

SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2007-0144 800West Avenue

REQUEST:

Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 West Avenue (Shoal Creek Watershed) from general office (GO) district zoning and limited office (LO) district zoning to central business district (CBD) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning.

ISSUES: There is a valid petition of 25.75% against the applicant's request.

OWNER/APPLICANT: Joseph T. Wells.

AGENT: Armbrust and Brown (Lynn Ann Carley).

DATE OF FIRST READING: November 29, 2007:

CITY COUNCIL HEARING DATE: June 18, 2009

CITY COUNCIL ACTION:

November 29, 2007: The public hearing was closed and the first reading of the ordinance for downtown mixed use-conditional overlay (DMU-CO) combining district zoning was approved on Mayor Pro Tem Dunkerley's motion, Council Member Martinez' second on a 7-0 vote with a limit of 2,000 vehicle trips per day and the following six conditions.

1. The tower structure is restricted to 100 percent residential use and associated parking. The existing and proposed historical residential structures fronting on West Avenue may have any use permitted under DMU zoning.
2. The West Avenue frontage must be consistent with the street's existing character. The existing house onsite must be preserved, and a similar house must be placed in the space next to it, preferably a vintage house downtown that would otherwise be demolished or moved out of downtown.
3. All trees with a diameter of 19 inches or greater must be kept onsite.
4. Impervious cover must not exceed 75 percent.
5. Public access must be provided to and along Shoal Creek.
6. Parkland dedication fees from the project should be dedicated to improvements to the Shoal Creek area.

CASE MANAGER: Robert Heil 947-2330

e-mail address: robert.heil@ci.austin.tx.us

ZONING REVIEW SHEET**CASE:** C14-2007-0144**P.C. DATE:** September 11, 2007
September 25, 2007
October 23, 2007**ADDRESS:** 800 West Avenue**OWNER:** Joseph T. Wells**AGENT:** Armbrust and Brown
(Lynn Ann Carley)**REZONING FROM:** GO (General office) and LO (Limited office)**TO:** CBD (Central Business District)**AREA:** 1.265 Acres**SUMMARY PC RECOMMENDATION:***October 23, 2007:****APPROVED STAFF'S RECOMMENDATION FOR DMU-CO ZONING WITH CONDITION OF 2000 VEHICLE TRIPS AND THE 6 CONDITIONS SUBMITTED BY CHRIS RILEY.******[J.REDDY, P.CAVAZOS 2ND] (7-2) C.EWEN, M.DEALEY –NAY******Chris Riley's Conditions:***

- 1. The tower structure is restricted to 100% residential use and associated parking. The existing and proposed historically residential structures fronting on West Avenue may have any use permitted under DMU zoning.***
- 2. The West Avenue frontage must be consistent with the street's existing character. The existing house onsite must be preserved, and a similar house must be placed in the space next to it – preferably a vintage house downtown that would otherwise be demolished or moved out of downtown.***
- 3. All trees with a diameter of 19" or greater must be kept onsite.***
- 4. Impervious cover must not exceed 75 percent.***
- 5. Public access must be provided to and along Shoal Creek.***
- 6. Parkland dedication fees from the project should be dedicated to improvements to the Shoal***

SUMMARY STAFF RECOMMENDATION:

Staff offers an alternate recommendation of DMU-CO (Downtown mixed use— conditional overlay) combining district. The recommended conditional overlay shall limit the daily vehicle trips to less than 2,000 per day. The recommendation is based on the following considerations:

- 1.) The recommended zoning classification is compatible with existing mixed uses and DMU zoning along West Avenue;
- 2.) Because the subject site lies outside the designated Core Downtown District as identified by the Downtown Austin Design Guidelines, a more appropriate land use and zoning transition is DMU; and
- 3.) The recommended zoning classification allows for the requested land uses while maintaining the character, scale, proportion, and comparable heights of the established land uses along West Avenue.
- 4.) DMU compatibility standards will apply which will encourage compatibility with potential residential development in the area.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a 1.265 acre site fronting West Avenue south of the intersection of West 9th Street zoned GO and LO. Access to the property is off West Avenue. There exists office uses on the site. Capitol View Corridors do not intersect this property; however, a portion of the site lies within the Downtown Creeks Overlay – Shoal Creek. The site lies within the Central Urban Redevelopment (CURE) overlay and beyond the designated Core Downtown District as identified by the Downtown Austin Design Guidelines (Please see Attachment “A”).

The applicant proposes to rezone the property to CBD to allow for the development of approximately 200 condominium units within a 250 foot tall structure.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO / LO	Office
<i>North</i>	GO	Parking
<i>South</i>	GO / LO	Offices
<i>East</i>	GO / MF-4	Offices
<i>West</i>	CS / LO / MF-4	Retail / Office / Undeveloped land

AREA STUDY: N/A**TIA:** Waived; See Transportation comments**WATERSHED:** Shoal Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**DOWNTOWN CREEKS OVERLAY:** Shoal Creek**CURE OVERLAY:** Yes**NEIGHBORHOOD ORGANIZATIONS:**

57--Old Austin Neighborhood
 511--Austin Neighborhoods Council
 402--Downtown Austin Neighborhood Assn. (DANA)
 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
 786--Home Builders Association of Greater Austin
 1037--Homeless Neighborhood Organization

SCHOOLS:

Austin Independent School District

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

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

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-99-2124	MF-4 to DMU	01/18/00: APVD GO-MU-CO (8-0); NO MORE THAN 78% OF GROSS FLOOR AREA IS TO BE NON-RESIDENTIAL, A R.C. WILL BE ACCOMPLISHED REGARDING SURFACE PARKING PROHIBITED BETWEEN WEST AVENUE & THE STRUCTURE CLOSEST TO WEST AVENUE; NO STRUCTURE OR PORTION OF STRUCTURE MAY BE LOCATED LESS THAN 15' FROM WEST AVENUE & TO PROHIBIT THE USE OF THE PROPERTY FOR BAIL BOND OFFICES (8-0)	02/17/00: APVD DMU-CO LIMITING VEHICLE TRIPS TO 2,000/DAY ON 1ST RDG (6-1 JG-NAY) 03/09/00: APVD 2ND READING (7-0) 03/23/00: APVD 3RD RDG (6-0, DS-OUT OF RM)
C14-00-2127	DMU to CBD	08/22/00: APVD STAFF REC W/COND OWNER RECONNECT HIKE/BIKE TRAIL & W/TRIP LIMIT OF 2000 TPD (8-0); SA-ABSENT	09/28/00: APVD CBD-CO W/CONDS (7-0) ALL 3 RDGS
C14-00-2132	DMU and P to CBD	08/22/00: APVD STAFF REC W/COND OWNER RECONNECT HIKE/BIKE TRAIL (8-0); SA-ABSENT)	09/28/00: APVD CBD-CO W/CONDS (7-0) ALL 3 RDGS
C14-03-0168	DMU-CURE to DMU-CURE	01/06/04: ZAP – PULLED; SENT TO CC W/O REC	01/29/04: APVD STAFF REC OF DMU-CO-CURE (NO COCKTAIL LOUNGE), (5-0); 1ST RDG 02/12/04: APVD DMU-CO-CURE (7-0); 2ND/3RD RDGS
C14-05-0040	DMU to CBD-CURE	06/07/05: APVD DMU-CO W/CONDS (9-0)	07/28/05: APVD DMU-CO-CURE (7-0); ALL 3 RDGS [MODIFYING HEIGHT TO 130']
C14-06-0183	GR to CBD-CURE	12/12/06: APVD DMU-CO (6-2, MF/CG-NO)	02/15/07: Apvd DMU-CO (6-0); 1st reading 03/23/07: Apvd Ord. 20070301-055 for CBD-CURE-CO (6-0); 2nd/3rd rdgs

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
West Avenue	80'	36'	Collector	Yes	No	Yes

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June 18, 2008:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil, NPZD

PHONE: 974-2330

E-MAIL: robert.heil@ci.austin.tx.us

STAFF RECOMMENDATION

Staff offers an alternate recommendation of DMU-CO (Downtown mixed use— conditional overlay) combining district. The recommended conditional overlay shall limit the daily vehicle trips to less than 2,000 per day. The recommendation is based on the following considerations:

- 1.) The recommended zoning classification is compatible with existing mixed uses and DMU zoning along West Avenue;
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- 3.) The recommended zoning classification allows for the requested land uses while maintaining the character, scale, proportion, and comparable heights of the established land uses along West Avenue.
- 4.) DMU compatibility standards will apply which will encourage compatibility with potential residential development in the area.

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 recommended zoning classification meets the purpose statement set forth in the Land Development Code. The proposed mix of uses will encourage a diversity of land uses along West Avenue while maintaining the character of the established neighborhood.

2. The proposed zoning should promote consistency, and orderly planning.

The recommended zoning classification and conditional overlay is compatible with the surrounding area as it is surrounded by a mixture of land uses, intensities, and mixed zoning. The proposed land uses are compatible to the existing adjacent uses.

1. Rezoning should not contribute to the over zoning of the area.

The potential to over zone the area exists when increasing the zoning base districts beyond that of surrounding properties. A balance of land use intensities and mixture of uses is accomplished and

encouraged with the alternate Staff recommendation while accomplishing the range of land uses requested.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of a 1.265 acre site fronting West Avenue south of the intersection of West 9th Street zoned GO and LO. Access to the property is off West Avenue. There exists office uses on the site. Capitol View Corridors do not intersect this property; however, a portion of the site lies within the Downtown Creeks Overlay – Shoal Creek. The site lies within the Central Urban Redevelopment (CURE) overlay and beyond 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. 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]

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 and Compatibility Standards

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. 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.
4. This site is subject to Urban Roadway regulations within the Commercial Design Standards, Subchapter E.



Dark Grey – Core Downtown; Lighter Grey – overlay areas within the Core Downtown

Case Number:

C14-2007-0144

Date:

Nov. 29, 2007

Total Area within 200' of subject tract: (sq. ft.)

348,783.02

1	01-0700-0302	RAMSER STEWART	15,922.78	4.57%
2	01-0700-0401	PROCTER BEN R	1,569.20	0.45%
		POWELL JAMES		
3	01-0700-0409	SHELTON	8,063.28	2.31%
4	01-0700-0410	POWELL JAMES S	17,725.82	5.08%
		O HANLON KEVIN T &		
5	02-0800-0508	PRISCILLA A	5,148.09	1.48%
6	02-0800-1002	PAJESTKA ALBINA	5,908.58	1.69%
7	02-0800-1003	PAJESTKA ALBINA	4,853.37	1.39%
		PATEL SUNIL K &		
8	02-0800-1005	MITA	2,631.30	0.75%
		OHLENDORF		
		ROBERT C & REBA R,		
		RAGSDALE SAM		
		SCOTT,		
		O'SHAUGHNESSY		
	01-0700-0303-0011	JOHN JR, HOLZBACH		
	THRU 01-0700-0303-	MARK E & DANA		
	0018	FRIIS-H, MCCALL		
		JOHN H,		
		ARMSTRONG KAREN		
		L, FRIIS-HANSEN		
		DANA & MARK EVAN		
		HOLZBACH,		
		SHACKELFORD		
9		WESLEY	27,975.00	8.02%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%

Validated By:

Stacy Meeks

Total Area of Petitioner:

89,797.41

Total %

25.75%



1" = 200' OPERATOR: SM

CASE#: C14-2007-0144
ADDRESS: 800 WEST AVE
GRID: H22 & J22
CASE MANAGER: J. ROUSSELIN



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.

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

LYNN ANN CARLEY
(512) 435-2378
LCARLEY@ABAUSTIN.COM

RECEIVED

SEP 05 2007

Neighborhood Planning & Zoning

September 4, 2007

Jorge Rousselin
City of Austin
Neighborhood Planning & Zoning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: 800 West Avenue (C14-2007-0144) Zoning Case

Dear Jorge:

This firm represents and I am writing to you on behalf of the Applicant in the above-referenced zoning case. Currently, this project is scheduled for Planning Commission on September 11, 2007. The Applicant hereby requests a two-week postponement until September 25, 2007. This request is being made to allow additional time to attend the Design Commission.

Your attention to this matter is greatly appreciated. Please feel free to contact me if you have any questions or comments.

Sincerely,



Lynn Ann Carley
Senior Land Development Consultant

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

LYNN ANN CARLEY
(512) 435-2378
lcarley@abaustin.com

August 31, 2007

Jorge Rousselin
City of Austin
Neighborhood Planning and Zoning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78701

Re: 800 West Avenue Rezoning (C14-2007-0144)

Dear Mr. Rousselin:

This firm represents and this letter is submitted on behalf of the applicant in the above referenced application. It is my client's intent to rezone the property at 716 and 800 West Avenue (TCAD #02080005120000), from GO/LO to CBD. This zoning change is being requested to allow the construction of approximately 200 condominium units on the site within a 250 foot structure.

CBD zoning has been requested for the following reasons:

1. Compatibility standards – It appears that there is no property zoned SF-5 or more restrictive in the area. However, there are likely land uses which are permitted in SF-5 or more restrictive zoning districts in the vicinity of the site which would limit height and require significant setbacks. CBD zoning would allow the ability to waive compatibility standards for the site.
2. Creek setback – This site is located within the Downtown Creek overlay district. According to Section 25-2-167(B) of the Land Development Code (LDC), a 60 foot creek setback applies to property within CBD or DMU base districts. This setback decreases the site area in which the building footprint may be located. For this reason, it is necessary to obtain greater height for the project.
3. Capitol View Corridor – This site is one of the few sites in the downtown area which is not located in a capitol view corridor. In order to provide the density and number of residential units downtown that is desired by the City, sites outside a capitol view corridor should be allowed additional height.
4. Surrounding zoning – There is a mix of CBD and DMU-CURE zoned sites within two blocks of this property.

5. Downtown Austin Design Guidelines – The Downtown Austin Design Guidelines outlines the core downtown areas, as well as overlay areas. In the May 2000 version of this document, this site is located directly adjacent to the core downtown area but is not included. However, the Design Commission is currently editing these guidelines and will likely revise the boundaries for the downtown area to include additional land. For this reason, we believe that CBD zoning is appropriate.

Thank you for your time and consideration. If you have any questions, comments, or need additional information, please do not hesitate to contact me.

Sincerely,



Lynn Ann Carley
Senior Land Development Consultant

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:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2007-0144

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

September 11, 2007 Planning Commission

DANA WEAVER

Your Name (please print)

901 West 9th Street #607

Your address(es) affected by this application

[Signature]

Signature

9/28/07

Date

Comments:

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I am in object

PUBI

This zoning/rezoning or public hearing. All City Council. All expected to attend a public hearing, if you do FOR or AGAINST may also contact a neighborhood organization that has expressed interest in an application affecting your neighborhood.

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HEARING INFORMATION

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Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

September 11, 2007 Planning Commission

Francesca Brockett

Your Name (please print)

901 West 9th, Unit 903, Austin 78703

Your address(es) affected by this application

Francesca Brockett

Signature

9/15/07

Date

Comments:

Zoning change will negatively impact the nature and integrity of the neighborhood.

We strongly object

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2007-0144
Contact: Jorge Rousselin, (512) 974-2975
Public Hearing:
September 11, 2007 Planning Commission

SEP 27 2007

Neighborhood Planning & Zoning

☐ I am in favor
☒ I object

Hal/Jean Bogardus
Your Name (please print)

901 W 9th H 108

Your address(es) affected by this application

Hal Bogardus
Signature
Date 9/25/07

Comments:

Any building on that
Site should not exceed
10 stories

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

City of Austin
Neighborhood Planning and Zoning Department
Jorge Rousselin
P. O. Box 1088
Austin, TX 78767-8810

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

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

RECEIVED

Case Number: C14-2007-0144

SEP 26 2007

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

Neighborhood Planning & Zoning

September 11, 2007 Planning Commission

NAY SOOCH

Your Name (please print)

901 W. 9th ST. NOKONAH BLDG.

Your address(es) affected by this application

Nay Sooch

Signature

9/24/07

Date

Comments: The proposed changes

substantially reduce the quality

of views from the NOKONAH building.

The quality and character of the

neighborhood north of 6th ST between

Guadalupe and west St. should be

preserved. There are no high rises

in this area only small homes.

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

Rousselin, Jorge

From: Ted Siff [REDACTED]
Sent: Friday, September 07, 2007 10:43 AM
To: Rousselin, Jorge
Cc: Chris Riley
Subject: Case C14-2007-0144 - 800 West Avenue

Jorge,

I want to state my opposition to the proposal to change the zoning at 800 West Avenue to CBD.

Neighborhood representatives are trying to set up a meeting with the applicant. I been told that the applicant has requested that this case not be heard on September 11th as currently scheduled, but be postponed to a future date. Is this correct?

Thanks for your service.

Best, Ted

Ted Siff, President
Old Austin Neighborhood Association
604 West 11th Street
Austin, TX 78701-2207
direct: 512.657.5414
fax: 512.495.9955
email: ted@legaldigest.com

9/13/2007