

AUSTIN CITY COUNCIL

AGENDA



Thursday, March 01, 2007

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Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED) RECOMMENDATION FOR COUNCIL ACTION

ITEM No 51

Subject C14-05-0189 - 1900 Barton Springs Rd - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1900 Barton Springs Rd (Town Lake Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning and limited office-conditional overlay (LO-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning First reading approved on March 9, 2006 Vote 6-0 (Kim off the dais) Applicant and Agent John Wooley City Staff Robert Heil, 974-2330

Additional Backup Material

(click to open)

Staff_Report_and
Ordinance

For More Information

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER C14-05-0189 - 1900 Barton Springs Rd

REQUEST Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1900 Barton Springs Rd (Town Lake Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning and limited office-conditional overlay (LO-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning Zoning and Platting Commission Recommendation To grant general commercial services-conditional overlay (CS-CO) combining district zoning Applicant and Agent John Wooley City Staff Robert Heil, 974-2330

OWNER/AGENT John Wooley

DATE OF FIRST READING First reading on 3/9/6 on consent

ZONING AND PLATTING COMMISSION ACTION February 7, 2006 Approved staff's recommendation of CS-CO on consent (8-0)

ISSUES

Conditional overlay limits the property to no more than 650 trips

Neighborhood support Related to C14-05-0186 (above) and C14-05-0188 which will expire

CITY COUNCIL ACTION

ORDINANCE NUMBER

ASSIGNED STAFF Robert Heil, e-mail [robert heil@ci austin tx us](mailto:robert.heil@ci.austin.tx.us)

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 1900 BARTON SPRINGS ROAD FROM LIMITED
3 OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT AND
4 GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO)
5 COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-
6 CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT.

7
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
9

10 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
11 change the base district from limited office-conditional overlay (LO-CO) combining
12 district and general commercial services-conditional overlay (CS-CO) combining district to
13 general commercial services-conditional overlay (CS-CO) combining district on the
14 property described in Zoning Case No C14-06-0189, on file at the Neighborhood Planning
15 and Zoning Department, as follows
16

17 A 0.96 acre tract of land, more or less, out of and part of Lot 3 of the S W
18 Goodrich Estate of the Isaac Decker League, in the City of Austin, Travis County,
19 more particularly described in a deed of record in Document No 2001158144 of
20 the Official Public Records of Travis County, Texas (the "Property"),
21

22 locally known as 1900 Barton Springs Road, in the City of Austin, Travis County, Texas,
23 and generally identified in the map attached as Exhibit "A"
24

25 **PART 2.** The Property within the boundaries of the conditional overlay combining district
26 established by this ordinance is subject to the following conditions
27

28 A site plan or building permit for the Property may not be approved, released, or
29 issued, if the completed development or uses of the Property, considered cumulatively with
30 all existing or previously authorized development and uses, generate traffic that exceeds
31 650 trips per day
32

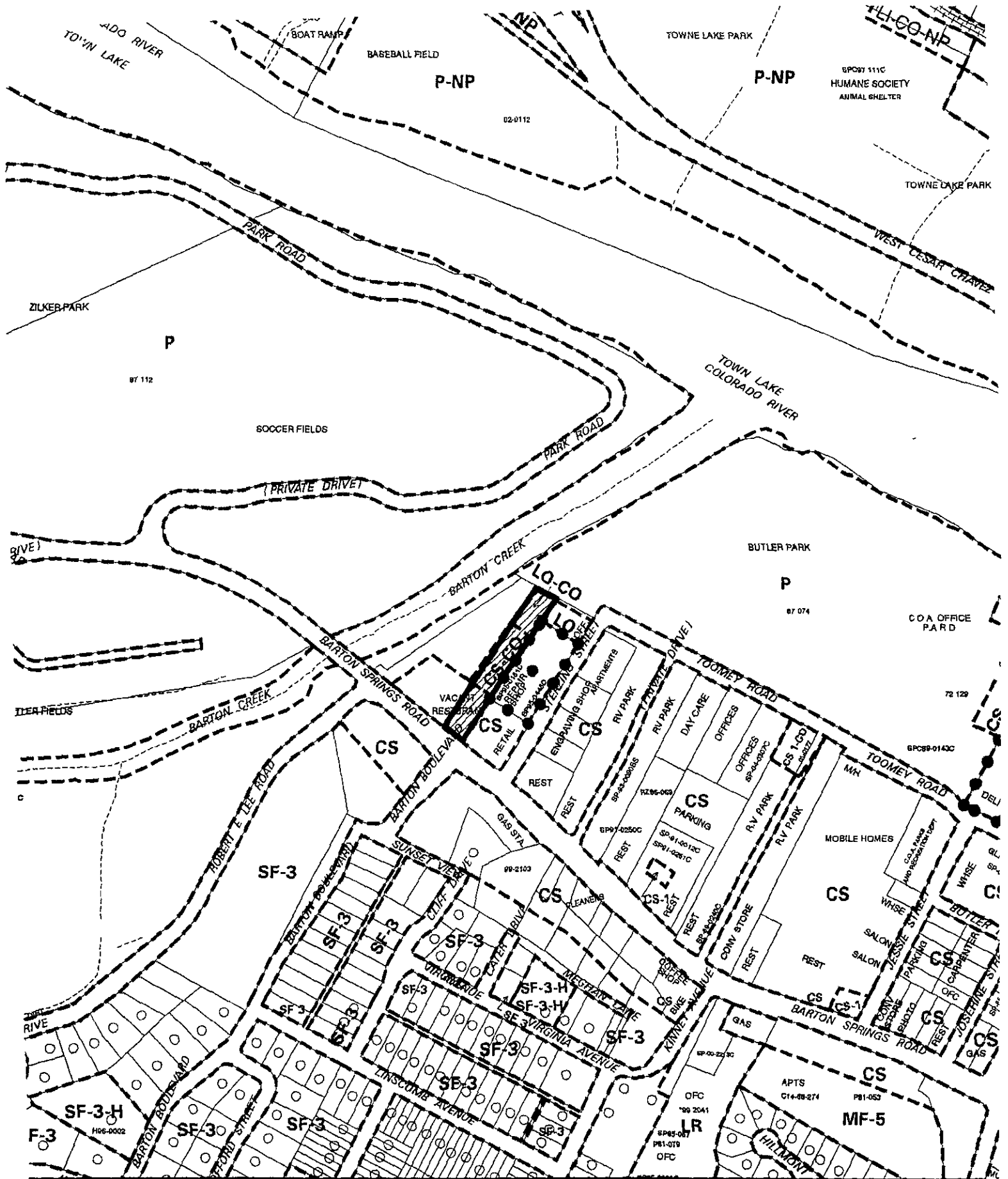
33 Except as specifically restricted under this ordinance, the Property may be developed and
34 used in accordance with the regulations established for the general commercial services
35 (CS) base district and other applicable requirements of the City Code
36
37

1
2
3 **PART 3.** This ordinance takes effect on _____, 2007
4

5
6 **PASSED AND APPROVED**

7
8 §
9 §
10 _____, 2007 § _____
11 Will Wynn
12 Mayor
13

14
15 **APPROVED:** _____ **ATTEST:** _____
16 David Allan Smith Shirley A. Gentry
17 City Attorney City Clerk



SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR R HEIL



CASE # C14-05-0189

ADDRESS 1900 BARTON SPRINGS RD

SUBJECT AREA (acres) 0.960

ZONING EXHIBIT A

DATE 05-10

INTLS SM

CITY GRID
REFERENCE
NUMBER
H22

ZONING CHANGE REVIEW SHEET

Note Because both these cases are so closely related, a single zoning change review sheet has been prepared for both cases to facilitate discussion

ZAP Date February 7, 2006

CASE	ADDRESS	OWNER	REQUEST	AREA
C14-05-0186	404 Sterzing	Majorie Saad	CS to CS-CO	0.510 acres
C14-05-0189	1900 Barton Spgs	John Wooley	CS-CO & LO-CO to CS-CO	0.960 acres
TOTAL				1.470 acres

AGENT John Wooley

STAFF RECOMMENDATION

Staff recommends general commercial services – conditional overlay (CS-CO) combining district zoning for all three cases. The conditional overlay would limit the maximum daily vehicle trips to less than 650 per day on each tract.

PLANNING COMMISSION RECOMMENDATION

February 7, 2006 ***APPROVED STAFF'S RECOMMENDATION FOR CS-CO DISTRICT ZONING ON BOTH CASES, BY CONSENT.***
[M HAWTHORNE, J.PINNELLI 2ND] (6-0) K JACKSON, J.MARTINEZ, J.GOHIL – ABSENT

DEPARTMENT COMMENTS

The original application for both cases was for downtown mixed-use (DMU) district zoning for all three cases. The applications were made prior to the beginning of the Zilker neighborhood plan. Since then Zilker has begun its neighborhood planning process, and the applicant has attended the early meetings. In part based on the results of those meetings, the applicant has formally amended his request to CS-CO on both cases.

A third zoning change application, case C14-06-0188 was submitted with these two cases, but the applicant is no longer pursuing this request, and has decided to allow this case to expire.

The waterfront overlay allows residential uses as a permitted use in CS districts, and it is the applicants intent to build a mix-use project on these tracts.

The conditional overlay would limit the maximum daily vehicle trips to less than 650 per day on each property. The applicant offered to sign a public restrictive covenant to limit the total vehicle trips from all three sites originally under consideration to less than 2000 per day, and staff has incorporated this offer into a conditional overlay limiting the trip generation to 650 per property.

The original CO on the C14-05-0189 limits the F A R of the property located at 1900 Barton Springs to 0.2:1 (1:5) floor area ratio (Ordinance 880929-GG), and specifies allowable noise levels at the property line. The allowable floor area ratio under CS zoning is 2:1. The lifting of the restrictive FAR cap will not result in an overdeveloped property, as total development density

will be addressed by the trip limit enforced through the new conditional overaly and the proposed public restrictive covenant The noise restrictions are now covered by the City of Austin's noise ordinance, and are no longer needed in the conditional overlay

The site is partially undeveloped, and also contains a bicycle repair shop

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	CS, CS-CO and LO-CO	Undeveloped, Bicycle Repair Shop
<i>North</i>	P	Butler Park
<i>South</i>	CS	Restaurant, Bicycle Sales, Gas Station
<i>East</i>	CS	Restaurants
<i>West</i>	P	Barton Creek, Town Lake Trail, and Zilker Park

AREA STUDY The property lies within the Zilker Creek Neighborhood Planning Area, which began its neighborhood plan in October 2005

TIA N/A (The applicant has agreed to limit vehicle trips)

WATERSHED Town Lake **DESIRED DEVELOPMENT ZONE** Yes

CAPITOL VIEW CORRIDOR No **HILL COUNTRY ROADWAY** No

REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS

- Zilker Neighborhood Association
- South Bank Alliance
- Austin Neighborhoods Council
- South Central Coalition
- Save Our Springs Alliance
- Barton Springs/Edwards Aquifer Conservation District

SCHOOLS (AISD)

Zilker Elementary School O Henry Middle School Austin High School

ABUTTING STREETS

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	SIDEWALKS	BICYCLE PLAN
Barton Springs Rd	Varies	Varies	Arterial	Yes	Yes	Yes
Sterzing Street	50'	30'	Collector	No	Yes	No

C14-05-0186, C14-05-0188, C14-05-0189

CITY COUNCIL DATE

March 9, 2006

March 1, 2007

ACTION

Approved CS-CO on consent

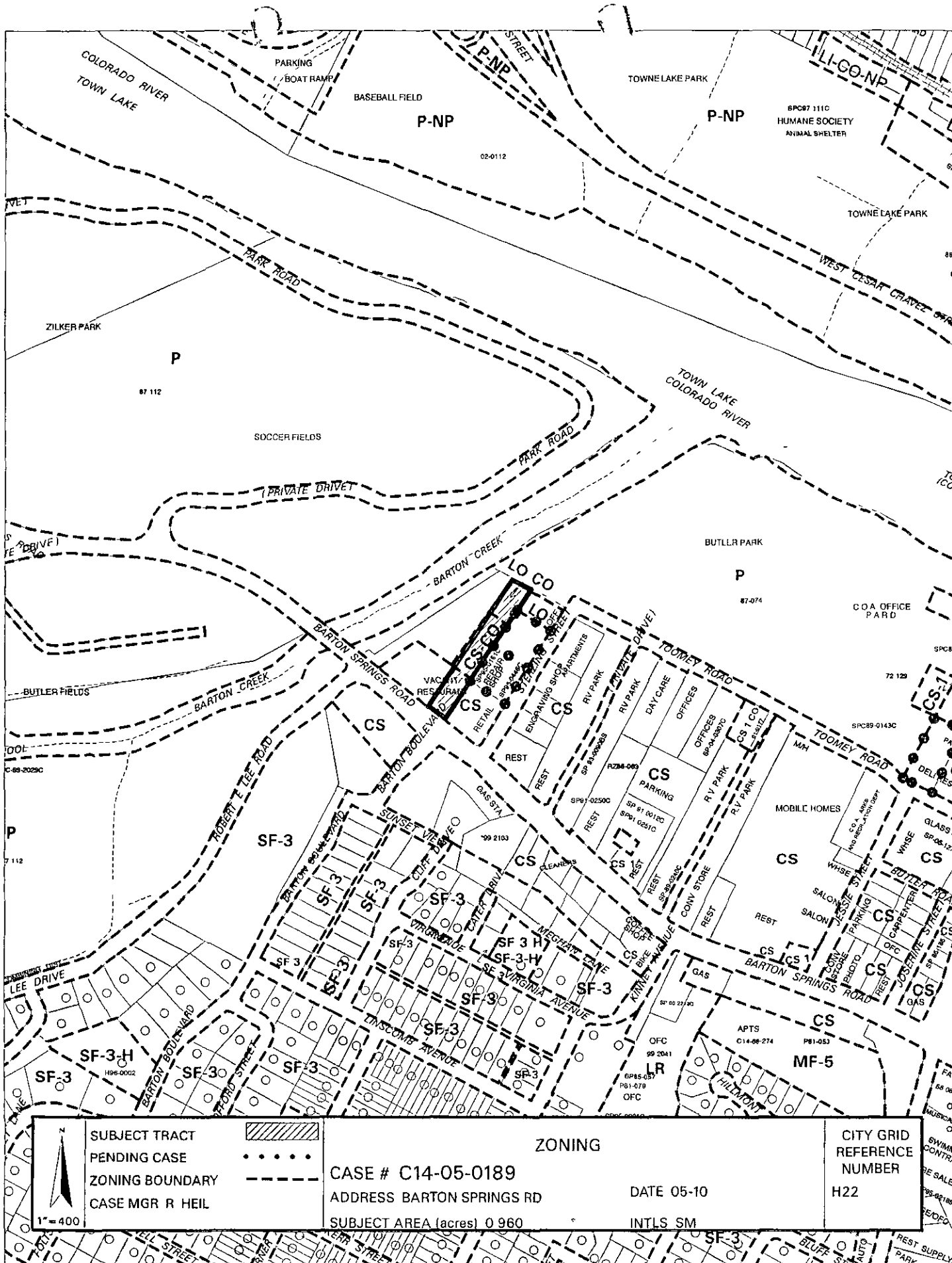
ORDINANCE READINGS 1st 3/9/06 2nd 3rd

ORDINANCE NUMBER

CASE MANAGER Robert Heil
e-mail address robert.heil@ci.austin.tx.us

PHONE 974-2330

-



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR R HEIL

ZONING

CASE # C14-05-0189
 ADDRESS BARTON SPRINGS RD
 SUBJECT AREA (acres) 0.960

DATE 05-10
 INTLS SM

CITY GRID
 REFERENCE
 NUMBER
 H22

SUMMARY STAFF RECOMMENDATION

Staff recommends general commercial services – conditional overlay (CS-CO) combining district zoning for all three cases. The conditional overlay would limit the maximum daily vehicle trips to less than 650 per day on each tract.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The change from LO to CS zoning is consistent with other land uses along Barton Springs and will allow for the construction of an appropriately scaled mixed-use project on the site.

EXISTING CONDITIONS

The site is partially undeveloped and also contains a bicycle repair shop.

Although the sites lie very close to Barton Creek, the drainage is part of the Town Lake watershed. This determination was verified by the City's environmental officer, Pat Murphy.

Transportation

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

For each case trip generation under the requested zoning is estimated to be over 2,000 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics). The developer proposes to construct 128 dwelling units on 3 tracts (C14-05-0186, C14-05-0188 and C14-05-0189). This proposal will generate approximately 920 trips per day.

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 total for all three zoning cases associated with this project (C14-05-0186, C14-05-0188 and C14-05-0189) [LDC, 25-6-117].

Existing Street Characteristics

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	SIDEWALKS	BICYCLE PLAN
Barton Springs Rd	Varies	Varies	Arterial	Yes	Yes	Yes
Sterzing Street	50'	30	Collector	No	Yes	No

Environmental

Although the sites lie very close to Barton Creek, the drainage is part of the Town Lake watershed. This determination was verified by the City's environmental officer, Pat Murphy.

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls for all development and/or redevelopment when 5,000 s f cumulative is exceeded, and detention for the two-year storm. Due to the proximity to Town Lake, on-site water quality controls will be required.

According to flood plain maps, there is no flood plain within the project area.

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

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

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustments are required, the landowner, at own expense, will be responsible for providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

Site Plan

This site is located within a Waterfront Overlay, Butler Shores subdistrict, any new development would be required to comply with 25-2-175 FYI - In the Butler Shores, and City Hall Waterfront Overlay subdistricts, at least 50 percent of the net usable floor area of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. [Section 25-2-691, 692]

The site is subject to compatibility standards. Along the south property line, the following standards apply: for the height of a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, can be 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. Additional design regulations will be enforced at the time a site plan is submitted.

Closed Caption Log, Council Meeting, 3/09/06 (excerpt)

Note Since these log files are derived from the Closed Captions created during the Channel 6 live cablecasts, there are occasional spelling and grammatical errors **These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes** For official records or transcripts, please contact the City Clerk at (512) 974-2210

Greg Guernsey THANK YOU, MAYOR LET ME CONTINUE ON TO THE ZONING ITEMS 6, 7 AND 8 BE RELATED ITEMS, Z-6 IS C-14-05-0186 LOCATED AT 404 STERZING THIS IS A REQUEST FROM CS ZONING TO CS-CO THE ZONING AND PLATTING COMMISSION RECOMMENDED THAT ZONING ITEM NUMBER Z-7 IS CASE C-14-05-0188, 410 STERSING FOR THE PROPERTY LOCATED AT 410 STER DLEEVMENT ZING THE ZONING AND PLATTING COMMISSION ALSO RECOMMENDED THIS REZONING REQUEST CASE C-14-05-0189, 1900 BARTON SPRINGS ROAD, THIS IS A REZONING REQUEST FROM GENERAL COMMERCIAL SERVICES CONDITIONAL OVERLAY OR CS-CO ZONING AND LIMITED OFFICE CONDITIONAL OVERLAY OR LO-CO ZONING TO GENERAL COMMERCIAL SERVICES ZONING THE ZONING AND PLATTING COMMISSION RECOMMENDED THIS ITEM REGARDING ITEM Z-1, Z-7 AND Z-8, THE APPLICANT AND A NEIGHBORHOOD REPRESENTATIVE WOULD LIKE TO MAKE A COUPLE OF BRIEF COMMENTS IT'S MY UNDERSTANDING THAT BOTH PARTIES STILL AGREE THAT THIS COULD BE A CONSENT ITEM, BUT BOTH WANT TO JUST MAKE A VERY SHORT STATEMENT FOR THE RECORD SO LET ME JUST READ THE REST OF THESE ITEMS AND THEN YOU CAN COME BACK AND LISTEN TO THOSE TWO SHORT STATEMENTS AND VOTE ON THE REMAINDER OF THE CONSENT AGENDA I'LL PAUSE HERE AND IF WE CAN INVITE THE APPLICANT AND THE NEIGHBORHOOD REPRESENTATIVE TO SPEAK TO ITEM Z-6, Z-7 AND Z-8, I THINK WE CAN STILL OFFER THOSE AS CONSENT ITEMS

Mayor Wynn OFFER THEM AS CONSENT ON FIRST READING ONLY?

Greg Guernsey FIRST READING ONLY FOR THOSE THREE

Mayor Wynn I THINK MR JEFF JACK IS REPRESENTING THE NEIGHBORHOOD I DON'T KNOW ABOUT THE APPLICANT

Greg Guernsey MR JOHN WOOLLY IS REPRESENTING

Jeff Jack MAYOR AND COUNCILMEMBERS, I'M JEFF JACK, PRESIDENT OF THE ZILKER NEIGHBORHOOD ASSOCIATION WE'VE BEEN WORKING WITH THE APPLICANT, JOHN WOOLLY, ON THIS PROJECT FOR SOME TIME WE JUST WANTED TO COMMENT THAT THE NEGOTIATIONS WERE SUCCESSFUL WITH REGARD TO SUPPORTING HIS PROJECT AND THEN WE FOUND OUT THAT LAST WEEK HE PASSED THE VERTICAL MIXED USE ORDINANCE AND WE WERE CONCERNED WHETHER OR NOT THAT CHANGED THE AMOUNT OF BUILDABLE AREA THAT COULD POSSIBLY BE BUILT UNDER THIS PARTICULAR ZONING CASE WE'VE TALKED TO MR WOOLLY ABOUT IT, WE'VE TALKED TO CITY STAFF ABOUT IT THERE IS ONE LITTLE DIFFERENCE WITH REGARD TO THE SETBACKS ON STERZING THE APPLICANT HAS INDICATED THAT THAT'S NOT SOMETHING THAT THEY'RE GOING TO AVAIL THEMSELVES TO AND THEY'RE

PROCEEDING WITH THE PROJECT BASED ON THE DESIGN THAT WE HAD ORIGINALLY DISCUSSED WITH THEM UNDER THAT UNDERSTANDING WE SUPPORT THE PROJECT

Mayor Wynn THANK YOU, MR JACK WELCOME MR WOOLLY

JOHN WOOLEY FOR THE APPLICANT JUST TO CONFIRM FOR THE RECORD THAT WE'RE IN AGREEMENT WITH THE NEIGHBORHOOD OF PROCEEDING WITH THE PROJECT UNDER THE REQUIREMENTS OF THE WATERFRONT OVERLAY AND NOT CHANGING THE SETBACKS AS MIGHT BE ALLOWED UNDER THE VERTICAL MIXED USE

Mayor Wynn FAIR ENOUGH THANK YOU, JOHN QUESTIONS OF THE APPLICANT OR NEIGHBORHOOD, COUNCIL? IF NOT THEN THE PROPOSED CONSENT AGENDA WILL BE TO CLOSE THE PUBLIC HEARING ON THESE CASES WHERE WE WILL TAKE ACTION TO APPROVE AMENDING THE RESTRICTIVE COVENANTS FOR CASES Z-1, Z-2 AND Z-3 TO APPROVE ON ALL THREE READINGS CASE '62 '62 '62 5 TO APPROVE ON FIRST READING ONLY CASE Z-7, Z-8 AND Z-10 I'LL ENTERTAIN A MOTION MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER MCCRACKEN TO APPROVE THE CONSENT AGENDA AS READ FURTHER COMMENTS? COUNCILMEMBER ALVAREZ