

Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: Z-5
AGENDA DATE: Thu 04/07/2005
PAGE: 1 of 1

SUBJECT: C14-05-0003 - 5701 Riverside Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5701 Riverside Drive (Country Club Creek Watershed) from limited office (LO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Planning Commission Recommendation: To community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: BRTS Joint Ventures (H.C. Bell). Agent: Jim Bennett. City Staff: Robert Heil, 974-2330.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0003

City Council Date: April 7, 2005

Planning Commission Date: February 22, 2005

ADDRESS: 5701 Riverside Drive

OWNER/APPLICANT: BRTS Joint Ventures (H.C. Bell)

AGENT: Jim Bennett

ZONING FROM: LO

TO: CS-MU

AREA: 5.830 acres

SUMMARY STAFF RECOMMENDATION:

Staff's alternative recommendation is from Limited Office (LO) to Community Commercial Conditional Overlay. (GR-CO).

The conditional overlay would

- limit the vehicle trips to less than 2000 per day, and
- prohibit access unnamed street to the west.

PLANNING COMMISSION RECOMMENDATION:

February 22, 2005: Recommended rezoning to Community Commercial-Conditional Overlay (GR-CO) with the following conditions:

- vehicle trips are limited to less than 2000 per day,
- access is prohibited to the unnamed street to the west, and
- the following uses are prohibited:
 - Automotive Repair Services
 - Automotive Washing
 - Bail Bond Services
 - Exterminating Services
 - Funeral Services
 - Hotel-Motel
 - Indoor Sports and Recreation
 - Outdoor Entertainment
 - Outdoor Sports and Recreation
 - Pawn Shop Services
 - Pet Services
 - Plant Nursery
 - Printing and Publishing
 - Research Services
 - Restaurant (General)
 - Restaurant (Limited)
 - Service Station
 - Software Development

Vote 7-0.

DEPARTMENT COMMENTS:

The applicant supports the Planning Commission recommendation.

The neighborhood is opposed to the Planning Commission recommendations, see attached letter drafted 3-25-05 (attachment "D").

This property is located within the pending East Riverside Neighborhood Planning Area. At this time, a draft future land use map, reflecting the opinion of the majority of participating stakeholders, has been proposed. It is anticipated that the rezoning case for this neighborhood plan will be considered by City Council in July 2005.

The site is currently zoned LO and is undeveloped. The intended use is for a Goodwill Industries retail outlet. A portion of the building will be used for the sorting and repair of donated goods, a customary component of the primary use.

To the east of the subject tract is undeveloped property zoned for industrial use (LI). To the south the property is also undeveloped and zoned IP for Industrial Park. West is undeveloped property currently zoned LO. This property has been requested to be rezoned to GR (See Case C14-05-0004). Southwest is an elementary school. (See Exhibit A - Zoning Map and Exhibit B 2003 Ariel Photograph).

A portion of the tract falls within the 100 year floodplain (See Exhibit C, Floodplain). The site is otherwise generally level and presents no other obvious development constraints.

GR zoning on the subject tract would provide an appropriate transition between the industrial uses to the east and less intense commercial and public uses to the west. Mixed Use, which would allow for residential uses, is not appropriate next to LI zoning, nor in the areas of floodplain.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO	Undeveloped
<i>North</i>	SF-3	Single Family Residence
<i>South</i>	IP	Undeveloped
<i>East</i>	LI	Undeveloped
<i>West</i>	LO	Undeveloped and Elementary School

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

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

CASE HISTORIES:

An application on the adjacent property at 5401 E. Riverside Drive, from LO to GR-MU. Staff was submitted at the same time as this application. As part of the discussions around this tract the application on 5401 Riverside was withdrawn.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
E. Riverside Dr.	130'	2 @ 28'	Major Arterial	Yes	# 26	# 60

CITY COUNCIL DATE: April 7, 2005

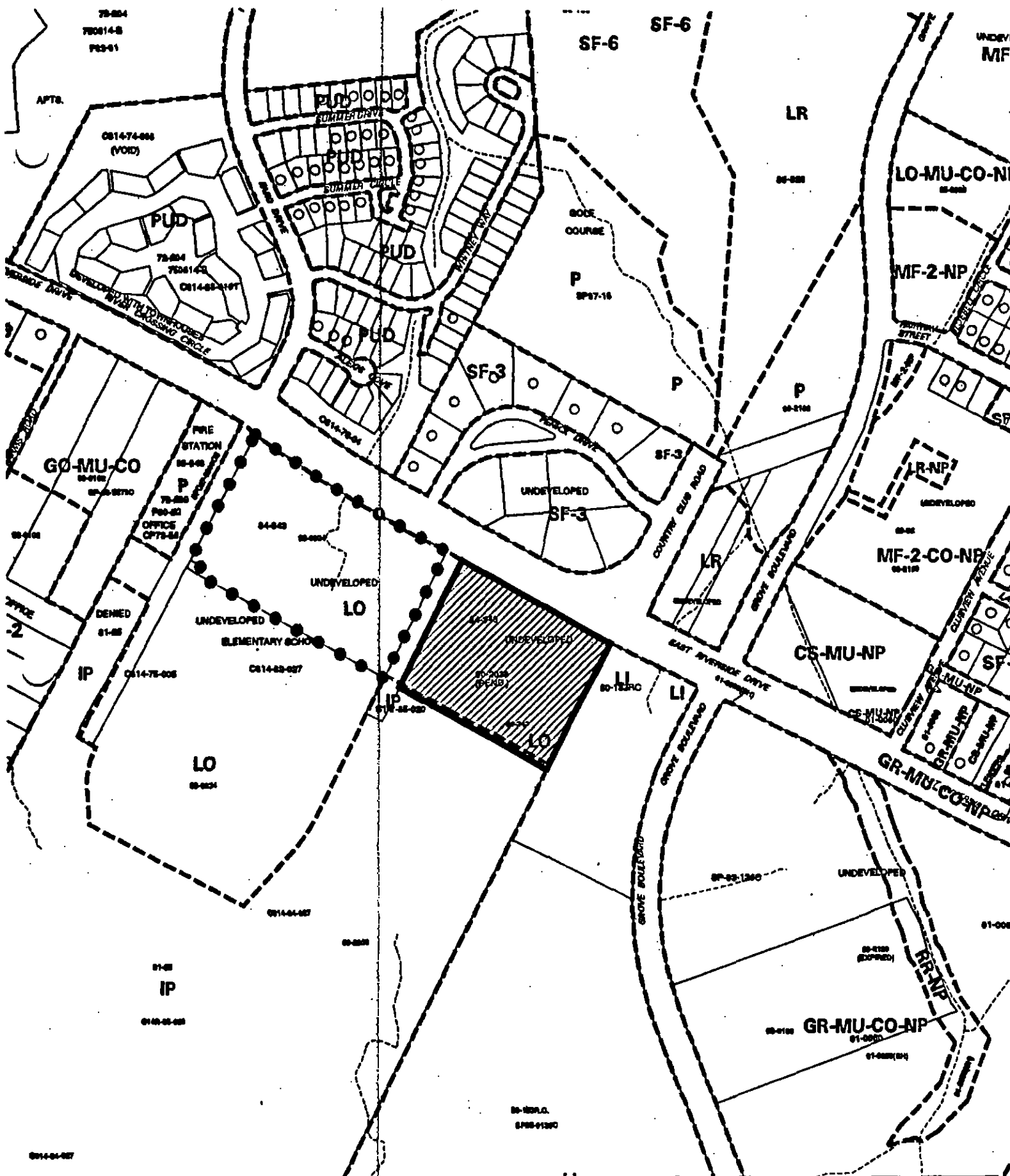
ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

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

PHONE: 974-2330



	<p>SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: R. HEIL</p>	<p align="center">ZONING</p> <p>CASE #: C14-05-0003 ADDRESS: 5701 RIVERSIDE DR SUBJECT AREA (acres): 5.830</p> <p>DATE: 05-01 INTLS: SM</p>	<p>CITY GRID REFERENCE NUMBER K19</p>
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SUMMARY STAFF RECOMMENDATION

C14-05-0003

Staff's alternative recommendation is from Limited Office (LO) to Community Commercial Conditional Overlay. (GR-CO).

The conditional overlay would

- limit the vehicle trips to less than 2000 per day, and
- prohibit access unnamed street to the west.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

GR zoning on the subject tract would provide an appropriate transition between the industrial uses to the east and less intense commercial and public uses to the west. Mixed Use, which would allow for residential uses, is not appropriate next to LI zoning.

2. *Floodplain areas should not be approved for residential zoning.*

Mixed-Use zoning, which would allow for residential uses, is not appropriate in the area of the floodplain.

EXISTING CONDITIONS

Site Characteristics

The site is currently zoned LO is undeveloped. The intended use is for a Goodwill Industries Retail Outlet. A portion of the building will be used for the sorting and repair of donated goods, a customary component of the primary use.

To the east of the subject tract is undeveloped property zoned for industrial use (LI). To the south the property is also undeveloped and zoned IP for Industrial Park. (See Exhibit A - Zoning Map and Exhibit B 2003 Ariel Photograph).

A portion of the tract falls within the 100 year floodplain (See Exhibit C, Floodplain). The site is otherwise generally level and presents no other obvious development constraints.

Site Plan

This site is located on a Scenic Roadway, E. Riverside Dr.

A portion of this property lies in the 100-year flood plain.

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

- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the existing SF-3 property to the north or the elementary school across the road to the southwest.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- 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.

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

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 200 feet of right-of-way for Riverside Drive. Additional ROW dedication will 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 12,446 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
E. Riverside Dr.	130'	2 @ 28'	Major Arterial	Yes	# 26	# 60

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.

Environmental

1. 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%

2. According to City of Austin GIS flood plain maps, there is a floodplain within the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.
3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
4. 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.
5. 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.

March 17, 2005

Exhibit A

City Of Austin
Robert Heil
P.O. Box 1088
Austin, Tx. 78756

RE: Rezoning, Riverside Dr., Dooley Bell Tract

Dear Robert,

The following is a list of prohibited uses for the above zoning case that the owner has no objections to restricting the use of the property.

Automotive Repair Services	Pawn Shop Services
Automotive Washing	Pet services
Bail Bond Services	Plant Nursery
Exterminating Services	Printing and Publishing
Funeral Services	Research Services
Hotel-Motel	Restaurant (General)
Indoor sports and Recreation	Restaurant (limited)
Outdoor Entertainment	Service Station
Outdoor Sports and recreation	Software Development

In addition to the above, we have no objections to limiting access to the unnamed street to the west to emergency access only, and providing solid fencing and landscaping along the southwest corner where the property is adjacent to the school site.

I have contacted the neighborhood association contact person, Ms. Gail Goff, and have not been able to obtain a list of her concerned uses as of this time. My client needs to close on the property as soon as possible, and would appreciate you scheduling this item for the Council.

Thank you for your assistance. Please contact me at 784-4961 if additional information is required.

Sincerely,


Jim Bennett



Exhibit C

22

52-3

UNDEVELOPED

5-3

Figure 1

10



14-00000

C814-76-04

STATION

86-243/

2

79-239

82-22

OFFICE

CP 72-56

84-343

98-0034

UNDEVELOPED

10

UNDEVELOPED

ELEMENTARY SCHOOL

C814-82-027

C814-75-005

07

98-0034

Boundary of 100 to 100

~~Handwritten: (HS) 1500-19~~

3/25/05

Attachment D

Jim Bennett, agent for property owner
Re: C14-05-0003: 5701 E Riverside Dr

Dear Mr. Bennett:

All the surrounding neighborhood representatives have elected to oppose this zoning change request. Because we have all worked for such a long time we do not feel a zoning change for this tract is warranted. Our meetings began in October, 2003, and since that time we have worked hard to craft a future neighborhood that will be best for all who live and work here as well as for the City of Austin. As you are aware, during this entire planning process the majority of participants has supported the continued use of this tract as "office". The stakeholders attending the planning meetings have never expressed any support of a use other than office or single-family homes for this portion of E Riverside Dr during our land use and zoning discussions for over one year. (We have designated this tract as "office" in *each* of the following instances: In workshops Oct 2003 through Mar 2004, on the first FLUM, by each of 3 groups on 9/2/04, on the survey that was mailed out, in the 1/12/05 meeting & at the 2/16/05 meeting! Even the staff recommendation has always been LOI) We consider the Casey Family Programs office at 5201 E Riverside (built on a tract which required a change from SF3 to GO for this project) to be an example of the successful collaboration of neighbors with a developer to create a project that is both supported by the neighborhood and an enhancement to the community. It serves as a model of the type of development that is needed and desired in this part of our neighborhood.

Of highest priority in our planning process is the preservation of our single-family neighborhoods. The homes of The Crossing and Penick Circle are directly across from this tract. The homes of the Riverside Farms neighborhood are just west of the tract. Use of the tract as "office" is an appropriate and compatible use close to single-family residences.

We are NOT opposed to commercial development. E Riverside Dr. between Parker Lane and Wickersham is the portion of this roadway designated for commercial development and the density & traffic it brings. In this segment, there are numerous commercially zoned tracts including sites that are clamoring for redevelopment; there are vacant and under-utilized buildings to which neighbors and stakeholders would welcome new development, especially a quality neighbor such as Goodwill. Our draft Future Land Use Maps reflect our plan that this segment remains commercially zoned.

This tract is 20 feet from Baty Elementary School. The school district searched for a location suitable for the education of elementary age children. This location has access to a major roadway but is set off from it and is protected by the surrounding properties. They specifically chose this location because it is surrounded by land in use as, or to be used for, office and/or single-family homes. It should be noted that even though nearby land is zoned "industrial," it has never been used for manufacturing of any kind— and the property owner, Tokyo Electron, has consistently asserted it will maintain the campus setting which now houses their US offices.

The uses permitted by the current zoning on the subject tract are appropriate for the immediate area of an elementary school and for the single-family homes and offices nearby. While we would welcome Goodwill into our neighborhood, we do not feel the tract at 5701 E Riverside Dr is appropriate for retail sales.

Riverside Farms Neighborhood Assoc.
Linda Watkins
2407 Riverside Farms Road
Austin, TX 78741
612-385-5959

Jan Long
Southeast Austin Neighborhood Alliance
2411 Riverside Farms Road
Austin, TX 78741

Toni House
E Riverside/Oltorf Combined Neighborhood Plan
Stakeholder & Participant
1503 Inglewood Street
Austin, TX 78741
512-447-8090

Linda Land
E Riverside/Oltorf Combined Neighborhood Plan
Stakeholder & Participant
1106 Upland Dr.
Austin, TX 78741
443-5041

Carl Braun
President, Burleson Heights Neighborhood Assoc.
2506 Douglas
Austin, TX 78741
444-8761

Fred Krebs, Pastor, Prince of Peace Lutheran Church
E Riverside / Oltorf Combined Neighborhood Plan
Stakeholder & Participant

Sunridge Neighborhood Association
Malcolm Yeatts, Government Representative

Crossing Gardenhomes HOA
Barb Fox - Civic Representative
1615 Whitney Way
Austin, TX 78741

Gayle Goff
E Riverside/Oltorf Combined Neighborhood Plan
Stakeholder & Participant
1106 Upland Dr.
Austin, TX 78741
512-443-5041



Summary Notes
East Riverside/Oltorf Neighborhood Plan:
Pleasant Valley Planning Area Zoning Meetings
January 12, 2005 & February 16, 2005

Purpose of Meetings

To discuss remaining zoning issues for the Pleasant Valley Planning Area. The meetings also provided an opportunity to introduce current zoning cases C14-05-0003 and C14-05-0004 and promote communication between the applicant and neighborhood stakeholders involved in the neighborhood planning process.

Context

Zoning cases C14-05-0003 and C14-05-0004 were filed during the East Riverside/Oltorf Neighborhood Planning process, which began at the end of 2003. There are three planning areas within this neighborhood plan and the properties for the above zoning cases fall within the Pleasant Valley Area, which is bounded by Pleasant Valley Rd. on the west, the Colorado River on the north, Grove Blvd. and Montopolis Dr. on the east, and Oltorf St. to the south.

City staff met with the property owner and his representative late last year to introduce them to the ongoing neighborhood planning process and encouraged them to get involved in zoning discussions. No information was conveyed to staff at that point regarding a specific desired zoning district by the property owner, however, he did indicate that he might be interested in some form of commercial zoning.

These properties were discussed at two neighborhood planning zoning meetings for the Pleasant Valley Planning Area. The first meeting was held on Jan. 12, 2005 at which a majority stakeholder recommendation was recorded and the second meeting was held on Feb. 16, 2005 to allow for more discussion of the cases. The majority of the discussion occurred at the latter meeting. Majority recommendations during the neighborhood planning process are recorded if there is a majority of the participants in favor of a particular recommendation. Notes from both of these meetings follow:

January 12, 2005 Meeting Summary Regarding Cases C14-05-0003 and C14-05-0004

Majority Recommendation: keep existing zoning, LO

Statement in support of maintaining LO zoning for both properties:

LO is compatible with existing uses in the area. Given the proximity to Baty Elementary School and nearby residential neighborhoods, the location is more appropriate for LO.

Statement in support of GR-MU:

The eastern tract proposed for a future Goodwill store has not been developed because there is no demand for office uses in this location.



Comments regarding the rezoning application:

The question was raised regarding the timing of the application and if there was an attempt to circumvent the neighborhood planning process. The agent for the owner replied that there was no such intention and that it was coincidental that the eastern property is under contract to Goodwill and could not wait for the plan to finalize.

February 16, 2005 Meeting Summary Regarding Cases C14-05-0003 and C14-05-0004
Information from Applicant's Agent

CS is desired for the proposed Goodwill site and GR-MU for the western property. There is no demand for office uses at these locations.

Information for the proposed Goodwill store and property

The store would be similar to the one at the Slaughter location. Access would be limited to Riverside Dr. for both trucks and customers. Emergency access may be required for the adjacent street. The warehousing operation would be in the back and the retail portion in front, with both uses in a single building. Building size would be approximately 50,000 sq. ft., basically 1 out of the 6 acres.

Meeting participant main comments

There were concerns raised about safety of school children. Traffic and intense development is not an improvement for the area. Trucks will create more noise and disrupt the school environment. A proposal was made by a representative from Baty Elementary for a sound buffer between the school and the business and the property owner stated that he would be agreeable to such an idea.

A representative of Tokyo Electron, an adjacent property owner, expressed the company's desire to see the existing zoning stay in place.

There was a comment that a Goodwill store would be more appropriate along Riverside west of Pleasant Valley where there is a lot of existing commercial property that is underutilized. There are a number of trees on this site so it would make for a nice, pleasant looking office development. As a scenic roadway, all attempts should be made to realize this vision of Riverside Dr. Encouraging commercial development at these locations would not improve the appearance of Riverside Dr.

The location of a Goodwill in the middle of single-family neighborhood is not appropriate.

CITY PLANNING COMMISSION

February 22, 2005

CITY HALL – COUNCIL CHAMBERS

301 W. 2ND STREET

1st Floor

CALL TO ORDER – 6:00 P.M. COMMENCE 6:08PM; ADJOURN 10:00PM

____ John-Michael Cortez

____ Matthew Moore, Secretary

____ Cid Galindo

____ Jay Reddy

____ Matt Hollon, Asst. Secretary

____ Chris Riley, Chair

____ Cynthia Medlin, Vice-Chair

____ A Dave Sullivan, Parliamentarian

____ A Keith L. Jackson

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.

APPROVAL OF MINUTES

2. Approval of minutes from February 8, 2005.

MOTION: APPROVE BY CONSENT

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

PLAN AMENDMENT

~~MOTION: APPROVE BY CONSENT~~

~~VOTE: 7-0 (JR, J, IMC 2nd, DS, KL ABSENT)~~

13. Rezoning: C14-05-0003 - 5701 Riverside
Location: 5701 Riverside, Country Club Creek Watershed, East Riverside NPA
Owner/Applicant: BRTS Joint Ventures (H.C. Bell)
Agent: Jim Bennett Consulting (Jim Bennett)
Request: Rezone from LO to CS-MU
Staff Rec.: ALTERNATE RECOMMENDATION: GR-CO
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
Neighborhood Planning & Zoning

Robert Heil presented the staff recommendation for item 13 (case C14-05-0003).

Commissioner Riley asked staff why would MU not be included. Mr. Heil said that there is space on the tract to build residential uses outside of the floodplain but the area is small. Mr. Heil also said that LI is nearby. He said there is not a city policy that MU cannot be located near LI zoning, its just that in this case, staff did not see it as appropriate. Commissioner Riley asked about the reasoning for the prohibition of access and Mr. Heil said that was intended to protect the elementary school. Commissioner Riley asked about the 25 foot setback along Riverside, and Mr. Heil clarified that the compatibility standards were triggered by property across the street.

Mr. Heil said that the future land use plan continues to reflect the wishes and desires of stakeholders present at the last meeting. The majority of stakeholders wanted the land use map to continue to reflect an office use.

Robert Heil presented the staff recommendation for item 14 (case C14-05-0004).

FOR

Jim Bennett said the applicant's proposed use of a Goodwill retail store and collection facility would qualify as a GR use, so they amended their application from the original request for LI zoning. There is a school behind the property and they are sensitive to the school's concerns and so they have agreed to the prohibition of access. The school uses that street as a loop for the school. Most of the focus of the 5701 tract is concern about this becoming a dump on the east side. Goodwill Industries constructs more attractive facilities. The applicant does not have a problem with limiting the height or the stories and they do not have a problem with the compatibility standards. Trucks will service the site, however the truck traffic is not like a truck stop. The trucks will be in the site and the front portion of the site will be for the retail and the other side for collecting and sorting the goods. So, the applicant is not opposed to GR zoning for 5701 Riverside.

For 5704 Riverside, the staff recommendation is for LR-CO. From a zoning standpoint, the site is predominately surrounded by LI and IP zoning as well as some GR and CS zoning. It is also located on a major thoroughfare. GR zoning is an appropriate buffer between the LI and other zoning districts. They will be working more with the school district to mitigate any concerns they may have with the proposed development.

Commissioner Medlin asked if there are any development plans on the LO property next to the school. Mr. Bennett said no. Commissioner Medlin asked on the east tract "the Goodwill tract" if the building will be built on one acre. Mr. Bennett clarified that the building will be 50,000 square foot plus there will be site improvements such as landscaping, ponding and parking. Commissioner Medlin asked if the impervious cover would be close to the maximum and Mr. Bennett said he did not think so- he thinks it will fit onto 2.5 acres. Commissioner Medlin clarified with Mr. Bennett that the thinking is that with the plans to develop the site, there will be enough of a buffer between the store and the school. Mr. Bennett said they do not have problems adding fencing or additional landscaping to mitigate impacts the school district may be concerned about.

Commissioner Riley asked Mr. Bennett if he has attended the neighborhood planning meetings. Mr. Bennett said he had, and he explained that the request is being made now, instead of waiting for the neighborhood plan because Goodwill is ready to purchase and the owner is willing to sell at this time. Neighborhood plans can take up to 2 years to complete.

Mr. Bennett said that the applicant is okay with the staff's recommendation for the 5704 tract too.

Dick Rathgeber said he has worked in the Montopolis neighborhoods since the 1960s. He has moved in 50-60 houses and fixed them up. He also did government-assisted housing. The problem with Montopolis has been the lack of retail establishments in the area. There are really no retail places now. Just yesterday SafePlace worked out an agreement with Goodwill that SafePlace clients can shop at Goodwill and offer jobs at Goodwill. It will provide a really needed service to the area. They have a letter of support they just got today from SafePlace in support of this proposed store.

FOR, DID NOT SPEAK

HC Bell

Andrew Tewell

Jay Lang

Sara Sharkey

John Sharkey

AGAINST

Barb Fox, is a homeowner and representative of Crossing homes. There are 96 homes in the neighborhood. There is a lot of opposition to this proposal. She does not consider the neighborhood as part of the Montopolis plan, but rather the Pleasant Valley area. The neighborhood plan that they are working on shows preference for office. There are single-family homes and parks and a golf course. The blue section of the map is the elementary school. On Faro Drive, there is a fire station. There are a lot of children that walk to school. It would be good not to over burden the streets. Tokyo Electron owns the LI property and its all greenbelt, it is not industry. GR is not acceptable in this area, where it wraps around the single-family nucleus. Why can't it stay LO? Why would for the west tract would they request commercial zoning if there is not a use planned at this point.

Commissioner Hollon asked what the neighborhood's position is on the staff recommendation. She said she does not support the alternative recommendation. She does not understand why staff would recommend an alternative recommendation when neighborhood planning process is going on and planners had canvassed the residents about what is desired. She stated they do not have a track record of being against development.

Commissioner Riley said it struck him as peculiar in that in her presentation she said that office uses would be acceptable but GR would allow commercial uses that would generate more traffic. Ms. Fox said that there are grocery stores within a mile of her house and she drives there- she buys too much to walk with her groceries. The LO would have lower density and lower traffic. Commissioner Riley said that the traffic concerns would be on Riverside. She said that the street currently has the elementary school, the fire station and the EMS station traffic. As the area builds out, there will be more traffic added. Commissioner Riley asked about the traffic on Riverside and she said in the middle of afternoons there is noticeable traffic. She said making Riverside a cut through to the airport created more traffic.

Commissioner Riley made the point that an office use would create more of a traffic problem because it concentrates traffic at the rush hour. Ms. Fox said that that her thought had not crossed her mind.

Phil Williams, director of facilities for Dell Valle school district, said they are opposed to the requested zoning. He explained that the unnamed street near the school was built as a requirement when they constructed the school. Students are primarily bused to the school because of the unsafe situation. Another concern is noise from trucks and rear door traffic. He is also concerned that this is not part of the neighborhood planning process. He asked the Commission to consider maintaining a safe healthy environment for the 750 children going to the school.

Commissioner Hollon asked if the property did have access to the unnamed street if people would be able to turn onto Riverside and Mr. Williams said that there is no curb cut to allow that turn. He added that the unnamed street is convenient for buses. Commissioner Hollon said he is puzzled why this site was chosen for the elementary school.

Commissioner Reddy asked about the traffic to the school. Mr. Williams said he is concerned that a driveway for emergency purposes only might be opened up for regular use. He made it clear he is not objecting to the use of Goodwill.

Mr. Williams said the school district would be opposed to a use that would increase traffic and negatively effect learning environment at that school.

Commissioner Medlin asked if there is a fence along the border of the elementary school. Mr. Williams said there is no pedestrian access from the school to the office zoned properties, but there is some transient activity around the school. They have made an effort not to fence off the entire school property. Commissioner Medlin said that given that the school district cannot choose the land use for the site, which use would be more appropriate. Mr. Williams said that with retail uses, services get shoved to the back of the store, so there are dumpsters.

Mr. Williams said that traffic would be less with LO zoning because of intensity of uses. Commissioner Riley said that with an office use the traffic would be concentrated at certain times. Mr. Williams countered saying that delivery trucks would be disruptive to the learning environment. Retail establishment has to be serviced by delivery trucks, office uses do not.

Linda Watkins, lives on Riverside Farms Road, and represents the neighborhood. Several neighborhood groups signed a letter expressing opposition to the zoning change. She has owned her home for 30 years. Any use will bring more traffic. However, there are office uses in her neighborhood that are good neighbors. Fortunately, they have not had heavy truck traffic. There is unanimous opposition to this rezoning request. In the Montopolis plan, they may have commercial along Riverside, but that is their plan. Their neighborhood does not want commercial.

Commissioner Riley said that it came as a surprise that along Riverside there is commercial zoning, except along the portion near Parker Lane. Ms. Watkins said that the heavier retail use should be in the west, but not in this section. Commissioner Riley said that part of the appeal of mixed-use is that one does not have to drive a mile away, but instead be able to walk to shop. All but this one section will be retail. Ms. Watkins said that the residential is near that section of Riverside where office is located. There are large commercial centers at Pleasant Valley and Riverside. This particular section of Riverside is where the single-family is.

Jan Long is the contact person for the Southeast Austin Alliance. She asked the Planning Commission to respect the neighborhood planning process and deny the request. They have been working on neighborhood planning since 2003.

Gayle Goff is a resident in the area. First, in the early neighborhood planning workshops, it was decided for these tracts that they would be office. The Casey office is a beautiful example of well-designed office. Second, the survey majority wanted LO on the site. The staff has always shown their recommendations for LO. Last week, staff said that the staff would support the LO recommended by the residents. This is the entry-way to the city. There is a preponderance of undeveloped and underutilized property in this area. Riverside is designated a scenic roadway. This section of Riverside is the only section that could be considered "scenic." She said she does not expect pedestrian-orientation made possible along Riverside because of the speed of cars.

Commissioner Galindo asked how the zoning went from LO-MU to LO. Ms. Goff explained that MU would be great if a percentage of the development would be devoted to mixed use, but until the ordinance is changed, currently either all residential, all non-residential or a mix could be provided. In this area, there is too much multi-family and so by applying MU, these properties would be opening up additional areas for multi-family.

Commissioner Riley asked Ms. Goff about the letter. Ms. Goff said that GR should be applied to certain areas. She does not think a clothing store needs to be within walking distance of everybody. There is terrific bus service on both sides of Riverside.

AGAINST, DID NOT SPEAK

Linda Land

Julia Diggs

REBUTTAL

Jim Bennett said that Kevin McCown, of Goodwill, said that they have a facility near Galindo Elementary and they have not heard complaints. With the current zoning, there could be a three story office building that would have a bigger traffic impact than the proposal before you now. He said that this request was not presented at the time neighborhood planning started because this contract was not offered at that time. At the last meeting, staff did not call the vote on this issue. There would have been some in favor. He said that the current commercial design proposal is to push the storefront closer to the street and parking in the rear. This is one of several gateways to the city. Neighborhood planning meetings are done by majority voting, not by planning.

Commissioner Riley asked about how large the trucks are that service Goodwill. Mr. McCown said that Goodwill has 10 vehicles (10 feet long) and 6 tractors (28-40 feet in length). The trucks begin service at 6am and return at night. The "box" trucks go to the site 10-15 times a day. Commissioner Riley asked about the concerns with cut-through traffic.

Commissioner Riley asked Mr. Bennett about the dumpsters. Mr. Bennett said that the dumpsters would be screened and that if desired, could be placed away from the school.

Commissioner Riley asked if Goodwill would be willing to work with the school as the plan develops and Mr. Bennett said that they will work with the school.

Commissioner Moore asked about how the development would conform to the proposed commercial design standards and Mr. Bennett said that the retail storefront would face the street. Commissioner Moore asked if they would comply with the proposed commercial design standards. Mr. Bennett mentioned that Goodwill has constructed buildings that are architecturally-sound, and in fact one has been listed by the Austin Business Journal as one of three buildings of the year.

Commissioner Medlin asked staff about the draft future land use map handed out earlier by a speaker and whether it was current. Mr. Heil said he cannot know for sure, but it appears it may be. Commissioner Medlin asked about the property on Grove Blvd (between the east tract and Grove Blvd) and Mr. Heil said the current zoning on the property is LI and that on the draft future land use map would be mixed-use. Mr. Heil said he cannot speak to whether the future draft land use map should show office mixed use or office, but he knows it will be office.

Ms. Fox said the map she handed out to the Commission was printed off the computer last September. Parcels 59 and 60 have never been proposed to have mixed-use because of concerns with the current MU combining district and how it could allow apartments.

Commissioner Medlin asked what the FLUM should indicate for tracts 62 and 63 along Grove Blvd. Ms. Fox said that she does not know. Tokyo Electron is tract 62, and is all greenbelt. The other tract is a vacant lot, that is an old dump.

Commissioner Riley asked about the code requirements for the buffer between this site and the school. Mr. Bennett said that the school is permitted in SF-5 and more restrictive zoning and thus triggers compatibility standards and a setback.

MOTION: CLOSE PUBLIC HEARING

VOTE: 7-0 (MH-1st, JR-2nd; DS, KJ- ABSENT)

MOTION:

Item 13: APPROVE STAFF RECOMMENDATION OF GR-CO WITH ADDITIONAL CONDITIONS:

- **A 25 FOOT LANDSCAPE BUFFER MUST BE PROVIDED ON THE SOUTHWEST CORNER FROM THE SCHOOL PROPERTY LINE**
- **THE FOLLOWING USES ARE PROHIBITED: AUTOMOTIVE REPAIR, SERVICE STATIONS AND PAWN SHOP SERVICES.**

IN ADDITION, THE COMMISSION REQUESTED THAT THE NEIGHBORHOOD WORK WITH THE APPLICANT TO DEVELOP A LIST OF CONDITIONS FOR THE CONDITIONAL OVERLAY AND TO MEET THE INTENT OF THE PROPOSED COMMERCIAL DESIGN STANDARDS, SUCH AS BRINGING THE BUILDING CLOSER TO THE STREET AND SETTING THE PARKING TO THE REAR.

VOTE: 7-0 (MH-1st, MM-2nd)

Commissioner Hollon said that the neighborhood has made a strong case for the LO zoning along Riverside. There are no prospective development plans for the 5704 site, so he does not support the applicant or staff's recommendation. For tract 5701, this tract will be beneficial to the community and to SafePlace and the conditions will restrict access. The 25 foot landscape buffer condition to the southwest corner will help create a buffer.

Commissioner Moore supports the motion and he expressed a desire to incorporate design standards into the proposal.

Mr. Bennett added that they do not have problems with prohibiting automotive repair, pawn shop services and service stations.

Commissioner Moore said that one proposed amendment is to encourage the design of facilities that don't require fencing and to provide near shopping centers.

Commissioner Riley asked if the motion would allow the Goodwill store could use the site, and Mr. Bennett said yes. Commissioner Riley asked if the Goodwill project could not be done if the other tract does not get the commercial zoning and Mr. Bennett said no.

Commissioner Medlin requested a friendly amendment that asked the neighborhood and Goodwill to develop a list of items to put in a conditional overlay. Mr. Bennett said that he would work with the neighborhood group to exclude additional uses. Ms. Fox said that the neighborhood would work with Mr. Bennett to achieve an acceptable GR zoning for the Goodwill

tract, if the zoning request for the other tract is not pursued. That is the deal they are willing to make.

Commissioner Riley asked that instead of denying the request for the 5401 Riverside just let the case rest and if an agreement is reached for the Goodwill site, then the neighborhood can start to work on the other tract. He is concerned that that would not occur if the Commission votes to deny the zoning request.

14. Rezoning: C14-05-0004 - 5401 Riverside
Location: 5401 Riverside, Country Club Creek Watershed, East Riverside NPA
Owner/Applicant: BRTS Joint Ventures (H.C. Bell)
Agent: Jim Bennett Consulting (Jim Bennett)
Request: Rezone from LO to GR-MU
Staff Rec.: **ALTERNATE RECOMMENDATION: LR-MU-CO**
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
Neighborhood Planning & Zoning

Mr. Bennett announced after discussion and public hearing for items 13 and 14 that they are dropping their request for the commercial zoning for 5401 Riverside.

CASE WITHDRAWN.

~~**15. Rezoning: C14-04-0088 - U Auto Stop Used Tires**
Location: 710 - 714 Pedernales Street, Town Lake Watershed, Govalle / Johnson Terrace NPA (Govalle) NPA
Owner/Applicant: Cid Giro Lopez
Agent: Brown McCarroll, L.L.P. (Annick C. Beaudet)
Request: SF-3-NP to GR-MU-NP
Staff Rec.: Recommendation Pending: Postponement request to 4-12-05 (staff and applicant)
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department~~

~~**MOTION: POSTPONE TO APRIL 12, 2005 BY CONSENT (STAFF AND APPLICANT REQUEST)**~~

~~**VOTE: 7-0 (JR-1st, JMC-2nd; DS, KJ-ABSENT)**~~