

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

ITEM No. 7

**Subject:** C14-06-0023 - Marks-4 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2301 Riverside Drive (Town Lake Watershed) from family residence (SF-3) district zoning to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning; and townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. First reading approved on June 22, 2006. Vote: 7-0. Applicant: Eddie Dean. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Robert Heil, 974-2330

Additional Backup Material

(click to open)

□ Staff Report

For More Information: Robert Heil, 974-2330

# SECOND SUMMARY SHEET

### ZONING CASE NUMBER: C14-06-0023 – Marks 4

REQUEST: Approve second readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2301 Riverside. (Town Lake Watershed) from family residence (SF-3) district zoning to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning and townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning and townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning.

### **DEPARTMENT COMMENTS:**

The site is a roughly 4:5 acre undeveloped site currently zoned family residence (SF-3). The request is for neighborhood commercial-mixed use-conditional overlay combining district zoning (LR-MU-CO). The conditional overlay would limit the daily vehicle trips to less than 2000 trips per day. The site may be developed for a drive-through bank but this has not been finalized.

OWNER: Eddie Dean

· AGENT: Jim Bennett

<u>DATE OF FIRST READING</u>: June 22, 2006, The public hearing was closed and the first reading of the ordinance for neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for the portion of the tract north of Woodland Avenue, and townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for the portion of the tract south of Woodland Avenue, with the following conditions, was approved on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote. The conditions were: follow the vertical mixed use (VMU) provisions, a 2,000 trips per day limitation, prohibiting food sales for the portion of the tract zoned LR-MU-CO, and maintaining a 50 ft. setback from the creek for the entire tract.

<u>PLANNING COMMISSION ACTION:</u> June 13, 2006: Approved staff recommendation of LR-MU-CO for that portion of the tract located north of Woodland Avenue, and SF-6-CO for that portion of the tract south of Woodland Avenue. The conditional overlay would limit the daily vehicle trips to less than 2000 trips per day. (8-0).

CITY COUNCIL ACTION: August 9, 2006

ORDINANCE NUMBER:

ASSIGNED STAFF: Robert Heil, e-mail: robert.heil@ci.austin.tx.us

### **ZONING CHANGE REVIEW SHEET**

<u>CASE:</u> C14-06-0023 Marks-4 <u>PC. DATE:</u> April 11, 2006

May 23, 2006 June 13, 2006

ADDRESS: 2301 E. Riverside Dr

**OWNER/APPLICANT:** Eddie Dean

**AGENT:** Jim Bennett Consulting (Jim Bennett)

**ZONING FROM:** SF-3 **TO:** LR-MU-CO

AREA: 4.472 Acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends LR-MU-CO for that portion of the tract located north of Woodland Avenue, and SF-6-CO for that portion of the tract south of Woodland Avenue. The conditional overlay would limit the daily vehicle trips to less than 2000 trips per day.

### PLANNING COMMISSION RECOMMENDATION:

**April 11, 2006:** Postponed until May 23, 2006 by commission (8-0).

May 23, 2006: Postponed until June 13, 2006 by commission on consent (Vote: 8-0).

**June 13, 2006:** Approved staff recommendation of LR-MU-CO for that portion of the tract located north of Woodland Avenue, and SF-6-CO for that portion of the tract south of Woodland Avenue. The conditional overlay would limit the daily vehicle trips to less than 2000 trips per day. (8-0).

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Staff recommends LR-MU-CO for that portion of the tract located north of Woodland Avenue, and SF-6-CO for that portion of the tract south of Woodland Avenue.

Townhome and Condominium Residence (SF-6) zoning would add to the mix of housing opportunities available in the vicinity.

SF-6 provides mix of housing opportunities. Hope is that SF-6 would allow the flexibility needed considering the floodplain.

Currently access from the site to Riverside Dr would have to be taken through a large, vacant stretch of right-of-way to the north of the site.

The most recent draft of the Riverside Neighborhood Plan calls for "higher density single family" land uses on the tract. SF-6 would be consistent with this recommendation. However, mixed use would not be consistent with the draft land use plan. Staff would amend the draft land use plan for the northern portion of the tract to reflect the result of this case. The rational for amending the land use plan is recommendation of staff to remove single family residential uses from the floodplain.

# **EXISTING ZONING AND LAND USES:**

ZONING		LAND USES	
Site	SF-3	Undeveloped	
North	GR and CS	Vacant right of way, Fast food, shopping center	
South	MF-3	Apartments	
East	MF-3	Apartments	
West	LR and MF-3	Undeveloped and Auto Wash	

**AREA STUDY:** The site falls within the Riverside Neighborhood Plan, currently underway.

TIA: Not Required

WATERSHED: Town Lake

**DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

### **REGISTERED COMMUNITY ORGANIZATIONS:**

- South River City Citizens' Association
- Southeast Austin Neighborhood Alliance
- Baron Springs/Edwards Aquifer Conservation District
- South Central Coallition
- PODER People Organized to Defend Earth and her Resources
- Austin Neighborhoods Council
- East Riverside/Oltorf Neighborhood Planning Team

### **SCHOOLS:**

- Metz Elementary School
- Martin Middle School
- Johnston High School

# **ABUTTING STREETS:**

NAME	RIGHT OF	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
	WAY				ROUTE	
Riverside Drive	Varies	Varies	Arterial	Yes	Yes ····	Yes
Willow Springs	70'	50'	Collector	Yes	No	No

# CITY COUNCIL DATE: ACTION:.

**April 27, 2006:** 

Postponed until June 8, 2006 at the request of staff.

June 8, 2006:

Postponed to June 22, 2006 at the request of staff.

June 22, 2006:

The public hearing was closed and the first reading of the ordinance for neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for the portion of the tract north of Woodland Avenue, and townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for the portion of the tract south of Woodland Avenue, with the following conditions, was approved on

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the portion of the tract zoned LR-MU-CO, and maintaining a 50 ft. setback from the creek for the

entire tract.

**ORDINANCE READINGS:** 

1<sup>st</sup>

2nd

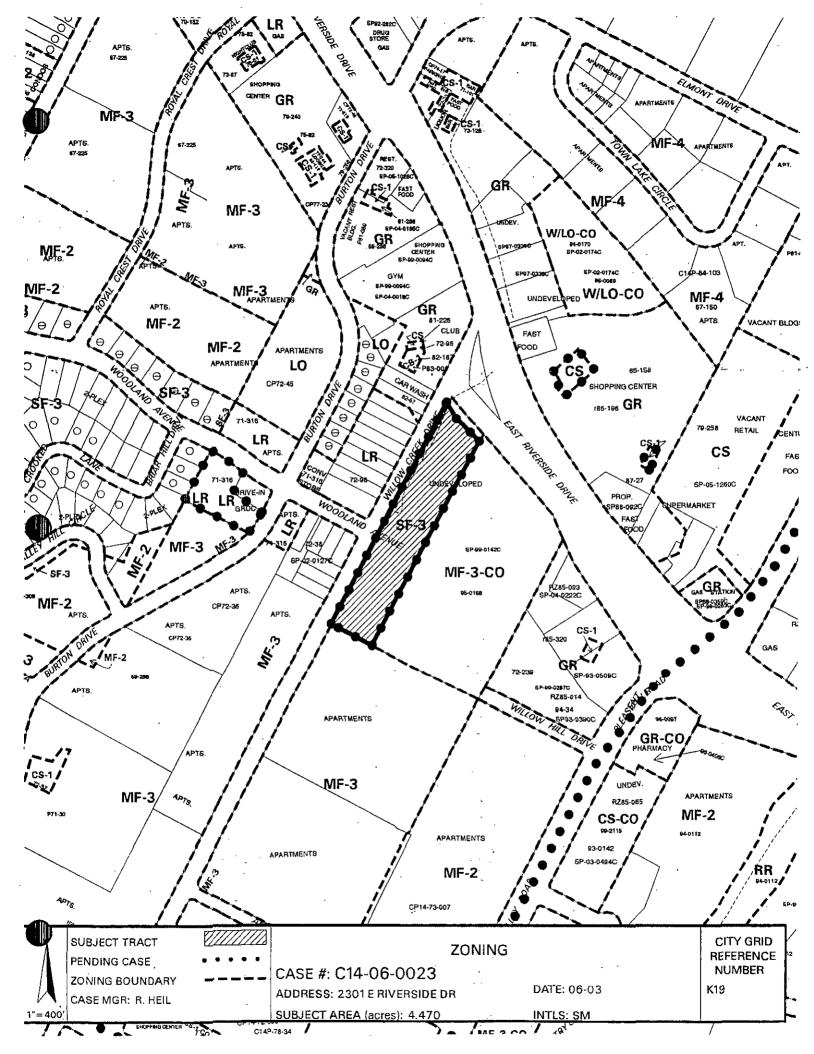
3rd

**ORDINANCE NUMBER:** 

CASE MANAGER: Robert Heil

e-mail address: robert.heil@ci.austin.tx.us

**PHONE: 974-2330** 



## SUMMARY STAFF RECOMMENDATION

Staff recommends LR-MU-CO for that portion of the tract located north of Woodland Avenue, and SF-6-CO for that portion of the tract south of Woodland Avenue.

Townhome and Condominium Residence (SF-6) zoning would add to the mix of housing opportunities available in the vicinity.

SF-6 provides mix of housing opportunities. Hope is that SF-6 would allow the flexibility needed considering the floodplain.

Currently access from the site to Riverside Dr would have to be taken through a large, vacant stretch of right-of-way to the north of the site.

### BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

LR-MU zoning would be appropriate along the northern portion of the tract closer to Riverside Drive. Further to the south, neighborhood land uses are more residential, and SF-6 would more in keeping with the neighborhood character.

### **EXISTING CONDITIONS**

### **Site Characteristics**

The site is a roughly 4.5 acre undeveloped site currently zoned family residence (SF-3). The request is for neighborhood commercial-mixed use-conditional overlay combining district zoning (LR-MU-CO). The conditional overlay would limit the daily vehicle trips to less than 2000 trips per day.

To the north lies an undeveloped stretch of right-of-way and then Riverside Drive with intense commercial uses. Apartments lie to the east and south. Largely undeveloped commercially zoned land lies to the west.

# **Environmental**

- 1. 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.
- 2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

- 3. 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.
- 4. According to flood plain maps, there is flood plain within the project area.
- 5. 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.
- 6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

# **Transportation**

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

The trip generation under the requested zoning is estimated to be 6,674 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).

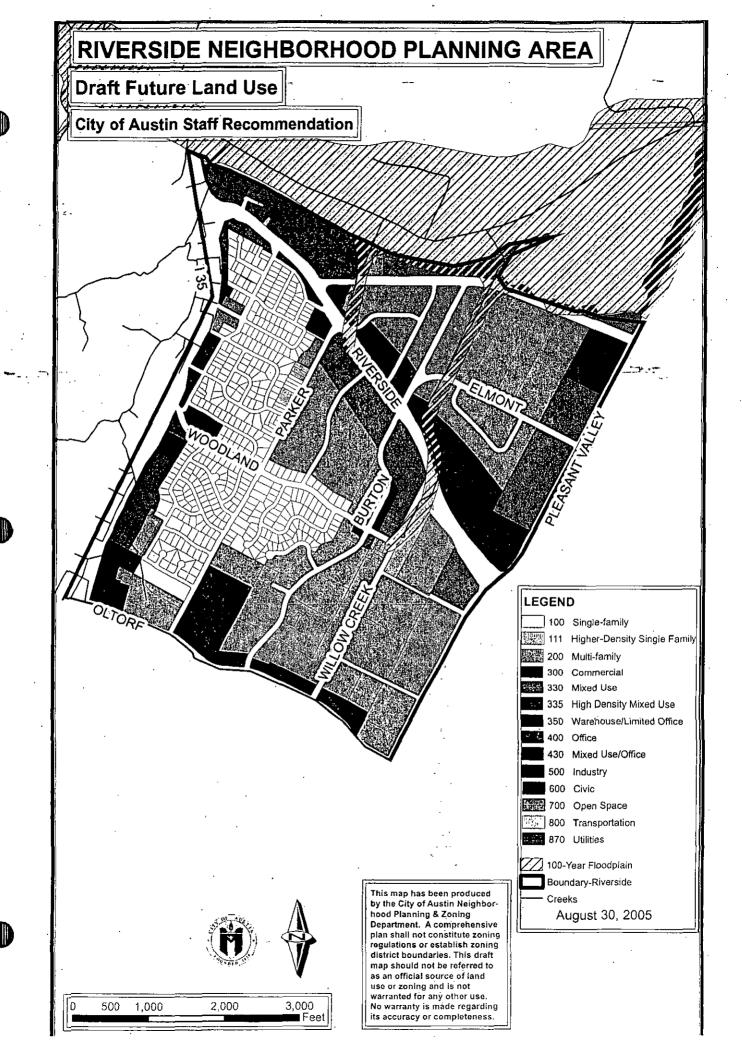
A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

## **Existing Street Characteristics:**

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO ROUTE	SIDEWALKS
Riverside Drive	Varies	Varies	Arterial	Yes	Yes	Yes
Willow Springs	70'	50'	Collector	Yes	No	No

### 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 adjustment 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.



# PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

applicant has NEVER contacted any statecholder Surlay. There is a significant portion of the perfectly ☐ I am in favor aren (EROC) hact #36 of the Comments: Despite in organing neighborhood plan stakeholder recommendation is SF-3-NP. There has comments should include the board or commission's name, the scheduled 15ADC contocealt any MU cours, cut I the ordinance in Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your date of the public hearing, and the Case Number and the contact person 90-8-4 aleo been illegal tree cultime done with othe on a Liverente NTA. Staff recommendation in SF-6-Nº and V I object TARMS RD Your address(es) affected by this application Austro in the Eath Rivers ile Offer Contract in the Lord plain with the onech on the f you use this form to comment, it may be returned to: changed To MANDATE attre moded was. Neighborhood Planning and Zoning Department مهر NONTHAN AUNIT 2407 RIVETSIDE regarding this course chang The Contact: Robert Heil, (512) 974-2330 Public Hearing: April 11, 2006 Planning Commission Signature: Case Number: C14-06-0023 Austin, TX 78767-8810 Your Name (please print) listed on the notice. P. O. Box 1088 City of Austin Robert Heil

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Case Number: C14-06-0023. Contact: Robert Heil, (512) 974-2330
Public Hearing: April 11, 2006 Planning Commission
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Comments: Creek should not be constant
of density commercial
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If you use this form to comment, it may be returned to:  City of Austin
Neighborhood Planning and Zoning Department Robert Heil
P. O. Box 1088 Austin, TX 78767-8810

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### TO WHOM IT MAY CONCERN

I Eddie Dean and Peggy Marks would like to let you know that we have tried to visit with our Neighborhood Planners at four (4) different occasions and we communicated a few times over the telephone in regard to overlays on our property at the following address: 2301 E. Riverside Drive, which we owned since 1999.

Although we do understand that this is not an overnight process, and our Neighborhood Planners are busy with variety of business matters, however, we have been addressing this issue for quite a long time. We lived on Riverside Drive for (17) years, and we are active in pursuing resolution through our Neighborhood Planners, to change the rezoning of the above mentioned property. Needless to say, we have spent a lot of time, mortgages, taxes, and efforts to maintain and keep this property clean and safe for our community, however, we do feel that we do not have the cooperation or the assistance of our Neighborhood Planners to resolve our zoning issues.

Several opportunities to sell this property have passed by, and we feel that our hands are tied, and we are forced to be at a standstill with our zoned property as SF3.

In our opinion, we actually do not need any businesses such as gas stations, Seven-Eleven's, Convenience Stores, or the like on Riverside Drive, rather we do prefer small family businesses, (Mom & Pop's) such "Amy's Ice Cream & Coffee Shop" which is the core of Austin's economy that will allow our long timers on Riverside to live and work in that area as well, as we have enough leased apartments, condominiums, and high-rise, which are leasing property that will not allow for the small business owners a place to make a good living and sustain themselves.

Last but not least, Bars, Car Wash, Fast Food Shops and leased apartments and high-rises promotes heavy traffic, and high crimes, and is not a home for those of us that has lived and look for ward to living on Riverside for a long time to come.

Yours Truly, Eeleh Den Leggy Marko D 5/13/06 My name is Asim Kabbani. 9 live on wekersham lane. I want you people to Bulia Movie the Hearts cinema on this Side- 9- am -in - co-print - of - small Rusnier where space can be useful and that woold create job opportunites. Wh will decrease every if not every then 111 bit of gib the we face.

Austin, Tx, 78741 512- 927-0941 Estatoria Estatoria

The Carlo States

Expression, have been living in the Riverside area for 7 years and do to my medical problems, and in the first and mother of 84 years young health issues, we would like to see more doctors and clinic expressions and also eye and dental. I have seen enough apartments, condos and housing in the area, we that expresses McDonald's, Taco Beil or Wendy's. We need friendly community services Something along the lives of a movie theater or bowling alley with a nice family atmosphere would be nice.

Euelyn Bioussaa

Evelyn Broussard

To whom It May Concern. Pinistre doto live at 2425 E Riverside # 212 I have three kido, two that are under age Is and I am a single parent. I have to take my lide to Done Spring everyday to the babyouther and then drive all the way to Braker where my job is at, It would be also more easier if we had more jobs and doctors office and over community recreation center for the parents and children whom live in this area. Right now I have to go miles away just to take my hids to more and more apartments and the leds that live in the Riverside area have to go to schools that are very far away instead of the schools down the street. It is a very inconvenience expecially now consider traying to get more building that provide jobs, dictors + recreation centers for our area instead of putting more agantments + condor which are not necessary at this time

PATRICIA HERNANDEZ 5300 JIMMY CLAY DR. #3201 AUSTIN, TX 78744

lo whomever, this may-Concern, My Opionion on building bussman on montopolie & Riverside io a good Idea Doctors office Dentiet, Chiro pratieno more capte, the neighborhood is getting bud with to many Opt's & Condencineron o personally had to move to amuch better are Doctors office & Near a Mice, morrie Pheater There is no Bus-Stop close ley on Nowne Nista Several Languita eller more to Muschia. Homes I was Robbid at Mun. Point - Pight in that area

new Home! Sincewhy Poetricia.

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From:

05/13/2086 09:56

5122828959

JIM BENNETT CONSULT

PAGE 01/01

May 19, 2006

I support the requested zoning change Case No. C14-06-0023, located at 2301 East Riverside Dr. I understand that this request is for LR- Neighborhood Commercial Zoning, which will allowneighborhood type uses to be built on the property.

Signature

My name is Curposa alston
and I work in the Riverside
area. I also live very close
To the riverside area. I I would
feel compartible to see more
Dr. Offices, Eyms, Math Clinics,
and more small to samely
owned stores. I think that
NO have more than enough
living space we need more
MORE DIACES!
$A M \alpha M$
YullAh - 5-27-66

5-24-06

To whom it may concern:

The lived of the Riverside Wickersham area for about 8 yrs. I would like to see some retail stores, movies, entertainment in this area. I must traval a few miles in order too find these places. It would be very productive for this community.

Thanks, Robourk

85/13/2086 89:56

5122820959

JIM BENNETT CONSULT

PAGE 01/01

May 19, 2006

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Signature	Address
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Signature

I Maria Vega lived in this
AREA all my life and but there has
been a lot of changes. AS I am older
person and I still work I would
like to see more retail and
small business and small Doctors
office and maybe & movie theathers
OR ever a small of coffee shop
for when I get off work, and
Then enjoy the community that
I have been living all my Life in.
maria Vega.
620 Kemp 8+
AUSTIN, Tx 78741

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JIM BENNETT CONSULT

PAGE 01/01

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Signature

My name is Curfina alston
and I work in the Riverside
area. I also live very close
to the riverside orea. I I would
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# To whom it may concern:

HI MY NAME IS TAMERA Whits. My address is 45018 Riverside DR #3009 I have lived here for over 4 years With My 3 children and I have seen enough apartments and condo's living space. As I am in support to resoning this property to whe we can have more businesses that I can live and wark to, and be close to my children. We need more oob spaces and sobs on the Riverside Area.

Agaks Lameka White Tameka White 4501 & Riverside 300° Austin, Tx, 78741

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