

Zone Hearings/App Ordinances/Restrictive Covenants
CITY OF AUSTIN

AGENDA

DATE: 4/20/2006

74

**RECOMMENDATION FOR
COUNCIL ACTION**

Subject: C14-04-0030 - Time Insurance, Inc. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405 & 1415 East Riverside Drive (Town Lake Watershed) from limited office (LO) district zoning and family residence (SF-3) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Planning Commission Recommendation: To deny community commercial-mixed use (GR-MU) combining district zoning. Applicant and Property Owner: Schuler Family Trust 1998 (John Schuler) Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.

Requesting Department: NPZD

For More Information:

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0030

PC DATE: July 27, 2004
August 10, 2004
August 24, 2004

ADDRESS: 1405 & 1415 E. Riverside Drive

OWNER/APPLICANT: John Schuler

AGENT: Thrower Design (Ron Thrower)

ZONING FROM: LO & SF-3 **TO:** GR-MU **AREA:** 1.87 acres/81,457 sq.ft.

SUMMARY STAFF RECOMMENDATION:

Staff's alternate recommendation is community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. The CO would prohibit automobile related uses (sales, washing of any type, rental, repair), prohibit drive in services as an accessory use, prohibit motor vehicle access to Manlove Street and to Summit Street, and prohibit motor vehicle trip generation to 2,000 trips per day.

PLANNING COMMISSION RECOMMENDATION:

7-27-04: Postpone to 8-10-04 at neighborhood's request.

8-10-04: postponed to 8-24-04 at neighborhood's request Consent. Vote: 8-0.

8-24-04: To deny GR-MU zoning. However, noting that the Commission will consider a rezoning request that provides for a more sensitive development and encourages continuing dialogue between the developer and the neighborhood during the neighborhood planning process. Vote: 5-3, with JMC, CG & MM voting nay.

ISSUES:

Residents in the immediate area as well as other stakeholders in the planning process have expressed concerns with the rezoning request.

A valid petition of 32.96% has been filed in opposition to this rezoning request. See attachment

Neighborhood Planning & Zoning staff have facilitated meetings regarding this rezoning request. The most recent being July 15 and 28th, 2004. In addition, the neighborhood has facilitated a few meetings, one that was attended by Neighborhood Planning & Zoning staff.

The neighborhood concerns, as summarized by staff, are:

- Views to the northwest from the adjacent neighborhood; height of project
- Desire of owner occupancy; no apartment development
- Traffic safety and volume concerns for the corner of Summit Street & East Riverside Drive
- Setbacks at the south property line (adjacent to the single family neighborhood)
- Hours of operation of commercial development within the mixed use project
- Efforts made in late 1980's to establish existing zoning; they would like existing zoning to remain

The applicant is willing to address the concerns above via a specific conditional overlay or other instrument necessary (public or private restrictive covenant)

DEPARTMENT COMMENTS:

The subject tract is with in the East Riverside/Oltorf combined neighborhood planning area. Generally, the stakeholders would like to see the following occur on Riverside Drive though the planning area:

- Improved appearance of East Riverside Drive
- Opportunities for redevelopment
- Improved scenic quality of Riverside Drive because it serves an "entry way" to the City

More specifically, further south on East Riverside Drive (between Parker Lane and Pleasant Valley Road) mixed use has been designated on the draft future land use map (FLUM); south side of Riverside only (Commercial has been designated for the north side of the road).

The applicant has been an active participant in the East Riverside/Oltorf planning process.

The applicant is in agreement with the staff's alternate recommendation.

The applicant proposes a mixed-used development including approximately 19,000 square feet of commercial/retail, 80 residential units and a FAR of .5:1., and varying heights between 45 and 60 feet. The applicant also intends to soften the existing approximate 11% grade existing on the site. See Exhibits C-1 & C-2. (Please refer to Related Cases section of detail of what could be developed under an existing Zoning Site Plan and Current Zoning)

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3, LO	Insurance office, undeveloped
<i>North</i>	MF-4, MF-3, LO	Hotel, undeveloped, apartments
<i>South</i>	SF-3	Single family homes
<i>East</i>	SF-3, CS	Single family homes
<i>West</i>	GR-MU	Undeveloped

AREA STUDY: East Riverside/Oltorf Planning Area **TIA:** Waived.

WATERSHED: Townlake **DESIRED DEVELOPMENT ZONE:** Yes.

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

NEIGHBORHOOD ORGANIZATIONS:

South River City Citizens Assn.
The Crossing Gardenhome Owners Assn.
Baron Springs/Edwards Aquifer Conservation Dist.
South Central Coalition

Southeast Austin Neighborhood Alliance
Terrell Lane Inteceptor Assn.
PODER
Austin Neighborhoods Council

CASE HISTORIES:

NUMBER	REQUEST	ZONING AND PLATTING COMMISSION	CITY COUNCIL
ON SITE:			
SP-02-0353CS (consolidated small project site plan)	Approved to add parking spaces.	N/A	N/A
C14-99-2009	LO, SF-3 to SF-6	11-9-99- Deny SF-6 zoning (Vote: 7-1)	Application withdrawn.
NEAR SITE:			
C14-01-0001 (across Riverside Drive to the north of subject property)	SF-3 to MF-6	5-08-01- Recommended staff recommendation of MF-6.	2-27-03- Approved MF-6-CO on Tracts 1a and 2a and MF-4-CO on 4a.
C14r-87-139B (Zoning Site Plan)	SF-3, LO, LR, GO to GR-MU	10-13-97- Recommended GO-CO and SF-3. (Vote 5-3)	9-09-88- Approved GR-MU and LO.

RELATED CASES:

There is no active subdivision application for this property.

There is an existing zoning site plan that applies to the subject property and the adjacent GR-MU zoned property to the west and southwest (C14r-87-139). Zoning site plans do not expire.

~~The following is what could be developed on the site per the zoning site plan (See Exhibit A):~~

Total Impervious Cover: 67%

Parking Required: 48 spaces Parking Provided: 53 spaces

Tract 1 (GR-MU): 9,600 square feet of Hotel/Office (2 story)

Tract 2 (GR-MU): 2487 sq. ft. of Pet Services (1 story)

Tract 3 (LO): 3,672 sq. ft. of Office (1 story)

First Floor Elevation/Height:

Tract 1: 490, 495, 500/23 ft. Tract 2: 512/23 ft. Tract 3: 512/22 ft.

* Adjacent single-family homes are at the approximate 525-elevation contour, approximately. See Exhibit A.

~~The following is what could be adopted under Current Zoning Regulations:~~

~~**Low SF-3 zoning:** .99 acres/42,957 sq.ft.~~

Units possible: approx. 7

* if Cottage Lot and Urban Home were adopted for the planning area the possible units would be approximately 17 and 11 respectively.

Impervious Cover: 45%

Height: at 5 foot interior side yard set back: 35 feet

at 10 foot rear yard set back: 35 feet

~~**Medium LO zoning:** .88 acrea/38,333 sq.ft.~~

**Square Footage Possible: approx. 27,000 sq.ft.
(.7:1 FAR)**

Impervious cover: 70%

Heights: between 25 and 50 feet from the southern property line 30 feet
 Between 50 and 100 40 feet
 Between 100 and 150 41, 42, 43, 44, 45 feet

Parking Required: Not able to be determined. (would vary based on proposed uses/unit size).

ABUTTING STREETS:

<u>Name</u>	<u>ROW</u>	<u>Payment</u>	<u>Classification</u>
East Riverside Drive	140'	2 @ 56'	Major Arterial
Summit Street	60'	65'	Local

CITY COUNCIL DATE:

ACTION:

<u>10/21/04</u>	Approved applicant's request for a postponement to 11/04/04
<u>11/04/04</u>	Approved neighborhood's request for postponement to 12/02/04
<u>12/02/04</u>	Postponed indefinitely by Council.
<u>5/26/05</u>	Approved staff's request for a postponement to 9/01/05
<u>9/01/05</u>	Approved staff's request for a postponement to 11/17/05
<u>11/17/05</u>	Approved staff's request for a postponement to 12/15/05
<u>12/15/05</u>	Approved staff's request for a postponement to 1/26/06
<u>1/26/06</u>	Approved staff's request for a postponement to 3/23/06
<u>3/23/06</u>	Approved staff's request for a postponement to 4/20/06
<u>4/20/06</u>	

ORDINANCE READINGS:

1st

2nd

3rd

ORDINANCE NUMBER:

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

PHONE: 974-2330

STAFF RECOMMENDATION

C14-04-0030

Staff's alternate recommendation is community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. The CO would prohibit automobile related uses (sales, washing of any type, rental, repair), prohibit drive in services as an accessory use, prohibit motor vehicle access to Manlove Street and to Summit Street, and prohibit motor vehicle trip generation to 2,000 trips per day.

BACKGROUND

In 2003, a rezoning occurred almost directly across East Riverside Drive, to the north of the subject tract (C14-01-0001). The zoning application was a request from SF-3 (Family Residence) to MF-6 (Multifamily Residence Highest Density) zoning. There was great community involvement and compromise was reached resulting in the current MF-4-CO and MF-6-CO. The conditions approved with the case are:

A 35-foot wide landscape buffer maintained adjacent to Riverside Drive

A maximum height of 60 feet from ground level for the majority of the property (21,161 sq. ft.)

A maximum height of 90 feet from ground level for the remainder of the property (7,523 sq. ft.)

In 1999 a rezoning application was submitted for the site (C14-99-2009). The request was to rezone from SF-3 (Family Residence District) to SF-6 (Townhouse and Condominium Residence). A valid petition (33%) was submitted by the neighborhood opposing any zoning district other than LO (Limited Office) and SF-3 (Family Residence). The staff recommended SF-6 zoning on the property. However, the Planning Commission denied the request with a vote of seven to one (7-1). The applicant withdrew the case prior to presenting the case at a public hearing for City Council consideration for approval. The staff report for this case indicates that the main concerns articulated to staff from the neighborhood were the obstruction of views and the possible incompatibility of more intense residential adjacent to single family homes.

BASIS FOR RECOMMENDATION

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

While there is no adopted area study or neighborhood plan for the area, the area is currently undergoing the neighborhood planning process. The estimated date for finalization of the East Riverside/Oltorf Neighborhood Plan is December 2004.

The subject tract is located on the south side of Riverside Drive where mixed use is currently designated on the draft future land use map (between Parker Lane and Pleasant Valley Road).

Generally, the stakeholders would like to see the following occur on Riverside Drive though the planning area:

- Improved appearance of East Riverside Drive
- Opportunities for redevelopment
- Improved scenic quality of Riverside Drive because it serves an "entryway" to the City.

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

The required 25-foot compatibility setback from the adjacent single-family properties will promote compatibility among the mix of uses proposed for the area. The requested zoning is compatible with the GR-MU zoning to the west of the property and various MF zonings to the north of the property. The prohibition of commercial access to Summit Street will serve to further promote compatibility with the adjacent neighborhood to the south of the property.

3. Zoning should promote the policy of locating retail and more intensive zoning near the intersection of arterial roadways or at the intersections of arterials and major collectors and should not contribute to strip development.

The property is located in close proximity to an intersection of two major arterial roadways, making retail zoning appropriate. The mixed use-combining district could serve to promote mixed-use redevelopment therefore not contributing to strip development. It also provides for housing opportunities in the urban core.

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

Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways. The site is accessible from a major arterial roadway.

EXISTING CONDITIONS

Site Characteristics

The site is partially developed with an existing single-family structure that is currently used as a professional office. The remainder of the site contains a single family home and undeveloped land. The site contains steep slopes from Riverside Drive to the south.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90%. 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. Therefore, the zoning district impervious cover restriction applies.

Environmental

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

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.

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.

Transportation

If the requested zoning is granted, it is recommended that access to Summit Street be prohibited as a condition of zoning because of very steep elevations to the property. In addition, the visibility on Summit Street is very poor, especially looking south from the proposed access point, because of the grade and curvature on Summit Street. Visibility is also not good looking toward Riverside, where a car turning off Riverside could not be seen until it makes the turn. Summit is a residential street with a number of homes fronting on it, and commercial traffic should be discouraged.

Existing Street Characteristics:

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>
East Riverside Drive	140'	2 @ 56'	Major Arterial
Summit Street	60'	65'	Local

There are no sidewalks along Summit Street.

East Riverside Drive is classified in the Bicycle Plan as a Priority Low Usability bike route.

Capital Metro bus service is available along East Riverside Drive.

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

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. [LDC, 25-6-117]

Water and Wastewater

The site is served with City water and wastewater utilities. If water or wastewater utility improvements, or system upgrades, or utility relocation, or adjustment are required, 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 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

There is an existing zoning site plan on this property (C14R-87-139). A new site plan will need to be submitted to meet the criteria for a replacement site plan [Sec. 25-3-64].

Riverside Drive is a scenic roadway.

The site is subject to compatibility standards. Along the south and east property line, the following standards apply:

- No structure may be built within 25 feet of the south 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.

DEPARTMENT COMMENTS

The subject tract is within the East Riverside/Oltorf combined neighborhood planning area. Generally, the stakeholders would like to see the following occur on Riverside Drive through the planning area:

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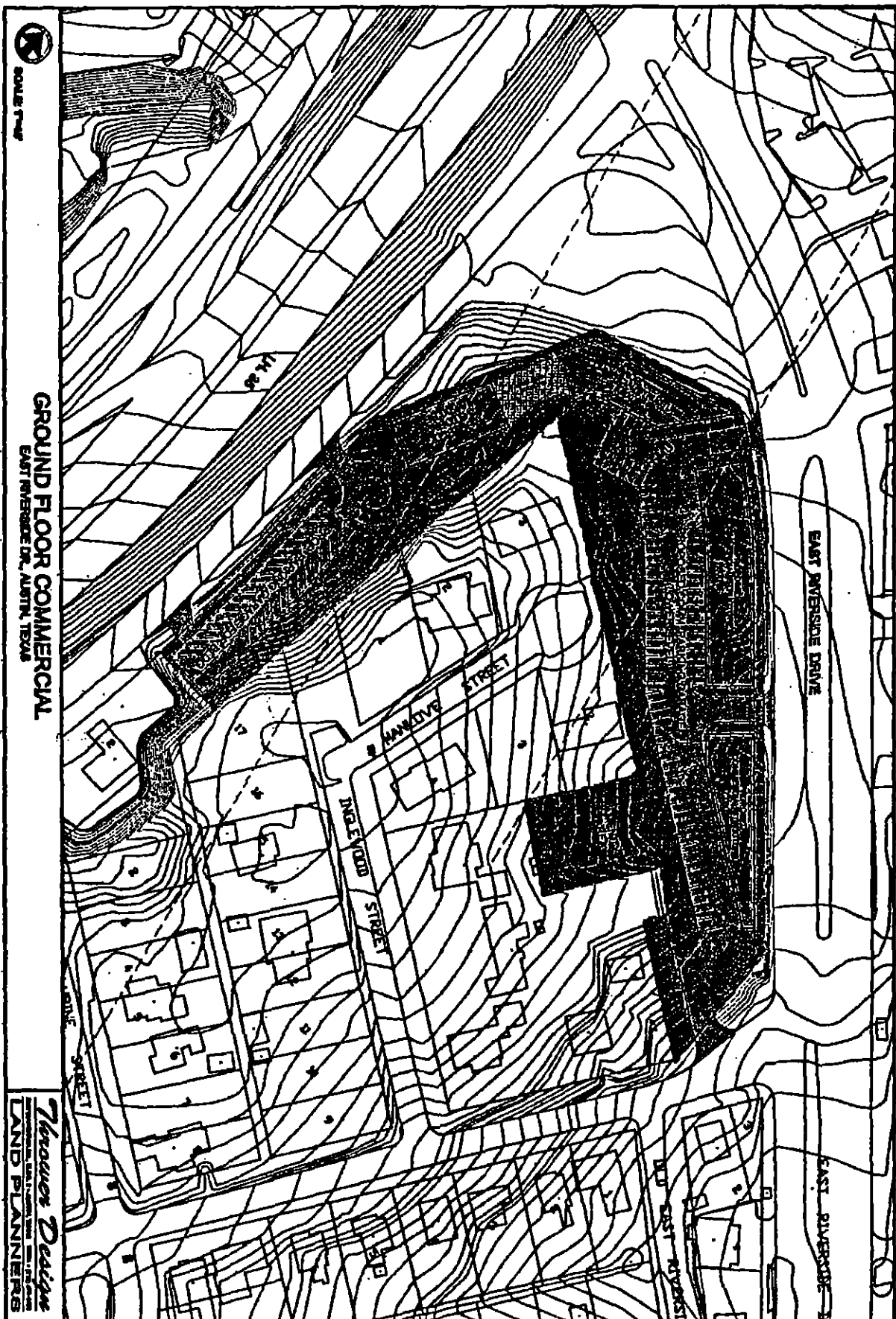


Exhibit C-1