

A U S T I N C I T Y C O U N C I L
AGENDA

Thursday, September 28, 2006

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

ITEM No 85

Subject: C14-06-0138 - 4711 East Riverside - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4711 East Riverside Drive (Country Club Creek Watershed) from general office (GO) district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. First reading approved on August 9, 2006. Vote: 7-0. Applicant: TSB Resource (Terry Blankenship). Agent: Clark, Thomas & Winters (John Joseph). City Staff: Robert Heil, 974-2330.

**Additional Backup
Material**

(click to open)

- ☐ Staff_Report
- ☐ Ordinance

For More Information: Robert Heil, 974-2330.

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-06-0138; 4711 East Riverside

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4711 East Riverside Drive (Country Club Watershed) from general office (GO) district zoning to general office-mixed use -conditional overlay (GO-MU-CO) combining district zoning.

DEPARTMENT COMMENTS:

The site is an undeveloped tract currently zoned GO. The request is to add the Mixed Use overlay to allow the development of townhouses and condominiums.

Staff recommends approval of the request for GO-MU. The conditional overlay would:

- Limit daily vehicle trips to no more than 2000
- Prohibit the multi-family residential use.

APPLICANT/AGENT: Minter Joseph and Thornhill (John M. Joseph)

OWNER: TSB Resources (Terry Blankenship)

DATE OF FIRST READING: 8/09/06 Approved staff's recommendation of GR-MU-CO (Vote: 7-0)

PLANNING COMMISSION ACTION: July 25, 2006: Approved staff's recommendation on consent (9-0).

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

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

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 4711 EAST RIVERSIDE DRIVE FROM GENERAL
3 OFFICE (GO) DISTRICT TO GENERAL OFFICE-MIXED USE-CONDITIONAL
4 OVERLAY (GO-MU-CO) COMBINING DISTRICT.

5
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

7
8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from general office (GO) district to general office-mixed use-
10 conditional overlay (GO-MU-CO) combining district on the property described in Zoning
11 Case No. C14-06-0138, on file at the Neighborhood Planning and Zoning Department, as
12 follows:

13
14 A 5.372 acre tract of land, more or less, out of the Santiago Del Valle Grant, Travis
15 County, the tract of land being more particularly described by metes and bounds in
16 Exhibit "A" incorporated into this ordinance (the "Property"),

17
18 locally known as 4711 East Riverside Drive, in the City of Austin, Travis County, Texas,
19 and generally identified in the map attached as Exhibit "B".

20
21 **PART 2.** The Property within the boundaries of the conditional overlay combining district
22 established by this ordinance is subject to the following conditions:

- 23
24 1. A site plan or building permit for the Property may not be approved, released, or
25 issued, if the completed development or uses of the Property, considered cumulatively
26 with all existing or previously authorized development and uses, generate traffic that
27 exceeds 2,000 trips per day.
28
29 2. A multifamily residential use of the Property is a prohibited use.

30
31 Except as specifically restricted under this ordinance, the Property may be developed and
32 used in accordance with the regulations established for the general office (GO) base district
33 and other applicable requirements of the City Code.
34
35
36
37

1 **PART 3.** This ordinance takes effect on _____, 2006.

2
3
4 **PASSED AND APPROVED**

5
6
7
8 _____, 2006

§
§
§

Will Wynn
Mayor

9
10
11
12
13 **APPROVED:** _____

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk

D

EXHIBIT A
FIELD NOTES TO ACCOMPANY MAP OF SURVEY
5.372 ACRES OF LAND
SANTIAGO DEL VALLE GRANT
TRAVIS COUNTY, TEXAS

FIELD NOTES DESCRIPTION OF 5.372 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS, BEING THAT CERTAIN TRACT CALLED 5.39 ACRES DESCRIBED IN A DEED TO DOYLE THORNHILL RECORDED IN VOLUME 10739, PAGE 443 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. THE SAID 5.372 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a ½ inch diameter steel pin found on the south line of Riverside Drive at the northwest corner of the said Thornhill tract, the same being at the northeast corner of Lot 1, Block A, Chevy Chase South Phase Four, Section A, a subdivision of record in Book 83, Page 58d of the Plat Records of Travis County, Texas;

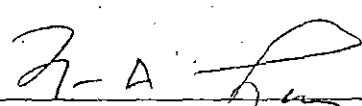
THENCE, along the south line of Riverside Drive, the following two (2) courses and distances:

- 1) S 75°31'27" E, 235.86 feet to a ½ inch diameter steel pin found;
- 2) With a curve to the right, having a central angle of 04°52'55", a radius of 1372.70 feet, an arc of 116.96 feet and a chord bearing and distance of S 73°01'06" E, 116.93 feet to a galvanized bolt found at the northwest corner of Lot 2, Jim & Mike Subdivision, a subdivision of record in Book 60, Page 38 of the Plat Records of Travis County, Texas;

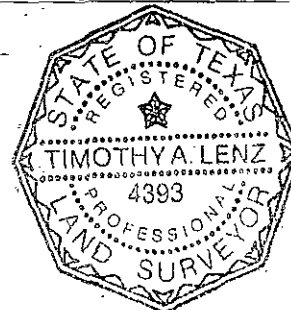
THENCE, S 29°40'07" W, a distance of 724.61 feet to a ½ inch diameter steel pin found on the north line of Lot 1, Block B, Chevy Chase South Phase Four, Section B, Block B, a subdivision of record in Book 84, Page 87c of the Plat Records of Travis County, Texas, and being at the southeast corner of the said Thornhill tract, the same being the southwest corner of the said Lot 2, Jim & Mike Subdivision;

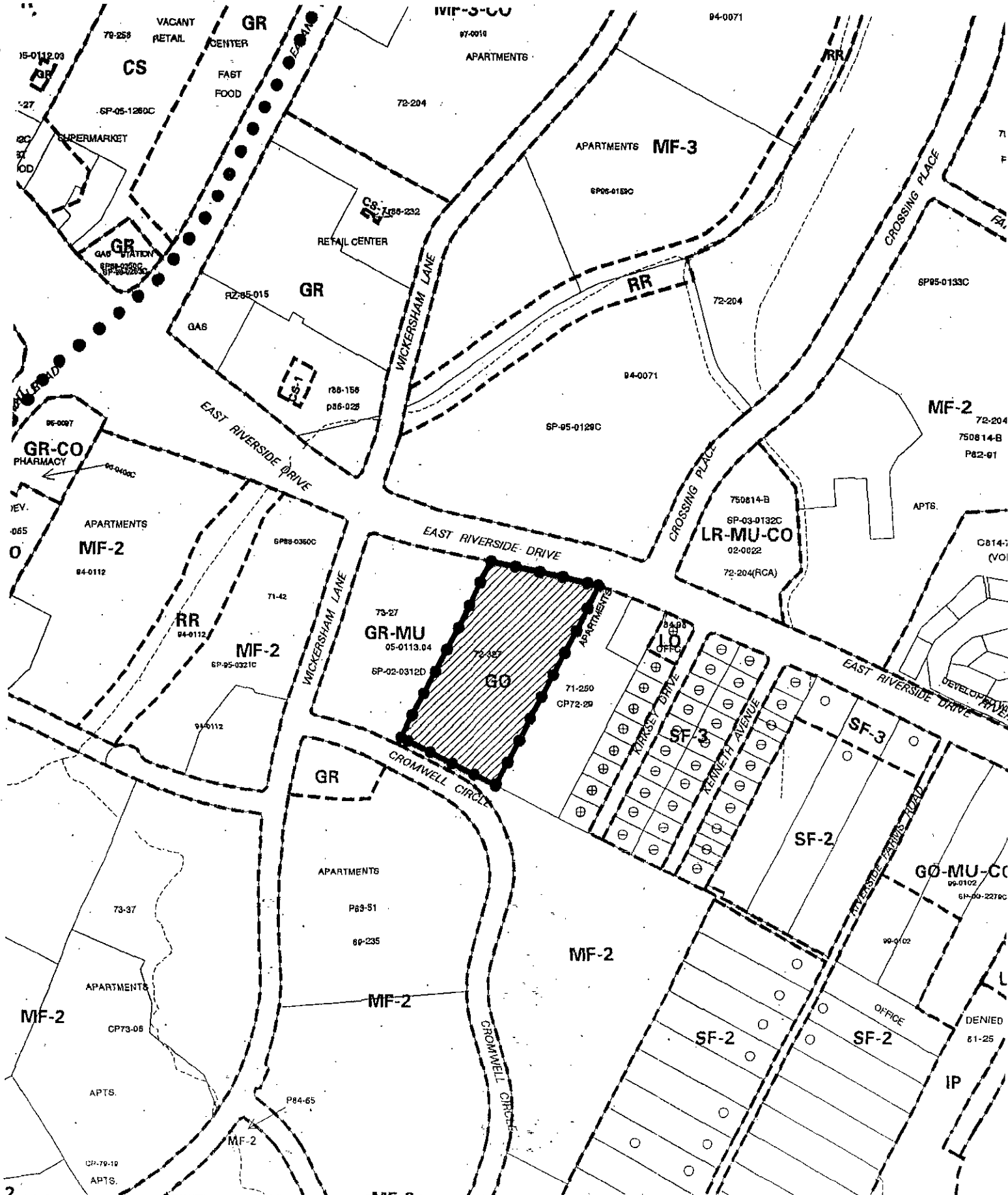
THENCE, N 60°04'35" W, a distance of 344.55 feet along the north line of the said Lot 1, Block B, Chevy Chase South Phase Four, Section B, Block B subdivision, to an iron pipe found at the southwest corner of the said Thornhill tract on the east line of the said Lot 1, Block A, Chevy Chase South Phase Four, Section A subdivision;


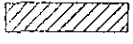

THENCE, N 29°55'34" E, a distance of 635.59 feet along the common line between the said Lot 1, Block A, Chevy Chase South Phase Four, Section A subdivision and the said Thornhill tract to the **PLACE OF BEGINNING**, containing 5.372 acres of land, more or less.


TIMOTHY A. LENZ, R.P.L.S. NO. 4393
Lenz & Associates, Inc.
1714 Fort View Road, Suite 101
Austin, Texas 78704
(512) 443-1174

(2006-0156.doc)





 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: R.KEIL	 	ZONING EXHIBIT B CASE #: C14-06-0138 ADDRESS: 4711 E RIVERSIDE DR SUBJECT AREA (acres): 5.372	DATE: 06-07 INTLS: SM	CITY GRID REFERENCE NUMBER K19
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ZONING CHANGE REVIEW SHEET

CASE: C14-06-0138

PC. DATE: July 25, 2006

ADDRESS: 4711 East Riverside Drive

OWNER/APPLICANT: TSB Resources (Terry Blankenship)

AGENT: Minter Joseph and Thornhill (John M. Joseph)

ZONING FROM: GO **TO:** GO-MU

AREA: 5.372 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the request for GO-MU. The conditional overlay would:

- Limit daily vehicle trips to no more than 2000
- Prohibit the multi-family residential use.

The applicant and neighborhood support this conditional overlay. They will also sign a private restrictive covenant to address additional issues outside the scope of this zoning case.

PLANNING COMMISSION RECOMMENDATION:

July 25, 2006: Approved staff's recommendation on consent (9-0).

DEPARTMENT COMMENTS:

The site is an undeveloped tract currently zoned GO. The request is to add the Mixed Use overlay to allow the development of townhouses and condominiums.

Staff recommends approval of the request for GO-MU. The conditional overlay would:

- Limit daily vehicle trips to no more than 2000
- Prohibit the multi-family residential use.

The applicant and neighborhood support this conditional overlay. They will also sign a private restrictive covenant to address additional issues outside the scope of this zoning case.

The East Riverside/Oltorf Neighborhood Plan executive committee support the zoning change, and any needed changes to the neighborhood plan future land use map.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO	Undeveloped
<i>North</i>	MF-3	Apartments
<i>South</i>	MF-2	Apartments
<i>East</i>	MF-2	Apartments
<i>West</i>	GR-MU	Undeveloped

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

TIA: 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]

WATERSHED: Country Club Creek

DESIRED DEVELOPMENT ZONE: Yes

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

REGISTERED NEIGHBORHOOD ORGANIZATIONS:

- Southeast Austin Neighborhood Alliance (189)
- Crossing Garden Home Owners Association (299)
- Terrell Lane Interceptor Association (300)
- Barton Springs / Edwards Aquifer Conservation District (428)
- Austin Neighborhoods Council (411)
- Montopolis Area Neighborhood Alliance (634)
- Riverside Farms Road Neighborhood Association (934)
- P.O.D.E.R. (People Organized in Defense of Earth and her Resources (972)

SCHOOLS: (AISD)

Allison Elementary School Martin Middle School Johnston High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Riverside Drive	126'	Varies	Arterial	Yes	Yes	Priority 2
Cromwell Cir.	80'	50'	Collector	No	No	No

C14-06-0138

CITY COUNCIL DATE: **ACTION:**

August 9, 2006:

The first reading of the ordinance for general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning was approved on Council Member Cole's motion, Council Member McCracken's second on a 7-0 vote.

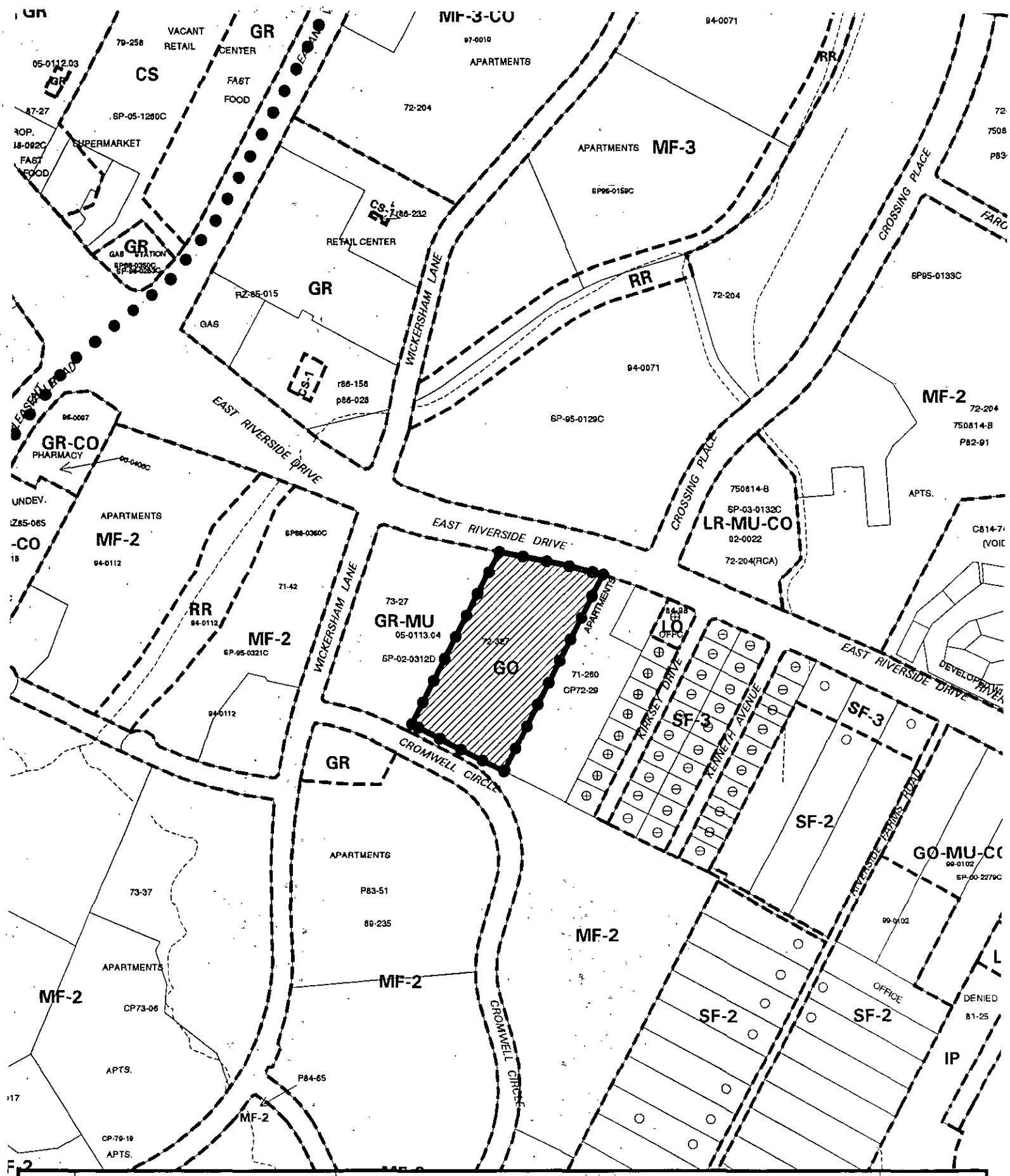
September 28, 2006:


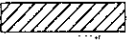

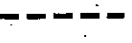
ORDINANCE READINGS: 1st 8/9/06 2nd 3rd

ORDINANCE NUMBER:

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

PHONE: 974-2330



 1" = 400'	SUBJECT TRACT 	ZONING CASE #: C14-06-0138 ADDRESS: 4711 E RIVERSIDE DR SUBJECT AREA (acres): 5.372	DATE: 06-07 INTLS: SM	CITY GRID REFERENCE NUMBER K19
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: R.HEIL			



SUMMARY STAFF RECOMMENDATION

Staff recommends approval of the request for GO-MU. The conditional overlay would:

- Limit daily vehicle trips to no more than 2000
- Prohibit the multi-family residential use.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses and development intensities.*

GO zoning on the subject tract would provide an appropriate transition between the higher intensity uses to the east and less intense uses to the west. Mixed Use, which would allow for residential uses would be appropriate for the site.

2. *Zoning should be consistent with an adopted study or neighborhood plan.*

The East Riverside neighborhood plan draft land use plan calls for this property to remain as an "Office" land use. However, that plan has yet to be adopted and is still under discussion. The East Riverside/Oltorf Neighborhood Plan executive committee support the zoning change, and any needed changes to the neighborhood plan future land use map.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Country Club Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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, 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.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 200 feet of right-of-way for Riverside Drive. Dedication of additional right-of-way may be required during the subdivision or site plan process. [LDC, Sec. 25-6-51 and 25-6-55]

The trip generation under the requested zoning is estimated to be 9,386 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	Sidewalks	Bus Route	Bike Route
Riverside Drive	126'	Varies	Arterial	Yes	Yes	Priority 2
Cromwell Cir.	80'	50'	Collector	No	No	No

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 utility 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 of Austin utility design criteria and specifications.

The landowner must pay all required water and wastewater utility tap permit, impact, construction inspection, and utility plan review fees.