

ZONING CHANGE REVIEW SHEET

CASE: C14-2010- 0204 – Riverside Gardens

P.C. DATE: April 12, 2010

ADDRESS: 6716 East Riverside Drive

OWNER/APPLICANT: Equity Secured Capital, L.P. (Vincent M. DiMare, Jr.)

AGENT: Carlson, Brigrance & Doering, Inc. (Charles Brigrance)

ZONING FROM: MF-3-NP and CS-NP

TO: SF-4A-NP

AREA: 18.25 acres (794,970 ft²)

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of SF-4A-NP (Single Family Residence- Small Lot - Neighborhood Plan) combining district zoning.

PLANNING COMMISSION RECOMMENDATION: The motion to approve staff's recommendation for SF-4A-NP district zoning with the additional condition of an Educational Impact Statement to be provided by staff to the City Council was approved by Commissioner Danette Chimenti's motion, Commissioner Sandra Kirk seconded the motion on a vote of 7-2; Commissioners Alfonso Hernandez and Jay Reddy voted against the motion (nay).

DEPARTMENT COMMENTS: This 18.25 acre property is currently zoned MF-3-NP (Multifamily Residence Medium Density – Neighborhood Plan) and CS-NP (General Commercial Services – Neighborhood Plan) combining district zoning, and is currently undeveloped. The applicant has requested to rezone the property to SF-4A-NP (Single Family Residence Small Lot – Neighborhood Plan) for a 117 unit small-lot residential development. Upon request by city staff, the applicant removed a 3.97 acre tract from the rezoning request with frontage on Riverside Drive in order to be consistent with the Riverside Corridor Master Plan. Staff supports rezoning the request for the remaining property to SF-4A-NP. The Montopolis Neighborhood Association has also offered support for the rezoning.

NEIGHBORHOOD PLANNING STAFF RECOMMENDATION: The applicant has requested a Future Land Use Map amendment to the Montopolis Neighborhood Plan to change from Commercial to Multifamily (on Tract 2). Staff has an alternate recommendation for Higher Density Single Family on Tracts 1 & 2 and Mixed Use on Tract 3.

PLANNING COMMISSION RECOMMENDATION: 4/12/11 – The Planning Commission approved the staff recommendation of SF-4A-NP and requested that an Educational Impact Assessment be completed for the City Council hearing (7-2; Hernandez Reddy, nay).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-NP, MF-3-NP	Undeveloped
<i>North</i>	SF-3-NP, MH-NP	Single Family, Mobile Home
<i>South</i>	CS-MU-NP	Undeveloped
<i>East</i>	CS-MU-NP, GR-MU-NP, CS-NP, MF-3-CO-NP	Multifamily, Convenience Storage
<i>West</i>	CS-MU-NP, SF-3-NP	General Retail Sales Convenience, Multifamily

NEIGHBORHOOD PLAN: Montopolis Neighborhood Plan

TIA: Waived

WATERSHED: Carson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Vargas Neighborhood Association
El Concilio coalition of Mexican American Neighborhood Associations
Montopolis Neighborhood Association
Montopolis Area Neighborhood Alliance
Southeast Austin Neighborhood Alliance
Riverside Meadows Homeowners Association
Crossing Garden Homeowners Association

CASE HISTORIES

NUMBER	REQUEST	COMMISSION	COUNCIL
C14-01-0060	Montopolis Neighborhood Plan	Approved (7-2); 8/7/2001	Approved (6-1); 9/27/2001
C14-84-310; C14-84-310RC	I-SF-3 to MF-3 and CS; Restrictive Covenant for development buffer	Approved (5-4);10/23/1984	Approved rezoning and RC; 3/6/1986

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. Zoning should be consistent with approved and existing residential densities.*

The recommended zoning will be consistent with the residential characteristics of the surrounding neighborhood and will promote a balance of uses and density.

2. *Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan.*

The recommended zoning and plan amendment are compatible with the Montopolis Neighborhood Plan Objective 2: to promote the existing neighborhood pattern of development with new and Smart Growth Infill development.

EXISTING CONDITIONS

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Carson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable

regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

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

Water and Wastewater

If 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 relocations and or abandonments required. 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.

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.

Transportation:

The Austin Metropolitan Area Transportation Plan calls for a total of 200 feet of right-of-way for Riverside Drive. Right-of-way dedication and / or reservation for Riverside Drive shall be required in accordance with the Transportation Plan [LDC, Sec. 25-6-51 and 25-6-55) at the time of subdivision and or site plan application.

Additional right of way for other surrounding streets maybe required at the time of subdivision or 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]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Riverside Drive	128'	Varies (3 lanes each way with divided median)	Arterial	Yes	Yes	Yes
Frontier Valley Drive	62'	44'	Local	No	No	Yes (within ¼ mile)
Lawrence Street	42'	Unpaved adjacent to site	Local	No	No	Yes (within ¼ mile)
Santos Street	52	Unpaved adjacent to site	Local	No	No	Yes (within ¼ mile)

Site Plan:

This property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23, are prohibited. For more information, contact Joe Medici, Noise Abatement Officer at (512) 530-6652.

CITY COUNCIL DATE: May 12, 2011**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Stephen Rye**PHONE:** 974-7604
stephen.rye@ci.austin.tx.us

Montopolis Neighborhood Plan Contact Team

March 31, 2011

Mr. Stephen Rye
Neighborhood Planning & Zoning Department
P O Box 1088
Austin, TX 78767

RE: Case Number: NPA-2011-0005.01 Plan Amendment and
C14-2010-0204 - Zoning Change

Dear Mr. Rye,

The Montopolis Neighborhood Plan Contact Team (MNPCT) held its meeting on March 14, 2011 at Dan Ruiz Library to review a Montopolis Plan Amendment and zoning change for property located at 6716 E. Riverside Drive, Austin, Texas 78741. The case we reviewed and discussed was for a Neighborhood Plan Amendment (NPA-2011-0005.01) and zoning change Case Number C14-2010-0204 located at 6716 E. Riverside Drive, with a zoning change from CS-MP and MF-3-NP to SF-4A.

At this meeting, the MNPCT members and other neighborhood residents heard and reviewed the presentation by Maureen Meredith, Senior Planner, Planning & Development Review Dept. City of Austin and from agent, Charles R. Brigance, representing applicant Carlson, Brigance & Doering, Inc.

After an extensive discussion, members of the MNPCT voted to approve the change for the Future Land Use Map (PLUM) request on the property at 6716 Riverside Drive and the zoning change from CS-NP & MF-3-NP to SF-4A-NP. The vote was to approve the entire property with a PLUM and zoning change to SF-4A.

This Plan Amendment and zoning recommendation is compatible with the Montopolis Neighborhood's Plan Objective 2: Continue to promote the existing neighborhood pattern of development with new and Smart Growth Infill development. Action 4:....Residential uses are recommended on the remaining undeveloped land where permissible.....Appropriate residential zoning designations may include the following zoning options: Small Lot Amnesty, Cottage Lot Infill, Urban Home Lot Infill, Secondary Apartment Infill, SF-4A,..... This zoning request complies with the Montopolis Neighborhood Plan. Action 5: "Create new streets, where possible, to enhance community access and connectivity. Where possible, reconnect discontinuous streets and dead ends, to improve neighborhood accessibility." Objective 8: "Improve traffic flow throughout the neighborhood." Action 46: "Insure that the future street network in South and East Montopolis allows for the development of interconnected street networks that provide access to neighborhood collectors whiled preserving the existing residential character of the neighborhood." Action 47: "The developing street network's design should consider issues of connectivity for pedestrians and for other modes of transportation (bicycle, transit, vehicular)."

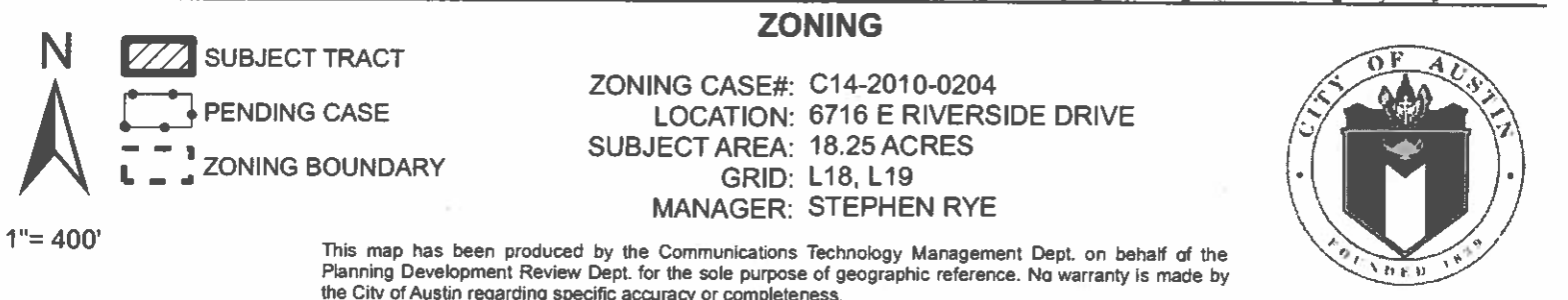
Sincerely,

Susana Almanza

Susana Almanza

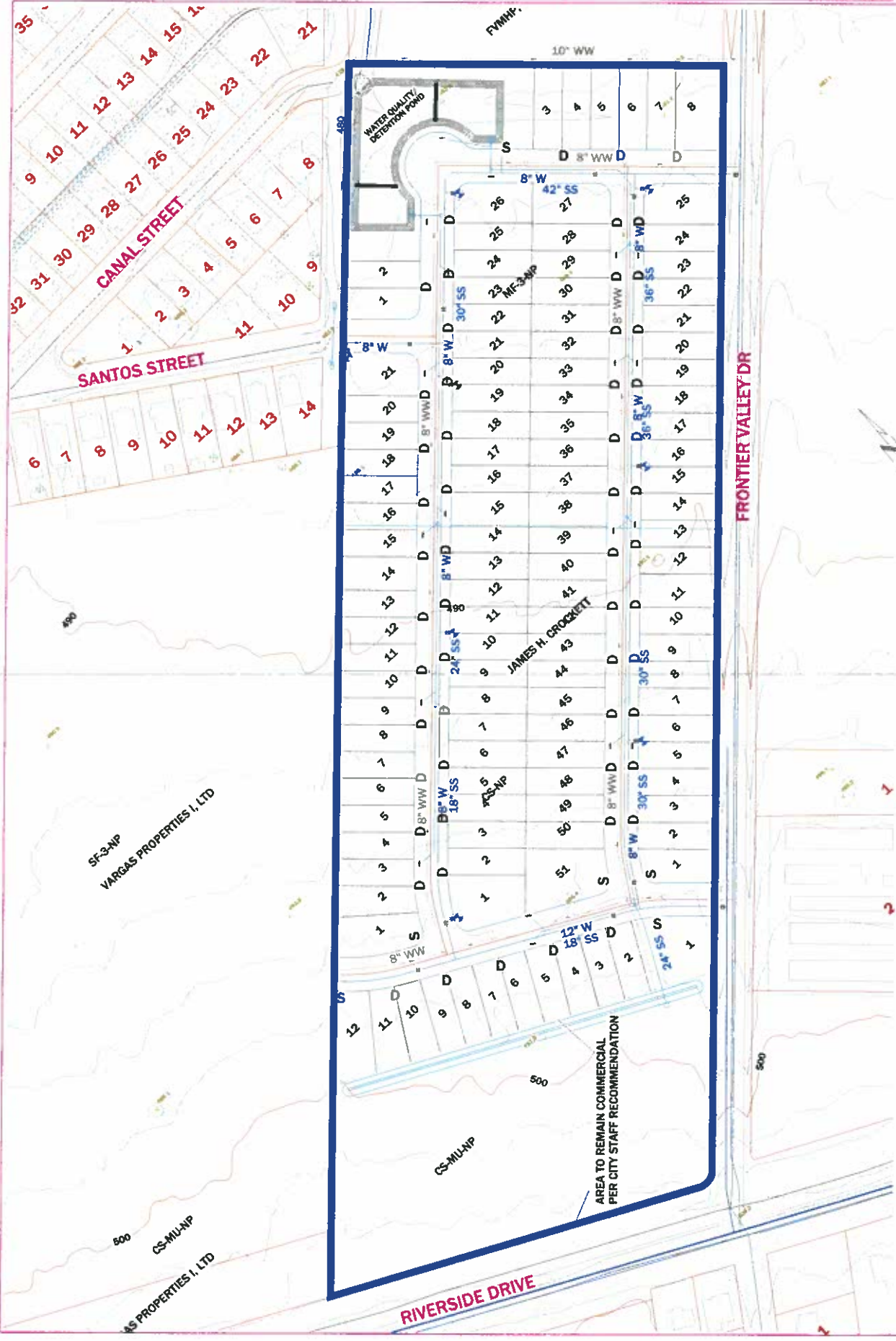
Chair- Montopolis Neighborhood Contact Team
1406 Vargas Road
Austin, TX 78741
512/472-9921

CC: Charles R. Brigance



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





117 SINGLE FAMILY LOTS 40' x 110' TYP

SCALE: 1" = 60'

Stefan Wray
6911 Villita Avenida
Austin, TX 78741

February 21, 2011

Stephen Rye and Maureen Meredith
Neighborhood Planning & Zoning Department
City of Austin
P.O. Box 1088
Austin, TX 78767

RE: C14-2010-0204 and NPA-2011-0005 (Riverside Gardens)

Dear Stephen Rye and Maureen Meredith:

I am a resident of Montopolis, an active member of the Montopolis Neighborhood Plan Contact Team, the Board Secretary of the Frontier at Montana Residents' Association, and a Co-Founder of the Montopolis Tributary Trail Association.

I have some concerns regarding the proposed Riverside Gardens development at 6716 E Riverside Drive that I believe I share with others in all the above-mentioned groups.

1) The first concern is with Traffic.

From reading the attachments for C14-2010-0204, I see that the applicant has claimed that a Traffic Impact Analysis is not required. However, we do know that the addition of 117 lots with access only to Frontier Valley Drive is going to increase traffic on Frontier Valley Drive in two directions:

- Heading south toward E. Riverside Drive
- Heading north toward Montana Street

More vehicles will be backed up exiting and entering the neighborhood at the intersection of Frontier Valley Drive and E. Riverside Drive.

And there will be more vehicle traffic on Montana Street and streets connected to Montana Street for people wanting to get to 183 and the Montopolis Bridge.

I notice in the Land Development Code that in addition to a Traffic Impact Analysis there is also a provision for a Neighborhood Traffic Analysis that is required if at least 300 vehicle trips per day are expected to be added as the result of a development.

With 117 home lots, it is not unreasonable to assume that this will generate at least 300 vehicle trips per day. $117 \text{ homes} \times 2 \text{ drivers} \times 2 \text{ trips} = 468 \text{ vehicle trips}$

Questions: Shouldn't a Neighborhood Traffic Analysis be conducted? If not, is there another way to address community concerns regarding this expected increase in traffic?

Also, with respect to traffic, I notice parts of the Montopolis Neighborhood Plan (MNP) has Objectives and Actions that pertain to the Riverside Gardens proposal

MNP Action 5 states "Create new streets, where possible, to enhance community access and connectivity. Where possible, reconnect discontinuous streets and dead-ends, to improve neighborhood accessibility."

Question: With an entry and exit only on Frontier Valley Drive, the Riverside Gardens plan does not enhance community access and connectivity. How can the plan be revised so that it does?

MNP Objective 8 states: "Improve traffic flow throughout the neighborhood."

Question: The Riverside Gardens plan doesn't improve traffic flow throughout the neighborhood. It simply adds more traffic. How can the plan be revised to improve traffic flow?

MNP Action 46 states: "Insure that the future street network in South and East Montopolis allows for the development of interconnected street networks that provide access to neighborhood collectors while preserving the existing residential character of the neighborhood."

Question: The Riverside Gardens does not seem to comply with Action 46. How can the plan be revised so that it does?

MNP Action 47: "The developing street network's design should consider issues of connectivity for pedestrians and for other modes of transportation (bicycle, transit, vehicular)."

Question: With entry and exit only on Frontier Valley Drive, it does appear that the planned street network will consider connectivity for pedestrians and other modes of transportation expect to only get to Frontier Valley Drive. How can the plan be revised with the consideration of this connectivity goal stated in Action 47?

2) Another concern is with storm water management.

The now empty lot where Riverside Gardens will be built does an excellent job of absorbing rainwater. With the addition of 117 40 ft x 120 ft lots (about 13 acres), along with the street infrastructure (unknown acres), there is going to be a considerable increase in the amount of impervious cover and in the volume of storm water that flows downstream.

Some of the existing homes in Frontier at Montana are literally right next to the 100-year flood plain. The Montopolis Tributary, and other parts of Carson Creek watershed, is known for flooding problems.

We downstream residents are very concerned that the storm water retention ponds need to be sized to be more than adequate to handle future storm events.

Questions:

- Will Watershed Protection be involved any modeling or analysis to size the retention ponds and determine the best management practices for this site?
- Will storm water from the retention pond flow directly into the creek channels, or will that water enter into a storm drain and be carried underground and exit into the creek farther downstream?

3) Another concern is the use of the Neighborhood Park and Recreation Fund.

This may be farther down the road, but I want to go on record to state that if the developer is required to pay into the Neighborhood Park and Recreation Fund that some of us would like to track those dollars to see that they are spent in accordance with the Land Development code: i.e. "the acquisition or improvement of neighborhood parks that will benefit the residents of the subdivision or site plan and that are located in the service area defined by the Parks and Recreation Department."

There is to be new parkland adjacent to the Montopolis Practice Field at 901 Vasquez. This fund could be used for that.

Questions:

- Will the developer be required to pay into this fund?
- What is an estimate of the dollar amount the developer will have to pay?
- How can the neighborhood ensure those dollars are spent locally?

Please add me to the notification list for any further action on this Zoning and this Neighborhood Plan Amendment case, and for any future cases within the Montopolis Tributary of the Carson Creek watershed.

Thank you,

Stefan Wray

Stefan Wray

Cc: Greg Guernsey

Rye, Stephen

From: Rye, Stephen
Sent: Friday, March 04, 2011 1:58 PM
To: 'Stefan Wray'; maureen.mereditu@ci.austin.tx.us
Cc: Jain, Sangeeta; Rhoades, Wendy
Subject: RE: Followup to Riverside Gardens

Attachments: RiversideGardens_StefanWray_Feb212011.doc



RiversideGardens_StefanWray_Fe...

Stefan,

I have been working with staff to address your questions. The only applicable traffic question in regards to the current application and staff review is the requirement for a Neighborhood Traffic Analysis. According to the reviewer, Sangeeta Jain, an NTA was not required. I cannot elaborate on the basis of that determination and would defer to her for a more detailed response. The remainder of the traffic questions refer to how the applicant could revise his subdivision plan to improve traffic and street networks. These are issues that must be addressed by the applicant at subsequent subdivision or site planning stages.

The drainage issues will be addressed by the applicant at the site planning process. The project will be required to meet the provisions of the city code. Without further information given to Watershed staff via a site plan, staff cannot make a determination on drainage patterns and retention ponds.

The developer will be required to pay into the parkland dedication fee at a rate of 650 dollars per residential unit within the development, and the funds must be allocated within a one-mile radius of the project. Since a site plan or subdivision has yet to be filed, I do not have the exact number of units to provide you with an estimate.

The majority of the questions you submitted are questions that must be answered by the applicant as this project proceeds through the site plan and subdivision phases. The current zoning and neighborhood plan cases filed are for the determination of appropriate land-use decisions only. The details you are seeking will be explored through the subsequent application processes. I would encourage you to contact the applicant for more information regarding the details outlined in your prior email.

Please let me know if I can be of any further assistance.

Thank you,

Stephen

Stephen Rye
City of Austin
Planning and Development Review Department Current Planning Division
(512) 974-7604
(512) 974-6054 fax

-----Original Message-----

From: Stefan Wray [mailto:stefan@iconmedia.org]
Sent: Friday, March 04, 2011 1:24 PM
To: Rye, Stephen; maureen.mereditu@ci.austin.tx.us
Subject: Followup to Riverside Gardens

Stephen Rye and Maureen Meredith,

Thrower Design

P. O. Box 41957
Austin, Texas 78704
(512) 476-4456

May 4, 2011

Honorable Mayor Lee Leffingwell
Mayor Pro Tem Mike Martinez
Council Member Sheryl Cole
Council Member Bill Spelman
Council Member Laura Morrison
Council Member Randi Shade
Council Member Chris Riley
City of Austin
P.O. Box 1088
Austin, Texas 78767

RE: Riverside Gardens – 6716 East Riverside Drive
Zoning Case # C14-2010-024
Plan Amendment Case # NPA-2011-0005.01

Dear Mayor, Mayor Pro Tem, and Council Members,

My firm is representing Vargas Properties I, LP in their endeavors of participation in the East Riverside Corridor planning efforts. We are aware of a Neighborhood Plan Amendment and Zoning case (referenced above) that is filed on property abutting the Vargas Properties I, LP land. These proposed changes will have a negative effect on the Vargas Properties I, LP land and the East Riverside Corridor planning efforts. Time is necessary to explore the full extent of the negative impacts on my client's property and the East Riverside Corridor Plan which is underway with a Regulating Plan process that is not in final draft form.

L A N D P L A N N E R S

These two cases are scheduled for hearings at the May 12, 2011 City Council meeting. For the above reasons, we respectfully request a postponement to June 23, 2011 on the hearings for these two above referenced cases so that these negative impacts can be studied by my client and the direct effect that these will have on bringing transit options to the East Riverside Corridor.

Should you have any questions, please contact me at my office.

Sincerely,

A handwritten signature in cursive script that reads "A. Ron Thrower". The signature is written in dark ink and includes a small flourish at the end.

A. Ron Thrower

Rye, Stephen

From: Girard Kinney [REDACTED]
Sent: Thursday, May 05, 2011 11:43 AM
To: Rye, Stephen
Cc: Sally Ann Fly
Subject: Riverside Gardens cases

Mr. Rye;

I understand that the Riverside Gardens cases is scheduled for action by the City Council next Thursday, 12 May. This note is to request postpone action by the City Council with regard to these projects. I, and other architects who have a keen interest in the success of the Riverside Drive Corridor have followed this case and would like the opportunity to be present and to testify when it is heard and Action is taken, but it is happening at the same time as the AIA National Convention in New Orleans, so I and others will be at this annual convention.

Please convey my request to the Council. Thanks.

--
Girard Kinney, AIA
Owner/Principal
Kinney& Associates
1008 East Sixth [78702]
P.O. Box 6456
Austin, Texas 78762-6456

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F. 512.476.9956
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Please submit emails with large file attachments to:
[REDACTED]