SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2012-0106 5th & San Jacinto

REQUEST: Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning the property locally known as 300 E. 5th Street (Town Lake Watershed) from Central Business District (CBD) district zoning to Central Business District, Central Urban Redevelopment District (CBD-CURE) combining district zoning.

DEPARTMENT COMMENTS:

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

APPLICANT: Harry Whittington, Mercedes Whittington, Sally May, Mercedes Greg, Margaret Puckett Trust, Sara May Trust, Caroline Puckett Trust, Michael May Trust, Camille May Trust, William Puckett Trust, Claire Whittington Trust

AGENT: Armbrust & Brown, PLLC (Richard Suttle)

DATE OF FIRST READING: November1st, 2012

CITY COUNCIL HEARING DATE: December 6th, 2012

CITY COUNCIL ACTION: 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-central urban redevelopment district (CBD-CURE) combining district zoning was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-1 vote.

ORDINANCE NUMBER:

ASSIGNED STAFF: Clark Patterson

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0106 5th & San Jacinto Rezoning **P. C. DATE:** 10/09/12

ADDRESS: 300 E. 5th St. **AREA:** 0.411 acres

APPLICANT: Harry Whittington, Mercedes Whittington, Sally May, Mercedes Greg, Margaret Puckett Trust, Sara May Trust, Caroline Puckett Trust, Michael May Trust, Camille May Trust, William Puckett Trust, Claire Whittington Trust

AGENT: Armbrust & Brown, PLLC (Richard Suttle)

NEIGHBORHOOD PLAN AREA: Downtown **CAPITOL VIEW:** No

T.I.A.: Waived – See the Transportation Reviewer's Comment's and Restrictive Covenant. **HILL COUNTRY ROADWAY:** No

WATERSHED: Town Lake **DESIRED DEVELOPMENT ZONE:** Yes

ZONING FROM: CBD – Central Business District.

ZONING TO: CBD-CURE - Central Business District – Central Urban Redevelopment District.

SUMMARY STAFF RECOMMENDATION:

Staff recommends CBD-CURE: Central Business District – Central Urban Redevelopment District – with the applicant entering into a Restrictive Covenant that the applicant participates in the City of Austin Great Streets program for any new development on the property. The CURE overlay would allow a floor to area ratio of 13-1 and to modify Section 25-6-592(B) & (C) (Loading Facility Provisions for the Central Business District (CBD) and a Downtown Mixed Use (DMU) Zoning District) is modified to not require on-site space for a vehicle to empty the trash receptacle and to allow maneuvering within the alley to service the off-street loading facility and the trash receptacle, Section 25-6-592(F) to modify the number and size of off-street loading requirements to on 10' X 30' space and Section 25-6-591(B)(2) to modify the minimum off-street parking requirement to 105 parking spaces.

PLANNING COMMISSION RECOMMENDATION:

The motion to approve staff's recommendation for CBD-CURE combining district zoning, was approved on the consent agenda by Commissioner James Nortey's motion, Commissioner Jean Stevens seconded the motion on a vote of 9-0.

DEPARTMENT COMMENTS:

The subject property is located in the Core/Waterfront District of the Downtown Austin Plan. The subject tract is located on San Jacinto and 5th Streets which are designated as Downtown Mixed Use Streets, which calls for sixty percent (60%) of the parcel frontage to be active commercial or a civic use. The subject property is currently developed with a surface parking lot. The applicant has indicated that the property now has prospective buyer that wants to develop the property as a hotel and needs additional floor to area ratio to achieve the desired height. The applicant is also requesting to modify provisions of the Code related to loading and parking. The applicant is proposing a mixed use building with a restaurant on the ground floor and hotel suites on the top floors. The applicant will be required to participate in the City of Austin Great Streets Program. 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 mixed use development. 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. This case was heard by the Downtown Commission on October 17th and the Commission recommended approval of the project with conditions. This case was heard by the Design Commission on October 22nd and the Commission recommended approval of the request with conditions.

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 the "CURE" overlay would be in keeping with recent requests for the "CURE" overlay in the Central Business District.

2. The proposed zoning should be consistent with the goals and objectives of the City Council.

Granting the "CURE" overlay would be in keeping with the policy of the City Council to densify the Central Business District, especially with vertical development.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	CBD	Parking Lot
NORTH	CBD	Restaurant/Bar
SOUTH	CBD	Restaurant
EAST	CBD	Restaurant/Bar
WEST	CBD	Bank

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:

- Downtown Austin Neigh. 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 Assoc.
- Original Austin Neighborhood Assoc.

SCHOOLS:

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

SITE PLAN:

SP 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.

SP 2. This property is within the CURE and Convention Center overlays. Additional comments regarding specific design requirements will be provided at the site and building permitting stages.

SP 3. This property is within the Downtown Austin Plan area.

SP 4. This property is within the Convention Center Transit-Oriented Development (TOD), which has Interim Regulations.

DOWNTOWN DESIGN GUIDELINES (CBD/DMU)

SP 5. The following note will need to be placed on the site plan: "Compliance with Green Building standards of ONE Star is required for all buildings constructed on this site."" Contact the Green Building Program at 482-5300 for further information and provide a copy of the letter of intent. Additional comments regarding compliance with the Downtown Design Guidelines will be provided at site plan review.

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. No trees are located on this property. 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:

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

TR2. The traffic impact analysis (TIA) has been waived for the following reason: At the time of site plan application, the applicant will submit a limited TIA for the purpose of analyzing and determining if intersection or traffic improvements are recommended for the following intersections: E. 5th Street/San Jacinto Blvd., E. 5th Street/Trinity Street, E. 6th Street/ San Jacinto Blvd., and E. 6th Street/Trinity Street. The applicant will be responsible for pro-rata share cost-participation at such intersections that demonstrate a need for traffic improvements. In addition, an access management study will be required.

TR3. E. 5th Street is classified in the Bicycle Plan as Bike Route No. 52. San Jacinto Blvd. is classified in the Bicycle Plan as Bike Route No. 49.

TR4. Capital Metro bus service (Route No. 100) is available along E. 5th Street. Capital Metro bus service (Routes No. 22 and 100) is available along San Jacinto Blvd.

TR5. There are existing sidewalks along E. 5th Street and San Jacinto Blvd.

TR6. Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
E. 5th Street	80'	60'	Collector	N/A
San Jacinto Blvd.	80'	60'	Collector	5,559

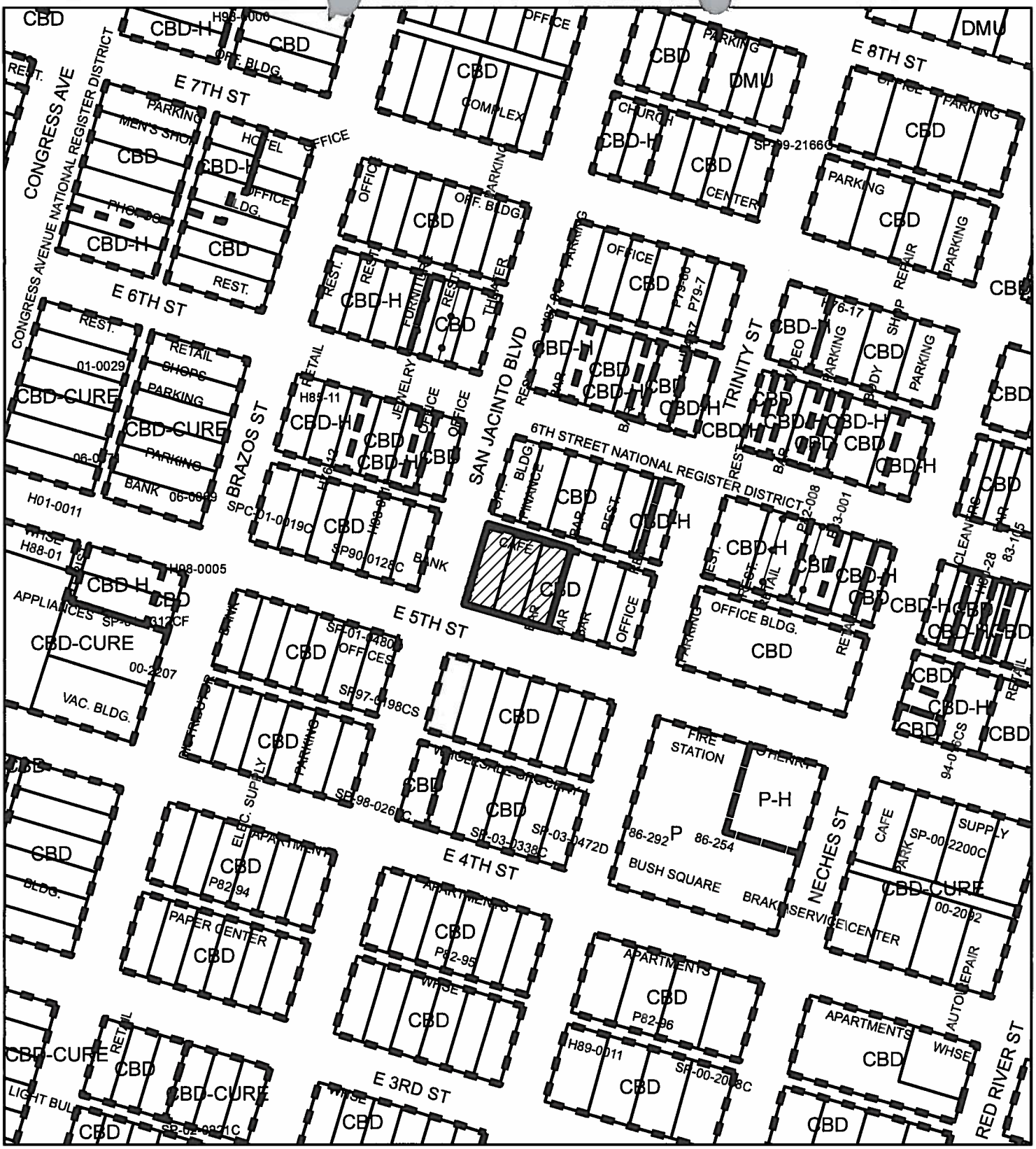
CITY COUNCIL DATE: November 1st, 2012 — **ACTION:** Postponed to November 8th by the staff.

November 8th, 2012 — Approved on first reading on a vote of 6-1.

December 6th, 2012

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

CASE MANAGER: Clark Patterson **PHONE:** 974-7691
Clark.patterson@ci.austin.tx.us



ZONING

ZONING CASE#: C14-2012-0106

N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

SUBJECT TRACT
E 7TH ST
E 8TH ST
E 6TH ST
E 5TH ST
E 4TH ST
E 3RD ST
BRAZOS ST
SAN JACINTO BLVD
TRINITY ST
NECHES ST
CBD
CBD-H
DMU

Google earth

feet 10
meters 3

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.austintexas.gov

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: C14-2012-0106
Contact: Clark Patterson, 512-974-7691
Public Hearing: Oct 9, 2012, Planning Commission
Nov 1, 2012, City Council

Rahim Momin
Your Name (please print)

☑ I am in favor
☐ I object

307 E 6th St Austin
Your address(es) affected by this application

Signature 10/2/12 *Date*

Daytime Telephone: (512) 775-8867

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