

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

Thursday, January 11, 2007

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**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION****ITEM No. 79**

Subject: C14-06-0117 - Time Insurance 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1317 East Riverside Drive and 1220 IH-35 South (Town Lake Watershed) from community commercial-mixed use (GR-MU) combining district zoning to limited industrial service-planned development area (LI-PDA) combining district zoning. Staff Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning. Planning Commission Recommendation: To grant limited industrial service-planned development area (LI-PDA) combining district zoning. Applicant: Schuler Family Trust 1988 (John Schuler). Agent: Thrower Design (Ron Thrower) City Staff: Robert Heil, 974-2330.

**Additional Backup
Material**

(click to open)

Staff Report**For More Information:**

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0117 Time Insurance II

PC Date: August 8, 2006
August 22, 2006
September 12, 2006

ADDRESS: 1317 East Riverside Drive and 1220 South IH-35 (northbound service road)

AREA: 1.674 acres

OWNER/APPLICANT: Schuler Family Trust (John Schuler)

AGENT: Thrower Design (Ron Thrower)

ZONING FROM: GR-MU **TO:** LI-PDA

STAFF RECOMMENDATION:

Staff recommends denial of the request. The request is not consistent with the purpose statement of the district sought.

PLANNING COMMISSION RECOMMENDATION:

July 25, 2006: Postponed until August 22, 2006 at the request of staff.

August 22, 2006: Postponed to September 12,, 2006 at the request of staff.

September 12, 2006:

APPROVED LI-PDA-CO ZONING WITH CONDITIONS OF:

- PROHIBIT ALL AUTOMOTIVE RELATED USES (RENTAL, SALES, WASHING OR REPAIR);
- PROHIBIT PAWNSHOP SERVICES;
- PROHIBIT SERVICE STATIONS;
- PROHIBIT DRIVE-THRU SERVICES AS AN ACCESSORY USE,
- PROHIBIT MOTOR VEHICLE ACCESS TO MANLOVE STREET;
- ALL RESIDENTIAL UNITS ARE TO BE CONDOMINIUMS FOR SALE;
- DUMPSTERS AND SERVICE AREAS WILL BE CONTAINED WITHIN THE BUILDINGS;
- STREETScape IMPROVEMENTS SHALL INCLUDE TREES, BENCHES AND WIDER SIDEWALKS;
- 25-FEET COMPATIBILITY BUFFER WILL BE HEAVILY VEGETATED WITH TREES AND SHRUBS;
- COMMERCIAL SPACE TO HAVE FLEXIBILITY TO BE FINISHED OUT AS OFFICE OR RETAIL;

- SIDWALKS ON IH-35 WILL BE RECONSTRUCTED TO PROVIDE WIDER WALKING PATHS;
- ENTIRE STRUCTURE TO HAVE EQUAL CONSTRUCTION ON ALL SIDES INCLUDING MASONRY ON ALL SIDES,
- NEIGHBORS TO HAVE CONTINUED INVOLVEMENT WITH A SITE PLAN FOR THE DEVELOPMENT OF THE PROPERTY;
- ACCESS TO PROPERTY WOULD BE LIMITED TO TWO DRIVEWAYS TO E. RIVERSIDE AND ONE DRIVEWAY TO IH-35, ALL POINTS OF ACCESS TO HAVE INTERCONNECTIVITY TO ALLOW ACCESS TO ALL DEVELOPMENT TO BOTH ROADWAYS; NO ACCESS IS ALLOWED TO SUMMIT STREET;
- E. RIVERSIDE BUILDING – 50% OF THE BUILDING TO BE 3 STORY AND 50% TO BE 4 STORY STRUCTURE, PARKING TO BE CONTAINED WITHIN TWO LEVEL STRUCTURE THAT WILL NOT EXCEED THE HEIGHT OF THE BLUFF;
- IH-35 BUILDING – 2 STORY STRUCTURE WITH UNDERGROUND PARKING;
- BOTH RETAINING WALLS ARE REMOVED AND THE SITE IS EXCAVATED TO THE STREET LEVEL;
- NO COMMERCIAL DEVELOPMENT IN AREA THAT EXTENDS INTO NEIGHBORHOOD;
- TREE MITIGATION FOR ALL PROTECTED TREES REMOVED BY EXCAVATION TO BE REPLACED AT 100%;
- LIMIT THE DEVELOPMENT TO 60-65 UNITS, AND 75,000 SQUARE FEET OF COMMERCIAL SPACE;

ADDED CONDITIONS OF.

- 2000 VEHICLE TRIPS PER DAY;
 - 85% IMPERVIOUS COVER;
 - 25% GREEN ROOF SPACE;
 - INCLUDE SCREENING FOR ALL MECHANICAL EQUIPMENT.
- [J.REDDY, M.MOORE 2ND] (6-1) S.KIRK – NAY; P.CAVAZOS,
M.DEALEY – ABSENT

DEPARTMENT COMMENTS:

The site is an undeveloped 1.67 acre tract along the north-bound frontage road of IH-35 and E. Riverside Dr.

The site is currently zoned Community Commercial – Mixed Use (GR-MU) The request is for Limited Industrial – Planned Development Area (LI-PDA). Staff recommends denial of the request. The request is not consistent with the purpose statement of the district sought.

C14-06-0117

The applicant has stated his intent in requesting the LI-PDA was to allow his project to have no setback along its frontage with IH-35, and to allow the project to be built up to the property line along the west property boundary. In all other respects – site development standards and allowable uses – it would comply with GR-MU standards.

This case is closely related to another case C14-04-0030 to the east. In that case current zoning is SF-3 and LO and the zoning being requested is GR-MU-CO.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-MU	Undeveloped
<i>North</i>	MF-6, GO-CO and L-CO	Hotel, to be approved for redevelopment into condos
<i>South</i>	LR and SF-3	Office and Single Family Homes
<i>East</i>	SF-3	Single Family Homes
<i>West</i>	LR (and ROW)	IH-35 Right of Way, Vacant, and office.

AREA STUDY: The site is part of the Riverside neighborhood plan, going to City Council for approval on September 28. The proposed future land use of this plan calls for mixed-use on the site.

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: Town Lake

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	Approved 7/27/06

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:**

November 30, 2006

Postponed to January 11 at the request of the applicant.

January 11, 2006

ORDINANCE READINGS:

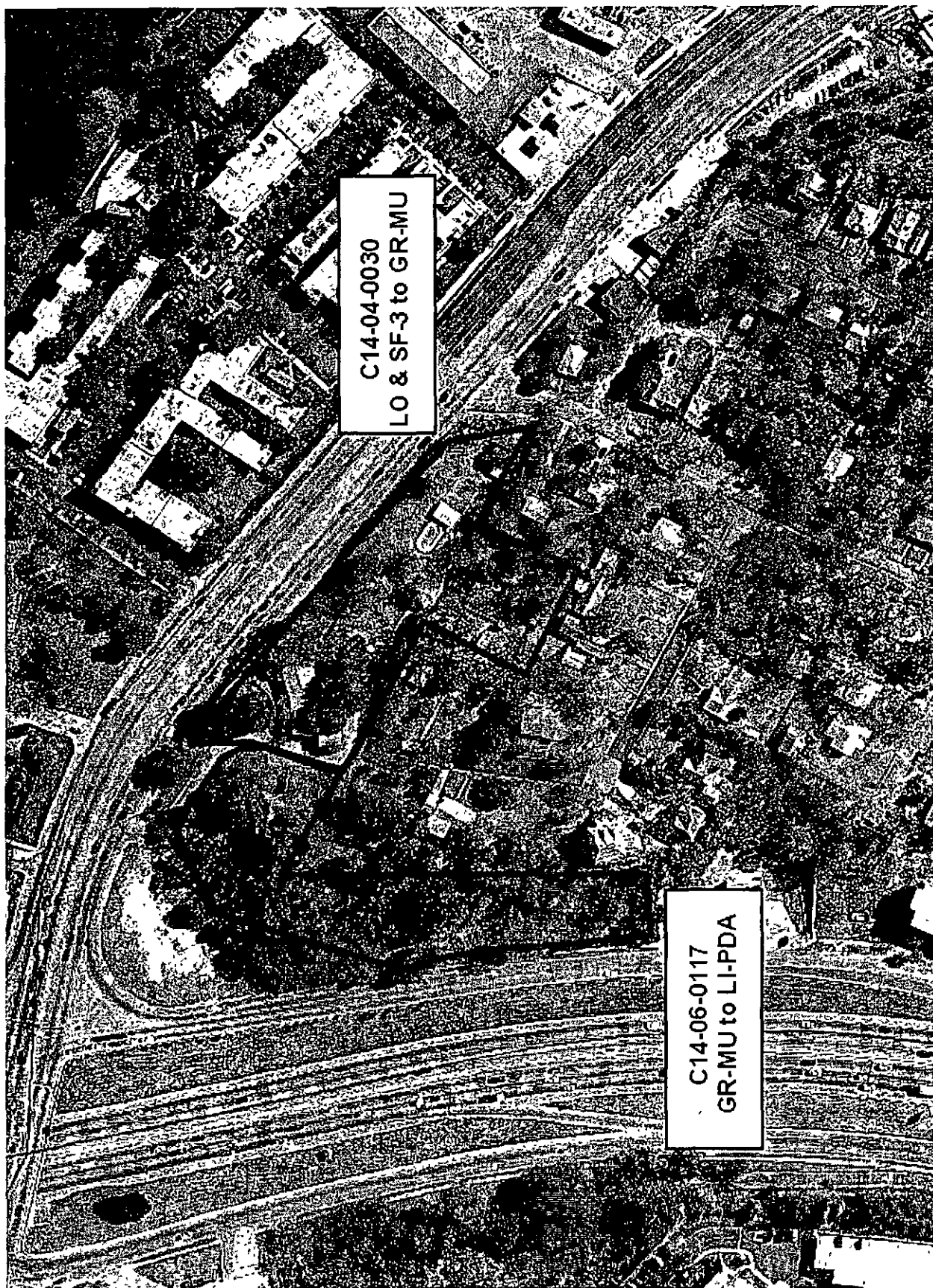
2nd

3rd

ORDINANCE NUMBER:

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

PHONE: 974-2330



C14-04-0030
LO & SF-3 to GR-MU

C14-06-0117
GR-MU to LI-PDA

SUMMARY OF STAFF RECOMMENDATION

Staff recommends denial of the request. The request is not consistent with the purpose statement of the district sought.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Limited industrial service (LI) district is the designation for commercial service or limited manufacturing use generally located on a moderately-sized site.

The purpose of the planned development area (PDA) combining district is to (1) provide for industrial and commercial uses in certain industrial and commercial districts, and (2) incorporate the terms of a planned development area agreement into a zoning ordinance following annexation of a property that is subject to a planned development agreement.

2. *Zoning should not constitute a grant of special privilege to an individual owner, Granting of the request should result in an equal treatment of similarly situated properties*

The adjoining site, with similar characteristics, case C14-04-0030, has a pending application for GR-MU-CO. Staff supports this request, and believes that GR-MU is an appropriate zoning category for both cases.

Transportation

Additional right-of-way dedication or reservation may be required during the subdivision or site plan process.

The trip generation under the requested zoning is estimated to be 5,531 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]

TXDOT review and approval will be required at the time of site plan review, for any access points onto IH 35.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bus	Bike
IH 35	Varies	Varies	Arterial	No	Yes	No
Riverside Drive	Varies	Varies	Arterial	No	Yes	Priority 2

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.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Harper's Branch Creek 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 no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

TXDOT review and approval will be required at the time of site plan review, for any access points onto IH 35.

Compatibility Standards

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

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

Additional design regulations will be enforced at the time a site plan is submitted.

Water and Wastewater

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