

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



**AGENDA ITEM NO.: Z-6
AGENDA DATE: Thu 03/09/2006
PAGE: 1 of 1**

SUBJECT: C14-05-0186 - 404 Sterzing - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 404 Sterzing (Town Lake Watershed) from general commercial services (CS) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Marjorie Saad. Agent: John Wooley. City Staff: Robert Heil, 974-2330.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

Note: Because these three cases are so closely related, a single zoning change review sheet has been prepared for all three cases to facilitate discussion.

ZAP Date: February 7, 2006

| CASE | ADDRESS | OWNER | REQUEST | AREA |
|--------------|------------------|----------------|------------------------|--------------------|
| C14-05-0186 | 404 Sterzing | Majorie Saad | CS to CS-CO | 0.510 acres |
| C14-05-0188 | 410-416 Sterzing | Richard Ferris | CS to CS-CO | 0.510 acres |
| C14-05-0189 | 1900 Barton Spgs | John Wooley | CS-CO & LO-CO to CS-CO | 0.960 acres |
| TOTAL | | | | 1.980 acres |

AGENT: John Wooley

STAFF RECOMMENDATION:

Staff recommends general commercial services – conditional overlay (CS-CO) combining district zoning for all three cases. The conditional overlay would limit the maximum daily vehicle trips to less than 2000 per day on each tract.

The applicant has also offered to sign a public restrictive covenant to limit the total vehicle trips from all three sites to less than 2000 per day. Staff supports this covenant.

PLANNING COMMISSION RECOMMENDATION:

February 7, 2006: APPROVED STAFF'S RECOMMENDATION FOR CS-CO DISTRICT ZONING ON ALL THREE CASES; BY CONSENT.
[M.HAWTHORNE, J.PINNELLI 2ND] (6-0) K.JACKSON, J.MARTINEZ, J.GOHIL – ABSENT

DEPARTMENT COMMENTS:

The original application for all three cases was for downtown mixed-use (DMU) district zoning for all three cases. The applications were made prior to the beginning of the Zilker neighborhood plan. Since then Zilker has begun its neighborhood planning process, and the applicant has attended the early meetings. In part based on the results of those meetings, the applicant has formally amended his request to CS-CO on all three cases.

The waterfront overlay allows residential uses as a permitted use in CS districts, and it is the applicants intent to build a mix-use project on these tracts.

The conditional overlay would limit the maximum daily vehicle trips to less than 2000 per day on each property. The applicant has also offered to sign a public restrictive covenant to limit the total vehicle trips from all three sites to less than 2000 per day. Staff supports this covenant.

The original CO on the C14-05-0189 limits the F.A.R. of the property located at 1900 Barton Springs to 0.2:1 (1:5) floor area ratio. (Ordinance 880929-GG), and specifies allowable noise levels at the property line. The allowable floor area ratio under CS zoning is 2:1. The lifting of the restrictive FAR cap will not result in an overdeveloped property, as total development density

will be addressed by the trip limit enforced through the new conditional overlay and the proposed public restrictive covenant. The noise restrictions are now covered by the City of Austin's noise ordinance, and are no longer needed in the conditional overlay.

The site is partially undeveloped, and also contains a bicycle repair shop.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|---------------------|--|
| <i>Site</i> | CS, CS-CO and LO-CO | Undeveloped, Bicycle Repair Shop |
| <i>North</i> | P | Butler Park |
| <i>South</i> | CS | Restaurant, Bicycle Sales, Gas Station |
| <i>East</i> | CS | Restaurants |
| <i>West</i> | P | Barton Creek, Town Lake Trail, and Zilker Park |

AREA STUDY: The property lies within the Zilker Creek Neighborhood Planning Area, which began its neighborhood plan in October 2005.

TIA: N/A (The applicant has agreed to limit vehicle trips).

WATERSHED: Town Lake **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** No

REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS

- Zilker Neighborhood Association
- South Bank Alliance
- Austin Neighborhoods Council
- South Central Coalition
- Save Our Springs Alliance
- Barton Springs/Edwards Aquifer Conservation District

SCHOOLS: (AISD)

Zilker Elementary School O. Henry Middle School Austin High School

ABUTTING STREETS:

| NAME | ROW | PAVEMENT | CLASSIFICATION | CAPITAL METRO | SIDEWALKS | BICYCLE PLAN |
|-------------------|------------|-----------------|-----------------------|----------------------|------------------|---------------------|
| Barton Springs Rd | Varies | Varies | Arterial | Yes | Yes | Yes |
| Sterzing Street | 50' | 30' | Collector | No | Yes | No |

CITY COUNCIL DATE: 3/9/06 **ACTION:**

C14-05-0186, C14-05-0188, C14-05-0189

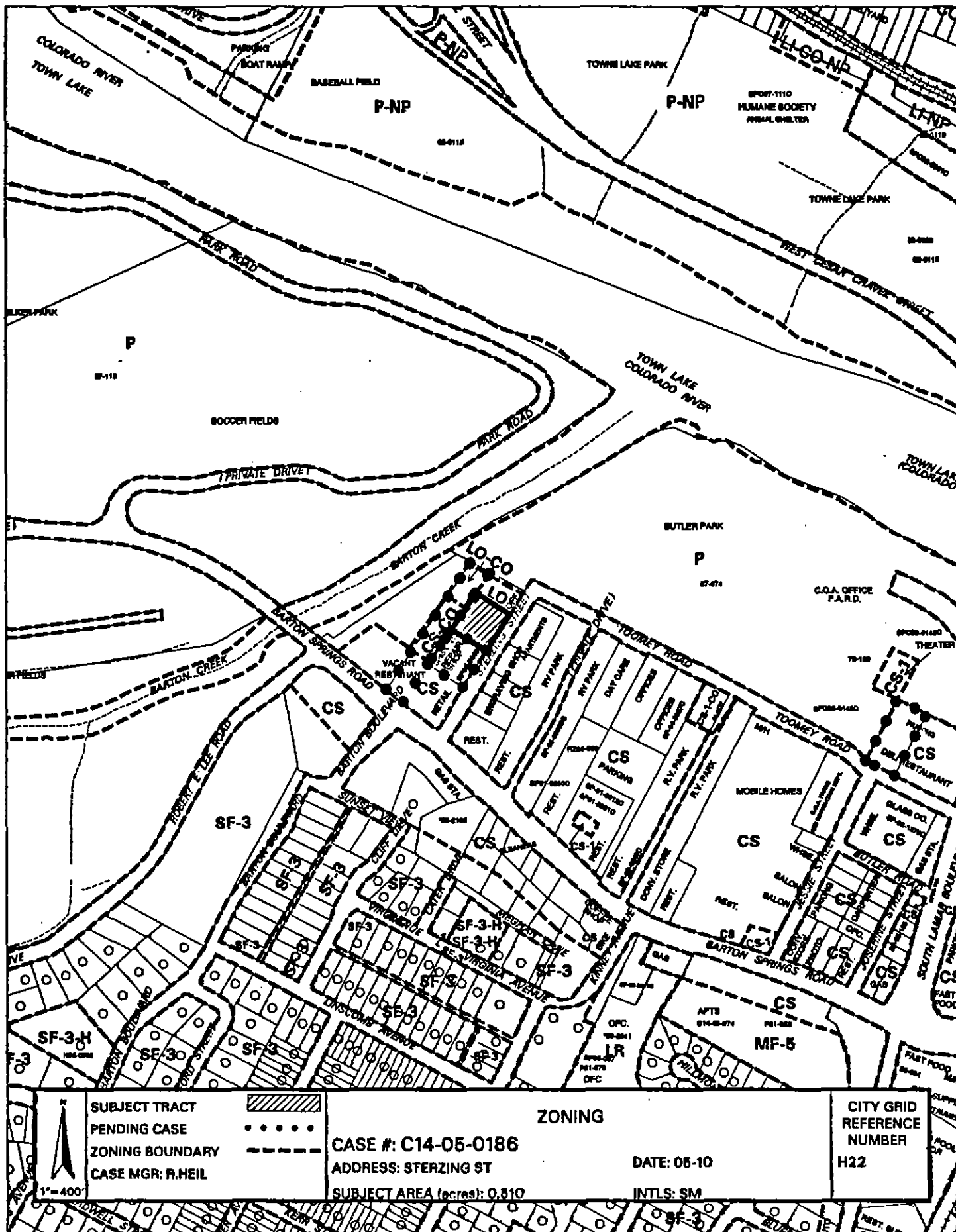
ORDINANCE READINGS: 1st 2nd

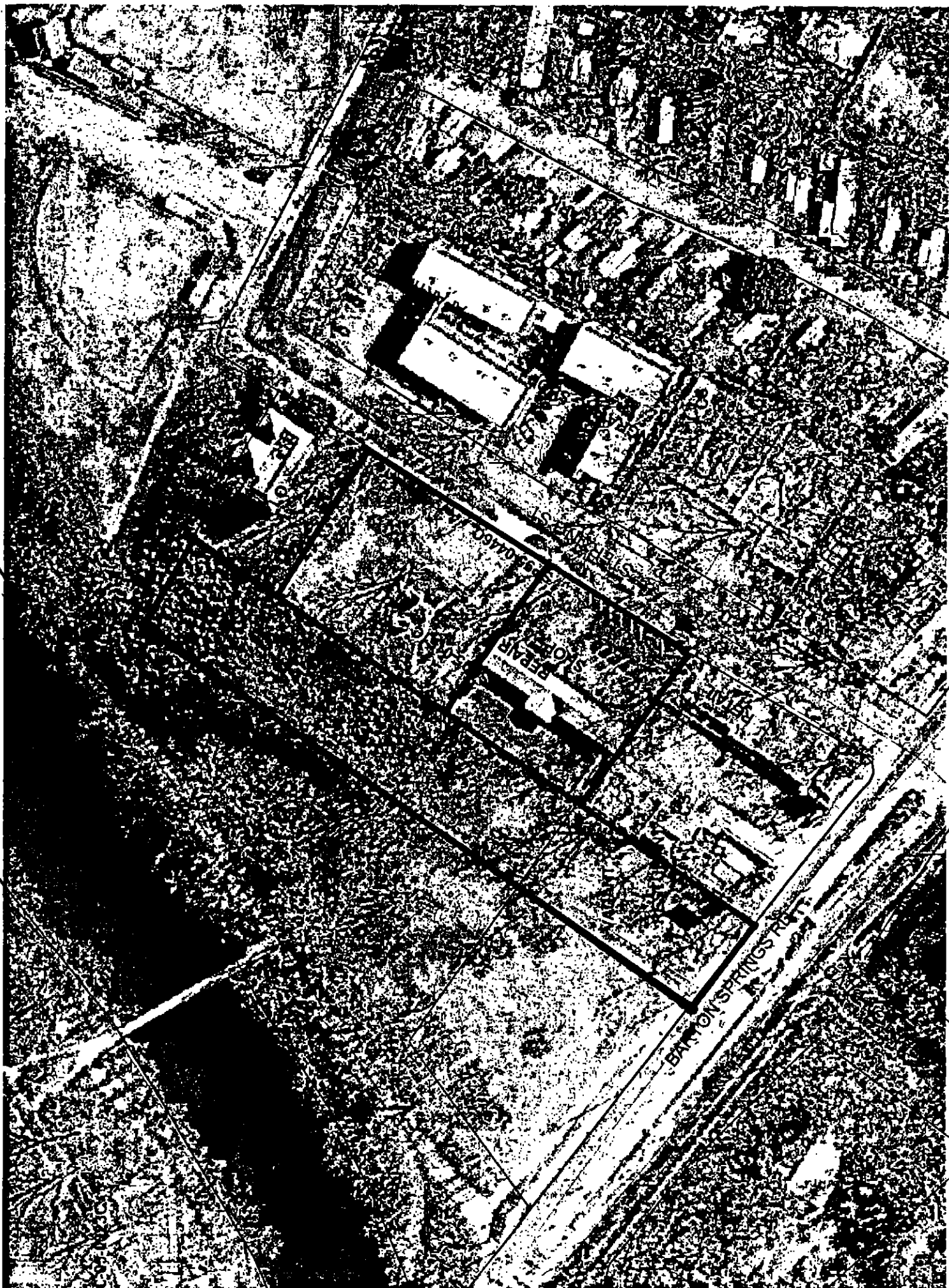
3rd

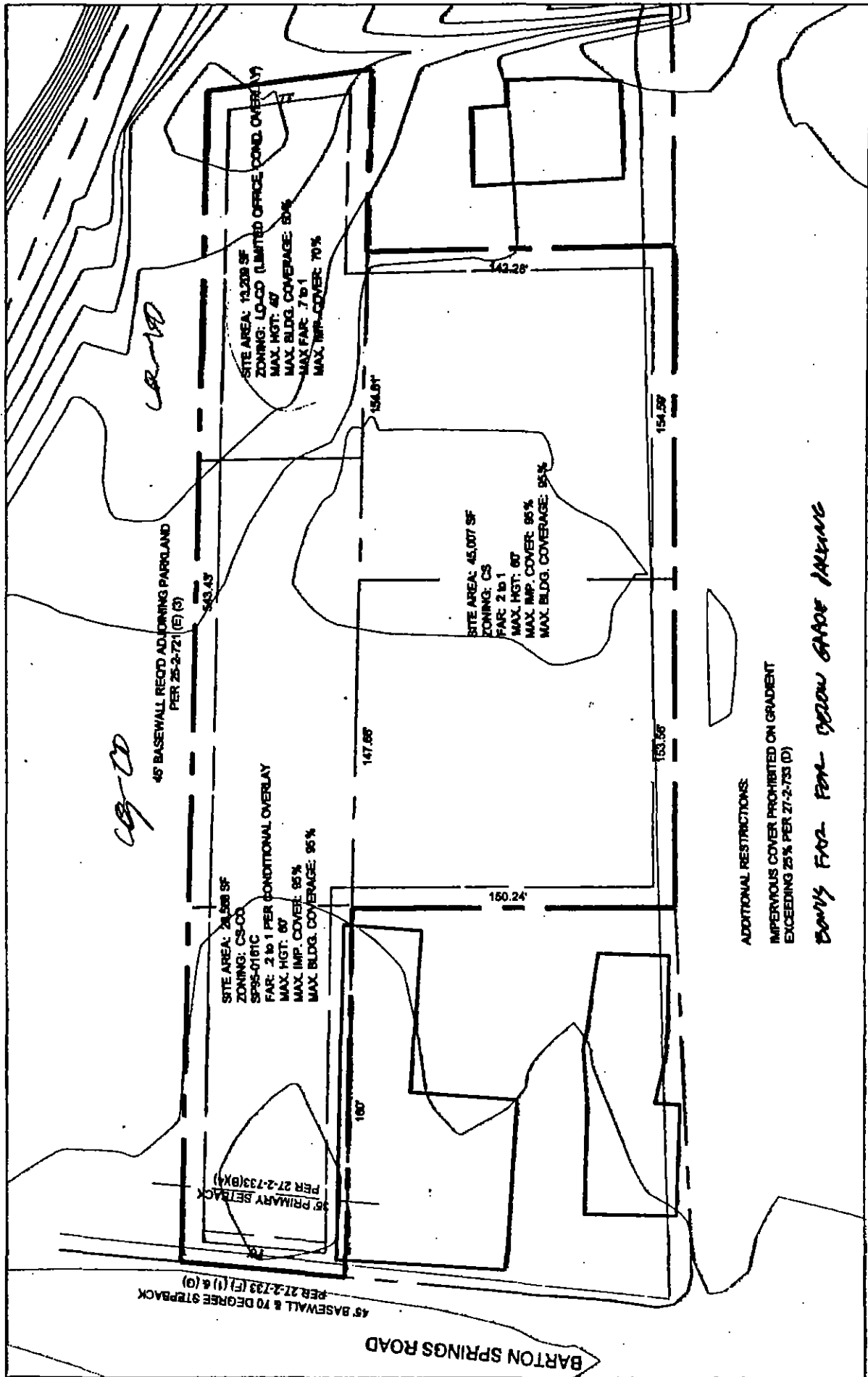
ORDINANCE NUMBER:

CASE MANAGER: Robert Heil
e-mail address: robert.heil@ci.austin.tx.us

PHONE: 974-2330







Site Plan

SUMMARY STAFF RECOMMENDATION

Staff recommends general commercial services – conditional overlay (CS-CO) combining district zoning for all three cases. The conditional overlay would limit the maximum daily vehicle trips to less than 2000 per day on each tract.

The applicant has also offered to sign a public restrictive covenant to limit the total vehicle trips from all three sites to less than 2000 per day. Staff supports this covenant.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The change from LO to CS zoning is consistent with other land uses along Barton Springs and will allow for the construction of an appropriately scaled mixed-use project on the site.

EXISTING CONDITIONS

The site is partially undeveloped and also contains a bicycle repair shop.

Although the sites lie very close to Barton Creek, the drainage is part of the Town Lake watershed. This determination was verified by the City's environmental officer, Pat Murphy.

Transportation

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

For each case trip generation under the requested zoning is estimated to be over 2,000 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 developer proposes to construct 128 dwelling units on 3 tracts (C14-05-0186, C14-05-0188 and C14-05-0189). This proposal will generate approximately 920 trips per day.

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 total for all three zoning cases associated with this project (C14-05-0186, C14-05-0188 and C14-05-0189). [LDC, 25-6-117]

Existing Street Characteristics:

| NAME | ROW | PAVEMENT | CLASSIFICATION | CAPITAL METRO | SIDEWALKS | BICYCLE PLAN |
|-------------------|--------|----------|----------------|---------------|-----------|--------------|
| Barton Springs Rd | Varies | Varies | Arterial | Yes | Yes | Yes |
| Sterzing Street | 50' | 30' | Collector | No | Yes | No |

Environmental

Although the sites lie very close to Barton Creek, the drainage is part of the Town Lake watershed. This determination was verified by the City's environmental officer, Pat Murphy.

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. Due to the proximity to Town Lake, on-site water quality controls will be required.

According to flood plain maps, there is no flood plain within the project 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.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustments are required, the landowner, at own expense, will be responsible for providing. Also, 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 design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

Site Plan

This site is located within a Waterfront Overlay, Butler Shores subdistrict; any new development would be required to comply with 25-2-175. FYI - In the Butler Shores, and City Hall Waterfront Overlay subdistricts, at least 50 percent of the net usable floor area of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. [Section 25-2-691, 692].

The site is subject to compatibility standards. Along the south property line, the following standards apply: for the height of a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, can be 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive. Additional design regulations will be enforced at the time a site plan is submitted.

CITY ZONING AND PLATTING COMMISSION

February 7, 2006

CITY HALL – COUNCIL CHAMBERS

301 W. 2nd Street

[Annotations & Zoning Summaries]

CALL TO ORDER – 6:00 P.M.

COMMENCED: 6:18 P.M.

ADJOURNED: 7:13 P.M.

 Betty Baker - Chair

 A Jay Gohil

 Stephanie Hale

 Clarke Hammond – Secretary

 Melissa Hawthorne – Assist. Secretary

 A Keith Jackson - Parliamentarian

 A Joseph Martinez – Vice-Chair

 Janis Pinnelli

 Teresa Rabago

CONDUCT OF PUBLIC HEARINGS

1. Chair announces request.
2. Staff presents a summary of the case.
3. Chair calls on those FAVORING the request.
4. Applicant's presentation (5 minutes).
5. Others favoring the request (3 minutes).
6. Chair calls on those OPPOSING the request.
7. Primary presentation (5 minutes).
8. Others opposing the request (3 minutes).
9. Applicant is given opportunity to answer objections stated. (3 minutes)
10. Staff summation and questions from the Commission.
11. The public hearing on a zoning case may be closed and no further testimony is taken from the public.
12. If the public hearing is closed, the Commission shall make a recommendation to the City Council within 14 days or the case will be forwarded to the City Council without a recommendation. (Section 25-2-282).

All of the following items may be acted upon by one motion. The Commission does not consider items earlier than the time stated on the agenda; "Other Business" items can be taken at any time. After the posted time, the Commission Chairperson may announce the item and, if there is no opposition, the item may be taken "by consent" for approval without discussion.

CITIZENS WISHING TO SPEAK BEFORE THE COMMISSION MUST REGISTER BY SIGNING A LIST AT THE ENTRANCE (RED BOOK).

Any interested party aggrieved by a decision of the Zoning & Platting Commission on a Hill Country Site Plan, Conditional Use Permit, Replacement Site Plan, or a Preliminary Subdivision Plan with an environmental variance may only appeal the Commission's decision to the City Council. The notice of appeal must be submitted in writing on a form provided by the Director of Neighborhood Planning & Zoning Department within fourteen (14) days following the decision of the Zoning & Platting Commission.

The Commission may recommend additional future land use designations that have not been requested or future land use designations that are more or less intensive than the requested future land use. The

Facilitator: Don Perryman

City Attorney: Alison Gallaway, 974-2671

6:00 P.M.

PUBLIC HEARING

A. REGULAR AGENDA

EXECUTIVE SESSION (No public discussion)

The Zoning & Platting Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Zoning & Platting Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

NO SPEAKERS.

APPROVAL OF MINUTES

2. Approval of minutes from January 31, 2006.

APPROVED MINUTES FOR JANUARY 31, 2006; BY CONSENT.

[M.HAWTHORNE; J.PINNELLI 2ND] (6-0) K.JACKSON, J.MARTINEZ, J.GOHIL – ABSENT

DISCUSSION AND ACTION ON ZONING CASES

3. **Rezoning:** C14-05-0186 - 404 Sterzing
Location: 404 to 408 Sterzing St, Town Lake Watershed
Owner/Applicant: Majorie Saad
Agent: John Wooley
Postponements: Postponements from 11/15/05 (applicant); Postponed from 1/17/06 (applicant)
Request: CS to CS-CO
Staff Rec.: RECOMMENDED
Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
Neighborhood Planning and Zoning

APPROVED STAFF'S RECOMMENDATION FOR CS-CO DISTRICT ZONING; BY CONSENT.

[M.HAWTHORNE, J.PINNELLI 2ND] (6-0) K.JACKSON, J.MARTINEZ, J.GOHIL – ABSENT