

# AGENDA



Thursday, January 11, 2007

+ Back Print

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

**ITEM No 66**

**Subject** NPA-05-0021 - East Riverside/Oltorf Combined Neighborhood Plan - Approve third reading of an ordinance amending Ordinance 20061116-055, the East Riverside/Oltorf Combined Neighborhood Plan, to establish a mixed use designation on the future land use map for the following tracts 2017 E Riverside Drive (Tract 41), 2003, 2005, 2007, 2009, 2011, 2013, 2015, 2017 E Riverside Drive and 1407 ½ Royal Crest Drive (Tract 43), 2003 E Riverside Drive (Tract 44), The combined planning area is bounded by IH-35 on the west, Town Lake and the Colorado River on the north, Grove Boulevard and Montopolis Drive on the east and State Highway 71 (Ben White Boulevard East) on the south First reading approved on October 19, 2006 Vote 6-1 (Kim-Nay) Second reading approved on November 16, 2006 Vote 6-0-1 (Kim-abstained) Applicant and Agent City of Austin, Neighborhood Planning and Zoning Department City Staff Melissa Laursen 974-7226

### **Additional Backup Material**

(click to open)

- Chart
- Future\_Land\_Use\_Map
- Ordinance

**For More Information**

**Riverside NPA**  
**C14-05-0112 and**  
**NPA-05-0021**  
**Tracts 41, 43, 44**  
**January 11, 2007**

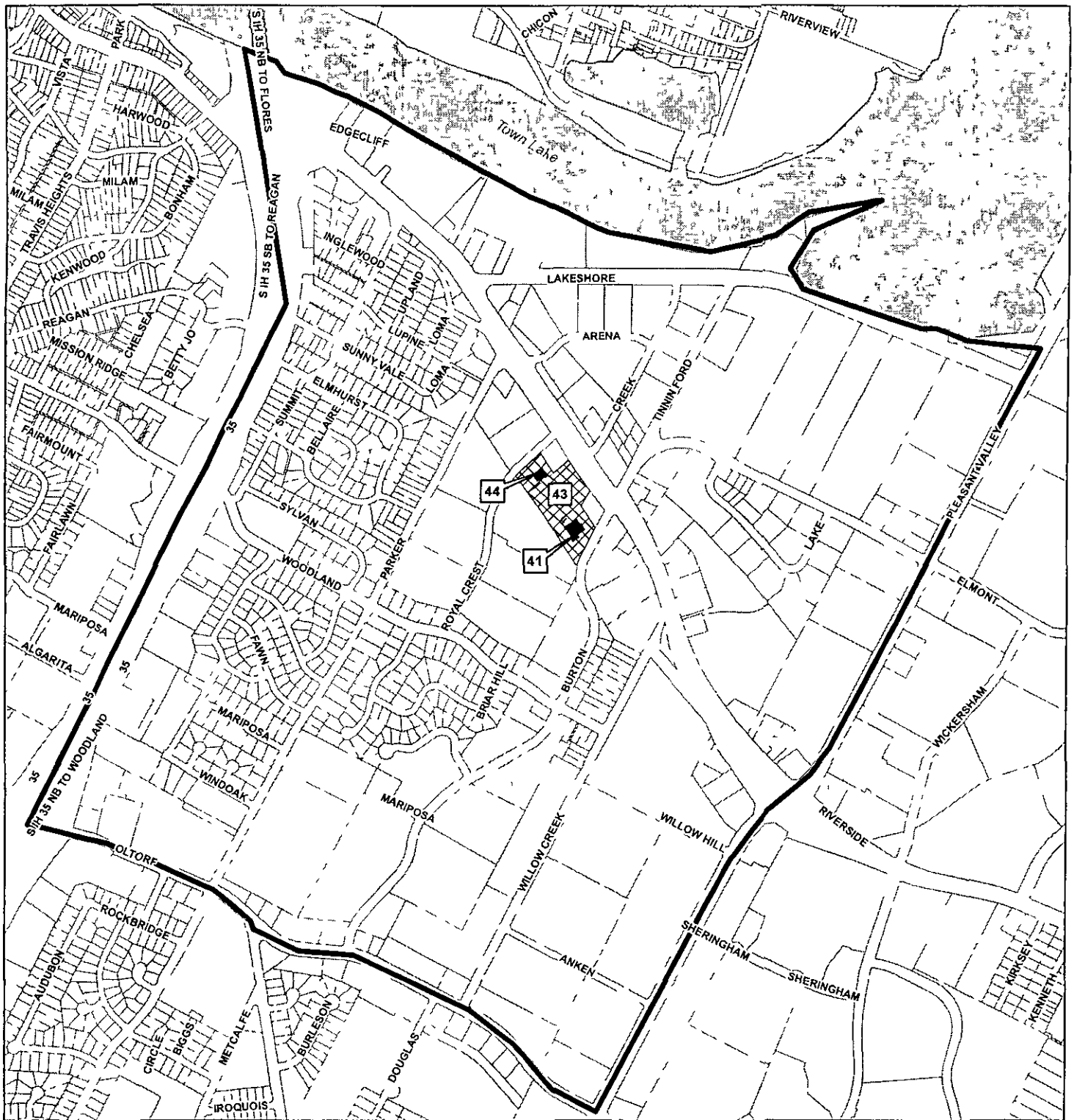
Tract # & Address	Current Zoning & Use	City Council 1st Reading (10-19-06) 2nd Reading (11-16-06)	Planning Commission Recommendation (6-13-06 Hearing)	Staff Recommendation	Property Owner/Prospective Developer Recommendation	Group 1 Recommendations from Neighborhood Planning Meetings (8/04 thru 3/05)	Group 2 Recommendations (Members from Advisory Committee, recommendations developed independently after March 2005)	VOTES REQUIRED
41 2017 E Riverside Dr (a 12 695 SF tract of land being comprised of three tracts of land one containing 4,305 SF another containing 2,648 SF and the last containing 5,742 SF out of Lot 11D of the Second Resubdivision of Colorado Hills Estates Sect	Commercial CS 1 (The Back Room night club)	<i>Mixed Use</i>  CS 1 MU CO NP  Conditions for the combined Tracts 41, 43, and 44 include 1) maximum FAR of 1.8 1 2) limited to GR site development standards 3) minimum of 10% open space 4) minimum of 10% of the development's gross floor area shall be used for commercial 5) minimum of 25% of the development's gross floor area shall be used for residential uses of which 30% shall be townhouses or condominiums also recommended a private restrictive covenant between the developer and the neighborhood to cap the number of rental units to 300 and the development should comply with the Commercial Design Standards which will take effect on 1/13/07	<i>Mixed Use</i>  CS 1 MU CO NP  Conditions for the combined Tracts 41, 43, and 44 include 1) maximum FAR of 1.8 1 2) maximum impervious cover of 85% 3) limited to GR site development standards 4) minimum of 10% open space 5) minimum of 10% of the development's gross floor area shall be used for commercial 6) minimum of 25% of the development's gross floor area shall be used for residential uses of which 30% shall be townhouses or condominiums 7) limit height of buildings along E Riverside Drive to 3 stories or 40 feet within 100 feet of the roadway **also recommended a private restrictive covenant between the developer and the neighborhood to cap the number of rental units to 200 and the development should comply with the Commercial Design Standards which will take effect on 1/13/07	<i>Mixed Use</i>  CS 1 NP w/ MUB and NUC	Prospective buyer/developer of majority of site American Realty (Jeff Musgrove)  <i>Mixed Use</i>  CS 1 MU CO NP  Conditions for the combined Tracts 41, 43, and 44 include 1) maximum FAR of 1.8 1 2) limited to GR site development standards 3) minimum of 10% open space 4) minimum of 10% of the development's gross floor area shall be used for commercial 5) minimum of 25% of the development's gross floor area shall be used for residential of which 30% shall be townhouses or condominiums 5) limit the number of rental units to 300 with a private restrictive covenant 6) compliance with the Commercial Design Standards	<i>Mixed Use</i>  GR NP with MUB and NUC	Commercial (with a notation on the FLUM referencing special use options)  CS 1 NP w/ MUB and NUC	3rd Reading = 4 votes

**Riverside NPA**  
**C14-05-0112 and**  
**NPA-05-0021**  
**Tracts 41, 43, 44**  
**January 11, 2007**

Tract # & Address	Current Zoning & Use	City Council 1st Reading (10-15-06) 2nd Reading (11-16-06)	Planning Commission Recommendation (6-13-06 Hearing)	Staff Recommendation	Property Owner/Prospective Developer Recommendation	Group 1 Recommendations from Neighborhood Planning Meetings (8/04 thru 3/05)	Group 2 Recommendations (Members from Advisory Committee, recommendations developed independently after March 2005)	VOTES REQUIRED
43 2003 2017 E Riverside Drive 1407 1/2 Royal Crest Drive (excluding portions identified in Tracts 41 42 44)	Commercial GR CS (retail uses)	<i>Mixed Use</i> CS MU CO NP  Conditions for the combined Tracts 41 43 and 44 include 1) maximum FAR of 1.8 1 2) limited to GR site development standards 3) minimum of 10% open space 4) minimum of 10% of the development's gross floor area shall be used for commercial 5) minimum of 25% of the development's gross floor area shall be used for residential uses of which 30% shall be townhouses or condominiums also recommended a private restrictive covenant between the developer and the neighborhood to cap the number of rental units to 300 and the development should comply with the Commercial Design Standards which will take effect on 1/13/07	<i>Mixed Use</i> CS MU CO NP  Conditions for the combined Tracts 41 43 and 44 include 1) maximum FAR of 1.8 1 2) maximum impervious cover of 85% 3) limited to GR site development standards 4) minimum of 10% open space 5) minimum of 10% of the development's gross floor area shall be used for commercial 6) minimum of 25% of the development's gross floor area shall be used for residential which 30% shall be townhouses or condominiums 7) limit height of buildings along E Riverside Drive to 3 stories or 40 feet within 100 feet of the roadway also recommended a private restrictive covenant between the developer and the neighborhood to cap the number of rental units to 200 and the development should comply with the Commercial Design Standards which will take effect on 1/13/07	<i>Mixed Use</i> GR NP CS NP w/ MUB and NUC	Prospective buyer/developer American Realty (Jeff Musgrove)  <i>Mixed Use</i> CS MU CO NP  Conditions for the combined Tracts 41 43 and 44 include 1) maximum FAR of 1.8 1 2) limited to GR site development standards 3) minimum of 10% open space 4) minimum of 10% of the development's gross floor area shall be used for commercial 5) minimum of 25% of the development's gross floor area shall be used for residential of which 30% shall be townhouses or condominiums 6) limit the number of rental units to 300 with a private restrictive covenant 7) compliance with the Commercial Design Standards	<i>Mixed Use</i> GR NP w/ MUB and NUC	Commercial (with a notation on the FLUM referencing special use options) GR NP CS NP w/ MUB and NUC	3rd Reading = 4 votes

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**C14-05-0112 and**  
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**Tracts 41, 43, 44**  
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Tract # & Address	Current Zoning & Use	City Council 1st Reading (10-19-06) 2nd Reading (11-16-06)	Planning Commission Recommendation (6-13-06 Hearing)	Staff Recommendation	Property Owner/Prospective Developer Recommendation	Group 1 Recommendations from Neighborhood Planning Meetings (2/04 thru 3/05)	Group 2 Recommendations (Members from Advisory Committee, recommendations developed independently after March 2005)	VOTES REQUIRED
44 2003 E Riverside Dr (5 983 SF tract of land out of Lot 11C of the First Resubdivision of Colorado Hills Estates)	Commercial CS 1 (Club Zocalo)	<i>Mixed Use</i>  CS 1 MU CO NP  Conditions for the combined Tracts 41 43 and 44 include 1) maximum FAR of 1.8 1 2) limited to GR site development standards 3) minimum of 10% open space 4) minimum of 10% of the development's gross floor area shall be used for commercial 5) minimum of 25% of the development's gross floor area shall be used for residential uses of which 30% shall be townhouses or condominiums  **also recommended a private restrictive covenant between the developer and the neighborhood to cap the number of rental units to 300 and the development should comply with the Commercial Design Standards which will take effect on 1/13/07	<i>Mixed Use</i>  CS 1 MU CO NP  Conditions for the combined Tracts 41 43 and 44 include 1) maximum FAR of 1.8 1 2) maximum impervious cover of 85% 3) limited to GR site development standards 4) minimum of 10% open space 5) minimum of 10% of the development's gross floor area shall be used for commercial 6) minimum of 25% of the development's gross floor area shall be used for residential of which 30% shall be townhouses or condominiums 7) limit height of buildings along E Riverside Drive to 3 stories or 40 feet within 100 feet of the roadway  also recommended a private restrictive covenant between the developer and the neighborhood to cap the number of rental units to 200 and the development should comply with the Commercial Design Standards which will take effect on 1/13/07	<i>Mixed Use</i>  CS 1 NP w/ MUB and NUC	Prospective buyer/developer American Realty (Jeff Musgrove)  <i>Mixed Use</i>  CS 1 MU CO NP  Conditions for the combined Tracts 41 43 and 44 include 1) maximum FAR of 1.8 1 2) limited to GR site development standards 3) minimum of 10% open space 4) minimum of 10% of the development's gross floor area shall be used for commercial 5) minimum of 25% of the development's gross floor area shall be used for residential of which 30% shall be townhouses or condominiums 6) limit the number of rental units to 300 with a private restrictive covenant 7) compliance with the Commercial Design Standards	<i>Mixed Use</i>  GR NP w/ MUB and NUC	Commercial (with a notation on the FLUM referencing special use options)  CS 1 NP w/ MUB & NUC	3rd Reading = 4 votes



**Riverside Neighborhood Plan Combining District  
Tract Map for Rezoning--January 11, 2007  
Zoning Case #C-14-05-0112 (PART)  
Exhibit \_\_\_\_\_**



City of Austin  
Neighborhood Planning and Zoning Department  
Updated November 28 2006

**Tracts for Rezoning**



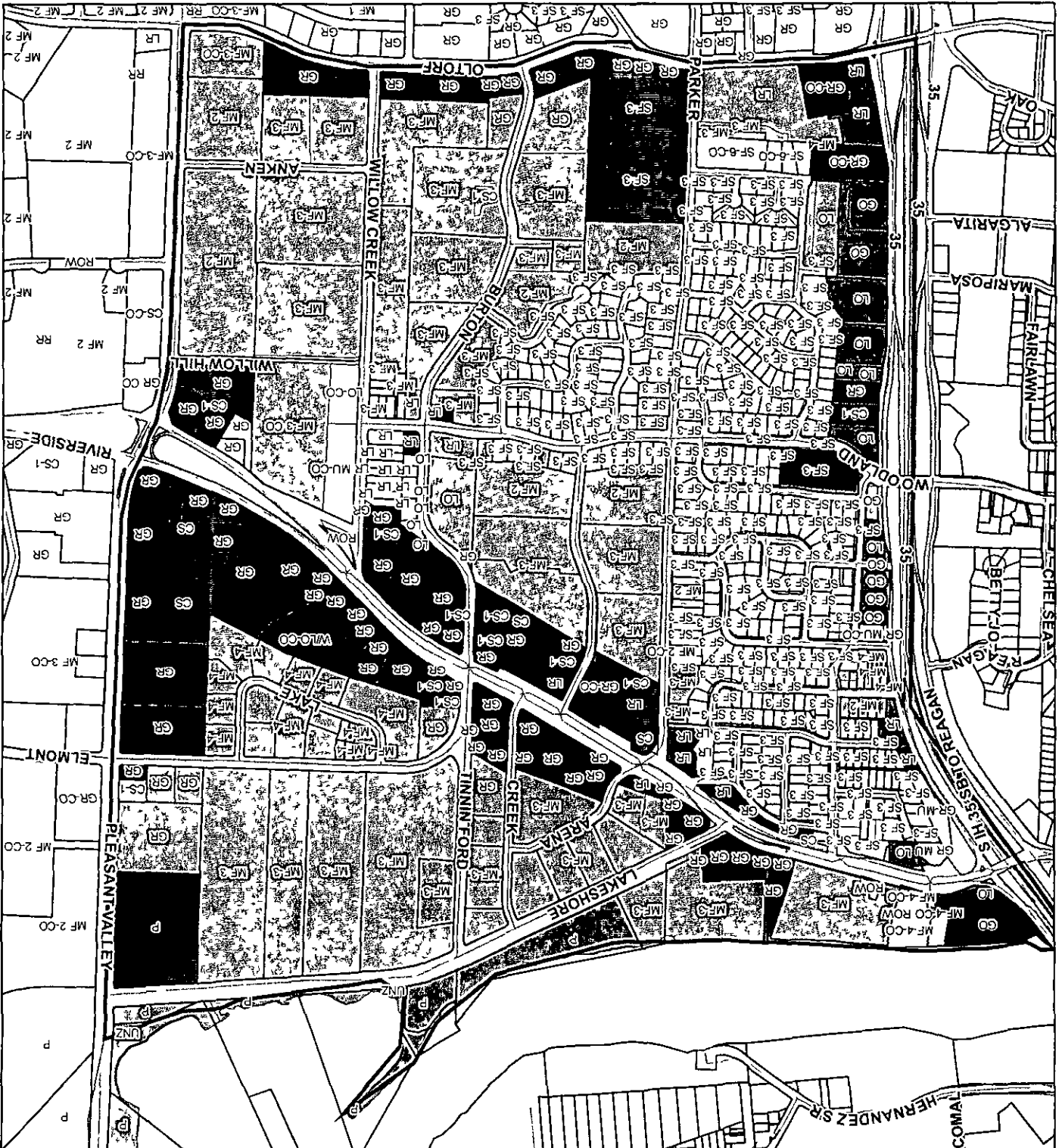
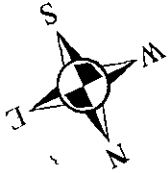
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City of Austin  
Neighborhood Planning and Zoning Department  
Updated October 2, 2006

# Riverside Neighborhood Plan Combining District Current Land Use and Zoning Zoning Case #C14-05-0112

0 1,000 2,000 3,000 Feet



ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE AMENDING ORDINANCE NO. 20061116-057 AND REZONING  
2 AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN  
3 COMBINING DISTRICT TO TRACTS 41, 43, AND 44 LOCATED IN THE  
4 RIVERSIDE NEIGHBORHOOD PLAN AREA AND TO CHANGE THE BASE  
5 ZONING DISTRICTS ON THE TRACTS.

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

8  
9 **PART 1.** Ordinance No 20061116-057 is amended to include the property identified in  
10 this Part in the Riverside neighborhood plan combining district. The zoning map  
11 established by Section 25-2-191 of the City Code is amended to add a neighborhood plan  
12 (NP) combining district to the base zoning districts and to change the base zoning district  
13 on three tracts of land described in File C14-05-0112, as follows

14  
15 Tract 41 2017 East Riverside Drive,

16  
17 Tract 43 2003, 2005, 2007, 2009, 2011, 2013, 2015, and 2017  
18 East Riverside Drive, 1407 ½ Royal Crest Drive, and

19  
20 Tract 44 2003 East Riverside Drive,

21  
22 the "Property" as shown on Exhibit "A" (*the Tract Map*),

23  
24 generally known as the Riverside neighborhood plan combining district, locally known as  
25 the area bounded by bounded by Town Lake on the north, Pleasant Valley Road on the  
26 east, Oltorf Street on the south, and IH-35 on the west, in the City of Austin, Travis  
27 County, Texas, and identified in the map attached as Exhibit "B" (*the Zoning Map*),  
28 Exhibits "A" through "D" incorporated into this ordinance

29  
30 Except as provided in this ordinance, the existing base zoning districts and conditions  
31 remain in effect

32  
33 **PART 2.** The base zoning districts for the three tracts of land are changed from  
34 community commercial (GR) district, general commercial services (CS) district, and  
35 commercial-liquor sales (CS-1) district to commercial liquor sales-mixed use-conditional  
36 overlay-neighborhood plan (CS-1-MU-CO-NP) combining district and general commercial

services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district, as more particularly described and identified in the chart below

TRACT NUMBER	ADDRESS	FROM	TO
41	2017 E Riverside Drive (a 12,695 square foot tract of land, being comprised of three tracts of land, one containing 4,305 square feet, another containing 2,648 square feet, and the last containing 5,742 square feet, out of Lot 11D of the Second Resubdivision of Colorado Hills Estates Section Five as further described in Exhibit "C")	CS-1	CS-1-MU-CO-NP
43	2003, 2005, 2007, 2009, 2011, 2013, 2015, 2017 E Riverside Drive, 1407 1/2 Royal Crest Drive, (excluding portions identified in Tracts 41 and 44)	GR, CS	CS-MU-CO-NP
44	2003 E Riverside Drive (5,983 square foot tract of land out of Santiago Del Valle Grant, same being also a part of Lot 11C of the First Resubdivision of Colorado Hills Estates, as further described in Exhibit "D")	CS-1	CS-1-MU-CO-NP

**PART 3.** Except as specifically provided in Parts 4, 5, and 6 of this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code

**PART 4.** The following applies to an existing legal lot with single-family residential use or secondary apartment special use within the boundaries of the NP combining district

- 1 The minimum lot area is 2,500 square feet
- 2 The minimum lot width is 25 feet
- 3 For a lot with an area of 4,000 square feet or less, the impervious coverage may not exceed 65 percent

**PART 5.** The following applies to a single-family residential use, a duplex residential use, or a two-family residential use within the boundaries of the NP

- 1 Impervious cover and parking placement restrictions apply as set forth in Section 25-2-1603 of the Code
- 2 Garage placement restrictions apply as set forth in Section 25-2-1604 of the Code



3 Front or side yard parking restrictions apply as set forth in Section 25-2-1406 and  
Section 12-5-29 of the Code

**PART 6.** The Property within the boundaries of the conditional overlay combining district  
established by this ordinance is subject to the following conditions

- 1 Except as provided in this subsection, community commercial (GR) site  
development standards apply to the combined Tracts 41, 43, and 44
- 2 The maximum floor to area ratio is 1 8 to 1 0
- 3 A minimum of ten percent of open space is required
- 4 A minimum of ten percent of gross floor area shall be for a commercial use
- 5 A minimum of 25 percent of gross floor area shall be for a residential use A  
minimum of 30 percent of this 25 percent gross floor area shall be for a townhouse  
or condominium use

**PART 7.** This ordinance takes effect on \_\_\_\_\_, 2007

**PASSED AND APPROVED**

\_\_\_\_\_, 2007

Will Wynn  
Mayor

**APPROVED:**

David Allan Smith  
City Attorney

**ATTEST:**

Shirley A Gentry  
City Clerk

**RESTRICTIVE COVENANT**

OWNER Rivertowne Property Company, L C , a Texas limited liability company

ADDRESS 2011 East Riverside Drive, #D, Austin, Texas 78741

CONSIDERATION Ten and No/100 Dollars (\$10 00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged

PROPERTY Lot B, of the Amended Plat of Lots 11-B and 11-C, First Resubdivision of Colorado Hills Estates, Section Five, an addition in Travis County, Texas, according to the map or plat of record in Volume 84, Page 116B, Plat Records of Travis County, Texas, and

Lot 11-D of Second Resubdivision of Colorado Hills Estates, Section Five, an addition in Travis County, Texas according to the map or plat of record in Volume 56, Page 72, Plat Records of Travis County, Texas

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 heirs, successors, and assigns

- 1 Development of the Property is subject to Ordinance No 20060831-068 that established standards for commercial design
- 2 If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions
- 3 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
- 4 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
- 5 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 \_\_\_\_\_, 2007

**OWNER**

**Rivertowne Property Company, L.C.,  
a Texas limited liability company**

By \_\_\_\_\_  
Ronnie Roark,  
its Manager

APPROVED AS TO FORM

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

**THE STATE OF TEXAS    §**

**COUNTY OF TRAVIS    §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2007, by Ronnie Roark, Manager of Rivertowne Property Company, L.C., a Texas liability company, on behalf of the limited liability company

\_\_\_\_\_  
Notary Public, State of Texas

After Recording, Please Return to  
City of Austin  
Department of Law  
P O Box 1088  
Austin, Texas 78767  
Attention Diana Minter, Paralegal

Restrictive covenant-Rivertowne Property