

**Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 32
AGENDA DATE: Thu 10/07/2004
PAGE: 1 of 1**

SUBJECT: C14-04-0021 (Part)- Central Austin Combined Neighborhood Plan (West University Neighborhood Rezoning) - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 0 (Lot 5 Olt. 13 Div. E, Lamar Blvd. at W. 19th St.) and 1230-1232 West Martin Luther King Jr. Blvd. (Tract 40), 2209 and 2301 Shoal Creek Blvd. (Tract 44), 2305 and 2307 Longview St. (Tract 49), 2307 (S. 23.3 Ft. of Lot 3 Olt. 37 Div. D Louis Horst Subdivision) and 2309 Rio Grande Street (Tract 80A). The proposed change will create a Neighborhood Plan (NP) combining district. Under the proposed West University NP. "Small Lot Amnesty", "Garage Placement", "Front Porch Setback", "Impervious Cover and Parking Placement Restrictions" and "Front or Side Yard Restrictions" may apply. City Council may approve a zoning change from family residence (SF-3) district zoning, multifamily residence medium density (MF-3) district zoning, and general office (GO) district zoning to family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning, multifamily residence moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning, general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning, general office-neighborhood plan (GO-NP) district zoning, and commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning . First reading on June 10, 2004. Vote: 7-0. Second Reading on August 5, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Mark Walters, 974-7695, and Glenn Rhoades, 974-2775. Note: Valid petitions have been filed in opposition to this zoning request.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0021 (Part)

REQUEST:

Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 0 (Lot 5 Olt 13 Div E Lamar at 19th) and 1230-1232 West Martin Luther King Jr. Blvd. (Tract 40), 2209 and 2301 Shoal Creek Blvd. (Tract 44), 2305-2307 Longview St. (Tract 49) and 2307 (S. 23.3 Ft. of Lot 3 Olt 37 Div D Louis Horst Subd) and 2309 Rio Grande St. (Tract 80A).

DEPARTMENT COMMENTS:

Summary of the contested cases for consideration on October 7, 2004:

Tract 40 – The property is zoned GO and Council voted to rezone the property to GO-NP on second reading. The applicant on this tract wishes to add an MU overlay. The MU overlay was denied by Council at second ordinance reading.

Tract 44 – The property is zoned SF-3 and Council voted to rezone the property to LO-MU-CO-NP on second reading. The conditional overlay limits height on the rear 90 ft. of the tract to no more than 570 ft. above mean sea level; no access to 22nd Street; impervious cover is limited to 75%; and no more than 5,000 square feet of residential is allowed. The applicant is seeking GO-MU-NP

Tract 49 – The property is zoned MF-3 and Council voted to rezone the property to SF-3-CO-NP on second reading. The conditional overlay will the limit height to 30 feet. The applicant is seeking multifamily zoning and would accept MF-1. However, it would require that the FLUM be amended to show multifamily instead of the recommended single-family for this property.

Tract 80A – The property is zoned GO and Council voted to rezone the property to GO-NP on second reading. The applicant wishes to rezone the property to CS-MU-NP.

APPLICANT: City of Austin

AGENT: Neighborhood Planning and Zoning Department

CITY COUNCIL DATE AND ACTION:

June 10, 2004 – Approved on 1st Reading the Planning Commission Recommendation for each of the three neighborhood plan rezoning areas with condition to continue to find resolution to contested rezoning. (VOTE 7-0).

July 29, 2004 – Postponed to 8-12-04.

August 5, 2004 – Approved on 2nd Reading for each of the three neighborhood plan rezoning areas with conditions. (VOTE 7-0). *Schedule 3rd reading for 8-12-04.*

August 12, 2004 – Postponed at the request of Council to August 26 (VOTE 6-0, J. Goodman – off dais).

August 26, 2004 – Approved third reading of the North University NPCD and portions of the West University NPCD and Hancock NPCD. The contested properties will be brought back for final ordinance reading on September 2, 2004. (VOTE: 7-0).

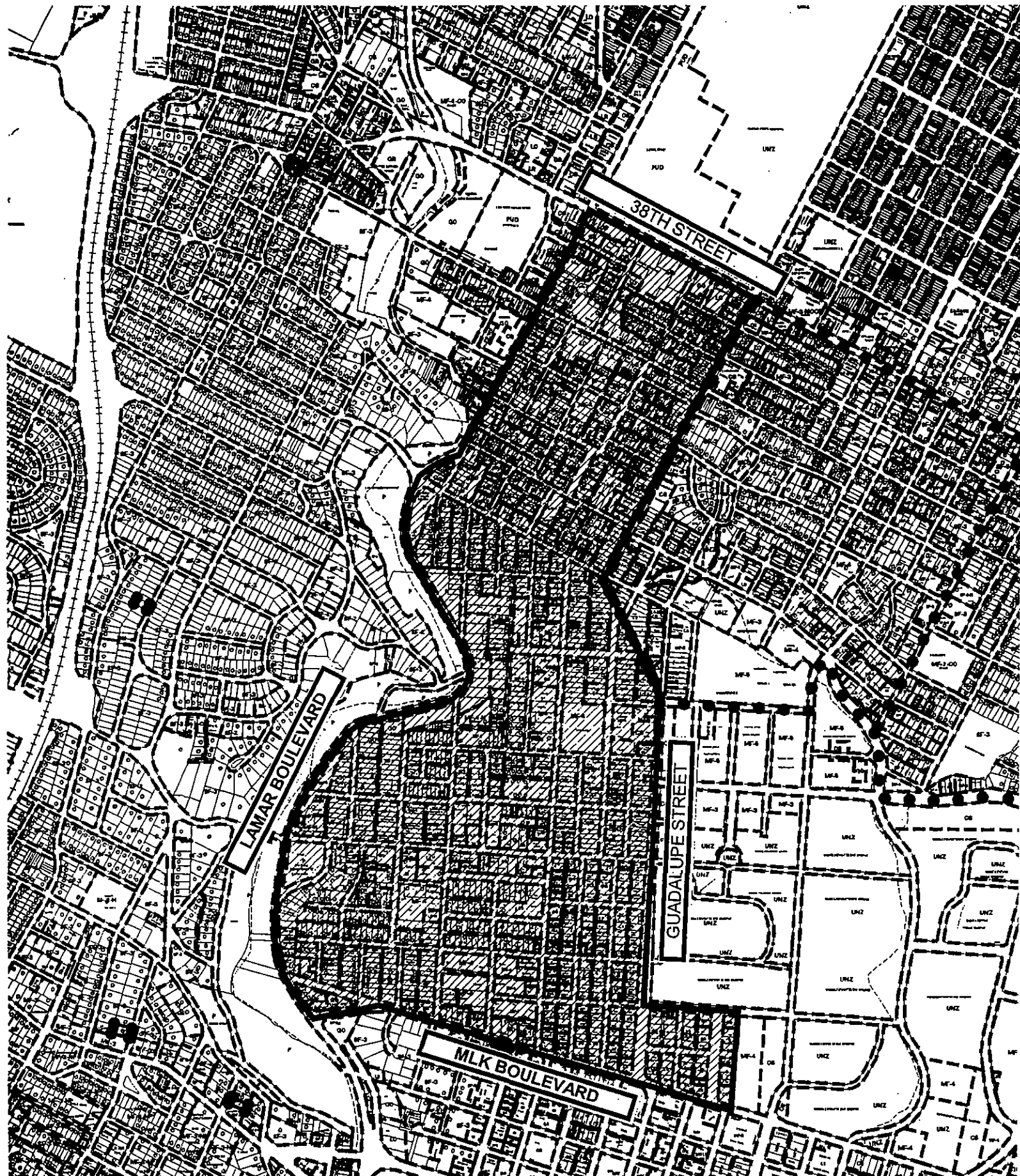
September 2, 2004 – Approved third reading of portions of the West University NPCD and Hancock NPCD. The contested properties will be brought back for final ordinance reading on September 30, 2004 and October 7, 2004. (VOTE: 7-0).


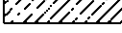


September 30, 2004 – Postponed action on the above contested items until the October 7, 2004 Council hearing (Vote: 7-0).

ASSIGNED STAFF: Glenn Rhoades

PHONE: 974-2775
glenn.rhoades@ci.austin.tx.us





 1" = 1200'	<p> SUBJECT TRACT  PENDING CASE  ZONING BOUNDARY  CASE MGR: G. RHOADES </p>	<p> ZONING CASE #: C14-04-0021 ADDRESS: WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA SUBJECT AREA (acres): 454.740 </p>	<p> DATE: 04-03 INTLS: SN </p>	<p> CITY GRID REFERENCE NUMBER J23-25 H23-2 4 </p>
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ZONING CHANGE REVIEW SHEET

CASE: C14-04-0021 – West University NPCD

P.C. DATE: April 13, 2004
April 27, 2004
May 25, 2004

C.C. DATE: May 6, 2004
June 10, 2004
July 29, 2004
August 5, 2004
August 12, 2004
August 26, 2004
September 2, 2004
September 30, 2004
October 7, 2004

APPLICANT: City of Austin, Neighborhood Planning and Zoning Department (NPZD),
Mark Walters, Thomas Bolt, Jackie Chuter, Laura Patlove

AGENT: City of Austin, Neighborhood Planning and Zoning Department (NPZD),
Glenn Rhoades

NEIGHBORHOOD ORGANIZATIONS:

#25 Eastwoods Association
#31 Hancock Neighborhood Association
#33 Heritage Neighborhood Association
#34 Hyde Park Neighborhood Association
#47 Beau Site Neighborhood
#48 North University Neighborhood Association
#58 Judges' Hill Neighborhood Association
#66 Rosedale Neighborhood Association
#69 University Area Partners
#88 West Austin Neighborhood Group
#113 Wilshire Wood – Dellwood I Neighborhood Association
#141 Cherrywood Neighborhood Association
#142 Five Rivers Neighborhood Association
#156 Brykerwoods Neighborhood Association
#159 North Capitol Area Neighborhood Association
#173 Old Enfield Homeowners Association
#259 Shoal Crest Neighborhood Association
#283 North Austin Neighborhood Alliance
#294 West University Neighborhood
#344 M.K. Hage
#402 Downtown Austin Neighborhood Association
#438 Downtown Austin Alliance
#493 Dellwood Neighborhood Association
#511 Austin Neighborhoods Council
#603 Mueller Neighborhoods Coalition
#609 EYE-H35/Airport Blvd. Neighborhood Association
#623 City of Austin Downtown Commission

#631 Alliance to Save Hyde Park
#644 Pemberton Heights Neighborhood Association
#682 Caswell Pease Neighborhood Association
#687 North Loop Neighborhood Association
#689 Upper Boggy Creek Neighborhood Planning Team
#698 West Campus Neighborhood Association
#700 Keep the Land
#937 Taking Action Inc.
#972 Poder people Organized in Defense of Earth and Her Resources
#981 Anberly Airport Association

AREA STUDY: Central Austin Combined Neighborhood Planning Area

TIA: Is not required

WATERSHEDS: Shoal Creek; Waller Creek;
Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

SCHOOLS:

Lee Elementary School

SUMMARY STAFF RECOMMENDATION:

The proposed zoning change creates a Neighborhood Plan Combining District (NPCD) covering the entire area. In addition to the NPCD, properties within the North University Planning area will also have a Neighborhood Conservation Combining District (NCCD).

PLANNING COMMISSION RECOMMENDATION:

April 27, 2004

MOTION: APPROVE STAFF RECOMMENDATION FOR THE NEIGHBORHOOD PLAN AND ZONING WITH ADDENDA PROVIDED TO THE PLANNING COMMISSION. FOR UNRESOLVED ZONING CASES ASK THAT STAFF CONTINUE TO INITIATE DISCUSSION BETWEEN THE VARIOUS PARTIES AND FIND APPROPRIATE COMPROMISES BEFORE COUNCIL. IF ZONING CASES ARE NOT RESOLVED CLEARLY INDICATE STAFF RECOMMENDATIONS OF THE OWNER OR NEIGHBORHOOD ASSOCIATIONS.

VOTE: 8-0 (MA-1st, DS-2nd, NS recused)

May 25, 2004

MOTION: STAFF RECOMMENDATION FOR WEST UNIVERSITY, EXCEPT RECOMMEND SF-4A for TRACT 133 AND 133A, AND INCLUDE 100 FEET OF NORTH PORTION OF TRACT 1013 (BEND AROUND SHOAL CREEK) WITH RECOMMENDATION OF LO-MU-CO-NP ON TRACT 44.

VOTE: 8-0 (MA-1st, DS-2nd; CG- ABSTAIN)

MOTION: APPROVE STAFF RECOMMENDATIONS FOR NORTH UNIVERSITY NEIGHBORHOOD PLAN, WITH RECOMMENDATION THAT FOR PROPERTIES THAT ARE STILL UNDER NEGOTIATION, EXISTING LEGAL USES SHOULD BE ALLOWED TO CONTINUE UNDER THE PROPOSED ZONING.

VOTE: 7-0 (MA-1st, DS-2nd; NS- RECUSE; CG-ABSTAIN)

CITY COUNCIL DATE: May 6, 2004, June 10, 2004, July 29, 2004, August 26, 2004

ACTION: May 6, 2004 - Postponed by staff, re-notified for June 10, 2004 hearing.

June 10, 2004 – C14-04-0021 - West University NPCD
C14-04-0022 - North University NCCD-NPCD
C14-04-0023 - Hancock NPCD

The public hearing was closed on Council Member McCracken's motion, Council Member Slusher's second on a 7-0 vote. The first reading of the ordinance approving Planning Commission's recommendation on all uncontested zoning tracts was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote. The first reading of the ordinance approving Planning Commission's recommendation on all contested zoning tracts was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

July 29, 2004 - C14-04-0021 - West University NPCD
C14-04-0022 - North University NCCD-NPCD
C14-04-0023 - Hancock NPCD

Second Reading on the North University NCCD was postponed to August 5, 2004 at staff's request on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

Second Reading on the Hancock & West University NPCDs was postponed to August 5, 2004 on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second, on a 7-0 vote.

Approved 2nd reading of the Central Austin Combined Neighborhood Plan on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second, on a 7-0 vote.

August 5, 2004 C14-04-0021 - West University NPCD
C14-04-0022 - North University NCCD-NPCD
C14-04-0023 - Hancock NPCD

Approved 2nd Reading of the zoning cases with changes. [Numerous motions.]

August 12, 2004 C14-04-0021 - West University NPCD
C14-04-0022 - North University NCCD-NPCD
C14-04-0023 - Hancock NPCD

Postponed to August 26, 2004 the third reading of the ordinance for the Central Austin Combined Planning Area and associated zonings in the West University, North University and Hancock Neighborhood Planning Areas on Council Member Dunkerly's motion, Mayor Wynn's second, on a vote of 6-0, with Mayor Pro Tem Goodman off the dais.

August 26, 2004 C14-04-0021 – West University NPCD
 C14-04-0022 – North University NPCD
 C14-04-0023 – Hancock NPCD

Approved the rezonings in the North University NPCD and portions of the West University NPCD and Hancock NPCD. The contested properties will be brought back for final reading on September 2, 2004. Vote: 7-0.

September 2, 2004 C14-04-0021
 C14-04-0023

Approved portions of the West University NPCD and Hancock NPCD. The contested properties will be brought back for final reading on September 30, 2004. Vote: 7-0.

September 30, 2004 C14-04-0021

Approved portions of the West University NPCD and Hancock NPCD. The contested properties will be brought back for final reading on October 7, 2004. Vote: 7-0.

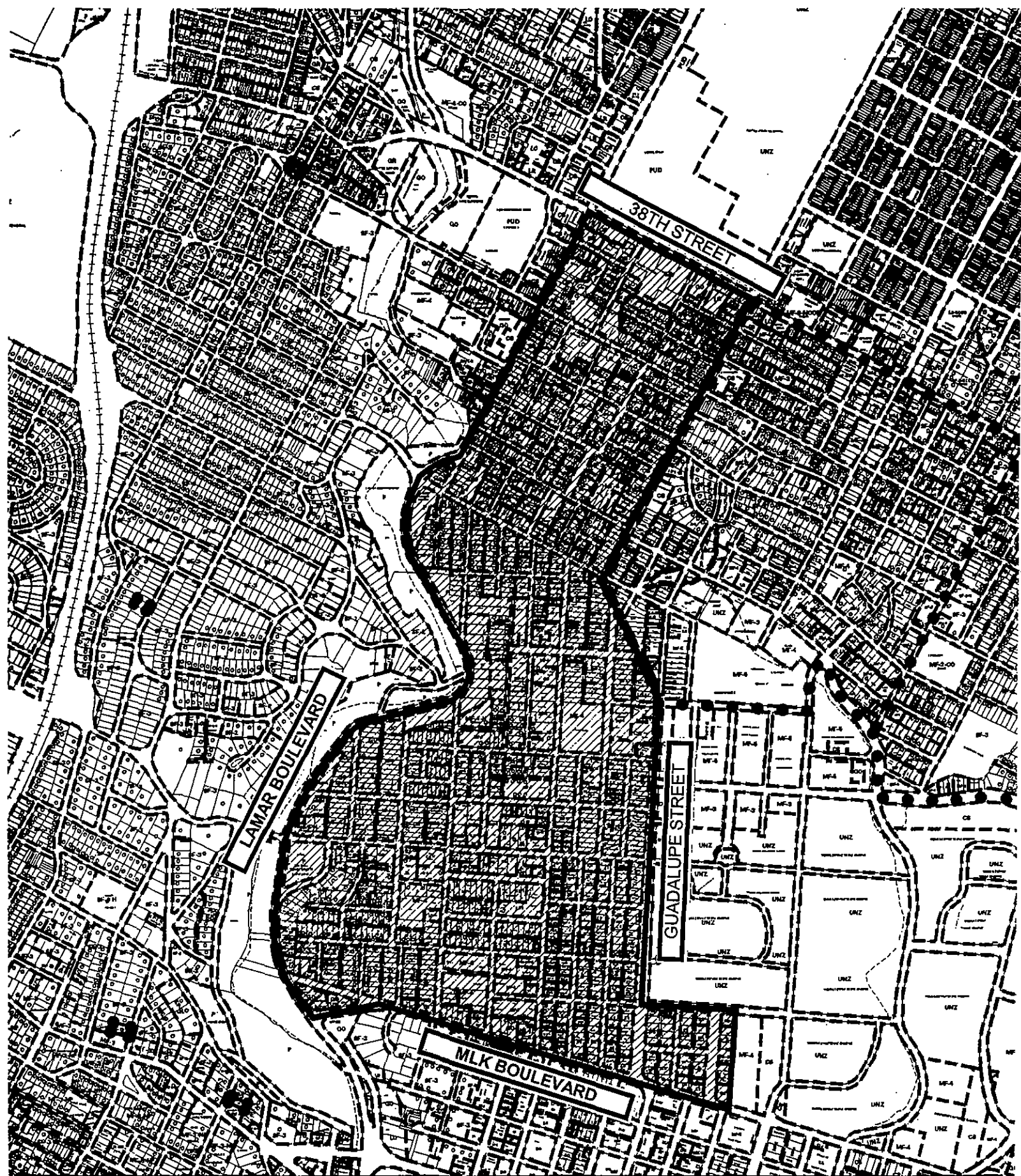
ORDINANCE READINGS: 1st June 10, 2004 2nd July 29, 2004, August 5, 2004 3rd





ORDINANCE NUMBER:

Central Austin Combined Neighborhood Plan
West University Neighborhood Planning Area
North University Planning Area
Hancock Planning Area

CASE MANAGER: Glenn Rhoades

PHONE: 974-2775



 1" = 1200'	SUBJECT TRACT 	ZONING CASE #: C14-04-0021 ADDRESS: WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA SUBJECT AREA (acres): 454.740	DATE: 04-03 INTLS: SN	CITY GRID REFERENCE NUMBER J23-25 H23-2 4
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: G. RHOADES			

STAFF RECOMMENDATION

The proposed zoning change creates a Neighborhood Plan Combining District (NPCD) covering the entire area. Approximately 580 tracts are proposed for a base district rezoning, change in conditional overlay, or the addition of infill options. In addition to the NPCD, properties within the North University Planning area will also have a Neighborhood Conservation Combining District (NCCD). The NCCD contains approximately 250 tracts.

BACKGROUND

At the direction of the Austin City Council, Neighborhood Planning staff began working to develop a combined neighborhood plan for Central Austin in April 2002. The First Workshop was held on December 7th, 2002. Staff, residents, property owners, business owners, and representatives of area institutions have been attending meetings and developing the plan for 18 months.

The plan's goals, objectives, and action items were developed at numerous Central Austin Combined Neighborhood Planning meetings. The Neighborhood Plan will be considered concurrently with the subject rezoning case.

The proposed zoning change creates a Neighborhood Plan Combining District (NP) covering the entire area. The purpose of the NP is to allow infill development by implementing a neighborhood plan that has been adopted by Council as an amendment to the City's Comprehensive Plan. The NP may modify the base district of an individual parcel within the neighborhood to allow for the following special uses and design tools – Small Lot Amnesty; Mixed Use Building; Neighborhood Urban Center; Residential Infill; Cottage; Urban Home; Secondary Apartment; Parking Placement and Impervious Cover Restrictions; Garage Placement; and Front Porch Setback. The North University Planning area has proposed a Neighborhood Conservation Combining District to address the goals and objectives of the plan pertaining to the North University Planning Area. The ability to have mixed use within the planning area has been accommodated in the permitted land use charts contained in the proposed NCCD.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

The staff's basis for recommendation is derived from the goals and objectives for land use as described in the Crestview / Wooten Combined Neighborhood Plan:

Goals – Land Use

- Any new development or redevelopment should respect and complement the single-family character of the neighborhood.
- Preserve and enhance existing neighborhood-friendly businesses and encourage new neighborhood-friendly ones in appropriate locations.
- Enhance the safety and attractiveness of the neighborhoods.
- Maintain and enhance the single-family residential areas as well as existing community facilities and institutions in the Crestview and Wooten neighborhoods.
- Promote enhancement of major corridors by encouraging better quality development and redevelopment and discouraging strip development.

- Promote enhancement of major corridors by encouraging better quality and a mix of neighborhood serving development and redevelopment.
- Target and encourage redevelopment of dilapidated or vacant multifamily structures into quality multifamily.

Objectives – Land Use

- Rezone property as needed to ensure that new development is compatible with the desired residential character of the neighborhood.
- New single-family construction in residential areas should complement, reflect, and respect the vernacular building traditions of single-family houses in the area.
- Promote quality multi-family redevelopment that is compatible with single-family neighborhoods and preserves neighborhood ambience
- Limit new commercial and multi-family spread into the single-family core of the neighborhoods by establishing a perimeter of apartments, offices and commercial uses.

EXISTING CONDITIONS

Zoning and Land Use

<u>Existing Land Use:</u>		<u>Existing Zoning:</u>	
Single Family	39.6 %	Single Family	43 %
Multi Family	24.5%	Multi-Family	28 %
Commercial	10.8%	Commercial	17.5%
Office	5 %	Office	8.8 %
Industrial	9 %	Industrial	0%
Civic	9.8 %	Public	1.6 %
Open Space	9.2 %	Mixed Use	.6%
Utilities	.1 %		
Undeveloped	1.1 %		

Impervious Cover

The maximum impervious cover limits for the proposed zoning districts are as follows:

LI, Limited Industrial Services	80 %
CS, Commercial Services	95 %
CS-1, Commercial – Liquor Sales	95 %
GR, Community Commercial	90 %
LR, Neighborhood Commercial	80 %
GO, General Office	80 %
LO, Limited Office	70 %
NO, Neighborhood Office	60 %
MF-3, Multi-family Residence (Medium Density)	65 %

MF-2, Multi-family Residence (Low Density)	60 %
SF-6, Townhouse & Condominium Residence	55 %
SF-3, Family Residence	45 %
SF-2, Single Family Residence	45 %
P, Public	varies (refer to Land Development Code)

The maximum amount of impervious cover is determined as the more restrictive figure of the zoning district and watershed class.

The Neighborhood Conservation Combining District (NCCD) has established varying impervious cover percentages based on the district in which the property is located. The proposed limits are established in the base zoning district site development regulations for each district contained in the attached NCCD.

Environmental

The neighborhood is not located over the Edwards Aquifer Recharge Zone. The neighborhood is located in the Shoal Creek and Waller Creek Watersheds of the Colorado River Basin, which are classified as Urban Watersheds by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone/ Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

The sites are 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.

According to flood plain maps, there is flood plain within the neighborhood area.

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.

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

Transportation

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Additional right-of-way (ROW) necessary for future roadway improvements within the proposed zoning may be required during the subdivision review process or the site plan review process.

Since the rezoning of this area is being initiated by the City of Austin through the neighborhood planning process and does not reflect a specific development proposal, no trip generation calculations are provided on a tract-by-tract basis for any proposed land uses as would typically be provided.

A Traffic Impact Analysis (TIA) will be required during the site plan review stage for any proposed land use that would generate over 2,000 vehicle trips per day. Additional ROW, participation in roadway improvements, and/or limitation on development intensity may also be recommended based on review of the TIA.

NAME	ROW	PAVEMENT	CLASSIFICATION	SIDEWALKS	CAPITAL METRO ROUTE	BICYCLE PLAN ROUTE
Guadalupe	90'	Varies	Arterial	Varies	N/A	N/A
MLK	80'	Varies	Arterial	Varies	N/A	N/A
Lamar Blvd.	80'	Varies	Arterial	Yes	N/A	N/A
24 th Street	60'	Varies	Arterial	Varies	#19	N/A
29 th Street	60'	Varies	Collector	No	N/A	#40
38 th Street	60'	Varies	Arterial	Varies	N/A	#36
Dean Keaton	Varies	60'	Arterial	Yes	#21, #22	#42
Duval	70'	44'	Collector	Varies	#7, #60	#49
IH-35	Varies	Varies	Arterial	No	#26, #38, #60	N/A
Red River	100'	60'	Arterial	Yes	#7	#51
41 st Street	Varies	Varies	Collector	Yes	N/A	#34
45 th Street	80'	50'	Arterial	Yes	#60	#32

TPSD Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed rezoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The area is served with City water and wastewater utilities. If lot, or tract, or site require water or wastewater utility improvements, offsite main extension, or system upgrades, or utility relocation, or adjustment, the landowner will be responsible for all costs and providing. Also, the 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. The construction must be inspected by the City.

Compatibility Standards

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district/use will be subject to compatibility development regulations.