### ZONING REVIEW SHEET

<u>CASE:</u> C14-07-0012 <u>P. C. DATE:</u> March 13, 2007

ADDRESS: 506 West 5th Street

OWNER: Block 51, LP (Billy R. Holley)

AGENT: DLA Piper US, LLP

(Jay Hailey)

**REZONING FROM:** CBD (Central Business District)

TO: CBD-CURE (Central Business District - Central Urban Redevelopment) combining district

AREA: 1.181 Acres

### SUMMARY PLANNING COMMISSION RECOMMENDATION:

March 13, 2007:

APPROVED STAFF'S RECOMMENDATION FOR CBD-CURE-CO ZONING WITH CONDITIONS: BY CONSENT.

[G.STEGEMAN, M.DEALEY 2ND] (8-0) T.ATKINS - ABSENT

### SUMMARY STAFF RECOMMENDATION:

Staff recommends CBD-CURE-CO (Central Business District - Central Urban Redevelopment Conditional Overlay) combining district with conditions. The CURE combining district shall modify the floor to area ratio (FAR) from 8:1 to 10:1. The recommended conditional overlay shall restrict the daily vehicle trips to less than 4,750 unadjusted trips per day. Under a public restrictive covenant, the applicant, at owner's expense, shall participate in the Great Streets Program for portions of public right-of-way fronting the subject site that have not been improved to Great Streets standards. Furthermore, a Traffic Impact Analysis (TIA) shall be required at the time of site plan.

The Staff recommendation is based on the following considerations:

- 1.) The proposed uses are compatible with existing CBD and commercial, office, retail, and mixed-use development along West 5<sup>th</sup> Street and Nueces Street;
- 2.) The underlying zoning district shall not be changed;
- 3.) The subject site lies within the designated Core Downtown District as identified by the Downtown Austin Design Guidelines;
- 4.) The Downtown Austin Design Guidelines recommend providing dense, multi-tenant, pedestrian-oriented development at street level while encouraging the densification of the downtown core:
- 5.) The subject property lies within the downtown CURE district;
- 6.) The proposed development will not be subject to compatibility standards; and
- 7.) Great Streets Program participation via a public restrictive covenant, at owner's expense, has been recommended and approved by the City Council on CURE projects in the downtown core.

### **DEPARTMENT COMMENTS:**

The subject property consists of a 1.181 Acre site zoned CBD fronting West 5<sup>th</sup> Street and Nueces Street. The property is currently a parking lot and an automotive retail center. The application of the CURE combining district is proposed to modify the FAR from 8:1 to 11:1, yielding a maximum

height of approximately 450 feet. The proposed redevelopment is a mixed-use project including a post office, retail, restaurant, and residential condominiums.

A portion of the site lies within the Capitol View Corridor (CVC) and is subject to a CVC Height Determination under case C17-06-0018 (Please see Attachment A) which determines specific heights. The southwest corner of the site lies within the Downtown Parks overlay and shall be subject to the provisions of LDC [25-2-643]. The site also lies within the designated Core Downtown District as identified by the Downtown Austin Design Guidelines which recommend a dense, multi-tenant, pedestrian-oriented development at street level while encouraging the densification of the downtown core. Vehicular access is proposed off San Antonio Street and West 5<sup>th</sup> Street. Pedestrian access is proposed off Nueces Street

### **EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
Site	CBD	Parking lot / Automotive retail center
North	CBD	Retail
South	CBD	Automotive sales / Demolished Intel building
East	CBD	Post office
West	CBD	Retail / Parking

WATERSHED: Shoal Creek DESIRED DEVELOPMENT ZONE: Yes

<u>CAPITOL VIEW CORRIDOR:</u> Yes <u>CURE DISTRICT:</u> Yes

HISTORIC DISTRICT: No TIA: Waived (See Transportation comments)

### **NEIGHBORHOOD ORGANIZATIONS:**

57--Old Austin Neighborhood

402--Downtown Austin Neighborhood Assn. (DANA)

438--Downtown Austin Alliance

511--Austin Neighborhoods Council

623--City of Austin Downtown Commission

998--West End Austin Alliance

742--Austin Independent School District

744--Sentral Plus East Austin Koalition (SPEAK)

767--Downtown Austin Neighborhood Coalition

778--Austin Warehouse District Association

786--Home Builders Association of Greater Austin

### **SCHOOLS:**

Austin Independent School District

- Matthews Elementary School
- O. Henry Middle School
- Austin High School

CASE HISTORIES: N/A

### RELATED CASES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14H-98-0005	CBD to CBD-H	07/21/98: APVD CBD-H BY CONSENT (8-0)	08/20/98: APVD CBD-H (4-0); 1ST RDG
			12/03/98: APVD CBD-H (6-0) 2ND/3RD RDGS
C14-00-2207	CBD to CBD-CURE	11/14/00: APVD STAFF REC OF CBD-CURE (6-1- 1, JM-NAY, RC-ABSTAIN)	11/30/00: APVD CBD-CURE W/CONDS (6-0); ALL 3 RDGS
C14-00-2208	CBD to CBD-CURE	11/14/00: APVD STAFF REC OF CBD-CURE (6-1- 1, JM-NAY, RC-ABSTAIN)	11/30/00: APVD CBD-CURE W/CONDS (6-0); ALL 3 RDGS
		05/21/01: HISTORIC LANDMARK COMMISSION: APVD DEMOLITION PERMITS FOR 401, 413, & 415-417 CONGRESS (9-0-1, LAKY-ABSTAIN) CONTINGENT UPON SDP FOR COUSINS STONE 4TH & CONGRESS PROJECT	
C14-05-0165	CBD to CBD-CURE	10/18/05: ZAP APVD CBD- CURE-CO W/CONDS (7-1- 1, JP-NO, MH-ABSTAIN).	11/17/05: APVD CBD-CURE (7-0); ALL 3 RDGS.
C14-06-0118	MF-4 to CBD	10/24/06: APVD DMU-CO W/ CONDITIONS	12/14/06: APVD DMU-CO (6- 0); ALL 3 RDGS
C14-06-0183	GR to CBD-CURE	12/12/06: APVD DMU-CO (6-2, MF/CG-NO)	3/01/07: APVD CBD-CURE- CO WITH CONDS. (6-0-1); ALL 3 RDGS
C14-06-0187	MF-4 to CBD	11/14/06: APVD STAFF ALT REC OF DMU-H-CO (8-0)	12/14/06: APVD DMU-H-CO (5-1, BD/-NO); ALL 3 RDGS

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
6 <sup>th</sup> Street	80'	56'	Arterial	Yes	Yes	Yes
5 <sup>th</sup> Street	80'	56'	Arterial	Yes	Yes	Yes
Nueces Street	80'	56'	Collector	Yes	No	Yes
San Antonio Street	80'	56'	Collector	No	No	Yes

**CITY COUNCIL DATE:** 

March 22, 2007

ACTION:

ORDINANCE READINGS: 1st 2nd

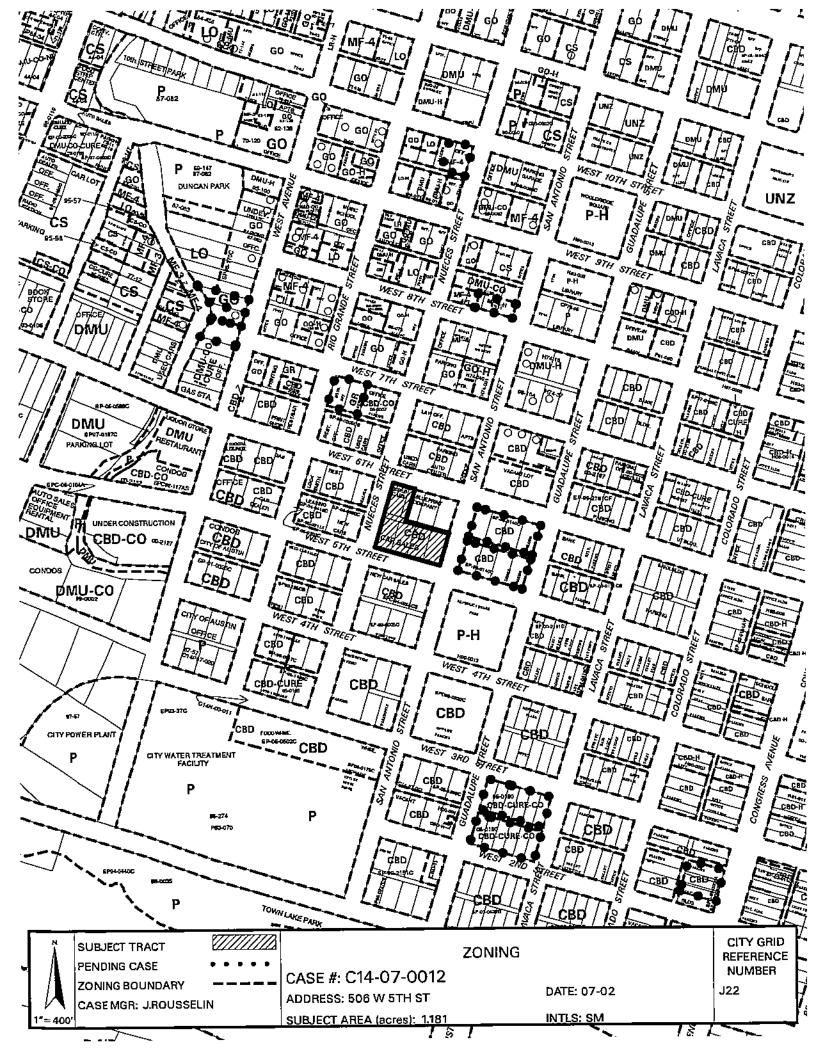
 $3^{rd}$ 

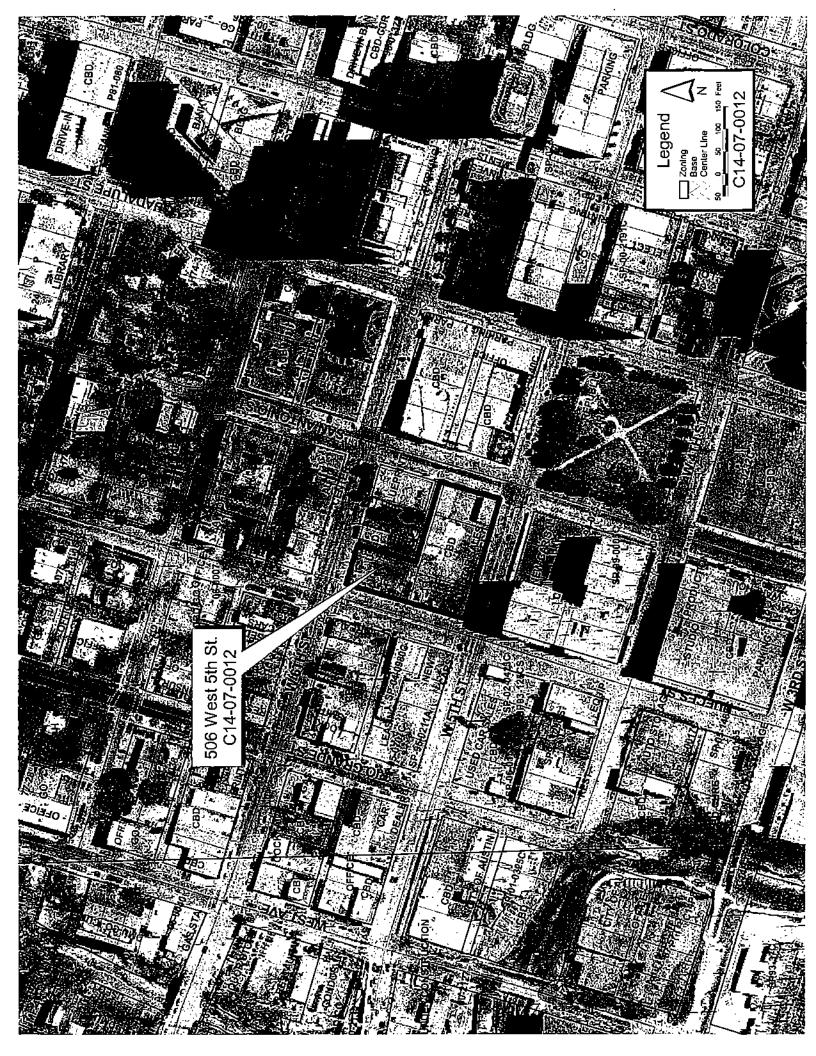
**ORDINANCE NUMBER:** 

**CASE MANAGER:** Jorge E. Rousselin, NPZD

**PHONE:** 974-2975

E-MAIL: jorge.rousselin@ci.austin.tx.us





### STAFF RECOMMENDATION

Staff recommends CBD-CURE-CO (Central Business District - Central Urban Redevelopment Conditional Overlay) combining district with conditions. The CURE combining district shall modify the floor to area ratio (FAR) from 8:1 to 10:1. The recommended conditional overlay shall restrict the daily vehicle trips to less than 4,750 unadjusted trips per day. Under a public restrictive covenant, the applicant, at owner's expense, shall participate in the Great Streets Program for portions of public right-of-way fronting the subject site that have not been improved to Great Streets standards. Furthermore, a Traffic Impact Analysis (TIA) shall be required at the time of site plan.

### BASIS FOR RECOMMENDATION

### I. The proposed zoning should promote consistency, and orderly planning.

The proposed change and recommended conditional overlay with conditions is compatible with the surrounding area as it is surrounded by CBD zoning and adjacent to mixed-use and commercial development compatible to the proposed uses. Furthermore, the underlying base zoning shall not be changed and thus will not infringe in the consistency of zoning in the area.

### 2. The proposed zoning should be consistent with the purpose statement of the district sought.

LDC 25-2-311:

- (A) The purpose of a central urban redevelopment (CURE) combining district is to promote the stability of neighborhoods in the central urban area.
- (B) A CURE combining district may be used:
  - (1) for sustainable redevelopment of homes, multifamily housing, and small businesses;
  - (2) to accommodate high priority projects that enhance the stability of urban neighborhoods including the development of affordable housing and small businesses along principal transportation routes that serve a neighborhood;
  - (3) to improve the natural environment; and
  - (4) to encourage high quality development with architectural design and proportion compatible with the neighborhood.

The proposed rezoning meets the purpose statement set forth in the Land Development Code. The subject property is located within the designated CURE District and lies within the Core Downtown District as identified by the Downtown Austin Design Guidelines. The proposed redevelopment of the site will not infringe on the character of the surrounding properties.

### **EXISTING CONDITIONS**

### **Site Characteristics**

The subject property consists of a 1.181 Acre site zoned CBD fronting West 5<sup>th</sup> Street and Nueces Street. The property is currently a parking lot and an automotive retail center. A portion of the site lies within the Capitol View Corridor (CVC) and is subject to a CVC Height Determination under case C17-06-0018 (Please see Attachment A) which determines specific heights. The southwest corner of the site lies within the Downtown Parks overlay and shall be subject to the provisions of LDC [25-2-643]. The site also lies within the designated Core Downtown District as identified by the Downtown Austin Design Guidelines.

### **Transportation**

- 1. No additional right-of-way is needed at this time.
- 2. The applicant proposes redevelopment of this lot to include: 400 condominiums, 13,000sf US Post Office, 4,000sf of high turn over restaurant and 7,000sf of retail which would generate approximately 5,208 unadjusted trips per day. The existing Automotive Retail Center generates approximately 490 trips per day so the net new trips on the roadways would be 4,750 per day.
- 3. The traffic impact analysis for this site was waived the applicant agreed to submit a TIA at the time of site plan and limit the intensity and uses for this development. If the zoning is granted, a condition should be placed on the zoning that a TIA will be submitted at the time of site plan where additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA and development should be limited through a conditional overlay to less than 4,750 unadjusted new vehicle trips per day. [LDC, 25-6-117]

### Environmental

- 1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal 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. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
- 3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
- 4. According to flood plain maps, there is no flood plain within the project area.
- 5. At this time, the site is entirely developed; therefore there are no known significant environmental features.

### Water and Wastewater

1. The site is currently served with City water and wastewater utilities, If required, the landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and/or abandonments. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

### Site Plan

I. No concerns at this time.



### City of Austin

Founded by Congress, Republic of Texas, 1839
Watershed Protection and Development Review Department
One Texas Center, 505 Barton Springs Road
P.O. Box 1088, Austin, Texas 78767

CAPITOL VIEW CORRIDOR DETERMINATION

C17-06-0018

For: 500 W. 5th Street

9/26/2006

Case Reviewer: Lynda Courtney

974-2810

This site is traversed by the Capitol View Corridor # 8, "South Lamar at La Casa". This was established as a view corridors in the Capitol View Preservation Ordinances 840802-T and 841220-CC. The Capitol View Corridor calculations are established to determine the maximum height structures may be built without compromising a straight line which connects a viewpoint to the base of the capitol dome.

Seven points were identified on the site where edges of the view corridor meets corner points or lot lines on the existing site. These points are identified in the calculations and on the photographic exhibit as points A through G.

The specified points would allow for building heights between 173.37 feet and 187.42' feet. The sets of calculations are shown on the worksheet, included as an exhibit with this report. Height is measured as explained in the definition from the City of Austin Land Development Code, also included with this report. The maximum elevations shown at these points represent the heights above sea level beyond which any development on the site cannot exceed.

This property is zoned CBD, "Central Business District, which has no set height limitation. The height for this site would be governed by the more restrictive view corridor limitations instead zoning.

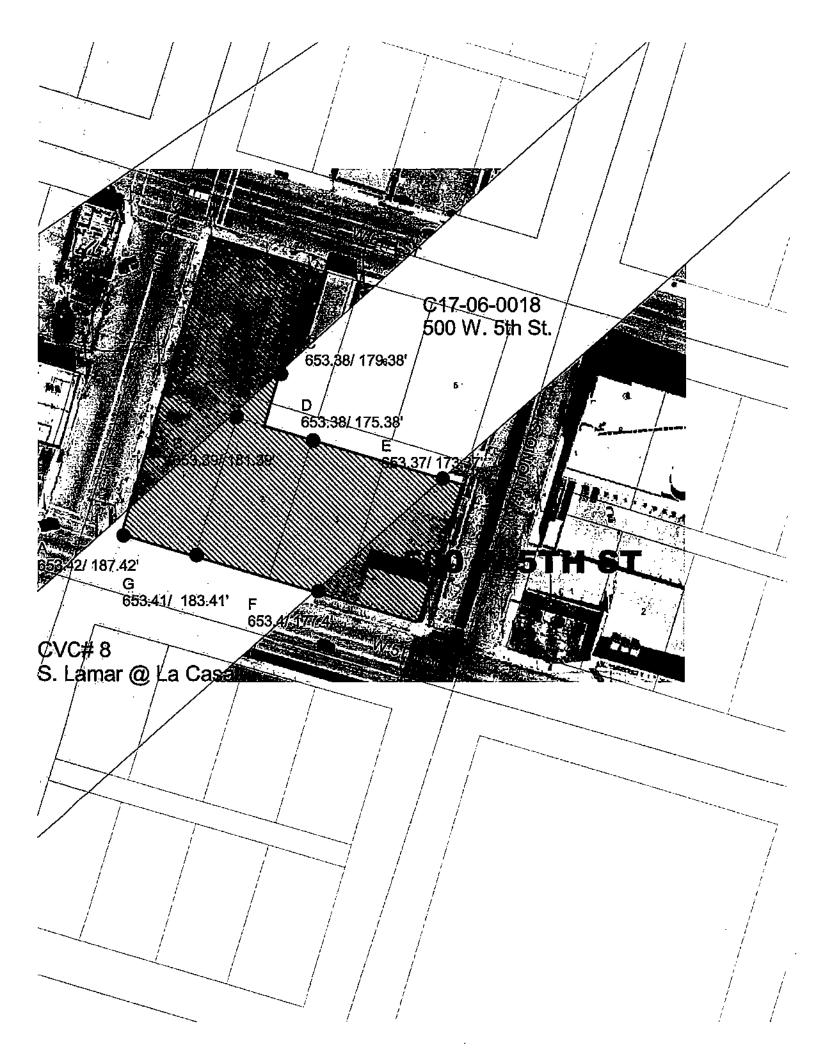
If you have any suestions about this determination, please call Lynda Courtney at 974-2810.

Lynda J. Cguriney

Development Services Process Coordinator

Watershed Protection and Development Review Department

Attachments



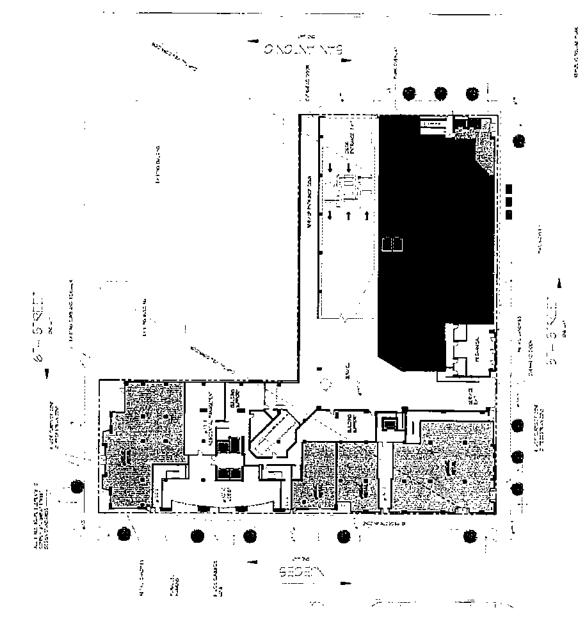
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CAPITOL VIEW CORRIDOR Height Decermination Worksheet

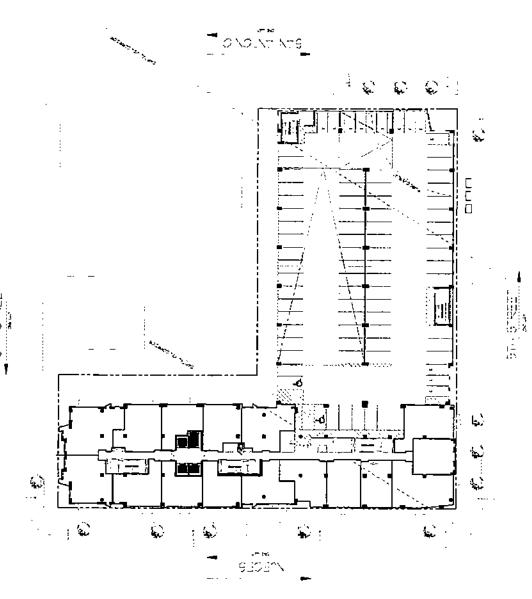
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- (46) HEIGHT, when used in reference to a building, means the vertical distance from the average of the highest and lowest grades adjacent to the building to:
  - (a) for a flat roof, the highest point of the coping;
  - (b) for a mansard roof, the deck line;
  - (c) or a pitched or hip roof, the average height of the highest gable; or
  - (d) for other roof styles, the highest point of the building.

## **Ground Floor**

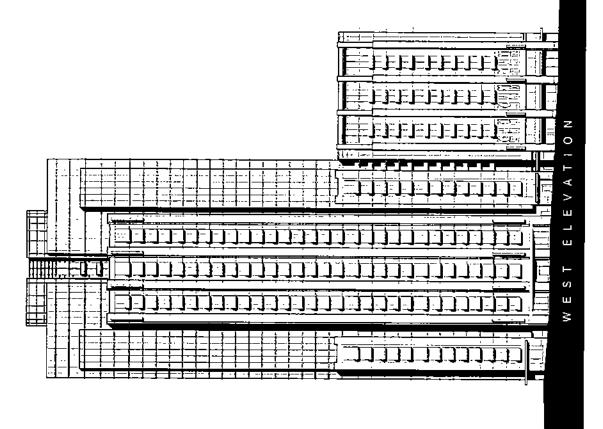


## Lower Tower Floorplate 13 G ... 9

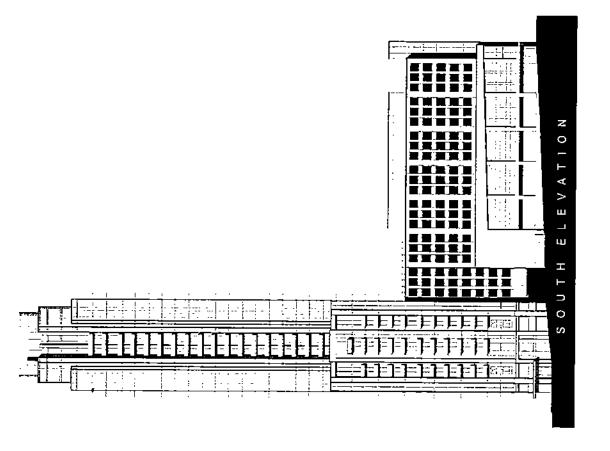


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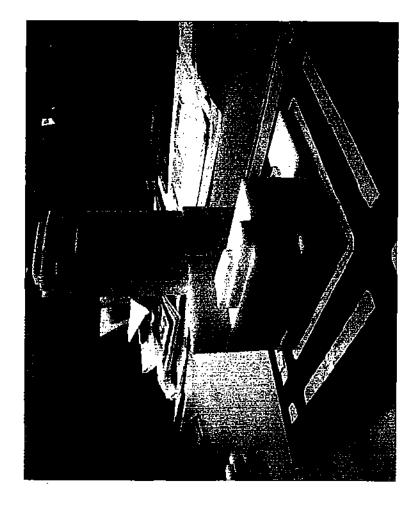
# West Elevation

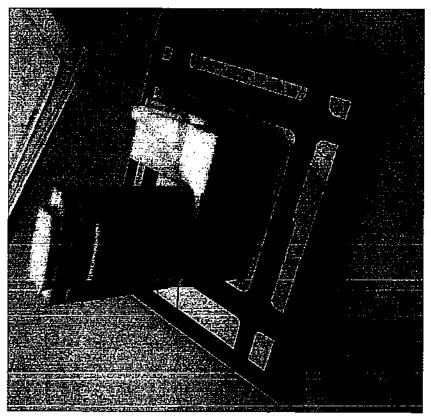


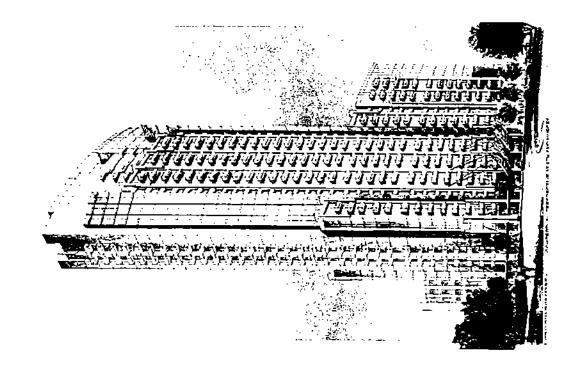
# South Elevation



### Massing

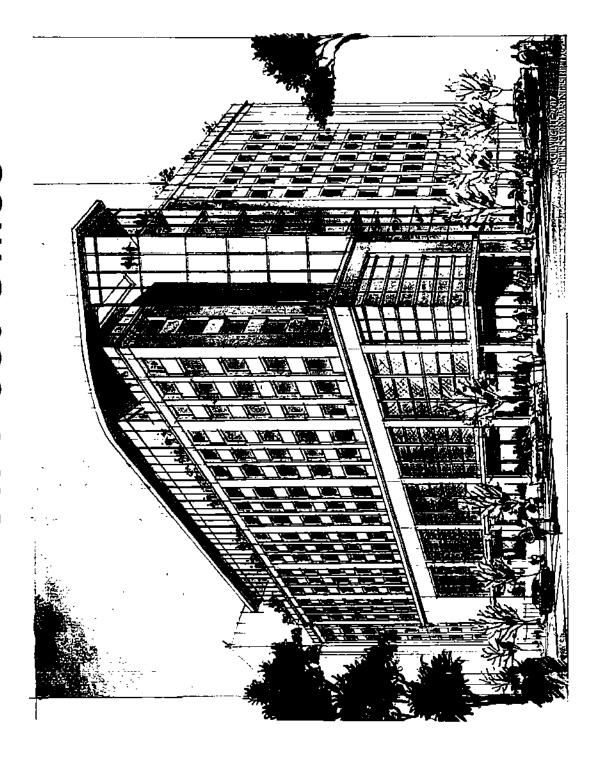






# **Nueces Entry**







Downtown 501 West 8th Street Austin, Taxes 79701 512,478,8793 Phono 512,474,7099 Fax North 10713 Melrie Bivd. Austin, Texas 70750 512.837.8969 Phone 512.824.9165 Faz

.www.millerblueprint.com

### RECEIVED

MAR 07 2007

Neighborhood Planning & Zoning

March 7, 2007

To Mayor Will Wynn Members of the Austin City Council Members of Boards and Commissions

We support the Post Office Projects 1 and 2 residential and mixed-use projects. CBD-CURE FAR 10-1 Project I and FAR12:1 Project II.

Since 1920 we have been located in downtown Austin. We are locally owned and operated. Stop in and you will see the 4<sup>th</sup> generation of Millers working here. Five generations ago, with their own hands, my family built structures that still stand within a block of the property to be zoned. Miller Blueprint Company currently employs over 50 employees, many of whom have been with us for decades. We maintain a retail presence selling artist's supplies and did so throughout the entire period of a declining downtown population.

We have witnessed Novare-Andrews Urban's commitment and vision for our area as it begins to transform the neighborhood into a much more livable and vibrant quadrant of downtown. The wide, tree-lined sidewalks will be a great improvement to the surface parking lots that have existed for decades and will vastly enhance the area. Moreover, we don't want to see West Sixth Street suffer the same fate as East Sixth Street. These projects will go a long way toward achieving that goal.

Increased high-density development is clearly appropriate for the proposed locations.

This is our neighborhood and we hope you see, as we do, how beneficial these projects will be to our neighborhood. Please join with us in supporting this project.

Sincerely,

Robert L. Miller, Ir

### Old Austin Neighborhood

604 West 11th Street Austin, Texas 78701-2007 512-657.5414 ted@legaldigest.com

March 10, 2007

Mayor and City Council members Planning Commissioners c/o Mr. Jorge Rousselin Case Manager City of Austin NPZD 505 Barton Springs Road, 5<sup>th</sup> Floor Austin, Texas 78704

RECEIVED

MAR 12 2007

Neighborhood Planning & Zoning

Re: C14-07-0012 & C14-07-0013

Dear Mayor, City Council members and Planning Commissioners:

I am writing to you on behalf of the Old Austin Neighborhood (OAN). Our neighborhood association (#57 in the COA Community Registry) was established in 1976. OAN's boundaries are from Town Lake to West Fifteenth Street and from Lamar to Guadalupe Streets. The proposed mixed use developments referenced above are in our downtown neighborhood. I met with the applicant's representatives and the property owners regarding the proposed rezoning. It is my understanding that the request is to rezone the property from CBD to CBD-CURE with a 10:1 FAR on Post Office Project I (Block 51) and from CBD to CBD-CURE with an 11:1 far on Post Office Project II (Block 52).

The proposed rezoning will result in projects that provided the following benefits to the Old Austin Neighborhood, all of downtown and to the City of Austin as well:

- An addition of approximately 950 living units and 150 hotel rooms in downtown;
- Upgrading of sidewalks and streetscapes along both West 6th Streets to Great Streets;
- A voluntary and precedent setting pledge of at least \$150,000 to the Austin Parks Foundation in its private sector fundraising for improvements to Republic Square Park; and,
- 4) Significantly increasing the City of Austin's net property tax and sales base.

Some neighborhood advocates who do not live in downtown call on projects like these to pay a surcharge which they euphemistically call a "community benefits" payment. It is been Austin public policy to encourage this kind of dense primarily residential downtown development for at least 20 years. Now that these projects are finally economic to propose, and will generate large increases in our overall tax base (the most significant long term, community wide benefit), it is not good public policy to impose a surcharge.

Based upon all of these benefits, the Old Austin Neighborhood is happy to join our DANA, our partner downtown neighborhood association in fully supporting the requested rezoning as indicated above. We look forward to the addition of this valuable project to our neighborhood and to downtown Austin.

Sincerely,

Ted Siff, President

(x00 8th

Old Austin Neighborhood Association

### Daryl Kunik Lowa, Ltd. 916 W. 12<sup>th</sup> Street Austin, TX 78703

### RECEIVED

MAR 12 2007

March 12, 2007

Neighborhood Planning & Zoning

To Mayor Will Wynn Members of the Austin City Council & Planning Commission

Re: Rezoning request by Novare-Andrews Urban-Block 51 and 52

As the owner of retail shops at 7<sup>th</sup> and Rio Grande, I support the two upcoming projects on West 6<sup>th</sup> Street by Novare-Andrews Urban and am excited about West 6<sup>th</sup> Street becoming a major retail corridor. The rezoning request by Novare-Andrews Urban is CBD to CBD-CURE with a 10:1 FAR on Post Office Project I (Block 51) and CBD to CBD-CURE with a 11:1 FAR on Post Office Project II (Block 52).

These projects, which will bring around 950 residences, 150 hotel rooms and around 50,000 square feet of retail space, will greatly benefit the neighborhood. I respectfully recommend you to support these projects.

Regards,

Daryl Kunik



### Downtown Austin ALLIANCE

A Vision and a Voice for Downtown

RECEIVED

MAR 12 2007

**ighborhood Planning & Zoning** 

Officers Kent Collins, Chair Centro Parmers Nancy Burns, Vice Chair Norwood Tower Amy Shaw Thomas, Secretary University of Texas Charles Heimsath, Treasurer Firehouse No. 1 Corporation

Board of Directors

Lidia Agraz Time Warner Cable Tracy Aikins Community Volunteer Tuylor Bowen AMLI Residential Properties Trust Hayden Brooks American Realty Corporation Cathy Conewny Stanberry & Associates Eric DeJernett CB Richard Ellis Travis Dimowny Endeavor Real Estate Group Tun Finley The Folley Company Dana Friis-Hausen Austin Museum of Art Cid Galindo The Galado Group Margaret Gomez Michael Kennedy Commercial Texas Dennis McDaniel Mern Texas Properties Bill McLellin Treaty Oak Bank Eva Munaz Paul Noctzel CB Richard Ellis Guye Polan State Preservation Board John Rosato, Chair Emeritus Southwest Strategies Group Rob Roy Jr. Crescent Real Estate Group Joel Sher Congress Holdings Group Andy Smith Equity Office Properties Trust Tora Stacy T. Stacy & Associates Don Tait

Charles Delts, Executive Director Downtown Austin Albance

Stream Realty Lee Walker Capital Metro Mayor Will Wynn City of Austin

211 East Seventh Street, Suite 100-L. Austin, TX 78701 Phone: (512) 469-1766 Fax: 15121 477-7456 Website: www.downtownaustin.com

E Mail: das@downtownaustin.com

March 7, 2007

Mr. Taylor Andrews Andrews Urban LLC 327 Congress Aveunue, Suite 200 Austin, Texas 78701

Mr. Andrews,

At its March 2007 meeting, the Board of Directors of the Downtown Austin Alliance voted to support a zoning change to CBD-CURE with a floor-to-area ratio (FAR) of 11:1 for Blocks 51 and 52. We understand that you and your partners are seeking 10:1 FAR to allow for more density in this mixed-use project.

We are pleased to support this change that will allow the current Post Office to be rebuilt in a mixed-use project more appropriate for an urban location.

Sincerely,

Kent Collins

A Kat Oll

Chair

### PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

If you use this form to comment, it may be returned to:

Neighborhood Planning and Zoning Department

Jorge Rousselin

City of Austin

P. O. Box 1088

Austin, TX 78767-8810

www.ci.austin.tx.us/development

Tam in favor difference does it make? comments should include the board or commission's name, the scheduled Written comments must be submitted to the board or commission (or the date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your 505 W 7 P # 106 Austr- 7870, 2-Tobject 3-9-07 in account and so out of dute and misleading that it is obvious nei man is so any one else cares betore Your address(es) affected by this application Contact: Jorge Rousselin, (512) 974-2975 ۶ ۲ March 13, 2007 Planning Commission lignature gets to you. Case Number: C14-07-0012 Your Name (please print) Comments: N hat isted on the notice. YOU NOT NOV (@ C ) Public Hearing: