

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0093 – Philip Raney, Nueces Street Partners LLC

P.C. DATE: September 22, 2015

ADDRESS: 1507 Nueces Street

DISTRICT AREA: 9

OWNER/APPLICANT: Philip Raney, Nueces Street Partners, LLC (Philip Raney)

AGENT: Bury, Inc. (Derek Villemez) and Husch Blackwell LLP (Nikelle Meade)

ZONING FROM: GO

TO: DMU

AREA: 0.16 acres (6,969 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant downtown mixed use-conditional overlay (DMU-CO) combined district zoning. The conditional overlay will impose a 60 ft. height restriction and limit the property to no more than 2,000 vehicle trips/day.

PLANNING COMMISSION RECOMMENDATION:

September 22, 2015;

Approved DMU-CO as per the Staff recommendation, by consent [N. Zaragoza / J. Stevens-2nd] (11-0). Absent – P. Seeger

DEPARTMENT COMMENTS:

The subject property is located on the corner southeast corner of Nueces Street and W. 16th Street. Development on the property includes 2, two-story structures that appear to date back to the 1930's and are separated by a detached, single-story, garage. The structures were once a set of duplexes with a total of 4 residential units. Currently, two of the units are used for residential and two are used for office. The property has driveway access from Nueces Street with a curb-cut that leads to the detached, three car garage. There is an additional curb-cut and driveway also from Nueces Street that leads to a single-car garage along the southern property line.

The owner of the subject property also owns 507 W 16th Street which has a rezoning case that is in review at this time as case number C14-2015-0094. While the owner does not currently have specific plans for redevelopment, it is envisioned for the future and is driving the requested rezoning.

In reviewing the request, Staff communicated the possible challenges of future development due to the single family use immediately to the east. New development would have to comply with compatibility setbacks along the eastern property line. Even so, this area has a pattern of rezoning to DMU that began as far back as 20 years ago. More recently, the Downtown Austin Plan, adopted in 2011, identified many properties in the immediate area, including the subject property, as being

appropriate for DMU zoning with a 60 ft. height restriction. The 60 ft. height restriction was intended to help preserve and protect the historic character of the district as this area of Downtown has a significant number of historic structures. Most likely, this was probably the reason that the properties in closest proximity to the subject tract with DMU base district zoning have conditional overlays that restrict height to 60 ft. Each CO also has a limit of 2,000 vehicular trips per day. As such, Staff recommends DMU-CO district zoning with a conditional overlay that restrict the height to 60 ft. and limits vehicular trips per day to 2,000.

ISSUES: None at this time.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|---------------|---------------------------|
| <i>Site</i> | GO | Residential, Office |
| <i>North</i> | GO | Medical Office |
| <i>South</i> | GO | Office |
| <i>East</i> | GO | Single-family Residential |
| <i>West</i> | GO | Religious assembly |

NEIGHBORHOOD PLANNING AREA: Downtown Austin Plan

TIA: Waived; Applicant requested a limitation of 2,000 vehicle trips per day in a conditional overlay

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

| <i>Community Registry Name</i> | <i>ID</i> |
|--|-----------|
| Friends of Emma Barrientos MACC | 1447 |
| Austin Neighborhoods Council | 511 |
| Historic Austin Neighborhood Association | 1400 |
| West Downtown Alliance Inc. | 1253 |
| City of Austin Downtown Commission | 623 |
| Shoal Creek Conservancy | 1497 |
| Preservation Austin | 1424 |
| SEL Texas | 1363 |
| Bike Austin | 1528 |
| Central Austin Community Development Corporation | 1391 |
| Austin Heritage Tree Foundation | 1340 |
| Sierra Club, Austin Regional Group | 1228 |
| Downtown Austin Neighborhood Assn. (DANA) | 402 |
| Austin Independent School District | 742 |
| Friends of Austin Neighborhoods | 1530 |
| Downtown Austin Alliance | 438 |
| Judges Hill Neighborhood Association | 58 |

West End Austin Alliance
The Real Estate Council of Austin, Inc
Old Austin Neighborhood Association

998
1236
57

SCHOOLS: Bryker Woods Elementary O Henry Middle Austin High

CASE HISTORIES:

| NUMBER | REQUEST | PLANNING COMMISSION | CITY COUNCIL |
|---|--------------------|--|---|
| C14-2010-0151 – 506 W 15 th Street | GO to CBD | Apvd DMU-CO (1/25/2011) | Apvd DMU-CO; height restricted to 60 ft., minimum front yard setback is 5 ft., 90% maximum impervious cover, max FAR is 1:1 and a 2,000 trip limit (2/17/2011). |
| C14-05-0190 – 515 West 15 th Street; | CBD | Apvd CBD-CO (3/7/2006) | Apvd CBD-CO; limiting trips to 2,000/day, prohibiting a list of uses, drive-in accessory use prohibited, height restricted to 70ft., only one commercial use on the ground floor of bldg. is permitted (8/8/2006). |
| C14-05-0049 – Jeff Blatt; 500 W 16th Street | GO to DMU | Denied DMU (6/7/2008) | Apvd DMU-CO; limiting trips to 2,000/day (9/1/2005) |
| C14H-01-0015 – Roy Thomas House; 1510 San Antonio Street | DMU-CO to DMU-CO-H | Apvd DMU-CO-H (6/25/2002) | Apvd DMU-CO-H ; prohibiting a list of uses, Restaurant (limited) is a conditional use, height restricted to 60ft. (8/22/2002). |
| C14-95-0154 – Ann Buratti; 1510 San Antonio Street | DMU | Apvd DMU-CO (11/28/1995) | Apvd DMU-CO; prohibiting a list of uses, making certain uses conditional, height restricted to 60ft, only one structure allowed on site; restricts to 1 DU occupying no more than 50% of GFA of the structure (2/8/1996). |
| C14-83-223 – Kalani Group; 500-504 W 15 th Street; | | Apvd LR, 2 nd H&A (11/1/1983) | Apvd LR, 2 nd H&A (1/5/1984) |

RELATED CASES: None

ABUTTING STREETS:

| Name | ROW | Pavement | Classification | ADT |
|----------------------------|-----|----------|----------------|-------|
| Nueces Street | 80' | 40' | Collector | 3,365 |
| W. 16 th Street | 60' | 30' | Collector | 739 |

CITY COUNCIL DATE:

ACTION:

November 12, 2015;

Postponed to December 10, 2015 at the request of the Neighborhood (11-0).

December 10, 2015;

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Victoria Haase

PHONE: 512-974-7691

EMAIL: tori.haase@austintexas.gov



CASE#: C14-2015-0093

$$1'' = 200'$$

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.

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ZONING

ZONING CASE#: C14-2015-0093
 ZONING CHANGE: GO to DMU
 LOCATION: 1507 Nueces Street
 SUBJECT AREA: .160 ACRES



Subject Property

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.



STAFF RECOMMENDATION

The Staff recommendation is to grant downtown mixed use-conditional overlay (DMU-CO) combined district zoning.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The Downtown Mixed Use district is intended for 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. This zoning district is appropriate for this site even if only for its proximity to the CBD of the downtown area.

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

The DMU zoning district will allow for a reasonable use of the property as it will provide an opportunity for a mixture and wide variety of uses within the periphery of the downtown core where a dense mixture of uses is encouraged.

3. *The proposed zoning should promote consistency and orderly planning.*

Uses allowed by the DMU zoning district will be compatible and consistent with uses and zoning district on the neighboring blocks.

4. *The rezoning should be consistent with the policies and principles adopted by the City Council or by the Planning Commission.*

The DMU zoning district is appropriate for this site as it is supported by the Austin Downtown Plan that was adopted by City Council in December, 2011. The subject property is identified in the plan document as proposed for a zoning change to Downtown Mixed Use – DMU and suggests a height restriction of 60 ft. (pg. 79). While there is no specific use or project planned for the subject property at this time, the zoning change to DMU will grant entitlement rights to develop the property in a way that will implement the district-specific goals.

The zoning change is also congruent with the Imagine Austin Plan that encourages infill and redevelopment, specifically in those areas classified as a ‘*Regional Center*’ on the Imagine Austin’s Growth Concept Map.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area is a 6,969 sq. ft. piece of property that is developed with a total of 4 structures; two, 2-story stucco structures and two, 1-story garages. There are two paved driveways with sidewalks that run along the western and eastern property lines. There is a tree of significant size on the southwest corner of the property. There does not appear to be any topographical constraints on the property.

Impervious Cover

In this case, the impervious cover limit is established by the zoning district. The GO zoning district allows up to 80% impervious cover. The DMU zoning district allows 100% impervious cover.

Comprehensive Planning

Downtown Austin Plan - The subject property is located in the Northwest District of the Downtown Austin Plan. The subject property has been identified in the plan document a property that is proposed for a zoning change to Downtown Mixed Use (DMU) with a suggested height restriction of 60 ft. (pg. 79). While there is no specific use or project planned for the subject property at this time, the zoning change to DMU will grant entitlement rights to develop the property in a way that will implement the following district-specific goals:

- **2.** Bring residents back to the neighborhood.
- **5.** Improve the pedestrian environment.

Imagine Austin Plan - The subject property is located within the boundaries of a ‘*Regional Center*’, as identified in the Imagine Austin’s Growth Concept Map, found in the Imagine Austin Plan. A Regional Center is the most urban of the three activity centers outlined in the growth concept map and are intended to be retail, cultural, recreational, and entertainment destinations for Central Texas. These are also the places where the greatest density of people and jobs and the tallest buildings in the region will be located. The densities, buildings heights, and overall character of a center will vary depending on location. Regional centers will range in size between approximately 25,000-45,000 people and 5,000- 25,000 jobs. The following IACP policies are applicable to this case:

- **LUT P3** Promote development in **compact centers**, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Based on the information above, Staff believes that the proposed zoning change is supported by both the Downtown Austin Plan and the Imagine Austin Comprehensive Plan.

Environmental – Mike McDougal, 512-974-6380

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. Zoning district impervious cover limits apply in the Urban Watershed classification.

3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
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. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any

Transportation – Ivan Naranjo, 512-974-7649

1. No additional right-of-way is needed at this time.
2. 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
3. Nueces Street is classified in the Bicycle Plan as Bike Route No. 31. W. 16th Street is not classified in the Bicycle Plan.
4. Capital Metro bus service is not available along Nueces Street and W. 16th Street.
5. There are existing sidewalks along Nueces Street and W. 16th Street

Water and Wastewater – Bradley Barron, 512-972-0078

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Storm Water Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

Site Plan and Compatibility Standards – Michael Simmons-Smith, 512-974-1225

- 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 site appears to be subject to compatibility standards due to property used as single-family to the east. Along all property lines adjacent to single-family, the following standards will apply to any future development:
- No structure may be built within 25 feet of the property line.
 - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - No parking or driveways are allowed within 25 feet of the property line.
 - A landscape area is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
 - Additional design regulations will be enforced at the time a site plan is submitted.

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/planning.

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: C14-2015-0093

Contact: Victoria Haase, 512-974-7691

Public Hearing: Nov. 12, 2015, City Council

Your Name (please print)

☒ I am in favor
☐ I object

Your address(es) affected by this application

Signature

Date

Daytime Telephone:

Comment:

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

City of Austin

Planning & Zoning Department

Victoria Haase

P. O. Box 1088

Austin, TX 78767-8810