

## SECOND/THIRD READING SUMMARY SHEET

**ZONING CASE NUMBER:** C14-2010-0035 1800 Nueces Street

**REQUEST:** Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning the property locally known as 1800 Nueces Street (Shoal Creek Watershed) from General Office (GO) district zoning to Downtown Mixed Use (DMU) district zoning.

**DEPARTMENT COMMENTS:**

The conditions imposed by City Council on 1st reading have been incorporated into the ordinance and attachments.

**OWNER/APPLICANT/AGENT:** Coore & Crenshaw (Scott Sayers)

**DATE OF FIRST READING:** June 24th, 2010, 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 with the following additional conditions on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

A. The following uses are prohibited uses of the Property:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Cocktail lounge
Laundry service	Limited warehouse and distribution
Maintenance & service facilities	Pawn shop services
Service station	Vehicle storage

- B. Exterminating services use is a conditional use of the Property.
- C. The maximum height of a building or structure is 60 feet from ground level.
- D. The minimum rear yard setback is 5 feet.
- E. The minimum interior side yard setback is 5 feet.

**CITY COUNCIL HEARING DATE:** July 29th, 2010

**ORDINANCE NUMBER:**

**CITY COUNCIL ACTION:**

**ASSIGNED STAFF:** Clark Patterson

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2010-0035 1800 Nueces Street

**P. C. DATE:** 05-11-2010

**ADDRESS:** 1800 Nueces Street

**AREA:** .118 acres

**APPLICANT/AGENT:** Coore & Crenshaw, Inc. (Scott Sayers)

**NEIGHBORHOOD PLAN AREA:** Downtown

**CAPITOL VIEW:** No

**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, Downtown Mixed Use.

### **PLANNING COMMISSION RECOMMENDATION:**

The motion to approve staff's recommendation for DMU-CO district zoning with the conditions to prohibit laundry services and pawnshops; was approved by Commissioner Clint Small's motion, Commissioner Benjamin DeLeon second the motion on a vote of 6-2; Commissioners Mandy Dealey and Sandra Kirk voted against the motion (nay), Commissioner Jay Reddy was 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, CS and LO. The most recent surrounding case histories were requests to the DMU zoning district.

### **BASIS FOR RECOMMENDATION:**

*Granting of the request should result in an equal treatment of similarly situated properties.*

Granting DMU zoning would be in keeping with other similarly situated properties in the area that have recently received DMU zoning as well.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<b>SITE</b>	GO	Office Building
<b>NORTH</b>	GO	Apartments
<b>SOUTH</b>	GO	Single Family Residential
<b>EAST</b>	DMU-CO	Single Family Residential
<b>WEST</b>	GO	Apartments

**CASE HISTORIES:**

<b>CASE NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-06-0158	From GO to DMU	Approved DMU-CO [Vote: 7-0]	Approved DMU-CO [Vote: 5-0]
C14-06-0187	From GO to DMU	Approved DMU-CO [Vote: 8-0]	Approved DMU-CO [Vote: 5-1]
C14-07-0223	From GO 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

**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.

**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.

**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]
3. Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Nueces Street	80	37	Collector	Yes	No	Yes
W. 18th Street	60	30	Collector	Yes	No	Yes

**CITY COUNCIL DATE:** June 10<sup>th</sup>, 2010

**ACTION:**

**ORDINANCE READINGS:**

1<sup>ST</sup>

2<sup>ND</sup>

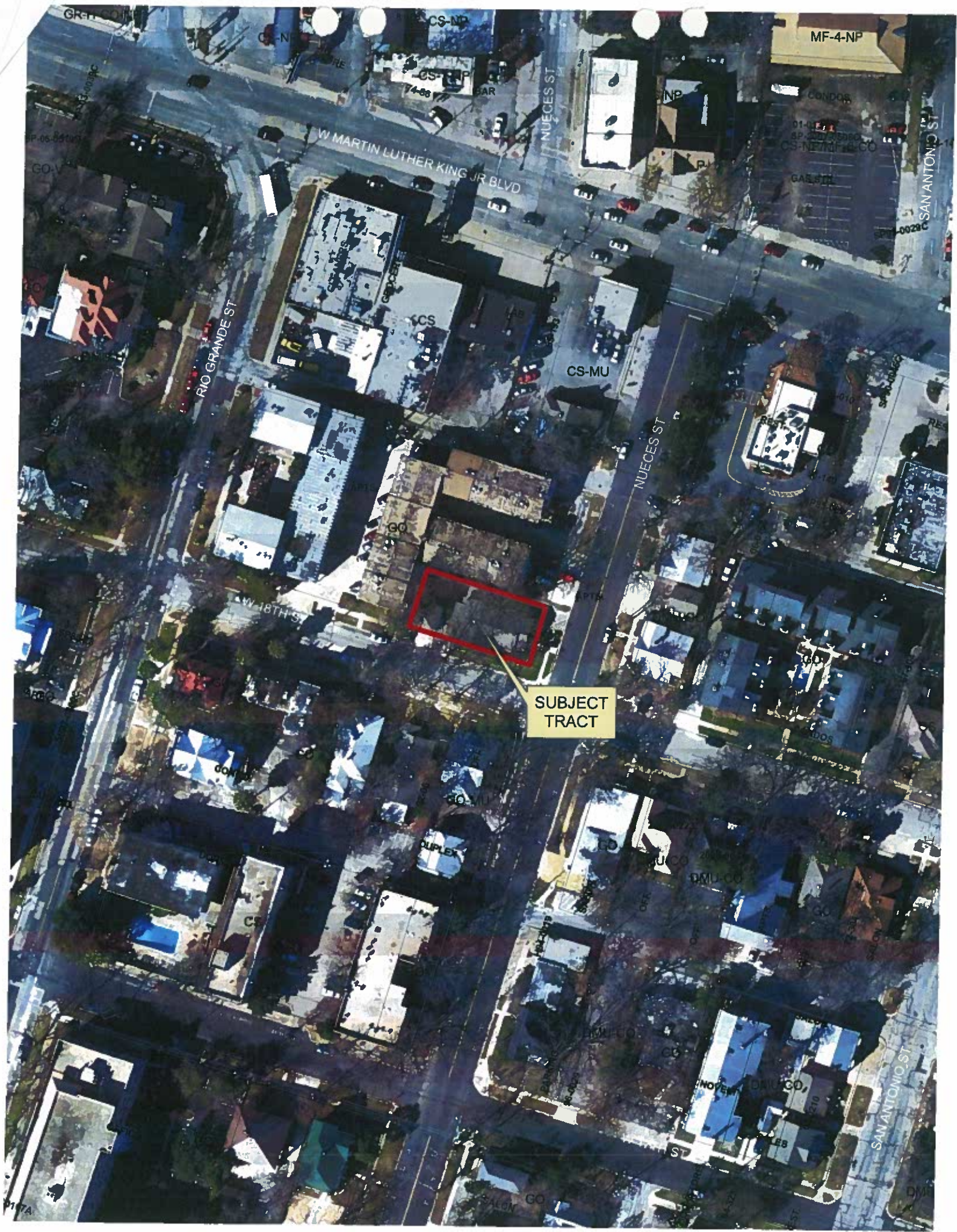
3<sup>RD</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Clark Patterson  
[Clark.patterson@ci.austin.tx.us](mailto:Clark.patterson@ci.austin.tx.us)




**PHONE:** 974-7691









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

OPERATOR: S. MEEKS

**ZONING**

ZONING CASE#: C14-2010-0035  
 ADDRESS: 1800 NUECES ST  
 SUBJECT AREA: 0.118 ACRES  
 GRID: J23  
 MANAGER: C. PATTERSON



1" = 200'

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.

Jack Nash  
4501 So. Congress  
Austin, Texas 78745

Scott Sayers  
1800 Nueces  
Austin, Texas 78701

re: Zoning

Dear Scott,

I would like to support your efforts for re-zoning your property. I think the plan you have will be very beneficial to the neighborhood.

I have property at MLK & Nueces (Taco Cabana). Your zoning will enhance the neighborhood and would be the highest and best use for your property.

Sincerely,

Jack Nash

John P. and Eleanor Schneider  
2500 Barton Creek Blvd.  
Suite 2215  
Austin, Texas 78735

April 3, 2010

City of Austin

Dear Sirs;

We consider the request for zoning change from GO to DMU as suitable for  
1800 Nueces Street. We own two parcels of land at Nueces Street and Martin  
Luther King Boulevard.

Respectfully submitted,

John P. and Eleanor Schneider



PAUL J. DUNHAM  
THAI R. THOMASON  
JIM ERICKSON  
MARK CURRIER  
GERARD PERCHES  
RAFAEL LEDESMA  
NATHANIEL WILLIAMS  
CHRIS PARKS  
JEFFREY R. CASEY  
RACHEL D. ROGERS  
SUNDAY AUSTIN  
SCOTTY D. JONES

SHAWN MARTIN  
THOMAS BLEICH  
C. MARK NELON  
ATTICUS J. GILL  
BOHUMILA P. JONES (BD)  
JOHN L. FRITZ††  
LYNDA TARWATER  
DEAN MIYAZONO  
RYAN W. HARDY  
BEN FLOREY ††

# DUNHAM LAW FIRM

A PROFESSIONAL CORPORATION

1800 GUADALUPE STREET  
AUSTIN, TEXAS 78701  
TELEPHONE: (512) 777-7777  
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**DWI.COM**

1110 E. WEATHERFORD  
FORT WORTH, TX 76102

††† BOARD CERTIFIED IN  
CRIMINAL LAW  
TX BOARD OF LEGAL SPECIALIZATION

†† OF COUNSEL

**BOARD CERTIFIED  
SPECIALISTS ††††**

April 16, 2010

Mr. Clark Patterson  
City of Austin  
One Texas Center, 5th Floor  
505 Barton Springs Road  
Austin, TX 78704

Re: Case Number C14-2010-0035 / 1800 Nueces St

Dear Mr. Patterson,

I support the rezoning of 1800 Nueces to Downtown Mixed Use from General Office. The change in use is compatible with existing zoning and possible development in Northwest Downtown Corridor.

Very truly yours,  
DUNHAM LAW FIRM, P.C.

  
Paul J. Dunham  
Attorney At Law  
E-mail: [pdunham@dunhamlaw.com](mailto:pdunham@dunhamlaw.com)

April 16, 2010

Mr. Clark Patterson  
City of Austin  
One Texas Center, 5th Floor  
505 Barton Springs Road  
Austin, Texas 78704

Re: Case Number C14-2010-0035 / 1800 Nueces Street

Dear Mr. Patterson,

I support the rezoning of 1800 Nueces to Downtown Mixed Use. This change is compatible with current zoning in the Northwest Downtown Corridor.

Regards,



William H. Baker  
President

**509W18TH, L.P.  
509 West 18<sup>th</sup> Street, Suite 200  
Austin, Texas 78701  
512-327-8850**

March 5, 2010

Mr. Scott Sayers  
1800 18th Street  
Austin, Texas 78701

Re: Proposed Rezoning to DMU


Scott:

Please let this letter serve as confirmation of our support and recommendation for your proposal to rezone the property at 1800 Nueces from GO-General Office to DMU-Downtown Mixed Use. As a property owner and the owner of several businesses operating roughly 100 feet from your property, we concur with your decision to pursue the ability to use your current structures and/or redevelop your property to meet the growing demands of our commercial location.

Nueces Street between West 15<sup>th</sup> Street and MLK Boulevard, including the associated side streets, is a vibrant commercial district including professional office, retail and multi-family uses. With the encouragement of the City to increase density in the downtown core, multi-story mixed-used projects have been approved and built just north of MLK Boulevard and processes are underway for multi-story mixed use projects on property just 2 blocks to the east. Unencumbered by the Capital View Corridor, this commercial neighborhood from Lavaca to Rio Grande is primed to meet the City's vision and the market's demand for live/work/shop mixed-use properties employing existing structures and/or the redevelopment of under-utilized properties.

Let me know if I can provide further assistance on this matter.

Sincerely,



John Bolt Harris  
President

HMBM, Inc., general partner of 509W18TH, L.P.

SCANNED

**WEST DOWNTOWN ALLIANCE**  
**801 West 17<sup>th</sup> st.**  
**AUSTIN, TX. 78701**

March 19, 2010

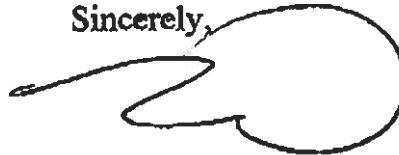
Re.: City of Austin case #C14-2010-0035

To Whom It May Concern,

This letter confirms the support of the West Downtown Alliance for the zoning change for Scott Sayers at 1800 Nueces. Mr. Sayers is applying for a change from GO to DMU, which is compatible with numerous properties in the neighborhood.

Please feel free to call me with any questions at 480-9343.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'M' followed by a large, rounded loop.

Monica Thomason  
Secretary, West Austin Alliance

603 West Eighteenth Street  
Austin, Texas 78701  
[shoalcrk@att.net](mailto:shoalcrk@att.net)

March 26, 2010

Mr. Dave Sullivan, Chair; City of Austin Planning Commission; Ms. Mandy Dealey, Vice Chair;  
Benjamin De Leon; Mr. Jay Reddy; Mr. Dave Anderson; Ms. Danette Chimenti; Ms. Sandra  
Kirk; Mr. Clint Small; and Ms. Kathryn Tovo  
P.O. Box 1088  
Austin, Texas 78767

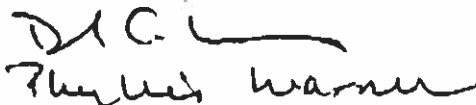
RE: File number C14-2010-0035

Dear Chairman Sullivan and Members of the Austin Planning Commission:

We are writing to support the proposed zoning change from GO to DMU for the property at 1800 Nueces Street in File Number C14-2010-0035. We own the property at 603 West 18<sup>th</sup> Street, which is within 200 feet of the proposed zoning change. The zoning in this part of the downtown area has been almost entirely commercial and high density residential since the late 1970's, and the proposed zoning change is compatible with current zoning, which includes a mix of GO, DMU, and high-density residential properties. Therefore, we request that you vote in favor of the proposed zoning change.

Thank you very much.

Sincerely,



David C. Warner  
Phyllis Warner





March 8, 2010

Mr. Scott Sayers  
1800 18th Street  
Austin, Texas 78701

Re: Property Rezoning

Dear Scott,

I would like to affirm my full support of your proposed rezoning of the property at 1800 Nueces Street from General Office to Downtown Mixed Use. I feel your decision reflects the dynamics of our developing neighborhood with several other DMU zoned properties in the immediate surrounding area. As a neighbor sitting caddy corner to your property, I agree that rezoning your property will best reflect the natural transformation of our neighborhood to potentially utilize existing structures and/or redevelop properties to meet Austin's vision and demand for a Live, Work, Play corridor.

Sincerely,

Trey Bueche  
President  
Bat City Awards, Inc.

SCANNED

Bat City Awards, Inc.  
1707 Nueces Street, Austin, TX 78701  
Phone: (512) 302-1212      sales@batcityawards.com  
Fax: (512) 302-1211      www.batcityawards.com

.....

**Ted Siff**  
**604 West 11<sup>th</sup> Street**  
**Austin, Texas 78701**

May 5, 2010

Mr. Clark Patterson  
Case Manager  
City of Austin NPZD  
505 Barton Springs Road, 5<sup>th</sup> Floor  
Austin, Texas 78704

**Re: 1800 Nueces Street – application to change zoning from GO to DMU**  
**Case Number: C14-2010-0035**

Dear Clark:

I have talked to the applicant, Scott Sayers, and personally support and recommend this application to change the zoning at 1800 Nueces Street from GO to DMU. The land contiguous to applicant's property is zoned GO and used for a 4 story student apartment building. But, the land across the street from the applicant property is zoned DMU-CO. The applicant property is in a unique area near the University, near downtown and generally unencumbered by Capitol view corridors.

DMU zoning for this property, and the property in this general area (bounded by West 15<sup>th</sup> on the south; MLK Blvd on the North, Rio Grande on the west; and, Guadalupe on the east) would help achieve the communities overall goal of a more dense and livable downtown. DMU zoning for this area is consistent with the stated goals of the city and the initial staff and consultant recommendations in the Austin Downtown-Northwest District planning.

This is especially true if the *uses* on this and other area DMU zoned property are predominantly residential, because residential uses would create a 24/7 presence in the area and would not generate the peak traffic pressures of other uses.

There is a Conditional Overlay on the DMU zoned property across Nueces Street from the applicant property. I don't know what this CO pertains to, but given its proximity to the applicant property it may be appropriate to apply the same constraint in this case.

The board of the Original Austin Neighborhood Association (OANA) has decided not to take a position on this application solely because it does not lie within our neighborhood boundaries. But the board is aware that I, as an individual rather than in my capacity as president of OANA, am writing this letter of support .

Best,



Ted Siff  
512-657-5414 (m)  
ted@legaldigest.com

.....

2010-05-25 12:29

>> 5124732447

p 1/1

**Judy L. Alexander, LCSW**  
**Adult and Child Psychotherapy**  
**1706 Nueces Street**  
**Austin, Texas 78701**  
**512 322-0706**

**May 25, 2010**

**Zoning Commission**  
**City of Austin**  
**Austin, Texas**

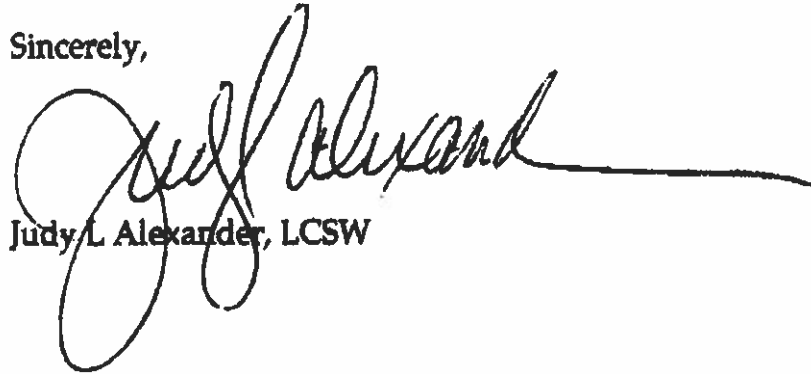
**To Whom It May Concern:**

**I am writing this letter in support of a zoning change at 1800 Nueces, Austin, Texas 78701 from GO to DMU.**

**I am the property owner of 601 West 18<sup>th</sup> (across the street from Mr. Sayers 'side' yard) and 1706 Nueces (to the south of his property).**

**If you have any questions, please feel free to contact me.**

**Sincerely,**

A handwritten signature in black ink, appearing to read 'Judy Alexander', with a long horizontal flourish extending to the right.

**Judy L. Alexander, LCSW**



a susan harris venture

309 W. 18th Street  
Austin, Texas 78701

512.480.9343 T  
512.480.9345 F

May 18, 2010

Mr. Scotty Sayers  
Coone & Crenshaw  
1800 Nueces Street  
Austin, TX 78701

Re: Zoning Case C14-2010-0035

Dear Mr. Sayers,

Please accept this letter as confirmation of my endorsement and full support for your proposal to rezone your property at 1800 Nueces Street from GO- General Office to DMU - Downtown Mixed Use.

Free market forces - including demand brought about by business and population growth, proximity to downtown, the University of Texas and the Capitol Complex - and inherent property values are transitioning this district into a more dense, mixed-use area. The City's DMU zoning designation captures those current and anticipated uses.

As your "business" neighbor on W. 18<sup>th</sup> Street, Site Solutions, Inc. supports all efforts to appropriately zone this commercial district to facilitate its next transition.

Should you have any questions, please call.

Susan H. Harris  
President