SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2007-0129 Cumberland Residential

REQUEST:
Approve second/third readings of an ordinance amending amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1001 Cumberland Road (West Bouldin Creek Watershed) from multi-family residence-limited density (MF-1) district zoning and multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning.

ISSUES: Neighborhood supports SF-6-CO with both a public and private Restrictive Covenant

OWNER/APPLICANT: Salvation Army (Major Stephen Ellis).

AGENT: Alice Glasco Consulting (Alice Glasco).

DATE OF FIRST READING: December 13, 2007

CITY COUNCIL HEARING DATE: February 14, 2008

CITY COUNCIL ACTION:
December 13, 2008 – Closed the public hearing and approved SF-6-CO on First reading (7-0).
January 10, 2008 – Approved a Postponement request by the Staff to 1-17-08 (7-0).
January 17, 2008 – Approved a Postponement request by the Staff to 1-31-08 (7-0).
January 31, 2008 – Approved a Postponement request by the Staff to 2-14-08 (7-0).

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

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0129 **PC Date:** September 11, 2007
Septemer 25, 2007
October 9, 2007
November 13, 2007

ADDRESS: 1001 Cumberland Road

OWNER/APPLICANT: Salvation Army (Major Stephen Ellis)

AGENT: Alice Glasco Consulting (Alice Glasco)

ZONING REQUEST

Tract	FROM:	TO	Area
Tract 1	MF-1	SF-6-CO	5.208 acres
Tract 2	MF-1-CO	SF-6-CO	4.812 acres
TOTAL			**10.020 acres**

SUMMARY STAFF RECOMMENDATION:

Staff recommends the approval of townhouse and condominium residence – conditional overlay (SF-6-CO) combining district zoning, with the conditions agreed to by the applicant and neighborhood (see attached).

PLANNING COMMISSION RECOMMENDATION:

September 11, 2007: Postponed to September 25 at the request of the applicant.

September 25, 2007: Postponed to October 9, at the request of staff.

October 9, 2007: Postponed to November 13 at the request of the neighborhood.

November 13, 2007: Postponed to November 27 at the request of the neighborhood and applicant.

November 27, 2007: Recommended approval of SF-6-CO with the conditions agreed to by the neighborhood and applicant.

DEPARTMENT COMMENTS:

The property is a roughly 10 acre site, mostly undeveloped, but including a facility for the Salvation Army and a community garden. It is currently zoned MF-1 on the northern 5.2 acres and MF-1-CO on the southern 4.8 acres. The conditional overlay on the southern tract limits the number of units to no more than 60 units, caps the height at 35

feet, and prohibits a number of uses, notably including both condominiums residential and multifamily residential.

The surrounding neighborhood is a single family residential neighborhood zoned SF-3 to the east, west and south. To the north is the South Austin Tennis Center, zoned public (P).

Both of the subject tracts were originally zoned SF-3. The southern tract was rezoned in 1999 (case C14-99-0084) MF-1-CO to allow for the development of retirement housing by the Salvation Army, but restricting most other multi-family residential uses.

In 2004, after negotiations with the neighborhood, the Salvation Army decided to relocate the proposed location of the senior housing to the northern tract, and rezoned the northern portion to MF-2 (case C14-04-0156).

The original proposed senior housing project was never completed on either tract. The Salvation Army is vacating the entire property and relocating to Rathgaber Village at Robert Mueller. The original rezoning request was to MF-2-CO, limiting the number of units to 145 units.

After significant negotiations, the neighborhood and applicant agreed to SF-6-CO, with the conditions attached in a separate page.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	MF-1 & MF-1-CO	Undeveloped, Salvation Army facility, Community Gardens
North	P	South Austin Tennis Center
South	SF-3	Single Family Homes
East	SF-3	Single Family Homes
West	SF-3	Single Family Homes

AREA STUDY: The property lies within the proposed Galindo Neighborhood Planning Area, currently underway. A preliminary draft future land use map calls for multi-family land use on this property. Additional discussions are necessary before the future land use map is finalized by the neighborhood planning participants and staff.

TIA: A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113] A Neighborhood Traffic Analysis will be deferred until the time of site plan, as the number of proposed units does not exceed the total currently allowed under existing zoning.

WATERSHED: West Bouldin **DESIRED DEVELOPMENT ZONE:** Yes

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

- Terrell Lane Interceptor Association
- Galindo Elementary Neighborhood Association
- South Central Coalition
- Austin Neighborhoods Council

SCHOOLS: (AISD)

Dawson Elementary School Fulmore Middle School Travis High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Bicycle Plan	Sidewalks	Capital Metro
Cumberland Road	60'	45'	Collector	Yes	Yes	Yes
South 5th Street	55'	35'	Collector	Yes	Yes	Yes

CITY COUNCIL DATE: **ACTION:**

December 13, 2007: **Approved SF-6-CO on first reading**

January 10, 2008: **Approved a Postponement request by the Staff to 1/17/08 (7-0).**

January 17, 2008 **Postponed to 1/31/08**

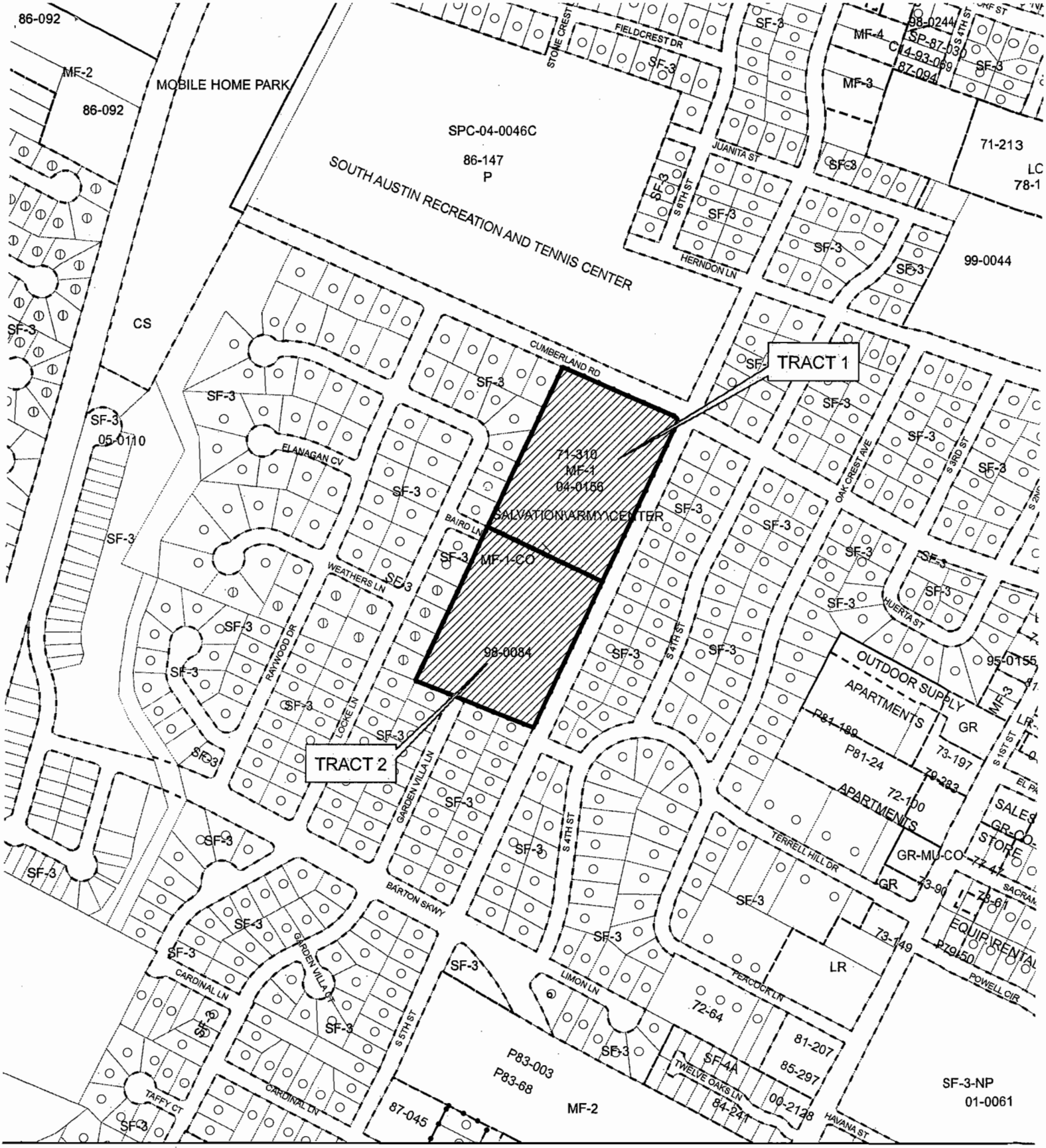
January 31, 2008 **Postponed to 2/14/08**

February 14, 2008

ORDINANCE READINGS: **1st 12/13/07 2nd 3rd**

ORDINANCE NUMBER:

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



ZONING

N

Subject Tract

Zoning Boundary

Pending Cases

ZONING CASE#: C14-2007-0129
ADDRESS: 1001 CUMBERLAND RD
SUBJECT AREA: 10.02 ACRES
GRID: H19-20
MANAGER: R. HEIL

1" = 400' OPERATOR: SM

This map has been produced by G.I.S. Services for the sole purpose of geographic reference.
No warranty is made by the City of Austin regarding specific accuracy or completeness.

CITY OF AUSTIN FOUNDED 1839


C14-2007-0129
1001 Cumberland Road
From MF-1 to MF-2
CUMBERLAND RD
SF-3
SF-3
SF-3

SUMMARY STAFF RECOMMENDATION

Staff recommends the approval of townhouse and condominium residence – conditional overlay (SF-6-CO) combining district zoning, with the conditions agreed to by the applicant and neighborhood (see attached).

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

   Townhouse and condominium residence is the designation for medium density single family residential uses up to and including .

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

   SF-6-CO zoning is an appropriate zoning designation for this site, adjacent to SF-3 zoning and land uses.

3. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

   SF-6-CO zoning would provide additional infill development and housing in the urban core

Site Plan

The site is subject to compatibility standards. Along the east, west and south property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

- 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.

Transportation

Additional right-of-way may be required at the time of site plan application.

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]

A Neighborhood Traffic Analysis (NTA) is required and will be performed for this project by the Transportation Review staff. Applicant needs to provide current traffic 24-hour traffic counts to the transportation reviewer. Results of the NTA will be provided in a separate memo. LDC, Sec. 25-6-114. The NTA will be performed at the time of site plan, provided that the case include a conditional overlay limiting the number of units to no more than is currently allowed under existing zoning.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the 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.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

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. 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.

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 of Austin water and wastewater utilities. The landowner, at their own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility

relocation, and abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Alice Glasco Consulting

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Austin, TX 78731
aliceglasco@mindspring.com
512-231-8110 • 512-857-0187 Fax

Cumberland Site Zoning Conditions - C14-2007-0219
GENA and MOMARK
Original date: November 16, 2007
Updated: November 27, 2007 and December 13, 2007

1. Agree to SF-6 zoning limited to 123 units.

2. Limit development to two stories along Cumberland and South 5th Streets. All 2-story units will allow attic space to be used as a loft.

3. Provide a public community garden of not less than 0.5 acres with the following:

   A. relocate the top soil from its current site to the new location.
   B. provide 3 water hose bibs..
   C. provide a 5 foot wrought iron fence and a gate with controlled access.
   D. relocate or remove trees at the new location that cast shade in the planting area.
   E. establish a system that ensures equitable public access to the South Austin Community Gardens. Each gardener will be assessed a monthly fee based on maintenance cost.
   F. on-site area lighting in and around the garden area will be sensitive to plants and will be shielded away from plants.
   G. the minimum lot size per gardener will be comparable to what currently exists.
   H. the garden will be landscaped, terraced and/or flattened.
   I. integrate the existing fruit trees of the South Austin Community Gardens into the site plan and maintain orchard clustering wherever possible.

4. Traffic calming: the developer (MOMARK) will pay for effective traffic calming along South 5th Street. The traffic calming devices will be located somewhere between the intersection of South 5th Street and Cumberland Road and the end of the subject property or immediately adjacent to the site.

   Since it has not been determined as to what type of devices will eventually be installed, the developer (MOARK) has agreed to commit $50,0000 (in his development budget) to allow for traffic calming in front of the subject property. The developer would like permission to install the devices as part of the site plan approval process, where final cost will be determined.

5. A 25-foot wide vegetative buffer shall be provided and maintained along the south property line. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be other wise required by the City of Austin or specifically authorized by City codes.

6. Provide a community park area of approximately 2 acres; this area includes a community garden.

7. A trail or sidewalk will be provided within the property that links sidewalks on Cumberland Road and South 5th Street. Pedestrian access will be provided from Garden Villa Lane.

8. Building footprints/slab will not exceed 10,000 square feet.

9. Access from the property will be limited to one ingress/egress point from South 5th Street and one from Cumberland Road.

10. No variances or waivers will be sought from compatibility standards (Article 10).

11. Public access will be allowed throughout the community's open space.

12. Rooftop rainwater harvesting will be provided for community garden use.

13. If the conditions listed above are not adhered to, the owner will not object to rollback in zoning to SF-3. A rollback in zoning will not be triggered if, for whatever reason, the city refuses to allow the installation of traffic calming devices.

The signatures below evidence the support for this agreement.

MOMARK

By: _____
Name: Terry E. Mitchell
Title: President
Date: 12-13-07

GENA

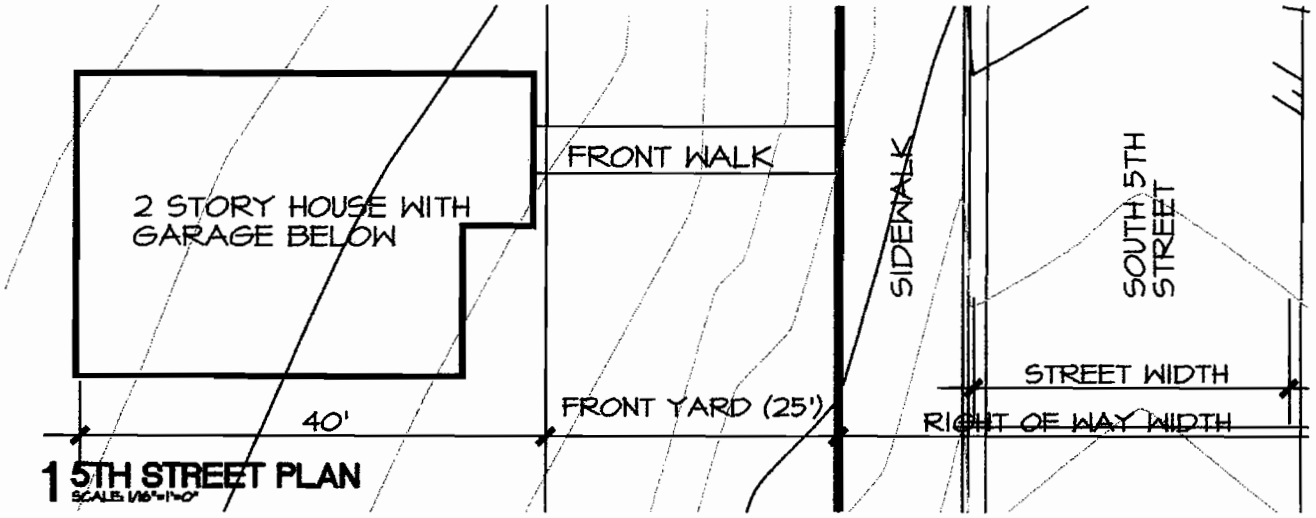
By: _____
Name: Patricia Sprinkle
Title: GENA President
Date: 12/07/07

GENA

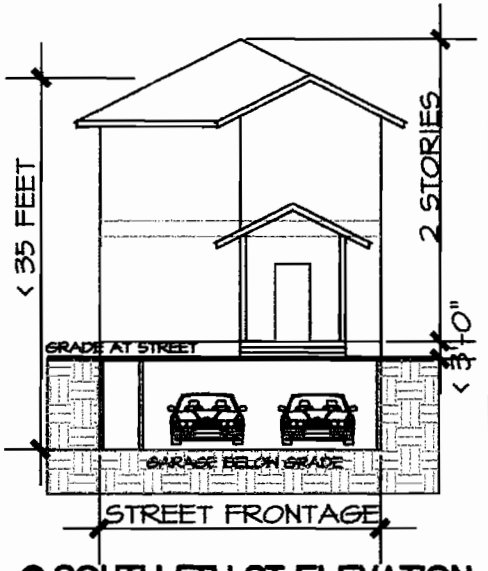
By: _____
Name: Gloria Aguilera
Title: GENA Resident
Date: 12/13/07

GENA

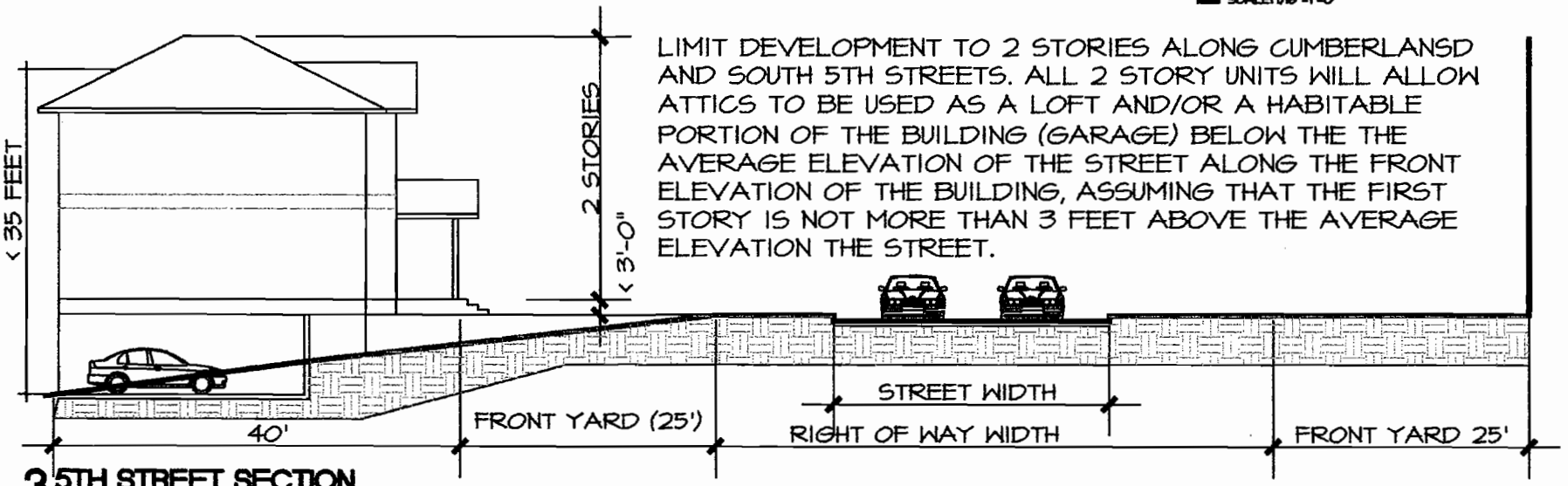
By: _____
Name: _____
Title: _____
Date: _____



1 5TH STREET PLAN
SCALE: 1/16"=1'-0"



2 SOUTH 5TH ST ELEVATION
SCALE: 1/16"=1'-0"



3 5TH STREET SECTION
SCALE: 1/16"=1'-0"

LIMIT DEVELOPMENT TO 2 STORIES ALONG CUMBERLANSD AND SOUTH 5TH STREETS. ALL 2 STORY UNITS WILL ALLOW ATTICS TO BE USED AS A LOFT AND/OR A HABITABLE PORTION OF THE BUILDING (GARAGE) BELOW THE THE AVERAGE ELEVATION OF THE STREET ALONG THE FRONT ELEVATION OF THE BUILDING, ASSUMING THAT THE FIRST STORY IS NOT MORE THAN 3 FEET ABOVE THE AVERAGE ELEVATION THE STREET.

GARAGE BELOW STREET GRADE
ALONG SOUTH 5TH STREET

1-11-08

WEISS ARCHITECTURE inc

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richard@weissarc.com

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