

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2011-0036 807, 809, & 811 Nueces Street **P.C. DATE:** 05/24/11

**ADDRESS:** 807, 809, & 811 Nueces Street

**AREA:** 0.208 Acres

**APPLICANT:** Ehrlich Interest, L. P. (Robert Ehrlich)

**AGENT:** Nix Group Architects (Jim Nix)

**NEIGHBORHOOD PLAN AREA:** Downtown

**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 service use, cocktail lounge use or liquor sales a conditional use; and prohibit pawn shop services, automotive washing, automotive repair, automotive rental and automotive sales, a one hundred foot (100') height limit, a five foot (5') setback on Nueces Street, a five foot (5') setback on 9<sup>th</sup> street as well as a limit vehicle trips to less than 2,000 per day.

### **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. It should be noted that this property is subject to a Capitol View Corridor and the Criminal Justice Overlay sub-district (25-2-650) In the Criminal Justice Center overlay district a bail bond services use, cocktail lounge use or liquor sales use that otherwise be a permitted use is a conditional use; and pawn shop services use is prohibited. This site is located within the "desired development zone" where development is encouraged to locate. Note: Single family, multifamily and commercial uses on properties zoned CBD or DMU are required to meet a 1-star rating under Austin Energy's Green Building Program.

### **PLANNING COMMISSION RECOMMENDATION:**

The motion to approve staff's recommendation for DMU district zoning, was approved on the consent agenda by Commissioner Mandy Dealey's motion, Commissioner Sandra Kirk seconded the motion on a vote of 6-0; Commissioners Danette Chimenti and Dave Anderson were absent, 1 vacancy on the commission.

**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 Buildings
<b>NORTH</b>	DMU-CO	Office Building
<b>SOUTH</b>	DMU-CO	Parking Lot
<b>EAST</b>	CS	Parking Garage
<b>WEST</b>	DMU-CO	Office Building

**CASE HISTORIES:**

<b>CASE NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-99-0082	From MF-4 to DMU	Approved DMU-CO [Vote: 7-0]	Approved DMU- CO [Vote: 7-0]
C14-06-0158	From GO to DMU	Approved DMU-CO [Vote: 7-0]	Approved DMU-CO [Vote: 5-0]
C14-06-0177	From MF-4 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 Coalition
- Austin Neighborhood Council
- Downtown Austin Neighborhood Association

**SCHOOLS:**

Matthews Elementary School, O' Henry Middle School, Austin High School

### **SITE PLAN:**

1. If zoned DMS, this site will be subject to § 25-2-168 Downtown Parks (DP) Overlay District. Additional comments will be made when the site plan is submitted.
2. This site is within the Barton Creek Pedestrian Bridge Capitol View Corridor. The view corridor is strictly enforced per maximum height allowed within the corridor. Additional comments will be made when the site plan is submitted.
3. This tract is also with 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.
4. Any new development is subject to Subchapter E. Design Standards and Mixed Use. 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 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:**

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

TR2. A traffic impact analysis will be required at the time of site plan application if the intensity and uses for this development generate over 2,000 vehicle trips per day. [LDC, 25-6-117]

TR3. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Nueces St	80'	40'	Collector	Yes	Yes	Yes (Within ¼ mile)
9 <sup>th</sup> Street	80'	40'	Collector	Yes	No	Yes (Within ¼ mile)

**CITY COUNCIL DATE:** June 19th, 2010

**ACTION:**

**ORDINANCE READINGS:**

1<sup>ST</sup>

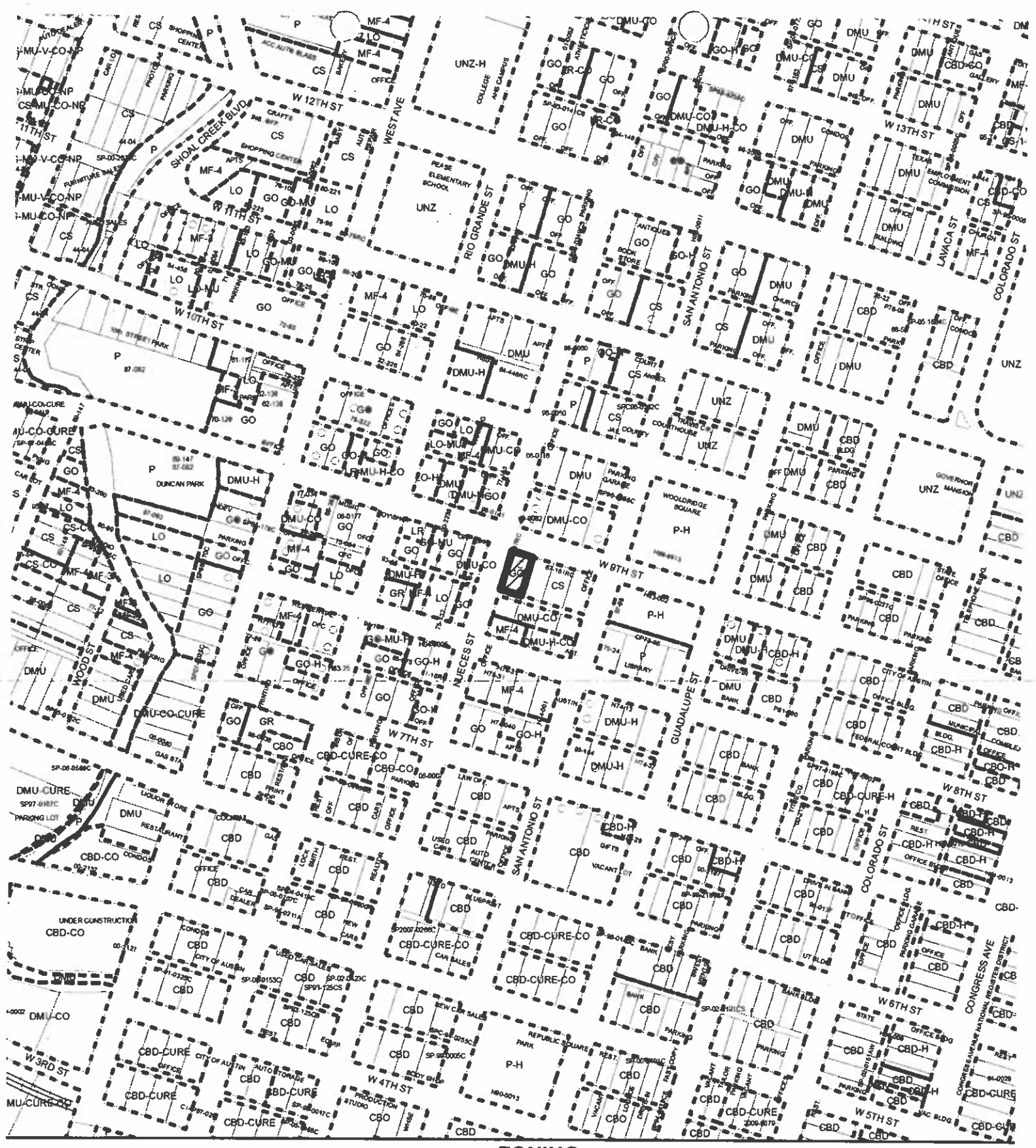
2<sup>ND</sup>

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



## ZONING

ZONING CASE#: C14-2011-0036  
 LOCATION: 807, 809, 811 NUECES ST  
 SUBJECT AREA: 0.2028 ACRES  
 GRID: J22  
 MANAGER: CLARK PATTERSON



- N
- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1" = 400'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







**Important:** Select the Viewpoint/Corridor Name (below) FIRST.

[illegible]

## Architects

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**From:** Ted Siff [ted@legaldigest.com]  
**Sent:** Wednesday, May 18, 2011 11:24 AM  
**To:** Clark Patterson  
**Cc:** Jim Nix; Bob Ehrlich  
**Subject:** FW: OANA supports zoning change conditionally - RE: C14-2011-0036 - 807, 809 & 811 Nueces Street -update/clarrification

**Attachments:** OANA ltr re 807-11 Nueces.doc

Dear Clark,

I've just talked to the applicant, Bob Ehrlich, and would like provide the following update and clarification.

First, we now know that the Capitol View Corridor height restriction is 101 rather than 65 feet as stated in the attached letter. This doesn't affect our support for the DMU zoning change requested in this application.

Also, to clarify, we are supporting the applicant's request to change the zoning to the current DMU category imposing it's set back requirements. We are aware that the current DMU set back requirements are more lenient than those recommended in the DAP.

Let me know if you have any questions.

Best, Ted

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**Ted Siff, President**  
**Original Austin Neighborhood Association**

Direct: 512.657.5414

Fax: 512.495.9955

email: [ted@legaldigest.com](mailto:ted@legaldigest.com)

<http://www.originalaustin.org>

 please consider the environment before printing this email

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**From:** Ted Siff [mailto:ted@legaldigest.com]  
**Sent:** Monday, May 16, 2011 2:16 PM  
**To:** Clark Patterson  
**Cc:** Jim Nix  
**Subject:** OANA supports zoning change conditionally - RE: C14-2011-0036 - 807, 809 & 811 Nueces Street

Dear Clark,

Attached is our letter of support with conditions on C14-2011-0036 (807-11 Nueces Street).

Please let me know if you have any questions.

Best, Ted

5/18/2011





**Post Office Box 1282**  
**Austin, TX 78767**  
**[www.originalaustin.com](http://www.originalaustin.com)**  
**[www.citilite.com/oana/](http://www.citilite.com/oana/)**

**May 16, 2011**

Clark Patterson, Case Manager  
Planning & Development Review Department  
City of Austin

**RE: C14-2011-0036 - 807, 809 & 811 Nueces Street**

Dear Mr. Patterson:

The Board of Directors (BoD) of the Original Austin Neighborhood Association (OANA) at its regularly scheduled second Tuesday of the month meeting on 05-10-11, and after initial discussion with the property's owner and his representative, discussed the above referenced rezoning request from GO zoning district to the DMU zoning district. **The BoD of OANA voted to support the rezoning request with conditions.**

We discussed with the applicant why he was requesting for rezoning given that the Downtown Austin Plan (DAP) will apparently be implemented sometime this year and this property is scheduled to be classified as DMU-60. The applicant stated that since his property is subject to the Capitol View Corridor (CVC) restrictions limiting his future developmental height 65 feet or so that the DAP height restrictions were not his main concern but rather the setback requirements of the plan. The applicant stated that while he or his family had no foreseeable plans to develop the property, due to the relative small size of the lot (under 9,000 square feet) and its small street frontage in combination with the sheer existing structure to its east, the DAP setback requirements would just be too onerous.

Based on the above understanding, the BoD asks the Planning Commission to condition the applicant's rezoning request to DMU with a height restriction commiserate with the CVC ordinance and to prohibit uses including bail bond services, pawn shop services, automotive services, any other prohibited uses enumerated by the Criminal Justice Center special use district, and any use containing outdoor entertainment.

Sincerely:

Ted Siff, President

**Board of Directors**

**Ted Siff, President**

**Mark Holzbach, Vice President**

**Albert Stowell, Treasurer**

**Blake Tollett, Secretary**

**Jocelyn Dabeau**

**Rick Hardin**

**Perry Lorenz**

**John Horton**

**Bill Schnell**

## 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](http://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: C14-2011-0036**

**Contact: Clark Patterson, 512-974-7691**

**Public Hearing: May 24, 2011, Planning Commission**

**June 23, 2011, City Council**

*Scott Soyars*  
Your Name (please print)

☒ I am in favor  
☐ I object

*1800 Nueces St. Austin TX 78701*  
Your address(es) affected by this application

*Clark Patterson*  
Signature

Date

Daytime Telephone: *512/478-3485*

Comments:

*The board of interest in the  
West Downtown Alliance  
Supports this application.*

*Clark Patterson*  
*Scott Soyars*

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

City of Austin  
Planning & Development Review Department  
Clark Patterson  
P. O. Box 1088  
Austin, TX 78767-8810