

**PLANNING COMMISSION SITE PLAN REVIEW SHEET  
WATERFRONT OVERLAY SITE PLAN APPROVAL WITH VARIANCES**

**CASE NUMBER:** SPC-06-0715C **PLANNING COMMISSION DATE:** Oct. 9, 2007  
**PROJECT NAME:** 222 E. Riverside Dr.  
**ADDRESS:** 222 E. Riverside Dr.  
**AREA:** 2.99 acres  
**APPLICANT:** CWS Capital Partners LLC (Greg Miller)  
9606 N. MoPac Expressway, Suite 500  
Austin, TX 78759  
(512) 837-3028

**AGENT:** Armbrust & Brown, LLP  
Richard Suttle- 435-2394  
100 Congress Ave., Suite 1300  
Austin, TX 78701

**EXISTING ZONING:** Lake Commercial District-Neighborhood Plan (L-NP). The tract is also subject to the Waterfront Overlay South Shore Central Sub-district.

**PROPOSED DEVELOPMENT:**

The proposed development consists of 390 units of multi-family residential, parking garage, water quality system and other associated improvements. The applicant is requesting approval of the site plan and a variance from the South Shore Central Sub-district of the Waterfront Overlay.

**NEIGHBORHOOD ORGANIZATION:**

South River City Citizens Association  
Terrell Lane Interceptor Association  
Barton Springs/Edwards Aquifer Conservation District.  
South Central Coalition  
Austin Neighborhoods Council  
Austin Independent School District  
Home Builders Association of Greater Austin

**AREA STUDY:** Greater South River City Combined Neighborhood Plan

**WATERSHED:** Town Lake (Urban)

**APPLICABLE WATERSHED ORDINANCE:** The current Comprehensive Watershed Ordinance

**CAPITOL VIEW:** N/A

**T.I.A.:** Not required.

**SUMMARY STAFF RECOMMENDATION:**

Disapproval of site plan and requested variance

**PARKS AND RECREATION DEPT. RECOMMENDATION:** The PARD Board voted 5-4 on August 28, 2007, to recommend disapproval of variances. (See attached memo).

**PLANNING COMMISSION ACTION:** Sept. 11, 2007 – postponed to Oct. 9, 2007  
Oct. 9, 2007 -

**CASE MANAGER:** Javier V. Delgado Telephone: 974-7648  
Watershed Protection & development Review  
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**PARD STAFF:** Ricardo Soliz Telephone: 974-6765

**PROJECT INFORMATION:**

**ZONING:** L-NP

**MAX. BLDG. CVRG:** 50%

**MAX. Allowed HEIGHT :** 200'

**MAX. TOT. IMP. CVRG:** 50%

**EXIST. USE:** Multi-family Res.

**REQ. PARKING:** 484

**PROP. BLDG. CVRG:** 37.3%

**PROP. HEIGHT:** Varies with a max of 200'

**PROP. IMPERV. CVRG.:** 46%

**PROPOSED USE:** Multi-family residential

**PROP. PARKING:** 498 (*all located in parking garage*)

**PROP. UNITS:** 390

**SUMMARY COMMENTS ON SITE PLAN:**

**Land Use:** The proposed site is located at 222 E. Riverside Drive and is zoned Lake Commercial- Neighborhood Plan (L-NP). The site is also subject to the Waterfront Overlay (WO), in the South Shore Central Sub-District. The total site consists of 2.99 acres.

Currently, the site has an existing a 100-unit, 3 story, multi-family development called Riverside Square Apartments. The development was constructed in 1963. The existing development is a legal non-conforming development with structures and improvements located with the primary and secondary setbacks of the WO.

The applicant is proposing a 390 multi-family residential unit development. The project proposes a total impervious coverage of 1.38 acres (46%). The development also includes an on-site parking garage and associated water quality facilities. The site will have varying heights from 75 feet to a maximum height of 200 feet.

The proposed project complies with the primary setback of 150 feet from Lake Lady Bird shoreline.

The applicant is requesting approval of a site plan with variances to the South Shore Central sub-district of the WO :

1. Variance to Section 25-2-742 (C1): to reduce the secondary setback line of 50-feet from the primary setback line parallel to Town Lake shoreline to 0 feet.

The granting of this variance would have the effect of allowing uses that are normally prohibited and eliminating the impervious cover limit in the secondary setback.

### **Case Review History:**

**Subdivision:** Riverside Square subdivision was approved by PC on 06-29-2006. It was a one lot subdivision with 100 existing units.

**Site Plan:** The following is a history of the review cycles for the site plan. The site plan configuration has changed several times.

SP-06-0378C: Initial Update 07-31-2006 to 8-28-2006  
Update #1 09-25-2006 to 10-06-2006

Site Plan was withdrawn and resubmitted on 11-29-2006

SP-06-0715C: Initial Update 12-08-2006 to 01-05-2007  
Update #1: 05-21-2007 to 06-18-2007  
Update #2: 07-09-2007 to 07-25-2007  
Update #3: 08-16-2007 to 09-04-2007

**Transportation:** A traffic impact analysis was not required. A traffic impact analysis is required if the expected number of trips generated by a project exceeds 2,000 vehicle trips per day (LDC 25-6-113). The existing trips per day is 672. The proposed development for this site equates to a net increase of 1,369 trips per day. Proposed driveway access will be from a private street which is shared with the Austin-American-Statesman and other businesses. The intersection of the private drive and Riverside drive is signalized. Also, there is proposed access through the 300 E. Riverside property to a driveway that connects to Riverside Drive further east.

**Environmental:** The site is in the Desired Development Zone. The site is in the Town Lake watershed of the Colorado River Basin, which is classified as urban. The site is not located over the Edward's Aquifer Recharge Zone. The existing impervious cover for the site is approximately 1.8 acres or 59% of the site. The existing site was developed in 1963, prior to current water quality regulations. Currently, there is no water quality facility or treatment for the runoff from the site.

The proposed development plans to reduce the impervious coverage from 1.8 acres (59%) to 1.38 acres (46%). The site will comply with all current water quality requirements.

There are no critical water quality zones affected by this project due to the redevelopment exception as described in Section 25-8-26.

### **SURROUNDING CONDITIONS:**

#### **Zoning/ Land use:**

**North:** Town Lake

**East:** Multi-family (300 E. Riverside) (L-NP)

**South:** Office (L-NP)

**West:** Office (Austin-American Statesman, TxDOT) (L-NP)

### **KEY REVIEW ISSUES:**

- **Payment/dedication of land to satisfy the parkland dedication.**

The Watershed Protection and Development Review Department received a site plan application on December 8, 2006 to construct condominiums and apartments at 222 and 300 Riverside Drive. The property located at 222 East Riverside required a subdivision application and was subject to code requirements for Parkland Dedication. At the time of the application, the City received a letter of credit in the amount of \$462,000. The fee was calculated in accordance's with Section 25-4-215 of the City Code. The number of acres required for dedication was based on 100 units proposed in the original application.

The current plan now shows 390 units rather than the 100 units shown on the subdivision application (290 more units than first proposed). In light of this, staff has re-calculated the amount of land or fee that would be owed based on the 390 units. The new calculation shows that the 390 units proposed on the latest plan would require 3.3 acres of parkland or \$1,796,836.80 in fees, based on the 2006 TCAD value at the time the plat was approved. Since the applicant has provided a letter of credit in the amount of \$462,822, the balance would be **\$1,334,014.80 or 2.45 acres of land.**

The applicant is currently proposing to provide a 100' swath of land along Town Lake, and an additional 25' swath along Bouldin Creek in order to meet this requirement. This area would provide 1.74 acres of land towards the 2.45 acre parkland dedication requirement. It should be noted that Section 25-4-213 (c) of the Land Development Code only allows fifty percent of acreage in the 100 year floodplain that is dedicated as parkland to be credited towards fulfilling the parkland requirements. This reduces a portion of the dedicated parkland swath (approx. 25' of the 100' along Town Lake) to be worth .23 acres towards the required parkland dedication rather than the actual .46 acres offered. **If the land were accepted by the Parks Department the balance owed for the parkland requirement would be reduced to \$386,592, or .71 acres of land.**

### **SUMMARY STAFF RECOMMENDATION (for variances):**

Section 25-2-713 outlines the criteria for evaluation of variance requests from the WO :

- 1) The proposed project and variance are consistent with the goals and policies of the Town Lake Corridor Study including environmental protection, aesthetic enhancement, and traffic.
- 2) The variance is the minimum required by the peculiarities of the tract.

In staff's opinion, the proposed development is not consistent with the goals and policies of the Town Lake Corridor Plan. The proposed development would aesthetically dominate the surrounding area. At the shoreline, the proposed development would present a shear wall effect. The Town Lake Corridor Study makes recommendations that "encourage structures that are of a compatible scale with the pedestrian" and "establish

a consistent alignment of building setbacks and heights; develop a coherent building pattern.”

The applicant has not demonstrated how the peculiarities of the site justify the need for the variance requests. The owner could redevelop portions of the site and build more units and to a greater height (up to 200 feet) than what currently exists without the need for any variances.

**SUMMARY STAFF RECOMMENDATION (for site plan):**

Staff recommends disapproval of the proposed site plan due to the requested variances. The denial of the variance would necessitate a re-design of the project. Thus, the review process would begin at an initial level once again.

The applicant is still working on clearing staff comments. If the Commission chooses to approve the site plan, it should be subject to all ordinance requirements and staff comments as listed in the attached comment report.