

AGENDA



Thursday, July 27, 2006

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Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED) RECOMMENDATION FOR COUNCIL ACTION

ITEM No. 110

Subject: C14-06-0053 - Star Riverside Residential - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1001 IH-35 South (northeast corner of IH-35 and Riverside Drive)(Town Lake and Country Club Creek Watershed) from general office (GO) district zoning and limited office (LO) district zoning (Tract 1); commercial-liquor sales (CS-1) district zoning (Tract 2); limited office (LO) district zoning (Tract 3); and limited office (LO) district zoning (Tract 4) to lake commercial -conditional overlay (L-CO) combining district zoning for Tract 1; general office-conditional overlay (GO-CO) combining district zoning for Tract 2; multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning for Tract 3; and general office-conditional overlay (GO-CO) combining district zoning for Tract 4. First reading approved on June 22, 2006. Vote: 7-0. Applicant and Agent: Brian Bridwell. City Staff: Robert Heil, 974-2330.

Additional Backup Material

(click to open)

-  [Staff Report](#)
-  [Ordinance](#)

For More Information: Robert Heil, 974-2330.

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0053

P.C. Date: May 9, 2006

PROJECT: STAR Riverside Residential

ADDRESS: 1001 S. IH-35 (northeast corner of IH-35 and East Riverside Drive)

APPLICANT: BRE. ESA P. Portfolio Properties (Brian Birdwell)

AGENT: Holford Group (Brian Birdwell)

ZONING REQUEST:

<u>FROM:</u>	<u>TO:</u>	<u>AREA</u>
Tract 1: GO & LO	L-CO	0.843 acres
Tract 2 CS-1	GO-CO	0.052 acres
Tract 3: LO	MF-6-CO*	0.666 acres
Tract 4: LO	GO-CO	0.109 acres
		1.67 Total Acres

Note: Tract 5, while part of the project, is not included in the rezoning request. Tract 5 approximately 2.5 acres and is currently zoned GO. See Exhibit "Sketch of Zoning Tracts STAR Riverside."

The offered conditional overlay on all tracts would limit total vehicle trips to less than 2000 per day on the entire site.

*The original request of GO-CO on Tract 3 was amended to MF-6-CO on April 24, 2006.

STAFF RECOMMENDATION:

Staff recommends the following:

Tract 1: Lake-conditional overlay (L-CO) combining district zoning. The conditional overlay would limit heights to 120 feet and would limit total vehicle trips to less than 2000 per day on the entire site. Additionally pedestrian access must be provided from Riverside Drive to the easement along Town Lake intended for future expansion of the hike and bike trail. The entire easement area does not lie within this tract, but staff recommends that the easement be extended as far as possible as part of this case.

Tract 2: General office-conditional overlay (GO-CO) combining district zoning. The conditional overlay would limit total vehicle trips to less than 2000 per day on the entire site.

Tract 3: Multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning. The conditional overlay would limit the total vehicle trips to less than 2000 per day on the entire site.

Tract 4: General office-conditional overlay (GO-CO) combining district zoning. The conditional overlay would limit the total vehicle trips to less than 2000 per day on the entire site.

See Exhibit "Sketch of Zoning Tracts STAR Riverside."

Although the remainder of the project site is not part of the zoning application, staff recommends that the pedestrian access be completed across the remainder of the project to connect East Riverside Drive and the Town Lake waterfront. Additionally, staff would encourage the developer to limit heights on those portions of the project site closest to Town Lake to no more than 40' in height.

PLANNING COMMISSION RECOMMENDATION:

May 9, 2006 : Approved staff recommendation with the following exception:

Tract 1: Lake-conditional overlay (L-CO) combining district zoning. The conditional overlay would **limit heights to 190 feet** and would limit total vehicle trips to less than 2000 per day on the entire site. Additionally pedestrian access must be provided from Riverside Drive to the easement along Town Lake intended for future expansion of the hike and bike trail, as offered by the applicant. (Vote: 7-0)

DEPARTMENT COMMENTS:

The property is currently the site of a hotel and associated surface parking. The stated intent of the developer is to develop a condominium project with between 200 and 250 residential units and a limited amount of supporting commercial uses.

The request is from a mix of commercial liquor sales (CS-1), general office (GO), and limited office (LO) zoning to a mix of Lake (L), general office (GO) and multi-family residence highest density (MF-6) base districts, with a conditional overlay limiting total daily vehicle trips on the site to less than 2000.

Staff recommends approval of the request with the two additional conditions. The height on Tract 1 should be limited to no more than 120', and pedestrian access should be provided from Riverside Drive to the Town Lake waterfront.

The conditional overlay capping height on Tract 1 to 120' provides for a gradation of building intensity moving away from IH-35. Along the interstate highway, 120' is an appropriate height, stepping down to 90' on Tract 3 – compatible with the 90' heights approved at the MF-6 site to the east.

Provision of pedestrian access from Riverside Drive to the easement along Town Lake intended for the future extension of hike and bike trail is very important and should be a component of any redevelopment of the site, regardless of the zoning or use.

The provision of the access to Town Lake may require alteration to the stream channel along the mouth of Harper's Branch Creek. Staff considers any needed modifications can be accomplished without serious environmental effect on this already impacted section of the creek.

AREA STUDY: Riverside Neighborhood Plan. The Riverside neighborhood plan was presented to Planning Commission on June 13, 2006. The Commission recommended the Future Land Use map designation of "Mixed-Use" for this tract..

TIA: N/A (waived, as the applicant has agreed to limit total daily vehicle trips on the site to less than 2000.)

WATERSHED: Town Lake and Harper's Branch Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS

- East Riverside / Oltorf Neighborhood Planning Team
- South River City Citizens Association (SRCC)
- Southeast Austin Neighborhood Alliance
- The Crossing Gardenhome Owners' Association
- South Austin Trails and Greenbelt Alliance
- People Organized to Defend Earth and her Resources (PODER)
- South Central Coalition
- Austin Neighborhoods Council (ANC)
- Terrell Lane Interceptor Association
- Barton Springs / Edwards Aquifer Conservation District

SCHOOLS: (AISD ISD)

Travis Heights Elementary School Fulmore Middle School Travis High School

RELATED CASES

Case	Address	Request	Status
C14-01-0001	1400 block Edgecliff	MF-6	Approved 05/08/01
C14-01-0002	1400 block Edgecliff	MF-6	Approved 05/08/01
C14-06-0053	IH-35 and Riverside Dr	L, GO and MF-6	1st reading at Council 6/8 Submitted 5/22/06. Under review.
C14-06-0117	1317 E. Riverside Dr	LI-PDA	

ABUTTING STREETS:

Name	ROW	Pavement	Classification
IH 35	Varies	Varies	Major Arterial
Riverside Drive	Varies	Varies	Major Arterial

Riverside Drive is classified in the Bicycle Plan as a Priority 2 bike route.

There are existing sidewalks along IH 35 and Riverside Drive.

Capital Metro bus service is available along IH 35 and Riverside Drive, although not all the routes that traverse IH-35 can be accessed from the site.

CITY COUNCIL DATE:

ACTION:

June 8, 2006:

Postponed to June 22, 2006 by Council.

June 22, 2006:

Approved Staff's recommendation on 1st reading

July 27, 2006:

ORDINANCE READINGS:

1st 6/22/06 2nd 3rd

ORDINANCE NUMBER:

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

PHONE: 974-2330

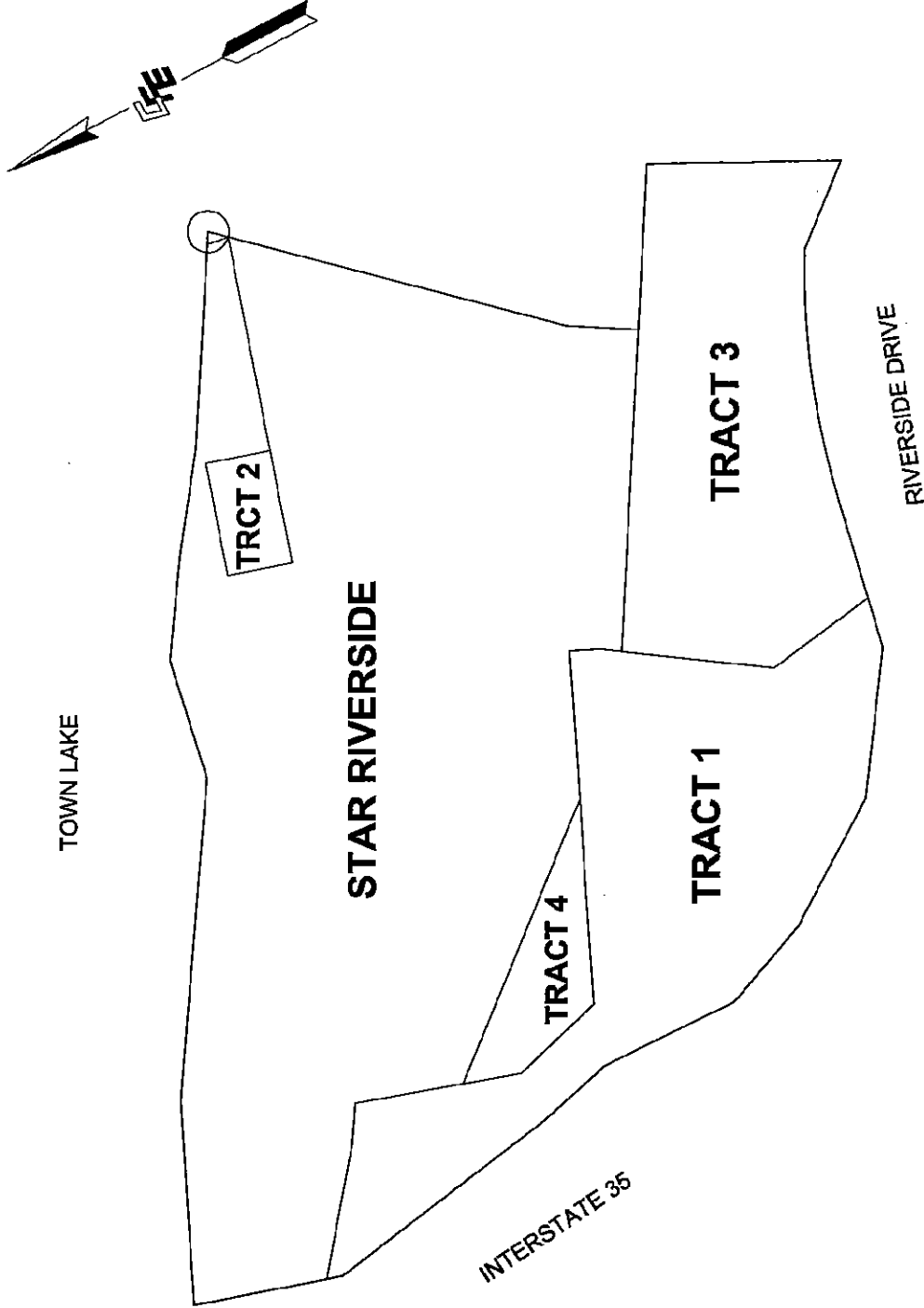
C FALLNER ENGINEERING
 400 Bowie Street, Suite 250
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 P.O. Box 1528
 Austin, Texas 78767-1528
 www.dallkinengineering.com

DATE:	MARCH, 2004
SURVEYOR:	PAUL G. SALVE, JR., RPLS. No. 2518
TECHNICIAN:	PCS
FIELDBOOK:	N/A
JOB NUMBER:	N/A
DESCRIPTION:	N/A
DRAWING:	

TRAVIS COUNTY, TEXAS

**SKETCH
 OF
 ZONING TRACTS
 STAR RIVERSIDE**

OF 1
1

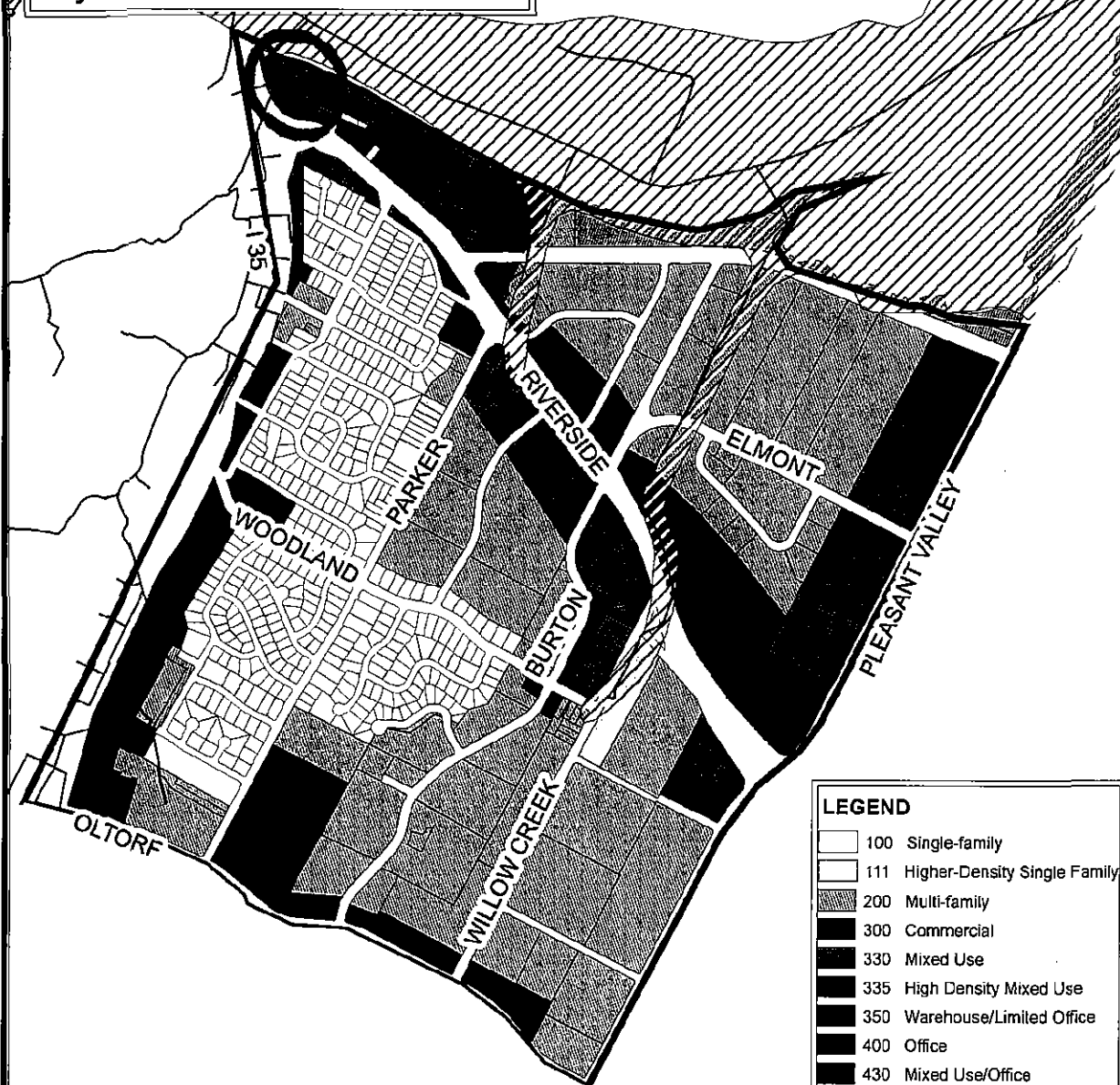




RIVERSIDE NEIGHBORHOOD PLANNING AREA

Draft Future Land Use

City of Austin Staff Recommendation



LEGEND

- 100 Single-family
- 111 Higher-Density Single Family
- 200 Multi-family
- 300 Commercial
- 330 Mixed Use
- 335 High Density Mixed Use
- 350 Warehouse/Limited Office
- 400 Office
- 430 Mixed Use/Office
- 500 Industry
- 600 Civic
- 700 Open Space
- 800 Transportation
- 870 Utilities
- 100-Year Floodplain
- Boundary-Riverside
- Creeks

August 30, 2005



0 500 1,000 2,000 3,000 Feet

This map has been produced by the City of Austin Neighborhood Planning & Zoning Department. A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. This draft map should not be referred to as an official source of land use or zoning and is not warranted for any other use. No warranty is made regarding its accuracy or completeness.

SUMMARY STAFF RECOMMENDATION

Staff recommends the following:

Tract 1: Lake-conditional overlay (L-CO) combining district zoning. The conditional overlay would limit heights to 120 feet and would limit total vehicle trips to less than 2000 per day on the entire site. Additionally pedestrian access must be provided from Riverside Drive to the easement along Town Lake intended for future expansion of the hike and bike trail.

Tract 2: General office-conditional overlay (GO-CO) combining district zoning. The conditional overlay would limit the total vehicle trips to less than 2000 per day on the entire site.

Tract 3: Multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning. The conditional overlay would limit the total vehicle trips to less than 2000 per day on the entire site.

Tract 4: General office-conditional overlay (GO-CO) combining district zoning. The conditional overlay would limit the total vehicle trips to less than 2000 per day on the entire site.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

In general, high intensity mixed use development is appropriate for this site. It lies at the intersection of a major arterial and a an inter-regional highway and is close proximity to downtown. The conditional overlay capping height on Tract 1 to 120' provides for a gradation of intensity moving away from IH-35. Along the interstate highway, 120' is an appropriate height, stepping down to 90' on Tract 3 – compatible with the 90' heights approved at the MF-6 site to the east.

2. *The zoning should support and advance neighborhood plans.*

The Riverside neighborhood plan is still under development and will be presented to the Planning Commission on May 23, 2006. In all the of the proposed land use scenarios, by staff and the majority of stakeholders, this site is designated as mixed use.

While both the existing zoning and the recommended zoning would allow a mix of uses on the project sites (Tracts 1-5) – the commercial and office uses allowed by the base district zoning and the residential uses permitted by the waterfront overlay – granting the recommended zoning would encourage redevelopment of the site into a true mixed use project, and would provide much needed access from East Riverside Drive to Town Lake.

EXISTING CONDITIONS

The site is currently zoned with a mix of CS-1, GO and LO zoning and is developed with a hotel and associated surface parking. Most of the actual hotel lies in Tract 5, which is not part of the zoning request, although it would be part of the overall proposed project site. The small footprint of CS-1 zoning does not correspond to existing any building or use.

The property lies at the northeast corner of the intersection of IH-35 and East Riverside Drive. Access to the site is currently provided by a right-in, right-out driveway onto Riverside and via Manlove Street. There is a break in the median on East Riverside Drive at Manlove Street allowing for uncontrolled left turns onto East Riverside Drive.

To the north is Town Lake. To the west, across IH-35 is commercial and office uses along the interstate and frontage roads, and single family zoning and uses further to the west. To the south are undeveloped and office uses on LO and SF-3 zoned land. Further to the south, up a significant rise, lies the edge of a single-family neighborhood. To the east lies an undeveloped site zoned MF-4 and MF-6, with many additional apartments further to the east along Riverside Drive.

The site slopes steeply down to the shores of Town Lake, and is wooded along Town Lake, and to a lesser extent along the western side of the property.

The majority of the site lies drains directly to Town Lake, although Harper's Branch Creek runs along western boundary of the property. A small portion of the site is located within the 500-year floodplain.

RELATED CASES:

Case	Address	Request	Status
C14-04-0030 Time Insurance	1405 & 1415 East Riverside Drive	From LO and SF- 3 to GR-MU	Scheduled for public hearing at City Council on June 8, 2006.
C14-05-0112	Riverside Neighborhood Plan Area	Adopt Neighborhood Plan	Scheduled for public hearing at Planning Commission on June 13, 2006.

Site Plan

Compatibility standards are triggered by the SF-3 zoning to the south across Riverside Drive and the SF-3 zoning to the west across IH-35.

The site should comply with the Riverside Neighborhood Plan ordinance requirement. Comments on the recommended NP design guidelines will be made at the time a site plan is submitted.

This project is within the Waterfront Overlay district. Comments on the design guidelines will be made at the time a site plan is submitted. Impervious cover is limited by the Waterfront Overlay to 50%.

The site must comply with the Scenic Roadway sign corridor. Comments will be made at the time a sign permit is submitted.

Transportation

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

The trip generation under the requested zoning is estimated to be 14,940 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 proposed use of 400 town homes will generate approximately 2,085 vehicle trips per day.

The traffic impact analysis for this site was waived because the applicant agreed to limit the intensity and uses for this development to less than 2,000 trips beyond the trips generated by the existing development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day (vpd) beyond the existing site traffic (1,163vpd). This has been offered by the applicant.

It is recommended that at the time of site plan, the accessibility of the existing median at Riverside and Manlove by site traffic be evaluated for site traffic entering eastbound Riverside Drive from the northbound frontage of IH 35.

It is also recommended that pedestrian access be provided from Riverside Drive to the easement along Town Lake intended for future expansion of the hike and bike trail.

Existing Street Characteristics:

Name	ROW	Pavement	Classification
IH 35	Varies	Varies	Major Arterial
Riverside Drive	Varies	Varies	Major Arterial

Riverside Drive is classified in the Bicycle Plan as a Priority 2 bike route.

There are existing sidewalks along IH 35 and Riverside Drive.

Capital Metro bus service is available along IH 35 and Riverside Drive, although not all the routes that traverse IH-35 can be accessed from the site.

Water and Wastewater

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

Additionally redevelopment of the site must address the 60' waterline crossing the property.

Environmental

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. It is in the Desired Development Zone.

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

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. 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.

According to flood plain maps, there is 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.

14. Rezoning: C14-06-0053 - Riverside Drive Residential
 Location: 1001 S IH-35, Town Lake Watershed, Riverside NPA
 Owner/Applicant: BRE. ESA. P. Portfolio TXNC Properties (Brian Birdwell)
 Agent: Holford Group (Brian Birdwell)
 Request: From LO, GO and CS-1 to L, GO and MF-6
 Staff Rec.: **L-CO, MF-6-CO and GO-CO**
 Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning

APPROVED L-CO, MF-6-CO, & GO-CO DISTRICT ZONING.
[C.GALINDO, M.DEALEY 2ND] (7-0) K.JACKSON – LEFT EARLY

***COMMISSION RECOMMENDED THAT APPLICANT CONTINUE DISCUSSIONS WITH NEIGHBORHOOD HOUSING & COMMUNITY DEVELOPMENT DEPARTMENT, TO INCLUDE AFFORDABLE HOUSING.**

SUMMARY

Robert Heil, staff, gave staff presentation.

Gary Stegeman – Where is the creek?

Mr. Heil – Harper's Branch Creek is part of a storm sewer and becomes part of an open air creek and then empties back into Town Lake, so it's more of a natural creek further down stream, then it becomes a channel.

Commissioner Riley – What's the difference between the staff recommendation and what is being requested?

Mr. Heil – The difference is that in tract 1, the applicant is asking for L zoning and staff is recommending a height cap of 120-feet. The L zoning allows up to a height of 200-feet and in looking at the different height configurations, we felt that 120-feet on the L zoning; the stepping down to a 90-feet on tract 3 with the MF-6, we felt was a transition that we felt was appropriate as the site moved away from I-35. There are compatibility standards that will need to be addressed at site plan stage; there is a single-family zoning use to the south, across Riverside Drive. On the other side of I-35 there's also some single-family zoning and single-family use.

Commissioner Riley – When did you say the site to the east was rezoned? I'm not recalling that case.

Mr. Heil - It is currently undeveloped; I don't have a date right now, but I'll keep looking.

Commissioner Riley – So the applicant's request would be for L zoning with no height limit, which would allow him up to 200-feet; but staff is recommending L-CO with a height limit of 120-feet?

Mr. Heil – That's correct; I think there's more specifics in the applicant's presentation.

Facilitator: Javier Delgado
 City Attorney: Gordon Bowen, 974-2356

Commissioner Stegeman – I saw in the paper that the property to the east is going to get redeveloped with apartments or condos, have these come to you yet?

Mr. Heil – Next door to this site, I believe that the current proposal is for a trade or business school; slightly further to the east there has been a development assessment for a Planned Unit Development, which would include many of the existing apartments.

Commissioner Stegeman – So we'll be talking about height limits again when those come in?

Mr. Heil – Yes, there is a lot of interest in the stretch between Riverside and Town Lake and I think you will be seeing other cases in the future, discussing redevelopment along that stretch of Riverside.

Chris White, representing the applicant – Gave a slide presentation to the commission. Mr. White gave a history of past developments in other cities.

Brian Birdwell, representing the applicant – This is presently a hotel; the hotel has seen better days and does not presently represent the gateway into downtown Austin that we might want to see. This is an exciting opportunity for our applicant, also for many of us that grew up in Austin. We want to demolish the existing site and come back with a design that really takes into account the overall communities, the views from I-35 as your driving into town, the views from the hike and bike trail; and from the other side of the lake. We want to revitalize this gateway and set new benchmarks for design in this area of this community. We would like to change the 100-foot setback line because the existing structure encroaches into that 100-foot setback line and that is something that we would like to change with our redevelopment. The existing zoning does allow for condominium use, it allows for a much greater FAR than what we're proposing, but it doesn't allow for a good quality design. The neighbors had a great suggestion when they told us to first develop a site plan, then come back to us and request zoning and make that zoning fit the site plan. So that's what we did, we came in with a design that incorporated 4 structures to allow for some break-up of the massing, it allows public access into the site, separation in between buildings to get views in, it allows views through to Town Lake; it puts all the parking underground, which we believe is a real benefit; it provides 250 high quality, for sale condominium units. It not only grants the easement on the west side, but also along the Hike and Bike Trail and construct those facilities at this point when they are constructing the site plan. It allows us to put water quality on the site, which does not currently exist. This plan proposes 40-feet along Town Lake, 60-feet at the southeast corner of the site and 190-foot tower at the southwest corner of the site.

We met with the neighbors starting in January; we met through January, February, March and April and tried to address all of their issues. We also respect staff's recommendation, so what we're asking for tonight is L-CO, restricting it to 190-feet; we like MF-6, which allows 90-feet; and GO on the remaining two tracts that we're proposing; and the existing GO, which would allow 60-feet on the front. We have a deed restriction that would restrict the MF-6 and the CO to 60-feet and 40-feet respectively. If the Board of Adjustment grants the variance to the compatibility standards for the L, to allow the 190-feet, if not, it will be built at 110-feet; and the MF-6 and the GO would be built 90-feet and 60-feet.

Commissioner Reddy – Would you be open to a CO of 60-feet on the MF-6 and 40-feet on the GO?

Mr. Birdwell – We would happy to put a deed restriction on the MF-6 and the GO to restrict it to 60 and 40-feet, that would be conditioned upon the variance to the compatibility standards that we would be seeking at the site plan level; we just haven't been able to go there yet.

Commissioner Reddy – I understand, okay, thank you.

Commissioner Riley – Asked about the staff recommendation regarding the height limits. Why would you have a more gradual stair step as you move away from the interstate, as staff is proposing?

Mr. Birdwell – When we looked at this site, we took pictures from all around the site and tried to evaluate what the impact of this project was going to be to the neighborhood, to the overall community, the other side of the lake, the hike and bike trail; and what we discovered was, if you go up on Man Love Street to the south of Riverside Drive, and you're looking out across Riverside and down the hill towards this site, due to the positioning of the oak trees and other vegetation, the location where we're proposing the tower, is not visible from the homes in that area, but if you look at the area that's proposed to be MF-6, it is visible. There's a 50-foot elevation difference between our site and homes on Man Love Street. By keeping 60-feet of height on that MF-6, it allows us to still preserve the views from those homes, looking out across our site. We have a certain density that we need to achieve; we have models that we put together for the neighborhood to see so that they knew what we were proposing.

Commissioner Riley – Is there anything less than 190-feet that would work; anything between 90 and 190-feet that would work on that site?

Mr. Birdwell – Certainly, if the Planning Commission desired, one of the models that we have here is what staff recommended; 120, 90 and 60-feet on the lake side. We felt that lowering the height on the lake side to minimize the impact to the views from Town Lake and the hike and bike trail, keeping it at 40-feet really keeps it within the vegetation line that's there. We can go with the staff option, we just don't think that's the best design for the community overall.

Commissioner Riley asked to see the models set-up to see both staff's recommendation on height and the applicant's request on height.

Commissioner Riley – If we postponed action on this until the Neighborhood Plan comes back to us, so that we can deal with the whole Riverside plans; would that cause a problem for you?

Mr. Birdwell – Yes it will, we do have some contractual obligations; when we originally met with the neighborhood in January, we had to modify our contract to purchase the property, to delay that zoning application for two months. Trying to go back and modify that contract again may be a difficult thing for us to do because we already requested that already once.

Commissioner Riley – Okay; I understand.

Models were shown to the commissioners; representing both the staff's recommendation and the applicant's request.

Commissioner Riley – What can people expect as far as access along the lake?

Mr. Birdwell – We are proposing to grant public access along the Westside of this property, which would tie into the sidewalk along Riverside Drive and get down to the hike and bike trail, which we will also construct along the frontage of our property. We're also working with the Town Lake Trail Foundation and had some good communication with them on trying to further the access from our property, underneath I-35 and come up on the City parkland on the other side. We are in favor of increasing the community access.

Commissioner Galindo – Is there going to be some commercial services or retail space available in the project?

Mr. Birdwell – Since the neighborhood had concerns about traffic being generated on this site, we scaled the retail back down to 2,500 square feet, with the thought that it would be a coffee shop or something of that nature that would serve the community; serve people along the hike and bike trail, but wouldn't generate a lot of car traffic. We are proposing to put in a gym, a swimming pool and recreational facilities for the residents; as far as the retail space we will not increase the commercial because of traffic.

Mr. Heil – The portion along the waterfront is not included in the zoning request; it currently allows 60-feet; staff's not recommending 60-feet, staff wasn't asked what we would recommend because that's not part of the zoning request. This is a minor point, but I think it's important to clarify that the 60-feet is what currently allowed; staff's response was to the parts along Riverside.

FAVOR

Andrew Clemons – Spoke in favor.

Charlie Betts – Spoke in favor.

Mr. Heil – Just want to inform you that pedestrian oriented commercial uses are permitted; those include food sales, convenience retail, things along those lines.

OPPOSITION

Brian Smith – Spoke in opposition. He expressed concerns regarding increased traffic.

Wayne Gonquist – Spoke in opposition. He expressed concerns regarding the height.

Henry Flores – Spoke in opposition. He expressed concerns regarding traffic, the exit and access onto I-35.

Gail Golf – Spoke in opposition. Ms. Golf expressed concerns regarding the height and water front overlay.

Facilitator: Javier Delgado

City Attorney: Gordon Bowen, 974-2356

Don Schizmar – Spoke in opposition. Mr. Schizmar expressed concerns regarding increased traffic; how dangerous this location is already; and the requested height.

Toni House – Spoke in opposition. Ms. House expressed concerns regarding the height.

Malcolm Yates – Spoke in opposition. Mr. Yates expressed concerns regarding increased traffic.

Jan Long – Spoke in opposition. Ms. Long requested a Corridor Study along East Riverside Drive.

Linda Watkins – Spoke in opposition. Ms. Watkins expressed concerns regarding the height, increased traffic, setting a precedent for Riverside Drive and protection for Town Lake.

REBUTAL

Mr. Birdwell – We are asking to take that density and rearrange it in manner that provides for a better design, it allows us to do all of the things that they talked about in their plan; it allows us to put in a water quality, it allows us to increase pedestrian access, it allows us to put in underground parking, it allows us to put 40-foot buildings next to the waterfront overlay, it allows us to respect the water front overlay setback of 100-feet, it allows us to keep the creek in its natural condition, it provides pedestrian access from Riverside to the hike and bike trail. What we are asking is not for more density; the density is already there today; we are asking for the ability to arrange that density in manner that's more compatible with the goals of the neighborhood plan, the City and the overall community; at the same time, while we're trying to balance all the issues and desires of all parties involved, we believe that we've done that in a plan that tries to balance that the best we can. There's traffic there today; this project does not increase the trips more than what's there today, but it's less than 2000 trips per day total, so the increase in traffic is not from this project.

Commissioner Galindo – Is it feasible to get an exit from this site onto the northbound access road on I-35?

Mr. Birdwell – No, there's two existing access locations to the site right now. One is a right in, right out access onto Riverside Drive; the other one is on Man Love Street; TXDOT will not allow a driveway cut any closer to I-35 than what currently exist there today. Although we did receive a TIA waiver, we did consult a traffic engineer to go out and determine what the existing conditions were and figure out what the safest alternative was, because we're not increasing a traffic problem that's already there, we're dealing with one that's existing today. We're doing everything we can to minimize the impact of traffic on the existing neighborhood.

Commissioner Riley – Is there a possibility of a traffic light on Man Love Street?

Mr. Birdwell – No, it does not meet warrants based on what our traffic consultant has said, and would not meet warrants. The existing conditions today are about the same as what we're proposing.

There was discussion on how access would be made to the projected site from Riverside.

Mr. Birdwell – Right now there's a median opening at Man Love Street and we have proposed to close that median opening to limit the left in and the left out, out of this site. If we did that, someone wanting to make a left in into this site, would make a U turn on Summit Street; this would be for east bound traffic; west bound traffic would just need to make a right turn into this site.

There was more discussion regarding access onto the proposed site.

Commissioner Reddy – What is the size of the landscape buffer between the roadway and the building?

Mr. Birdwell – We comply with all the criteria that Ms. Golf outlined; we have a 35-foot landscaped buffer and it's outlined to be a 15 and a 10-feet. We also comply with the 50-foot setback for the Urban Creek and the pedestrian access through the site.

Commissioner Reddy – Would the applicant be open to talking to the Department of Neighborhood Housing and Community Development about an affordable component to the project?

Mr. Birdwell – We were meeting with Stuart Hersch earlier today and we're going to continue those discussions as we approach the Council meeting and we fully anticipate that we'll reach an agreement with that department on some form of affordable housing contribution from this site.

Commissioner Reddy and Dealey moved to close the public hearing.

Commissioner Galindo – I'd like to make a motion for approval of the applicant's zoning request.

Commissioner Dealey – I'll second that.

Commissioner Galindo – We have to look at opportunities and this is an example for that opportunity. I do not have any objections to height.

Commissioner Dealey – I agree. The density is out of our hands; this will enhance Town Lake and this is a wonderful addition for the neighborhood.

Commissioner Moore – I'll support the motion.

Commissioner Sullivan – I just regret that we're doing this tonight, instead of as a part of the neighborhood plan. This is on the extreme edge of the neighborhood, but this is still within the planning area. I will support this motion, but I still regret that we're not doing it in the same context with the neighborhood plan. Maybe in part of our motion we can remind City Council to look at something about attaching a recommendation for a half million dollar traffic study for the Riverside corridor.

Commissioner Stegeman – I'll support the motion.

Commissioner Riley – I'll be supporting the motion; I share Commissioner Sullivan's concerns; I too would have liked to have waited to make a recommendation until we did the neighborhood plan. We will get the 100-foot setback that the plan is calling for; and we are getting some things that are being called for in the plan, so I will support the motion. I view this as a victory for the neighborhood. I meant to ask if affordability can be part of the motion, just a recommendation to the applicant that they continue their discussions with Neighborhood Housing and Community Development to arrive to a proposal that they can present to Council regarding affordability.

Commissioner Galindo - Yes, that's acceptable.

Commissioner Dealey – Yes.

Commissioner Riley – So the motion is to approve the requested rezoning with the additional recommendation that the applicant continue discussions with NHCD to arrive to a proposal for presentation to Council that would address affordability concerns.

Motion carried. (7-0)

15. Rezoning: C14-06-0057 - 4605 Manor Road
 Location: 4605 Manor Road, Tannehill Branch Watershed, East MLK NPA
 Owner/Applicant: Harlan R. Lowe
 Agent: Harlan R. Lowe
 Request: From SF-3 to GR-MU
 Staff Rec.: **Not Recommended**
 Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning

POSTPONED TO 05/23/06 (NEIGHBORHOOD)
[J.REDDY, K.JACKSON 2ND] (8-0)

16. Rezoning: C14-06-0058 - Life Center
 Location: 6130 Highway 290 W., Williamson Creek Watershed, Oak Hill NPA
 Owner/Applicant: Was Partner Ltd (Piotr Was)
 Agent: Jody Hagemann
 Request: DR to GR
 Staff Rec.: **Recommended**
 Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning

APPROVED STAFF'S RECOMMENDATION FOR GR DISTRICT ZONING; BY CONSENT.
[J.REDDY, K.JACKSON 2ND] (8-0)



C FAULKNER ENGINEERING, L.P.

400 Bowie Street, Suite 250

Austin, Texas 78703

Mailing Address: PO Box 1528

Austin, Texas 78767-1528

P: 512.495.9470

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April 24, 2006

Mr. Greg Guernsey, Director
Neighborhood Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

Re: Riverside Drive Residential Development
C.O.A. Case Number: C14-06-53-
Request for Zoning Modification

Dear Mr. Guernsey,

The Applicant hereby requests a modification to the zoning application for the above mentioned project. Please refer to the attached exhibit for the location of Tract 3. Tract 3 is currently zoned LO, the original application requested a GO zoning. The applicant requests that Tract 3 be considered for a down zoning from LO to MF-6. We have also attached the filed notes for each of the four tracts shown on the zoning application and the City of Austin GIS map of existing zoning.

Thank you for your consideration in this matter. Should you have any questions pertaining to this request, please feel free to call me at 656-2838.

Sincerely,

Stephanie M. Stanford, P.E.

cc: Robert Heil – City of Austin
Brian Birdwell – Holford Group

RESTRICTIVE COVENANT

OWNER: **BRE/ESA P PORTFOLIO TXNC PROPERTIES L.P.,**
a Delaware limited partnership

ADDRESS: 1001 S. IH-35
Austin, Texas 78741

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: "Tract 1" shall be that certain parcel of land described on Exhibit A attached hereto.

"Tract 2" shall be that certain parcel of land described on Exhibit B attached hereto.

"Tract 3" shall be that certain parcel of land described on Exhibit C attached hereto.

Tract 1, Tract 2, and Tract 3 shall collectively be referred to as the "Property."

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its successors and assigns.

1. If Owner constructs a building that is more than one hundred ninety (190) feet in height from the average finished grade on Tract 1, then any development on the Property shall comply with the following regulations:
 - (a) any building constructed on Tract 2 shall have a maximum height of no greater than forty (40) feet from the average finished grade on Tract 2; and,
 - (b) any building constructed on Tract 3 shall have a maximum height of no greater than sixty (60) feet from the average finished grade on Tract 3.

2. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
3. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
4. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination

EXECUTED this the ____ day of _____, 2006.

OWNER:

BRE/ESA P PORTFOLIO TXNC PROPERTIES L.P.,
A Delaware limited partnership

By: _____,
a _____

By: _____
Name: _____
Title: _____

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____ 2006, by _____, the _____ of _____, the general partner of BRE/ESA P Portfolio TXNC Properties L.P., a Delaware limited partnership, on behalf of said _____ and said partnership.

Notary Public, State of Texas

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 1001 SOUTH IH-35 FROM LIMITED OFFICE (LO)
3 DISTRICT, GENERAL OFFICE (GO) DISTRICT, AND COMMERCIAL-LIQUOR
4 SALES (CS-1) DISTRICT TO LAKE COMMERCIAL-CONDITIONAL OVERLAY
5 (L-CO) COMBINING DISTRICT FOR TRACT ONE, GENERAL OFFICE-
6 CONDITIONAL OVERLAY (GO-CO) COMBINING DISTRICT FOR TRACTS
7 TWO AND FOUR, AND MULTIFAMILY RESIDENCE HIGHEST DENSITY-
8 CONDITIONAL OVERLAY (MF-6-CO) COMBINING DISTRICT FOR TRACT
9 THREE.

10
11 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

12
13 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
14 change the base district on the property described in Zoning Case No. C14-06-0053, on file
15 at the Neighborhood Planning and Zoning Department, as follows:

16
17 Tract One: From limited office (LO) district and general office (GO) district to
18 lake-commercial-conditional overlay (L-CO) combining district.

19
20 A 0.843 acre tract of land, more or less, out of the Santiago del Valle Grant in
21 Travis County, the tract of land being more particularly described by metes and
22 bounds in Exhibit "A" incorporated into this ordinance;

23
24 Tract Two: From commercial-liquor sales (CS-1) district to general office-
25 conditional overlay (GO-CO) combining district.

26
27 A 2,270 square foot tract of land, more or less, out of Lots 9, 10, 11, Colorado
28 River Park in Travis County, the tract of land being more particularly described by
29 metes and bounds in Exhibit "B" incorporated into this ordinance;

30
31 Tract Three: From limited office (LO) district to multifamily residence highest
32 density-conditional overlay (MF-6-CO) combining district.

33
34 A 0.666 acre tract of land, more or less, out of the Santiago del Valle Grant in
35 Travis County, the tract of land being more particularly described by metes and
36 bounds in Exhibit "C" incorporated into this ordinance;

