

ZONING REVIEW SHEET**CASE:** C14-2007-0249**P. C. DATE:** January 15, 2007**ADDRESS:** 300 West 2nd Street and 200 Lavaca Street**OWNER:** CJUF II Stratus Block 21, LLC (W. H. Armstrong III)**AGENT:** Drenner & Golden Stuart, Wolff, LP (Michele Rogerson)**REZONING FROM:** CBD-CURE-CO (Central Business District - Central Urban Redevelopment-conditional overlay) combining district**TO:** CBD-CURE-CO (Central Business District - Central Urban Redevelopment- conditional overlay) combining district**AREA:** 1.759 Acres**SUMMARY PLANNING COMMISSION RECOMMENDATION:*****APPROVED STAFF'S RECOMMENDATION OF CBD-CURE-CO; ON CONSENT. [8-0]*****SUMMARY STAFF RECOMMENDATION:**

Staff recommends CBD-CURE-CO (Central Business District - Central Urban Redevelopment Conditional Overlay) combining district. The CURE combining district shall modify the following:

1. Modify the floor to area ratio (FAR) from 11:1 to 12:1;
2. Modify Section 25-6-592(D)(1) to reduce parking requirements from 502 spaces to 480 spaces;
3. Modify loading requirements to allow for maneuvering within the public right-of-way [TCM 9.3.0 #3]; and
4. Modify curb cut for loading from 30-feet to 65-feet width [25-2-312(A)(3)].

The recommended conditional overlay shall restrict the daily vehicle trips to less than 8,402 trips per day.

The Staff recommendation is based on the following considerations:

- 1.) The base zoning district shall remain;
- 2.) The proposed uses are compatible with existing CBD and commercial, office, retail, and mixed-use development along West 2nd Street, West 3rd Street, Guadalupe Street, and Lavaca Street;
- 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 which allow for modifications to the base zoning district site development regulations, parking, and loading regulations; and
- 6.) All other conditions of Ordinance No. 20061130-57 and public restrictive covenant No. 2006234734 shall remain.

DEPARTMENT COMMENTS:

The subject property consists of a 1. 1.759 acre site zoned CBD fronting West 2nd Street, West 3rd Street, Guadalupe Street, and Lavaca Street. The property is currently undeveloped land. On November 20, 2006, the property was rezoned from CBD to CBD-CURE-CO under Ordinance No. 20061130-57 (Please see Attachment “A”). The property is also subject to a public restrictive covenant No. 2006234734 (Please see Attachment “B”). All other provisions of both documents shall remain in place.

The applicant proposes modifications to the CURE overlay and vehicle trips to accommodate new proposed land uses including a hotel, condominiums, music venue, restaurant, and retail uses. Access to the property is proposed off West 2nd Street, West 3rd Street, Guadalupe Street, and Lavaca Street.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CBD-CURE-CO	Undeveloped land
<i>North</i>	CBD	Offices
<i>South</i>	CBD	City Hall
<i>East</i>	CBD	Condominiums, restaurant, office
<i>West</i>	CBD	Under construction – Retail, mixed-use, residential

WATERSHED: Town Lake**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**CURE DISTRICT:** Yes**HISTORIC DISTRICT:** No**TIA:** Waived (See Transportation comments)**NEIGHBORHOOD ORGANIZATIONS:**

57--Old Austin Neighborhood
 300--Terrell Lane Interceptor Assn.
 511--Austin Neighborhoods Council
 402--Downtown Austin Neighborhood Assn. (DANA)
 438--Downtown Austin Alliance
 623--City of Austin Downtown Commission
 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
 1004--Save Town Lake.Org
 1037--Homeless Neighborhood Organization

SCHOOLS:

Austin Independent School District

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

CASE HISTORIES: N/A

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-06-0190	CBD to CBD-CURE-CO	11/14/06: APVD STAFF ALT REC OF CBD-CURE-CO BY CONSENT (8-0)	11/30/06: APVD CBD-CURE-CO (7-0); ALL 3 RDGS

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) 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	11/30/00: APVD CBD-CURE W/CONDS (6-0); ALL 3 RDGS
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	PENDING 12/07/06

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
2 nd Street	80'	30'	Collector	No	Yes	Yes
3 rd Street	80'	30'	Collector	No	No	Yes
Lavaca Street	80'	30'	Arterial	Yes	Yes	Yes
Guadalupe Street	80'	30'	Arterial	Yes	Yes	Yes

CITY COUNCIL DATE:
January 31, 2008

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Jorge E. Rousselin, NPZD

PHONE: 974-2975

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

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



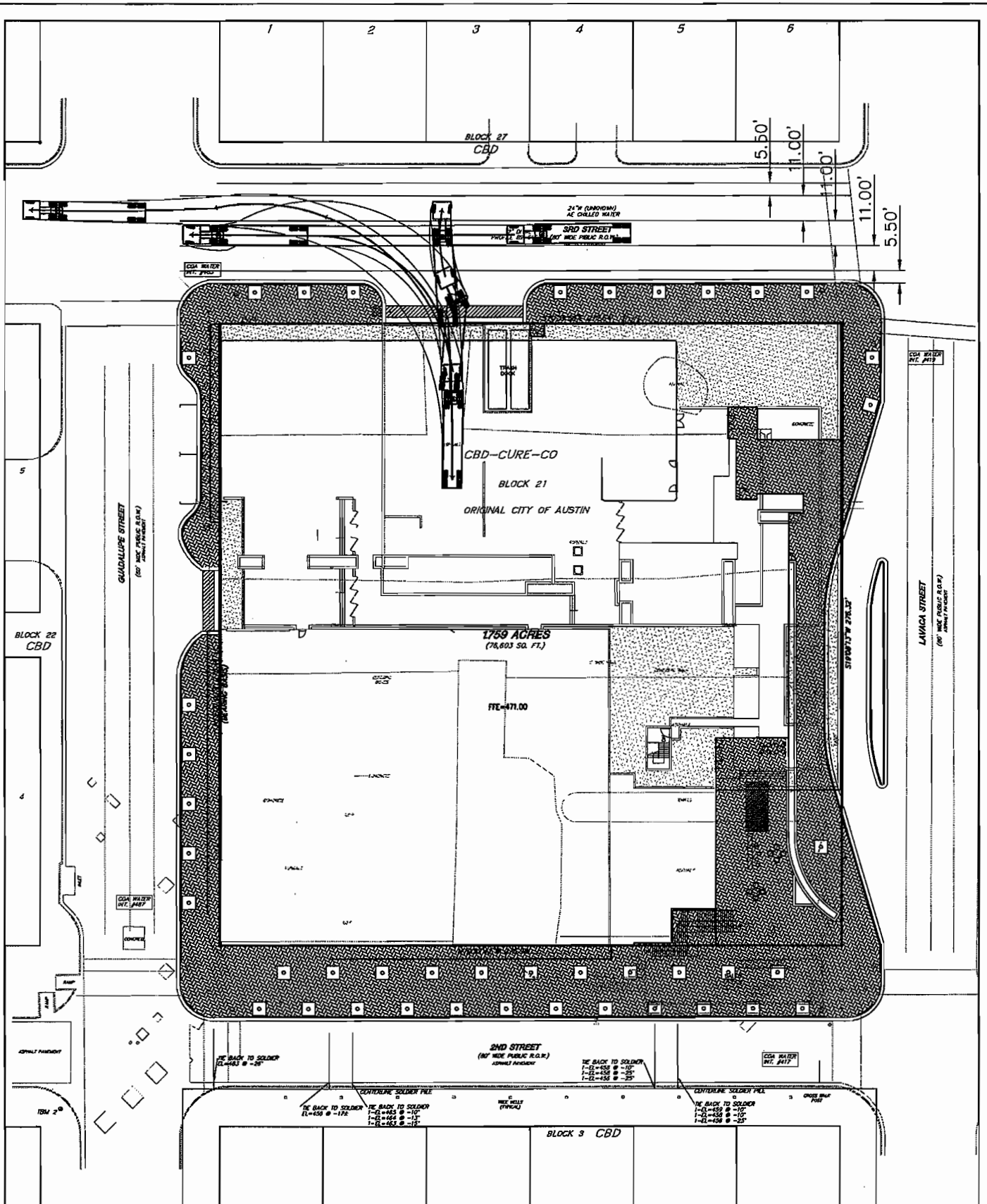
C14-2007-0249

Legend

- Zoning
- Base
- Center Line
- Major Roads

50 0 50 100 150 200 Feet

C14-2007-0249



Bury+Partners
 ENGINEERING SOLUTIONS
 221 West Sixth Street, Suite 600
 Austin, Texas 78701
 Tel. (512)328-0011 Fax (512)328-0325
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**BLOCK 21 - THE W HOTEL
 200 LAVACA**

AUTOTURN EXHIBIT

STRATUS PROPERTIES

DATE: 11/29/07

SCALE: 1"=60'

DRAWN BY: AHM

FILE: G:\1693\01\EXH\X169301EXB15

PROJECT No.: 1693-01

STAFF RECOMMENDATION

Staff recommends CBD-CURE-CO (Central Business District - Central Urban Redevelopment Conditional Overlay) combining district. The CURE combining district shall modify the following:

1. Modify the floor to area ratio (FAR) from 11:1 to 12:1;
2. Modify Section 25-6-592(D)(1) to reduce parking requirements from 502 spaces to 480 spaces; and
3. Modify loading requirements to allow for maneuvering within the public right-of-way [TCM 9.3.0 #3]; and
4. Modify curb cut for loading from 30-feet to 65-feet width [25-2-312(A)(3)].

The recommended conditional overlay shall restrict the daily vehicle trips to less than 8,402 trips per day.

The Staff recommendation is based on the following considerations:

- 1.) The base zoning district shall remain;
- 2.) The proposed uses are compatible with existing CBD and commercial, office, retail, and mixed-use development along West 2nd Street, West 3rd Street, Guadalupe Street, and Lavaca Street;
- 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 which allow for modifications to the base zoning district site development regulations, parking, and loading regulations; and
- 6.) All other conditions of Ordinance No. 20061130-57 and public restrictive covenant No. 2006234734 shall remain.

BASIS FOR RECOMMENDATION

1. 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.

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.

EXISTING CONDITIONS

Site Characteristics

The subject property consists of a 1.1759 acre site zoned CBD fronting West 2nd Street, West 3rd Street, Guadalupe Street, and Lavaca Street. The property is currently undeveloped land. On November 20, 2006, the property was rezoned from CBD to CBD-CURE-CO under Ordinance No. 20061130-57 (Please see Attachment A). The property is also subject to a public restrictive covenant No. 2006234734. All other provisions of both documents shall remain in place.

Transportation

1. Please see Transportation recommendations under Attachment "C".

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 flood plain within the project area.
5. At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

1. 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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. 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. 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

1. There is an approved site plan (SP-05-1399C) already on this site. There is another site plan (SP-2007-0371C) currently in review for this site.

ORDINANCE NO. 20061130-057

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 310 WEST 2ND STREET FROM CENTRAL BUSINESS DISTRICT (CBD) DISTRICT TO CENTRAL BUSINESS DISTRICT-CENTRAL URBAN REDEVELOPMENT-CONDITIONAL OVERLAY (CBD-CURE-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from central business district (CBD) district to central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district on the property described in Zoning Case No C14-06-0190, on file at the Neighborhood Planning and Zoning Department, as follows

Lots 1-21, Block 21, Original City of Austin, Travis County, as described in an instrument of record in Volume 11739, Page 1252, of the Official Public Records of Travis County, Texas (the "Property"),

locally known as 310 West 2nd Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A"

PART 2. The site development regulations for the Property within the boundaries of the CURE combining district established by this ordinance are modified as follows

Development of the Property may not exceed a floor-to-area ratio (F A R) of 11 0 to 1 0

PART 3. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 5,129 trips per day

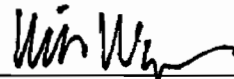
PART 4. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the central business district (CBD) base district and other applicable requirements of the City Code

PART 5. This ordinance takes effect on December 11, 2006

PASSED AND APPROVED

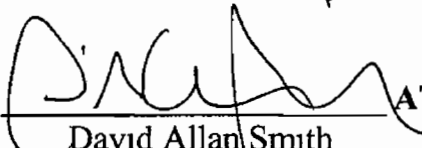
_____, November 30, 2006

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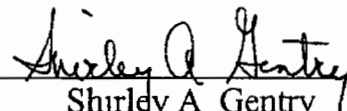
Will Wynn
Mayor

APPROVED:

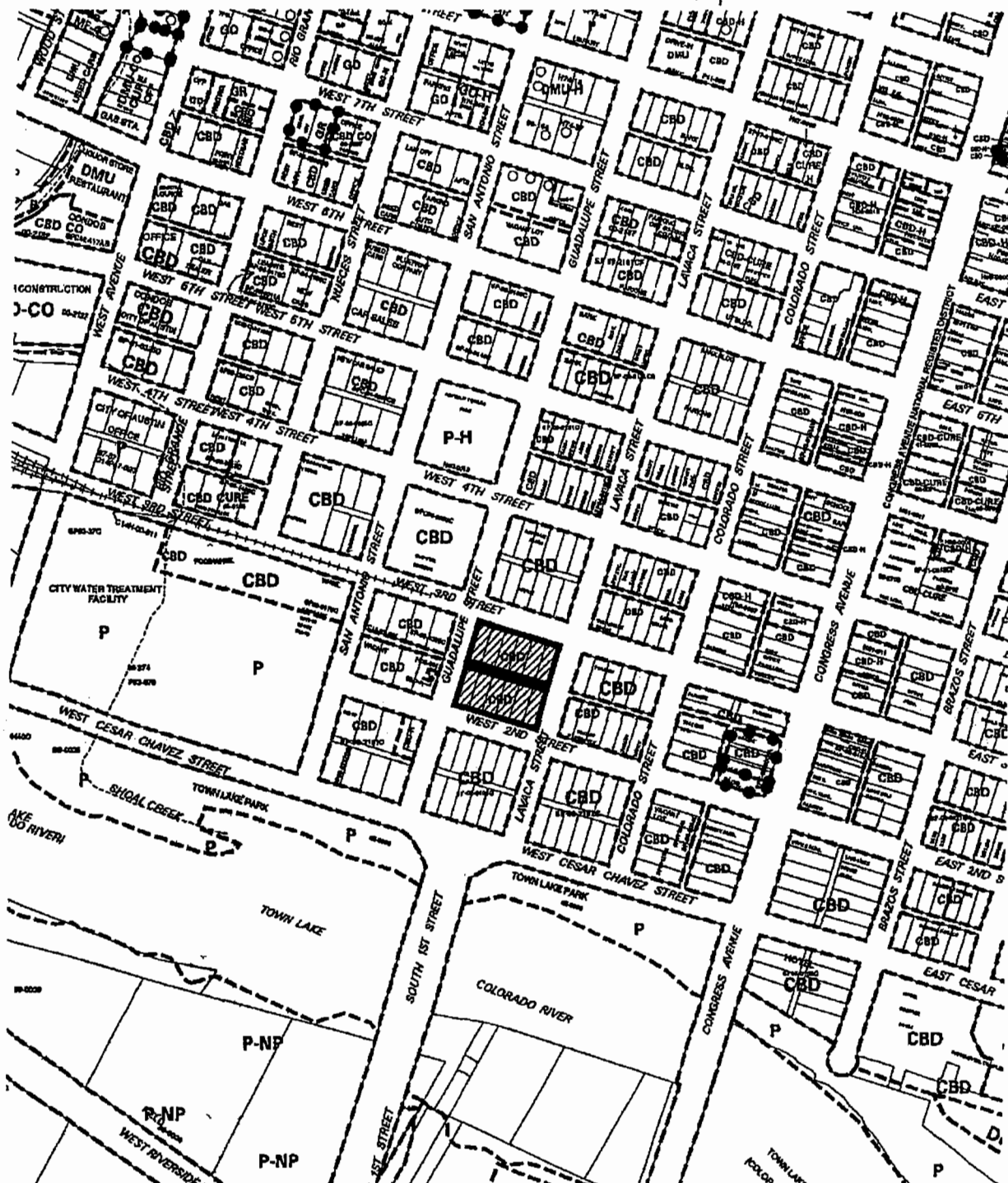






David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT A		CITY GRID REFERENCE NUMBER J22
	PENDING CASE 			
	ZONING BOUNDARY 	CASE # C14-06-0190	DATE 08-09	
	CASE MGR J. ROUSSELIN	ADDRESS 310 W 2ND ST	INTLS SM	
SUBJECT AREA (acres) 1.760				



OTHER 2006234734

2 PGS

2

**RESTRICTIVE COVENANT
FOR****AUSTIN CITY CLERK
POSTING DATE/TIME****ZONING CASE NO C14-06-0190** 2007 JAN 4 AM 10 59

Owner The City of Austin, a municipal corporation

Address P O Box 1088, Austin, Texas 78767-8828

Property Lots 1-21, Block 21, Original City of Austin, Travis County, as described in an instrument of record in Volume 11739, Page 1252, of the Official Public Records of Travis County, Texas

WHEREAS, the City of Austin, as Owner of the Property has agreed that the Property should be impressed with certain covenants and restrictions,

WHEREAS, the City Council of the City of Austin authorizes the City Manager, or her designee, to execute an instrument for such purposes,

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns

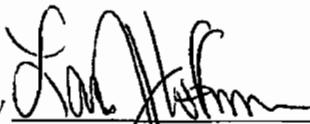
- 1 The Owner shall design and construct streetscape improvements. Design, permitting and construction of streetscape improvements will be at Owner's expense. The Owner shall coordinate the design of the streetscape improvements with the Urban Design Section of the Neighborhood Planning and Zoning Department. The Urban Design Section shall inspect and approve the streetscape improvements prior to issuance of a certificate of occupancy.
- 2 If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
- 3 If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
- 4 If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
- 5 This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

11-30-06
#57

EXECUTED this the 5 day of December, 2006

OWNER:

CITY OF AUSTIN.


By 
LAURA J HUFFMAN,
ASSISTANT CITY MANAGER,
CITY OF AUSTIN

THE STATE OF TEXAS

COUNTY OF TRAVIS :

This instrument was acknowledged before me on this the 5 day of December, 2006, by LAURA J HUFFMAN, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation



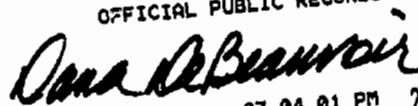

Notary Public, State of Texas

AFTER RECORDING RETURN TO

City of Austin Law Department
P O Box 1088
Austin, Texas 78767
Attn Diana Minter, Paralegal

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



2006 Dec 07 04 01 PM 2006234734

FERGUSONLL \$20 00

DANA DEBEAUVOIR COUNTY CLERK
TRAVIS COUNTY TEXAS



MEMORANDUM

TO: Jorge Rousselin, Case Manager
Members of the Planning Commission

FROM: Amber Mitchell, Transportation Review

DATE: January 9, 2008

SUBJECT: Variance Request for Block 21
Case Number – C14-2007-0249

Recommendation: To approve the variances and zoning as requested

The applicant for the above referenced zoning is requesting the following:

- A variance to Title 25 of the Land Development Code (LDC) Section 25-6-592(D), which prohibits a vehicle from using public right-of-way for backing into or out of an off-street loading facility and prohibits a curb coat for off-street loading to exceed 30 feet in width. The LDC Section 25-6-592(E) states that the Land Use Commission may waive this requirement after determining that waiving the requirement does not create a hazard to pedestrians or vehicles. The variance is for 3rd Street.
- A variance to Title 25 of the Land Development Code (LDC) Section 25-6-592(C)(2), which requires a site within the CBD provide a minimum of 20 percent of the parking spaces required by Appendix A (*Tables of Off-Street Parking and Loading Requirements*). The request is to provide a minimum of 480 instead of the 502 required by the Section.
- An increase in the vehicle trip limitation from 5,129 to 8,402 trips per day.

The proposed development is located in the City of Austin's full purpose jurisdiction located on the downtown City Block surrounded by Guadalupe Street, 2nd Street, Lavaca Street, and 3rd Street. The proposed mixed-use development includes a 251 room hotel, 176 condominium units, 53,400 ft² of specialty retail, and a music venue with 1,146 fixed seats.

Staff recommends supports the requests for the following reasons:

- Loading is not possible on site as configuration of the structural columns needed to support the building limits on-site maneuverability.
- Trash collection will occur completely outside of the right-of-way.
- The parking space reduction can be off-set by shared parking from surrounding parking structures such as the one located at City Hall.
- A technical memorandum approved by staff on November 21, 2007 documents the site's trip generation and trip distribution characteristics.

Staff recommends approval under the following conditions:

- Loading should be limited to off-peak times to minimize conflict with traffic.
- Vehicle trips for the development should be limited to 8,402 through a conditional overlay on

If you have any further questions or required additional information, please contact me at 974-3428.

A handwritten signature in black ink, appearing to read "Amber Mitchell". The signature is fluid and cursive, with the first name "Amber" written in a larger, more prominent script than the last name "Mitchell".

Amber Mitchell
Transportation Review Staff
Watershed Protection and Development Review Department

