

# Late Backup

## ZONING REVIEW SHEET

**CASE:** C14-2007-0264

**P.C. DATE:** February 26, 2008  
March 25, 2008

**ADDRESS:** 100 East 50<sup>th</sup> Street

**OWNER:** Texas Park and Wildlife Department (Scott Boruff)

**APPLICANT:** Jim Bennett Consulting (Jim Bennett)

**REZONING FROM:** Unzoned land (State of Texas – Texas Parks and Wildlife Department)

**TO:**

Tract 1 MF-2-NCCD-NP (Multi-family residence – Low Density - Neighborhood Conservation Combining District- Neighborhood Plan), and

Tract 2 MF-4-NCCD-NP (Multi-family residence – Moderate-High Density - Neighborhood Conservation Combining District- Neighborhood Plan)

**AREA:** 6.6 Acres (Tract 1 2.378 acres, Tract 2 4.286 acres)

**SUMMARY PLANNING COMMISSION RECOMMENDATION:**

**March 25, 2008:**

[M.Dealey; J.Reddy 2<sup>nd</sup>] (7-2)

**General recommendations applying to both tracts combined:**

- 1 Tracts 1 and 2 shall be limited to less than 2,000 vehicle trips per day cumulatively,
- 2 Street trees shall be planted along 51<sup>st</sup> Street sidewalk,
- 3 Require bicycle and pedestrian access from 50<sup>th</sup> Street to the subject property with public pedestrian access to existing pedestrian bridge to Waller Creek, and
- 4 Per [LDC, Sec 25-6-51 and 25-6-55], 43 feet of right-of-way from the existing centerline shall be dedicated for West 51st Street according to the Transportation Plan

Furthermore the NCCD designation shall incorporate the following conditions to each tract

**Tract 1:**

- 1 Multi-family Residential Use shall be permitted in addition to uses permitted in North Hyde Park NCCD – Residential District,
- 2 Prohibit Group Residential and Club or Lodge except for one club building that may serve the entire development and may be located on Tract 2 tract only,
- 3 Limit to 17 units per acre (40.426 units),
- 4 Maximum number of bedrooms 59 per acre (140.302 bedrooms),
- 5 The setback for the buildings along the eastern side of the tract abutting residential shall be 25' minimum required for compatibility,
- 6 Maximum height 30 feet,
- 7 Maximum Building cover 40%,
- 8 Maximum Impervious cover 60%
- 9 Maximum FAR 75.1 (garage units will not be included in the FAR unless McMansion triggered),

- 10 Landscaping Existing healthy Class 1 or Class 2 trees, according to the Environmental Criteria Manual, within the 25' compatibility setback along the eastern property line shall be maintained,
- 11 Vehicular access between Tract 1 and the Hyde Park Neighborhood through East 50<sup>th</sup> Street and East 49<sup>th</sup> Street is prohibited with the exception of emergency vehicle access
- 12 Units in Tract 1 shall back to the existing homes that face Rowena Street so that parking for the MF2 tract does not directly abut the homes on Rowena that border the eastern property line of the MF2 Tract The units shall face West, and
- 13 If Tract 1 is developed with single-family use, then the development regulations will match those of the North Hyde Park NCCD –Residential District

**Tract 2:**

- 1 Multi-family Residential Use shall be permitted in addition to uses permitted in North Hyde Park NCCD – Residential District,
- 2 Prohibit Group Residential and Club or Lodge except for one club building that may serve the entire development and may be located on Tract 2 tract only,
- 3 Limit to 23 units per acre (98 578 units),
- 4 Maximum number of bedrooms 81 per acre (347 166 bedrooms),
- 5 Setbacks 0' setback from 51<sup>st</sup> Street is permitted,
- 6 Maximum height Height limit must meet compatibility standards with the exception that the height maximum within the first 360 feet from the Northern property line (51<sup>st</sup> Street) may be up to fifty (50) feet (CIS is determining the above number) and at a distance of at least 130' from the Eastern property line height may be 50' even if it exceeds the compatibility height limit,
- 7 Maximum building cover 50% ,
- 8 Maximum impervious cover 70%
- 9 Maximum FAR 0 75 1,
- 10 Access All driveways shall enter and exit West 51<sup>st</sup> Street unless otherwise required by Code Said driveways shall be constructed at the minimum width required by the City of Austin Vehicular access between Tract 2 and the Hyde Park Neighborhood is prohibited with the exception of emergency vehicle access

**SUMMARY STAFF RECOMMENDATION:**

The Staff offers an alternate recommendation of MF-1-NCCD-NP The subject property will be incorporated into the North Hyde Park NCCD and subject to the provisions of No 20050818-064 (Please see Attachment "A") except as modified below

**General recommendations applying to both tracts combined:**

- 1 Tracts 1 and 2 shall be limited to less than 2,000 vehicle trips per day cumulatively, and
- 2 Per [LDC, Sec 25-6-51 and 25-6-55], 43 feet of right-of-way from the existing centerline shall be dedicated for West 51st Street according to the Transportation Plan

Furthermore the NCCD designation shall incorporate the following conditions to each tract

**Tract 1:**

- 1 Multi-family Residential Use shall be permitted in addition to uses permitted in North Hyde Park NCCD – Residential District,
- 2 Prohibit Group Residential and Club or Lodge except for one club building that may serve the entire development and may be located on Tract 2 tract only,
- 3 Limit to 17 units per acre (40 426 units),

- 4 Maximum number of bedrooms 59 per acre (140 302 bedrooms),
- 5 The setback for the buildings along the eastern side of the tract abutting residential shall be 25' minimum required for compatibility,
- 6 Maximum height 30 feet,
- 7 Maximum Building cover 40%,
- 8 Maximum Impervious cover 60%
- 9 Maximum FAR 75 1 (garage units will not be included in the FAR unless McMansion triggered),
- 10 Landscaping Existing healthy Class 1 or Class 2 trees, according to the Environmental Criteria Manual, within the 25' compatibility setback along the eastern property line shall be maintained,
- 11 Vehicular access between Tract 1 and the Hyde Park Neighborhood through East 50<sup>th</sup> Street and East 49<sup>th</sup> Street is prohibited with the exception of emergency vehicle access
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- 13 If Tract 1 is developed with single-family use, then the development regulations will match those of the North Hyde Park NCCD –Residential District

**Tract 2:**

- 1 Multi-family Residential Use shall be permitted in addition to uses permitted in North Hyde Park NCCD – Residential District,
- 2 Prohibit Group Residential and Club or Lodge except for one club building that may serve the entire development and may be located on Tract 2 tract only,
- 3 Limit to 23 units per acre (98 578 units),
- 4 Maximum number of bedrooms 81 per acre (347 166 bedrooms),
- 5 Setbacks 0' setback from 51<sup>st</sup> Street is permitted,
- 6 Maximum height 50 feet,
- 7 Maximum building cover 50% ,
- 8 Maximum impervious cover 70%
- 9 Maximum FAR 0 75 1,
- 10 Access All driveways shall enter and exit West 51<sup>st</sup> Street unless otherwise required by Code Said driveways shall be constructed at the minimum width required by the City of Austin Vehicular access between Tract 2 and the Hyde Park Neighborhood is prohibited with the exception of emergency vehicle access

The recommendation is based on the following considerations

- 1 ) The Hyde Park Neighborhood Plan seeks ways to allow intensively developed properties become more compatible with the neighborhood and to encourage the compatible,
- 2 ) The recommended zoning classification and conditions will encourage the compatibility of land uses within the Residential District of the North Hyde Park NCCD;
- 3 ) The recommended conditions allow for a land use intensity transition form the established residential neighborhood to the east of the subject property, and
- 4 ) All other conditions of Ordinance No 20050818-064 shall remain applicable to the site

**DEPARTMENT COMMENTS:**

The subject rezoning area consists of two tracts on 6.6 acres comprised of Tract 1 (2.378 acres) and Tract 2 (4.286 acres) of unzoned land under ownership by the Texas Park and Wildlife Department. Access to the property is via 51<sup>st</sup> Street with existing driveway access to the site. The State is seeking to sell this portion of land for private development. An agreement between the applicant and the Hyde

Park Neighborhood Association has been reached to incorporate this property into the North Hyde Park NCCD

The applicant seeks to rezone the property from to MF-2-NCCD-NP and MF-4-NCCD-NP allow multifamily development on the site. A total of 140 units are proposed with access from 51<sup>st</sup> Street and the prohibition of vehicular access to East 50<sup>th</sup> Street and East 49<sup>th</sup> Street with the exception of emergency vehicles

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	Unzoned land	State of Texas ~ Texas Park and Wildlife Department
<i>North</i>	SF-3-NP	Cemetery
<i>South</i>	Unzoned land	University of Texas intramural fields
<i>East</i>	SF-3-NCCD-NP	Single-family residences
<i>West</i>	Unzoned land	University of Texas intramural fields

**NCCD:** North Hyde Park

**TIA:** Waived, See Transportation comments

**WATERSHED:** Waller Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

34--Hyde Park Neighborhood Assn  
 1082--First American Commercial Property Group  
 283--North Austin Neighborhood Alliance  
 941--Northfield Neighborhood Assn  
 742--Austin Independent School District  
 786--Home Builders Association of Greater Austin  
 937--Taking Action Inc  
 511--Austin Neighborhoods Council  
 603--Mueller Neighborhoods Coalition  
 687--North Loop Neighborhood Planning Team  
 704--North Loop Neighborhood Planning Liaison-COA  
 631--Alliance to Save Hyde Park  
 1037--Homeless Neighborhood Organization  
 1075--League of Bicycling Voters

**SCHOOLS:**

Austin Independent School District

- Ridgetop Elementary School
- Lamar Middle School
- McCallum High School

**RELATED CASES:** N/A

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-01-0046	Hyde Park NCCD	05/22/01 APVD STAFF REC W/CONDS (8-0), APVD MF-1/MF-2/SF-3/SF-3-H/LO/LO-H/LR/GR/MF-3/MF-4/CS + NCCD ON ALL	08/23/01 APVD STAFF REC OF MF-1-NCCD, MF-2-NCCD, MF-3-NCCD, MF-4-NCCD, SF-3-NCCD, SF-3-H-NCCD, LO-NCCD, LO-H-NCCD, LR-NCCD, GR-NCCD, & CS-NCCD (5-2, KW/DT-NO), 1ST RDG  10/25/01 APVD MF-1-NCCD, MF-2-NCCD, SF-3-NCCD, SF-3-H-NCCD, LO-NCCD, LO-H-NCCD, LR-NCCD, GR-NCCD, MF-3-NCCD, MF-4-NCCD, & CS-NCCD (4-2, KW/DT-NO) 2ND RDG ONLY  01/31/02 APVD NCCD PER PLAN DESCRIBED IN MEMO TO CC D'D 11-28-01 (6-1, DT-NO)
C14-04-0196	North Hyde Park NCCD	07/12/05 APVD HYDE PARK NCCD W/EXCEPTION OF REC OF 4505 DUVAL (7-1, MM-NO)  09/27/05 609 FAIRFIELD APVD SF-3-CO-NCCD-NP W/COND TO APPLY CURRENT SF-3 RESTRICTIONS (8-0)	07/28/05 APVD ON 1ST RDG (7-0) EXCEPT 4505 DUVAL WHICH WAS PP TO 8-18-05  08/08/05 APVD HYDE PARK NORTH NCCD-NP (6-0), 2ND/3RD RDGS  09/29/05 FOR 4505 DUVAL APVD GR-MU-NCCD-NP (7-0), 2ND/3RD RDGS

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Daily Traffic</b>
W 51st Street	50'	28'	MNR 2/3 (AMATP)	Not Available

**CITY COUNCIL DATE****ACTION:****ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** jorge.rousselin@ci.austin.tx.us

## STAFF RECOMMENDATION

The Staff offers an alternate recommendation of MF-1-NCCD-NP. The subject property will be incorporated into the North Hyde Park NCCD and subject to the provisions of No. 20050818-064 (Please see Attachment "A") except as modified below.

### **General recommendations applying to both tracts combined:**

- 1 Tracts 1 and 2 shall be limited to less than 2,000 vehicle trips per day cumulatively, and
- 2 Per [LDC, Sec. 25-6-51 and 25-6-55], 43 feet of right-of-way from the existing centerline shall be dedicated for West 51st Street according to the Transportation Plan.

Furthermore, the NCCD designation shall incorporate the following conditions to each tract:

### **Tract 1:**

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- 4 Maximum number of bedrooms: 59 per acre (140,302 bedrooms),
- 5 The setback for the buildings along the eastern side of the tract abutting residential shall be 25' minimum required for compatibility,
- 6 Maximum height: 30 feet,
- 7 Maximum Building cover: 40%,
- 8 Maximum Impervious cover: 60%
- 9 Maximum FAR: 75:1 (garage units will not be included in the FAR unless McMansion triggered),
- 10 Landscaping: Existing healthy Class 1 or Class 2 trees, according to the Environmental Criteria Manual, within the 25' compatibility setback along the eastern property line shall be maintained,
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- 3 Limit to 23 units per acre (98,578 units),
- 4 Maximum number of bedrooms: 81 per acre (347,166 bedrooms),
- 5 Setbacks: 0' setback from 51<sup>st</sup> Street is permitted,
- 6 Maximum height: 30 feet,
- 7 Maximum building cover: 50%,
- 8 Maximum impervious cover: 70%
- 9 Maximum FAR: 0.75:1,

- 10 Access All driveways shall enter and exit West 51<sup>st</sup> Street unless otherwise required by Code Said driveways shall be constructed at the minimum width required by the City of Austin Vehicular access between Tract 2 and the Hyde Park Neighborhood is prohibited with the exception of emergency vehicle access

The recommendation is based on the following considerations

- 1 ) The Hyde Park Neighborhood Plan seeks ways to allow intensively developed properties become more compatible with the neighborhood and to encourage the compatible,
- 2 ) The recommended zoning classification and conditions will encourage the compatibility of land uses within the Residential District of the North Hyde Park NCCD,
- 3 ) The recommended conditions allow for a land use intensity transition from the established residential neighborhood to the east of the subject property, and
- 4 ) All other conditions of Ordinance No 20050818-064 shall remain applicable to the site

## **BASIS FOR RECOMMENDATION**

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

The recommended rezoning will promote a compatible mix of land uses within the designated residential district of the NCCD and will preserve the residential character of the established residential district

- 2 The proposed zoning should promote consistency and orderly planning.***

The recommended conditions will encourage a compatible mix of uses to and transition more intensive multifamily uses away from the established residential neighborhood

## **EXISTING CONDITIONS**

### **Site Characteristics**

The subject rezoning area consists of two tracts on 6.6 acres comprised of Tract 1 (2.378 acres) and Tract 2 (4.286 acres) of unzoned land under ownership by the Texas Park and Wildlife Department Access to the property is via 51<sup>st</sup> Street with existing driveway access to the site

### **Transportation**

- 1 The Austin Metropolitan Area Transportation Plan calls for 86 feet of right-of-way for West 51st Street If the requested zoning is granted for this site, then 43 feet of right-of-way from the existing centerline should be dedicated for West 51st Street according to the Transportation Plan [LDC, Sec 25-6-51 and 25-6-55]
- 2 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]
- 3 There are existing sidewalks along the south side of West 51st Street
- 4 West 51st Street is classified in the Bicycle Plan as a Priority 1 bike route

- 5 Capital Metro bus service is available along Guadalupe Street (IF UT Shuttle) and Duval Street (Route 7 Duval / Route 27 Dove Springs)

### **Environmental**

- 1 The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller 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.
- 2 Impervious cover is not limited in this watershed class, therefore the zoning district impervious cover limits will apply.
- 3 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.
- 4 According to flood plain maps, there is flood plain within the project area.
- 5 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.
- 6 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**

- 1 The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing 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.

### **Site Plan and Compatibility Standards**

- 1 The site is subject to compatibility standards. Along the eastern/ southeastern property line, the following standards apply:
  - No structure may be built within 25 feet of the property line.
  - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
  - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
  - No parking or driveways are allowed within 25 feet of the property line.



- 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
- 2 Additional commercial design regulations will be enforced at the time a site plan is submitted