

## SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2008-0038 - 1705 & 1715 Guadalupe Street

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1705 and 1715 Guadalupe Street (Shoal Creek Watershed) from downtown mixed use (DMU) district zoning to downtown mixed use-central urban redevelopment (DMU-CURE) combining district zoning. First reading approved on May 8, 2008. Vote: 7-0. City Staff: Jorge E. Rousselin, 974-2975.

DEPARTMENT COMMENTS:

The subject area consists of a 0.652 Acres (28,401.12 square feet) site zoned DMU developed with an office building and fast food restaurant accessed via Guadalupe Street and West 18<sup>th</sup> Street. The site lies within the designated Core Downtown District as identified by the Downtown Austin Design Guidelines and within the CURE overlay district.

The applicant proposes to rezone the property to DMU-CURE district to allow for a mixed-use development including a 350' structure with the following proposed uses: offices, retail, and high-rise condominiums. Modifications to the base zoning district sought under CURE include a height increase from 120' to 350' and FAR from 5:1 to 12.5:1.

OWNER/APPLICANT: StrataGem Development, Ltd. (Brent W. Ryan)

DATE OF FIRST READING: May 8, 2008

CITY COUNCIL HEARING DATE: June 5, 2008

CITY COUNCIL ACTION:

May 8, 2008:

The public hearing was closed and the first reading of the ordinance for downtown mixed use-central urban redevelopment-conditional overlay (DMU-CURE-CO) combining district zoning was approved on Council Member Cole's motion, on a 7-0 vote. If the building is constructed over 170 feet, then 20% of the total floor and space must be devoted for residential use.

ASSIGNED STAFF: Jorge E. Rousselin , e-mail: [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)

**ZONING REVIEW SHEET****CASE:** C14-2008-0038**P.C. DATE:** March 25, 2008**ADDRESS:** 1705 and 1715 Guadalupe Street**OWNER / AGENT:** StrataGem Development, Ltd. (Brent W. Ryan)**ZONING FROM:** DMU (Downtown Mixed Use)**TO:** DMU-CURE (Downtown Mixed Use - Central Urban Redevelopment) combining district**AREA:** 0.652 Acres (28,401.12 square feet)**SUMMARY PLANNING COMMISSION RECOMMENDATION:*****March 25, 2008:******DENIED STAFF'S RECOMMENDATION OF DMU-CURE-CO.******[J.REDDY, P.CAVAZOS 2<sup>ND</sup>] (6-3) T.ATKINS, M.DEALEY, C.SMALL – NAY*****SUMMARY STAFF RECOMMENDATION:**

Staff offers an alternate recommendation of DMU-CURE-CO with conditions as follows:

1. The CURE combining district shall modify the following:
  - Modify the maximum height allowed from 120 feet to 350 feet;
  - Modify the floor to area ratio (FAR) allowed from 5:1 to 12.5:1;
2. The recommended conditional overlay shall limit the daily vehicle trips to less than 3,569 per day; and
3. Under additional conditions, the site shall be subject to complying with the provisions of a public restrictive covenant to require, at owner's expense, Great Streets Streetscape Improvements for portions of public right-of-way fronting the subject site that have not been improved to Great Streets standards along Guadalupe Street and West 18<sup>th</sup> Street.

The Staff recommendation is based on the following considerations:

- 1.) The proposed use is compatible with existing commercial and mixed-use development along Guadalupe Street and West 18<sup>th</sup> Street;
- 2.) The proposed development lies within the downtown CURE district;
- 3.) The site lies within the designated Core Downtown District as identified by the Downtown Austin Design Guidelines which recommend providing dense, multi-tenant, pedestrian-oriented development at street level while encouraging the densification of the downtown core; and
- 4.) Great Streets Streetscape Improvements on all properties within the downtown core requesting a CURE overlay has been recommended and approved by the City Council.

**DEPARTMENT COMMENTS:**

The subject area consists of a 0.652 Acres (28,401.12 square feet) site zoned DMU developed with an office building and fast food restaurant accessed via Guadalupe Street and West 18<sup>th</sup> Street. The site

lies within the designated Core Downtown District as identified by the Downtown Austin Design Guidelines and within the CURE overlay district.

The applicant proposes to rezone the property to DMU-CURE district to allow for a mixed-use development including a 350' structure with the following proposed uses: offices, retail, and high-rise condominiums. Modifications to the base zoning district sought under CURE include a height increase from 120' to 350' and FAR from 5:1 to 12.5:1.

Current site development regulations for DMU are as follows:

<b>DMU</b>	
Maximum Height:	120'
Maximum Building Coverage:	100%
Maximum Impervious Cover:	100%
Maximum Floor Area Ratio:	5:1

Source: The Code of the City of Austin, Volume III, Chapter 25-2-492

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

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	DMU	Office / Restaurant
<i>North</i>	DMU	Condominiums
<i>South</i>	DMU	Retail
<i>East</i>	DMU	Retail
<i>West</i>	DMU	Retail / Offices

**AREA STUDY:** Downtown Austin Design Guidelines

**TIA:** Waived, See Transportation comments

**WATERSHED:** Shoal Creek; Town Lake

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** N/A

### **NEIGHBORHOOD ORGANIZATIONS:**

1082--First American Commercial Property Group

767--Downtown Austin Neighborhood Coalition

142--Five Rivers Neighborhood Assn.

159--North Capitol Area Neighborhood Assn.

742--Austin Independent School District

744--Sentral Plus East Austin Koalition (SPEAK)

786--Home Builders Association of Greater Austin

511--Austin Neighborhoods Council

603--Mueller Neighborhoods Coalition

698--West Campus Neighborhood Association

402--Downtown Austin Neighborhood Assn. (DANA)

438--Downtown Austin Alliance

623--City of Austin Downtown Commission

1037--Homeless Neighborhood Organization

1075--League of Bicycling Voters

**SCHOOLS:**

Austin Independent School District

- Lee Elementary School
- Kealing Middle School
- McCallum High School

**RELATED CASES:** N/A**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-96-0009	CS and DMU to CBD	03/26/96: APVD CBD-CO (W 120') AND DMU (BALANCE) W/CONDS (7-2)	05/08/97: 3RD RDG DENIED DMU-CURE (DUE TO PETITION; MOTION TO APVE FAILED 5-2)
C14-99-2066	GO to DMU	01/25/00: APVD STAFF REC OF DMU-CO & DMU-H-CO (8-1 JR-NAY); INCLUDING CONDS BY HLC & CONDS AGREED UPON BY AP & NEIGH; DELETE COUNSELING SVCS FROM THE PROHIBITED USES (8-1 JR-NAY).	05/18/00: APVD PC REC OF DMU-H-CO (TR 1) & DMU-CO (TR 2 & 3). (5-0)
C14-01-0131	CS to CS-MU and MF-6	02/26/02: ZAP FWD TO CC W/O REC (8-0); [PREVIOUS MOTION TO APVE MF-6-CO FAILED 4-4]	03/01/02: APVD CS-MU-CO & MF-6-CO (7-0) W/10 CONDS; 1ST RDG  05/09/02: APVD CS-MU & MF-6 (7-0); 2ND/3RD RDGS
C14-03-0018	MF-4 to CS	02/26/03: APVD STAFF ALT REC OF CS-CO BY CONSENT (7-0)	03/20/03: APVD CS-CO (7-0); 3 RDGS

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Guadalupe St	80'	40'	Arterial	Yes	Yes	Yes
W 18 <sup>th</sup> Street	60'	30'	Collector	Yes	Yes	Yes

**CITY COUNCIL DATE:**

**April 24, 2008**

**May 8, 2008**

**June 5, 2008**

**ACTION:**

This item was postponed to May 8, 2008 at the applicant's request (consent). 7-0.

The public hearing was closed and the first reading of the ordinance for downtown mixed use-central urban redevelopment-conditional overlay (DMU-CURE-CO) combining district zoning was approved on Council Member Cole's motion, on a 7-0 vote. If the building is constructed over 170 feet, then 20% of the total floor and space must be devoted for residential use.

**ORDINANCE READINGS:**    1<sup>st</sup>                      2<sup>nd</sup>                      3<sup>rd</sup>

**ORDINANCE NUMBER:**




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

**PHONE:** 974-2975

**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)



**ZONING**

-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

**ZONING CASE#:** C14-2008-0038  
**ADDRESS:** 1705 GUADALUPE ST  
**SUBJECT AREA:** 0.652 ACRES  
**GRID:** J23  
**MANAGER:** J. ROUSSELIN

**OPERATOR: S. MEEKS**



1" = 400'

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.



## STAFF RECOMMENDATION

Staff offers an alternate recommendation of DMU-CURE-CO with conditions as follows:

1. The CURE combining district shall modify the following:
  - Modify the maximum height allowed from 120 feet to 350 feet;
  - Modify the floor to area ratio (FAR) allowed from 5:1 to 12.5:1;
2. The recommended conditional overlay shall limit the daily vehicle trips to less than 2,000 per day; and
3. Under additional conditions, the site shall be subject to complying with the provisions of a public restrictive covenant to require, at owner's expense, Great Streets Streetscape Improvements for portions of public right-of-way fronting the subject site that have not been improved to Great Streets standards along Guadalupe Street and West 18<sup>th</sup> Street.

The Staff recommendation is based on the following considerations:

- 1.) The proposed use is compatible with existing commercial and mixed-use development along Guadalupe Street and West 18<sup>th</sup> Street;
- 2.) The proposed development lies within the downtown CURE district;
- 3.) The site lies within the designated Core Downtown District as identified by the Downtown Austin Design Guidelines which recommend providing dense, multi-tenant, pedestrian-oriented development at street level while encouraging the densification of the downtown core; and
- 4.) Great Streets Streetscape Improvements on all properties within the downtown core requesting a CURE overlay has been recommended and approved by the City Council.

## BASIS FOR RECOMMENDATION

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

**§ 25-2-101 DOWNTOWN MIXED USE (DMU) DISTRICT DESIGNATION.**

*Downtown mixed use (DMU) district is the designation for a use located on the periphery of an area that has a CBD designation. A DMU district designation may be applied to a development that includes any combination of office retail, commercial, and residential uses and that is compatible with the downtown area. A DMU district use with an intermediate density may be used as a transition between the downtown area and surrounding districts. A DMU district is suitable for an area to which the central business district may expand.*

The proposed rezoning meets the purpose statement set forth in the Land Development Code. The subject property is situated at the periphery of the central business and serves as a transition between the downtown area and surrounding neighborhoods. The site also lies within the CURE overlay district which states:

**§ 25-2-163 CENTRAL URBAN REDEVELOPMENT (CURE) COMBINING DISTRICT PURPOSE.**

*(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.*

## ***2. Zoning changes should promote compatibility with adjacent and nearby uses***

The proposed change is compatible with the surrounding area where there exists a variety of land uses conducive to promoting a variety of residential, commercial, industrial, and civic uses.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The subject area consists of a 0.652 Acres (28,401.12 square feet) site zoned DMU developed with an office building and fast food restaurant accessed via Guadalupe Street and West 18<sup>th</sup> Street. The site lies within the designated Core Downtown District as identified by the Downtown Austin Design Guidelines and within the CURE overlay district.

### **Transportation**

1. No additional right-of-way is needed at this time.
2. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

### **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, 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 relocations and or abandonments required. 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. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
2. Site plans will be required for any new development other than single-family or duplex residential.
3. 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.
4. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

**CITY PLANNING COMMISSION**

**March 25, 2008**

**City Hall – Council Chambers**

**301 W. 2<sup>nd</sup> Street**

**1<sup>st</sup> Floor**

***Annotations & Summary Agenda***

- 16. Rezoning:** **C14-2008-0038 - 1705 & 1715 Guadalupe Street**  
**Location:** 1705 and 1715 Guadalupe Street, Shoal Creek Watershed,  
Downtown NPA  
**Owner/Applicant:** StrataGem Development, Ltd. (Brent W. Ryan)  
**Agent:** StrataGem Development, Ltd. (Brent W. Ryan)  
**Request:** **DMU to DMU-CURE**  
**Staff Rec.:** **Recommendation of DMU-CURE-CO with conditions**  
**Staff:** Jorge E. Rousselin, 974-2975, jorge.rousselin@ci.austin.tx.us  
Neighborhood Planning & Zoning Department

***DENIED STAFF'S RECOMMENDATION OF DMU-CURE-CO.***

***[J.REDDY, P.CAVAZOS 2<sup>ND</sup>] (6-3) T.ATKINS, M.DEALEY, C.SMALL – NAY***

The Planning Commission recommended denial of the application based on the lack of provision of affordable housing component for the proposed project. The Commission felt necessary to discuss at length the need to provide affordable units and requested from the property owners a commitment to affordability via a certain percentage of the units. The property owners were unable to commit to any affordability percentage and the Commission recommended denial.