ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0058 707 West Avenue Rezoning

P.C. DATE: 07/26/11

ADDRESS: 705, 707, 709, 711 West Avenue & 710 West 7th Street

AREA: 0.444 Acres

APPLICANT: Cirrus Logic, Inc. (Thurman Case)

AGENT: Armbrust & Brown, P.L.L.C. (Richard Suttle)

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

ZONINGTO: CS – General Commercial Services

SUMMARY STAFF RECOMMENDATION:

Staff recommends CS-CO, General Commercial Services - Conditional Overlay. The Conditional Overlay would prohibit the following uses: Agricultural sale and services, Automotive rentals, Automotive repair services, Automotive sales, Blood plasma service, Building maintenance services, Campground, Commercial off street parking, Construction sales and services, Convenience storage Drop off recycling collection facility, Equipment repair services, Equipment sales, Funeral services, Kennels, Monument retail sales, Plant nursery, Pawn shop services, Service station, Stables, Vehicle storage, and Veterinary services and would make the following uses a conditional use: Cocktail lounge, liquor sales and Bail bond services and would limit the vehicle trips to 2,000 per day.

DEPARTMENT COMMENTS:

The property is currently developed with a two story office building with an adjacent three story parking garage. The applicant, Cirrus Logic, Inc. is currently constructing a multi-story office building on property that it owns on the Northwest corner of West Avenue and 6th Street which was granted DMU-CURE zoning with ordinance number 20050728 in 2005. The new facility will be approximately 135,000 square feet and will be able to accommodate up to 500 employees at full capacity. The building is expected to be completed and ready for occupancy by the end of summer 2012. The property was granted CURE which increased the permitted height on the property to one hundred thirty six feet (136'). Cirrus Logic, Inc. is a premier supplier of high-precision analog and digital signal processing components for audio and energy markets. The applicant has indicated that they need a structure close to the one under construction that they can use for Electronic Prototype Assembly, Electronic Testing and Research Services. The first zoning district that permits those uses is General Commercial Services (CS). The subject property is located on the Northeast corner of 7th Street and West Avenue and is in the Northwest District of the Downtown Austin Plan. The Downtown Austin Plan calls for this property to convert to Downtown Mixed Use with a sixty foot height limit (DMU-60). The applicant has been meeting with the neighborhood, Original Austin Neighborhood Association, to work out an agreement that would satisfy both parties. To date the

neighborhood has issued a letter stating their position and it is included in your back up. The applicant has agreed to prohibit the listed uses in the letter. The prohibited uses are those that are not found in the Downtown Mixed Use zoning district. By agreeing to prohibit those uses, you are ostensibly left with a "DMU-60" with three additional uses, those being Electronic Prototype Assembly, Electronic Testing and Research Services. This case was heard by the Downtown Commission on July 20th and they voted 10-0-1 to support the zone change request.

PLANNING COMMISSION RECOMMENDATION:

The motion to approve staff's recommendation with the addition of the Mixed Use overlay for CS-MU-CO district zoning; was approved by Commissioner Tina Bui's motion, Commissioner Alfonso Hernandez seconded the motion on a vote of 5-1-1; Commissioner Danette Chimenti voted against the motion, Commissioner Richard Hatfield abstained; Commissioner Mandy Dealey was absent; 1 vacancy on the commission.

BASIS FOR RECOMMENDATION:

1. *Zoning should allow for reasonable use of the property.*

Granting the requested zoning, as stated in the staff recommendation, would result in a land use that would be no more intense than what would be granted in the Downtown Austin Plan.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	GO	Office
NORTH	GO/MF-4	Office
SOUTH	GO/GR	Office building
EAST	GO	Office
WEST	GO	Retail/services

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-05-0040	From GO to DMU-CURE-CO	Approved DMU-CURE-CO [Vote: 7-0]	Approved DMU-CURE CO [Vote: 7-0]
C14-06-0007	From CS to CBD-CO	Approved CBD-CO [Vote: 7-0]	Approved CBD-CO [Vote: 5-0]
C14-06-0183	From GR to CBD-CURE-CO	Approved CBD-CO-CURE [Vote: 7-0]	Approved CBD-CO-CURE [Vote: 7-0]

NEIGHBORHOOD ORGANIZATION:

- 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
- Austin City Lofts HOA
- West End Austin Alliance
- Original Austin Neighborhood Assoc.

SCHOOLS:

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

SITE PLAN:

SP 1. This site is within the Capitol View Corridor, and the maximum height allowed within the view corridor is strictly enforced. For any new development, an application for a Capitol View Corridor Height Determination must be submitted to Intake and demonstrate compliance prior to site plan review. For more information, contact the Development Assistance Center at 974-6370.

SP 2. This tract is also located within the Criminal Justice Center Overlay District (§ 25-2-650), and the following uses are prohibited:

(1) bail bond services uses, cocktail lounge uses, or liquor sales uses that would otherwise be a permitted use as a conditional use; and
(2) pawn shop services uses is a prohibited use.

SP 3. Any new construction may require compliance with Subchapter E, Commercial Design Guidelines for Urban Roadways. Additional comments will be made during the site plan review.

SP 4. Site plans will be required for any new development other than single-family or duplex residential.

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.

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ZONING

N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1" = 400'

ZONING CASE#: C14-2011-0058

LOCATION: 705, 707, 709 & 711 WEST AVE & 711 W 7TH ST

SUBJECT AREA: 0.444 ACRES

GRID: J22

MANAGER: CLARK PATTERSON

CITY OF AUSTIN · FOUNDED 1839

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.


SUBJECT TRACT
CAPITOL VIEW CORRIDOR
WEST AVE
W 9TH ST
W 8TH ST
W 7TH ST
W 6TH ST
WOOD ST
RIO GRANDE ST
NUECES ST
GO
GO-MU-H
GO-H
LO
LR
GR
CBD
CBD-CO
CBD-CURE
OFFICE
PARKING
H83-25

Height Determination Worksheet

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

Viewpoint/Corridor Name	Review Site	VP Elevation.	Distance from Cap to Review Sitr Point	RS Elevation (approx.)	a 653 - VP Elev.	b Distance VP to Cap	tan Θ a/b	b' Distance VP to RS	a' tan Θ times b'	Max. Elev. VP Elev. + a'	h Max. Elev. - RS Elev. (approx.)
Barton Creek Pedestrian Bridge - 1	a	445	3285	482	208	8465	0.0246	5180	127.43	572.43	90.43
Barton Creek Pedestrian Bridge - 1	b	445	3465	472	208	8465	0.0246	5000	123.00	568.00	96.00

ORDINANCE NO. 20050728-Z021

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 800 WEST 6TH STREET, 602, 606, AND 700 WEST AVENUE FROM GENERAL OFFICE (GO) DISTRICT AND DOWNTOWN MIXED USE (DMU) DISTRICT TO DOWNTOWN MIXED USE- CONDITIONAL OVERLAY-CENTRAL URBAN REDEVELOPMENT DISTRICT (DMU-CO-CURE) 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 and downtown mixed use (DMU) district to downtown mixed use-conditional overlay-central urban redevelopment district (DMU-CO-CURE) combining district on the property described in Zoning Case No. C14-05-0040, on file at the Neighborhood Planning and Zoning Department, as follows:

> Lots 1-6, Outlot 1, Division E, J.H. Robinson Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 1, Page 28, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 800 West 6th Street, 602, 606, and 700 West Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The regulations for the Property within the boundaries of the CURE combining district established by this ordinance are modified as follows:

The maximum height of a building or structure or portion of a building or structure is 136 feet.

PART 3. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

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 4. This ordinance takes effect on August 8, 2005.

PASSED AND APPROVED

§
§
§

July 28, 2005

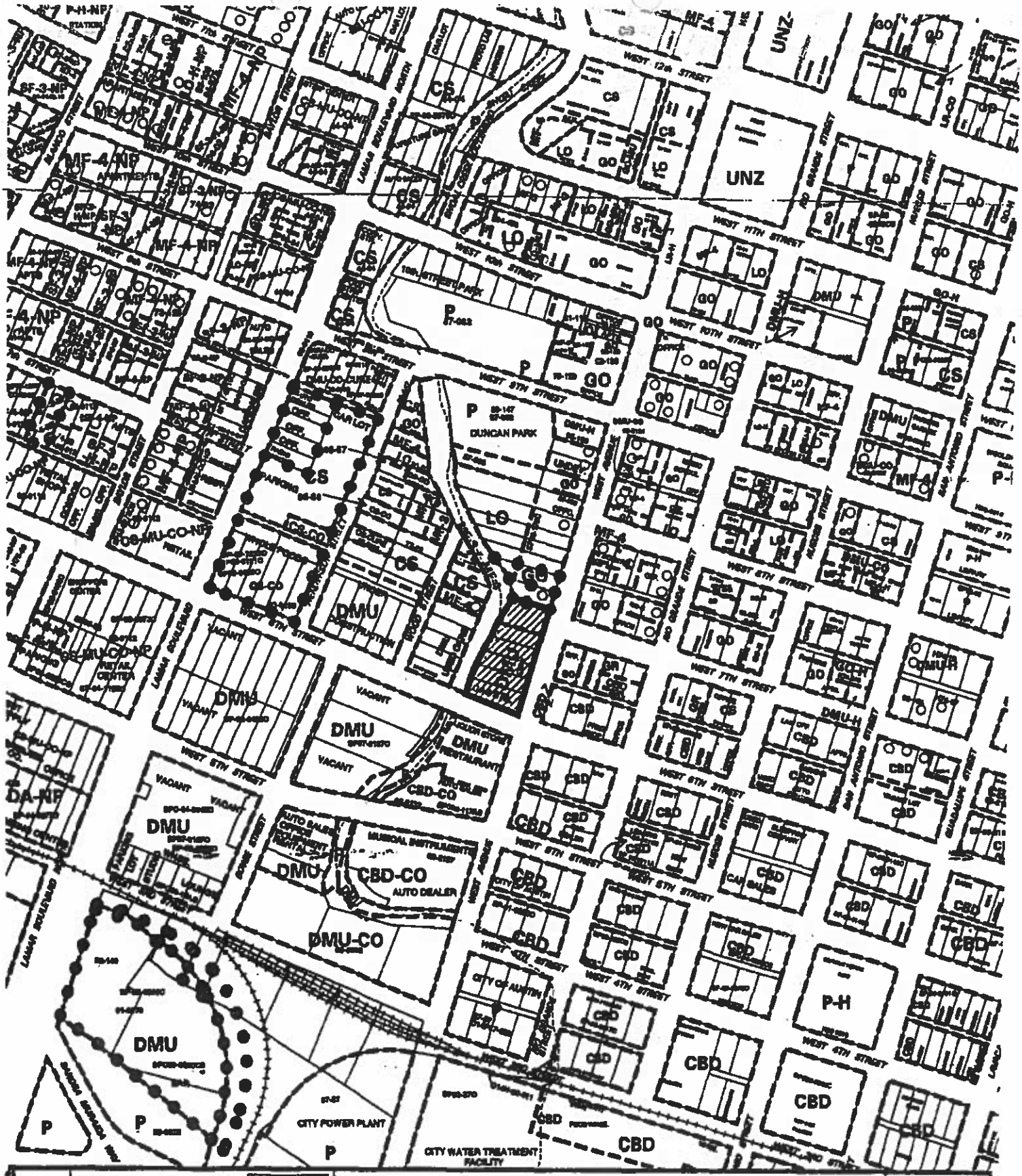
Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk



N 1"=400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: T. BOLT	ZONING EXHIBIT A CASE #: C14-05-0040 ADDRESS: 800 W 6TH ST SUBJECT AREA (acres): 1.337	CITY GRID REFERENCE NUMBER H22 DATE: 05-07 INTLS: SM

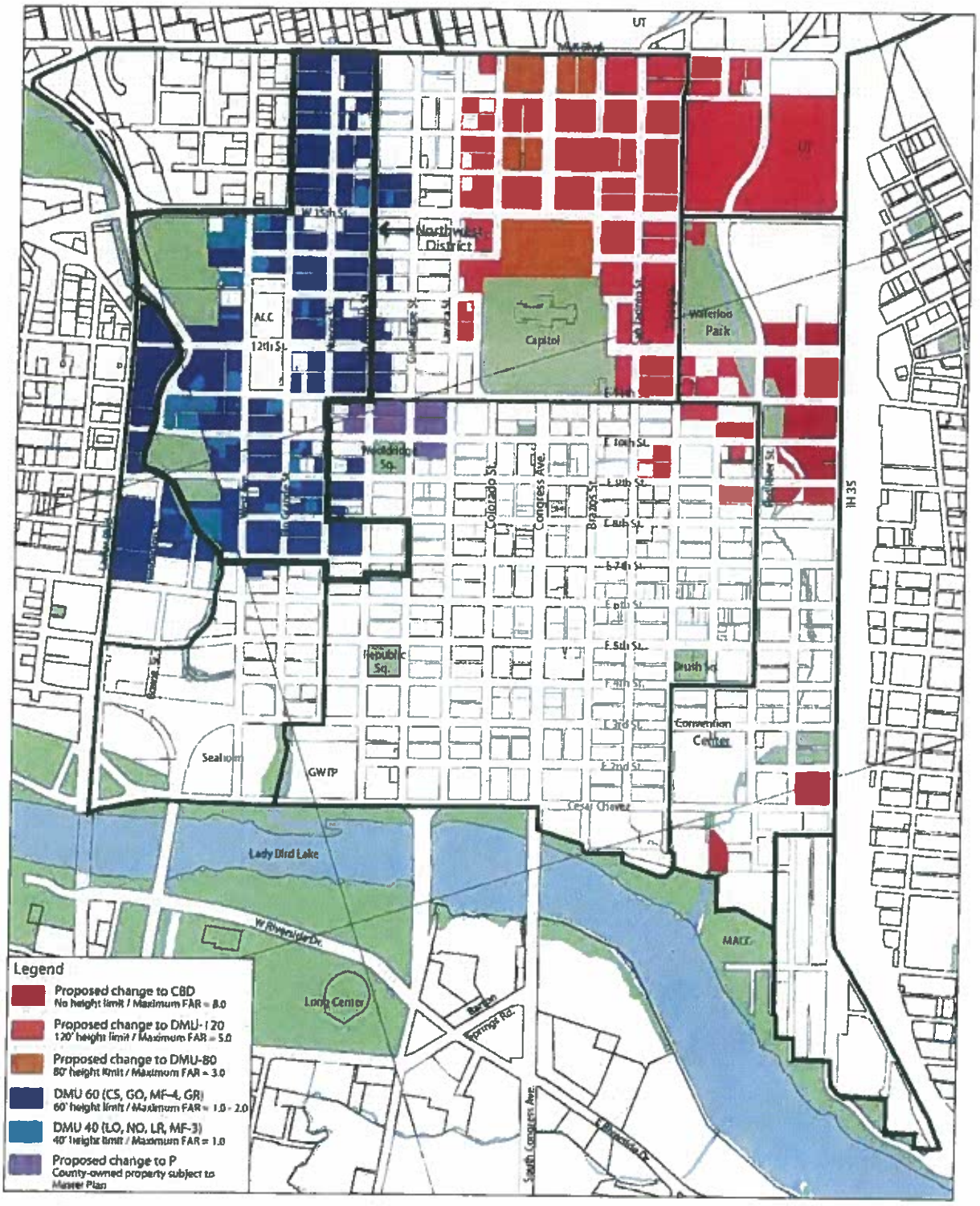


Figure 7:
Northwest District Proposed Zoning Changes

About Ctrrus Logic

Locations

Map end Directions

International Sites

Future Headquarters Building

Press Room

Future Headquarters Building



In January 2011, Cirrus Logic began construction on its new corporate headquarters in downtown Austin at 800 West 6th Street, intersecting West Avenue. The new facility will be approximately 135,000 square feet and will be able to accommodate up to 500 employees at full capacity. The building is expected to be completed and ready for occupancy by the end of summer 2012.

Weeks of July 4 and June 27, 2011





Weeks of June 20, June 6 and May 30, 2011











Weeks of May 23, May 9 and May 2, 2011







Weeks of April 25, April 18, and April 4, 2011

Original Austin
Neighborhood
Association

Post Office Box 1282
Austin, TX 78767
www.originalaustin.com
www.citicite.com/oana/

June 24, 2011

Clark Patterson, Case Manager
Planning & Development Review Department
P. O. Box 1088
Austin, Texas 78767

RE: C14-2011-0058 - 707 West Avenue, AKA: 705, 709, 711 West Avenue and 710 West 7th Street

Proposed Zoning Change:
From: GO-General Office
To: CS-General Commercial Services

Dear Mr. Patterson:

The Board of Directors (BoD) of the Original Austin Neighborhood Association (OANA) at its regularly scheduled monthly meeting on June 15, 2011, upon notice to interested parties, discussed the above referenced rezoning request to change the zoning from GO-General Office to CS-General Commercial Services for this property on West Avenue.

The OANA BoD believes that CS zoning is not consistent with the recommendations for the Northwest District of the Downtown Austin Plan. A number of OANA directors are opposed to the proposed rezoning and the application of CS zoning on or north of West 7th Street within the boundaries of OANA. Among their concerns is that this zoning change request, if approved, will set a bad precedent, no matter what conditions are place on it.

Additionally, some OANA directors believe the applicant could work with City staff to initiate a code amendment that would allow the uses they need within the DMU zoning category, and once this is done, the applicant could apply for DMU zoning, consistent with the Downtown Austin Plan recommendations.

However, after discussions with you, other city staff and the applicant, **the majority of the OANA BoD, does not object to the applicant's proposed uses (i.e., Electronic Prototype Assembly, Electronic Testing and Research Services) at this location.**

Therefore, in consultation with the applicant, **the OANA BoD supports CS-CO zoning on the subject property, provided that the applicant agrees to a Conditional Overlay (CO) enforced by the City of Austin; and provided the applicant enters into a private Restrictive Covenant (RC) with OANA, limiting this zoning change to 1) this tract of land; 2) at this time; and, 3) to this user.**

We propose that the CO would contain the following provisions.

First, the CO *would prohibit the following uses* that otherwise would be allowed under CS zoning:

-Agricultural Sales and Service
-Automotive Rentals
-Automotive Repair Services
-Automotive Sales
-Blood plasma service
-Building Maintenance Services
-Campground
-Commercial off street parking
-Construction Sales & Services
-Convenience Storage
-Drop-Off Recycling Collection Facility
-Equipment Repair Service
-Equipment Sales
- Funeral Services
-Kennels
-Monument Retail Sales
-Plant Nursery
-Service Station
-Stables
-Vehicle Storage
-Veterinary Services

Second, the CO *would require* Great Streets treatment in the public right of way and pedestrian-oriented uses within the building along both the West 7th Street and West Avenue frontages, as well as creating the appropriate building façade treatments and openings that contribute to a high-quality pedestrian environment, such as those required by Subchapter E of the Land Development Code. (This would also include re-locating the dumpster, which is currently in the public ROW, onto the property and screening it, and screening the surface parking, per the current Landscape Ordinance.

Third, the CO *would require* that in any building on this property a minimum of 50% of the building's net square footage above 60' in height would have to be dedicated to residential uses.

Thank you in help in this case, and please contact me if you have any questions.

Sincerely;

Ted Siff

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

6 July 2011

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

RE: C14-2011-0058; 707 West Avenue

Dear Mr. Patterson:

I am writing to you today as an individual property owner (601 & 603 West 12th Street and 1202 San Antonio Street) in the North West District of downtown Austin. I am opposed to the rezoning of the above referenced property to the requested CS zoning district, or any zoning district less restrictive than DMU-60, and would ask City Staff to recommend that zoning district also.

My opposition to the requested rezoning is based on the following:

1) Under the definition of the Commercial Services zoning district:

"Commercial or industrial activities which typically have operating characteristics or traffic service requirements **generally incompatible with residential environments**"

There are contiguous residential uses to the east, north and northwest of the property proposed for rezoning, and a plain reading of the Land development Code should preclude this rezoning as being incompatible with this long standing use.

2) The introduction of the Commercial Services zoning district on to this block would be spot zoning, and regardless of Conditional Overlays, would potentially destroy the character of the block. There are no current zoning districts comparable to the requested zoning district east of West Avenue and north of West 7th Street, and the granting of the requested rezoning would set a precedent.

3) The applicant has cited a need to do "electronic testing" at the property referenced and have cited that use as the reason they need such an intense zoning district. First, why was not this testing facility need not anticipated in their ongoing building project at West 6th Street and West Avenue? I also question why this purportedly innocuous use cannot be accommodated by a change in allowed use under the DMU zoning district. Rezoning a property, especially to a much less restrictive zoning district than is currently in place is a very consequential matter.

4) The Downtown Austin Plan anticipates a rezoning of the property to DMU-60.

I consider this matter a "bright line" test of whether the City is serious about bringing residents back to the North West District. I am asking that the rezoning request be denied.

Blake Tollett
3701 Bonnie Road 78703
512-477-4028
blake.tollett@earthlink.net

5 August 2011

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

RE: C14-2011-0058; 707 West Avenue

Dear Mr. Patterson:

I am writing to you again as an individual property owner in the North West District of Downtown Austin. I remain in opposition to the above referenced rezoning request from the GO zoning district to a CS-CO zoning district because the request is premature and short circuits the normal process of developmental change. I would ask you to include this letter in the package going to City Council on this matter.

Under the anticipated Downtown Austin Plan (DAP) the zoning district for this property will be DMU with an allowable developmental height of 60 feet. The applicant has been very persuasive in their assertion of the noninvasive nature of the testing they anticipate at the property, but under the current Land Development Code (LDC), this type of testing is not allowed in the DMU zoning district. Rather than a spot rezoning of the property in contradiction to the DAP, why isn't the applicant applying to the Codes & Ordinances Subcommittee of the Planning Commission to have a new use category under the DMU zoning district?

During the Planning Commission meeting where this rezoning request was approved, there was discussion that this change of use strategy to reach the applicant's stated goals without necessitating a change of zoning district on the property was a viable alternative, but that avenue of change has been available to the property's owner since for the last several months and has not been pursued. The affected neighborhood association, Original Austin Neighborhood Association (OANA), is on record as supporting the incorporation of some sort of electronic testing use into the DMU zoning district, and the contiguous property owners to the property have agreed to at least consider such a solution, but again, the applicant, for all their assurances, have not chosen to go this route.

I think it would be beneficial for the North West District for the City Council to hold this rezoning request in abeyance until the change of use avenue is at least tried, and I would ask the Council to do so. The first hearing on this rezoning request is scheduled for the same day as the preliminary briefing to Council of the DAP in its entirety, and it would seem appropriate for a pause to allow the plan to be initiated.

Blake Tollett
3701 Bonnie Road 78703
512-477-4028