

ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0186 416 Congress

P. C. DATE: 02-22-2011

ADDRESS: 416 Congress Avenue

AREA: 0.169 acres

APPLICANT: D3-BR 416 Congress, L.L.C.
(Dan Benditz)

AGENT: Mike Mchone Real Estate.
(Mike Mchone)

NEIGHBORHOOD PLAN AREA: Downtown

CAPITOL VIEW: Yes

T.I.A.: Waived – See the Transportation Reviewer's comments.

HILL COUNTRY ROADWAY: No

WATERSHED: Town Lake

DESIRED DEVELOPMENT ZONE: Yes

ZONING FROM: CBD – Central Business District.

ZONING TO: CBD-H-CURE Central Business District - Historic Landmark - Central Urban Redevelopment District.

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is to grant CBD-H-CURE – Central Business District – Historic Landmark-Central Urban Redevelopment District. The CURE overlay would allow a floor to area ratio of 13-1.

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 case was heard by the Downtown Commission on January 19th and the Commission recommended approval of the request. This case was heard by the Design Commission on January 24th and the Commission recommended approval of the request. This case was heard by the Historic Landmark Commission on February 9th and the Commission recommended approval of the request.

PLANNING COMMISSION RECOMMENDATION:

The motion to approve staff's recommendation for CBD-H-CURE zoning, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Mandy Dealey seconded the motion on a vote of 9-0.

HISTORIC LANDMARK COMMISSION RECOMMENDATION:

The Historic Landmark Commission at a special called meeting on February 9th, 2011, voted to recommend the proposed zoning change from CBD to CBD-CURE-H for the property's significance in architecture, historical associations, and community value. Vote: 5-0 (Arriaga and Rosato absent).

DOWNTOWN COMMISSION RECOMMENDATION:

The Downtown Commission at their regularly scheduled meeting on January 19th, 2011, voted on a resolution to support: 1) rezoning from CBD to CBD-CURE-H with 13:1 FAR and historic (H) zoning, and 2) a curb modification to allow for 24-hour valet parking in front of the hotel was approved on Commission Member Haas' motion, Commission Member Cady's second, on an 11-0-1 vote. Those voting in favor were commission members Cady, Guerrero, Haas, Knight, Lanier, Leary, McGill, Oveisi, Schorre, Sher and Weiss. Commission chair Dealey abstained, and members Daniels and Willenzik were off the dais.

DESIGN COMMISSION RECOMMENDATION:

The Design Commission at their regularly scheduled meeting on January 24th, 2011, voted to approve a motion to have Design Commission support the project as requested and asked that if the building design changes to return to the Commission for a presentation. A friendly amendment to support hotel use only was accepted by the maker of the motion and the 2nd made by R. Weiss; Second by: J. Weiss was approved on a vote of [4-0] [J. Shieh; D. Knoll not present].

BASIS FOR RECOMMENDATION:

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

Granting the staff recommendation would be in keeping with granting similar requests to modify Floor-to-Area-Ratio (FAR) in the past.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	CBD	Mixed use Building
NORTH	CBD	Mixed use Building
SOUTH	CBD-H	Mixed use Building
EAST	CBD-CURE	Mixed use Building
WEST	CBD	Mixed use Building

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
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:

- SP 1. This site is within the Congress Avenue Overlay and is within the National Registered Historic District. The Historic Landmark Commission may need to review the zoning case on the property. Please contact the Historic Preservation Officer at 974-6454 for additional information [Chapter 25-11]. Any remodel will also need to be reviewed and approved by the HLO.
- SP 2. This site is within the South Congress Capitol View Corridor. Any development must comply with the limits of the view corridor, which is strictly enforced. An application for a Capitol View Corridor Height Determination must be submitted to Intake and an application fee paid. For more information, contact the Development Assistance Center at 974-6370.
- SP 3. Any new development is subject to Subchapter E, Design Standards and Mixed Use.

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:

TR1. No additional right-of-way is needed at this time.

TR2. 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]

TR3. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Congress Avenue	120'	60'	Arterial	Yes	Yes	Yes

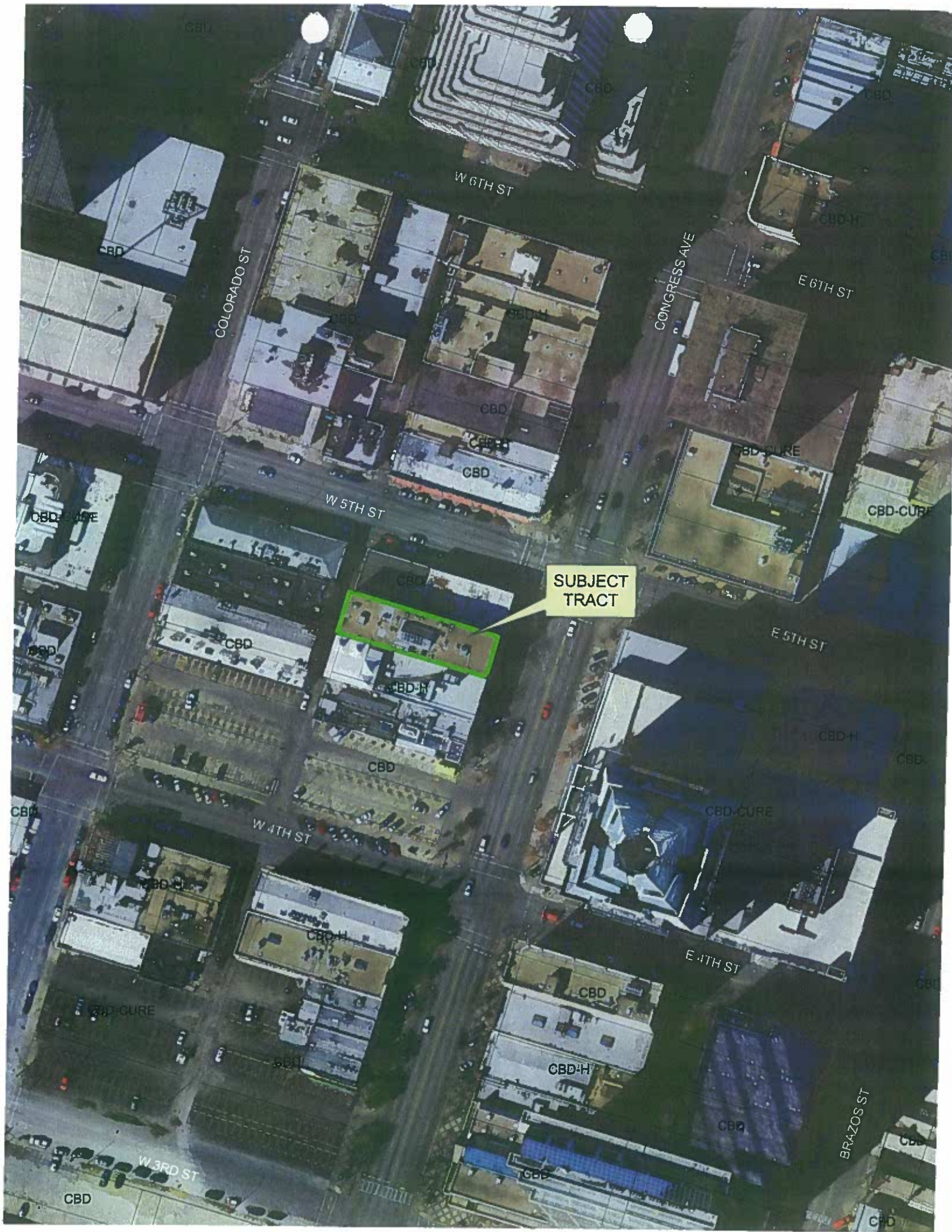
CITY COUNCIL DATE: March 24th, 2011

ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD **ORDINANCE NUMBER:**

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

PHONE: 974-7691



COLORADO ST

W 6TH ST

CONGRESS AVE

E 6TH ST

W 5TH ST

SUBJECT TRACT

E 5TH ST

W 4TH ST

E 4TH ST

W 3RD ST

BRAZOS ST