

SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2011-0101 3208 Red River

REQUEST: Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning the property locally known as 3208 Red River Street (Waller Creek Watershed) from General Office, Mixed use, Conditional Overlay, Neighborhood Plan (GO-MU-CO-NP) combining district zoning to Community Commercial, Mixed use, Conditional Overlay, Neighborhood Plan (GR-MU-CO-NP) combining district zoning.

DEPARTMENT COMMENTS:

The conditions imposed by City Council on 1st reading have been incorporated into the ordinance and attachments.

APPLICANT: River Holdings, Ltd. (Gerald Kucera)

AGENT: Metcalf Williams, L.L.P. (Michele Lynch)

DATE OF FIRST READING: November 10th, 2011

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for community commercial, mixed use, conditional overlay, neighborhood plan (GR-MU-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

CITY COUNCIL HEARING DATE:

December 8th, 2011

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Clark Patterson

ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0101 3208 Red River

P. C. DATE: 10/25/11

ADDRESS: 3208 Red River Street

AREA: 0.456 acres

APPLICANT: River Holdings, Ltd.
(Gerald Kucera)

AGENT: Metcalf Williams, L.L.P.
(Michele Lynch)

NEIGHBORHOOD PLAN AREA: Central Austin Combined

CAPITOL VIEW: No

T.I.A.: No

HILL COUNTRY ROADWAY: No

DESIRED DEVELOPMENT ZONE: Yes

WATERSHED: Waller Creek

ZONING FROM: GO-MU-CO-NP – General Office, Mixed use, Conditional Overlay, Neighborhood Plan

ZONING TO: GR-MU-CO-NP – Community Commercial, Mixed use, Conditional Overlay, Neighborhood Plan

SUMMARY STAFF RECOMMENDATION:

Staff recommends GR-MU-CO-NP – Community Commercial, Mixed use, Conditional Overlay, Neighborhood Plan. The Conditional Overlay will limit the subject property to General Office (GO) site development standards, Prohibit H-Occupancy uses; Limit a “Research Services” use to 20,000 square feet and prohibit the following uses:

Automotive Rentals, Automotive Repair Services, Automotive Washing (any type), Bail Bond Services, Commercial Off-Street Parking, Consumer Convenience Services, Consumer Repair Services, Drop Off Recycling Collection Facility, Exterminating Services, Financial Services, Food Preparation, Food Sales, Funeral Services, General Retail Sales (General), General Retail Sales (Convenience), Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Personal Improvement Services, Pet Services, Plant Nursery, Restaurant (General), Theater, Club or Lodge, Congregate Living, Counseling Services, Hospital Services (Limited), Hospital Services (General) and Group Residential.

PLANNING COMMISSION RECOMMENDATION:

The motion to approve staff’s recommendation for GR-MU-CO-NP district zoning, was approved on the consent agenda by Commissioner Sandra Kirk’s motion, Commissioner Mandy Dealey seconded the motion on a vote of 6-0; Commissioners Jean Stevens, Dave Anderson and Richard Hatfield were absent.

DEPARTMENT COMMENTS:

The property is currently developed with a three story building office building that is currently unoccupied. There are no plans to change the exterior of the building. The prospective tenant would be a research firm and the location is ideal due to its close proximity to the University of Texas. The agent has met with the Hancock neighborhood association to discuss what assurances that the neighborhood would like to see in the zoning ordinance and/or a restrictive covenant. The neighborhood has submitted a letter of support for the zone change request (see attached). With the agreement with the neighborhood the property essentially stays in its current zoning district which is General Office with the sole Community Commercial (GR) use being "research services" and utilizing all General Office site development standards. This property is almost identical to the property to the south, that is zoned Community Commercial (GR) and is developed with an office building. The Hancock neighborhood association has submitted a letter in support of this zone change request.

BASIS FOR RECOMMENDATION:

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

This property is almost identical to the property to the south, that is zoned Community Commercial (GR) and is developed with an office building.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	GO-MU-CO-NP	Office building
NORTH	GO-MU-CO-NP	Apartment complex
SOUTH	GR-MU-CO-NP	Office building
EAST	CS-MU-CO-NP	Retail/strip center
WEST	SF-3-NP	Single family residence

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-95-0004	From MF-4 to GO	Approved GO [Vote: 7-0]	Approved GO [Vote: 5-0]
C14-92-0012	From GO to GR	Approved GR [Vote: 7-0]	Approved GR [Vote: 7-0]

NEIGHBORHOOD ORGANIZATION:

- Signature Neighborhood Assoc.
- Hancock Neighborhood Assoc.

SCHOOLS:

Lee Elementary School Kealing Middle School McCallum High School

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 no flood plain within the project area.
5. 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.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

SITE PLAN:

- SP 1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP 2. The site is subject to compatibility standards. Along the northwestern 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.
- Additional design regulations will be enforced at the time a site plan is submitted.

TRANSPORTATION:

TR1: No additional right-of-way is needed at this time.

TR2: 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].

TR3: There are existing sidewalks along both sides of Red River Street and East 32nd Street.

TR4. Red River Street is classified in the Bicycle Plan as Bike Route No. 51. East 32nd Street is classified in the Bicycle Plan as Bike Route No. 40.

TR1: Capital Metro bus service, (Routes No. 10, 653, and 684), is available along Red River Street.

TR2: Existing Street Characteristics:

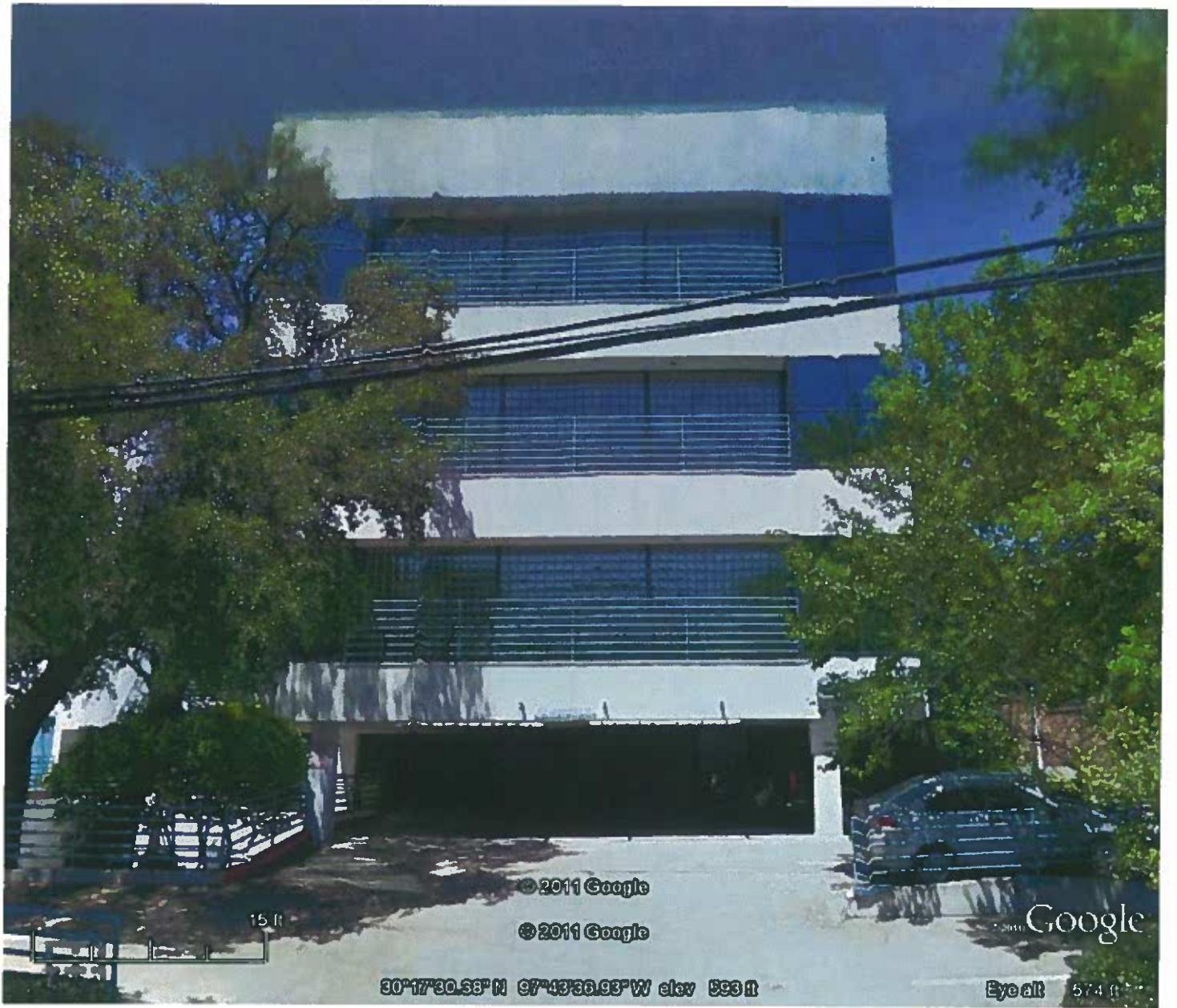
Name	ROW	Pavement	Classification	ADT
Red River Street	Varies	MAU4	Major Arterial	16,193
East 32 nd Street	60'	30'	Collector	7,917

CITY COUNCIL DATE: November 10th, 2011 **ACTION:**

ORDINANCE READINGS: 1ST 2ND 3RD **ORDINANCE NUMBER:**

CASE MANAGER: Clark Patterson
Clark.patterson@ci.austin.tx.us

PHONE: 974-7691



Hancock Neighborhood Association
602 E. 42nd Street
Austin, TX, 78751

Greg Guernsey, Director
City of Austin
Planning and Development Review Department
P.O. Box 1088
Austin, Texas 78767

Re:
City of Austin Zoning Case No. C14-2011-0101
Neighborhood Plan Amendment Case No. NPA-2011-0021.01

Friday October 14th, 2011

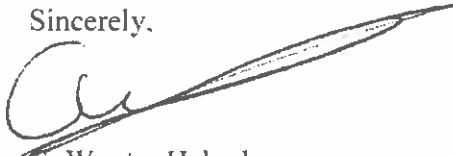
Dear Mr. Guernsey,

I am writing you to inform you that the Hancock Neighborhood Association has voted to support the proposed zoning and neighborhood plan changes for the property located at 3208 Red River subject to the signing of the restrictive covenant negotiated with the prospective buyer.

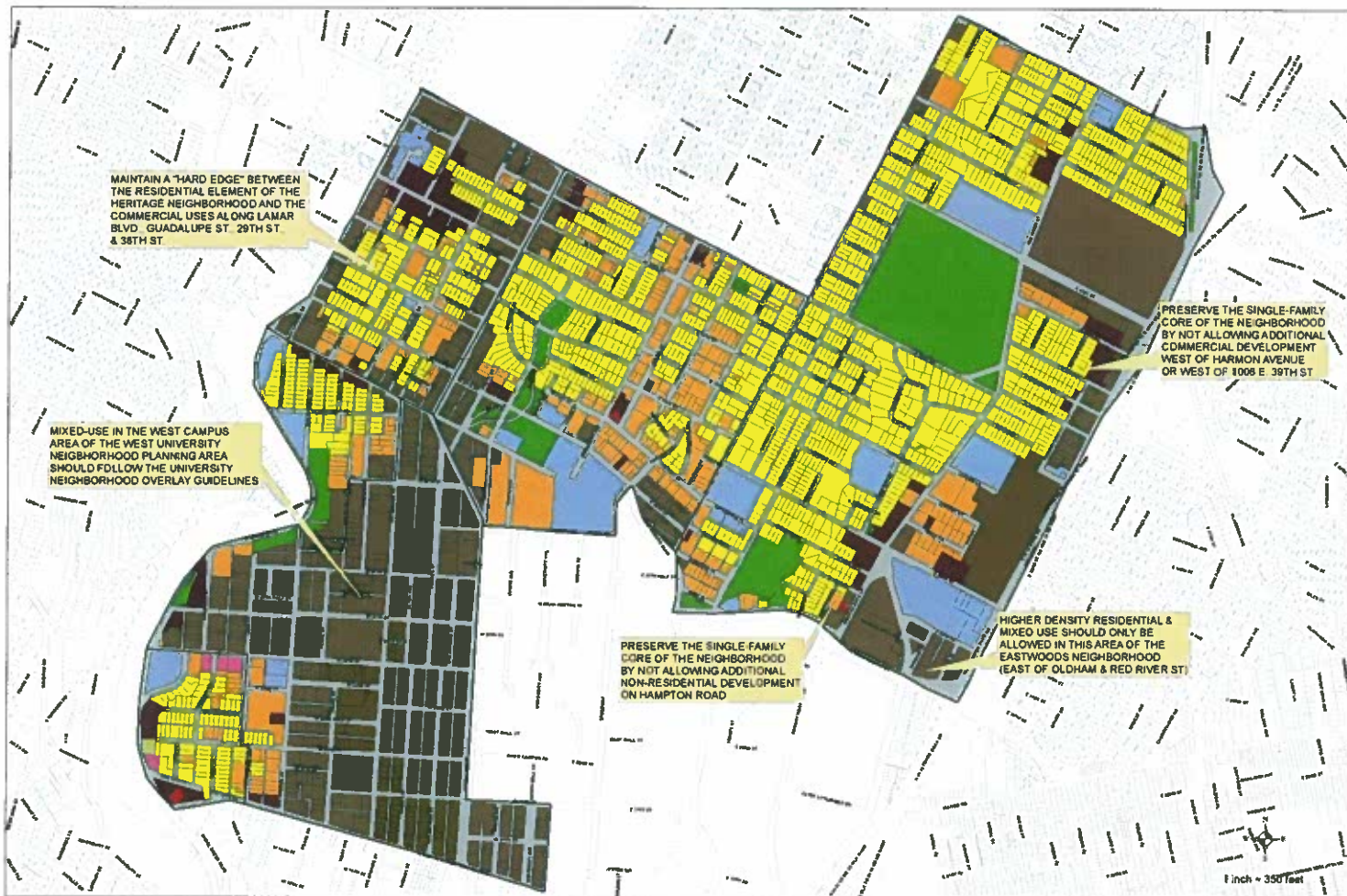
During the process the association membership brought up several concerns with the proposal, primarily having to do with health and safety and the association's ability to ensure that tenants would adhere to the agreed rules and regulations. During the negotiations the prospective buyer addressed these concerns. The covenant now requires a safety officer for each tenant, as well as a building health and safety officer who will act as a single point of contact with the association. In addition the covenant provides for a remediation process and a security deposit. The covenant also limits non authorized uses.

Overall we believe the current plans for 3208 Red River benefits the neighborhood. We also appreciate that the prospective buyer reached out to the Hancock Neighborhood Association and was open and responsive to our concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read 'G. Wouter Habraken', written over a horizontal line.

G. Wouter Habraken
President
Hancock Neighborhood Association



Central Austin Combined Neighborhood Planning Area: Future Land Use Map



City of Austin
Neighborhood Planning and
Zoning Department
Revised September 1, 2010

*A comprehensive plan shall not constitute zoning
regulations or establish zoning district boundaries.*

Legend

- | | | |
|--|--|--|
| Single-Family | Mixed Use | Civic |
| Higher-Density Single-Family | High Density Mixed Use | Recreation & Open Space |
| Multifamily | Office | Transportation |
| Commercial | Mixed Use/Office | |



3208 Red River – Proposed Conditions and Restrictions

Zoning Conditional Overlay of GR-CO:

- Prohibit all new GR (commercial) uses except for Research Services use:

Automotive Rentals	Automotive Repair Services
Automotive Washing (any type)	Bail Bond Services
Commercial Off-Street Parking	Consumer Convenience Services
Consumer Repair Services	Drop Off Recycling Collection Facility
Exterminating Services	Financial Services
Food Preparation	Food Sales
Funeral Services	General Retail Sales (General)
General Retail Sales (Convenience)	Hotel-Motel
Indoor Entertainment	Indoor Sports and Recreation
Outdoor Entertainment	Outdoor Sports and Recreation
Pawn Shop Services	Personal Improvement Services
Pet Services	Plant Nursery
Restaurant (General)	Theater
- Prohibit undesirable uses under existing GO (office) zoning:

Club or Lodge	Congregate Living
Counseling Services	Hospital Services (Limited)
Hospital Services (General)	Group Residential
- Limit to GO site development standards
- Prohibit activities requiring an H-Occupancy permit
- Research Services use limited to existing building footprint 20,000
- Neighborhood Mixed Use Building infill option retained

Private Restrictive Covenant with Hancock Neighborhood:

- Prohibit activities requiring an H-Occupancy permit
- Prohibit animal testing (other than occasional testing on mice)
- Prohibit testing on humans
- Operation during business office hours
- Designation of a safety officer for each tenant
- Conditions on lab activities:
 - Potential biohazardous materials will be autoclaved
 - Solvents and chemicals will be stored in receptacles
- Prohibit the use of live, known infectious and pathogenic organisms
- Provide a Health & Safety Officer for a Research Services use to coordinate safety plans for all tenants
- Limit the number of Research Services use tenants in the building to a maximum of 6
- Provide a security bond for restrictive covenant violations