Street shall be limited to a single driveway serving an approximately 36-space surface parking lot, and no vehicular access from the surface parking lot shall be allowed, directly or indirectly, to any internal driveways providing vehicular access to Durwood Street or South First Street.
- C. Building coverage on the Property may not exceed 60 percent.
- D. Development of the Property may not exceed an impervious coverage of 70 percent.
- E. Development of the Property may not exceed an average of 55.0 residential units per acre.
- F. Notwithstanding the provisions in paragraph E, above, development of the Property may not exceed 486 residential units.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the multi-family residence highest density (MF-6) base district and other applicable requirements of the City Code.

**PART 4.** The Property is subject to Ordinance No. 020523-33 that established the Bouldin Creek neighborhood plan combining district.

**PART 5.** This ordinance takes effect on July 8, 2013.

**PASSED AND APPROVED**

\_\_\_\_\_, 2013 §  
June 27 §  
\_\_\_\_\_, 2013 §  
\_\_\_\_\_  
Lee Leffingwell  
Mayor  
**APPROVED:** \_\_\_\_\_  
Karen M. Kennard  
City Attorney  
**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk