THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0030 Time Insurance Inc.

REQUEST:
C14-04-0030 - Time Insurance 1 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405-1415 East Riverside Drive (Town Lake Watershed) from limited office (LO) district zoning and family residence (SF-3) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning with conditions. First Reading approved on January 11, 2007. Vote: 7-0. Applicant: Schuler Family Trust 1998 (John Schuler). Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.

ISSUES:
The residents in the immediate area as well as other stakeholders in the planning process have express concerns with the rezoning request.

A valid petition of 32.96% has been filed in opposition to the request. See attachment.

The applicant proposes a mixed use development including approximately 19,000 square feet of commercial/retail, 80 residential units and a F.A.R. of 0.5:1.0, and heights between 45 and 60 feet. The applicant also intends to soften the existing grade of roughly 11% existing on the site. (Please refer to the Related Cases section for details on what could be developed on the site under an existing Zoning Site Plan and current zoning.

OWNER/APPLICANT: Schuler Family Trust 1998 (John Schuler)

AGENT: Thrower Design (Ron Thrower)

DATE OF FIRST READING: January 11, 2007

DATE OF SECOND READING: December 6, 2007

CITY COUNCIL HEARING DATE: January 10, 2008

CITY COUNCIL ACTION: January 11, 2007:
The public hearing was closed and the first reading of the ordinance for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote with the following conditions. The development would meet: Vertical Mixed Use (VMU) requirements, Two Star Green Building Program requirements, and, at a minimum, VMU Affordability Standards.

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

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0030

PC DATE: July 27, 2004
August, 10, 2004
August 24, 2004
September 12, 2006

ADDRESS: 1405 & 1415 E. Riverside Drive

OWNER/APPLICANT: John Schuler

AGENT: Thrower Design (Ron Thrower)

ZONING FROM: LO & SF-3 **TO:** GR-MU **AREA:** 1.87 acres/81, 457 sq.ft.

SUMMARY STAFF RECOMMENDATION:

Staff's alternate recommendation is community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. The CO would prohibit automobile related uses (sales, washing of any type, rental, repair), prohibit drive in services as an accessory use, prohibit motor vehicle access to Manlove Street and to Summit Street, and prohibit motor vehicle trip generation to 2,000 trips per day.

PLANNING COMMISSION RECOMMENDATION:

7-27-04: Postpone to 8-10-04 at neighborhood's request.
8-10-04: postponed to 8-24-04 at neighborhood's request Consent. Vote: 8-0.
8-24-04: To deny GR-MU zoning. However, noting that the Commission will consider a rezoning request that provides for a more sensitive development and encourages continuing dialogue between the developer and the neighborhood during the neighborhood planning process. Vote: 5-3, with JMC, CG & MM voting nay.

9-12-06: APPROVED GR-MU-CO ZONING WITH CONDITIONS OF:

- PROHIBIT ALL AUTOMOTIVE RELATED USES (RENTAL, SALES, WASHING OR REPAIR);
- PROHIBIT PAWNSHOP SERVICES;
- PROHIBIT SERVICE STATIONS;
- PROHIBIT DRIVE-THRU SERVICES AS AN ACCESSORY USE;
- PROHIBIT MOTOR VEHICLE ACCESS TO MANLOVE STREET;
- ALL RESIDENTIAL UNITS ARE TO BE CONDOMINIUMS FOR SALE;
- DUMPSTERS AND SERVICE AREAS WILL BE CONTAINED WITHIN THE BUILDINGS;
- STREETSCAPE IMPROVEMENTS SHALL INCLUDE TREES, BENCHES AND WIDER SIDEWALKS;
- 25-FEET COMPATIBILITY BUFFER WILL BE HEAVILY VEGETATED WITH TREES AND SHRUBS;
- COMMERCIAL SPACE TO HAVE FLEXIBILITY TO BE FINISHED OUT AS OFFICE OR RETAIL;
- SIDWALKS ON IH-35 WILL BE RECONSTRUCTED TO PROVIDE WIDER WALKING PATHS;
- ENTIRE STRUCTURE TO HAVE EQUAL CONSTRUCTION ON ALL SIDES INCLUDING MASONRY ON ALL SIDES;
- NEIGHBORS TO HAVE CONTINUED INVOLVEMENT WITH A SITE PLAN FOR THE DEVELOPMENT OF THE PROPERTY;
- ACCESS TO PROPERTY WOULD BE LIMITED TO TWO DRIVEWAYS TO E. RIVERSIDE AND ONE DRIVEWAY TO IH-35, ALL POINTS OF ACCESS TO HAVE INTERCONNECTIVITY TO ALLOW ACCESS TO ALL DEVELOPMENT TO BOTH ROADWAYS; NO ACCESS IS ALLOWED TO SUMMIT STREET;
- E. RIVERSIDE BUILDING – 50% OF THE BUILDING TO BE 3 STORY AND 50% TO BE 4 STORY STRUCTURE, PARKING TO BE CONTAINED WITHIN TWO LEVEL STRUCTURE THAT WILL NOT EXCEED THE HEIGHT OF THE BLUFF;

- IH-35 BUILDING – 2 STORY STRUCTURE WITH UNDERGROUND PARKING;
- BOTH RETAINING WALLS ARE REMOVED AND THE SITE IS EXCAVATED TO THE STREET LEVEL;
- NO COMMERCIAL DEVELOPMENT IN AREA THAT EXTENDS INTO NEIGHBORHOOD;
- TREE MITIGATION FOR ALL PROTECTED TREES REMOVED BY EXCAVATION TO BE REPLACED AT 100%;
- LIMIT THE DEVELOPMENT TO 60-65 UNITS, AND 75,000 SQUARE FEET OF COMMERCIAL SPACE;

ADDED CONDITIONS OF:

- 2000 VEHICLE TRIPS PER DAY;
- 85% IMPERVIOUS COVER;
- 25% GREEN ROOF SPACE;
- INCLUDE SCREENING FOR ALL MECHANICAL EQUIPMENT.

[J.REDDY, M.MOORE 2ND] (6-1) S.KIRK – NAY; P.CAVAZOS, M.DEALEY – ABSENT

ISSUES:

Residents in the immediate area as well as other stakeholders in the planning process have expressed concerns with the rezoning request.

A valid petition of 32.96% has been filed in opposition to this rezoning request. See attachment

Neighborhood Planning & Zoning staff have facilitated meetings regarding this rezoning request. The most recent being July 15 and 28th, 2004. In addition, the neighborhood has facilitated a few meetings, one that was attended by Neighborhood Planning & Zoning staff.

The neighborhood concerns, as summarized by staff, are:

- Views to the northwest from the adjacent neighborhood; height of project
- Desire of owner occupancy; no apartment development
- Traffic safety and volume concerns for the corner of Summit Street & East Riverside Drive
- Setbacks at the south property line (adjacent to the single family neighborhood)
- Hours of operation of commercial development within the mixed use project
- Efforts made in late 1980's to establish existing zoning; they would like existing zoning to remain

The applicant is willing to address the concerns above via a specific conditional overlay or other instrument necessary (public or private restrictive covenant)

DEPARTMENT COMMENTS:

The subject tract is with in the East Riverside/Oltorf combined neighborhood planning area. Generally, the stakeholders would like to see the following occur on Riverside Drive though the planning area:

- Improved appearance of East Riverside Drive
- Opportunities for redevelopment
- Improved scenic quality of Riverside Drive because it serves an "entry way" to the City

More specifically, further south on East Riverside Drive (between Parker Lane and Pleasant Valley Road) mixed use has been designated on the draft future land use map (FLUM); south side of Riverside only (Commercial has been designated for the north side of the road).

The applicant has been an active participant in the East Riverside/Oltorf planning process.

The applicant is in agreement with the staff's alternate recommendation.

The applicant proposes a mixed-used development including approximately 19,000 square feet of commercial/retail, 80 residential units and a FAR of .5:1., and varying heights between 45 and 60 feet. The applicant also intends to soften the existing approximate 11% grade existing on the site. See Exhibits C-1 & C-2. **(Please refer to Related Cases section of detail of what could be developed under an existing Zoning Site Plan and Current Zoning)**

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3, LO	Insurance office, undeveloped
North	MF-4, MF-3, LO	Hotel, undeveloped, apartments
South	SF-3	Single family homes
East	SF-3, CS	Single family homes
West	GR-MU	Undeveloped

AREA STUDY: East Riverside/Oltorf Planning Area **TIA:** Waived.

WATERSHED: Townlake **DESIRED DEVELOPMENT ZONE:** Yes.

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

NEIGHBORHOOD ORGANIZATIONS:

South River City Citizens Assn.
The Crossing Gardenhome Owners Assn.
Baron Springs/Edwards Aquifer Conservation Dist.
South Central Coalition
Southeast Austin Neighborhood Alliance
Terrell Lane Inteceptor Assn.
PODER
Austin Neighborhoods Council

CASE HISTORIES:

NUMBER	REQUEST	ZONING AND PLATTING COMMISSION	CITY COUNCIL
ON SITE:			
SP-02-0353CS (consolidated small project site plan)	Approved to add parking spaces.	N/A	N/A
C14-99-2009	LO, SF-3 to SF-6	11-9-99- Deny SF-6 zoning (Vote: 7-1)	Application withdrawn.
NEAR SITE:			
C14-01-0001 (across Riverside Drive to the north of subject property)	SF-3 to MF-6	5-08-01- Recommended staff recommendation of MF-6.	2-27-03- Approved MF-6-CO on Tracts 1a and 2a and MF-4-CO on 4a.
C14r-87-139B (Zoning Site Plan)	SF-3, LO, LR, GO to GR-MU	10-13-97- Recommended GO-CO and SF-3. (Vote 5-3)	9-09-88- Approved GR-MU and LO.

RELATED CASES:

There is no active subdivision application for this property.

There is an existing zoning site plan that applies to the subject property and the adjacent GR-MU zoned property to the west and southwest (C14r-87-139). Zoning site plans do not expire.

The following is what could be developed on the site per the zoning site plan (See Exhibit B):

Total Impervious Cover: 67%

Parking Required: 48 spaces **Parking Provided:** 53 spaces

Tract 1 (GR-MU): 9,600 square feet of Hotel/Office (2 story)
Tract 2 (GR-MU): 2487 sq. ft. of Pet Services (1 story)
Tract 3 (LO): 3,672 sq. ft. of Office (1 story)

First Floor Elevation/Height:

Tract 1: 490, 495, 500/23 ft. **Tract 2:** 512/23 ft. **Tract 3:** 512/22 ft.
*Adjacent single-family homes are at the approximate 525-elevation contour, approximately. **See Exhibit A.**

The following is what could be developed under Current Zoning Regulations:

Total SF-3 zoning: .99 acres/42, 957 sq.ft. **Units possible:** approx. 7
* if **Cottage Lot** and **Urban Home** were adopted for the planning area the possible units would be approximately **17 and 11 respectively**.

Impervious Cover: 45%

Height: at 5 foot interior side yard set back: 35 feet
at 10 foot rear yard set back: 35 feet

Total LO zoning: .88 acrea/38, 333 sq.ft. **Square Footage Possible:** approx. 27,000 sq.ft. (.7:1 FAR)

Impervious cover: 70%

Heights:	between 25 and 50 feet from the southern property line	30 feet
	Between 50 and 100	40 feet
	Between 100 and 150	41, 42, 43, 44, 45 feet

Parking Required: Not able to be determined. (would vary based on proposed uses/unit size).

RELATED CASES

Case	Address	Request	Status
C14-06-0053	IH-35 and Riverside Dr	L, GO and MF-6	1st reading at Council 6/8
C14-06-0117	1317 E. Riverside Dr	LI-PDA	Submitted 5/22/06. Under review.

ABUTTING STREETS:

Name	ROW	Pavement	Classification
East Riverside Drive	140'	2 @ 56'	Major Arterial
Summit Street	60'	65'	Local

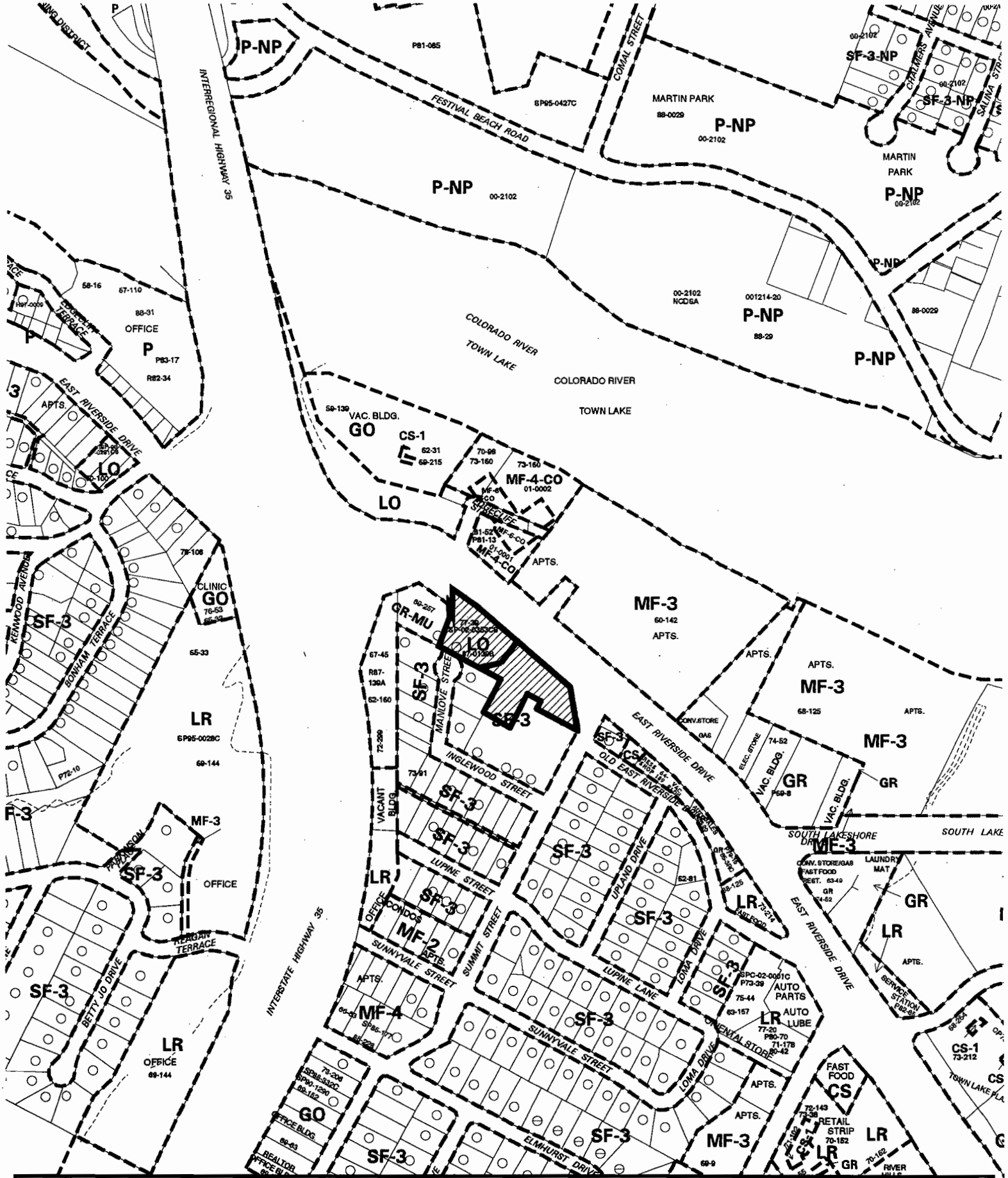
CITY COUNCIL DATE:	ACTION:
10/21/04	Approved applicant's request for a postponement to 11/04/04
11/04/04	Approved neighborhood's request for postponement to 12/02/04
12/02/04	Postponed indefinitely by Council.
5/26/05	Approved staff's request for a postponement to 9/01/05
9/01/05	Approved staff's request for a postponement to 11/17/05
11/17/05	Approved staff's request for a postponement to 12/15/05
12/15/05	Approved staff's request for a postponement to 1/26/06
1/26/06	Approved staff's request for a postponement to 3/23/06
3/23/06	Approved staff's request for a postponement to 4/20/06
4/20/06	Approved staff's request for a postponement to 6/08/06
06/08/06	Returned to Planning Commission for further consideration along with Case C14-06-0117
11/30/06	Postponed at the request of the applicant to 01/11/07

01/11/07	**The public hearing was closed and the first reading of the ordinance for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote with the following conditions. The development would meet: Vertical Mixed Use (VMU) requirements, Two Star Green Building Program requirements, and, at a minimum, VMU Affordability Standards.**
July 26, 2007	Postponed to August 23, 2007
August 23, 2007:	Postponed to September 27, 2007
September 27, 2007	Postponed to December 6, 20007
December 6, 2007	2nd reading approved.
December 13, 2007	Postponed to January 10, 2008
January 10, 2008	

ORDINANCE READINGS: **1st 01/11/07 2nd 12/06/07 3rd**

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil **PHONE:** 974-2330
e-mail address: robert.heil@ci.austin.tx.us



N

1"=400'

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: A. BEAUDET

ZONING

CASE #: C14-04-0030

ADDRESS: RIVERSIDE DR

SUBJECT AREA (acres): 1.870

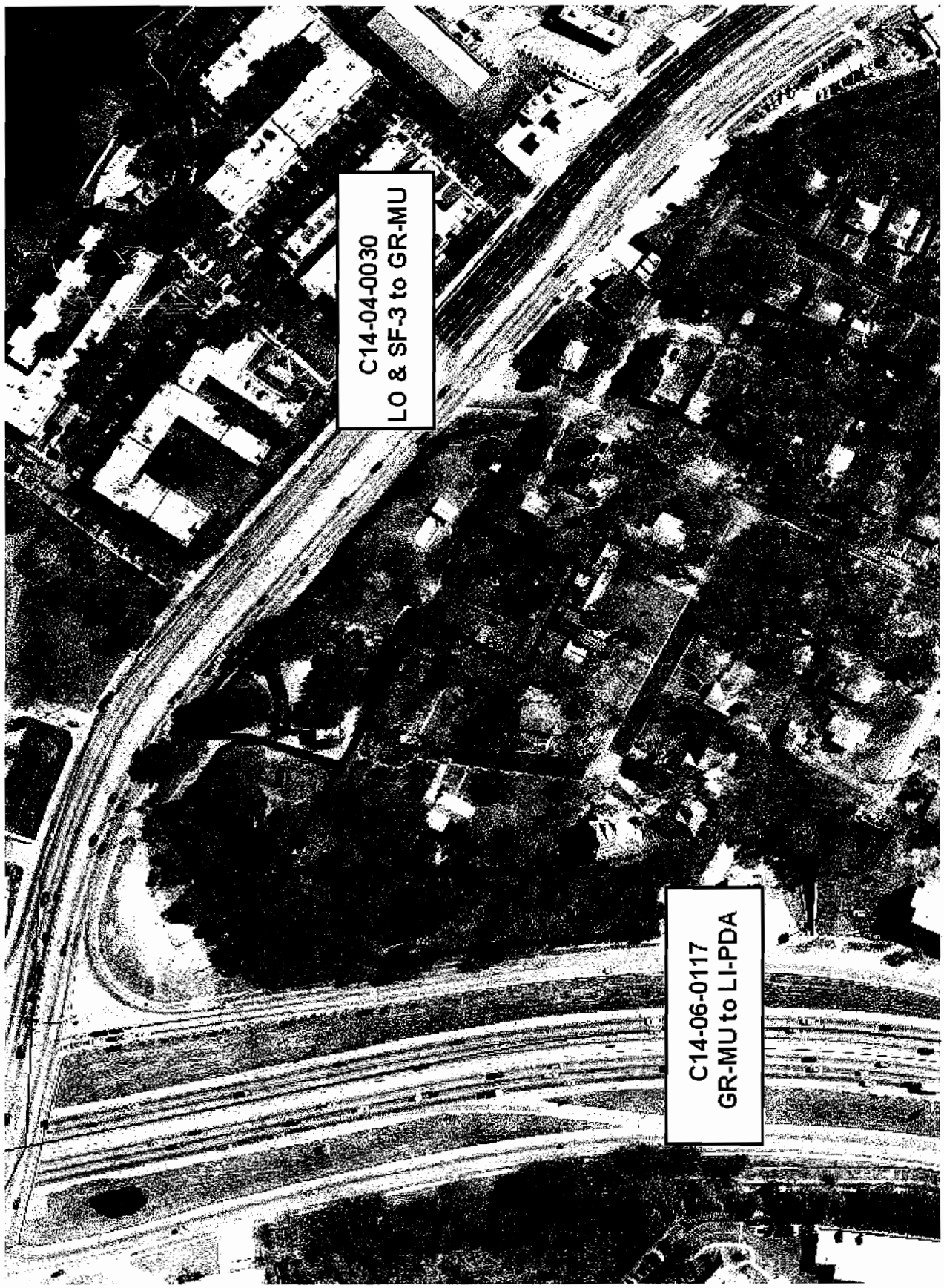
DATE: 04-02

INTLS: SM

CITY GRID REFERENCE NUMBER

J20

C14-06-0117



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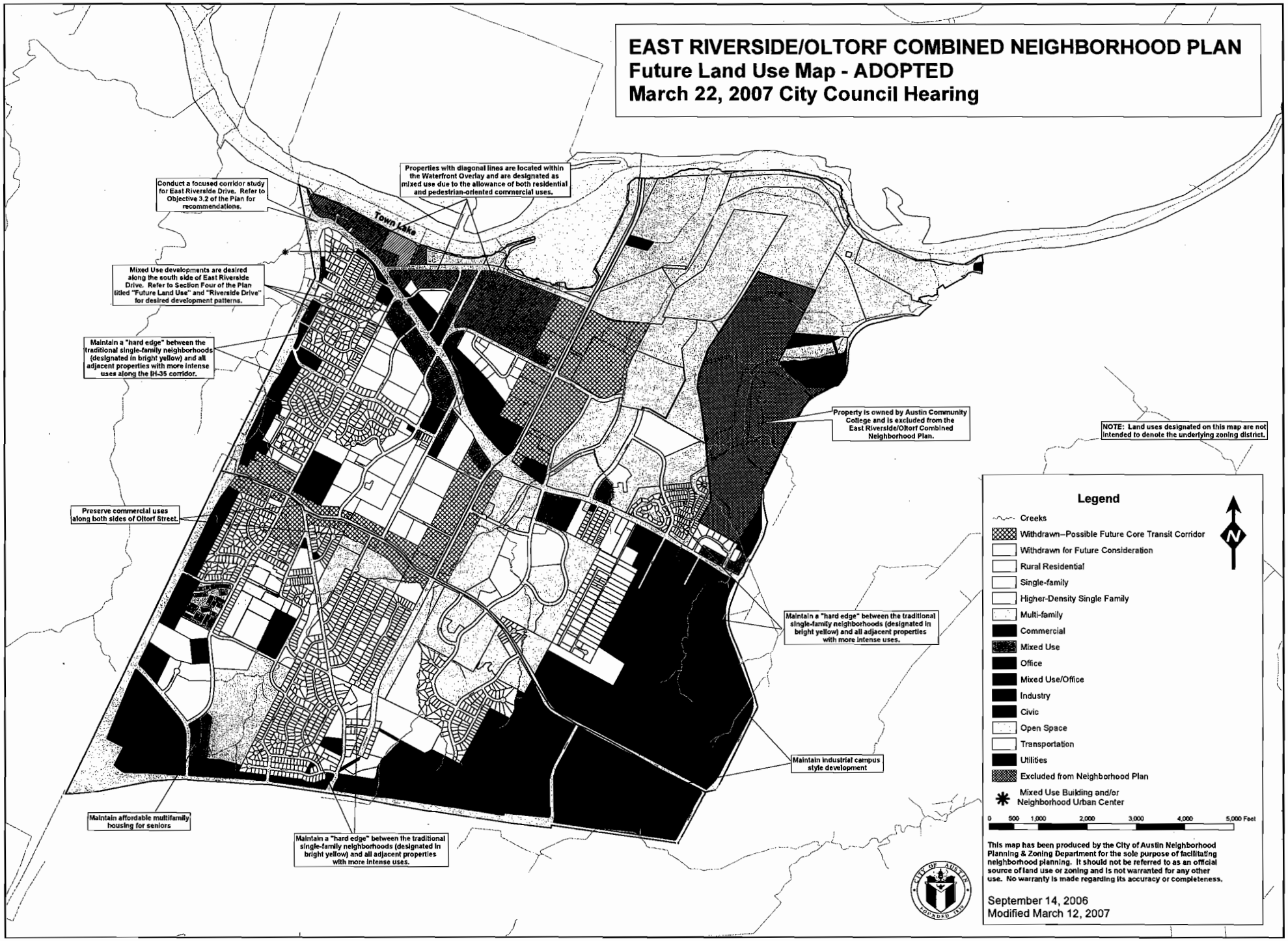
EAST RIVERSIDE/OLTORF COMBINED NEIGHBORHOOD PLAN
Future Land Use Map - ADOPTED
March 22, 2007 City Council Hearing



STAFF RECOMMENDATION **C14-04-0030**

Staff's alternate recommendation is community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. The CO would prohibit automobile related uses (sales, washing of any type, rental, repair), prohibit drive in services as an accessory use, prohibit motor vehicle access to Manlove Street and to Summit Street, and prohibit motor vehicle trip generation to 2,000 trips per day.

BACKGROUND

In 2003, a rezoning occurred almost directly across East Riverside Drive, to the north of the subject tract (C14-01-0001). The zoning application was a request from SF-3 (Family Residence) to MF-6 (Multifamily Residence Highest Density) zoning. There was great community involvement and compromise was reached resulting in the current MF-4-CO and MF-6-CO. The conditions approved with the case are:

A 35-foot wide landscape buffer maintained adjacent to Riverside Drive
A maximum height of 60 feet from ground level for the majority of the property (21,161 sq. ft.)
A maximum height of 90 feet from ground level for the remainder of the property (7, 523 sq. ft.)

In 1999 a rezoning application was submitted for the site (C14-99-2009). The request was to rezone from SF-3 (Family Residence District) to SF-6 (Townhouse and Condominium Residence). A valid petition (33%) was submitted by the neighborhood opposing any zoning district other than LO (Limited Office) and SF-3 (Family Residence). The staff recommended SF-6 zoning on the property. However, the Planning Commission denied the request with a vote of seven to one (7-1). The applicant withdrew the case prior to presenting the case at a public hearing for City Council consideration for approval. The staff report for this case indicates that the main concerns articulated to staff from the neighborhood were the obstruction of views and the possible incompatibility of more intense residential adjacent to single family homes.

BASIS FOR RECOMMENDATION

1. Zoning should be consistent with an adopted area study or neighborhood plan.

While there is no adopted area study or neighborhood plan for the area, the area is currently undergoing the neighborhood planning process. The estimated date for finalization of the East Riverside/Oltorf Neighborhood Plan is December 2004.

The subject tract is located on the south side of Riverside Drive where mixed use is currently designated on the draft future land use map (between Parker Lane and Pleasant Valley Road).

Generally, the stakeholders would like to see the following occur on Riverside Drive though the planning area:

- Improved appearance of East Riverside Drive
- Opportunities for redevelopment
- Improved scenic quality of Riverside Drive because it serves an "entryway" to the City.

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

The required 25-foot compatibility setback from the adjacent single-family properties will promote compatibility among the mix of uses proposed for the area. The requested zoning is compatible with the GR-MU zoning to the west of the property and various MF zonings to the north of the property. The prohibition of commercial access to Summit Street will serve to further promote compatibility with the adjacent neighborhood to the south of the property.

3. Zoning should promote the policy of locating retail and more intensive zoning near the intersection of arterial roadways or at the intersections or arterials and major collectors and should not contribute to strip development.

The property is located in close proximity to an intersection of a two major arterial roadways, making retail zoning appropriate. The mixed use-combining district could serve to promote mixed-use redevelopment therefore not contributing to strip development. It also provides for housing opportunities in the urban core.

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

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 site is accessible from a major arterial roadway.

EXISTING CONDITIONS

Site Characteristics

The site is partially developed with an existing single-family structure that is currently used as a professional office. The remainder of the site contains a single family home and undeveloped land. The site contains steep slopes from Riverside Drive to the south.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90%. 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. Therefore, the zoning district impervious cover restriction applies.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

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.

At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

Transportation

If the requested zoning is granted, it is recommended that access to Summit Street be prohibited as a condition of zoning because of very steep elevations to the property. In addition, the visibility on Summit Street is very poor, especially looking south from the proposed access point, because of the grade and curvature on Summit Street. Visibility is also not good looking toward Riverside, where a car turning off Riverside could not be seen until it makes the turn. Summit is a residential street with a number of homes fronting on it, and commercial traffic should be discouraged.

Existing Street Characteristics:

Name	ROW	Pavement	Classification
East Riverside Drive	140'	2 @ 56'	Major Arterial
Summit Street	60'	65'	Local

There are no sidewalks along Summit Street.

East Riverside Drive is classified in the Bicycle Plan as a Priority Low Usability bike route.

Capital Metro bus service is available along East Riverside Drive.

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

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Water and Wastewater

The site is serve d with City water and wastewater utilities. If water or wastewater utility improvements, or system upgrades, or utility relocation, or adjustment are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City utility design criteria.

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.

Compatibility Standards

There is an existing zoning site plan on this property (C14R-87-139). A new site plan will need to be submitted to meet the criteria for a replacement site plan [Sec. 25-5-64].

Riverside Drive is a scenic roadway.

The site is subject to compatibility standards. Along the south and east property line, the following standards apply:
· No structure may be built within 25 feet of the south 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.

DEPARTMENT COMMENTS

The subject tract is with in the East Riverside/Oltorf combined neighborhood planning area. Generally, the stakeholders would like to see the following occur on Riverside Drive though the planning area:

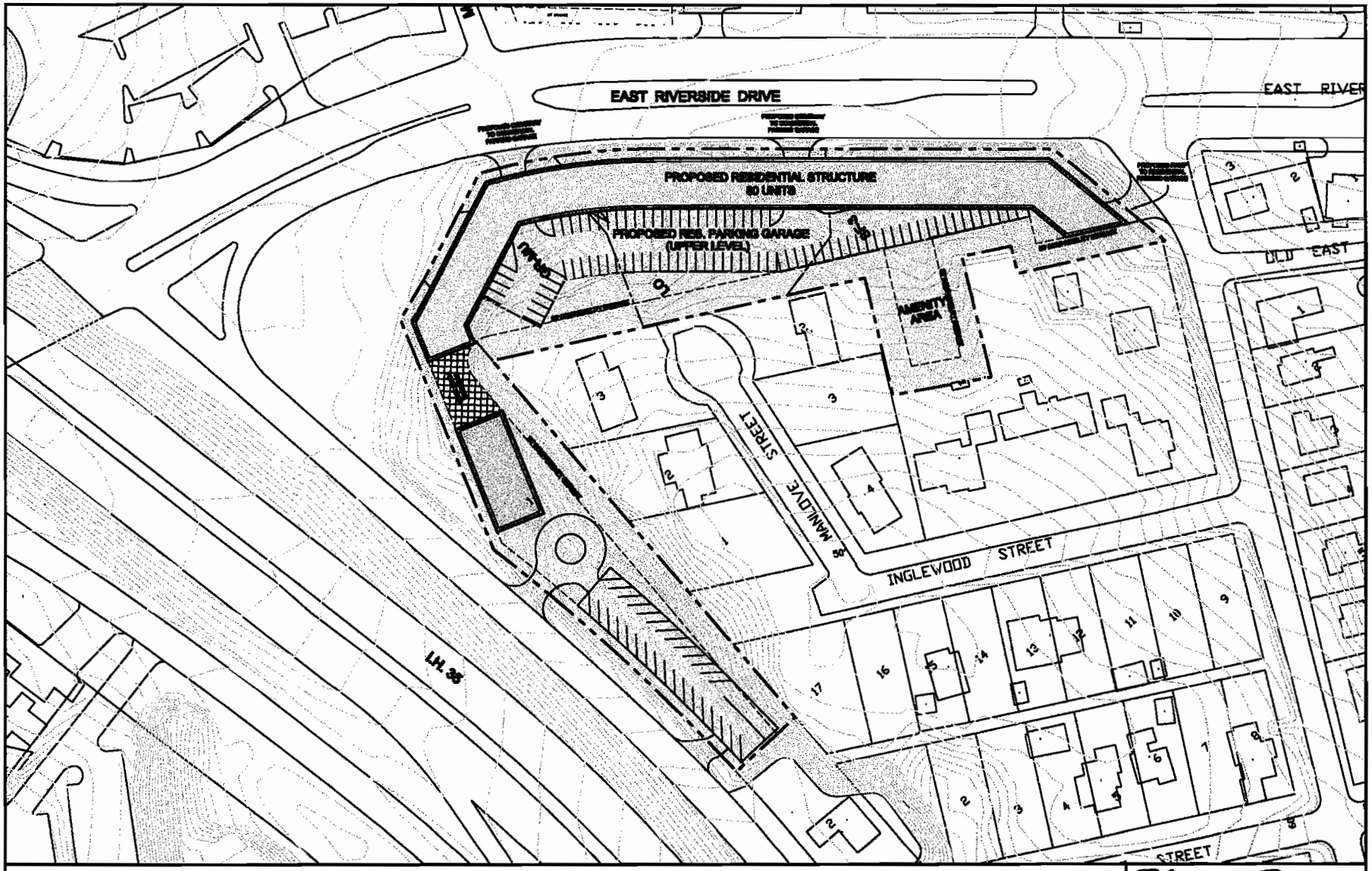
- Improved appearance of East Riverside Drive
- Opportunities for redevelopment
- Improved scenic quality of Riverside Drive because it serves an "entry way" to the City

More specifically, further south on East Riverside Drive (between Parker Lane and Pleasant Valley Road) mixed use has been designated on the draft future land use map (FLUM); south side of Riverside only (Commercial has been designated for the north side of the road).

The applicant has been an active participant in the East Riverside/Oltorf planning process.

The applicant is in agreement with the staff's alternate recommendation.

The applicant proposes a mixed-used development including approximately 46,000 square feet of commercial/retail, 80 residential units and a FAR of .5:1., and varying heights between 45 and 60 feet. The applicant also intends to soften the existing approximate 11% grade existing on the site. See Exhibits C-1 & C-2. (**Please refer to Related Cases section of detail of what could be developed under an existing Zoning Site Plan and Current Zoning**)

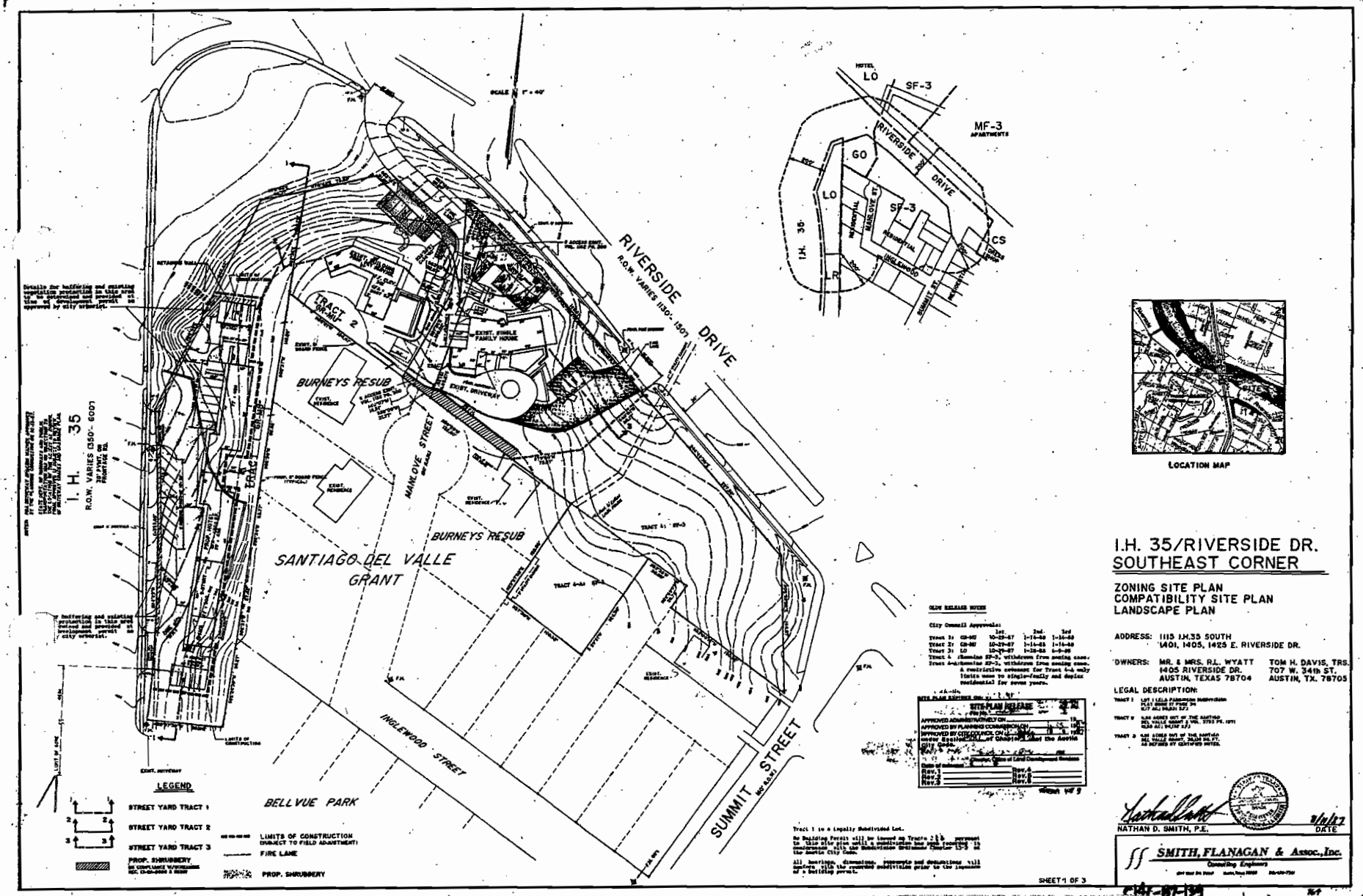


SCALE: 1"=40'

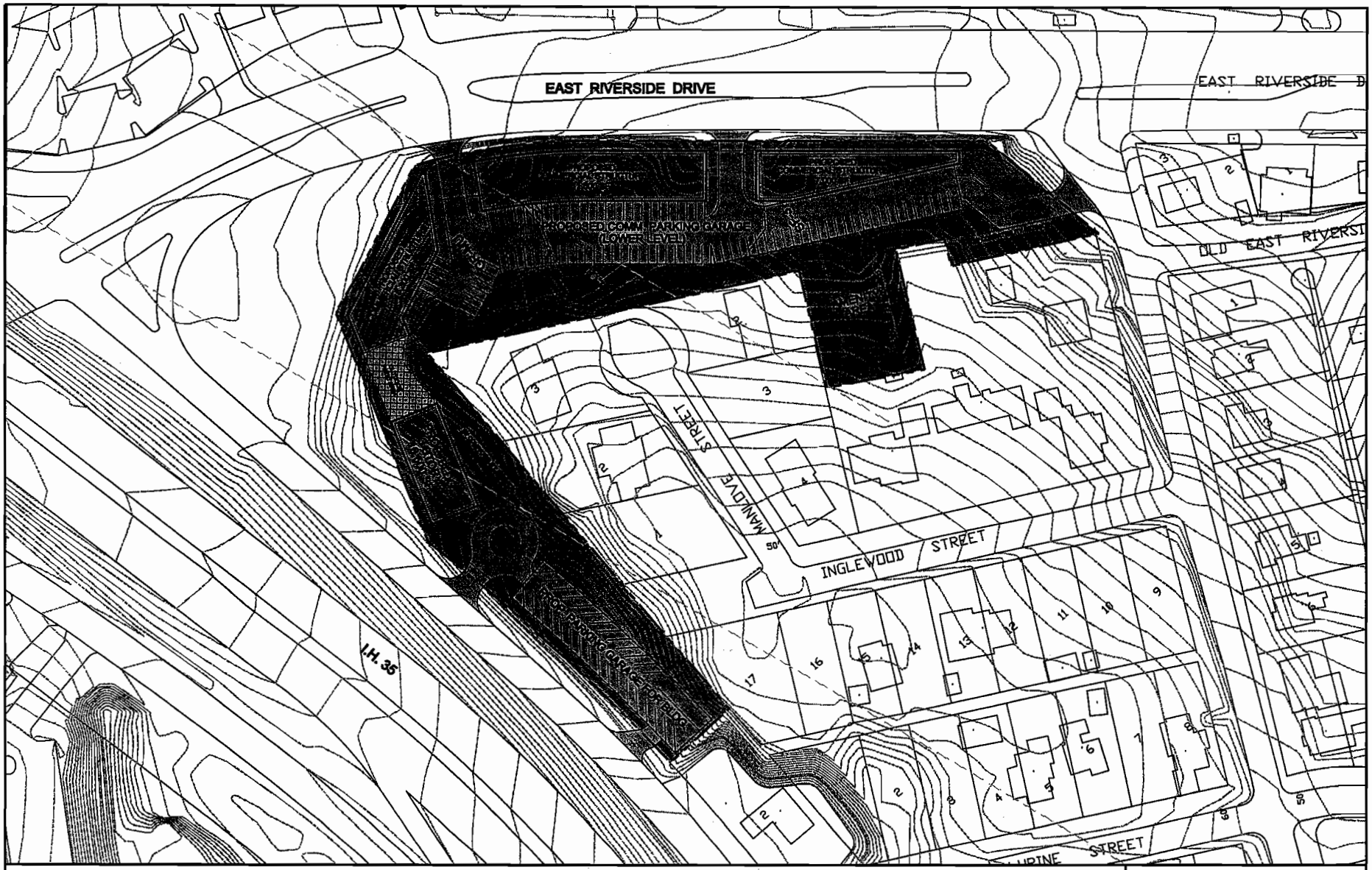
2ND-4TH FLOOR RESIDENTIAL

EAST RIVERSIDE DR., AUSTIN, TEXAS

Thrower Design
LAND PLANNERS



Zoning Site Plan - Exhibit B



SCALE: 1"=40'

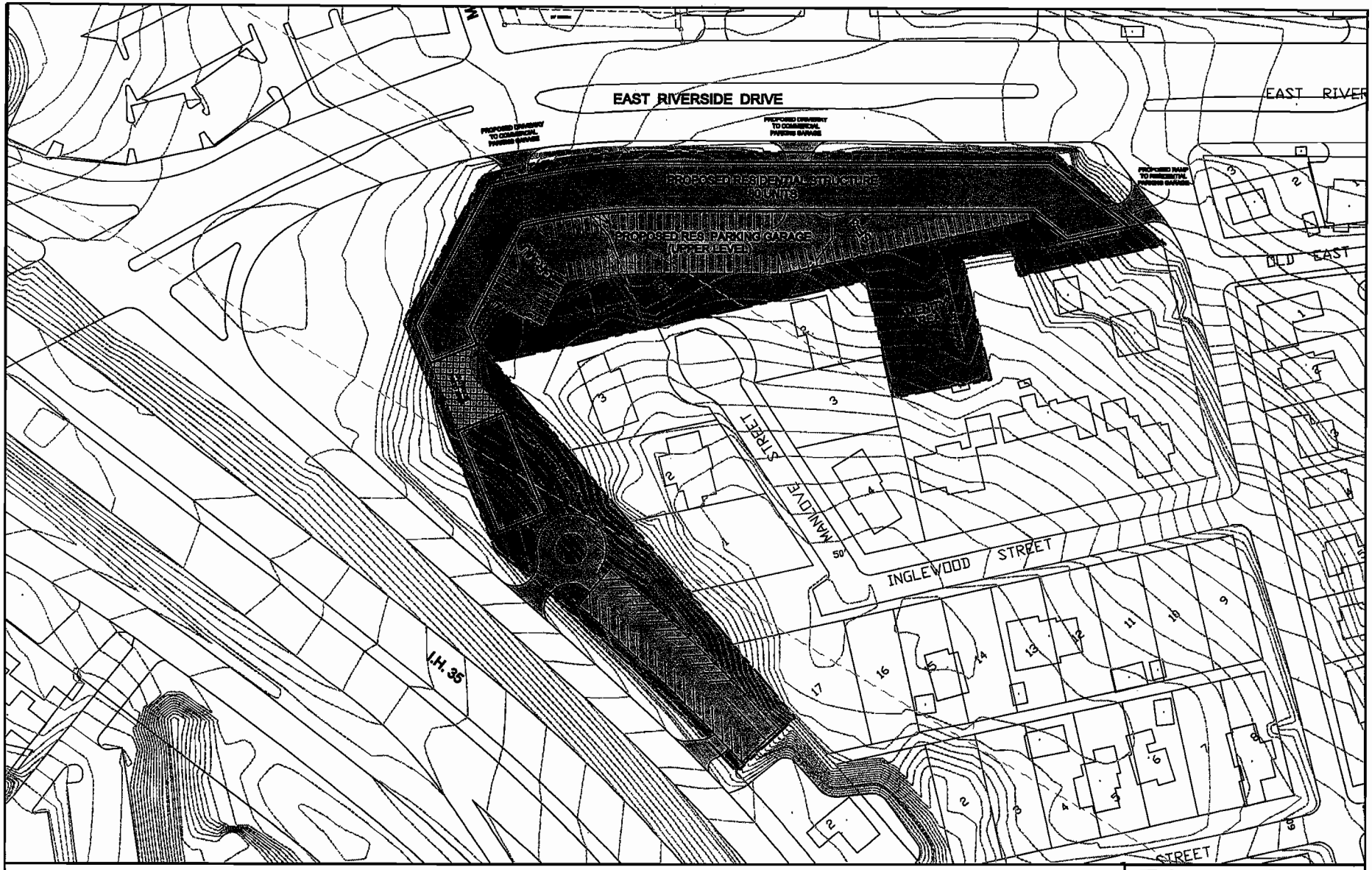
GROUND FLOOR COMMERCIAL

EAST RIVERSIDE DR., AUSTIN, TEXAS

Thrower Design
2307 MANCHACA RD., BLDG. 2 • AUSTIN, TEXAS 78704 • (512) 476-4456
LAND PLANNERS

Exhibit C-1

Exhibit C-2



SCALE: 1"=40'

2ND-4TH FLOOR RESIDENTIAL

EAST RIVERSIDE DR., AUSTIN, TEXAS

Thrower Design
2307 MANCHACA RD., BLDG. 2 • AUSTIN, TEXAS 78704 • (512) 476-4456
LAND PLANNERS

Beaudet, Annick

From: Beaudet, Annick
Sent: Tuesday, August 03, 2004 11:47 AM
To: 'KYLE ZUMBERGE'
Cc: 'ron@[redacted]'
Subject: RE: Notes Summarizing Last Weeks Meeting

C14-04-0030- July 28, 2004 Meeting Summary

6:15- Meeting started with agent presenting renderings of development possible under current development regulations.

Tim Mahoney asked the ecological make up of the hill. John Schuler replied that it was mostly dirt with some limestone. Dawn Cizmar wondered if there might be flint rock also.

The group discussed the traffic situation on Summit Street. The group commented that Riverside should become more pedestrian friendly- this was the focus in the neighborhood planning process.

There was discussion about the Texas Department of Transportation Right of Way at the corner of IH-35 and Riverside Drive.

There was discussion about the number of protected trees on the site.

A neighbor asked if the owner would be willing to commit to a first floor elevation via the zoning ordinance and whether or not he had a time frame for construction and/or be willing to commit to one.

Mr. Shuler responded that he did want to proceed with this office building, for his business, in a timely manner. However, he was apprehensive to commit to a time frame for the other part of the development as he will be dependent on outside developers for that portion of the project.

There was a short discussion on the ups and downs of having a restaurant within the development. Comment was made on the new technology available to keep smells associated with the use away from the neighborhood and that it would be convenient for the residents of the development to have a place to walk to for lunch.

The following are the agreements made by the owner thus far:

- Prohibited uses: no automobile related uses (rental, sales, washing, repair), pawn shop services, service stations.
-
- No drive in services as an accessory use, no motor vehicle access to Manlove Street and Summit Street, 2,000 motor vehicle trip limit.
-
- Conditional site plan requirement
-
- 50% of building heights at 45 feet and 50% higher
-
- Identify first floor elevation height via the zoning ordinance

(.5 FAR)

It is my understanding the the balloons will be flown this week.

Sincerely,

Annick Beaudet

Principal Planner
City of Austin
Neighborhood Planning & Zoning Department
Phone: 512-974-2975
Fax: 512-974-6054

-----Original Message-----
From: KYLE ZUMBERGE [mailto:kylezumberge@msn.com]
Sent: Tuesday, August 03, 2004 6:00 AM
To: Beaudet, Annick
Cc: alex4u; artoush; barbara; [redacted]u; cizmar; doelrich; [redacted].com; [redacted]s; jan; jefftaylor; jmather531; kenny; krebs; [redacted]; lindajwatkins; mahoney1@infohiwy.net; pegtreadwell; pwallace; radiohd; rlow7; simplydivine@juno.com; steven.clark3@worldnet.att.net; thouse; jonathanrmt@earthlink.net; Lopez, Sonya; ron; jschuler; Patlove, Laura
Subject: Notes Summarizing Last Weeks Meeting

Annick,
Last week at the meeting facilitated by you with Ron Thrower concerning the proposed development at I-35 and Riverside, you were going to send out an email summarizing the several items that Thrower and his client were amenable to doing in a good faith effort towards negotiating an amicable settlement. To date, I have not received this email and was following up on its status.
r/Kyle R. ZumBerge

Received 8-24-04

TESTIMONY BEFORE CITY OF AUSTIN PLANNING COMMISSION
OPPOSING REZONING APPLICATION – C14-04-0030

Henry Flores
1101 Manlove
Austin, Texas 78741

Good evening and thank you for the opportunity to appear before you today.

My name is Henry Flores. I live at 1101 Manlove Street, Austin, Texas, 78741. My wife, Kim Flores and I have lived next to the LO and SF-3 lots up for rezoning for over nine years. We and our neighbors are opposed to the rezoning of these lots as GR-MU due to the adverse impact on my single-family home at 1101 Manlove and the other single-family homes that surround the various tracts proposed for rezoning. The requested rezoning would endanger the integrity of a viable and vibrant neighborhood of post-WWII single story frame houses that survived the explosion of apartments and business interests along other parts of East Riverside Drive.

The proposed rezoning at 1405 East Riverside Drive and 1006 Summit from LO and SF-3 to GR-MU would adversely affect our neighborhood by allowing incompatible, inappropriate and dense development of a thin strip of land that abuts many SF-3 properties. In fact, there is no clear demarcation of the Schuler property tracts, my home and that of my neighbors. A quick glance at the Schuler tracts reveals that the proposed rezoning cuts into and around 8 single family homes. For example, behind my home, there is a 100-foot wide tract that is closer to Inglewood Street and Manlove Street than East Riverside Drive. My bedroom window would be within 15 feet of the proposed GR-MU zoning. Kim and I would be surrounded by GR-MU zoning as the Schuler tract abuts two sides of my lot. High density commercial construction and/or housing and parking garages are incompatible with single-family ranch-style housing typical of the late 1940's and 1950's.

The public interest would best be served if the existing zoning of the Schuller lots remains LO and SF-3. In this way, the adverse impact of high density zoning would not threaten the fragile balance that has existed since previous owners of the Schuller tracts negotiated LO and SF-3 on the hillside as part of a planned development of a one-story motel on IH-35.

Maintaining the current zoning of LO/SF-3 will encourage the growth of single-family, owner-occupied housing in our neighborhood. The high-density development of the Schuler tracts that would necessarily result from GR-MU-zoning threatens the revitalization of our neighborhood that has seen two new homes built on vacant lots on Inglewood. Bill, our newest Manlove neighbor, plans to build his home on a vacant lot on Manlove Street. A young family has just purchased the corner house on Inglewood and Summit. They are in the midst of an extensive remodeling. Two new homes now sit just west of I-35, overlooking E. Riverside Drive and two other homes were built in the last three years.

Up and down Summit, Upland and other streets in our small, diverse community of seniors, singles and young married couples, families and individuals have invested time and effort to remodel and maintain existing properties. Two years ago, one home on Summit was literally re-built from a dilapidated shell. Over the last year, my wife and I, with the help of family and friends have painted and remodeled our home, re-sodded the yard, planted trees and rebuilt retaining walls. We made this effort because we are committed to maintaining a 50-year old cottage in a quiet little neighborhood. Our neighbors are equally committed.

In closing, GR-MU would adversely impact an existing neighborhood of single family homes. We ask that you deny the rezoning petition, or, in the alternative, table it until the neighborhood plan is before you. Granting the petition would threaten the integrity of a neighborhood that has existed in Austin for over 50 years. Again, thanks for the opportunity to share our thoughts with you this evening.

Received 8-24-04

August 24, 2004

Chairman Chris Riley
Members of the Planning Commission

Re:C14-04-0030

All of us are aware of the harm that past zoning decisions have done to this area east of IH 35. Now we have a chance to correct that zoning and create a vibrant community, building on the assets: Town Lake, the park like industries, a golf course, Country Club Creek, a good amount of undeveloped acres, a designated Scenic Arterial and last but not least, the brave surviving single family subdivisions in the sea of multifamily zoning. Let's not lose this chance!

This is the first zoning case in the East Riverside/Oltorf Planning Area. Your decision tonight will effect the adjacent single family homes and set a precedent for the zoning surrounding the other single family islands, and for the treatment of Riverside Drive which we hope can be made to live up to its designation as a Scenic Arterial.

Please keep the existing LO and SF zoning on this tract as supported by the majority of those present at the August 5th zoning meeting of the South East Riverside/Oltorf Neighborhood Planning Area.

If you have doubts about the appropriate zoning for this tract, it would make sense to close the public hearing and delay action until the entire plan is presented to you in the fall.

Jean Mather

Jean Mather
Planning Co-chair
South River City Citizens
444-4153

PETITION

Case Number: **C14-04-0030** Date: Jan. 11, 2007

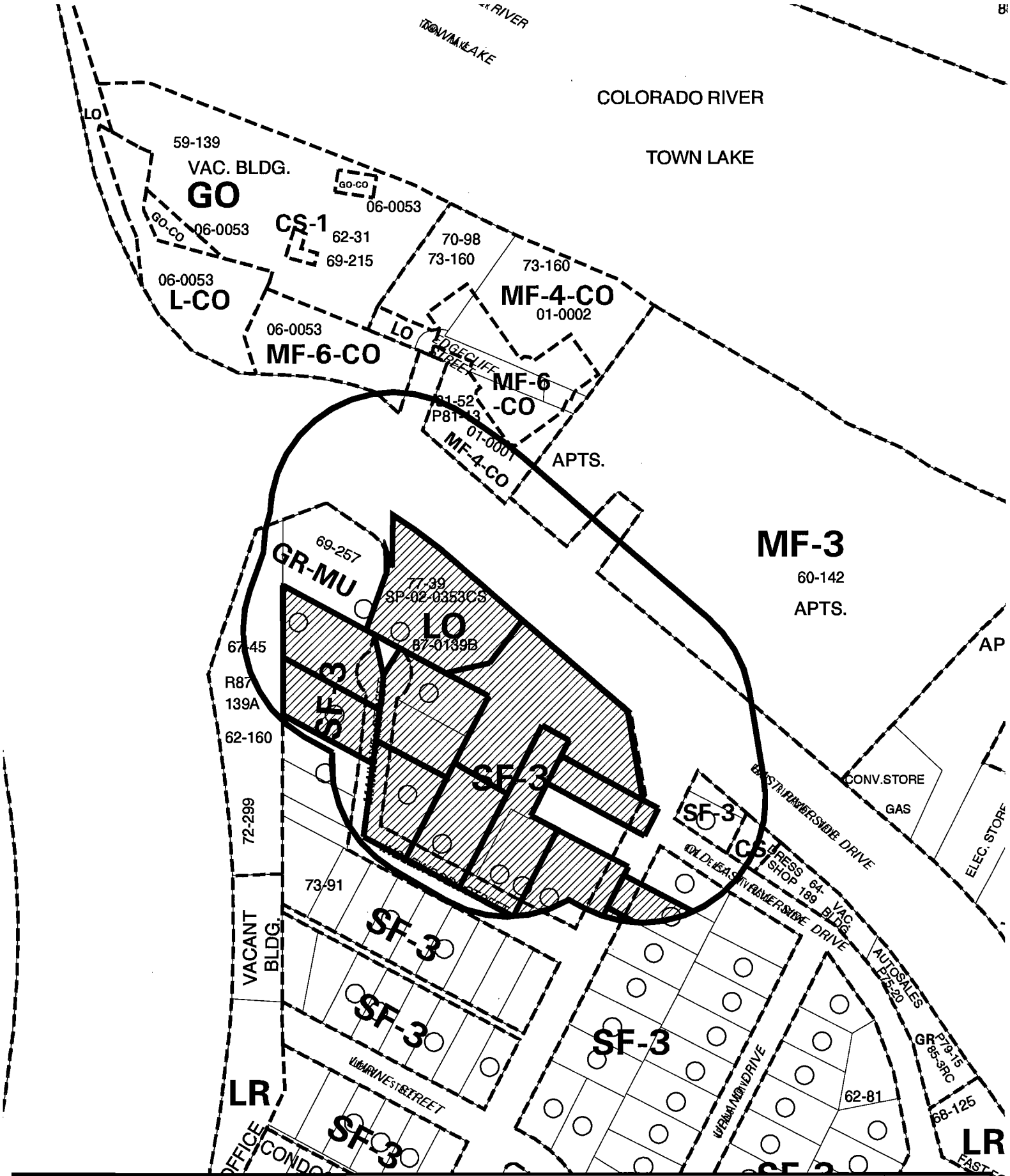
Total Area within 200' of subject tract: (sq. ft.) 427,249.74

1	03-0206-0208	OHANIAN HENRY ARTOUSH & COLLIN	14,582.65	3.41%
2	03-0206-0211	HAM MARILYN E	22,730.12	5.32%
3	03-0206-0217	DUCKWORTH MATTIE MAE	15,398.42	3.60%
4	03-0206-0219	FLORES HENRY G & KIMBERLY J	23,030.06	5.39%
5	03-0206-0220	CLARK STEVEN A	18,596.72	4.35%
6	03-0206-0221	TAYLOR JEFFREY T & JOHN T LACARIA JR	14,142.86	3.31%
7	03-0206-0236	MAYNORD PERCY C	17,299.46	4.05%
8	03-0206-0415	RAMIREZ PATRICK	443.42	0.10%
9	03-0206-0416	OELRICH DAVID P & SHANNON C SM	5,626.17	1.32%
10	03-0206-0206	THOMAS PATRICIA A	8,990.05	2.10%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%
26				0.00%
27				0.00%
28				0.00%

Validated By: Stacy Meeks

Total Area of Petitioner: **140,839.93**

Total % **32.96%**



N 1"=200'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: A. BEAUDET	PETITIONS CASE #: C14-04-0030 ADDRESS: RIVERSIDE DR SUBJECT AREA (acres): 1.870	DATE: 07-01 INTLS: SM	CITY GRID REFERENCE NUMBER J20

November 2, 2004

Mr. Greg Guernsey
Neighborhood Planning
& Zoning Dept.
City of Austin
P. O. Box 1088
Austin, Texas 78767-8865

RECEIVED

NOV 0 2 2004

Neighborhood Planning & Zoning

RE: File No. C14-04-0030;
Address of Proposed Zoning Change: 1405 and 1415 E. Riverside Drive
Proposed Zoning Change: From LO/SF-3 to GR-MU
City Council Hearing Date: 11/4/04

Dear Mr. Guernsey:

Attached is a Supplemental Petition Against Rezoning which has been signed by an additional affected property owner. Because this case goes before the City Council this Thursday, I would appreciate your validating Ms. Thomas' signature as soon as possible. Also, I have been asked to confirm that you counted Mr. Ohanion as an affected property owner in your validation of our original Petition for Rezoning. Mr. and Mrs. Ohanion purchased their property on Summit this summer and there are concerns that they might not have been counted as affected property owners.

If you have any questions, please don't hesitate to contact me. Thank you for your anticipated prompt attention to this matter.

Sincerely,

Kathleen L. (Toni) House
1503 Inglewood Street
Austin, Texas 78741
225-0016 (office)

Enclosure

MEETING SUMMARY

Approve by PC 9/14/04

C I T Y P L A N N I N G C O M M I S S I O N
August 24, 2004
One Texas Center
505 Barton Springs Road
Conference Room 325

CALL TO ORDER – 6:00 P.M. ***COMMENCE 6:00PM; ADJOURN 10:07PM***
ALL COMMISSIONERS PRESENT

_____John-Michael Cortez
_____Cid Galindo
_____Matt Hollon, Asst. Secretary
_____Cynthia Medlin, Vice-Chair
_____ Matthew Moore, Secretary
_____Jay Reddy
_____Chris Riley, Chair
_____Dave Sullivan, Parliamentarian

A. REGULAR AGENDA

EXECUTIVE SESSION (No public discussion)

The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Planning Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

APPROVAL OF MINUTES

2. Approval of minutes from August 10, 2004.
PULLED. NO ACTION TAKEN.

DISCUSSION AND ACTION

3.	**Zoning:**	**C14-04-0030 - Time Insurance, Inc.**
	Location:	1405 & 1415 Riverside Drive, Town lake Watershed, East Oltorf/Riverside NPA
	Owner/Applicant:	John Schuler
	Agent:	Thrower Design (Ron Thrower)
	Request:	SF-3, LO to GR-MU
	Staff Rec.:	**Alternate Recommendation GR-MU-CO**
	Staff:	Annick Beaudet, 974-2975, annick.beaudet@ci.austin.tx.us Neighborhood Planning and Zoning Department

Annick Beaudet presented the staff recommendation.

PUBLIC HEARING
FOR
Ron Thrower, the applicant's representative, said SF-3 does not belong on a major arterial and they are requesting the zoning to create a cohesive development. He presented the proposed site plan and showed the different building heights obtainable with the current and proposed zoning district.

Commissioner Medlin confirmed with Mr. Thrower that there are protected trees on the site and some will come down. Mr. Thrower said that they will be planting trees along the street and will provide dense vegetative screening.

Commissioner Riley said there are some concerns about the aesthetics of the proposed development. Mr. Thrower said there are currently walls next to the sidewalk. With excavation of the hill, as they propose, those walls will be removed, and buildings with street level retail and office will be along the sidewalk.

Commissioner Riley asked about the state's plans for this area and Mr. Thrower said that based on the way TxDOT is posturing, there are no changes planned.

AGAINST
Jeff Taylor, resident of 1102 Manlove Street, said that the Commission is being asked to nullify a compromise made 15 years ago. The compromise allowed the property to have LO and SF-3 zoning to have medical offices and a house. The proposed massive building will overpower single-family houses. The City plans to widen the roadway to 8 lanes, which would require 100 feet of additional ROW. The neighborhood supports mixed-use but further east on Riverside Drive where impact would be beneficial and not detrimental. The neighborhood does not want demolition of single-family homes. Denying the rezoning request is common sense, is a mitigation of risk and preserves single-family homes.

Commissioner Riley asked if there is residential further east. Mr. Taylor said yes, but it is mostly multi-family.

Commissioner Riley asked why they should have single-family on a street with the kind of traffic that Riverside has. Mr. Taylor said that on west Riverside there are single-family homes. In addition, the lot is 20 feet above Riverside.

Commissioner Riley asked what the major impacts of the proposed development would be on the neighborhood. Mr. Taylor said that instead of trees and sky, see windows.

Commissioner Hollon said what if a resident wanted to walk from Summit to the mixed-use development. Mr. Taylor said it would be dangerous, there are no sidewalks.

Henry Flores, resident at 1101 Manlove Street for 9 years, said there will be an adverse impact. First, it will endanger the integrity of a post World War II neighborhood that survived. Second, it is incompatible and dense development. Third, maintaining the current zoning will encourage

single-family housing. They are trying to revitalize neighborhood. There are two new homes at Manlove and Inglewood and on Riverside west of IH-35. He requested they either deny the zoning or table it until neighborhood planning is completed.

Commissioner Galindo asked about the history of the site and whether there were discussions about bringing development down the hillside. Mr. Flores said that the wall is currently curved to allow two driveways to 2 signle-family homes.

Commissioner Riley asked what is his concern that the zoning project would be 15 feet away. Mr. Flores said his understanding is that there will be a parking garage where currently he has a lake view.

Steve Clark, resident of 1100 Manlove, described the dumpster and portable buildings close to his house. The owner has not been responsive to his concerns. The docks, AC units, utility boxes behind huge buildings will face the neighborhood. The original site plan that was shown to the neighborhood showed preservation of the existing homes.

Commissioner Riley asked what use on that site would be beneficial to a homeowner. Mr. Clark said small size buildings that can have patios. They could use cafes, bookstores, but at a smaller scale.

Toni House, resident of 1503 Inglewood Street, said the primary land use goal of the neighborhood is to preserve single-family. This neighborhood is the third most densely populated area in the City. The new development will exacerbate traffic problems and will prevent walking and cycling in the neighborhood.

Commissioner Hollon asked where will people come and go from the neighborhood- is there a cut-through? Ms. House said there is, but most go across three lanes and difficult to do that during certain hours.

Commissioner Hollon asked her if there were any discussions of an amenity for the neighborhood. Ms. House said no, not with her.

Dawn Cizmar said she lives within 100 meters of site. She has owned her property for 12 years. She supports her neighbors. Its difficult to get on Riverside- the amount of traffic this will bring to the area. The Planning Commissioners should deny the zoning request. It is a hasty decision. The site is historic, scenic and a rare jewel of the hill country. Since the 1920s, the property has been part of the neighborhood. She then read a letter by Ms. Lands that indicated her concern about traffic created by the proposed new development.

Commissioner Riley asked Ms. Cizmar what she thinks should be done to address the traffic issues. Ms. Cizmar said that the 2000 trip limit imposed on the zoning is just a way to avoid doing a TIA. Sunnyvale and Woodland are always back-up. A realistic traffic study should be done. There have not been proper engineering studies.

Tim Mahoney, co-chair of South River City Citizen (SRCC) Zoning and Neighborhood Plan, said that they need time to include this area in the neighborhood planning process. They are engaging in planning with limited resources and a large area.

Commissioner Hollon asked Mr. Mahoney if they had talked to the developer about alternative zoning. Mr. Mahoney said there are complex economic scenarios. Traffic patterns make it difficult for businesses. Given the importance of the tract, the issues, the site plan and commitments should be made prior to deciding on a zoning. There have been development agreements for other cases to address issues.

Commissioner Moore asked what his preference was for zoning and Mr. Mahoney said SF-3.

Jean Mather, co-chair of the SRCC-Planning Team, said the proposed zoning will affect homes and set a precedent. Riverside is designated as a scenic arterial. If there are doubts about the re-zoning, then postpone the decision to the fall. The neighborhood worked out details with "The Vintage." This piece of property needs a site plan. She said existing zoning is appropriate .

Jan Long, representative for the Southeast Austin Neighborhood Alliance, said entire Riverside area has been identified as a concern. Development is not cohesive or consistent. It divides the north and south parts of the neighborhood and Riverside is a gateway. The proposed development will decimate a beautiful bluff in the city.

Gayle Goff, has lived at 1106 Upland for 27 years She is strongly opposed. The bluff is what makes the property beautiful, but makes ingress/egress difficult. She provided brochures to the Commissioners showing an auction company referring to the two existing homes on the lot as two fabulous homes with fabulous views.

William Jackson, resident of 1106 Manlove, said this will be a catalyst for detrimental change. It eradicates a natural feature. His concern is that the economic impact of traffic situation on nearby site will affect this property and this site would then become a scar.

Artoush Ohanian, resident of 1104 Summit Street, said the proposal will 1) actively create dangerous intersection, 2) cut foundation of neighborhood and 3) remove look and feel of single-family neighborhood. It feels single-family because the height above Riverside insulates it from the street. It looks single-family because it is. The site is currently feasible as a single-family use. It is currently not feasible for retail because requires excavation of site. Property should not be changed to effect the zoning.

AGAINST, BUT DID NOT SPEAK
John Thomas Lacaria
Linda Land

REBUTTAL
Ron Thrower said they submitted the application in February, but decided to postpone it to participate in the neighborhood planning process. This roadway is a gateway. SF-3 is not right for a property on a road with quarter million cars driving by. Anything less than GR-MU would make excavation infeasible. If LO zoning maintained, the development would be built at grade

and be more intrusive to the neighborhood. The applicant has agreed to making uses conditional so that a site plan must go through a public review process.

Commissioner Galindo asked if there will be direct traffic access from the residential uses directly to IH-35. Mr. Thrower said they did not address that option. Commissioner Galindo asked if they would accept that as a condition of zoning. Mr. Thrower said yes, but it warrants study.

Commissioner Riley said they heard concerns about the wall proposed. Mr. Thrower said that it will be heavily vegetated.

Commissioner Cortez said there was concern about mechanical equipment on top of the garage. Mr. Thrower said that because of compatibility standards, the equipment will have to be screened.

Commissioner Riley asked about the previous point brought up by the first speaker about the rezoning request nullifying a compromise. Mr. Thrower said that he read the case material for that case that was done in the 1980s. This is 2004. It is a different time, with different rules. Neighborhood also fought SF-6 a few years ago. This case is different because they propose moving the development as far away from the neighborhood as possible. That has never been proposed before.

Commissioner Cortez asked how many residential units are proposed and their target market. Mr. Thrower said 60 units, and that there have been no discussions to make them affordable.

Commissioner Riley asked why this would not be a property to discuss within the neighborhood planning framework. Mr. Thrower said that the neighborhood planning process has been continually delayed. Originally the plan was to be sent to Council in the fall, but it will not be until next spring.

MOTION: CLOSE THE PUBLIC HEARING
VOTE: 8-0 (DS-1ST; JMC-2ND)

Commissioner Galindo asked about the ability to add conditions to the zoning to insure the project is built as proposed. Ms. Beaudet said that the Conditional Overlay could specify ground-floor elevation to make sure the proposed height of 60 feet is taken from that elevation.

Commissioner Riley asked if there is any land use for that site that would be of benefit to him (Mr. Flores). Mr. Flores said no, the impacts, such as traffic, would outweigh any benefits.

Commissioner Medlin made a motion to deny the rezoning request. She said that it is in the best interest of the whole community not to damage the bluff. The plan is changing so quickly. The bluff and trees itself is a greater concern. She said she does not care about the views.

Commissioner Reddy said on paper the request looks reasonable, but he supports development that is compatible with the environment. Excavation is not appropriate here.

Commissioner Cortez said that he wants to see mixed-use in urban core to reduce traffic. That is why we need infill. He is not sure GR_Mu is the best thing. LO-MU might be good. SF-3, while it does preserve natural beauty, does not allow the property to be developed, which is what he would like to see. He offered a substitute motion to postpone to have case go through neighborhood planning process.

Commissioner Sullivan said that by denying the request, essentially be doing the same thing. Ms. Beaudet said that because neighborhood plan rezonings are staff initiated, there could be another case for this property later.

Commissioner Cortex withdrew his substitute motion.

Commissioner Moore will not support the motion. He is uncomfortable with maintaining single-family on a site on a road with 75,000 vehicle trips and $50,000 a year in taxes. It is unfair that the property owner bears the burden.

Commissioner Reddy said he would like to see something less intrusive.

Commissioner Galindo said that he will not support the motion. SF-3 not appropriate for Riverside. The fact that the site is proposed for excavation is a creative solution for a difficult corner.

Commissioner Riley said he will not support the motion. He would like to see this worked out during the neighborhood planning process. He lives downtown and would like garage and trash below grade too. It is feasible to establish conditions. He does not want to slam door. He said he would have supported Commissioner Cortez's substitute motion to postpone. He wants to send the signal that conditions for the zoning can be worked out.

Commissioner Reddy said he agrees, but that the proposed GR-MU is too intense.

Commissioner Sullivan asked about an indefinite postponement. Ms. Beaudet said that staff prefers date certain to avoid having to re-notify.

Commissioner Hollon said he would like to support the motion. He does not support the existing zoning of SF-3, but he would like to see less-intensive and more sensitive development.

Commissioner Galindo said parts of the bluff are beautiful, but other parts are unsightly because of the wall barriers. If not committed to excavation, then never get pedestrian-oriented environment on Riverside.

Commissioner Galindo made a substitute motion to approve the rezoning request with the condition that access to IH-35 be provided for the residential uses. Commissioner Moore seconded the motion, with the additional condition that the first floor elevation is at the grade proposed after excavation.

Commissioner Cortez said he would like to see pedestrian-oriented uses provided along the ground-level.

Commissioner Hollon said the proposal essentially wipes out natural assets to create pedestrian-oriented development. He would like to see a more sensitive development.

Commissioner Medlin said she does think the existing wall is imposing, and she does think the roadway should be pedestrian-oriented, however it is also important to save the bluff.

Commissioner Galindo said it comes down to supporting the excavation or not. He thinks it is a good project.

Commissioner Riley asked how is the bluff visible if wrapping the building around it.

Commissioner Hollon said there is an option to not have the building wrap all the way around. Excavate some of parts, but not all. Build at a lower height in some sections and keep the trees so neighbors maintain their views.

Commissioner Cortez said he will support the substitute motion. This fight will come up every time. There is going to be something as to why we should not approve a mixed-use project. So, he is willing to do something that makes him uncomfortable by voting against the neighborhood.

SUBSTITUTE MOTION: Approve rezoning request with conditions that access be provided to IH-35 for the residential uses and that the first floor elevation is set as proposed.
VOTE: 3-5 (JMC, MM, CG- FOR)

Commissioner Riley opposed the motion because the neighborhood can work out the details as part of the neighborhood planning process.

MOTION: DENY RE-ZONING REQUEST, NOTING HOWEVER THAT THE COMMISSION:

- ***WILL CONSIDER A REZONING REQUEST THAT PROVIDES FOR A MORE SENSITIVE DEVELOPMENT***
- ***ENCOURAGES CONTINUING DIALOGUE BETWEEN THE DEVELOPER AND THE NEIGHBORHOOD DURING THE NEIGHBORHOOD PLANNING PROCESS.***

VOTE: 5-3 (CM-1ST, JR-2ND; JMC, MM, CG- AGAINST)

Austin City Council

MINUTES [excerpts]

REGULAR MEETING
THURSDAY, JANUARY 11, 2007

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, January 11, 2006 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

ZONING DISCUSSION ITEMS CONTINUED

78. C14-04-0030 - Time Insurance, Inc. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405-1415 East Riverside Drive (Town Lake Watershed) from limited office (LO) district zoning and family residence (SF-3) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Schuler Family Trust 1998 (John Schuler). Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request. **The public hearing was closed and the first reading of the ordinance for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote with the following conditions. The development would meet: Vertical Mixed Use (VMU) requirements, Two Star Green Building Program requirements, and, at a minimum, VMU Affordability Standards.**

79. C14-06-0117 - Time Insurance 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1317 East Riverside Drive and 1220 IH-35 South (Town Lake Watershed) from community commercial-mixed use (GR-MU) combining district zoning to limited industrial service-planned development area (LI-PDA) combining district zoning. Staff Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning. Planning Commission Recommendation: To grant limited industrial service-planned development area (LI-PDA) combining district zoning. Applicant: Schuler Family Trust 1988 (John Schuler). Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330.
The public hearing was closed and the first reading of the ordinance for limited industrial service-planned development area (LI-PDA) combining district zoning was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote with the following conditions. The development would meet: Vertical Mixed Use (VMU) requirements, Two Star Green Building Program requirements, and, at a minimum, VMU Affordability Standards.

DEPARTMENT COMMENTS:

The subject tract is with in the East Riverside/Oltorf combined neighborhood planning area. Generally, the stakeholders would like to see the following occur on Riverside Drive though the planning area:

- Improved appearance of East Riverside Drive
- Opportunities for redevelopment
- Improved scenic quality of Riverside Drive because it serves an "entry way" to the City

More specifically, further south on East Riverside Drive (between Parker Lane and Pleasant Valley Road) mixed use has been designated on the draft future land use map (FLUM); south side of Riverside only (Commercial has been designated for the north side of the road).

The applicant has been an active participant in the East Riverside/Oltorf planning process.

The applicant is in agreement with the staff's alternate recommendation.

The applicant proposes a mixed-used development including approximately 19,000 square feet of commercial/retail, 80 residential units and a FAR of .5:1., and varying heights between 45 and 60 feet. The applicant also intends to soften the existing approximate 11% grade existing on the site. See Exhibits C-1 & C-2. **(Please refer to Related Cases section of detail of what could be developed under an existing Zoning Site Plan and Current Zoning)**

OWNER/APPLICANT: Schuler Family Trust 1998 (John Schuler)

AGENT: Thrower Design (Ron Thrower)

DATE OF FIRST READING: January 11, 2007

CITY COUNCIL HEARING DATE: August 23, 2007

CITY COUNCIL ACTION:
January 11, 2007:
The public hearing was closed and the first reading of the ordinance for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote with the following conditions. The development would meet: Vertical Mixed Use (VMU) requirements, Two Star Green Building Program requirements, and, at a minimum, VMU Affordability Standards.

CASE MANAGER: Robert Heil

e-mail address: robert.heil@ci.austin.tx.us

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0030 Time Insurance Inc.

REQUEST:
C14-04-0030 - Time Insurance 1 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405-1415 East Riverside Drive (Town Lake Watershed) from limited office (LO) district zoning and family residence (SF-3) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning with conditions. First Reading approved on January 11, 2007. Vote: 7-0. Applicant: Schuler Family Trust 1998 (John Schuler). Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.

ISSUES:

Residents in the immediate area as well as other stakeholders in the planning process have expressed concerns with the rezoning request.

A valid petition of 32.96% has been filed in opposition to this rezoning request. See attachment

Neighborhood Planning & Zoning staff have facilitated meetings regarding this rezoning request. The most recent being July 15 and 28th, 2004. In addition, the neighborhood has facilitated a few meetings, one that was attended by Neighborhood Planning & Zoning staff.

The neighborhood concerns, as summarized by staff, are:

- Views to the northwest from the adjacent neighborhood; height of project
- Desire of owner occupancy; no apartment development
- Traffic safety and volume concerns for the corner of Summit Street & East Riverside Drive
- Setbacks at the south property line (adjacent to the single family neighborhood)
- Hours of operation of commercial development within the mixed use project
- Efforts made in late 1980's to establish existing zoning; they would like existing zoning to remain

The applicant is willing to address the concerns above via a specific conditional overlay or other instrument necessary (public or private restrictive covenant)

SUPPLEMENTAL PETITION AGAINST REZONING – C14-04-0030

(The text of the petition has not changed from the original petition filed October 18, 2004. This supplemental petition is being filed to include additional signatories only.)

Date: 10-30-04

The undersigned affected property owners,[1] surrounding neighbors, and other residents of the East Riverside/Oltorf Neighborhood do hereby protest the Notice of Filing of Application for Rezoning, File Number C14-04-0030. The proposed rezoning at 1405 and 1415 Riverside Drive from LO and SF-3 to GR-MU would adversely affect our neighborhood by allowing inappropriate and dense development of a thin strip of land that abuts many SF-3 properties. The proposed zoning would devalue existing home values, and would devastate this fragile and beautiful old central city neighborhood. Our reasons for opposing the zoning change include:

1. **GR-MU zoning is inappropriate for the area as it would be incompatible with the existing residential area adjoining the property and in near proximity.**

2. **GR-MU zoning is inappropriate for the site, as the zoning would bring a commercial/retail and/or townhouse and condominium district into an area that today is primarily a single-family neighborhood of moderate size lots.**

3. **GR-MU zoning is inappropriate for the site, as it does not serve as a suitable transition from single-family to commercial/retail and/or multi-family use.**

4. **GR-MU zoning is inappropriate, as it would only serve to exacerbate the already horrific traffic problems at the intersection of East Riverside and Interstate 35.**

5. **GR-MU zoning is inappropriate as any commercial/retail and/or townhouse or condominium development would worsen the existing parking congestion on Summit.**

6. **GR-MU zoning is inappropriate as the only safe ingress and egress to the property would be through an existing easement on Summit, a minor street.**

7. **GR-MU zoning is inappropriate, as it would place an excessive burden on existing sewer and wastewater infrastructure that is at capacity or completely lacking at the site.**

8. **GR-MU zoning is inappropriate as it could lead to the loss of valuable "green space" on a hillside that declines over 50 feet from the top of the hill to E. Riverside Drive and at least six mature trees on the property.**

---

[1] An asterisk beside a signature indicates an affected property owner owning property within 200 feet of 1405 and 1415 Riverside Drive.

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Neighborhood Planning & Zoning

SUPPLEMENTAL PETITION AGAINST REZONING – CASE NO. C14-04-030
Property Located at 1405 and 1415 Riverside Drive, Austin, Texas 78741
(The text of the petition has not changed from the original petition filed October 18, 2004. This supplemental petition is being filed to include additional signatories only.)

Date: 10-30-04

9. **GR-MU zoning is inappropriate as it allows for larger, higher density development of the adjoining GR-MU tract.**

10. **GR-MU zoning is inappropriate because there is an ample supply of vacant commercial/retail space available in the East Riverside/Oltorf Neighborhood.**

11. **GR-MU zoning is inappropriate because it will have a chilling effect on the growth of our neighborhood.**

12. **GR-MU zoning is inappropriate because it conflicts with the draft goals of the East Riverside/Oltorf Neighborhood Planning Task Group.**

Name	Signature	Address	Phone Number
Patricia A. Thomas	P.A. Thomas *	1100 Summit ST	512/289-5638

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Neighborhood Planning & Zoning

PETITION AGAINST REZONING – C14-04-0030 **Date:** 10-18-04

The undersigned affected property owners,[1] surrounding neighbors, and other residents of the East Riverside/Oltorf Neighborhood do hereby protest the Notice of Filing of Application for Rezoning, File Number C14-04-0030. The proposed rezoning at 1405 and 1415 Riverside Drive from LO and SF-3 to GR-MU would adversely affect our neighborhood by allowing inappropriate and dense development of a thin strip of land that abuts many SF-3 properties. The proposed zoning would devalue existing home values, and would devastate this fragile and beautiful old central city neighborhood. Our reasons for opposing the zoning change include:

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Neighborhood Planning & Zoning

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[1] An asterisk beside a signature indicates an affected property owner owning property within 200 feet of 1405 and 1415 Riverside Drive.

PETITION AGAINST REZONING – CASE NO. C14-04-0030 **Date:** 10-18-04
Property Located at 1405 and 1415 Riverside Drive, Austin, Texas 78741

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12. **GR-MU zoning is inappropriate because it conflicts with the draft goals of the East Riverside/Oltorf Neighborhood Planning Task Group.**

Name	Signature	Address	Phone Number
ARTOUSH OHANIAN	*	1104 Summit	791-7963
KATHLEEN L. House	Kathleen L. House *	1503 Inglewood	447-8090
JEFF T. Taylor	Jeff Taylor *		
Jerry C. Maynard	*	1500 Inglewood	442-3100
Margaret D. Maynard	*	1500 Inglewood	442-3100
Mattie Duckworth	*	1105 Manlove	444-5103
Kimberly J. Glover	*	1101 Manlove St	444-5062
John Thomas Vacarella	*	1102 Manlove St	443-0353
STEVEN A. CLARK	Steven A. Clark *	1100 Manlove St.	447-5958
Azalee Gray Snow	Azalee Gray Snow	1506 Lupine Lane	442-2515
John G. RATH	John G. Rath	1507 Inglewood St	444-7734
John M. Smith	J. M. *	1495 Inglewood St	326-1577
Dawn Cizmar	Dawn Cizmar	1616 Sunnyvale St	443-4231
Don Snow	Don Snow	1504 Lupine Lane	4473422
William Jackson	William Jackson *	1106 Manlove	322-9207

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Neighborhood Planning & Zoning

PETITION AGAINST REZONING – CASE NO. C14-04-0030 **Date:** 10-18-04
Property Located at 1405 and 1415 Riverside Drive, Austin, Texas 78741

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Name	Signature	Address	Phone Number
WILLIAM H FARIS	* [signature]	1101A Summit st.	619.5839
Melissa FARIS	Melissa Faris	1101 A SUMMIT	6195839

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Neighborhood Planning & Zoning

PETITION AGAINST REZONING – CASE NO. C14-04-0030 **Date:** 10-18-04

Property Located at 1405 and 1415 Riverside Drive, Austin, Texas 78741

Name	Signature	Address	Phone Number
M.E. HAM	[illegible]*	1502 INGLEWOOD	1-800-256-0540

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Neighborhood Planning & Zoning

PETITION AGAINST REZONING – CASE NO. C14-04-0030 **Date:** 10-18-04

Property Located at 1405 and 1415 Riverside Drive, Austin, Texas 78741

Name	Signature	Address	Phone Number
LINDA WATKINS	Linda Watkins	2407 Riverside Farms RD 78741	3855959
Jan Long	Jan Long	2411 Riverside Farms 78741	385-0473
PATRICK RAMIREZ	Patrick Ramirez *	1105 Summit ST 78741	
Shannon Oelrich	Oelrich *	1103 Summit St. 78741	443-7078
Carol Freeman Athey	Carol A	1107 Upland St. 78741	441-6678
Tom Athey		1107 Upland Dr. 78741	441-6678
DAVID OELRICH	D. Oelrich *	1103 SUMMIT ST. 78741	443-7078
Jeane Acord Ramirez	Jeane Acord Ramirez *	1105 SUMMIT St 78741	448-1083
Margaret Gerson	Margaret Gerson	1109 Summit 78741	441 2322
Shirley Norwood	Shirley Norwood	1109 Summit 78741	441-2322
LORA J RICHARDSON	Lora Jane Richardson *	1102 UPLAND DR 78741	442-8659
Kyle R. ZumBerge	Kyle R. ZumBerge *	1104 Upland Dr 78741	~~447 1644~~
Robin ZumBerge	Robin ZumBerge *	1104 Upland Dr. 78741	447.1644
John Greenman		1108 UPLAND 78741	444-6659
GAYLE M. GOFF		1106 UPLAND 78741	443-5041
John Mason		1203 Upland 78741	443 2967
Julie Bowman	Julie Bowman	1203 Upland Dr 78741	443 7967

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Neighborhood Planning & Zoning

PETITION AGAINST REZONING – CASE NO. C14-04-0030 **Date:** 1-7-07
Property Located at 1405 and 1415 Riverside Drive, Austin, Texas 78741

9. **GR-MU zoning is inappropriate as it allows for larger, higher density development of the adjoining GR-MU tract.**

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11. **GR-MU zoning is inappropriate because it will have a chilling effect on the growth of our neighborhood.**

12. **GR-MU zoning is inappropriate because it conflicts with the draft goals of the East Riverside/Oltorf Neighborhood Planning Task Group.**

Name	Signature	Address	Phone Number
JAMES W. CANUP		1501 INGLEWOOD ST. AUSTIN, TX 78741	512·658·4516

Please contact Tom House, 225-0016, if questions. Thank you.