

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0173 **P.C. DATE:** November 12, 2014
Rodolfo Carrera and Elena Montalvo

ADDRESS: 3100 Manchaca Road **AREA:** 2.944 acres

NEIGHBORHOOD PLAN AREA: South Lamar Neighborhood
(South Lamar Combined Neighborhood Planning Area)

OWNER: Rodolfo Carrera and Elena Montalvo

APPLICANT: M&H McLean & Howard, LLP (Jeffrey S. Howard)

ZONING FROM: LO-CO, Limited Office-Conditional Overlay

ZONING TO: GO-MU-CO, General Office-Mixed Use-Conditional Overlay

SUMMARY STAFF RECOMMENDATION:

To grant GO-MU-CO zoning in which the conditional overlay (CO) limits site development standards, including the minimum site area for each dwelling unit standard for residential use under the MU combining district, to those of the LO zoning district with the exception of floor area ratio (FAR); this would remain at 1:1. The conditional overlay would also continue the existing limitation of 2,000 vehicle trips per day.

LO site development standards recommended to be included in the CO are as follows:

- 1) Maximum building height shall be 40 feet or 3 stories
- 2) Minimum setbacks are as follows:
 - a. Front Yard: 25 feet
 - b. Street Side Yard: 15 feet
 - c. Interior Side Yard: 5 feet
 - d. Rear Yard: 5 feet
- 3) Maximum building coverage shall be limited to 50%
- 4) Maximum impervious cover shall be limited to 70%

Standard for residential use in an LO-MU combining district to be included in the CO is as follows:

- 1) The minimum site area for each dwelling unit is:
 - a) 1,600 square feet, for an efficiency dwelling unit;
 - b) 2,000 square feet, for a one bedroom dwelling unit; and
 - c) 2,400 square feet, for a dwelling unit with two or more bedrooms.

PLANNING COMMISSION RECOMMENDATION:

November 12, 2014 To grant GO-MU-CO as Recommended by Staff with the Additional Condition that only LO uses be Permitted (Consent Motion: R. Hatfield; Second: B. Roark) 8-0 (Absent: L. Verghese).

DEPARTMENT COMMENTS:

The subject tract is located on the west side of Manchaca Road, south of its intersection with Lightsey Road and South Lamar Boulevard (see Exhibits A). It is surrounded by multifamily to the south (condominiums, zoned MF-2, and apartments, MF-3) and commercial and commercial-mixed uses to the west and north (under GR, CS, and CS-1 districts, some of which have vertical

mixed use options). Single-family and duplex residential, under SF-3 zoning, is on the opposite side of Manchaca, along with office and commercial uses (under NO, LO, and LR zoning). The property is largely undeveloped, with the exception of an office and associated parking at the front of the lot, facing Manchaca.

The requested zoning is GO-MU-CO in which the mixed use combining district would permit the option for residential uses on the property, such use being the stated intent of the applicant. The request for the zoning change comes with a self-imposed condition to develop the property under LO site development regulations, save for floor to area ratio (FAR); the FAR would remain 1:1 as allowed under GO rather than the 0.7:1 as allowed under LO.

Correspondence regarding the application has been attached (please see Exhibit C).

ABUTTING STREETS & TRANSIT:

Street Name	ROW Width	Pavement Width	Classification	Bicycle Route/Plan	Bus Service	Sidewalks
Manchaca Rd	90'	40'	Arterial	Yes	Yes	Yes

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LO-CO	Office; undeveloped
North	GR-V; CS-V; CS-1-V	Commercial and Commercial-Residential Mixed Use (the 704); Various Retail and Services; Restaurant
East	SF-3-NP; LR-CO; LO-CO	Single-family and Duplex Residential; Various Retail, Office and Service Uses
South	SF-3-NP	Condominium and Multifamily Residential
West	GR; CS-V; CS-1-V	Commercial- Residential Mixed Use (the 704); Dance Hall/Restaurant; Multifamily

TIA: Not Required (existing CO limits to less than 2,000 vtd)

WATERSHED: West Bouldin Creek (urban)

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:

COMMUNITY REGISTRY NAME	COMMUNITY REGISTRY ID
Barton Hills-Horseshoe Bend (Barton Hills NA)	7
South Central Coalition	498
Austin Neighborhoods Council	511
Austin Independent School District	742
South Lamar Neighborhood Assn.	926
Save Our Springs Alliance	943
Bike Austin	1075
Perry Grid 614	1107
Sierra Club, Austin Regional Group	1228

The Real Estate Council of Austin, Inc.	1236
Barton Oaks Neighborhood Association	1293
Austin Heritage Tree Foundation	1340
SEL Texas	1363
Preservation Austin	1424
Friends of the Emma Barrientos MACC	1447
Friends of Larry Monroe	1493

SCHOOLS:

Austin Independent School District:
 Zilker Elementary O Henry Middle School Austin High School

ZONING CASE HISTORIES FOR THIS TRACT:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
3100 Manchaca C14-98-0246	SF-3 to LO-CO	Recommended; 1/26/1999	Approved; 03/25/1999

The CO in the above case included two provisions: first, that right-of-way be dedicated, up to 45' from the centerline, prior to site planning or building permit issuance; and second, that development not exceed 2,000 vehicle trips per day. The first condition, right-of-way dedication was satisfied prior to construction of the existing office building. The second condition, a limitation on the number of vehicle trips per day, is proposed and recommended to be carried over if the zoning request is granted.

ZONING CASE HISTORIES IN THE AREA:

In 2008, select properties along South Lamar Boulevard were assigned Vertical Mixed Use Building Overlay through the neighborhood opt-in process (C14-2008-0019). With the exception of the Broken Spoke, the parcels along the east side of S. Lamar Blvd. between Lightsey Road and Panther Trail were granted VMU overlay zoning. This option was not applied to any properties along Manchaca Road.

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
2910 Block Manchaca C14-81-244	"I-A" 1 st H&A to "GR" 1 st H&A		Approved; 08/05/1982
3000 Block Manchaca C14-82-032	"I-A" 1 st H&A to "GR" 1 st H&A		Approved; 08/05/1982
2919 Manchaca C14-2005-0142	LO to LR-CO	Recommended; 10/04/2005	Approved; 12/15/2005 (CO limits to 2000 vtd)
3001 Manchaca C14-84-126	"A" 1 st H&A to "O-1" 1 st H&A	Recommended; 08/07/1984	Approved; 10/18/1984
3105 Manchaca C14-84-362	SF-3 to LO	Recommended; 12/11/1984	Approved; 10/17/1985
3108-3210 Manchaca C14-81-143	"I-A" and "A" 1 st H&A to "BB"		Approved; 11/04/1981

	1 st H&A		
3201 Manchaca C14-84-371	MF-2 to NO	Recommended O 1 st H&A; 12/11/1984	Approved; 01/23/1986
3406 Manchaca C14-00-2053	SF-3 to MF-3- CO	Recommended; 08/01/2000	Approved; 02/01/2001 (CO limits to 2000 vtd and to 30 units/acre)
3510-3504 Manchaca C14-79-023	"I-A" and "A" 1 st H&A to "B" 1 st H&A		Approved; 08/30/1979

Despite what might appear as significant redevelopment along South Lamar Boulevard, with the exception of the opt-in rezoning in 2008, there has been relatively little rezoning on this stretch of Lamar in the past 25 years. Redevelopment is primarily occurring under the existing zoning. Similarly, with the exception of the LR zoning at the intersection of Manchaca and Lightsey in 2005, and the MF-3 zoning south of the subject tract in 2001, there has been no rezoning applications on this stretch of Manchaca.

CITY COUNCIL ACTION: Scheduled for Consideration December 11, 2013.

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

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

PHONE: 512-974-7604

SUMMARY STAFF RECOMMENDATION

To grant GO-MU-CO zoning in which the conditional overlay (CO) limits site development standards, including the minimum site area for each dwelling unit standard for residential use under the MU combining district, to those of the LO zoning district with the exception of floor area ratio (FAR); this would remain at 1:1. The conditional overlay would also continue the existing limitation of 2,000 vehicle trips per day.

LO site development standards recommended to be included in the CO are as follows:

- 5) Maximum building height shall be 40 feet or 3 stories
- 6) Minimum setbacks are as follows:
 - a. Front Yard: 25 feet
 - b. Street Side Yard: 15 feet
 - c. Interior Side Yard: 5 feet
 - d. Rear Yard: 5 feet
- 7) Maximum building coverage shall be limited to 50%
- 8) Maximum impervious cover shall be limited to 70%

Standard for residential use in an LO-MU combining district to be included in the CO is as follows:

- 1) The minimum site area for each dwelling unit is:
 - d) 1,600 square feet, for an efficiency dwelling unit;
 - e) 2,000 square feet, for a one bedroom dwelling unit; and
 - f) 2,400 square feet, for a dwelling unit with two or more bedrooms.

BACKGROUND/PURPOSE STATEMENTS

The current zoning is LO-CO. Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

The proposed zoning is GO-MU-CO. General office (GO) district is the designation for an office or select commercial use that serves community or city-wide needs, such as medical or professional offices. A building in a GO district may contain one or more different uses. The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

When combined with an office base district, the mixed use option would allow for vertical mixed use buildings, as well as townhouse, multifamily, single-family, duplex, condominium, and other forms of residential development, separate from any office development. Granting MU to a site means mixed use is an option; a mix of uses either within a building or across a site, not a requirement.

The existing CO (conditional overlay) includes a provision to dedicate right-of-way prior to site plan or building permit approval (previously satisfied) and a provision to limit vehicle trips per day to less than 2,000 (this is proposed to be carried over). Additional restrictions, such as limiting development to LO site development regulations – with the exception of FAR – would also be included in the CO.

BASIS FOR RECOMMENDATION

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

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

The subject tract is surrounded by multifamily and commercial uses, and opposite commercial, office and single-family uses. Whether developed as a residential project under MU, which is the stated intent, or as an office project (either of which would be at LO site development standards), staff thinks the proposed zoning is compatible with the adjacent and nearby uses. If, at the time of site development the single-family uses continue on the east side of Manchaca, compatibility requirements would be triggered, thus ensuring compatibility for these single-family residences.

Given the recently completed commercial-mixed use project to the north and west of the subject tract, as well as the commercial uses between this tract and the Lamar intersection, a GO-MU residential or office project would provide an appropriate transition between these commercial uses and the multifamily to south.

Moreover, given the applicant-proposed and staff recommended conditions to the zoning request – namely to restrict the property to LO site development standards – other than FAR, the project, be it office, residential, or both, will be smaller in scale than otherwise allowed under the base GO zoning. Specially, whereas GO would allow a height of 60 feet, LO is limited to 40 feet; similarly, the LO standards include reduced building coverage and impervious cover maximums. In addition, the applicant has proposed specifying the minimum site area per dwelling unit standard of LO rather than GO, as relates to a residential use under the Mixed Use combining district. As can be seen from the table below, the standards double, or halve, depending on perspective, the potential number of dwelling units and density between the two base districts.

Minimum Site Area (Square Feet)	LO-MU	GO-MU
Per efficiency dwelling unit	1,600	8,00
Per one bedroom dwelling unit	2,000	1,000
Per two or more bedroom dwelling uni	2,400	1,200

The result of adopting LO site development standards and the LO standard for minimum site area per residential unit under MU will result in a project that is less dense yet one of appropriate scale and density considering the condominiums and multifamily to the south, and the single-family and office uses across Manchaca.

Granting a request for zoning should result in an equal treatment of similarly situated properties;

Granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city; and

Zoning should allow for a reasonable use of the property.

This property remains largely undeveloped, unlike the surrounding multifamily and commercial uses, several (most?) of which have been redeveloped. Until the office building was constructed

on this subject tract in 2003, there was no development on site; even now, the office building and associated parking occupy less than one-fourth or one-fifth of the site.

This is a type of infill; it is infill that may or may not involve redevelopment of the office area. Regardless, this location is ideal for development of either office, residential, or a mixed office-residential project. If this property was located elsewhere in the neighborhood or city, but was also adjacent to commercial and multifamily, and across an arterial from single-family, office, and retail uses, staff would offer the same recommendation.

Currently the property is zoned with a base district of LO. As proposed with conditions, the only change to the existing zoning with the GO-MU request is to allow the option for residential and to do so with a floor to area ratio (FAR) that is a GO standard, rather than an LO standard. Staff thinks the additional FAR and the flexibility to develop the property as residential is a reasonable request and would result in a reasonable use of the property.

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

The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.

The South Lamar Combined Neighborhood Plan effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in developing the staff recommendation. The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP), identifies South Lamar Boulevard as an Activity Corridor characterized with High Capacity Transit. From this property to the intersection of Lamar and Manchaca is less than 800 feet. Though this property is not individually identified in the IACP, staff is of the opinion that additional development, whether office, residential, or office-mixed use, would be a welcome and contributing component to the Activity envisioned along nearby South Lamar Boulevard.

EXISTING SITE CHARACTERISTICS AND REVIEW COMMENTS

Site Characteristics

The subject tract is approximately 3 acres and contains an existing office building and associated parking. The majority of the site is undeveloped. The property slopes to the east and southeast, falling about 15' from the northwest corner to the southeast. The property contains trees along the northern and southern property line, and an area at the western end of the tract. It is unknown at this time if any trees are protected. There are no known environmental features, and so development of the property should not be unduly limited by topographic or environmental characteristics.

PDRD Comprehensive Planning Review (10/17/2014) (KF)

LO-CO and SF-3 to GO-MU-CO

This zoning case is located on the west side Manchaca Road, cater-corner from Glenn Allen Road. The property is approximately 2.9 acres in size and contains a one story office building. This case is also located within the boundaries of the South Lamar Neighborhood Planning area, which does not have an adopted neighborhood plan. Surrounding land uses includes a commercial shopping center to the north (which fronts S. Lamar Blvd.), a condo complex to the south, single family houses to the east, and more condos and commercial uses to the west. The proposed use is residential.

Imagine Austin

The comparative scale of this site relative to other residential uses in this area, as well as the site not being located along an Activity Corridor or within an Activity Center, falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed residential rezoning.

PDRD Environmental Review (10/28/2014) MM)

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. 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 512-974-1876. 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.

6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

PDRD Site Plan Review (10/28/2014) (RA)

1. Site plans will be required for any new development other than single-family or duplex residential.
2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
3. FYI- This site is in the South Lamar Neighborhood Plan. Additional comments will be made at time of site plan.

[Note, the South Lama Neighborhood Plan has been suspended]

4. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
5. 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.
 - A landscape area at least 25 feet wide is required along 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.

PDRD Transportation Review (05/07/2014) (BG)

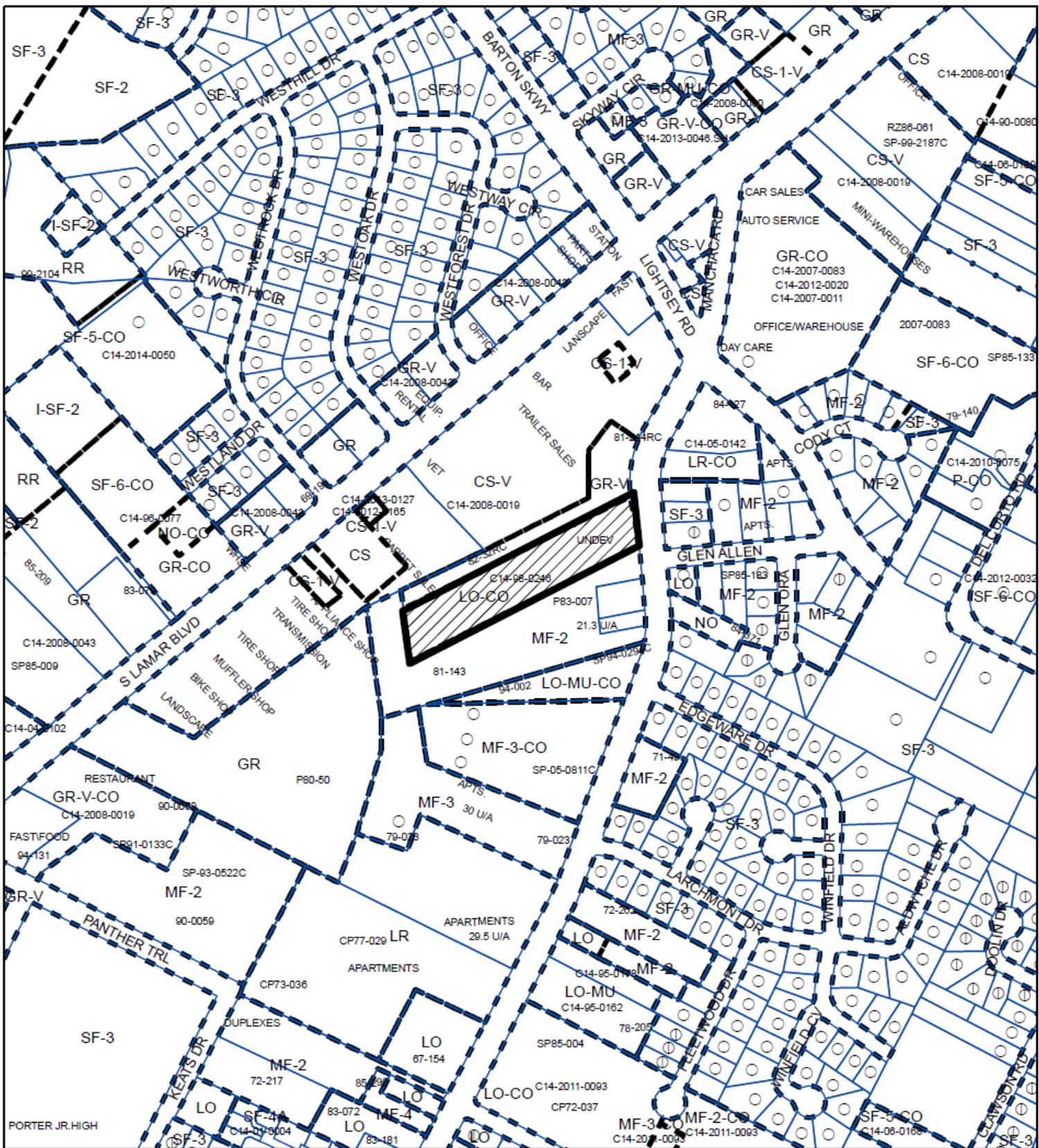
1. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]
2. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike	Capital
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					Route	Metro (within ¼ mile)
Manchaca Rd	90'	40'	Arterial	Yes	Yes	Yes

Water Utility Review (10/15/2014) (BB)

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 and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.



ZONING

ZONING CASE#: C14-2014-0173



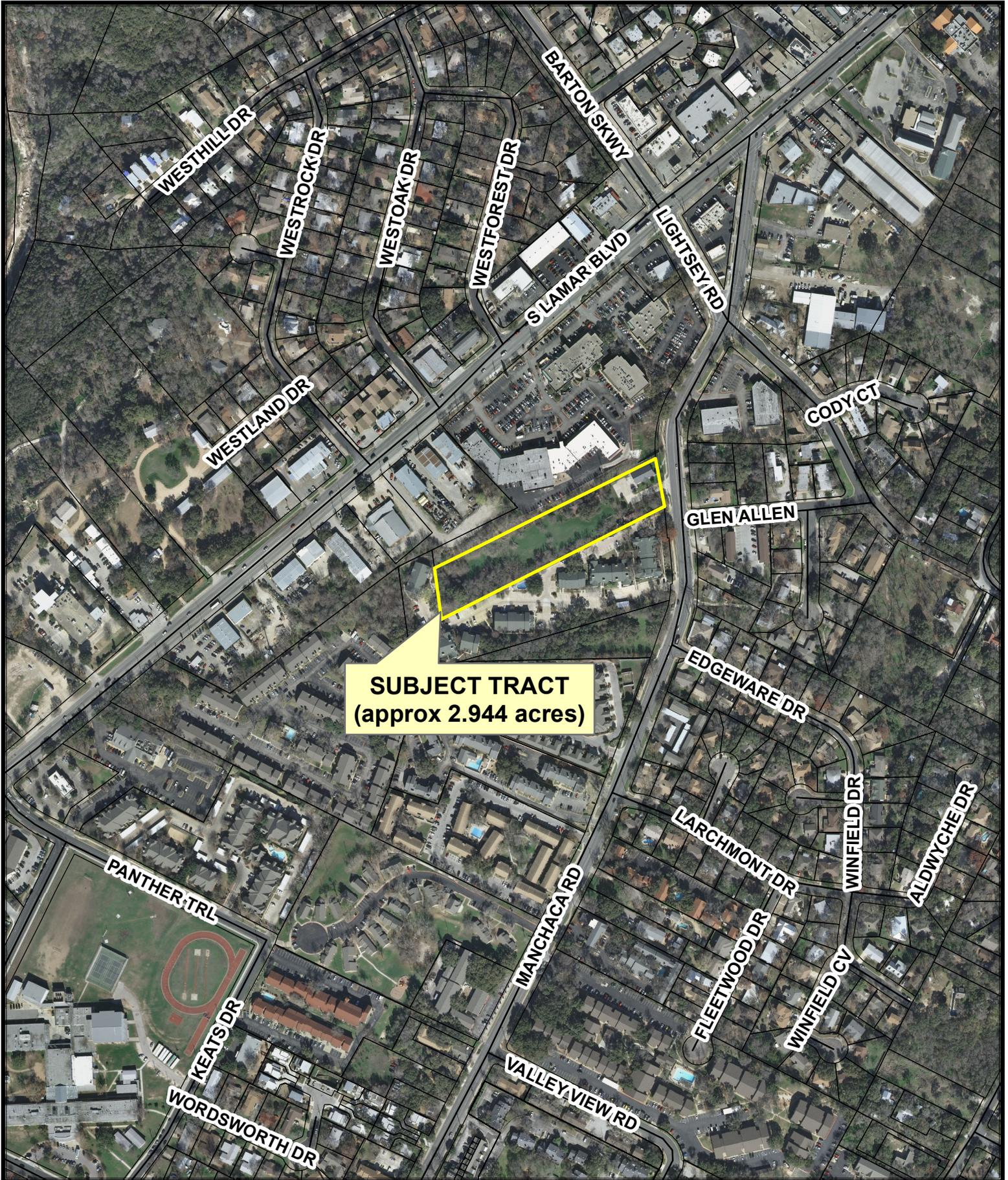
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

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.

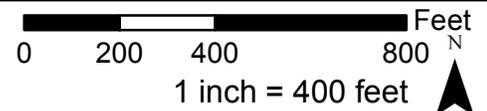
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Exhibit A - Zoning



Aerial: 2012-01

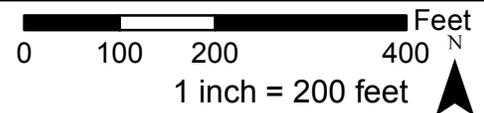
Exhibit A-1
Aerial





Aerial: 2012-01

Exhibit A-2
Aerial & Zoning



From: Nancy Maclaine
Sent: Monday, November 10, 2014 4:03 PM
To: Jeff Howard
Cc: Heckman, Lee
Subject: Re: C14-2014-0173 / 3100 Manchaca

Jeff,

Thanks for your prompt response. I didn't realize that this was likely 'for-sale' rather than rental. I agree that having asked only for the FAR increase of GO, but limiting to LO limits on the many other factors that the upzone request for this project is a reasonable request.

Lee, if anybody wants to know (since the project isn't even in our neighborhood boundaries maybe no one will care), you can list the SLNA as "not opposed" to this upzoning request, given the CO's listed in the backup.

best regards,

Nancy Maclaine
512-589-0184

On Mon, Nov 10, 2014 at 2:01 PM, Jeff Howard wrote:

Nancy,

Thanks for your question. I would be happy to discuss this further, but I would say that there are no plans to have an affordable housing requirement for this particular case. I think the way we see it is as follows:

1. GO-MU is appropriate zoning given the other zoning in the area and the project's location. We view our willingness to have a CO that reduces other site regulations to LO not as something that evidences that we are getting additional density, but instead as putting restrictions on the property to minimize and mitigate any neighborhood impact that an otherwise appropriate re-zoning might have. That is to say, that we do not view this as a PUD case, that should have PUD-like requirements, but as a more typical re-zoning case where we should mitigate impacts that an appropriate re-zoning has on the neighborhood. In addition, we are not asking for variances from things like compatibility or parking requirements.
2. The units will likely be for-sale units given the current market and implementing a private affordable housing scheme would be challenging for such a small project.
3. Most City programs for affordable housing only require that a percentage of the *increased area* (as opposed to the total area) be for affordable housing. Even we were to view this case similar to a PUD case, the PUD rules require 10% of the "bonus area" be affordable. Given the size of the tract and the other LO restrictions this would equate to only about 1 or 2 units.

Exhibit C - 1

Again, I am happy to discuss this with you, but we just very respectfully feel that an affordable housing request is perhaps not warranted for this particular case. Thanks.

Jeffrey S. Howard

Partner

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901 South MoPac Expy | Ste 225
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[512.328.2409](tel:512.328.2409) fax
www.mcleanhowardlaw.com



From: Nancy Maclaine
Sent: Sunday, November 09, 2014 7:25 PM
To: Jeff Howard
Cc: Heckman, Lee
Subject: C14-2014-0173 / 3100 Manchaca

Hello Jeff,

I just wanted to follow up on this case with a question. Given that your upzone to GO increases the FAR by about 30% I was wondering if any consideration had been given to designating any of the apartments to be "affordable", that is allocated for residents earning 60% or less of the Median Family Income of the Austin Metropolitan area? Could we talk about this? I know that the city departments can't require this but your owners might be willing to enter into a Private Restrictive Covenant with the South Lamar Neighborhood Association for say 20% of the apartments to be so designated?

I'd like to get at least a preliminary response before it goes to Planning Commission on Wednesday. I do have a sample template for such an agreement if it is something you or the owners would like to review.

Thanks,

Nancy Maclaine
SLNA Zoning Committee Chair