

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0167 (Cantarra Mixed Use)

Z.A.P. DATE: March 3, 2015

ADDRESS: 13007 Cantarra Drive

DISTRICT AREA: 1

OWNER/APPLICANT: Michael Jeter

AGENT: Alice Glasco Consulting (Alice Glasco)

ZONING FROM: I-RR

TO: LR-MU*

AREA: 2.386 acres

*On February 18, 2015, the applicant stated in an e-mail that they would like to propose a conditional overlay for the property that would state that, "A fence or a wall is prohibited within 50 feet of Cantarra Drive and East Howard Lane." This 50 foot area is assigned as a landscape easement given to a third party by the previous property owner through a private restrictive covenant.

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant LR-MU-CO, Neighborhood Commercial-Mixed Use-Conditional Overlay Combining District, zoning for this property. The conditional overlay will limit the development intensity for the site to less than 2,000 vehicle trips per day and will include the applicant's request to prohibit a fence or a wall within 50 feet of Cantarra Drive and East Howard Lane.

In addition, the results of the neighborhood traffic analysis for this site (NTA Memorandum-Attachment A) shall be included in a public restrictive covenant that will be recorded prior to third reading of this case at City Council.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

3/03/15: Approved staff's recommendation of LR-MU-CO zoning with conditions, adding a new condition to prohibit Off-Site Accessory Parking on the property (6-0, G. Rojas-absent); P. Seeger-1st, R. McDaniel-2nd.

ISSUES:

On April 1, 2015, the staff received a petition from adjacent property owners who are opposed to any zoning classification other than SF-4A zoning on the site (Please see Attachment B-Petition Submittal). This property has interim zoning. Therefore, this property is not subject to petition rights. According to state law, a petition only affects the rezoning of a property not the initial zoning designation of land. The excerpt below is from the City of Austin's Land Development Code and explains when the City Council is subject to the three-fourths vote.

Sec. 25-2-284 REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL.

- (A) *The affirmative vote of three-fourths of the members of Council is required to approve a proposed **rezoning** if:*

- (1) *the Land Use Commission recommends denial of an application to **rezone** property to a planned unit development; or*
- (2) *the proposed **rezoning** is protested in writing by the owners of not less than 20 percent of the area of land:*
 - (a) *included in the proposed change; or*
 - (b) *immediately adjoining the area included in the proposed **rezoning** and extending 200 feet from the area.*

DEPARTMENT COMMENTS:

The property in question is currently undeveloped. The applicant is requesting permanent zoning for this site. This property was annexed by the City of Austin on December 31, 2007 (Case C7a-07-024). Upon annexation, the property received interim SF-4A zoning because the Zoning and Platting Commission approved single-family small lot subdivision for the portion of the property to the north on March 20, 2007 (Case C8J-05-0236.1A).

The staff recommends LR-MU-CO zoning for the site under consideration because the property meets the intent of the purpose statement for the LR-MU combining district. The proposed LR-MU-CO zoning would allow for a fair and reasonable use of the site because it will permit the applicant to develop low intensity office and commercial uses fronting an arterial roadway, East Howard Lane. The Neighborhood Commercial District zoning is intended to provide much needed easily accessible/walkable commercial services to the surrounding residentially zoned areas. In addition, the proposed "MU" combining district would permit the applicant to develop office, retail, commercial, and residential uses that could be combined in a single development at this location.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-SF-4A	Undeveloped
<i>North</i>	SF-4A	Single Family Residences (Cantarra Residential Neighborhood)
<i>South</i>	PUD	Single Family Residence, Undeveloped
<i>East</i>	SF-4A	Undeveloped
<i>West</i>	SF-4A, I-SF-4A, County	Single-Family Residence, Automotive Sales (Bocho Auto Sales)

AREA STUDY: N/A

TIA: Waived

WATERSHED: Harris Branch

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation
 Bike Austin
 Cantarra Homeowners Association, Inc.
 North Growth Corridor Alliance
 Harris Branch Residential Property Owners Association

Pflugerville Independent School District
 SELTEXAS
 Sierra Club, Austin Regional Group
 The Real Estate Council of Austin, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0127 (Cantarra Commercial Zoning: 3112 ½ Gregg Lane)	I-SF-4A to GR* *On January 7, 2009, the staff received an e-mail from the applicant stating that they would like to amend their zoning request to the 'LR' district (Attachment A). Neighborhood Commercial zoning will permit the uses that they have listed on their TIA submittal for this case.	1/20/09: Approved staff recommendation of LR zoning with conditions by consent (4-0, K. Jackson, T. Rabago, R. Evans-absent)	2/26/09: The public hearing was closed neighborhood commercial (LR) district zoning with TIA conditions was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 6-0 vote. Mayor Wynn was off the dais. 2/25/10: Case expired per LDC Section 25-2- 246(B). The applicant did not submit Corporate Authorization information as to who could sign the public restrictive covenant document for the TIA for this case. Therefore, this zoning case was not scheduled for 2 nd /3 rd readings to approve an ordinance and public restrictive covenant at City Council.
C14-2008-0013 (Cantarra Zoning: Gregg Lane)	I-SF-4A to Tract 1: SF-4A and Tract 2: GR	5/20/08: Approved staff's recommendation for SF-4A zoning by consent (7-0, J. Martinez-absent); K. Jackson-1 st , T. Rabago-2 nd .	7/24/08 : Approved SF-4A zoning by consent (5-0, Cole and Shade-off the dais)

RELATED CASES: C8J-05-0236.1A (Subdivision Case)
 C7a-07-024 (Annexation Case)

ABUTTING STREETS:

Cantarra Drive	64'	40'	Collector	No	No	No
E. Howard Lane	108'	70'	Arterial	Yes	Yes; dedicated bike lane	No

CITY COUNCIL DATE: April 2, 2015

ACTION: Postponed to April 16, 2015 at the neighborhood's request.

April 16, 2015

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057,
sherri.sirwaitis@austintexas.gov

STAFF RECOMMENDATION

The staff's recommendation is to grant LR-MU-CO, Neighborhood Commercial-Mixed Use-Conditional Overlay Combining District, zoning for this property. The conditional overlay will limit the development intensity for the site to less than 2,000 vehicle trips per day and will include the applicant's request to prohibit a fence or a wall within 50 feet of Cantarra Drive and East Howard Lane.

In addition, the results of the neighborhood traffic analysis for this site (NTA Memorandum-Attachment A) shall be included in a public restrictive covenant that will be recorded prior to third reading of this case at City Council.

BASIS FOR RECOMMENDATION

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

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

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.

2. *The proposed zoning should allow for a reasonable use of the property.*

The LR-MU-CO zoning district would allow for a fair and reasonable use of the site because it will permit the applicant to develop a mixture of low intensity office, commercial, and/or residential uses fronting an arterial roadway, East Howard Lane, which will provide services to the developing residential areas to the north, south, east and west.

3. *The proposed zoning should satisfy a real public need and not provide special privilege to the owner.*

Neighborhood Commercial District zoning is intended to provide much needed easily accessible/walkable commercial services to the surrounding residentially zoned areas.

EXISTING CONDITIONS

Site Characteristics

The site a under consideration is a sparsely vegetated, undeveloped tract of land.

Comprehensive Planning

This zoning case is located on the northeast corner of Cantarra Drive and E. Howard Lane. The property is approximately 2.38 acres in size, is undeveloped, and is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses includes a single family subdivision to the north, vacant land to the south and east, and a barn and auto sales use to the west. The proposed use is commercial and residential (mixed use).

Imagine Austin

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies this project as being located along an **Activity Corridor** (E. Howard Lane). **Activity Corridors** are intended to allow people to **reside, work, shop, access services, people watch, recreate, and hang out** without traveling far distances. They are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, **mixed-use buildings**, and offices. The following Imagine Austin policies are relevant to this case.

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, **corridors** and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **N P1.** Create **complete neighborhoods** across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based upon this property being: (1) situated along a **Activity Corridor** as designated on the Growth Concept Map; (2) located along E. Howard Lane, which contains a variety of commercial, residential and retail uses; and (3) the Imagine Austin policies referenced above that supports a variety of development, including mixed use in this area of the city, staff believes that this proposed project is supported by Imagine Austin.

Connectivity

I have no comment for this zoning case for connectivity.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Harris Branch 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. The site is in the Desired Development Zone.

According to floodplain maps there is no floodplain within or adjacent to the project location.

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

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.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

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.

Impervious Cover

The maximum impervious cover allowed by the LR zoning district would be 80%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

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 Gross Site Area</i>	<i>% of Gross Site Area 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%

Note: The most restrictive impervious cover limit applies.

Site Plan Comments

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the north and 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.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 114 feet of right-of-way for E. Howard Lane. If the requested zoning is granted, then 57 feet of right-of-way should be dedicated existing centerline of E. Howard Lane in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55).*

*On February 4, 2015, the Transportation reviewer sent the staff an e-mail stating that the Austin Transportation Department has determined that no additional ROW will be required.

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]

A Neighborhood Traffic Analysis (NTA) is required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo. LDC, Sec. 25-6-114. (Please see NTA Memorandum – Attachment A).

Provide traffic counts, to this reviewer, for Cantarra Drive in order to conduct the NTA.

Please contact Nadia Barrera, Urban Trails, Public Works Department regarding pedestrian connectivity per the Council Resolution. According to Ms. Barrera, there are two proposed Urban Trails in the vicinity; the Gilliland Creek Trail and the MoKan Corridor connector. Developments in the area would benefit from providing trails that connect to these two larger components of the Urban Trail network. The Public Works Department asks the applicant to recognize the two potential Urban Trail connections and a commitment to seeking opportunities to coordinate the provision of recreational easements along with utility easements or dedication of ROW for the purposes of building trail connections. Additionally, the applicant may consider seeking opportunities to coordinate parkland dedication to provide for trails along linear greenbelts during the site plan review stage of development.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Cantarra Drive	64'	40'	Collector	No	No	No
E. Howard Lane	108'	70'	Arterial	Yes	Yes; dedicated bike lane	No

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 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.

Sirwaitis, Sherri

From: Alice Glasco <alice@agconsultingcompany.com>
Sent: Wednesday, February 18, 2015 11:34 AM
To: Sirwaitis, Sherri
Cc: Rusthoven, Jerry
Subject: RE: C14- 2014-0167 - Cantarra Mixed Use

Sherri,

Yes – that is what we are requesting – to prohibit a fence or wall within 50 feet of Cantarra Drive and E. Howard Lane (the 50 feet is the area assigned as a landscape easement given to a third party by the previous property owner).

Sorry for not running it by your first – I intended to , I learned of my client's desire last Thursday before the city council meeting and so I asked Jerry about it since he was at city hall. **Do you need a letter from me?**

=====

Alice Glasco, President
Alice Glasco Consulting
512-231-8110 W
512-626-4461 C
Email: alice@agconsultingcompany.com

From: Sirwaitis, Sherri [<mailto:Sherri.Sirwaitis@austintexas.gov>]
Sent: Wednesday, February 18, 2015 11:28 AM
To: Alice Glasco
Subject: RE: C14- 2014-0167 - Cantarra Mixed Use

So you are requesting to amend your zoning request to LR-MU-CO to add a conditional overlay stating that, " A fence is prohibited along the property line adjacent to Howard Lane."? It was unclear as you have not discussed this with me before.

Thanks,

Sherri Sirwaitis

*City of Austin
Planning & Development Review Department
sherri.sirwaitis@austintexas.gov
512-974-3057(office)*

From: Alice Glasco [<mailto:alice@agconsultingcompany.com>]
Sent: Wednesday, February 18, 2015 10:05 AM
To: Sirwaitis, Sherri

Cc: Rusthoven, Jerry
Subject: RE: C14- 2014-0167 - Cantarra Mixed Use

Sherri,

Thank you for the follow-up. Please see the attached ordinance for Elm Terrace as an example of prohibiting a fence. I our request – we are asking the fence or wall not be allowed within 50 feet of the two roadways. Should I come and meet with you and Jerry, again?

=====

Alice Glasco, President
Alice Glasco Consulting
512-231-8110 W
512-626-4461 C
Email: alice@agconsultingcompany.com

From: Sirwaitis, Sherri [<mailto:Sherri.Sirwaitis@austintexas.gov>]
Sent: Wednesday, February 18, 2015 10:00 AM
To: Alice Glasco
Subject: RE: C14- 2014-0167 - Cantarra Mixed Use

Hi Alice,

I am not sure I understand. You cannot prohibit a fence on a property through a zoning case. You can create a buffer area or setback in a zoning case. Is that what you are asking to do through a conditional overlay for the case ?

Thank you,

Sherri Sirwaitis

*City of Austin
Planning & Development Review Department
sherri.sirwaitis@austintexas.gov
512-974-3057(office)*

From: Alice Glasco [<mailto:alice@agconsultingcompany.com>]
Sent: Friday, February 13, 2015 8:56 AM
To: Sirwaitis, Sherri
Cc: Rusthoven, Jerry; Thomas J Anker (TJAnker@drhorton.com); Bill L Barton (BLBarton@drhorton.com); Richard Maier - D. R. Horton (RNMaier@drhorton.com)
Subject: FW: C14- 2014-0167 - Cantarra Mixed Use

Sherri,

I spoke to Jerry Rusthoven yesterday at city hall about the property owner's wish to voluntarily prohibit a fence or wall within 50 feet of East Howard Lane and Cantarra

Drive. This restriction would ensure safe sight clearance/visibility at the intersection for the residences of the subdivision. The attached private landscape easement allows a third party, who does not own the land, to possibly erect a tall fence or wall that would inhibit visibility and thus affect the motoring public. Please let me know if you have any questions or need more information.

Jerry: please confirm your concurrence with our request per our meeting yesterday. Thanks a bunch!

=====

Alice Glasco, President
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