

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2012-0113  
7003 E Riverside

**PC DATE:** November 13, 2012  
October 23, 2012

**ADDRESS:** 7003 E Riverside Drive

**AREA:** 7.793 acres

**OWNER:** Bradsher Family Trust  
(Jack Bradsher)

**AGENT:** Thrower Design  
(A. Ron Thrower)

**ZONING FROM:** SF-3-NP; Family Residence – Neighborhood Plan

**ZONING TO:** SF-6-NP; Townhouse and Condominium Residence – Neighborhood Plan

**NEIGHBORHOOD PLAN AREA:** Montopolis

**SUMMARY STAFF RECOMMENDATION:**

Staff recommendation is to grant Townhouse and Condominium Residence, Conditional Overlay, Neighborhood Plan (SF-6-CO-NP) combining district zoning. The conditional overlay would limit the vehicle trips to less than 2,000 per day, and prohibit residential uses within 25' of the eastern property line.

Additionally, staff and the applicant have negotiated a public restrictive covenant in which a right-of-way reserve of 25 feet is set aside along the southern property line, to be used on an interim basis for a bicycle and pedestrian path (see additional discussion under Department Comments below). At such time the property to the south is developed and/or an additional 25 of right-of-way is secured for a combined 50 feet of right-of-way, the reserve would be conveyed to the City as a public roadway. Vehicular access to and from the site to Yellow Jacket would be limited to emergency use only until such time the roadway is constructed.

**PLANNING COMMISSION ACTION:**

October 23, 2012

Postponed to November 13, 2012 at the request of the Montopolis Neighborhood Plan Contact Team. [Motion by Commissioner Oliver; Seconded by Commissioner Nortey; Approved 7-1; Against: Commissioner Hernadez]

**DEPARTMENT COMMENTS:**

The subject tract is located approximately 200 feet south of Riverside Drive between Maxwell Lane and Yellow Jacket Lane. Property to the north, northwest, and northeast is undeveloped, but zoned GR-MU-NP (see Exhibit A). Property to the east, which is approximately one-half developed with single family homes, is zoned SF-3-NP (see Exhibit A-1). To the south is an undeveloped 10-acre parcel zoned GR-MU-NP, and to the west is an approximate 8.6-acre tract recently rezoned to SF-6-CO-NP that will be incorporated into, and developed, as part of a proposed condominium development (please see Exhibit A-2).

This property was annexed as part of a 1,413-acre MP Industrial Park tract in May 1976. After annexation it was zoned I-A, Interim Residence, which later was converted to Interim SF-3. The tract has been the subject of several rezoning cases over the past couple of decades, but has remained undeveloped. As with the tract immediately to its west, it sits back from Riverside Drive, has some single-family residential to the east and far west, and

an undeveloped tract between it and a warehousing business north of US Hwy 71. With the exception of the approximate 8.6-acre tract to the west, none of the surround properties have been rezoned since 2001, when properties were rezoned as part of the Montopolis Neighborhood Plan adoption.

The rezoning request is driven by a proposed condominium project that will include about 100 units, over both this 8-acre tract and the undeveloped tract immediately to the west. Primary access will be provided to Riverside Drive through a centrally located driveway, and an emergency access will be provided at the end of Yellow Jacket Lane.

A neighborhood plan amendment was not required in order to consider this rezoning request. At the time the Montopolis Neighborhood Plan was adopted, there was no differentiation between "single-family" and "higher density single-family" residential categories on the Plan's Future Land Use Map (FLUM). Any single-family residential base zoning district, from rural residence (RR) to Townhouse and Condominium (SF-6), would be acceptable under this FLUM designation. At this time, staff has not received any correspondence from the neighborhood plan contact team regarding the rezoning request, nor is any required. Correspondence from the Montopolis Neighborhood Contact Team (see Exhibits B) has focused solely on the previous postponement request and scheduling.

This property is located outside the boundaries of the East Riverside Corridor (ERC) Plan. However, a new collector street depicted in the draft ERC Regulating Plan would run north to south along the western edge of this tract. After additional discussion between the applicant and staff, the necessity and desirability of having a collector street in the location shown in the regulating plan was reconsidered. Yellow Jacket and Maxwell already exist as north-south roadways, with the former currently terminating at the north end of the undeveloped GR-MU tract, and the latter extended to Carson Ridge (itself an east-west connection). Bearing in mind the condominium project encompasses both this rezoning tract and the 8.6-acre tract immediately to the west, the proposed collector would effectively bisect the project, but only serve to connect this project to Riverside and the future development of the GR-MU tract. Until the GR-MU tract is developed, this bisecting roadway would essentially function as a driveway.

Instead, an east-west connection was considered, especially because a bike and pedestrian trail was already mandated in the rezoning of the 8.6-acre tract to the west. Extending that trail, and incorporating it into a right-of-way reserve seemed to further the connectivity goals of the ERC Regulating Plan. As envisioned, this trail would extend from Yellow Jacket on the east to Maxwell on the west; at some point in the future, if the tract to the south were developed and additional right-of-way was dedicated along its northern edge, then an east-west collector might be developed between Yellow Jacket and Maxwell, or possibly Carson Ridge. The public restrictive covenant is proposed to reserve the right-of-way and continue the bicycle and pedestrian trail. Because the trail on the 8.6-acre tract is 15 feet in width rather than 25 feet, that restrictive covenant is proposed to be amended at this time as well. Staff and the applicant are in agreement on the right-of-way reserve and the desirability of extending the bicycle and pedestrian trail.

Staff will present the ERC Regulating Plan to the Council on November 8, 2012. At that time, the question of whether the north-south collector should be retained will be considered. Staff can provide an update on the proposed collector to Commissioners at their meeting when they consider this application.

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**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Undeveloped
<i>North &amp; Northeast</i>	GR-MU-NP	Undeveloped
<i>East</i>	SF-3-NP	Single-Family Residential & Undeveloped Tracts;
<i>South</i>	GR-MU-NP; LI-NP and CS-NP	Undeveloped; Warehousing
<i>West &amp; Northwest</i>	SF-6-CO-NP; GR-MU-NP	Undeveloped

**AREA STUDY:** N/A**TIA:** Not Required**WATERSHED:** Carson Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

Southeast Austin Neighborhood Alliance	189
Crossing Garden Home Owners Association	299
El Concilio Coalition of Mexican American Neigh. Assn.	477
Austin Neighborhoods Council	511
Montopolis Area Neighborhood Alliance	634
Del Valle Independent School District	774
Home Builders Association of Greater Austin	786
PODER	972
Homeless Neighborhood Organization	1037
League of Bicycling Voters	1075
Riverside Meadows Homeowner's Association	1131
Carson Ridge Neighborhood Association	1145
Super Duper Neighborhood Objectors and Appeals Organization	1200
Austin Monorail Project	1224
Montopolis Neighborhood Plan Contact Team	1227
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Pleasant Valley	1255
Del Valle Community Coalition	1258
Montopolis Tributary Trail Association	1321
Montopolis Neighborhood Association	1339
Austin Heritage Tree Foundation	1340
Montopolis Neighborhood Association	1357
SEL Texas	1363

**SCHOOLS:**

Del Valle Independent School District:

Smith Elementary                      John P. Ojeda Middle School  
(Please see Exhibit C for DVISD response to the proposal)

Del Valle High School

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**RELATED CASES:**

As noted above, the subject tract and property immediately to the west have been the subject of zoning cases in the mid-1970s and mid-1980s, and most recently, in 2012. However, the property has never been developed.

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-84-156	I-A to C 1 <sup>st</sup> H & A	Forward to CC without Recommendation; 09/05/1984	Postponed Indefinitely 05/02/1985; Dismissed 06/07/1990
C14-2001-0060 (NP Zoning)	I-SF-3 to GR-MU-NP and SF-3-NP (GR-MU-NP for First 200' from Riverside Dr; SF-3-NP for Remainder of Site	Approved; 08/07/2001	Approved; 09/27/2001

**CASE HISTORIES:**

With the exception of the tract to the west, there has been no proposed rezonings in the immediate area since adoption of the Montopolis Neighborhood Plan in 2001.

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
(North & Northeast of site) C14-2001-0060	I-SF-3 to GR-MU-NP and SF-3-NP (GR-MU-NP for First 200' from Riverside Dr; SF-3-NP for Remainder of Site	Approved; 08/07/2001	Approved; 09/27/2001
(East of site) C14-2001-0060	SF-3 to SF-3-NP	Approved; 08/07/2001	Approved; 09/27/2001
C14-99-0086 (Uphill Lane)	SF-3 to SF-6-CO	Approved; 08/17/1999	Approved; 09/30/1999
(South of site) C14-2001-0060	SF-3 and CS to GR-MU-NP	Approved; 08/07/2001	Approved; 09/27/2001
(West & Northwest of site) C14-76-009  C14-84-214	"A" Residence 1 <sup>st</sup> Height & Area to "MH" Mobile Home 1 <sup>st</sup> Height & Area  From "MH" & "I-A" to "C" 1 <sup>st</sup> H & A	Approved;  Forwarded to Council w/o Recommendation 09/05/1984	Approved; 04/15/1976  Approved "C" for northern 3-1/2 acres, with remainder as "MF" subject to Site Plan Approval, and other Conditions; 05/23/85;

02/15

C14-2001-0060	MH to GR-MU-NP and SF-3-NP (GR-MU-NP for First 200' from Riverside Dr; SF-3-NP for Remainder of Site)	Approved; 08/07/2001	Dismissed 06/08/1990  Approved; 09/27/2001
C14-2011-0158	SF-3-NP to SF-6-NP	Approved; 01/24/2012	Approved with conditions; 03/22/2012

Of note, the 8.6-acre undeveloped tract to the west was platted as 46 single-family lots under its then-existing SF-3-NP zoning, in 2007. Due to funding constraints, that subdivision, including the proposed Santa Helena Street, was subsequently vacated in 2010 rather than developed as a single-family subdivision (C8-05-0138.1A(VAC)). The owner sought and was granted the SF-6-CO-NP zoning in order to develop the property as townhomes earlier this year (C14-2011-0158). It is that tract, along with the current subject tract, that will comprise the proposed condominium development.

**ABUTTING STREETS:**

Street Name	ROW Width	Pavement Width	Classification	Bicycle Plan	Capital Metro	Sidewalks
E Riverside Drive	120 Feet	MAD 6	Arterial	Yes	Yes	Yes
Yellow Jacket	40 Feet	30 Feet	Local	No	No	No

**CITY COUNCIL DATE:** December 6, 2012

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Lee Heckman  
e-mail address: lee.heckman@austintexas.gov

**PHONE:** 974-7604

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**STAFF RECOMMENDATION****BACKGROUND**

The subject tract has been zoned and rezoned for residential use since it was annexed nearly 35 years ago. It remains undeveloped.

**SUMMARY STAFF RECOMMENDATION**

Staff recommendation is to grant Townhouse and Condominium Residence, Conditional Overlay, Neighborhood Plan (SF-6-CO-NP) combining district zoning. The conditional overlay would limit the vehicle trips to less than 2,000 per day.

The applicant also proposes a public restrictive covenant in which a right-of-way reserve of 25 feet is set aside along the southern property line, and used on an interim basis for a bicycle and pedestrian path (see additional discussion under Department Comments below). Staff supports this proposal and recommends execution of the public restrictive covenant.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

***Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan.***

The Montopolis Neighborhood Plan designates this tract as single-family residential, which allows for the proposed SF-6 base residential district. The tract is outside the boundaries of the proposed East Riverside Corridor Regulating Plan. The acreage between this tract and Riverside Drive is, however, in the draft Regulating Plan, and is designated as Neighborhood Mixed Use. That subdistrict provides for mid-rise residential with neighborhood-oriented retail and small employers. As such, staff thinks higher-density residential, such as the proposed SF-6, is a use consistent with what is envisioned in the draft Regulating Plan.

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

***Zoning changes should promote an orderly and compatible relationship among land uses; and***

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

The existing Family Residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated as an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.

The proposed Townhouse and condominium residence (SF-6) district is the designation for a moderate density single family, duplex, two-family, townhouse, and condominium use that is not subject to the spacing and location requirements for townhouse and condominium use in an SF-5 district. An SF-6 district designation may be applied to a use in an area with large lots that have access to streets other than minor residential streets. An SF-6 district may be used as a transition between a single family and multifamily residential use.

C2/4

Each of the above zoning principles addresses a dominant theme about a proposed use fitting within the existing neighborhood context while being mindful of future land uses. This tract, which lies between Riverside Drive and US Hwy 71, lies between undeveloped properties zoned commercial mixed-use to the north and south. Immediately to the east along Yellow Jacket Lane are single-family residences, and undeveloped tracts zoned Family Residence (SF-3-NP). Immediately to the west is a tract that was recently rezoned to the same district level of residential that this tract seeks. In fact, the proposed condominium project will incorporate that tract into its development. The result would be an approximate 17-acre condo development flanked by single-family residential on two sides, and commercial mixed use on the other two.

If the property to the north is rezoned to Neighborhood Mixed Use as part of the East Riverside Corridor Regulating Plan, then this tract's SF-6 zoning is still an appropriate transition to the intensity envisioned in that subdistrict. Simultaneously, the proposed SF-6 district is likely more appropriate next to the GR-MU tract to the south than the existing SF-3. Single-family homes or duplexes, as allowed under the current zoning, would certainly provide a transition, but would not be encouraged between two undeveloped community commercial-mixed use tracts.

The proposed zoning district, on paper, could yield about 12 units per acre, which would approximate 96 units on this tract, or nearly 200 when accounting for the abutting tract. The current proposal, however, is for approximately 100 units on both tracts, which is less dense and provides an adequate transition to the abutting single-family residences. By way of comparison, the current zoning could yield 64 lots (not accounting for infrastructure) if simply subdivided.

## EXISTING CONDITIONS

### Site Characteristics

This is an undeveloped site of just under 8 acres. It slopes from east to west and south to north. A natural drainage channel crosses the tract at the far south end, but is not of a significant enough scale to qualify as a dry creek. The site is heavily treed, but it is unknown whether there are any protected trees on site. In short, there appear to be no significant topographical constraints or environmental features on the site.

### Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Carson 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 flood plain maps there is no flood plain within or adjacent to the project boundary.
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. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding 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.
6. At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

#### **Transportation**

1. The Austin Metropolitan Area Transportation Plan calls for 200 feet of right-of-way for Riverside Drive. If the requested zoning is granted for this site, then 100 feet of right-of-way from the existing centerline should be dedicated for Riverside Drive according to the Transportation Plan [LDC, Sec. 25-6-51 and 25-6-55].
2. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

#### **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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

#### **Site Plan and Compatibility Standards**

1. The site is subject to compatibility standards. Along the east property line, the following standards apply:
  - No structure may be built within 25 feet of the property line.

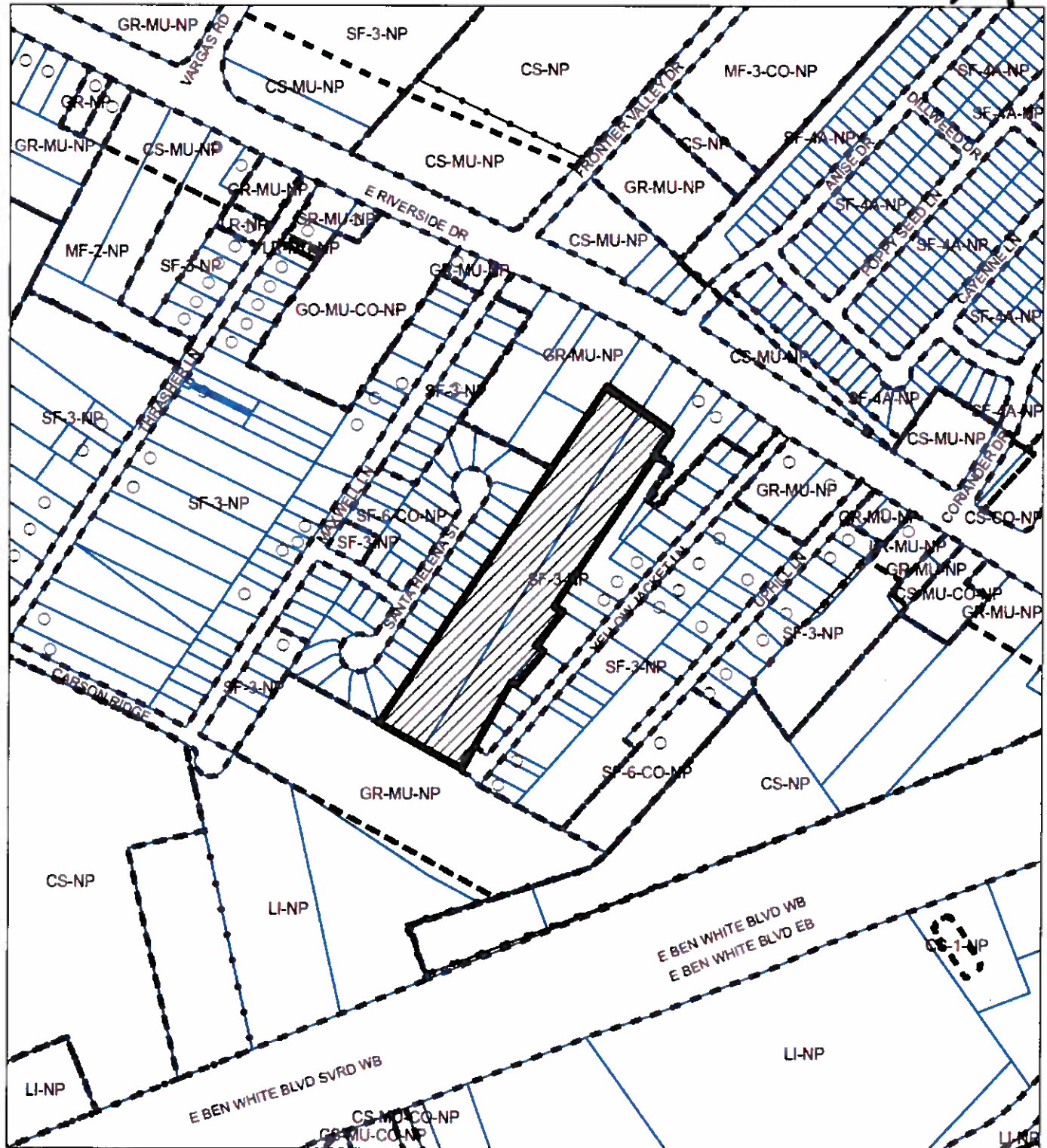


- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property 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.

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

2. This site is within the Controlled Compatible Land Use Area of Austin-Bergstrom International Airport, but outside the Airport Overlay Zones. For more information, contact Joe Medici, Airport Planner, 530-6563. Provide approval from ABIA.

C2/10



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

**ZONING**  
**ZONING CASE#: C14-2012-0113**

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**Exhibit A**



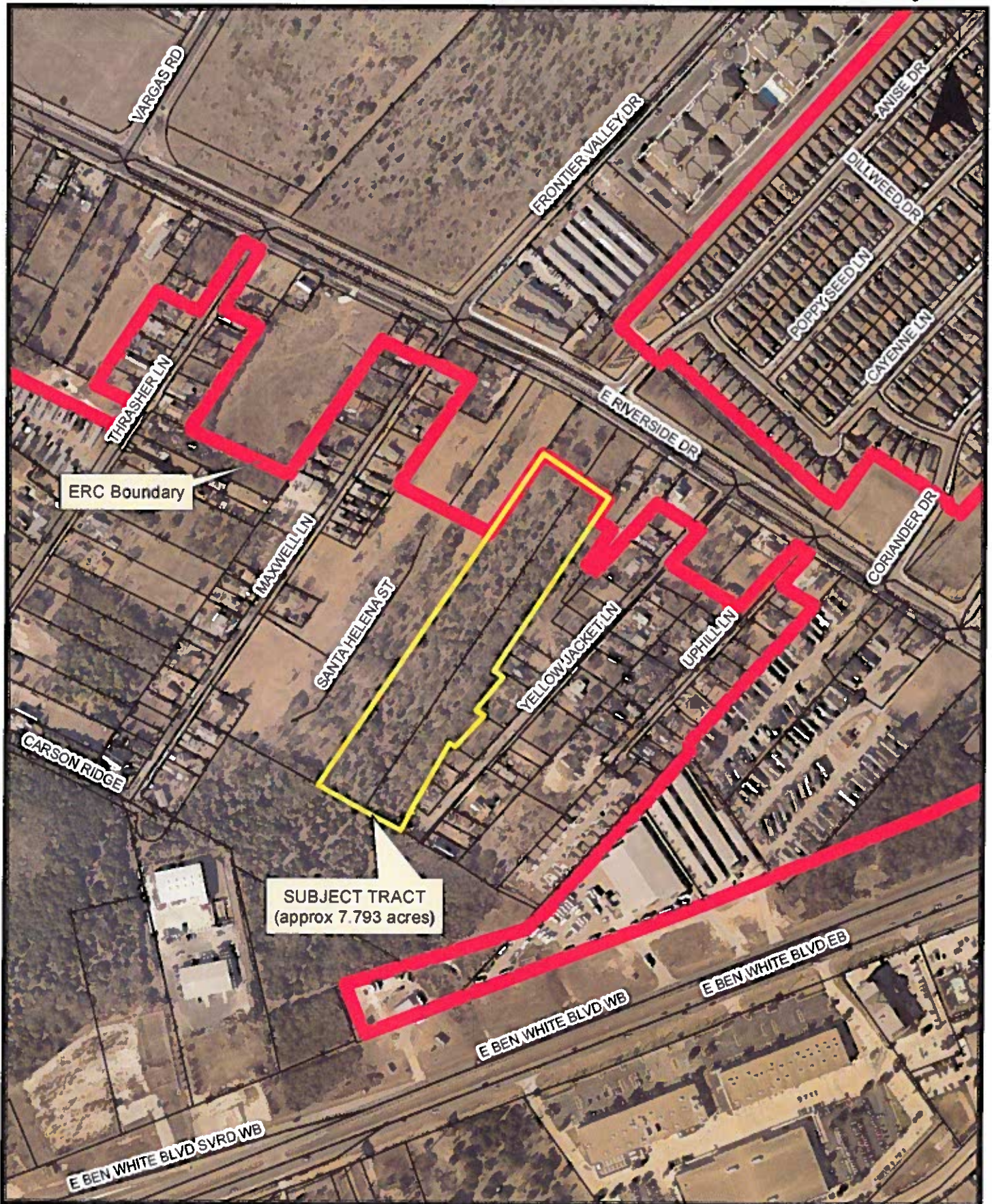


Image Data: 2009

Exhibit A-1  
Aerial & ERC Boundary

0 200 400 800 Feet  
1 inch = 400 feet





Image Data: 2009

Exhibit A-2  
Aerial, Zoning, & ERC Boundary

0 100 200 400 Feet  
1 inch = 200 feet



**From:** PODER Austin, Texas  
**Sent:** Monday, October 22, 2012 6:32 PM  
**To:** Dave Anderson; Heckman, Lee  
**Subject:** Request for Postponement C14-2012-0113

C2/13

Dear Chairman Anderson & Planning Commissioners:

The Montopolis Neighborhood Plan Contact Team (MNPCT) is requesting a postponment on 7003 E. Riverside Drive (C14-2012-0113). This case is scheduled to be reviewed and voted on at our November 12th, 2012 meeting at 6:30 pm at the Montopolis Recreation Center.

This case was scheduled to be reviewed on October 4th, 2012 but the applicant stated he would not be able to attend this meeting. The Contact Team has been extremely busy on a prior case, that was reviewed and voted on at the City Council meeting on October 18th, 2012.

Again, the MNPCT request a postponement on this case until the Montopolis community is able to review the case on November 12th, 2012.

Sincerely,

Susana Almanza, President

Montopolis Neighborhood Contact Team

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PODER  
P.O. Box 6237  
Austin, TX 78762-6237

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**From:** PODER Austin, Texas  
**Sent:** Tuesday, October 23, 2012 3:08 PM  
**To:** Heckman, Lee  
**Subject:** Re: Request for Postponement C14-2012-0113

Hello Lee- If the MNPCT is meeting on November 12th, we would prefer November 27th for the next meeting date. Thank you, Susana Almanza, President MNPCT

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On Tue, Oct 23, 2012 at 11:57 AM, Heckman, Lee <[Lee.Heckman@austintexas.gov](mailto:Lee.Heckman@austintexas.gov)> wrote:

Ms. Almanza:

I have forwarded your request to the Commission. I presume you will be on hand tonight to present the request. Will you also be specifying the postponement date? Thanks in advance.

Lee

C2/15

**From:** PODER Austin, Texas

**Sent:** Sunday, November 04, 2012 8:55 AM

**To:** A. Ron Thrower; Heckman, Lee; Golbabai, Justin; Valenti, Margaret; Dave Anderson

**Subject:** Susana Almanza, President MNPCT

Hello Ron Thrower - Regarding 7003 Riverside Drive zoning. We are re-scheduling the Montopolis Neighborhood Contact Team Meeting to **November 19th, 2012 at 6:30 pm.** When the Contact Team set the meeting date of November 12th at our last meeting on October 4th, 2012, no one realized that November 12th was Veterans Day and that all City of Austin facilities are closed. Also, please be advised that the Montopolis Neighborhood Contact Team has made no decision regarding this case. The MNPCT will first hear from the applicant and learn about his plans and then the Contact Team may ask additional questions and/or make additional suggestions regarding the zoning and project and then make its decision. Susana Almanza, President Montopolis Neighborhood Contact Team

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PODER

P.O. Box 6237

Austin, TX 78762-6237

[www.poder-texas.org](http://www.poder-texas.org)

October 26, 2012

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**EDUCATIONAL IMPACT STATEMENT  
DEL VALLE INDEPENDENT SCHOOL DISTRICT (DVISD)**

RE: Bradsher Family Trust  
7003 E. Riverside Drive  
CoA Zoning Case # C14-2012-0113

This proposed 100 Unit single family (SF) housing subdivision is located in the following attendance zones Smith Elementary School (4209 Smith School Road), Ojeda Middle School (4900 McKinny Falls PKWY) and Del Valle High School (5201 Ross Road) you can find the current attendance zone on the DVISD main web page.

<http://delvalle.tx.schoolwebpages.com/education/components/scrapbook/default.php?sectiondetailid=17467&go=&&>

Thank you for forwarding the information on the proposed Riverside Drive rezoning. Currently all of our elementary schools are at or very near capacity, so any additional housing units will have an educational impact on the district. We will review attendance boundaries next spring and it may become necessary to zone some neighborhoods in that area away from nearby schools to those on the outer edge of the district. Developers need to be aware of this so that they do not give out incorrect or misleading information to potential tenants.

Do you have any forecast of completion timelines on this project you can share?

Thanks again for the information,

William W. Myers II  
Construction and Planning Office  
Del Valle ISD  
2404 Shapard Lane  
Del Valle, Tx. 78617  
386-3126  
[Bmyers@del-valle.k12.tx.us](mailto:Bmyers@del-valle.k12.tx.us)