

ZONING CHANGE REVIEW SHEETCASE: C14-2018-0088 – Colop 2DISTRICT: 3ZONING FROM: SF-2-NPTO: LO-MU-CO-NPADDRESS: 5107 East Riverside DriveSITE AREA: 2.15 acres (93,800 sf)OWNER: Francisco and Elizabeth ColopAPPLICANT: Bennett Consulting
(Rodney K. Bennett)CASE MANAGER: Scott Grantham (512-974-3574, scott.grantham@austintexas.gov)STAFF RECOMMENDATION:

Staff recommends Limited Office – Mixed Use – Conditional Overlay – Neighborhood Plan (LO-MU-CO-NP) combining district zoning. Conditional Overlay for a 25 foot setback from the south property line, a limit of two driveways on Riverside Farms Road, and a limit of 2,000 vehicle trips per day. For a summary of the basis of staff's recommendation, see case manager comments on page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:**January 22, 2019 Scheduled for Planning Commission**CITY COUNCIL ACTION:**February 21, 2019 Scheduled for City Council**ORDINANCE NUMBER:

ISSUES:

The applicants, Francisco and Elizabeth Colop, have owned the undeveloped property at 5107 East Riverside for many years, and are now interested in selling it. Part of their challenge in marketing the property is that it is split zoned – the front 150 feet is zoned East Riverside Corridor – Urban Residential, and the remainder (approximately 670 feet in depth) is zoned SF-2. This split zone occurred in 2013 when the East Riverside Corridor Regulating Plan was approved. This zoning case is for the back (southern) portion of the property only, which shall be referred to in this report as “the tract.”

Essentially, the applicants would like a zoning category in which the front and back portions of the property have comparable entitlements, and the split zone does not cause issues at the time of site plan. The applicants intend to sell the property, and there is no concept plan at this point. Some possible development scenarios are multifamily, office, and a memory care center (convalescent services).

There is a simultaneously submitted Neighborhood Plan Amendment (NPA-2018-0021.03) to change the Future Land Use Map from Single Family to Mixed Use / Office. Code section § 25-1-806 requires that a public meeting be held to inform neighbors and neighborhood associations of the requested amendment. For this case, the public meeting was held on October 16, 2018 at the Montopolis Recreation Center. Notification procedures were followed, and property owners, residents, and registered organizations within 500 feet of the tract were notified of the meeting in advance.

At the public meeting, staff spoke about procedures for rezoning and opportunities for input into the process. The applicant then spoke about items included in the request and the potential to redevelop. A question and answer session followed, and the applicant and staff addressed questions about zoning entitlements, conditional overlays, environmental issues, signs, notifications, and more.

In addition to this meeting, the applicants have met with and talked extensively with surrounding neighbors, including the East Riverside / Oltorf Combined Contact Team and the Riverside Farms Neighborhood Association. The original request was for general office – mixed use – neighborhood plan (GO-MU-NP). After some deliberations, the contact team requested a lower zoning category – limited office – mixed use (LO-MU), and the addition of a conditional overlay with two provisions – a rear setback of 25 feet (from the south property line), and a limit of two driveways on Riverside Farms Road. The contact team also sent a letter of support to document their request (See Exhibit D).

The applicant heard these requests and agreed to modify their initial request so that it would match the one put forward by the contact team, and that they could proceed to Planning Commission in agreement. (See Exhibit C). The applicant notes that they have come to the table and compromised, and that they would not wish to accept any lower zoning category or additional conditions.

A Neighborhood Traffic Analysis (NTA) was required for this zoning case, because of additional trips added to a local street by the new development. The applicant collected the necessary data by placing road tubes in identified locations, leaving them for an allotted time period, then delivering the data to transportation staff, who conducted the analysis. Because the land use associated with the new development is unknown at this time, the analysis was based on assumptions including a full buildout of the site with the highest potential number of trips.

In the NTA, transportation staff concluded that vehicle trips associated with the new development, combined with existing trips on Riverside Farms Road, would exceed thresholds in the Land Development Code. Therefore, mitigation will be required for the zoning change (See NTA memo, Exhibit E, page 3 of 3). The mitigation items are listed below; the applicant is aware of these items and has agreed to address them, as specified in parentheses for each respective item:

- Dedicate up to 25 feet of right-of-way along Riverside Farms Road, as measured from the existing centerline (through a street deed, prior to third reading at City Council)
- At the time of site plan, reconstruct Riverside Farms Road along the property frontage according to standards in the Transportation Criteria Manual (committed through a public restrictive covenant, prior to third reading at City Council)
- At the time of site plan, comply with improvements in the Austin Corridor Mobility Program for East Riverside (committed through a public restrictive covenant, prior to third reading at City Council)
- Limit the development to 2,000 trips per day (through a conditional overlay)

CASE MANAGER COMMENTS:

The tract is currently undeveloped, and is covered with trees and vegetation. Per the environmental comments, there is a Critical Water Quality Zone adjacent to the project location. Based on contour lines, there are minimal grade changes on the tract, although it appears to slope down to a creek to the west. There is a very small area of floodplain in the southwest corner of the tract.

To the north is East Riverside Drive, a major arterial roadway with heavy traffic. In contrast, Riverside Farms is a narrow road that retains a rural character – a narrow width, no sidewalks, and heavy vegetation. Residents have reported seeing deer, coyotes, and other wildlife in this area. To the south are one-acre lots zoned SF-2, as well as an office which appears to serve as a union headquarters. Riverside Farms is currently a dead-end street with no outlet to the south.

To the west are two parcels with a similar size and shape as the subject property. They have only a small amount of development – a pet services (animal day care) use, and a single family use. To the east, across Riverside Farms is a Children's Home, the footprint of which

is mostly on the front northern portion of the property. The rear of the property is heavily wooded and vegetated.

A brief comparison of the ERC – UR zoning, the proposed LO-MU zoning, and the existing SF-2 zoning is presented in the following table:

Table 1: Comparison of SF-2, LO-MU, and ERC-UR

	SF-2	LO-MU	ERC-UR
Development Standards			
Max Height (ft)	35	40 or 3 stories	40
Max Building Coverage	40%	50%	65%
Max Impervious Cover:	45%	70%	65%
Max Floor Area Ratio	--	0.7:1	0.75:1
Land Uses			
Residential, attached	--	P	P
Residential, detached	P	P	--
Smaller scale retail (less than 50,000 sf)	--	--	--
General Retail	--	--	--
Office	--	P	--
Warehousing and Light Manufacturing	--	--	--
Education / Religion	P	P	P
Hospitality (hotels, motels)	--	--	--
Civic Uses (public)	C	P	P

P – Permitted

-- – Not Permitted

C – Conditional

BASIS OF RECOMMENDATION:

Staff recommends Limited Office – Mixed Use – Conditional Overlay – Neighborhood Plan (LO-MU-CO-NP) combining district zoning. Conditional Overlay for a 25 foot setback from the south property line, a limit of two driveways on Riverside Farms Road, and a limit of 2,000 vehicle trips per day.

Staff's recommendation supports the extensive outreach and discussions in good faith between the applicants and neighbors. The contact team voted to recommend this zoning, with the first two conditional overlays specified above (the third CO for a limit of 2,000 trips was not added until the NTA memo was complete, after these discussions). The applicant

agreed, with a reminder of their original request, and that they would not accept any lower zoning or the imposition of additional conditions. This proposed zoning would also accommodate most of the contemplated development scenarios, such as multifamily or office.

The first basis of the recommendation is that zoning should allow for reasonable use of the tract. As stated previously, the property is split zoned, and only the front 150 feet is zoned ERC. With two very different sets of entitlements on the entire property (ERC-UR on the front and SF-2 on the back), site development would be extremely difficult. Although some of these challenges will still be present, staff supports a rezoning which will at least bring the two sets of standards closer together. As shown in Table 1 above, LO-MU has many similarities with ERC-UR.

The second basis is that zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities. East Riverside Drive is a major arterial roadway, and zoning should allow for taller buildings and more intensive zoning along the roadway, and transition to the neighborhood behind. The proposed rezoning grants more entitlements to the tract, and the two conditions – a limit of two driveways on Riverside Farms Road, and a rear setback of 25 feet will alleviate impacts to the neighborhood to the south.

The third basis is that the proposed zoning should satisfy a real public need and not provide special privilege to the owner. The proposed zoning would result in a much more developable piece of land, which may become much needed multifamily housing, an office / employment center, or a memory care center, all of which would be considered desirable uses in the context of the neighborhood.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-2-NP	Vacant
North	ERC – Urban Residential, then E Riverside	Vacant, then E Riverside
South	SF-2-NP	Single Family
East	Riverside Farms Rd, then ERC- Neighborhood Mixed Use	Riverside Farms Rd, then Congregate Living (Children's Home)
West	ERC	Pet Services (Animal Daycare)

NEIGHBORHOOD PLANNING AREA: Pleasant Valley

TIA: Not required

WATERSHED: Country Club West

OVERLAYS: Scenic Roadways (Riverside Drive)

SCHOOLS: Allison Elementary, Martin Middle School, Eastside Memorial High School at Johnston

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District
 Austin Innercity Alliance
 Austin Neighborhoods Council
 Bike Austin
 Crossing Gardenhome Owners Assn (The)
 Del Valle Community Coalition
 East Austin Conservancy
 East Riverside / Oltorf Neighborhood Plan
 East Riverside Corridor Staff Liaison
 Friends of Austin Neighborhoods

Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Pleasant Valley
 Preservation Austin
 Riverside Farms Road Neighborhood Assn
 Seltexas
 Sierra Club, Austin Regional Group
 Southeast Austin Neighborhood Alliance
 Tejana Bilingual Community

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0113 Pleasant Valley Neighborhood Plan Rezoning – City Initiated	Neighborhood Plan	06-13-06 – Apvd Staff Rec with conditions	11-16-06 – Apvd Neighborhood Plan
C14-2012-0111 East Riverside Corridor (ERC) Regulating Plan	ERC Zoning, land use recs of ERC Master Plan	10-23-12 – Apvd ERC zoning, with conditions	05-09-13 – Apvd ERC with conditions on 3 rd reading

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
NPA-2012-0021.02 East Riverside Corridor Regulating Plan (EROC NPA)	Neighborhood Plan Amendment (NPA) to change the use to Specific Regulating District	10-23-12 – Apvd NPA for ERC zoning districts	05-09-13 – Apvde with conditions on 3 rd reading

RELATED CASES:

The subject tract is part of the Pleasant Valley Neighborhood Plan, approved in 2006. The Neighborhood Plan ordinance does not call out the subject tract for any special regulations.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classificati on	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Riverside Farms	32'	23'	local	no	no	yes

OTHER STAFF COMMENTS:Comprehensive Planning

See staff report for related Neighborhood Plan Amendment (NPA-2018-0021.03).

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to maps there is a Critical Water Quality Zone within or adjacent to the project location.

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

Some 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.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

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

Site Plan

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when a site plan is submitted.

The site is subject to residential compatibility standards along the north and south property lines:

- 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.
- A landscape area at least 25 feet wide is required along the eastern 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.

Transportation

Per LDC 25-6-101 (Ordinance No. 20170302-077), this site may be required to provide mitigation for traffic impact with the zoning application. Please contact Scott James (Scott.James@austintexas.gov) to discuss the required mitigation for this site. A traffic study may be required. (The NTA has been completed, see Exhibit E - SG)

It appears from the TIA determination worksheet that there is proposed access to and from Riverside Dr. No direct access from a lot to a major roadway is permitted on a subdivision plat if the lot has less than 200 feet of frontage on the roadway and alternative access is available. LDC 25-6-381(A). Prohibit access to Riverside Dr.

Riverside Farms requires 50 feet of right-of-way in accordance with the TCM. It is recommended that 25 feet of right-of-way should be dedicated from the centerline of Riverside Farms in accordance with the TCM. LDC 25-6-55; TCM, Tables 1-7, 1-12.

Additional right-of-way maybe required at the time of subdivision and/or site plan.

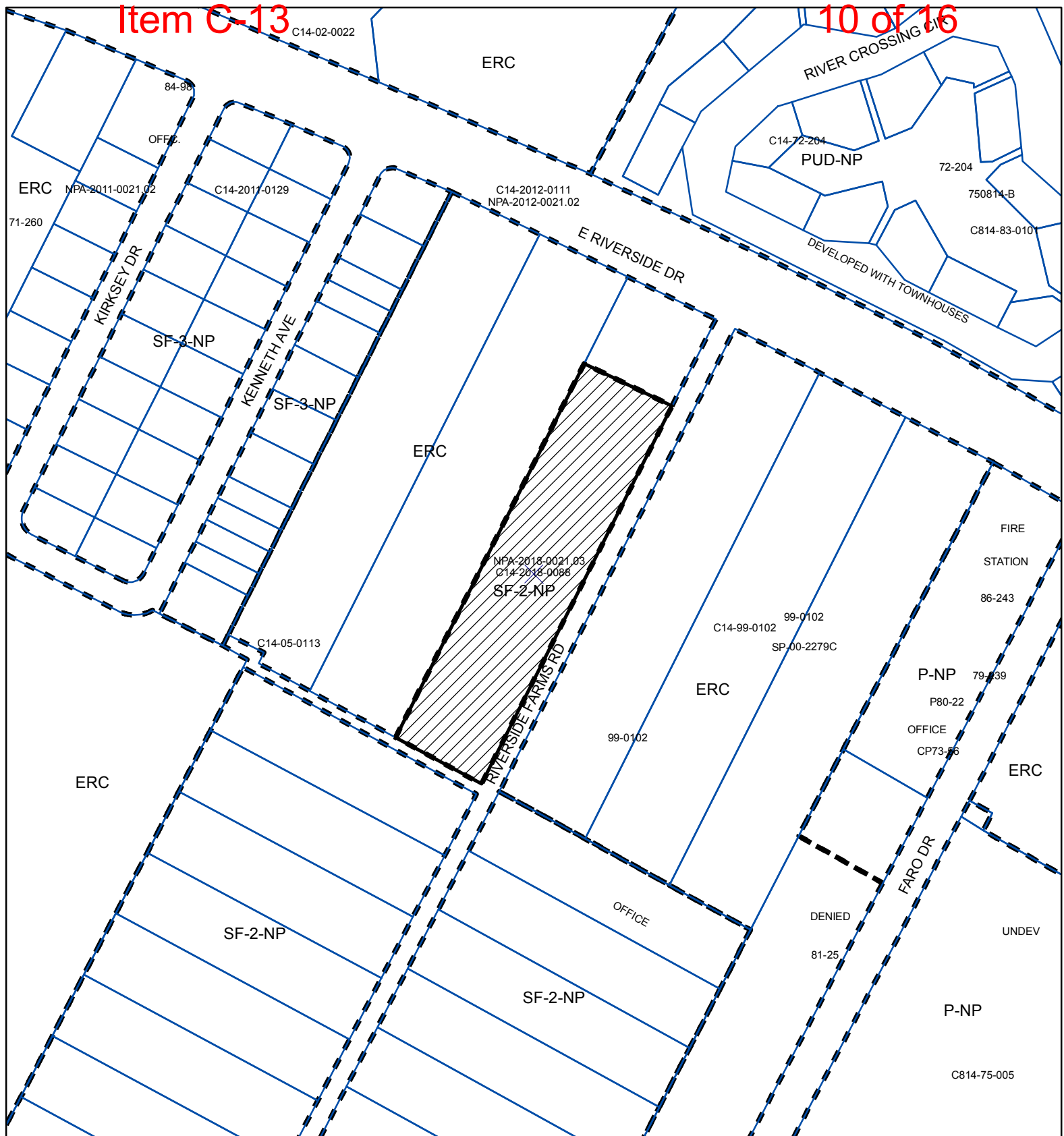
A Neighborhood Traffic Analysis is required for this project. The NTA requires three (3) consecutive 24 hour tube counts, preferably on Tuesday, Wednesday, and Thursday, during a non-holiday week when school is in session. Please contact Scott James (Scott.James@austintexas.gov) or myself to discuss the location of the tube counts. Results will be provided in a separate memo. LDC 25-6-114. Please pay the NTA fees with the Intake staff on the 4th floor. This comment will be cleared once the Memo is approved and the fees are paid. (This comment has been cleared – SG)

Austin Water Utility

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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant Request Letter - Revised
- D. Letter from Neighborhood Plan Contact Team
- E. Neighborhood Traffic Analysis (NTA) Memorandum



ZONING CASE

Zoning Case: C14-2018-0088

EXHIBIT A



SUBJECT TRACT



PENDING CASE



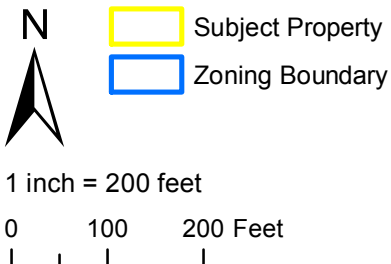
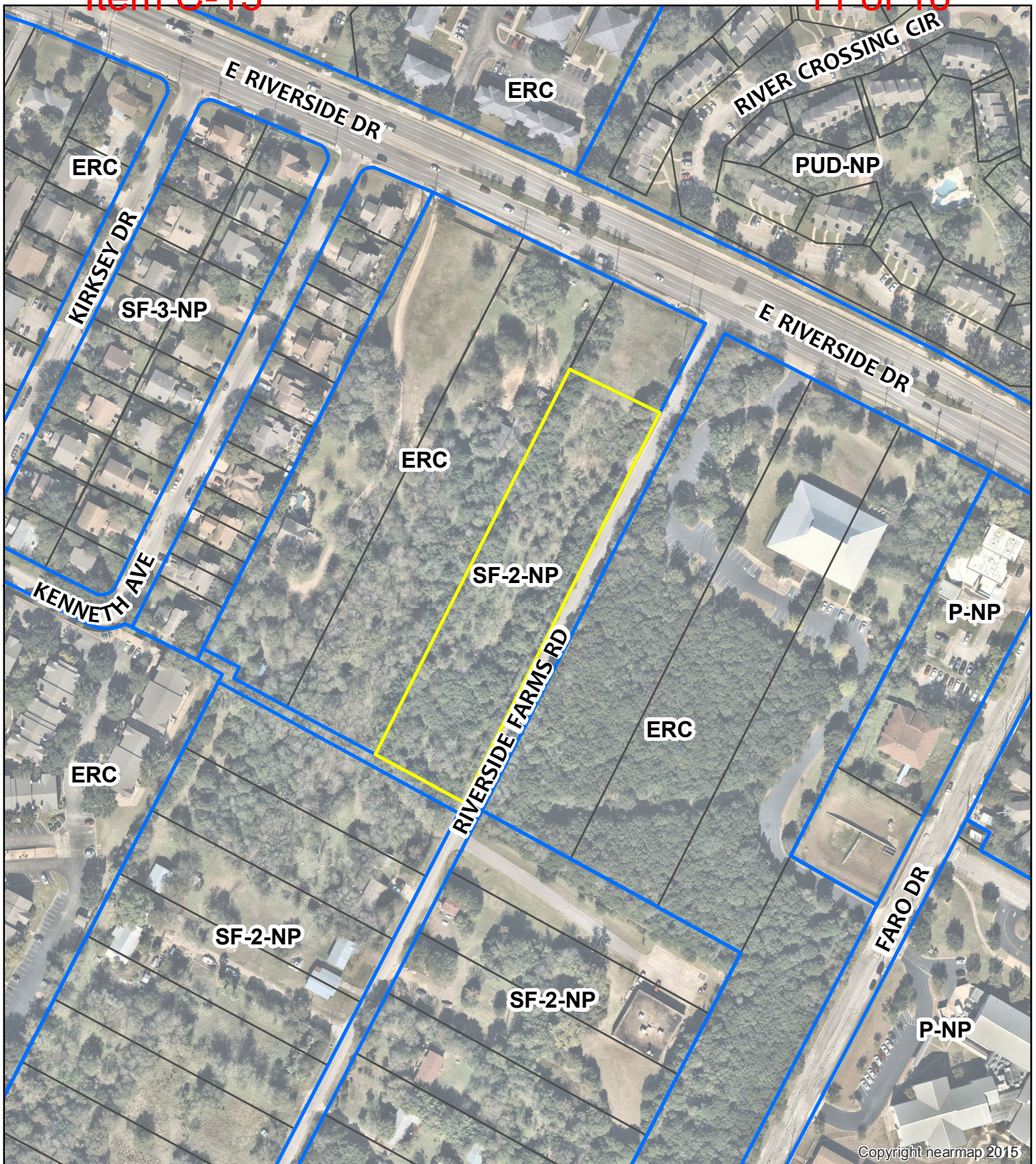
ZONING BOUNDARY

1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





ZONING & VICINITY

Zoning Case: C14-2018-0088
 Address: 5107 E Riverside Drive
 Subject Area: 0.215 Acres
 Case Manager: Scott Grantham

EXHIBIT B

This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



EXHIBIT C

City of Austin
Scott Grantham
505 Barton Springs RD
Austin, Texas 78704

Mr. Grantham,
After meeting with the neighborhood, we respectfully wish to amend the application to read:
LO-MU-CO-NP. The CO shall limit the driveways to TWO on Riverside Farms Rd and provide a 25' set
back the southern narrow portion of the lot.

Respectfully,

Rodney K. Bennett
Bennett Consulting

EXHIBIT D

Grantham, Scott

From: Jan Long
Sent: Thursday, December 06, 2018 7:14 AM
To: Grantham, Scott
Subject: FW: NPA-2018-0021.03

Follow Up Flag: Follow up
Flag Status: Flagged

Scott,

Below is EROC Contact Team vote on Colop preproperty.

From: Malcolm Yeatts <>
Sent: Monday, December 3, 2018 12:28 PM
To: 'Meredith, Maureen' <Maureen.Meredith@austintexas.gov>
Cc: ; 'Toni House' <>
Subject: NPA-2018-0021.03

The Riverside Farms neighborhood has reached an agreement with the owners of the property at 5107 East Riverside Drive concerning the cases NPA-2018-0021.03 and C14-2018-0088. The EROC Contact Team has voted on this agreement, and has approved the following rezoning with Conditional Overlays:

The front 150+ feet parcel is currently zoned ERC-UR and the proposed rezoning is for the back 2.15 acres, currently zoned SF-2-NP. Both parcels are being sold as one property. In order to make the two properties as compatible as possible, a rezoning to LO-MU-CO-NP for the back 2.15 acres has been mutually agreed upon. This rezoning allows for the FAR, the impervious cover, and the height restrictions to be to be equal. Residential use is permitted on both properties, and therefore, they are more easily developed as a single project. The Conditional Overlay limits access points on Riverside Farms Road to 2 entrances and creates a 25-foot setback from the south side of the property to the adjacent residential properties.


Malcolm Yeatts Chair, EROC Contact Team

EXHIBIT E



MEMORANDUM

TO: Scott Grantham, Case Manager
Planning and Zoning Department

FROM:  Mark Kere
Scott A. James, P.E., PTOE
DSD/Land Use Review - Transportation

DATE: January 16, 2019

SUBJECT: Neighborhood Traffic Analysis for Colop 2 (5107 East Riverside Drive)
Zoning Case # C14 – 2018 – 0088

The Land Use Review/Transportation staff has performed a Neighborhood Traffic Impact Analysis (NTA) for the above referenced case and offers the following comments.

The 2.15 acre site is located at 5107 East Riverside Drive in Austin, Texas. The applicant is proposing to change the zoning from SF – 2 – NP to LO – MU – CO - NP to allow for commercial or mixed use development. The subject property is bounded by East Riverside Drive to the north, Riverside Farms Road to the east and single family residential developments to the west. Vehicular access to the site is proposed to and from Riverside Farms Road.

Nearby Roadways

East Riverside Drive is classified as a principal arterial divided roadway with six travel lanes within approximately 119 feet of right of way. The posted speed limit of East Riverside Drive is 35 miles per hour (MPH), in the vicinity of the subject property. There are sidewalks along both sides and transit service is available along the corridor. The City of Austin has identified East Riverside Drive between Interstate 35 and State Highway 71 as a high priority corridor within the 2016 municipal bond proposal. Per LDC 25-6-381, access to East Riverside Drive from this tract is not permitted since alternative access is available to Riverside Farms Road.

Riverside Farms Road is classified as a local roadway with approximately 23 feet of pavement within 32 feet of right-of-way. The posted speed limit is 30 MPH and there are no sidewalks on either side of the roadway.

Trip Generation and Traffic Analysis

The City Council may deny an application if the neighborhood traffic analysis demonstrates that the traffic generated by a project combined with existing traffic, exceeds the desirable operating level established on a residential local or collector street in the study area.

Based on the Institute of Transportation Engineer's publication Trip Generation Manual, 10th Edition, a total of 65,550 SF of medical office would generate approximately 2,433 daily trips (summarized in Table 1 below). This is the assumed maximum density allowed in the zoning category requested.

Table 1 – Trip Generation Estimates					
TRACT NUMBER	TRACT ACRES	INTENSITY	ZONING	LAND USE	TRIPS PER DAY
1	2.15	65,550 SF	LO – MU – CO – NP	Medical Office	2,433
				Total*	2,000*

*Applicant agrees to a conditional overlay limiting this development to fewer than 2,000 daily trips.

The site traffic will use Riverside Farms Road for access. Table 2 presents the expected distribution of the trips to and from the site:

Table 2 – Trip Distribution Percentages		
Street	Inbound	Outbound
Riverside Farms Road	50% (1000 vpd)	50% (1000 vpd)

According to the traffic data collected during the days of December 4 to December 6, 2018, the current average daily volume on Riverside Farms Drive is 343 vehicles per day. As shown in Table 3 below, the projected daily trips from the site development would increase the observed volumes on Riverside Farms Road by up to 683%.

Table 3 – Estimated increase in daily traffic volumes				
Street	Existing Traffic (VPD)	Site Traffic (VPD)	Total Traffic (VPD)	Percentage Increase
Riverside Farms Road	343	2,000	2,343	683%

According to Section 25 – 6 – 116 of the Land Development Code, neighborhood residential streets are operating at a desirable level of congestion if the daily volumes do not exceed the following thresholds:

Pavement Width	Vehicles Per Day
Less than 30'	1,200
30' to less than 40'	1,800
40' or wider	4,000

Conclusion and Recommendations

The estimated number of daily trips generated by this site, in combination with the existing traffic on Riverside Farms Road exceeds the thresholds set forth in the LDC 25 – 6 – 116. Therefore, mitigation of the site traffic is required. Staff recommends approval of this zoning application subject to the following conditions:

- 1) Prior to the 3rd reading of City Council, the applicant shall dedicate up to 25 feet of right-of-way along Riverside Farms Road, as measured from the existing centerline, in accordance with the LDC 25 - 6 – 55 and Table 1-7 of the Austin Transportation Criteria Manual.
- 2) At the time of the site plan application, the applicant shall reconstruct Riverside Farms Road <along the property frontage from the southern property line to East Riverside Drive> to the standards set forth in the Transportation Criteria Manual, including minimum pavement width, sidewalks and curb and gutter. These improvements shall be subject to the City of Austin policy of rough proportionality.
- 3) East Riverside Drive has been identified in Austin's Corridor Mobility Program from the 2016 municipal bond improvements. At the time of the site plan application, the site shall comply with the identified improvements in the Austin's Corridor Mobility Program for East Riverside Drive's ultimate cross-section. Additional right-of-way dedication may be required in accordance with the approved Corridor.
- 4) This NTA memorandum findings are based upon a conditional overlay limiting this development to fewer than 2,000 daily trips. Development of this property should not vary from the approved uses, nor exceed the approved intensities and estimated traffic generation assumptions within this NTA staff memorandum, including land uses, trip generation, trip distribution and access, traffic controls and other identified conditions.
- 5) The findings and recommendations of this NTA memorandum remain valid until January 16, 2024, after which a revised NTA or addendum may be required.

If you have any questions or require additional information, please contact me at (512) 974 – 2208.



Scott A. James, P.E., PTOE
Development Services Department