

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2010-0054  
2<sup>nd</sup> & Congress – West

**P. C. DATE:** 06-08-2010

**ADDRESS:** 209 Congress Avenue

**AREA:** 0.729 acres

**APPLICANT:** Finley Company  
(Tim Finley)

**AGENT:** Graves, Dougherty, Hearon &  
Moody, P. C. (Michael Whellan)

**NEIGHBORHOOD PLAN AREA:** Downtown

**CAPITOL VIEW:** Yes

**T.I.A.:** Waived – See the Transportation Reviewer's  
comment's and Restrictive Covenant request.

**HILL COUNTRY ROADWAY:** No

**WATERSHED:** Town Lake

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** CBD – Central Business District.

**ZONING TO:** CBD-CURE – Central Business District – Central Urban Redevelopment District.

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends CBD-CURE – Central Business District – Central Urban Redevelopment District. The CURE overlay would allow a floor to area ratio of 16-1 for a structure with a hotel/motel use with more than 700 rooms, and to modify Section 25-2-643 of the City Code. This modification would allow a building setback of forty feet (40') from the property line adjacent to Congress Avenue for structures whose minimum height is thirty feet (30') from ground level and whose maximum height may not exceed ninety feet (90') and to modify Section 25-6-592(C)(2) of the Austin City Code to allow for loading and unloading within the alley located between East 3<sup>rd</sup> Street and East 2<sup>nd</sup> Street adjacent to the property. The applicant has also agreed to enter into a Public Restrictive Covenant with the City of Austin.

The Restrictive Covenant would have four parts - 1. That the project complies with the City of Austin Great Streets Master Plan Streetscape Standards for any new development on the property. 2. That the applicant submit a Limited Traffic Impact Analysis to the Transportation Review Section of Planning & Development Review Department for any proposed project on the property. 3. That the applicant agree to submit a vehicle access management study to Transportation Review staff at least 60 days prior to submitting a formal site plan application and 4. Applicant agrees that all service vehicles (including delivery trucks, trash collection, etc.) will access the site only from 3<sup>rd</sup> Street.

**PLANNING COMMISSION RECOMMENDATION:**

The motion to approve staff's recommendation for CBD-CURE with a 2 star Green Building rating, 5% Green Roof and the prohibition of residential use was approved by Commissioner Jay Reddy's motion, Commissioner Clint Small second the motion on a vote of 8-0; Commissioner Anderson was absent.

## **DOWNTOWN COMMISSION RECOMMENDATION:**

### **ZONING CASES C-14-2010-0053 AND C-14-2010-0054: PROPOSED CHANGE FROM CBD TO CBD-CURE**

Michael Whellan of Graves Dougherty Heaton & Moody, briefed the Commission on the requested zoning change, including 1) CBD-CURE zoning *only* if the structure has more than 700 guest rooms, 2) 16:1 FAR, 3) a modification of the provisions of §25-2-643(A)(3), the Congress Avenue Overlay, to allow for a building setback of 40 feet rather than 60 feet, 4) modification of §25-6-592(C)(2) to allow loading within the remaining alley, 5) Great Streets, 6) a limited TIA and a vehicle access management plan prior to a site plan, and 7) freight loading and trash collection access from 3<sup>rd</sup> Street or the alley.

After the briefing, a resolution supporting the rezoning request, assuming that clear alley access was maintained, was approved with a friendly amendment on Commission Member Haas' motion, Commission Member Cady's second on a 10-0-2 vote. The friendly amendment from Commission Member Weiss was to include the clause "assuming that clear alley access was maintained." This was accepted by the maker of the motion and Commission Member who seconded the motion. Those voting aye were Commission Members Atherton, Cady, Haas, Knight, McGill, Oveisi, Schorre, Sher, Weiss and Willenzik. Chair Dealey and Vice Chair Guerrero abstained, and Commission member Lanier was off the dais.

## **DEPARTMENT COMMENTS:**

This request is similar to other requests in the Central Business District to add the "CURE" overlay to properties located in the urban core to allow for additional height for vertical development. The applicant is proposing a hotel with some mixed use on the ground floor. This site is located within the "desired development zone" where development is encouraged to locate. This property lies within the Congress Avenue Overlay District (CA), the Convention Center Overlay District (CC) and a Capital View Corridor (CV).

## **BASIS FOR RECOMMENDATION:**

*1. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

Granting the "CURE" overlay would be in keeping with recent requests for the "CURE" overlay in the Central Business District.

*2. The proposed zoning should be consistent with the goals and objectives of the City Council.*

Granting the "CURE" overlay would be in keeping with the policy of the City Council to densify the Central Business District, especially with vertical development.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<b>SITE</b>	CBD	Restaurant/Retail
<b>NORTH</b>	CBD	Office building
<b>SOUTH</b>	CBD	Office Building
<b>EAST</b>	CBD	Parking Lot
<b>WEST</b>	CBD-CURE	Residential

**CASE HISTORIES:**

<b>CASE NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-01-0029	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 8-1]	Approved CBD-CURE [Vote: 7-0]
C14-06-0071	From CBD-CURE to CBD-CURE	Approved CBD-CURE [Vote: 8-0]	Approved CBD-CURE [Vote: 5-0]
C14-06-069	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 8-0]	Approved CBD- CURE [Vote: 5-0]
C14-08-0143	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 8-1]	Approved CBD-CURE [Vote: 7-0]
C14-08-0144	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 8-0]	Approved CBD-CURE [Vote: 5-0]
C14-09-0079	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 8-0]	Approved CBD- CURE [Vote: 5-0]

**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 site is located within the Congress Avenue Overlay district (LDC 25-2-165), which serves to protect the historic character and symbolic significance of Congress Avenue and to enhance the pedestrian environment of the area.

2. Any new development is subject to Subchapter E. Design Standards and Mixed Use, except where Great Streets regulations would supersede. Additional comments will be made when the site plan is submitted.

**ENVIRONMENTAL:**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake 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. Applicant has agreed to submit a vehicle access management study to staff at least 60 days prior to submitting a formal site plan application.

3. Applicant has agreed that all service vehicles (including delivery trucks, trash collection, etc.) will access the site only from 3<sup>rd</sup> Street.

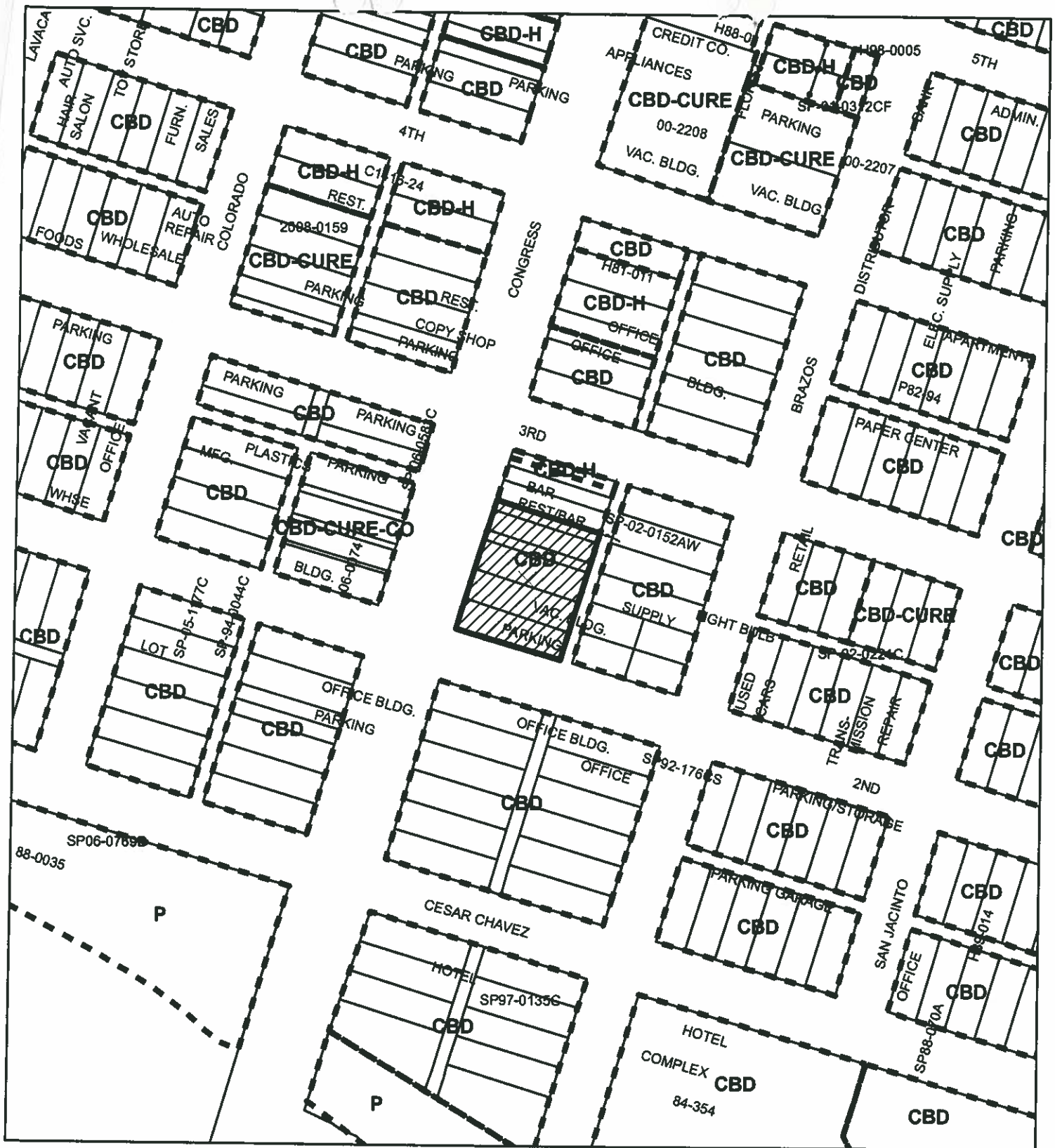
**CITY COUNCIL DATE:** June 24th, 2010

**ACTION:**




**ORDINANCE READINGS:** 1<sup>ST</sup> 2<sup>ND</sup> 3<sup>RD</sup> **ORDINANCE NUMBER:**

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

**PHONE:** 974-7691



# Legend

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING

SCALE: 1" = 200'

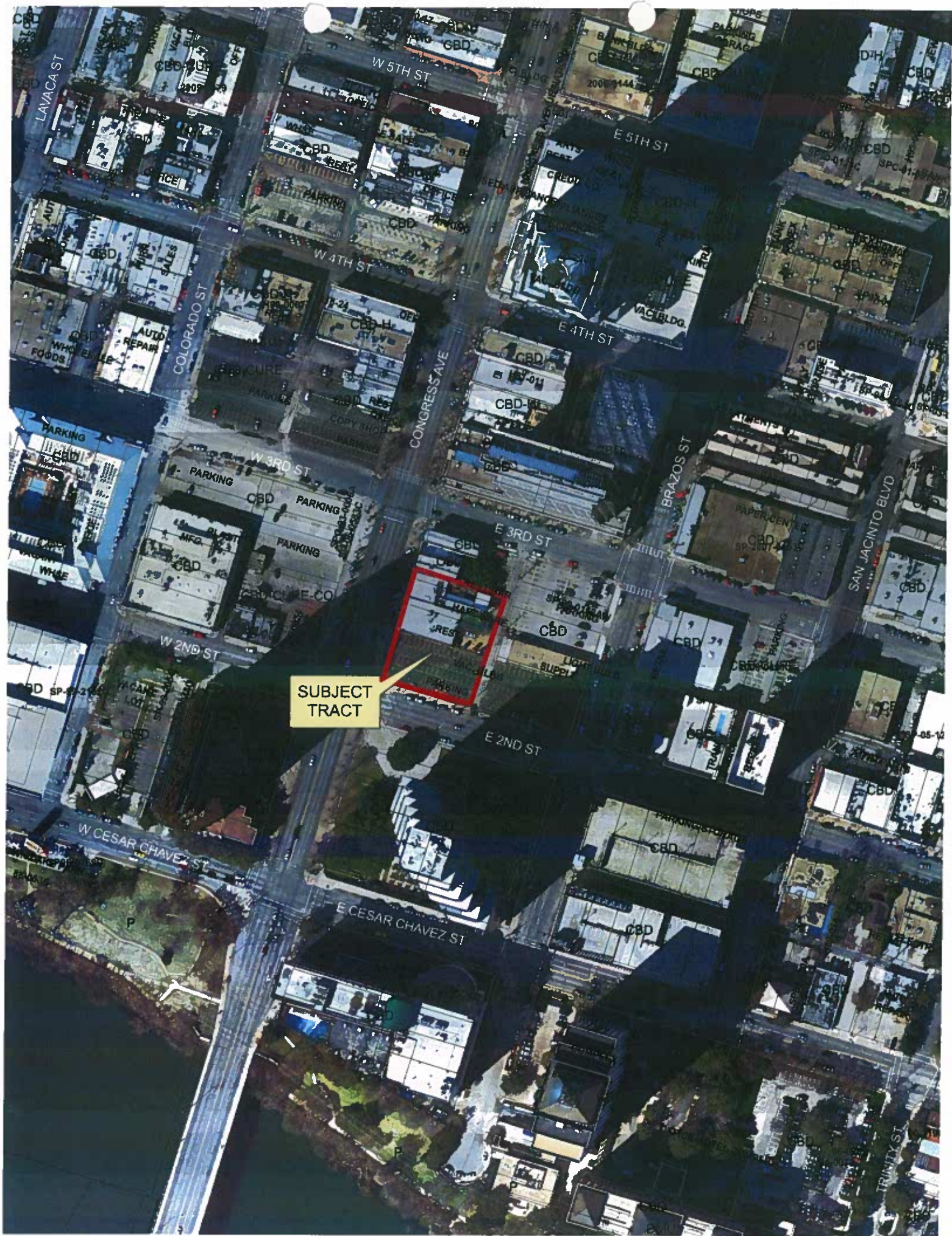
## ZONING

CASE NUMBER: C14-2010-0054  
ADDRESS: 201, 209 & 213 CONGRESS AVE  
AREA: 0.7299 AC.  
GRID: J22  
CASE MGR: C.PATTERSON

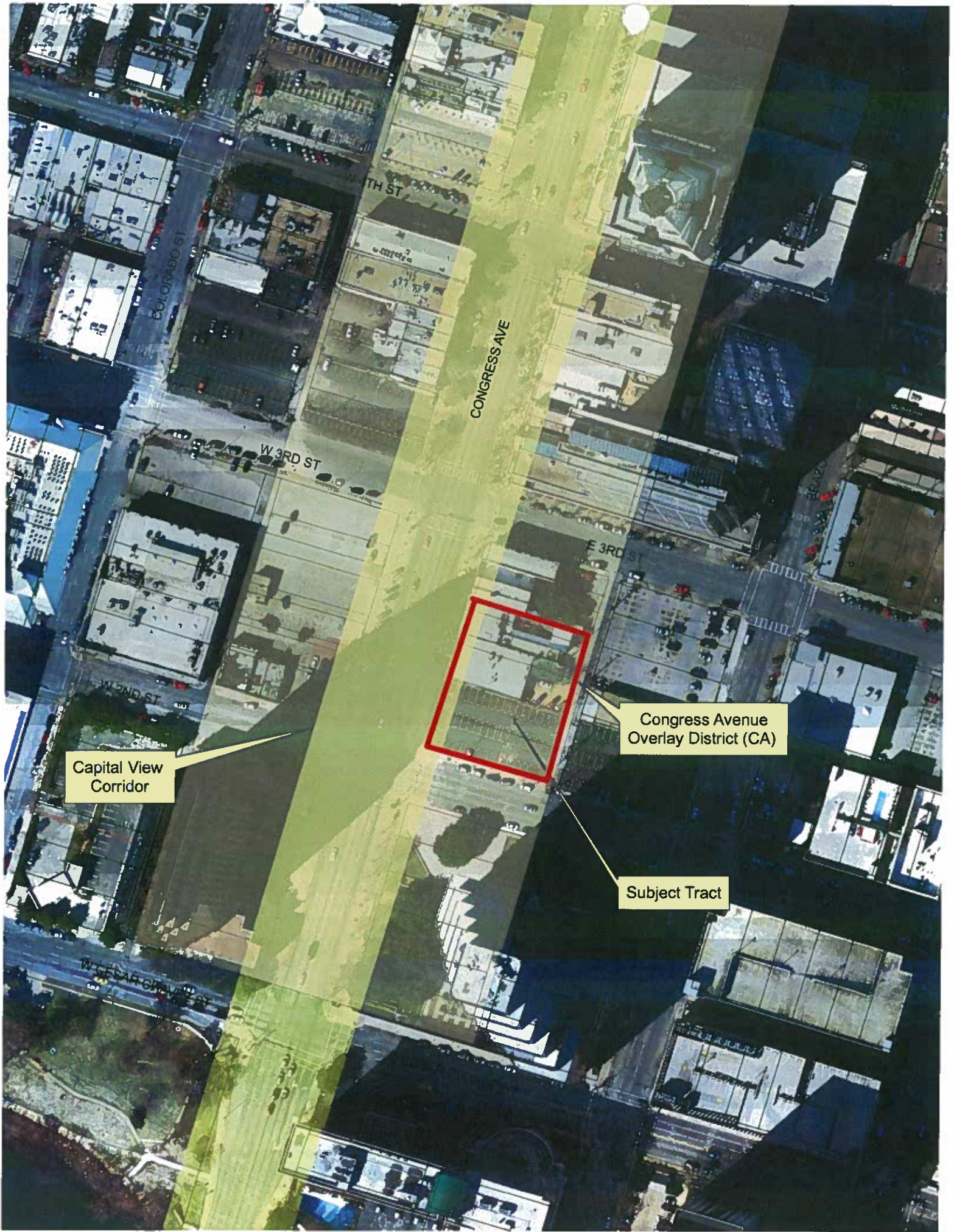
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Capital View  
Corridor

Congress Avenue  
Overlay District (CA)

Subject Tract