ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0150 808 Nueces Street

P. C. DATE: 08-26-2008

ADDRESS: 808 Nueces Street

AREA: .13 acres

APPLICANT: Stephen Adler

AGENT: Holford Group (Charles Dunn)

NEIGHBORHOOD PLAN AREA: None

CAPITOL VIEW: Yes

T.I.A.: No

HILL COUNTRY ROADWAY: No

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

ZONING FROM: GO – General Office

ZONING TO: DMU – Downtown Mixed Use

SUMMARY STAFF RECOMMENDATION:

Staff recommends DMU-CO, Downtown Mixed Use-Conditional Overlay. The Conditional Overlay would make a bail bond services use, cocktail lounge use, or liquor sales use a conditional use; and prohibit pawn shop services use.

PLANNING COMMISSION RECOMMENDATION:

The motion to approve staff's recommendation for DMU-CO district zoning with the condition of GO district height limit; was approved by Commissioner Mandy Dealey's motion, Commissioner Saundra Kirk second the motion on a vote of 7-0. Commissioners Perla Cavazos and Paula Hui were absent.

DEPARTMENT COMMENTS:

The 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 subject tract is located in and amongst various zoning districts, including DMU, GO, LO and MF-4. The most recent surrounding case histories were requests to the DMU zoning district. It should be noted that this property lies within the Criminal Justice Overlay subdistrict {§ 25-2-650}. In the criminal justice center overlay district a bail bond services use, cocktail lounge use, or liquor sales use that would otherwise be a permitted use is a conditional use; and a pawn shop services use is prohibited.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	GO	Office Building
NORTH	GO	Office Building
SOUTH	GO	Office Building
EAST	GO	Office Building
WEST	GO	Office Building

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-06-0177	From MF-4 to DMU	Approved DMU-CO [Vote: 7-0]	Approved DMU-CO [Vote: 5-0]
C14-06-0187	From MF-4-H to CBD-H	Approved DMU-H-CO [Vote: 8-0]	Approved DMU-H-CO [Vote: 5-1]
C14-99-0082	From MF-4 to DMU	Approved DMU-CO [Vote: 7-0]	Approved DMU- CO [Vote: 7-0]

NEIGHBORHOOD ORGANIZATION:

- Homeless Neighborhood Assn.
- Downtown Austin Neighborhood Coalition
- Pecan Street Owner's Association
- Downtown Austin Alliance
- Austin Warehouse District Association
- Old Pecan Street Association
- Sentral Plus East Austin Koalition
- Austin Neighborhood Council
- Downtown Austin Neighborhood Association

SCHOOLS:

Matthews Elementary School
O' Henry Middle School
Austin High School

SITE PLAN:

1. This project is within the Criminal Justice Overlay subdistrict {§ 25-2-650}. In the criminal justice center overlay district: (1) a bail bond services use, cocktail lounge use, or liquor sales use that would otherwise be a permitted use is a conditional use; and (2) a pawn shop services use is prohibited.

2. A small portion of this site is within the Capitol View Corridor. Maximum height allowed within the corridor is strictly enforced. For any new development, an application for a Capitol View Corridor Height Determination must be submitted to Intake prior to site plan review; for more information, contact the Development Assistance Center at 974-6370.

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

4. There appears to be a residential unit within 540 ft. of this site, and therefore would be subject to compatibility standards.

· No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

· No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.

· In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection. Additional design regulations will be enforced at the time a site plan is submitted.

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.

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]

Existing Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Nueces	80	42'	Collector	Yes; one side	No	Priority 1

CITY COUNCIL DATE: September 25th, 2008
October 16th, 2008

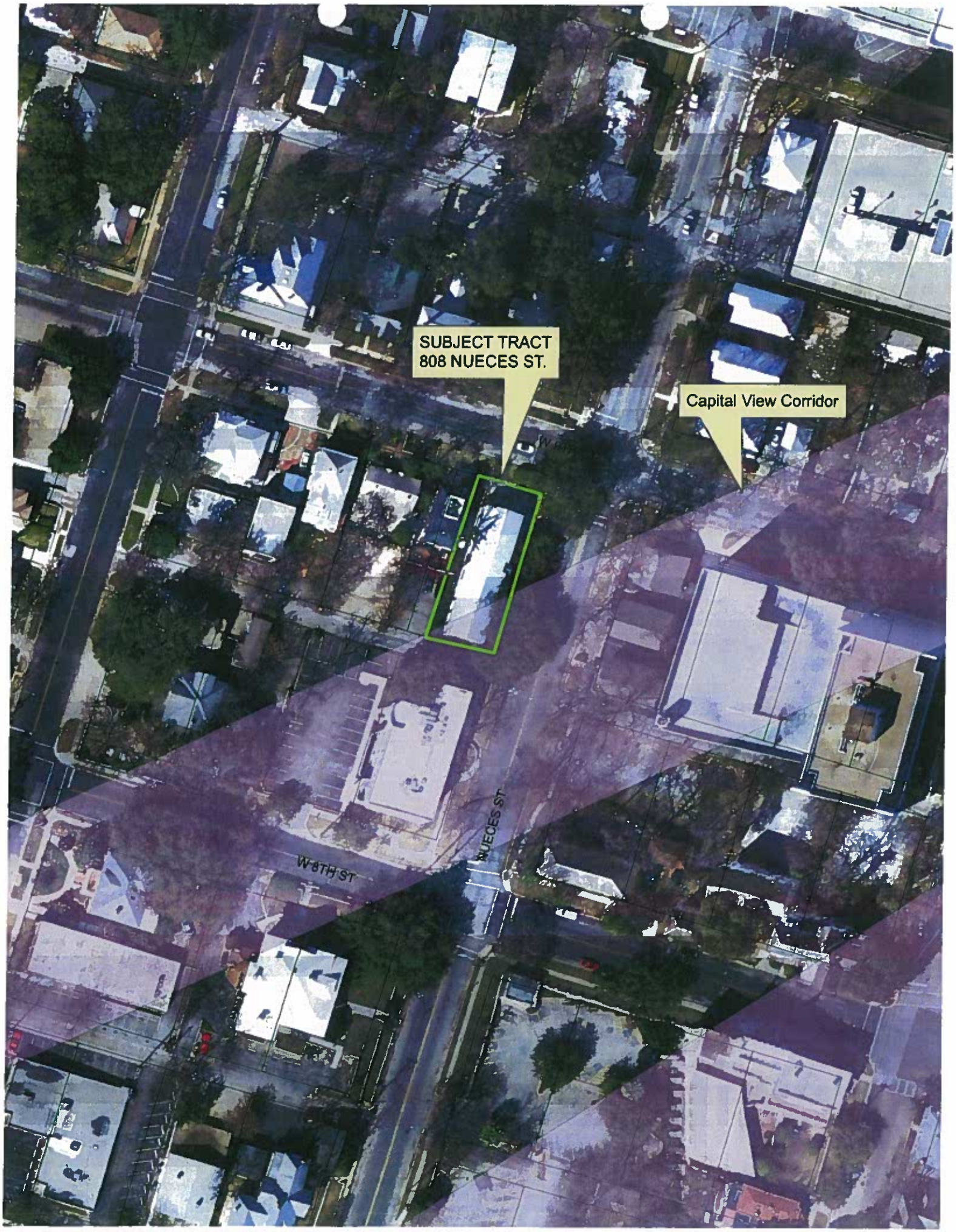
ACTION: Postponed to 10/16

ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Clark Patterson
Clark.patterson@ci.austin.tx.us

PHONE: 974-7691


SUBJECT TRACT
808 NUECES ST.
Capital View Corridor
W 8TH ST
NUECES ST

ZONING

N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

OPERATOR: S. MEEKS

1" = 400'

ZONING CASE#: C14-2008-0150
ADDRESS: 808 NUECES ST
SUBJECT AREA: 0.13 ACRES
GRID: J22
MANAGER: C. PATTERSON

CITY OF AUSTIN FOUNDED 1839

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ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 808 NUECES STREET FROM GENERAL OFFICE (GO) DISTRICT TO DOWNTOWN MIXED USE-CONDITIONAL OVERLAY (DMU-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 general office (GO) district to downtown mixed use-conditional overlay (DMU-CO) combining district on the property described in Zoning Case No. C14-2008-0150, on file at the Neighborhood Planning and Zoning Department, as follows:

The east 44 feet of Lot 4, Block 103, Original City of Austin, according to the map or plat of record in the General Land Office of the State of Texas. (the "Property"),

locally known as 808 Nueces Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

A. The maximum height of a building or structure is 60 feet from ground level.

B. The following uses are conditional uses of the Property:

Bail bond services
Cocktail lounge
Liquor sales

C. Pawn shop services use is a prohibited use of the Property.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the downtown mixed use (DMU) base district, and other applicable requirements of the City Code.

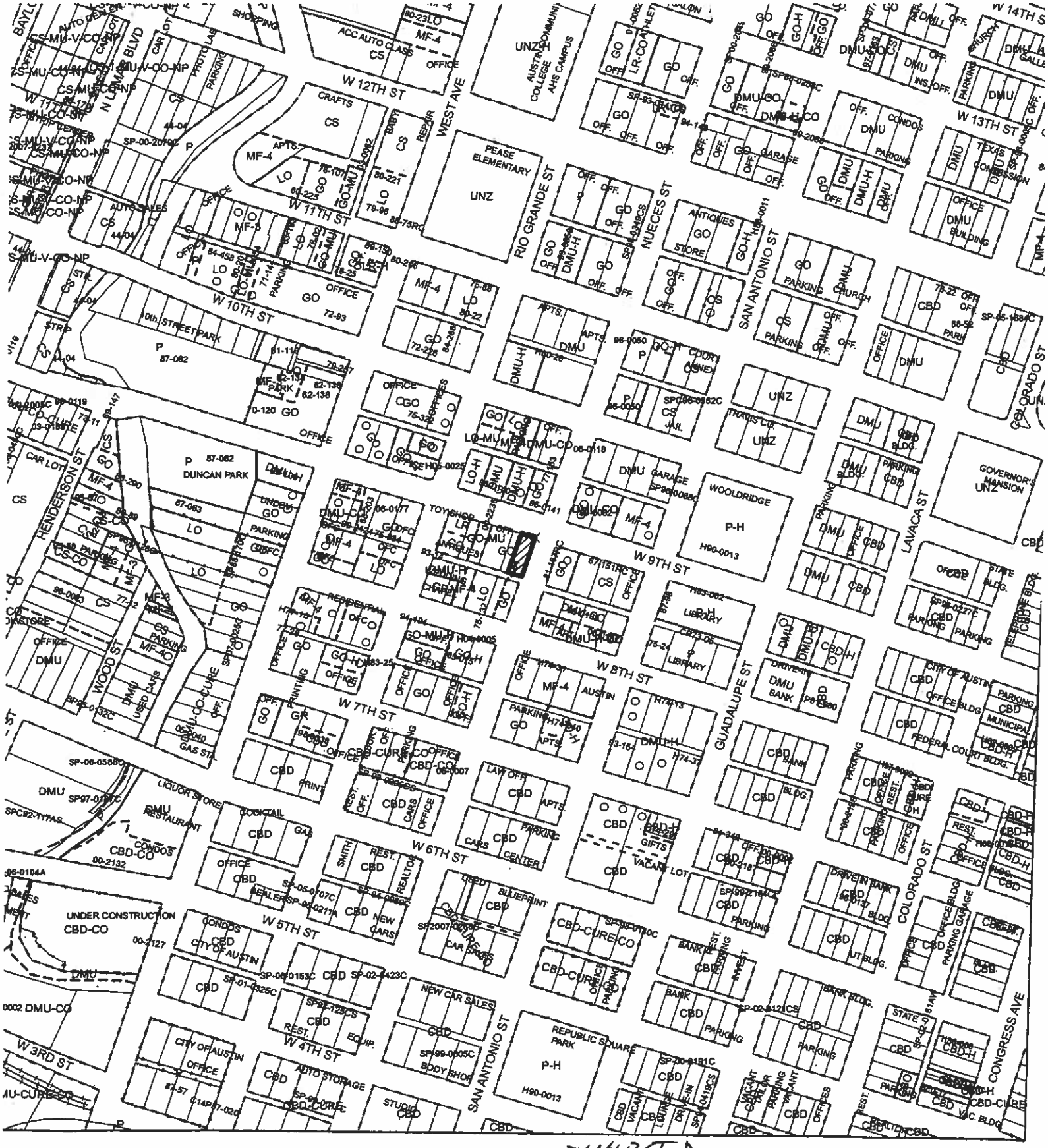
PART 3. This ordinance takes effect on _____, 2008.

PASSED AND APPROVED

§
§
_____, 2008 § _____
Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith
City Attorney

Shirley A. Gentry
City Clerk



ZONING EXHIBIT A

N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

OPERATOR: S. MEEKS

= 400'

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