

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-10
AGENDA DATE: Thu 01/29/2004
PAGE: 1 of 1**

SUBJECT: C14-03-0154.SH - Steiner Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7300-7320 Riverside Drive and 900 Bastrop Highway (Carson Creek Watershed) from townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO) combining district zoning, multi-family residence medium density-conditional overlay-neighborhood plan (MF-3-CO) combining district zoning, and general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to single-family residence small lot (SF-4A) district zoning. Planning Commission Recommendation: To be considered by the Commission on January 13, 2004. Applicant: Robert Steiner. Agent: Minter, Joseph, and Thornhill, P.C. (John Joseph, Jr.). City Staff: Annick Beaudet, 974-2975.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0154.SH

PC DATE: December 23, 2003
January 13, 2004
January 27, 2004

ADDRESS: 7300-7320 Riverside Drive and 900 Bastrop Highway

OWNER/APPLICANT: Robert Steiner

AGENT: Minter, Joseph, and Thornhill, P.C. (John Joseph, Jr.)

<u>ZONING FROM:</u>	Tract 1: SF-6-CO-NP	<u>TO:</u>	Tract 1: SF-4A	<u>AREA:</u>	Tract 1: 37.09 acres
	Tract 2: MF-3-CO-NP		Tract 2: SF-4A		Tract 2: 28.37 acres
	Tract 3: CS-CO-NP		Tract 3: SF-4A		<u>Tract 3: 26.15 acres</u>
					Total = 91.61 acres

SUMMARY STAFF RECOMMENDATION):

Staff's alternate recommendation is to recommend single family residence small lot-neighborhood plan combining district (SF-4A-NP) for Tract 1 and 2 and to recommend denial of SF-4A district zoning for Tract 3.

PLANNING COMMISSION RECOMMENDATION:

December 23, 2003: Postponed to January 13, 2004. (staff's request)
January 13, 2004: Postponed to January 27, 2004. (applicant's request)
January 27, 2004:

ISSUES:

As of January 21, 2004 staff has not received information from the applicant that would allow the neighborhood plan amendment associated with Tract 3 of this rezoning case to be accepted out of cycle (the regular neighborhood plan amendment open period for this area is July, 2004).

The applicant is in partial agreement with the staff's alternate recommendation. The applicant does not agree with the staff recommendation for Tract 3, but does agree with the staff recommendation for Tracts 1 and 2.

Currently, new residential and/or school development is prohibited in the Airport Overlay Buffer Zone Three (AO-3) (LDC 25-13-45), with certain exceptions including one for areas that had an adopted neighborhood plan-combining district on December 31, 2001. The subject tract is located in such an area, and therefore meets the criteria of being exempt from the prohibition of residential and school uses via 25-13-45(B)(3). However, it is staff's recommendation to not recommend new residential development for Tract 3 of the property (26 of 91 acres) as the Montopolis Neighborhood Plan, as adopted, acknowledged the Airport Overlay Buffer Zones and did not allow residential uses in the AO-3 zone (therefore, a neighborhood plan amendment is required). It is the intent of the neighborhood plan to not permit residential or school uses within the AO-3 zone as the adopted Future Land Use Map (FLUM) shows only industrial, commercial, and public uses permitted in the AO-3 zone.

While staff recognizes that certain exceptions do exist to the prohibition of new residential and/or school uses within the AO-3 zone (with restrictions that mandate noise mitigation), the nuisances, noise and adverse affects created by the airport would still exist. The purpose of the Airport Hazard and Compatible Land Use ordinance, which is authorized by the Texas Local Government

Code Chapter 241, is to protect the public investment in the airport by acknowledging its need to expand, and protecting the community from the adverse health, welfare, and safety affects created by airports. The creation of the AO-3 buffer zone was to prevent the introduction of new non-compatible residential and school uses in and around high noise areas near the airport. According to the Aviation department, not only does the AO-3 buffer zone protect the airport from future non-compatible development, it likewise protects neighborhoods from aircraft noise. The AO-3 buffer zone is necessary to protect the future development of the airport, as by the year 2020 the airport forecasts 372,670 annual aircraft operations, compared to 219,000 annual aircraft operations in the year 2002.

In the summer the 2001 the Planning Commission and City Council considered a similar rezoning case (the subject property was located in the Airport Overlay Zone Two (AO-2) and Three (AO-3). In this case, the subject tract was also exempt from the prohibition of new residential and school uses (with restrictions that mandate noise mitigation). The staff recommended against the requested residential zoning (SF-3) that would have increased the density/number of residential that could be built. The Planning Commission and City Council both agreed with the staff and denied the requested SF-3 zoning; setting precedent in upholding the intent of the Aviation Ordinance.

DEPARTMENT COMMENTS:

If the Commission or the City Council wishes to rezone this property to a new zoning district the neighborhood-combining district (NP) should be added so that the property remains within the boundaries of the neighborhood plan-combining district (NPCD).

On December 18, 2003, a meeting was organized by the Neighborhood Planning and Zoning Department (NPZD) inviting the Montopolis Neighborhood Planning Team members, neighborhood association leaders, and property owners within 300 feet of this tract to hear a presentation from the applicant regarding the applications for a plan amendment and rezoning. The goal of this meeting was to get a letter from the Planning Team expressing support or lack of support for the proposal. Nine members of the Montopolis community attended the meeting and they expressed the need for a subsequent meeting in order to be able to make a recommendation for Tract 3. They requested that a representative of the proposed builder be present to answer specific questions about the homes to be built. The agent for the applicant agreed to facilitate such a meeting sometime before the January 27, 2004 Planning Commission hearing.

The S.M.A.R.T Housing Certification letter (Exhibit B) for Tracts 1 and 2 but not 3, states that the applicant is proposing 255 residential units for Tracts 1 and 2 combined. With a rezoning to SF-4A for Tracts 1 and 2 as recommended by staff, approximately 594 units could be built (gross amount would be 792; staff estimated a 25% loss in units once roads, easements, and impervious cover are accounted for). The proposed housing units appear possible without the rezoning of Tract 3 located in the Austin-Bergstrom Airport Overlay Buffer Zone (AO-3). The applicant's agent has indicated that the rezoning of Tract 3 is for a future phase of development.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-6-CO-NP, MF-3-CO-NP, CS-CO-NP	Undeveloped
<i>North</i>	LI-NP, P-NP	Manufactured home sales, manufactured home residences
<i>South</i>	CS-MU-NP, CS-CO-NP	Warehouses, undeveloped
<i>East</i>	CS-CO	Undeveloped
<i>West</i>	SF-3-NP, SF-2-NP	Undeveloped, mobile home residences

AREA STUDY: Montopolis Neighborhood Plan, Austin-Bergstrom Airport Overlay Study

TIA: Waived

WATERSHED: Carson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No.

HILL COUNTRY ROADWAY: No.

NEIGHBORHOOD ORGANIZATIONS:

Montopolis Area Neighborhood Improvement Council
 Southeast Austin Neighborhood Alliance
 Crossing Gardenhome Owners Assn. (The)
 Terrell Lane Interceptor Assn.
 Greater East Austin Neighborhood Assn.
 Barton Springs/ Edwards Aquifer Conservation Dist.
 El Concilio, Coalition of Mexican American Neigh. Assn.
 Austin Neighborhoods Council
 Montopolis Area Neighborhood Alliance
 PODER People Organized in Defense of Earth & Her Resources

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-01-0060 Montopolis Neighborhood Plan (MNP)	Tract 47 (subject property): Applicant in negotiations w/City of Austin, zoning staff recommendation pending further research.	7-31-01: For Tract 47 to recommend staff future land use map recommendation which would allow for a mix of commercial, office, single family and multifamily uses.	9-27-01: To approve plan with changes, excluding Tract 47. Vote: 6-1, RA-No.
C14-01-0010	SF-2 to MF-3-CO, CS-CO	Aug 6, 2002: To grant MF-3-CO-NP for Tracts 1 and 2 w/conditions and CS-CO-NP w/conditions.	11-21-03: To Approve SF-6-CO (Tract 1), MF-3-CO (Tract 2), CS-CO (Tract 3)

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
US Hwy 183	Varies	Varies	Major Arterial	N/A
E. Riverside Dr.	Varies	2 @ 30'	Arterial	13,280
Frontier Valley Dr.	60'	40'	Collector	3,500

CITY COUNCIL DATE: January 29, 2004

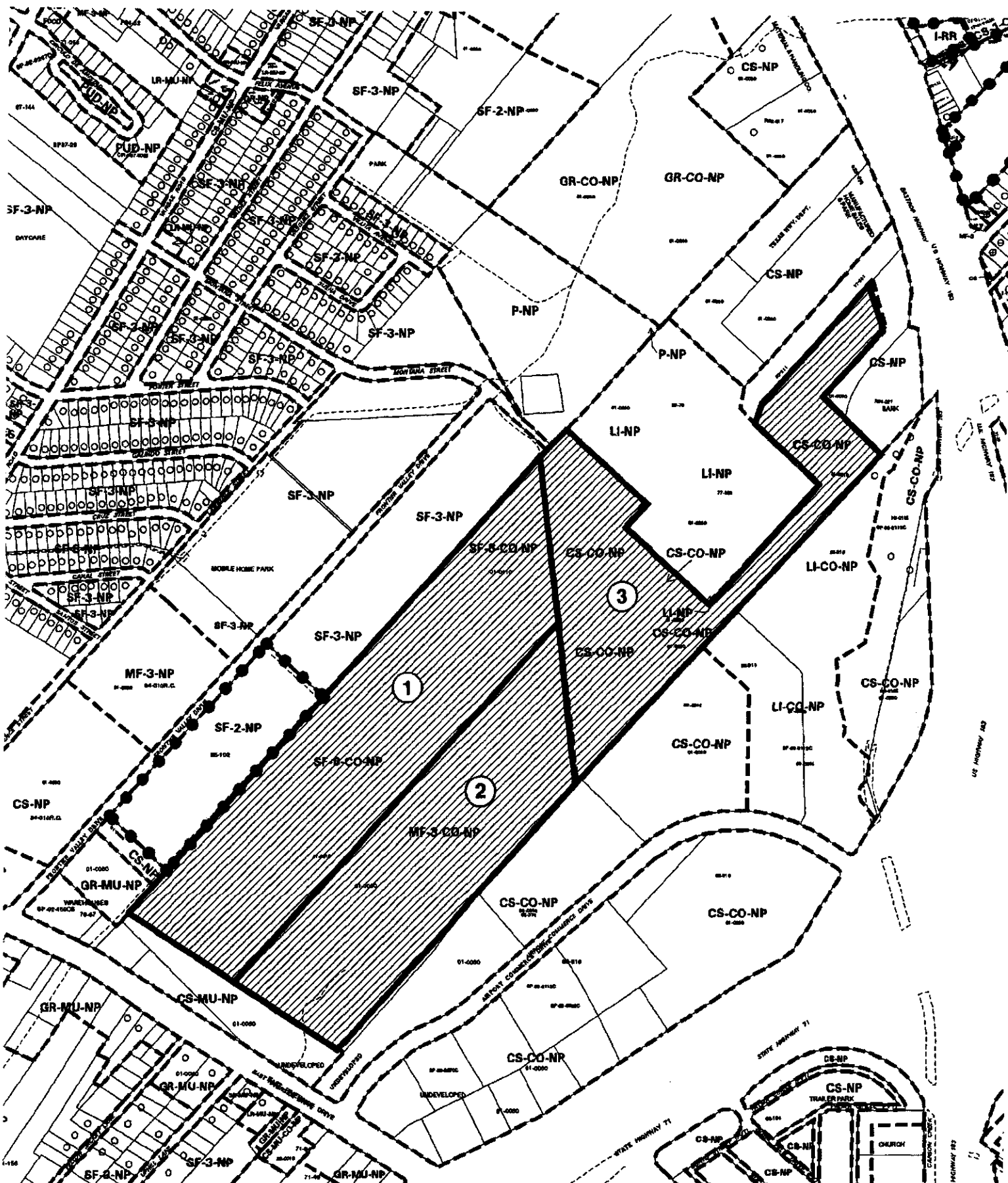
ACTION: January 15, 2004: To postpone to January 29, 2004. (Vote: 6-0, McCracken off dais)

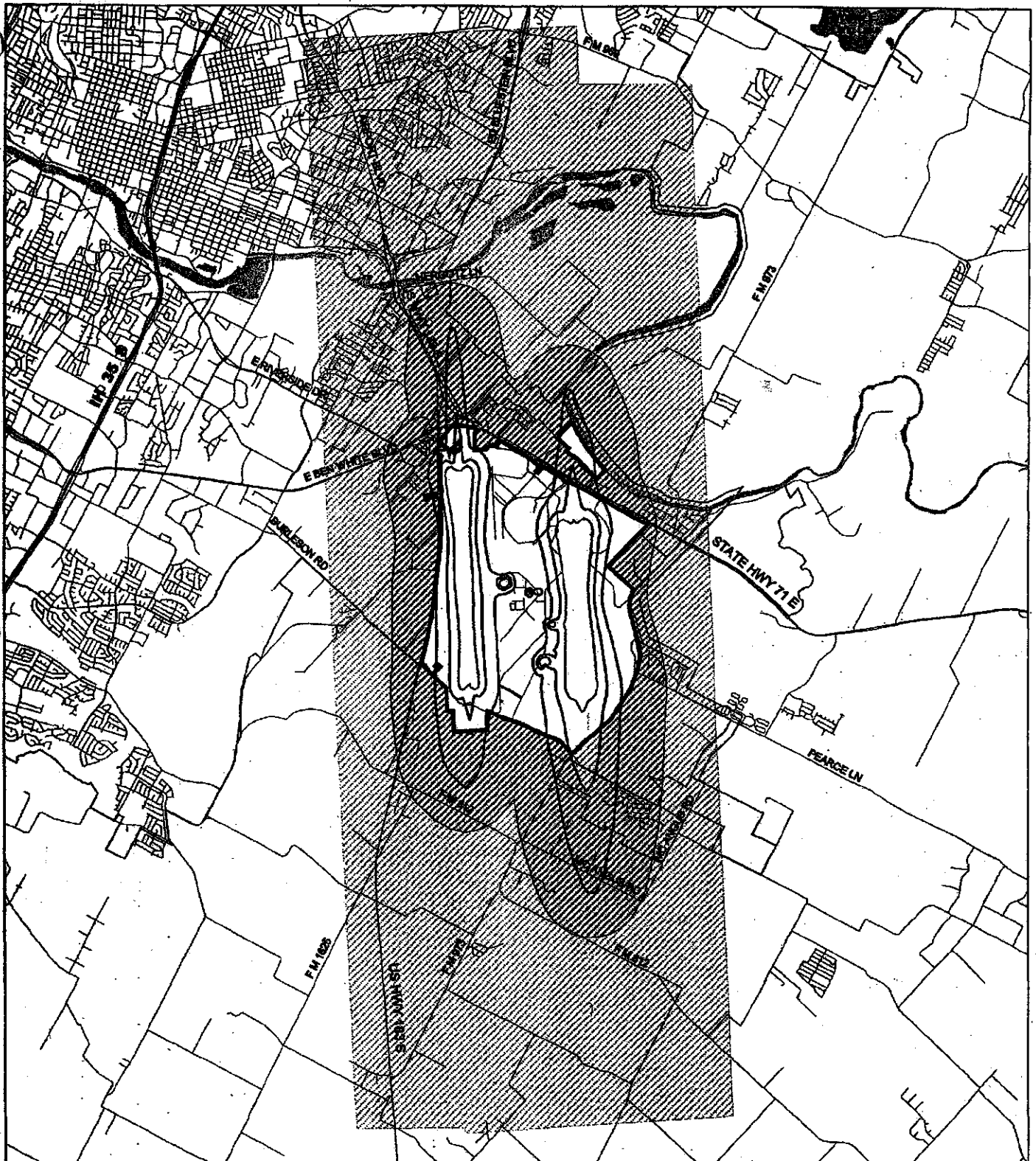
ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Annick Beaudet

PHONE: 974-2975





**Austin-Bergstrom
International Airport**

**Controlled Compatible
Land Use Area**

Produced by: Infrastructure
Support Services



Date Plotted: August 16, 2001

- Airport Overlay Zone AO-1
- Airport Overlay Zone AO-2
- Airport Overlay Zone AO-3
- Controlled Compatible Land Use Area

City Of Austin

- 65 DNL Contour
- 70 DNL Contour
- 75 DNL Contour
- Airport Property Boundary

Airport Overlay

SUMMARY STAFF RECOMMENDATION:

Staff's alternate recommendation is to recommend single-family residence small lot-neighborhood plan combining district (SF-4A-NP) for Tract 1 and 2 and to recommend denial of SF-4A district zoning for Tract 3.

BASIS FOR RECOMMENDATION

1. Zoning should be consistent with an adopted area study or neighborhood plan.

The rezoning request for Tract 3 is not consistent with an adopted Neighborhood Plan and the Aviation Ordinance. The goals of the Montopolis Neighborhood Plan recommends a mix of housing opportunities and home ownership opportunities and to "ensure compatibility and encourage a complimentary relationship between adjacent land uses". However, the recommendation against new housing in the AO-3 zone upholds the Aviation Ordinance (airport area study) by protecting the general health, welfare, and safety of residents of the City of Austin by not subjecting them to the possible nuisances of airport noise and by protecting the public investment in the airport by not hindering future expansion of the airport as forecasted for the year 2020 (see Issues section of this report).

2. Zoning should promote compatibility with nearby and adjacent uses, promote and orderly relationship among land uses, and provide a transition between zoning districts and development intensities.

The proposed SF-4A district zoning for Tract 3 is not compatible with the adjacent land to north zoned LI-NP and shown as proposed for future industrial uses via the FLUM. The existing CS-CO zoning provides a transition of zoning intensities between the proposed SF-4A zoning and existing LI-NP zoning.

Staff' support of SF-4A for Tract 1 and 2 is because the area is compatible with the surrounding mixed use, single-family, and commercial zoning and uses.

3. The proposed zoning should be consistent with the purpose statement of the district sought.

The SF-4A district purpose is for the designation of "moderate density single family residential use on a lot that is a minimum of 3,600 square feet... and is subject to development standards that maintain single family neighborhood characteristics." Tracts 1 and 2 meet this purpose statement in that they are located within the urban core and in an area with an adopted neighborhood plan where consensus was reached on the desire for residential uses on these tracts. Tract 3 does not meet this purpose statement by being located within the AO-3 buffer zone where new residential uses are currently prohibited (unless criteria for exemption are met) and by being situated adjacent to land zoned LI-NP and designated as such via the FLUM adopted by City Council. Even though Tract 3 may qualify for exemption from the prohibition against residential uses in the AO-3 zone, development on Tract 3 will still be subject to aircraft overflights and aircraft-generated noise.

However, Tract 3 does however meet the purpose statement of the existing zoning. The CS-CO-NP, General Commercial Services-Conditional Overlay-Neighborhood Plan, district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible

with a residential environment. Tract 3 is adjacent to industrial and commercial districts with access located on a major highway (Bastrop Highway/US 183) and therefore would not likely contribute to degradation to any nearby residential areas. In addition the CO, Conditional Overlay, further restricts the man made boundary of the 138,000 KV Electrical Transmission Line by providing an additional 100 foot buffer between the residential zoning to the south (area now proposed for SF-4A zoning) and the Transmission Line, further contributing to the compatibility between the residential and commercial zones.

4. Zoning should promote clearly identified community goals including employment opportunities and providing for affordable housing.

Staff supports the rezoning of Tracts 1 and 2 based on the certification of these Tracts for the City S.M.A.R.T Housing program, which guarantees affordable housing opportunities. Tract 3 is not certified as S.M.A.R.T housing and should not be certified as such based on the AO-3 zone (see attached Memorandum of Understanding, Exhibit A).

5. Residential land use should not be located adjacent to property zoned and/or used for industrial uses or planned for future industrial use per a Neighborhood Plan FLUM. Tract 3 was zoned CS-CO and designated for commercial land use on the Montopolis FLUM to create a buffer between the residential zoning and land use designation to the south and the industrial land use designation to the north.

EXISTING CONDITIONS

Site Characteristics

The subject tract is undeveloped.

Impervious Cover

The maximum impervious cover allowed by the SF-4A zoning district would be 65%. The site is not located over the Edward's 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%

Note: The most restrictive impervious cover limit applies.

Environmental

According to flood plain maps, there is floodplain within, or adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

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

At this time, site specific information is unavailable regarding existing trees and 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.

Transportation

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

The trip generation under the requested zoning is estimated to be 10,627 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

The traffic impact analysis for this site was waived because the trip generation under the requested zoning results in a reduction of trips per day based on the trip generation under the existing zoning, which is estimated to be 58,440 trips per day.

There are existing sidewalks along East Riverside Drive.

Capital Metro bus service is available along East Riverside Drive.

East Riverside Drive is classified in the Bicycle Plan as a Priority (*) bike route.

Water and Wastewater

The landowner intends to serve the site and each lot with City water and wastewater utilities. Water and wastewater utility improvements, offsite main extension, and system upgrades are required. The landowner will be responsible for all costs and providing. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

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.

Compatibility Standards

The proposed zoning case does not trigger compatibility standards.

DEPARTMENT COMMENTS:

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The S.M.A.R.T Housing Certification letter (Exhibit B) for Tracts 1 and 2 but not 3, states that the applicant is proposing 255 residential units for Tracts 1 and 2 combined. With a rezoning to SF-4A for Tracts 1 and 2 as recommended by staff, approximately 594 units could be built (gross amount would be 792; staff estimated a 25% loss in units once roads, easements, and impervious cover are accounted for). The proposed housing units appear possible without the rezoning of Tract 3 located in the Austin-Bergstrom Airport Overlay Buffer Zone (AO-3). The applicant's agent has indicated that the rezoning of Tract 3 is for a future phase of development.



Exhibit A
page 1 of 2

MEMORANDUM

TO: Paul Hilgers, Community Development Officer
Alice Glasco, Director of Neighborhood Planning and Zoning

FROM: Jim Smith, Executive Director of Aviation

DATE: April 24, 2001

SUBJECT: Montopolis Neighborhood Plan and Airport Compatible Use Zoning

The memorandum shall confirm our agreement and understanding concerning the staff position on the Montopolis Neighborhood plan that will be presented to the Planning Commission on May 1, 2001.

The Aviation Department will be shortly bringing forward a new Airport Compatible Land Use Overlay Zoning Ordinance that will establish a revised overlay zone extending out one half mile from the 65 DNL contour in all directions. Given the close proximity to the airport, aircraft flight tracks, and noise levels, residential uses are prohibited in the overlay zone. This zone includes part, but not all, of the area covered by the proposed Montopolis Neighborhood plan. Also within that area of Montopolis affected by the proposed Airport overlay zone are a 100 foot wide electric utility easement for a 138kV electric transmission line that services AMD and other high technology companies, as well as several natural gas and other pipelines.

Members of our respective departments and other responsible city departments have met to extensively discuss these issues. A consensus was reached that the City staff position would be to support the Department of Aviation, and oppose residential uses in that portion of the area covered by the Montopolis Neighborhood plan affected by the proposed new Airport overlay zone. Under the proposed ordinances, most commercial, industrial, and public uses are permitted.

We ask that you please sign this memorandum in the space below to acknowledge your agreement. Should you have any questions please do not hesitate to call me at 530 7510.

proposed ordinances, most commercial, industrial, and public uses are permitted.

We ask that you please sign this memorandum in the space below to acknowledge your agreement. Should you have any questions, please do not hesitate to call me at 530-7518.



Paul Hilgers
Community Development Officer



Alice Glasco
Director of Neighborhood Planning and Zoning

Cc: Jesus Garza, Stuart Hersch, John Almond P.E.



City of Austin

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

Neighborhood Housing and Community Development Department

Gina Copic, S.M.A.R.T. Housing Program Manager
(512) 974-3180, Fax: (512) 974-3112, regina.copic@ci.austin.tx.us

October 9, 2003

S.M.A.R.T. Housing Certification
Riverside Meadows Subdivision
Centex Homes: John Harris 795-0170

TO WHOM IT MAY CONCERN:

Centex Homes is proposing to develop a 255 unit single-family subdivision located on Riverside Drive between Frontier Valley Drive and Ben White Boulevard in the Montopolis Neighborhood Planning Area. NHCD conditionally certifies that the proposed development meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since 40% of the homes will serve families at 80% Median Family Income (MFI) or below, the development will be eligible for 100% waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council. The expected fee waivers include, but are not limited to, the following:

Zoning Fees	Building Permit
Subdivision Fees	Concrete Permit
Construction Inspection Fees	Electrical Permit
Traffic Impact Analysis Fees	Mechanical Permit
Capital Recovery Fees	Plumbing Permit
Building Plan Review	

Prior to commencement of construction, the developer must:

- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Shirley Muns, Austin Energy, 322-6453).

Before a Certificate of Occupancy will be granted, the development must:

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Note: this inspection is separate from any other inspections required by the City of Austin or Austin Energy).
- ◆ Pass a final inspection by NHCD to certify that Visitability standards have been met.

Please contact me at 974-3180 if you need additional information.

Gina Copic, S.M.A.R.T. Housing Manager
Neighborhood Housing and Community Development Department

Cc:	Javier Delgado, NHCD	Janet Gallagher, WPDR	Steve Barney, NHCD
	Robby McArthur, WWW Taps	Stuart Hersh, NHCD	Ricardo Soliz, NPZD
	Shirley Muns, Austin Energy	Nathan Dorse, Austin Energy	Marzia Volpe, WPDR
	Anthony Fryer, WPDR	Marisol Claudio-Ehalt, WPDR	Steve Rossiter, NPZD
	Jim Lund, PW	Shaw Hamilton, WPDR	

Exhibit B

*The City of Austin is committed to compliance with the American with Disabilities Act.
Reasonable modifications and equal access to communications will be provided upon request.*