

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 60
AGENDA DATE: Thu 01/27/2005
PAGE: 1 of 1

SUBJECT: C14-04-0136 - 1500 Summit Street - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1500 Summit Street (Harper Creek Watershed) from general office (GO) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First reading on January 13, 2005. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Waterloo Partners (John S. Graham). Agent: Thrower Designs (Ron Thrower). City Staff: Robert Heil, 974-2330

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0136

REQUEST:

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1500 Summit (Harper's Branch Creek Watershed) from general office mixed use conditional overlay (GO-MU-CO) district zoning to community commercial mixed use conditional overlay (GR-MU-CO) district zoning.

DEPARTMENT COMMENTS:

The existing grade of the property and the proximity to the intersection of IH-35 would prohibit a driveway to Elmherst.

The Conditional Overlay incorporates the conditions imposed by the City Council at First Reading.

OWNER/APPLICANT: Waterloo Partners, L.P. (John S. Graham)

AGENT: Thrower Designs (Ron Thrower)

DATE OF FIRST READING: January 13, 2005 (7-0 on consent).

CITY COUNCIL HEARING DATE: January 13, 2005.

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

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

ZONING CHANGE REVIEW SHEET**CASE:** C14-04-0136 (1500 Summit Street)**City Council Date:** Jan 27, 2005.**ADDRESS:** 1500 Summit**OWNER/APPLICANT:** Waterloo Partners, L.P.
(John S. Graham)**AGENT:** Thrower Designs
(Ron Thrower)**ZONING FROM:** GO**TO:** GR-MU-CO***AREA:** 0.426 acres

(*see Departmental Comments below.)

SUMMARY STAFF RECOMMENDATION:

Staff alternatively recommends general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. The conditional overlay would limit the number of vehicle trip to a maximum of 2,000 per day, and to prohibit the eleven uses listed under departmental comments.

PLANNING COMMISSION RECOMMENDATION:

October 26, 2004: Postponed until November 23, 2004.

November 23, 2004: Approved GR-MU-CO with a conditional overlay 1) Limiting uses to GO uses, 2) limiting building coverage and impervious cover to GO standards, 3) Limiting number of vehicle trips to a maximum of 2000 per day. (7-0)

DEPARTMENT COMMENTS:

The site is undeveloped and is currently zoned GO. The applicant has stated his intent to build a mixed use development and is seeking GR-MU-CO. The conditional overlay offered by the applicant would provide for a vehicle trip limit of 2,000 per day, a density limitation of 18 dwelling units, and make the following uses prohibited (see Attachment "A"):

- Automotive Rental, Repair Services and Washing;
- Bail Bonds;
- Commercial off-street Parking
- Funeral Services
- General Retail Sales (Convenience and General);
- Hotel, Motel;
- Indoor Entertainment
- Indoor Sports and Recreation; Outdoor Sports and Recreation;
- Pawn Shop Services;
- Research Services; Service Station; and
- Theater

Staff alternatively recommends GO-MU-CO district zoning.

This property is located within the pending East Riverside/Oltorf Neighborhood Planning Area. It is anticipated the Planning Commission will review this neighborhood plan in July, 2005 and that City Council will review this plan in September, 2005.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO	Undeveloped
<i>North</i>	MF-4	Apartments
<i>South</i>	GO	Office
<i>East</i>	SF-3	Single Family Residence
<i>West</i>	LR	Office (On the other side of IH-35)

AREA STUDY: pending East Riverside/Oltorf Neighborhood Planning Area **TIA:** N/A

WATERSHED: Harper's Branch **DESIRED DEVELOPMENT ZONE:** Yes

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

REGISTERED NEIGHBORHOOD ORGANIZATIONS:

- South River City Association (74)
- South Austin Neighborhood Alliance (189)
- Crossing Garden Homeowners' Association (299)
- Terrell Lane Interceptor Association (300)
- Barton Springs / Edwards Aquifer Conservation District (428)
- South Central Coalition (498)
- Austin Neighborhoods Council (411)
- PODER (972)

SCHOOLS: (AISD)

Linder Elementary School Fulmore Middle School Travis High School

CASE HISTORIES:

There was a previously approved site plan for this property (SP-88-0332C) which provided 2,000 sq. ft. of office (administrative) uses for Lot 5, along with an associated 12 space parking lot and drainage facilities (see Attachment "B"). This site plan has expired.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
IH-35	Varies	Varies	Arterial
Elmhurst	50'	Varies	Local
Summit Street	50'	Varies	Local

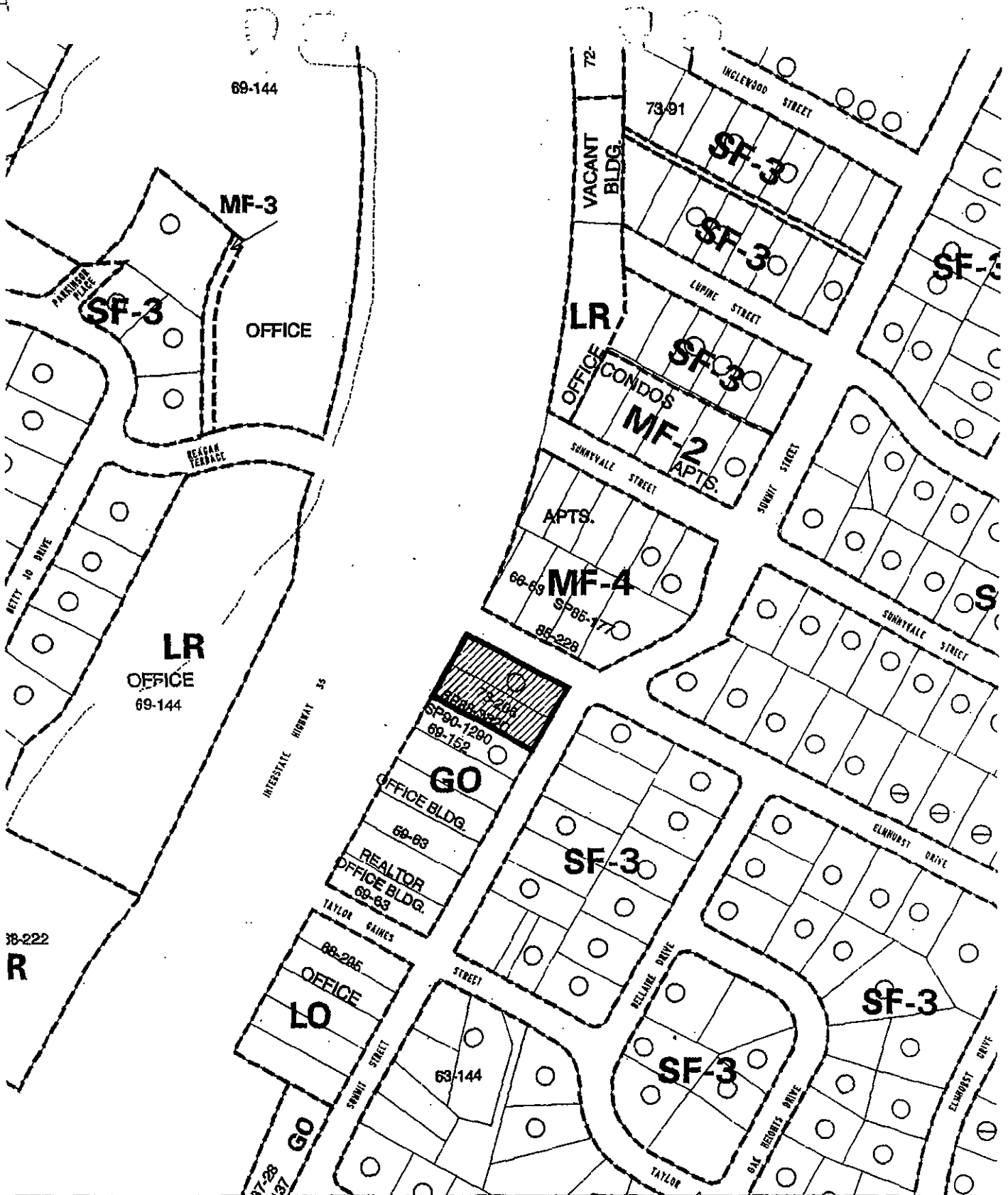
- Sidewalks are located along the access road of IH-35.



CITY COUNCIL DATE:**ACTION:****January 13, 2005:**

Approval of the Planning Commission Recommendation of GR-MU-CO zoning. Staff was asked to look at vehicular access to Elmhurst rather than summit, and the applicant was asked to put in a sidewalk along Summit Street. (Vote: 7-0)

January 27, 2005:**ORDINANCE READINGS:****1st****1/13/05****2nd****3rd****ORDINANCE NUMBER:****CASE MANAGER:** Robert Heil**PHONE:** 974-2330

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



 1"=200'	SUBJECT TRACT 	ZONING		CITY GRID REFERENCE NUMBER J20
	PENDING CASE			
	ZONING BOUNDARY -----	CASE #: C14-04-0136	DATE: 04-08	
	CASE MGR: R.NEIL	ADDRESS: 1500 SUMMIT ST. SUBJECT AREA (acres): 0.428	INTLS: TRC	



SUMMARY STAFF RECOMMENDATION**C14-04-0136**

Staff alternatively recommends general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. The conditional overlay would limit the number of vehicle trip to a maximum of 2,000 per day.

BACKGROUND

The applicant met with neighborhood representatives on October 13, 2004 and discussed the applicant's proposed plans and rezoning request. The information presented is summarized in Attachment "C."

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-MU would provide a transition between the multi-family (MF-4) zoned property to the north, and the existing office (GO) zoned to the south, without overly impacting the residential (SF-3) zoned properties to the east.

2. *Granting of the request should result in an equal treatment of similarly-situated properties.*

Similarly situated properties along the I.H. 35 frontage road have been zoned GO, which is the current base zoning of the subject tract.

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

GR zoning is considered to be too intense for this location that abuts two local residential streets.

EXISTING CONDITIONS**Site Characteristics**

The site is undeveloped and is currently zoned GO. The applicant has state his intent to build a mixed use development and is seeking GR-MU-CO. Staff alternatively recommends GO-MU-CO district zoning.

Site Plan

There was a previously approved site plan for this property (SP-88-0332C) which provided 2,000 sq. ft. of office (administrative) uses for Lot 5, along with an associated 12 space parking lot and drainage facilities See Attachment "B." This site plan has expired.

Compatibility Standards

The site is subject to compatibility standards. Along the north, east & west 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.
- 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.

Transportation

Staff anticipates no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location. However, additional right-of-way may be required with the subdivision and or site plan.

The trip generation under the requested zoning is estimated to be 2,272 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
IH-35	Varies	Varies	Arterial
Elmhurst	50'	Varies	Local
Summit Street	50'	Varies	Local

Thrower Design

2807 Manchaca Road, Building 2
Austin, Texas 78704
(512) 476-4456 • Fax (512) 476-4454

ATTACHMENT "A"

MEMORANDUM

DATE: September 29, 2004
TO: Robert Hiel
FROM: Ron Thrower
RE: 1500 Summit Street
C14-04-0136

Robert,

We have received a few calls inquiring about the intent of the project. Some of the concerns are of fears of a gas station and convenience store.

The intent of the project is for primarily a residential development. We are requesting "GR-MU" zoning to allow for moderate flexibility with the site to possibly include small condo offices and possibly a small coffee shop / café. But the primary intent is for residential, whether it's condominiums or townhomes. The reasoning for "GR" is to have the lesser building setback line from the streets and push buildings closer to the street - a goal of urbanism.

To help belay any fears of intense commercial development of the property we amend our rezoning request to "GR-MU-CO" with the following conditions:

- 1) Development uses shall not exceed 2,000 trips per day.
- 2) Prohibit the following uses:
 - a) Automotive Rentals
 - b) Automotive Repair Services
 - c) Automotive Washing
 - d) Bail Bond Services
 - e) Commercial Off-Street Parking
 - f) Funeral Services

L A N D P L A N N E R S

ATTACHMENT "A"

- g) General Retail Sales (Convenience & General)
 - h) Hotel – Motel
 - i) Indoor Entertainment
 - j) Indoor Sports and Recreation
 - k) Off-Site Accessory Parking
 - l) Outdoor Sports & Recreation
 - m) Pawn Shop Services
 - n) Research Services
 - o) Service Station
 - p) Theater
- 3) No more than 18 residential units

We will be glad to meet with any city staff or neighbors as necessary as an effort to gain approval for this development.

Please let me know if you have any questions or need additional information.

Thanks.



Meeting for Zoning Case# C14-04-0136 at 1500 Summit St.

October 13, 2004

One Texas Center, 505 Barton Springs Rd.

Purpose: To open up a dialogue between the applicant and interested stakeholders regarding the zoning case, introduce the City's zoning case manager who will handle the case, hear details of the proposed project and receive community input.

Basic Information from the Owner & Agent

- The requested change is from GO to GR-MU-NP, although the owner is willing to prohibit several of the more intense commercial uses, including service stations and other auto-oriented uses.
- The owners are seeking the change because they have received more interest in residential development on the property than office. Also, GR allows front and street side setbacks of 10', as opposed to 15' in GO.
- The intent of the project is to build residential, possibly with a commercial use, such as a coffee shop.
- The anticipated number of residential units is 18 at about 2,000 square feet each. They will be sold as condominium units.
- The anticipated impervious cover is 65%. (The owner would like to save the large tree near the IH-35 frontage road.)
- The maximum building height is 46' due to compatibility standards. Only 40' of height could be achieved along Elmhurst and Summit Streets (about 3 stories).
- Vehicular access would be from Summit St. The grade differences along Elmhurst Dr. and the IH-35 frontage road would make it difficult to obtain access there, and TxDOT may not permit a new driveway to access the frontage road where access from a side street is possible.
- The first level of the building may be all parking or partially commercial.
- A possible model for the project is the Kinney Lofts at 1205 Kinney Ave.

Notes:

A meeting attendee mentioned that commercial trucks are not permitted on Summit St.

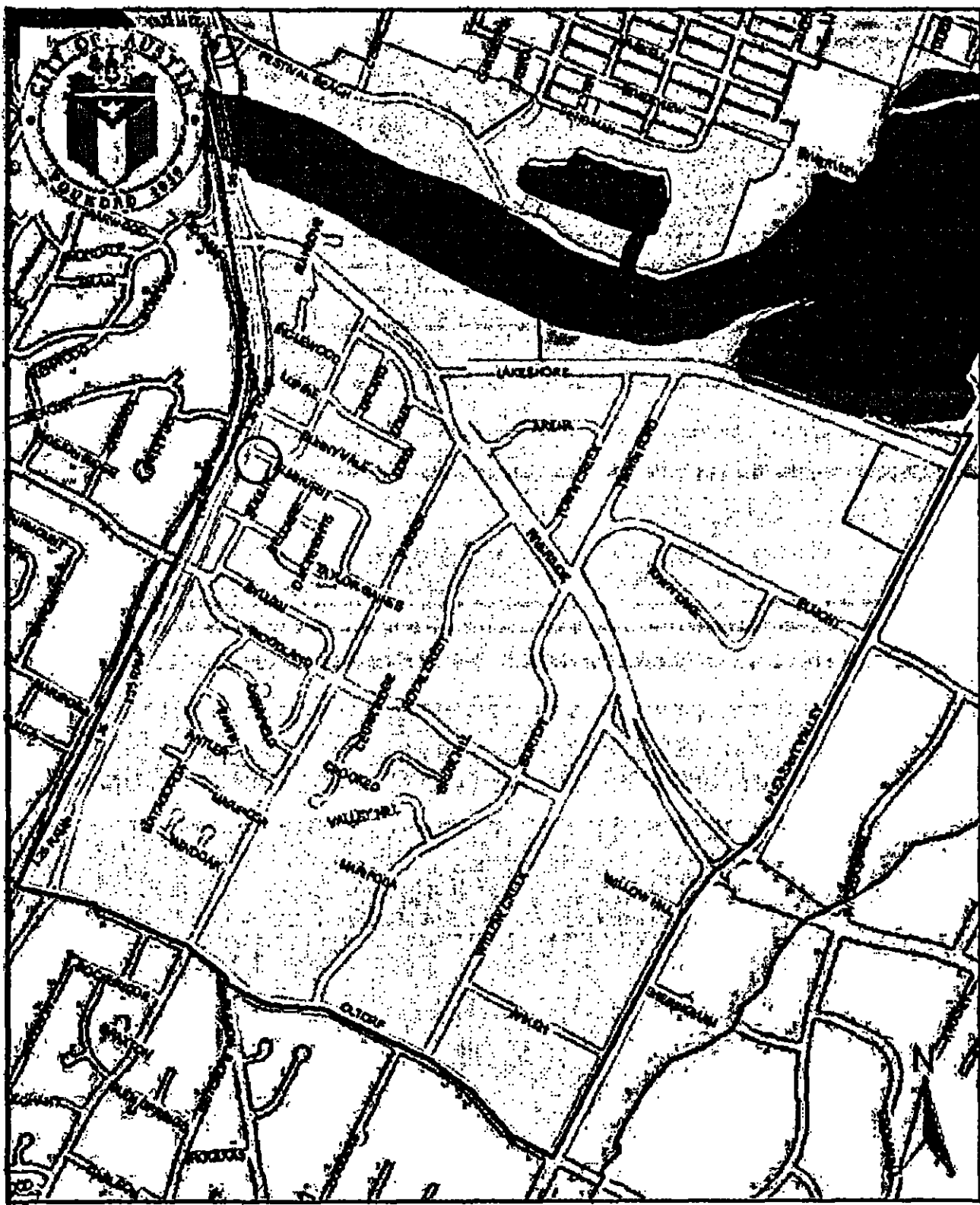
Other Questions:

- Can the owner provide the addresses of other completed projects in the area that he has developed?
- Could an easement be obtained from the property owner to the south in order to use the driveway on that property instead of building a new driveway?

Next Step:

The public hearing at the Planning Commission is scheduled for Tuesday, October 26, 2004, at 6:00 PM at One Texas Center, 505 Barton Springs Rd., Room 325.

ATTACHMENT "C"



Riverside Neighborhood Planning Area  Parks

0.3 0 0.3 0.6 Miles

MEETING SUMMARY
Pending PC Approval

CITY PLANNING COMMISSION

November 23, 2004

One Texas Center

505 Barton Springs Road

Conference Room 325

CALL TO ORDER – 6:00 P.M.

_____ John-Michael Cortez

ABSENT Cid Galindo

_____ Matt Hollon, Asst. Secretary

_____ Cynthia Medlin, Vice-Chair

_____ Matthew Moore, Secretary

_____ Jay Reddy

_____ Chris Riley, Chair

_____ Dave Sullivan, Parliamentarian

A. REGULAR AGENDA

EXECUTIVE SESSION (No public discussion)

The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Planning Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

Scott Johnson expressed concerns about the lack of staff in the bicycle program. There is only one staff person. In addition, there is a need for short range bicycle planning.

Commissioner Riley asked if the lack of staff is slowing down implementation of the bike plan and Mr. Johnson responded yes, and is slowing update of bicycle plan. He said that there is no staff to write grant proposals. He mentioned that the UTC passed a resolution in August requesting three positions, and adding position that was lost in 2000.

Commissioner Hollon said that the bicycle program needs to look at conditions of bicycle trails along the Johnson Creek trail- there needs to be stream stabilization. Commissioner Riley said the CIP Committee could consider that project. Commissioner Sullivan added that sidewalks should be installed along highways.

APPROVAL OF MINUTES

2. Approval of minutes from November 9, 2004.

MOTION: APPROVE BY CONSENT

VOTE: 6-0 (DS-1st, MH-2nd; JMC- ARRIVED LATER, CG-ABSENT)

Facilitator: Katie Larsen, 974-6413

katie.larsen@ci.austin.tx.us

DRAFT MEETING SUMMARY

Pending PC Approval

- 4. Rezoning:** **C14-04-0136 - 1500 Summit Street**
Location: 1500 Summit Street, Harper's Branch Watershed, East Riverside / Oltorf NPA (Riverside) NPA
Owner/Applicant: Waterloo Partners, L.P. (John S. Graham)
Agent: Thrower Design (Ron Thrower)
Request: GO to GR-MU
Staff Rec.: **ALTERNATE RECOMMENDATION: GO-MU-CO**
Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
Neighborhood Planning and Zoning Department

Robert Heil presented the staff recommendation.

Commissioner Riley asked if the zoning request was for specific GR uses, and Mr. Heil said it is more about building standards than land uses.

PUBLIC HEARING

FOR

Ron Thrower, applicant's representative, said that with the size of the property, there should not be much impact on the neighborhood planning area. The GR-MU-CO request is attractive because it allows a reduced 10-foot setback. This lot is narrow, and once parking, dumpsters, and other required items are added to the lot, there is not much room, so the setback will provide some flexibility. In regards to traffic, a study prepared by John Hickman and Associates showed no change in traffic impact as a result of zoning.

Commissioner Riley confirmed that the difference between GO and requested GR-MU-CO is a 5 foot difference in setback.

Larry Sunderland, lives across the street from the proposed project, and likes the idea of residences instead of office. He is not concerned about 5 foot setback difference. He said it does not seem viable to have a coffee shop there, but isn't opposed to it. He likes mixed-use.

Josh Bushner said he has attended the vast majority of neighborhood planning meetings and has seen Ron. He lives on Riverside, farther down. The area is unattractive, and this proposed project is good. People need to sit down and listen to him (Ron). He has been willing to talk. This area needs a change. He is in favor of the rezoning request.

Peg Treadwell said she is not opposed to the zoning change. The project appears to be sensitive to the neighborhood. She is okay with GR as long as conditions are imposed. She would not mind a coffee shop at that location.

Commissioner Riley asked her if she would walk to a coffee shop if it were located on that site and she said yes. She mentioned that coffee shop is permitted under GO zoning.

Unidentified speaker approached podium and said that she lives across the street. She said she would prefer the driveway cut be in another place, and would like parking to be designed attractively.

DRAFT MEETING SUMMARY
Pending PC Approval

AGAINST

Gayle Goff said she lives 2 ½ blocks away from the property. She wants to protect the trees on the site. She is concerned about traffic and parking on Summit Street. It is a small lot. They want to protect setback requirements because that's what makes a neighborhood. There is still a block of concrete. She wished there were some mechanism to tie the site plan to the zoning.

Commissioner Riley asked her how traffic would change if the zoning request were approved since the same uses are allowed and how would the setback change traffic? Ms. Goff explained that the setback would affect visibility of traffic around the site.

Jean Mather said her main concerns is that the street width changes and is curvy. Parking is illegal on the street. She would feel more comfortable with the proposal if access was to IH-35. She asked what parking would be for mixed-use projects. It seems like building should be moved closer.

Commissioner Moore asked where she lived and she said at Woodland and Alameda and that she is the chair of the planning committee for this area. Commissioner Sullivan asked about the parking requirements for mixed-use projects and Mr. Heil said that parking requirements for each use are added together, but it is possible to request reductions through shared parking analysis. Commissioner Cortez confirmed with Mr. Thrower that they will install sidewalks.

Kenneth Hilbig, president of South River City Citizens, said this is a tough case. There is not a consensus within the neighborhood association and nearby property owners. He does not want big development to block neighborhood. He does not know if the intentions of having owner-occupied housing will work out. He asked that traffic patterns be considered.

Commissioner Riley asked about traffic concerns and Mr. Hilbig said that he cannot say what the traffic issues would be.

Henry Flores, resident at 1100 Manlove, said that he is quite familiar with traffic issues. This street is used by UT students to get to the UT shuttle bus. Trucks are not allowed on Summit Street, but he sees them anyway. His understanding is that under planning principles, planners should transition zoning towards residential uses. The reason the property is GO today is because of an agreement worked out with the neighborhood.

Commissioner Riley asked Mr. Flores to explain the traffic issues associated with the rezoning request. Commissioner Riley explained that he has a memo that states the traffic generated from a residential use on the site is less than an office use. Mr. Flores responded that the rezoning request makes the site more commercially-viable since with GR zoning the development can be pushed closer to the property line. His personal observation is that office use parking lot empties out at 5pm.

Commissioner Medlin brought up Mr. Flores' comment about transitional zoning and asked what MF zoning district would be the same as the proposed rezoning. Mr. Thrower said he is unsure,

DRAFT MEETING SUMMARY

Pending PC Approval

but would estimate it would be an MF-1 or MF-2. Commissioner Medlin then pointed out that the property within the neighborhood across the street has MF-4 zoning.

Commissioner Sullivan said the effect of an extra five feet is to increase developable area by 2800sf, about a 10% increase.

Margaret McInroe said she lives on the north side and is surrounded by renters. There are parking lots, but 10% more impervious cover is not as aesthetic. She thinks they can accomplish the project without the setback. Less impervious cover makes development more pleasant.

Commissioner Medlin confirmed that Ms. McInroe's house is on property zoned MF-4. Ms. McInroe said that there is a rental duplex and single-family near her house, as well as multi-family. There are parking situations.

Commissioner Moore said that there seems to be misinformation and he asked how did the neighborhood work with the property owner. Ms. McInroe said that there was a meeting that was here (at this building) where they explained what they were going to do.

REBUTTAL

Ron Thrower said that this case was before the Planning Commission a month ago but was postponed to allow for discussions with the neighborhood and to allow for the compilation of survey results, however neither of those occurred. He said that the only access is to Summit due to state and City regulations. This will be a condo project.

Commissioner Cortez asked if there had been discussion with adjacent property owner for joint access to IH-35, and Mr. Thrower said no.

Commissioner Riley asked about the trees and Mr. Thrower said they are trying to retain them.

Commissioner Sullivan said he personally has a problem with zoning that does not reflect planned uses.

MOTION: CLOSE THE PUBLIC HEARING***VOTE: 7-0 (DS-1st, MH-2nd; CG-ABSENT)******MOTION: APPROVE APPLICANT'S REQUEST FOR GR-MU-CO***

- ***PROHIBIT ALL GR USES, UNLESS PERMITTED OR CONDITIONAL IN GO-MU***
- ***GO SITE REGULATIONS, EXCEPT SETBACK***

VOTE: 7-0 (JR-1st, JMC-2nd; CG-ABSENT)

Commissioner Reddy said that he understands desire to maintain neighborhood character, but the request seems like a mild transition. This project would decrease auto trips and does not seem out of character for the neighborhood to have residential construction.

DRAFT MEETING SUMMARY

Pending PC Approval

Commissioner Cortez said that what is proposed is more limited. With the restrictions, holding back negative consequences of development.

Commissioner Reddy added that the five foot setback does not increase allowable impervious cover.

Commissioner Cortez said that the setback allows the building to be built closer to the street.

Commissioner said he would support the motion. He did not like that a speaker stated that the request makes the property more commercially viable because then that is saying lets just leave it to make it so it cannot be developed.

Commissioner Hollon said he'll support the motion but he does not like this Frankenstein zoning. He said that the site is constrained, so setback flexibility is desired. This project will be a nice buffer.

Commissioner Riley said that with the setback reduction the designers will be able to shape buildings to recognize landscaping. It offers more flexibility. He is disappointed in exchange between the neighborhood and the developer.

5. Rezoning: C14-04-0176 - Comfort Suites Austin Airport
Location: 7501 East Ben White Boulevard, Carson Creek Watershed, Southeast Combined Neighborhood Planning Area (Southeast) NPA
Owner/Applicant: Spirit Development IV, Ltd. (Gary R. Stillwell)
Agent: CTG Enterprises (Carole Terry-Gonyer)
Request: LI-NP to CS-1-NP
Staff Rec.: **Recommended**
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department

MOTION: APPROVE BY CONSENT**VOTE: 6-0 (DS-1st, MH-2nd; JMC-ARRIVED LATER, CG-ABSENT)**

6. Rezoning: C14-81-239 (RCT) - Earthgrains Baking Companies, Inc.
Location: 6534 South Congress Avenue, Williamson Creek Watershed, South Congress Combined Neighborhood Planning Area (Sweetbriar) NPA
Owner/Applicant: Earthgrains Baking Companies, Inc. (Kevin J. Dollhopf)
Agent: CB Richard Ellis, Inc. (Cinco Cocke)
Request: To Terminate the Restrictive Covenant that addresses the discontinuance of a thrift store and distribution center use.
Staff Rec.: **Recommended, with conditions**
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department