ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0149 / 2301 E. Riverside Dr.

P.C. DATE: August 26, 2008

ADDRESS: 2301 E. Riverside Drive

OWNER: Riverside Interest, L.P., (Charlie Tames) 512-476-7733

AGENT: UTE Consultants, (Joan Ternus) 512-583-2634

ZONING FROM: LR-MU-CO-NP for Tract One; LO-CO-NP for Tract Two

TO: LR-MU-CO-NP (The request is to amend one of the Conditional Overlay provisions to allow vertical mixed use development to be optional for Tract One).

LO-CO-NP for Tract Two

SITE AREA: Tract One – 2.997
Tract Two – 1.475
Total Site Area – 4.472

SUMMARY STAFF RECOMMENDATION:

The staff recommendation for Tract One is LR-V-CO-NP (Neighborhood Commercial - Vertical Mixed Use Building - Conditional Overlay - Neighborhood Plan) district zoning. The staff recommendation for Tract Two is LO-CO-NP (Limited Office – Conditional Overlay – Neighborhood Plan) district zoning. Across tracts one and two, the conditional overlay would limit the vehicle trips to less than 2000 per day and require a building setback of 50 linear feet from the centerline of the creek. Additionally, the conditional overlay would prohibit food sales use and multifamily residential use on Tract One.

In 2006, a portion of this site (tract one) was rezoned to LR-MU-CO-NP. One of the conditional overlays requires a mixed use building. The staff recommendation of LR-V-CO-NP makes a mixed use building optional.

SUMMARY PLANNING COMMISSION RECOMMENDATION:

On **August 26, 2008**: The Planning Commission approved *staff's* recommendation of LR-V-CO-NP district zoning for Tract One and LO-CO-NP for Tract Two; by consent [M. Dealey, T. Atkins 2nd] (6-0) (C. Small off dais / and P. Hui and P. Cavazos absent) with the following Conditional Overlays:

1.) The development on the site cannot generate traffic that exceeds 2,000 vehicle trips per day.
2.) A 50 foot wide building setback from the centerline of an unnamed tributary of Town Lake, commonly known as Willow Creek, shall be established in the Property.
3.) A food sales use is a prohibited use of Tract One.
4.) A multifamily residential use is a prohibited use of Tract One.

DEPARTMENT COMMENTS:

The site is approximately 4.5-acres, located at the southeast corner of East Riverside and Willow Creek Drive, and is undeveloped. The site was rezoned in 2006 with Tract One (the portion of the lot located north of Woodland Avenue) approved for LR-MU-CO-NP. The remainder of the tract (Tract Two) was rezoned to LO-CO-NP. The site is subject to the following Conditional Overlays:

1.) The development on the site cannot generate traffic that exceeds 2,000 vehicle trips per day.
2.) A 50 foot wide building setback from the centerline of an unnamed tributary of Town Lake, commonly known as Willow Creek, shall be established in the Property.
3.) A food sales use is a prohibited use of Tract One.
4.) Tract One shall be developed according to the requirements in Section 25-2-647 (H) (*Mixed Use (MU) Combining District Regulations*) regarding a vertical mixed use building.

The applicant's request is to change the wording in Conditional Overlay # 4 from "Tract One *shall* be developed…" to "Tract One *may* be developed…" in order to remove the requirement that the site be developed with a Vertical Mixed Use building.

Staff recommendation is to rezone tract one to LR-V-CO-NP. This will remove the existing conditional overlay #4 and make mixed use development optional. The new conditional overlay #4 will state a multifamily residential use is a prohibited use of tract one. This will allow for the proposed development of a bank and retail and would not require a residential component. If the applicant chose to do residential, the vertical mixed use building standards would apply. All other conditions would remain on the site.

The applicant agrees with staff recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LR-MU-CO-NP (Tract 1) LO-CO-NP (Tract 2)	Undeveloped
North	GR-NP / CS-1-NP	Vacant Right-of-Way, Fast food, Shopping Center, Night-club
East	MF-3-NP	Apartments
South	MF-3-NP	Apartments
West	LR-NP / MF-3-NP	Undeveloped and Auto Wash

NEIGHBORHOOD PLAN AREA: East Riverside / Oltorf Combined Neighborhood Plan

TIA: The traffic impact analysis has been waived because the applicant agrees to a conditional overlay that will limit vehicle trips to less than 2,000 per day.

WATERSHED: Town Lake

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
Riverside Drive	Varies	2 @ 33'	Arterial (MAD6)	47001 (COA,
Willow Creek Drive	70'	50'	Collector	8400 (Travis County,

NEIGHBORHOOD ORGANIZATIONS:

- South River City Citizens' Association
- Southeast Austin Neighborhood Alliance
- Barton Springs / Edwards Aquifer Conservation District
- South Central Coalition
- PODER People Organized in Defense of Earth & Her Resources
- Austin Neighborhoods Council
- East Riverside / Oltorf Neighborhood Planning Team

SCHOOLS: Metz Elementary School Martin Middle School Johnston High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0023 (Marks - 4)	From SF-3 to LR-MU	Approved LR-MU-CO on 6-13-2006 (6-0).	On 9-28-2006 Council approved LR-CO (TR 1); LO-CO (TR 2); (7-0); 3RD RDG

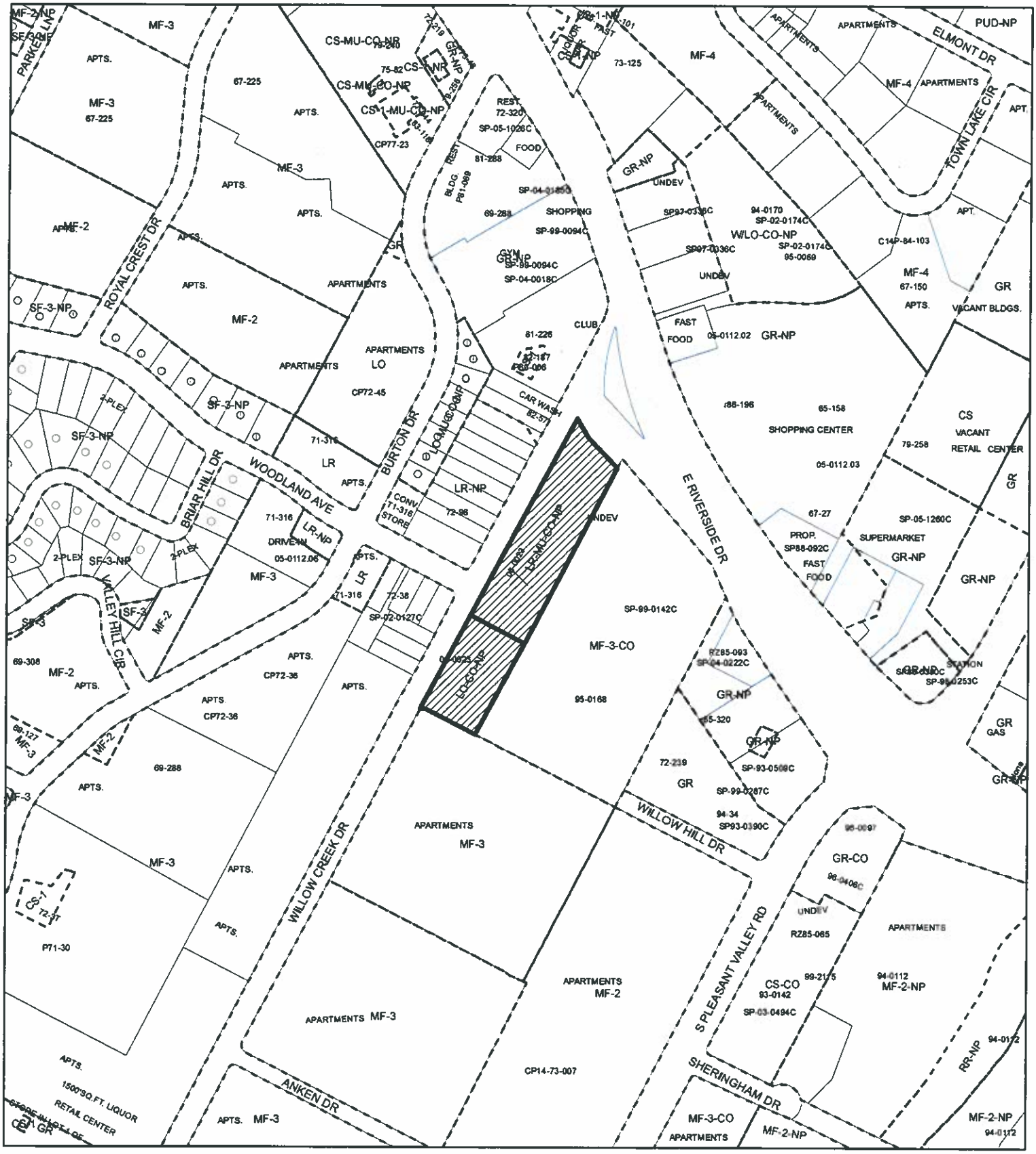
CITY COUNCIL DATE: September 25, 2008 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Joi Harden **PHONE:** 974-2212

E-MAIL: joi.harden@ci.austin.tx.us;



ZONING

N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

OPERATOR: S. MEEKS

1" = 400'

ZONING CASE#: C14-2008-0149
ADDRESS: 2301 E RIVERSIDE DR
SUBJECT AREA: 5.947 ACRES
GRID: K19
MANAGER: J. HARDEN

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.

2301 E RIVERSIDE DR
BURTON
WOODLAND
WILLOW CREEK
RIVERSIDE
RIVERSIDE

SUMMARY STAFF RECOMMENDATION

The staff recommendation for Tract One is LR-V-CO-NP (Neighborhood Commercial - Vertical Mixed Use Building - Conditional Overlay - Neighborhood Plan) district zoning. The staff recommendation for Tract Two is LO-CO-NP (Limited Office – Conditional Overlay – Neighborhood Plan) district zoning. Across tracts one and two, the conditional overlay would limit the vehicle trips to less than 2000 per day and require a building setback of 50 linear feet from the centerline of the creek. Additionally, the conditional overlay would prohibit food sales use and multifamily residential use on Tract One.

In 2006, a portion of this site (tract one) was rezoned to LR-MU-CO-NP. One of the conditional overlays requires a mixed use building. The staff recommendation of LR-V-CO-NP makes a mixed use building optional.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning should allow for a reasonable use of the property.*

   LR-V-CO-NP for Tract One would be appropriate along the northern portion of the tract closer to E. Riverside Drive. This rezoning would allow for a mixed use building but would not require residential.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

   The existing zoning allows for reasonable use of the site while maintaining the character of the surrounding area.

EXISTING CONDITIONS

Site Characteristics

The tract is approximately 4.5-acres, located at the southeast corner of East Riverside and Willow Creek Drive, and is undeveloped.

To the north lies an undeveloped stretch of right-of-way and then E. Riverside Drive with intense commercial uses. Apartments are located to the east and south. Largely undeveloped commercially zoned land lies to the west.

Impervious Cover

The maximum impervious cover allowed by the LR zoning district is 80%.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. 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, this information is being reviewed under SP-2008-0188C.

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

At this time, site-specific information regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, creeks, and wetlands are being reviewed under SP-2008-0188C.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment, and are currently being reviewed under SP-2008-0188C.

Transportation

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].

There are existing sidewalks along Riverside Drive and Willow Creek Drive, north of Woodland Avenue. There are no existing sidewalks along Willow Creek Drive, south of Woodland Avenue.

Riverside Drive and Willow Creek Drive, south of Woodland Avenue are classified in the Bicycle Plan as Priority 1 bike routes. Willow Creek Drive, north of Woodland Avenue is not classified in the Bicycle Plan as a bike route.

Capital Metro bus service (University of Texas shuttle route no. 685) is available along Willow Creek Drive. Capital Metro bus service (route nos. 26, 320, and 490; University of Texas shuttle route no. 685) is available along Riverside Drive.

Water and Wastewater

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 Review

Site plans will be required for any new development other than single-family or duplex residential.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2008-0149
Contact: Joi Harden,, (512) 974-2122
Public Hearing:
August 26, 2008 Planning Commission

☒ **I am in favor**
☐ **I object**

John Martino
Your Name *(please print)*

1840 Burton Dr. #203 + #100
Your address(es) affected by this application

Signature

8/18/08
Date

Comments:

I welcome growth in E. Austin. This "rezone" proposal is totally acceptable.

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning and Zoning Department
Joi Harden,}
P. O. Box 1088
Austin, TX 78767-8810