

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2011-0006 701 & 711 West 7th St. Rezoning

REQUEST: Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code rezoning the property locally known as 701 & 711 West 7th Street (Shoal Creek Watershed) from General Office (GO) and Community Commercial (GR) to Central Business District, Conditional Overlay (CBD-CO) combining district zoning.

DEPARTMENT COMMENTS:

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

APPLICANT: LOWA, Ltd. (Daryl Kunik)

AGENT: Thrower Design (Ron Thrower)

DATE OF FIRST READING: July 28th, 2011

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for central business district-conditional overlay (CBD-CO) combining district zoning was approved with the following conditions on Mayor Pro Tern Cole's motion, Council Member Riley's second on a 5-2 vote. Those voting aye were: Mayor Leflingwell, Mayor Pro Tern Cole, Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.

The conditions were:

- Height limitation of 375 feet;
- No less than 50% of the net square footage of the building for residential use;
- At least one floor of underground parking;
- 2,000 trips per day limitation;
- Use entitlements restricted to those permitted under DMU zoning; and
- Additionally limit the use entitlements by prohibiting the following: any use that would require an outdoor music permit, pawn shop services, automotive services, and bail bond services.

CITY COUNCIL HEARING DATE: August 25th, 2010

ORDINANCE NUMBER:

CITY COUNCIL ACTION:

ASSIGNED STAFF: Clark Patterson

ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0006

701 & 711 West 7th St. Rezoning

P. C. DATE: 05/24/11 06/14/11

ADDRESS: 701 & 711 West 7th St

AREA: 0.608 acres

APPLICANT: LOWA, Ltd. (Daryl Kunik)

AGENT: Thrower Design (Ron Thrower)

NEIGHBORHOOD PLAN AREA: Downtown

CAPITOL VIEW: Yes

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

HILL COUNTRY ROADWAY: No

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

ZONING FROM: GO- General Office & GR – Community Commercial

ZONING TO: CBD – Central Business District.

SUMMARY STAFF RECOMMENDATION:

Staff recommends CBD-CO: Central Business District – Conditional Overlay. The Conditional Overlay would limit vehicle trips to 2,000 per day.

PLANNING COMMISSION RECOMMENDATION:

The motion to approve DMU-CURE with what O.W.A.N.A brought forward; was approved by Commissioner Danette Chimenti's motion, Commissioner Mandy Dealey seconded the motion on a vote of 5-2; Commissioners Richard Hatfield and Tina Bui voted against the motion (nay), Commissioner Sandra Kirk was absent, 1 vacancy on the commission.

DEPARTMENT COMMENTS:

This request is similar to other requests in the urban core of downtown to change the zoning to Central Business District to allow for additional height and massing for vertical development. The request for these two parcels on the corner of 7th Street and West Avenue would complete the CBD zoning on the block face and make the whole city block CBD. There is very little CBD zoning north of 7th Street as well as West of West Avenue. This site is located within the "desired development zone" where development is encouraged to locate. This case was heard by the Downtown Commission on May 18th they voted 9-0-2 to support the zone change request..

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.

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 CBD zoning would be in keeping with adjacent CBD zoning to the South and East.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	GO & GR	Office Building
NORTH	CBD	Day Spa & Salon
SOUTH	CBD	Office Building
EAST	CBD-CO-CURE	Office Building
WEST	DMU-CO-CURE	Office Building

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2008-0143	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 7-0]	Approved CBD-CURE [Vote: 7-0]
C14-2008-0144	From CBD-CURE to CBD-CURE	Approved CBD-CURE [Vote: 7-0]	Approved CBD-CURE [Vote: 7-0]
C14-00-2208	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 6-1-1]	Approved CBD-CURE [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
- 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:

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

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

This site is within a Capital View Corridor. Prior to a development permit, a Capital View Corridor determination application must be submitted for review and completed, and the site plan must demonstrate compliance with Capital View Corridor height restrictions.

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 flood plain within the project area.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding 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:

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

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day [LDC, 25-6-117].

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W. 7th Street is classified in the Bicycle Plan as Priority 1 Bike Route No. 52.

There are no Bus Routes along W. 7th Street, Rio Grande Street, and West Avenue.

There are existing sidewalks along W. 7th Street, Rio Grande Street, and West Avenue.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
W. 7th Street	74'	40'	Collector	1,349
Rio Grande St.	74'	40'	Collector	2,270
West Avenue	80'	38'	Collector	2,394

CITY COUNCIL DATE: June 23rd, 2011
July 28th, 2011

ACTION: Postponed to July 28th by Staff
Approved CBD-CO

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

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

PHONE: 974-7691



MEMORANDUM

TO: Dave Sullivan, Chair, Planning Commission

FROM: Michael Knox, Staff Liaison
Downtown Commission

DATE: June 2, 2011

RE: 701-711 W. 7th
Proposed Rezoning to CBD
Case No. C14-2011-0006

At their Wednesday, May 18, 2011 meeting, the Downtown Commission voted to support the zoning change by a 9-0-2 vote, with Commission Members Dealey and McGill abstaining.

Michael R. Knox

Michael Knox, Staff Liaison
Downtown Commission

cc: Clark Patterson, Planning and Development Review Department

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

[illegible]



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

May 16, 2011

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

RE: C14-2011-0006 - 701 & 711 West 7th 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, upon notice to interested parties, discussed the above referenced rezoning request from GO & GR zoning districts to CBD zoning district. The BoD supports this zoning change to the extent it enhances and generally protects the residential and historic character of our neighborhood. **Based on this, the BoD of OANA does not support a change to CBD zoning on the subject property, but does support a zoning change to DMU-CURE, with a conditional overlay enforced by the City of Austin.**

Conditions we would like to see attached to the zoning of this property are that within the allowable 375 feet of development height that there be a mix of uses, but no less than 50% single family residential use, and that there be a maximum of 2,000 trips per day be allowed for the project. We understand that is number of trips per day and would not accommodate a substantial amount of some commercial use, but it would accommodate a substantial amount of residential use on the site. Our support is also conditioned on at least one story of underground parking at the site being required. And, we also condition our support on approved of this zoning change including at least the following prohibited uses: bail bond services, pawn shop services, automotive services, 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



Downtown Austin Neighborhood Association

**SOCIAL
KNOWLEDGEABLE
INFLUENTIAL**

Michael McGill
President

Josh Allen
Vice President

Madge Whistler
Secretary

Albert Stowell
Treasurer

Jocelyn Dabeau

Jude Galligan

Amber Gugino

Bill McCann

Mitchell McGovern

Ian Stonington

Kristina Witt

12 June 2011

Re: C14-2011-0006 – 701 & 711 West 7th Street

Honorable Mayor Leffingwell and City Council Members:

The Downtown Austin Neighborhood Association (DANA) wishes to express its mutual support for the position of the Original Austin Neighborhood Organization (OANA) regarding the zoning case before you at 701 & 711 West 7th Street (C14-2011-0006). The property is within the borders of both associations and we have a shared interest in its successful redevelopment.

Both organizations recommend the zoning of DMU-CURE and a Conditional Overlay (CO) with the following provisions:

- limiting height to 375'
- restricting use to no less than 50% residential
- requiring at least one (1) floor of underground parking
- limiting the total number of trips per day generated by the development to no more than 2,000, and
- prohibiting the following uses:
 - Any use that would require an outdoor music permit
 - Pawn shop services;
 - Automotive services;
 - Bail bond services; and
 - Other uses that applicant and neighborhood associations mutually agree to expressly prohibit.

Please do not hesitate to contact me if you have any questions in regards to this position.

Respectfully,

Michael P. McGill
President



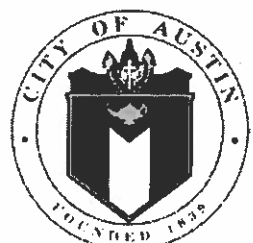


N



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING CASE#: C14-2011-0006
 LOCATION: 701 & 711 W 7TH ST.
 SUBJECT AREA: 0.608
 GRID: J22
 MANAGER: C. PATTERSON



1" = 200'

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.

PUBLIC HEARING INFORMATION

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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

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: C14-2011-0006

Contact: Clark Patterson, 512-974-7691

Public Hearing: May 24, 2011, Planning Commission

June 23, 2011, City Council

~~Elsie~~ Powell

Your Name (please print)

505 W. 7th

Your address(es) affected by this application

Austin, TX 78701 5-15-11

Signature Date

Elsie & Lowell

Daytime Telephone:

Comments:

I object.

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

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Case Number: C14-2011-0006

Contact: Clark Patterson, 512-974-7691

Public Hearing: May 10, 2011, Planning Commission

LAWRENCE SPECK

Your Name (please print)

800 WEST ST #1102

Your address(es) affected by this application

William W. Speck

Signature

5-16-11

Date

Daytime Telephone:

Comments:

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

City of Austin

Planning & Development Review Department

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Case Number: C14-2011-0006

Contact: Clark Patterson, 512-974-7691

Public Hearing: May 10, 2011, Planning Commission

Your Name (please print) James Powell

☐ I am in favor
☒ I object

115 West Ave -

Your address(es) affected by this application

James Powell

Signature

Date

5-6-11

Daytime Telephone: 477-9939

Comments: I object.

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

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Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2011-0006
 Contact: Clark Patterson, 512-974-7691
 Public Hearing: May 24, 2011, Planning Commission
 June 23, 2011, City Council

ALBERT KOEHLER
 Your Name (please print)

☐ I am in favor
☒ I object

800 W. 5th # 808 Austin, TX 78703
 Your address(es) affected by this application

St Koehler 5-17-11
 Signature Date

Daytime Telephone: 512 458-4545

Comments: FIRST OF ALL IT'S INSIDE THE
VIEW CORRIDOR. WE DON'T NEED
ANOTHER HIGH RISE REPLACING CARS.C
DOWNTOWN ARCHITECTURE.

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

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Case Number: C14-2011-0006

Contact: Clark Patterson, 512-974-7691

Public Hearing: May 10, 2011, Planning Commission

William Archer

Your Name (please print)

717 + 719 W. 6th

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: 43-3556

Comments:

☒ I am in favor
☐ I object

5-2-11

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

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Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2011-0006

Contact: Clark Patterson, 512-974-7691

Public Hearing: May 10, 2011, Planning Commission

Albert KOEHLER

Your Name (please print)

800 W 5th #808

Your address(es) affected by this application

John

Signature

Daytime Telephone: 512-458-4545

5/5/11
Date

☒ I am in favor
☐ I object

Comments:

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

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Clark Patterson

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Austin, TX 78767-8810

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Case Number: C14-2011-0006

Contact: Clark Patterson, 512-974-7691

Public Hearing: May 24, 2011, Planning Commission

June 23, 2011, City Council

Scott Smyth
Your Name (please print)

1800 Nueces St.

Your address(es) affected by this application

Austin 747701

Signature

Date

Daytime Telephone:

Scott Smyth

512-478-3483

Comments:

*The Board of the
West Downtown Alliance
Supports this Application*

Scott Smyth
President

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

☒ I am in favor
☐ I object

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Contact: Clark Patterson, 512-974-7691

Public Hearing: May 24, 2011, Planning Commission
June 23, 2011, City Council

DEVON DIXON / FERNANDO TRAY

Your Name (please print)

706 RIO GRANDE

Your address(es) affected by this application

DIXON / TRAY

Signature

Date

Daytime Telephone: 917-998-6790, 512-560-1848

Comments:

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

☐ I am in favor
☒ I object

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

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: C14-2011-0006

Contact: Clark Patterson, 512-974-7691

Public Hearing: May 10, 2011, Planning Commission

Your Name (please print) James Powell

☐ I am in favor
☒ I object

717 West Ave -

Your address(es) affected by this application

JAMES POWELL

Signature

Date

5-6-11

Daytime Telephone: 477-9939

Comments:

I object.

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