

ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0115 -
Sigma Chi Fraternity

DISTRICT: 9

ZONING FROM: MF-4-CO-NP

TO: MF-6-CO-NP

ADDRESS: 2701 Nueces Street

SITE AREA: 0.896 acres (39,021 square feet)

OWNER: Alpha Nu Chapter of Sigma Chi
(Linden Welsch)

APPLICANT: Thrower Design
(Victoria Haase)

CASE MANAGER: Scott Grantham (512-974-3574, scott.grantham@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends Multifamily-Highest Density - Neighborhood Plan (MF-6-NP) combining district zoning. *For a summary of the basis of staff's recommendation, see case manager comments on page 3.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

January 8, 2019 **Scheduled for Planning Commission**

December 11, 2018 Approved postponement request by applicant to January 8, 2019.
Vote 11 – 0.

CITY COUNCIL ACTION:

January 31, 2019 Scheduled for City Council

ORDINANCE NUMBER:

ISSUES:

The applicant, the Sigma Chi fraternity, has requested an increase in base zoning, from MF-4 to MF-6 in order to demolish the two existing two-story buildings and construct a new site to include two larger buildings – one two-story and the other four-story, with structured parking. The MF-6 category would allow adequate Floor to Area Ratio for the concept plan, which is currently under review as a submitted site plan (SP-2018-0271C).

The subject property is within the bounds of the University Neighborhood Overlay (UNO), which was approved by Council in 2004. In general, UNO provides higher entitlements, and also requires more public benefits (e.g. streetscape improvements, green building) be provided as part of the site plan process. However, participation in UNO is an *elective* process – potential applicants must choose it in order to achieve the higher entitlements and will not otherwise be required to provide the higher level of public benefits (LDC § 25-2-751).

In 2007, a group of fraternities and sororities submitted concurrent zoning requests to effectively remove themselves from UNO. Their rationale for doing so was that their inclusion in UNO - even the potential to develop under UNO - would increase their property tax liability. A full list of these cases and addresses is in the Area Case History table below.

At the time, staff was hesitant to recommend the CO, and did so with the understanding that the applicants were offering self-imposed restrictions that limited them to the existing land use and density. The staff reports included the following sentence: “It is not the intention of the applicant to change or remove existing land uses on the site as those will remain.” (See Exhibit E). For all of these cases, Planning Commission voted to deny the conditional overlays, however, City Council ultimately approved them. (See Area Case History table).

The provision of the CO is as follows: “The Property may not be developed under Chapter 25-2, Subchapter 3, Article 3, Division 9 (University Neighborhood Overlay District Requirements) of the City Code.” (See Exhibit D). As part of this zoning case, the applicant has requested that this provision be carried forward with the rezoning.

A comparison table of development standards with existing and proposed base districts, and with and without UNO standards is included below (See Table I). It should be noted that the property owner would have the option to develop under the base district standards and would not be required to follow UNO standards.

The applicant has met with the Central Austin Neighborhood Planning Advisory Committee (CANPAC) and University Area Partners (UAP). At the time of this writing, discussions with these groups are ongoing.

Table I: Comparison of Development Standards under Base Zoning, with and without UNO Standards

	MF-4-CO (current)	MF-4 (UNO)	MF-6-CO	MF-6 (UNO)
Min Lot Size (Square Feet)	8,000	2,500	8,000	2,500
Min Lot Width	50	—	50	—
Max Dwelling Units Per Lot	36-54*	—	—	—
Max Height	60	75	90	75
Min Setbacks				
Front Yard	15	0	15	0
Street Side Yard	15	0	15	0
Interior Side Yard	5	0	5	0
Rear Yard	10	0	10	0
Max Building Coverage:	60%	—	70%	—
Max Impervious Cover	70%	90%	80%	90%
Max Floor Area Ratio	0.75:1	—	—	—

*As allowed by the LDC

CASE MANAGER COMMENTS:

The subject property is approximately 0.9 acres. (See Exhibit C, Field Notes and Survey). The property is currently developed with two group quarters buildings, which are both two stories tall. There is an iron fence around the property, a small parking lot on the north end of the site, and a common area between the buildings. The property is relatively flat and not in the flood plain.

In the area are a mix of fraternity and sorority houses, mid-rise (5-6 story) multifamily buildings, and mixed use developments (ground story retail, and upper story residential). Guadalupe Street is a block to the east, which is lined with restaurants and retail shops on the west side of the street.

BASIS OF RECOMMENDATION:

Staff recommends Multifamily - Highest Density - Neighborhood Plan (MF-6-NP) combining district zoning.

Staff supports a rezoning to MF-6 for the property, but finds no rationale to support a continuation of the existing conditional overlay, which effectively removes eligibility for the property to develop under UNO standards. As described above, UNO is an elective process which can be chosen at the time of site plan. When chosen, UNO can provide appreciated public benefits such as improved streetscapes and green building. The original conditional overlay was controversial at the time, and was ultimately approved with the understanding that the properties in question desired to stay as they were and would not choose redevelop to

greater intensity. For the subject property, this condition is changing, and the applicant is coming forward requesting increased entitlements.

With regards to the MF-6 base zoning, the first basis is that the proposed zoning should be consistent with the purpose statement of the district sought. The City of Austin zoning guide describes MF-6 as applicable for “a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which the high density multifamily use is desired.” This description fits the immediate area remarkably well – it centrally located, and a block from the Guadalupe Street and the University of Texas, and is well supported by multimodal transportation, and a commercial center.

The second basis is that a rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission. The Central Austin Combined Neighborhood Plan expressly calls for increased density in Goal 4: “West Campus should become a dense, vibrant mixed use and pedestrian oriented community.” West Campus is also highlighted as a Regional Center in the Imagine Austin Comprehensive Plan. “...These are also the places where the greatest density of people and jobs and the tallest buildings in the region will be located.” (See Comprehensive Plan comments).

The third basis is that zoning changes should promote compatibility with adjacent and nearby uses. The area currently has a mix of residential densities with a few two-story fraternity houses remaining along Nueces. However, there are also numerous 5 – 7 story mixed use and multifamily buildings along the same street, including one directly across Nueces Street to the west. Therefore increasing the base zoning to MF-6 would allow for a scale of building that is already present in the neighborhood.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	MF-4-CO-NP	Group quarters (fraternity house)
North	MF-4-H-NP	Group quarters (fraternity house)
South	W 27 th St, then MF-4-CO-NP	W 27 th St, then group quarters (fraternity house)
East	CS-NP	Restaurants
West	Nueces St, then MF-4-NP	Nueces St, then retail commercial and multifamily

NEIGHBORHOOD PLANNING AREA: West University

TIA: Not Required

WATERSHED: Waller Creek

OVERLAYS: University Neighborhood Overlay (Outer West Campus)

SCHOOLS: Bryker Woods Elementary, O. Henry Middle School, Austin High School

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District	Neighborhood Empowerment Foundation
Austin Neighborhoods Council	North University Neighborhood Assn.
Bike Austin	North University Neighborhood Association
CANPAC (Central Austin Neigh Plan Area)	Preservation Austin
Central Austin Community Development	Seltexas
Friends of Austin Neighborhoods	Shoal Creek Conservancy
Homeless Neighborhood Association	Sierra Club, Austin Regional Group
My Guadalupe	University Area Partners

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0021 Central Austin Combined NP (West University)	Central Austin Combined NP (West University)	05-25-04 – Apvd staff recommendation	09-02-04 – 05-19-05 – Apvd tract by tract at several appearances at Council
C14-2013-0003 West Campus Partners, LP 2700 Nueces St	From MF-4-NP TO CS-1-NP	03-26-13 – Apvd CS-1-CO-NP with prohibited uses	04-11-13 – Apvd CS-1-CO-NP (CO for limit of 2,000 trips, list of several prohibited uses)
C14H-2010-0026 The Zeta Tau Alpha House 2711 Nueces St	From MF-4-NP to MF-4-H-NP	10-26-10 – Pulled from agenda with no action required	02-10-11 – Apvd MF-4-H-NP

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0110 Sigma Chi Fraternity 2701 Nueces Street	From MF-4-NP to MF-4-CO-NP	10-23-07 – Denied staff rec of requested MF-4- CO-NP	12-13-07 – Apvd MF-4-CO-NP. (CO to prohibit development under UNO provisions)
C14-2007-0195 Delta Delta Delta Sorority House 503 W. 27 th Street	From MF-4-NP to MF-4-CO-NP	10-23-07 – Denied staff rec of requested MF-4-CO-NP	12-13-07 – Apvd MF-4-CO-NP (CO to prohibit development under UNO provisions)
C14-2007-0113 Tejas 2600 Rio Grande St	From MF-4-NP to MF-4-CO-NP	10-23-07 – Denied staff rec of requested MF-4-CO-NP	12-13-07 – Apvd MF-4-CO-NP (CO to prohibit development under UNO provisions)
C14-2007-0117 Alpha Chi Omega Sorority 2420 Nueces St	From MF-4-NP to MF-4-CO-NP	10-23-07 – Denied staff rec of requested MF-4-CO-NP	12-13-07 – Apvd MF-4-CO-NP (CO to prohibit development under UNO provisions)
C14-2007-0118 Beta Alpha Chapter of Alpha Xi Delta Sorority 2508 Rio Grande St	From MF-4-NP to MF-4-CO-NP	10-23-07 – Denied staff rec of requested MF-4-CO-NP	12-13-07 – Apvd MF-4-CO-NP (CO to prohibit development under UNO provisions)
C14-2007-0119 Texas Alpha House of Pi Beta Phi 2300 San Antonio St	From MF-4-NP to MF-4-CO-NP	10-23-07 – Denied staff rec of requested MF-4-CO-NP	12-13-07 – Apvd MF-4-CO-NP (CO to prohibit development under UNO provisions)
C14-2007-0128 Sigma Alpha Epsilon Texas Rho Fraternity 2414 Pearl St	From MF-4-NP to MF-4-CO-NP	10-23-07 – Denied staff rec of requested MF-4-CO-NP	12-13-07 – Apvd MF-4-CO-NP (CO to prohibit development under UNO provisions)
C14-2007-0132 Kappa Alpha Theta Sorority 2401 Pearl St	From MF-4-NP to MF-4-CO-NP	10-23-07 – Denied staff rec of requested MF-4-CO-NP	12-13-07 – Apvd MF-4-CO-NP (CO to prohibit development under UNO provisions)

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0142 Omega Building Company 2500 Rio Grande St	From MF-4-NP to MF-4-CO-NP	10-23-07 – Denied staff rec of requested MF-4-CO-NP	12-13-07 – Apvd MF-4-CO-NP (CO to prohibit development under UNO provisions)

RELATED CASES:

The subject property consists of Lots 2-5, Block 1, Leander Brown Subdivision (See Exhibit C, Field Notes and Survey).

The subject property is part of the Central Austin Combined Neighborhood Plan, but is not called out specifically in the ordinance.

The subject property is within the bounds of the University Neighborhood Overlay (UNO) in the Outer West Campus subdistrict. However, due to zoning case C14-2017-0110, and the approved Conditional Overlay, a building may not be constructed on the property to UNO standards. (See Exhibit D).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Nueces Street	80 feet	27 feet	Collector	Yes, buffered bike lane	Yes	Yes
27 th Street	50 feet	27 feet	Collector	Yes, wide curb lane	Yes	Yes

OTHER STAFF COMMENTS:Comprehensive Planning**Central Austin Combined Plan**

The property is located in the West University Neighborhood Planning Area of the Central Austin Combined Plan.

The following CAC Goal is relevant to this case:

Goal 4: West Campus should become a dense, vibrant mixed use and pedestrian oriented community.

Since the CAC supports greater density in this area of the City, staff believes the CAC supports the proposed zoning change in this location.

Imagine Austin Plan

The subject property is located within the boundaries of a Regional Center as defined in the Imagine Austin Growth Concept Map. A Regional Center is the most urban and dense of the activity center types and is intended to be a retail, cultural, recreation, and entertainment destination in 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. The following IACP policies are applicable to this case:

LUT P3: Promote development in compact centers.

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.

HN P11: Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

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

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller 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.

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

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Several 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.

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 preexisting approvals that preempt current water quality or Code requirements.

Site Plan

No review comments.

Transportation

Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

Additional right-of-way maybe required at the time of subdivision and/or site plan.

A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113. LDC. 25-6-113.

Janae Spence, Urban Trails, Public Works Department, Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, buffered bike lanes are recommended for 27th Street and Nueces Street. Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments and requirements for right-of-way dedication and bicycle facility construction in accordance with LDC 25-6-55 and LDC 25-6-101. Please review the Bicycle Master Plan for more information.

FYI – the existing driveways and sidewalks may be required to be removed and/or reconstructed at the time of the site plan application in accordance with the Land Development Code and Transportation Criteria Manual.

Austin Water Utility

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 Austin Water 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 fees once the landowner makes an application for Austin Water utility tap permits.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Field Notes and Survey
- D. Existing Conditional Overlay
- E. Excerpts from Staff Report for Zoning Case - C14-2007-0110
- F. University Neighborhood Overlay Ordinance



EXHIBIT A





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.

$$1" = 200'$$



 Subject Property
 Zoning Boundary

1 inch = 100 feet

0 100 Feet

ZONING & VICINITY

Zoning Case: C14-2018-0115
 Address: 2701 Nueces Street
 Subject Area: 0.896 Acres
 Case Manager: Scott Grantham

This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



EXHIBIT B



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724
Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

EXHIBIT "___"

LOTS 2-5, BLOCK 1
LEANDER BROWN SUBDIVISION
OUT OF OUTLOTS 63 & 68, DIV D
(ZONING DESCRIPTION)

ZONING DESCRIPTION
0.896 ACRES
CITY OF AUSTIN, TRAVIS COUNTY

A DESCRIPTION OF 0.896 ACRES (APPROX. 39,021 SQ. FT.) BEING ALL OF LOTS 2-5, BLOCK 1, LEANDER BROWN SUBDIVISION, (OUT OF OUTLOTS 63 AND 68, DIVISION D, ACCORDING TO THE MAP OF PLAT THEREOF) AND RECORDED IN VOLUME 1, PAGE 19A, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AS CONVEYED TO SIGMA CHI FRATERNITY BY WARRANTY DEED DATED APRIL 30, 1936 AND RECORDED IN VOLUME 544, PAGE 8 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND FURTHER DESCRIBED IN DEED DATED FEBRUARY 28, 1938 AS RECORDED IN VOLUME 579, PAGE 512, DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.896 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a MAG NAIL with "Chaparral" washer set on the top of a stone column at the intersection of the north right-of way (R.O.W.) line of West 27th Street (50' R.O.W.) and the east R.O.W. line of Nueces Street, (80' R.O.W.) at the southwest corner of said Lot 2, and the southwest corner of said 0.896- acre tract and the herein described tract;

THENCE, North 03°26'07" East, with said east R.O.W line of Nueces Street, along the east line of said Lots 2, 3, 4, and 5, a distance of 200.11 feet to a MAG NAIL with "Chaparral" washer set at the northwest corner of said Lot 5 and this tract, same being the southwest corner of Lot 6, Block 1, of said Leander Brown subdivision;

THENCE with the common line between said Lot 5 and said Lot 6, South 86°55'53" East a distance of 195.00 feet to a ½" iron rod found in the west R.O.W. line of a 20 foot C.O.A. alley for the northeast corner of said Lot 5 and this tract;

THENCE, with the west R.O.W. line of said alley and the east line of said Lots 2-5 South 03°26'07" West, a distance of 200.11 feet to MAG NAIL with "Chaparral" washer set in said north R.O.W. of West 27th Street for the southeast corner of said

Page 2 of 2

Lot 2;

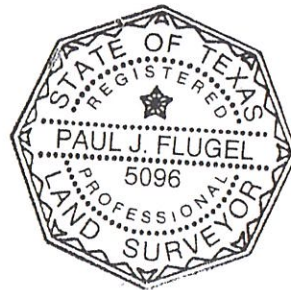
THENCE, along the south line of Lot 2, and the north R.O.W. line of West 27th Street, North $86^{\circ}55'53''$ West, a distance of 195.00 feet to the **POINT OF BEGINNING**, containing 0.896 acres of land, more or less.

Surveyed on the ground March 31, 2016. Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, based on GPS Solutions from The National Geodetic Survey (NGS) On-Line Positioning User Service (OPUS).

Attachments: Survey Drawing No. 1190-001-zoning

Paul J. Flugel 9-26-18

Paul J. Flugel
Registered Professional Land Surveyor
State of Texas No. 5096
TBPLS FIRM No. 10124500



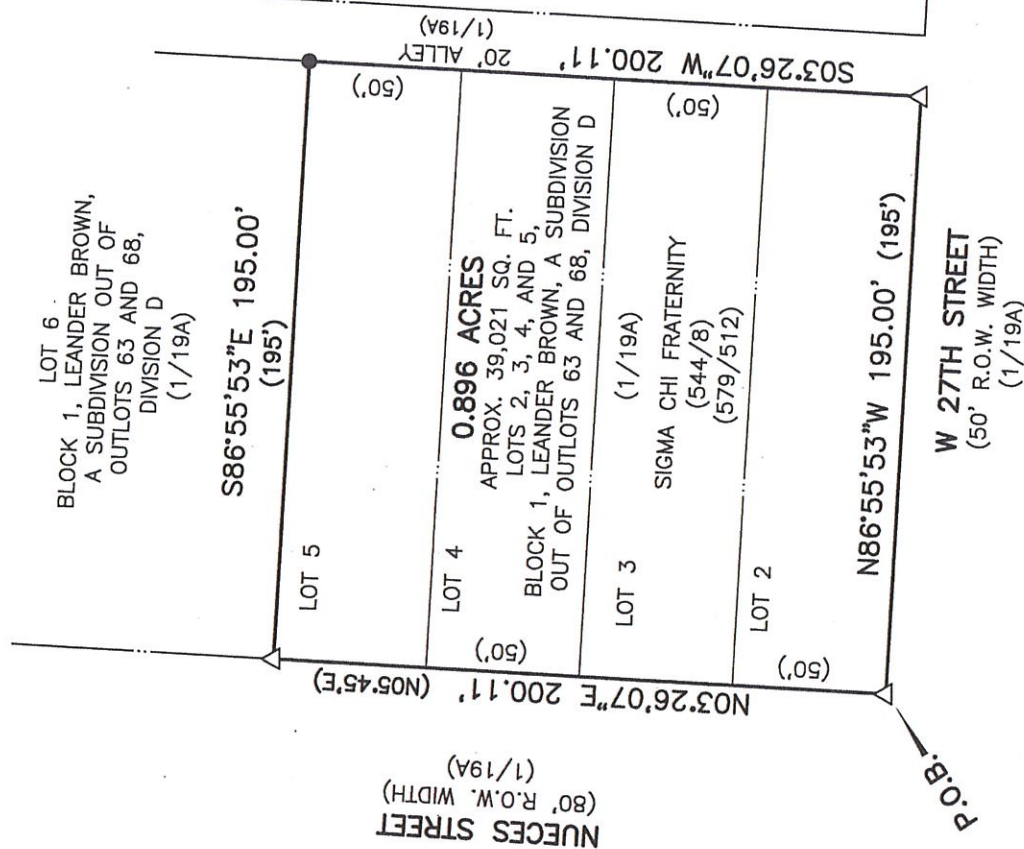
REFERENCES
TCAD Parcel # 208312
Austin Grid map J23



1" = 60'

A SKETCH TO ACCOMPANY A DESCRIPTION OF 0.896 ACRES (APPROXIMATELY 39,021 SQ. FT.), BEING ALL OF LOTS 2, 3, 4 AND 5, BLOCK 1, LEANDER BROWN, A SUBDIVISION OUT OF OUTLOTS 63 AND 68, DIVISION D, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGE 19A OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

- LEGEND
- 1/2" REBAR FOUND (OR AS NOTED)
 - △ MAG NAIL WITH "CHAPARRAL" WASHER SET
 - () RECORD INFORMATION
 - P.O.B POINT OF BEGINNING



Paul J. Flugel 9-26-18

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS) FOR CHAPARRAL CONTROL POINT "P770".

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1190-001 ZONE

DATE OF SURVEY: MARCH 31, 2016
 PLOT DATE: 09/24/18
 DRAWING NO.: 1190-001 ZONE
 PROJECT NO.: 1190-001
 T.B.P.L.S. FIRM NO. 10124500
 DRAWN BY: JD
 SHEET 1 OF 1

Chaparral

EXHIBIT D

ORDINANCE NO. 20071213-091

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2701 NUECES STREET IN THE WEST UNIVERSITY NEIGHBORHOOD PLAN AREA FROM MULTIFAMILY RESIDENCE MODERATE HIGH DENSITY-NEIGHBORHOOD PLAN (MF-4-NP) COMBINING DISTRICT TO MULTIFAMILY RESIDENCE MODERATE HIGH DENSITY-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (MF-4-CO-NP) 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 multifamily residence moderate high density-neighborhood plan (MF-4-NP) combining district to multifamily residence moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district on the property described in Zoning Case No. C14-2007-0110, on file at the Neighborhood Planning and Zoning Department, as follows:

Lots 2-5, Block 1, Outlot 63, Division D, Leander Brown Subdivision, a subdivision in the City of Austin, Travis County, Texas, more particularly described in a deed of record in Volume 553, Pages 8-9, Deed Records of Travis County, Texas (the "Property"),

locally known as 2701 Nueces Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

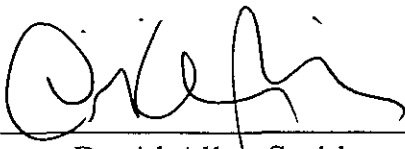
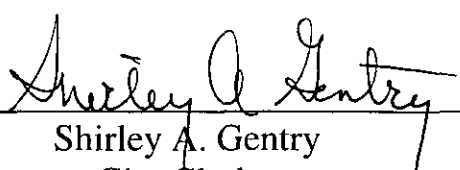
Development of the Property must comply with the site development standards of the MF-4 zoning district. The Property may not be developed under Chapter 25-2, Subchapter 3, Article 3, Division 9 (*University Neighborhood Overlay District Requirements*) of the City Code.

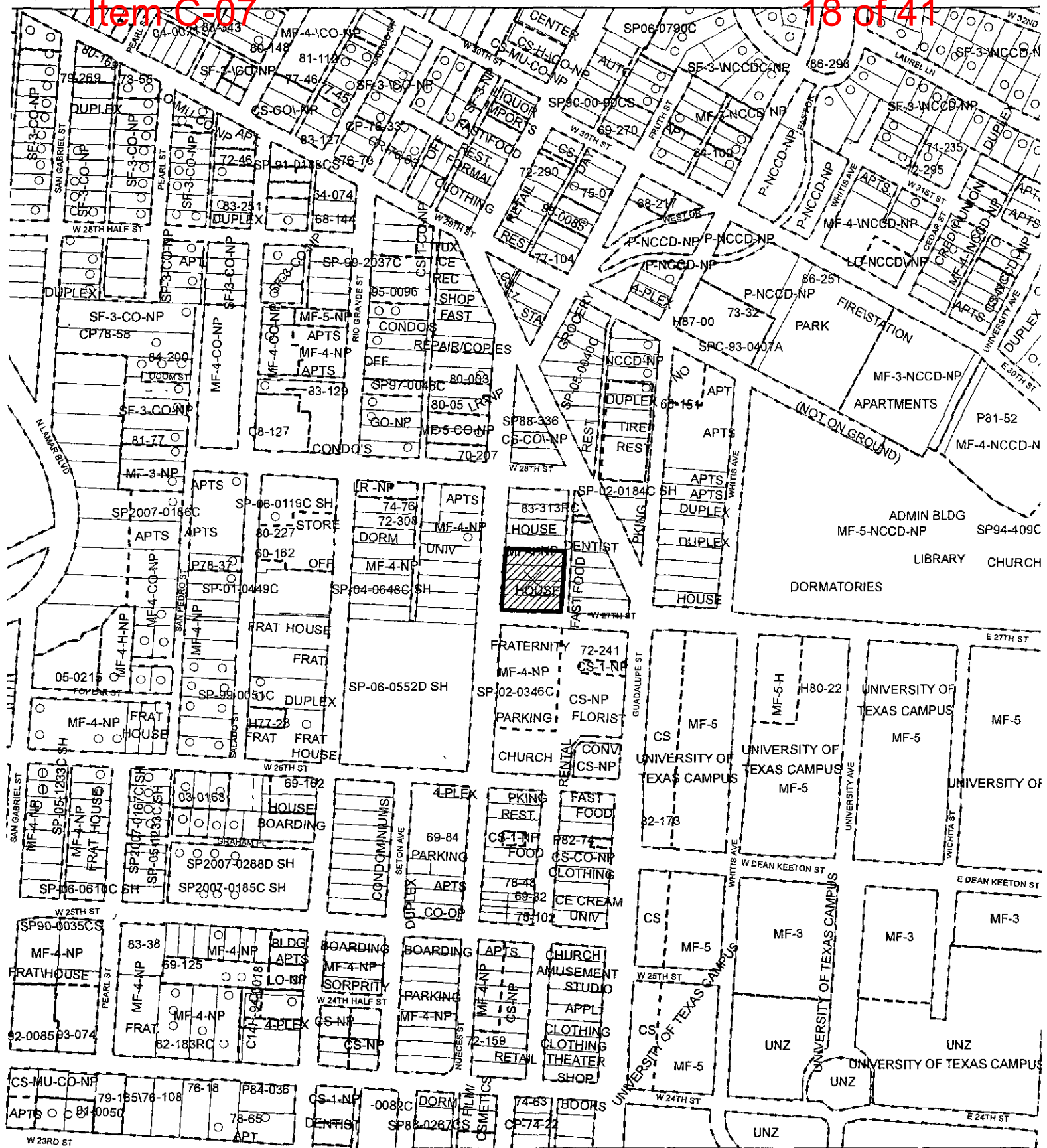
PART 3. Except as otherwise provided in this ordinance, the Property is subject to Ordinance No. 040826-57 that established the West University neighborhood plan combining district.

PART 4. This ordinance takes effect on December 24, 2007.

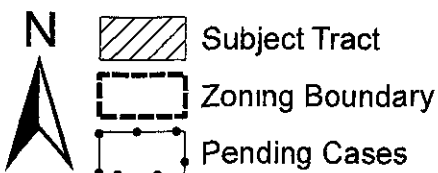
PASSED AND APPROVED

December 13, 2007 §
§
§
Will Wynn
Mayor

APPROVED:  **ATTEST:** 
David Allan Smith Shirley A. Gentry
City Attorney City Clerk



ZONING EXHIBIT A



ZONING CASE#: C14-2007-0110
 ADDRESS: 2701 NUECES ST
 SUBJECT AREA: 0.89 ACRES
 GRID: J24
 MANAGER: J. ROUSSELIN



1" = 400' OPERATOR SM

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

EXHIBIT E

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2007-0110 - Sigma Chi Fraternity

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2701 Nueces Street (Waller Creek Watershed) from multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate-high density-conditional overlay- neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate-high density-conditional overlay- neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant: Alpha Nu Chapter of Sigma Chi (Linden Welsh). Agent: Aynesworth Project Management (Tim Aynesworth). City Staff: Jorge E. Rousselin, 974-2975.

DEPARTMENT COMMENTS:

The subject property consists of a 0.89 Acres (38,768.4 sq. ft.) site zoned MF-4-NP fronting Nueces Street and West 27th Street. The property was rezoned from CS to MF-4-NP by Ordinance No. 040826-57 (Please see attachment "A") and did not impose any conditions. Furthermore, this site is subject to the University Neighborhood Overlay (UNO) zoning district created On September 2, 2004 under Ordinance No. 040902-58 (Please see Attachment "B"). The site lies within the *UNO Outer West Campus Subdistrict* which allows for a maximum height of 75 feet (Please see Attachment "C").

The applicant seeks to add self-imposed development restrictions on the subject property for the purpose of property tax relief only. Although not guaranteed by the proposed zoning change, it is the intent of the applicant to demonstrate to the taxing entities that the imposition of development restrictions on the property merit a re-evaluation of the property tax impact on the property as potentially such restrictions will limit the redevelopment or expansion of existing structures on the site. It is not the intention of the applicant to change or remove existing land uses on the site as those will remain.

OWNER/APPLICANT: Alpha Nu Chapter of Sigma Chi (Linden Welsh)

AGENT: Aynesworth Project Management (Tim Aynesworth)

DATE OF FIRST READING: December 6, 2007

CITY COUNCIL HEARING DATE: December 13, 2007

CITY COUNCIL ACTION:

December 6, 2007: Pending

ASSIGNED STAFF: Jorge E. Rousselin , e-mail: jorge.rousselin@ci.austin.tx.us

ZONING REVIEW SHEET**CASE:** C14-2007-0110**P.C. DATE:** September 25, 2007
October 9, 2007
October 23, 2007**ADDRESS:** 2701 Nueces Street**OWNER:** Alpha Nu Chapter of Sigma Chi
(Linden Welsh)**AGENT:** Aynesworth Project management
(Tim Aynesworth)**REZONING FROM:**

MF-4-NP (Multifamily Residence – Moderate high density – Neighborhood plan)

TO: MF-4-CO-NP (Multifamily Residence – Moderate high density – Conditional overlay – Neighborhood plan); Nature of the request is to consider imposing development restrictions on the property**AREA:** 0.89 Acres (38,768.4 sq. ft.)**SUMMARY PLANNING COMMISISON RECOMMENDATION:***October 23, 2007:****DENIED STAFF'S RECOMMENDATION FOR MF-4-CO-NP ZONING.******[C.EWEN, C.GALINDO 2ND] (5-4) D.SULLIVAN, P.HUI, S.KIRK, P.CAVAZOS – NAY*****SUMMARY STAFF RECOMMENDATION:**

The Staff recommends the rezoning from MF-4-NP to MF-4-CO-NP. The conditional overlay shall implement the base district site development standards of MF-4-NP to specifically address the following:

- Minimum lot size: 8,000 square feet;
- Minimum lot width: 50 feet;
- Maximum height: 60 feet;
- Minimum front yard setback: 15 feet;
- Minimum street side setback: 15 feet;
- Minimum interior side yard setback: 5 feet;
- Minimum rear yard setback: 10 feet;
- Maximum building coverage: 60%;
- Maximum impervious cover: 70%;
- Maximum floor area ratio (FAR): 0.75:1; and
- Maximum units per acre: 36-54*

*As allowed by the LDC

The recommendation is based on the following considerations:

- 1.) The existing use is proposed to remain as there are no proposals to change the base land use at this time;
- 2.) Self-imposed site development restrictions on the site will not infringe on the character of the surrounding properties; and
- 3.) All other terms and conditions of Ordinance No. 040826-57 and 040902-58 shall remain.

DEPARTMENT COMMENTS:

The subject property consists of a 0.89 Acres (38,768.4 sq. ft.) site zoned MF-4-NP fronting Nueces Street and West 27th Street. The property was rezoned from CS to MF-4-NP by Ordinance No. 040826-57 (Please see attachment "A") and did not impose any conditions. Furthermore, this site is subject to the University Neighborhood Overlay (UNO) zoning district created On September 2, 2004 under Ordinance No. 040902-58 (Please see Attachment "B"). The site lies within the *UNO Outer West Campus Subdistrict* which allows for a maximum height of 75 feet (Please see Attachment "C").

The applicant seeks to add self-imposed development restrictions on the subject property for the purpose of property tax relief only. Although not guaranteed by the proposed zoning change, it is the intent of the applicant to demonstrate to the taxing entities that the imposition of development restrictions on the property merit a re-evaluation of the property tax impact on the property as potentially such restrictions will limit the redevelopment or expansion of existing structures on the site. It is not the intention of the applicant to change or remove existing land uses on the site as those will remain.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-4-NP	Fraternity
<i>North</i>	MF-4-NP	Fraternity
<i>South</i>	MF-4-NP	Fraternity
<i>East</i>	CS-NP	Retail / Restaurant
<i>West</i>	MF-4-NP	Apartments

NEIGHBORHOOD PLAN:

Central Austin Combined- West University

TIA: Waived; See Transportation comments

WATERSHED: Waller Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

UNO OVERLAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

48--North University Neighborhood Assn.
 69--University Area Partners
 511--Austin Neighborhoods Council
 603--Mueller Neighborhoods Coalition
 698--West Campus Neighborhood Association
 742--Austin Independent School District
 754--Central Austin Neighborhoods Planning Area Committee
 764--North University Planning Team
 786--Home Builders Association of Greater Austin
 937--Taking Action Inc.
 1026--Non-Profit Student Housing Preservation Group
 1037--Homeless Neighborhood Organization

SCHOOLS:

Austin Independent School District

- Bryker Woods Elementary School
- O. Henry Middle School
- Austin High School

SUBJECT PROPERTY RELATED CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0021	West University Neighborhood Plan	05/25/04: APVD STAFF REC (8-0)	06/10/04: APVD PC REC (7-0), 1ST RDG 08/05/04: APVD 2ND RDG (6-0) 08/26/04: APVD W/CHANGES (7-0)

SURROUNDING PROPERTIES CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0050	LO and MF-3 to CS and MF-6	07/10/01: PVD STAFF REC OF CS-CO-MU & MF-6-CO (6-2, BB/JM-NO); LIMIT DENSITY TO 54 UNITS	07/19/01: APVD CS-MU-CO W/CONDS (6-0); 1ST RDG 08/30/01: APVD CS-MU-CO & MF-6-CO (6-0); 2ND/3RD RDGS 02/13/03: APVD AMENDING ORD. 010830-41 TO CORRECT ZONING CONDS (7-0)
C14-03-0163	MF-4 to MF-6	12/23/03: APVD STAFF REC OF MF-6 (W/75' HEIGHT LIMIT); (5-0)	02/12/04: APVD MF-6-CO (6-0-1, JG-ABSTAIN); ALL 3 RDGS

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
W. 27 th Street	50'	27'	Collector	N/A
Nueces Street	80'	40'	Collector	3,562 (10/15/03)

CITY COUNCIL DATE:

November 29, 2007

December 6, 2007

ACTION:

This item was postponed to December 6, 2007 at the owner's request (consent). 6-0 (Cole off the dais).

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Jorge E. Rousselin, NPZD

PHONE: 974-2975

E-MAIL: jorge.rousselin@ci.austin.tx.us

STAFF RECOMMENDATION

The Staff recommends the rezoning from MF-4-NP to MF-4-CO-NP. The conditional overlay shall implement the base district site development standards of MF-4-NP to specifically address the following:

- Minimum lot size: 8,000 square feet;
- Minimum lot width: 50 feet;
- Maximum height: 60 feet;
- Minimum front yard setback: 15 feet;
- Minimum street side setback: 15 feet;
- Minimum interior side yard setback: 5 feet;
- Minimum rear yard setback: 10 feet;
- Maximum building coverage: 60%;
- Maximum impervious cover: 70%;
- Maximum floor area ratio (FAR): 0.75:1; and
- Maximum units per acre: 36-54* *As allowed by the LDC

The recommendation is based on the following considerations:

- 1.) The existing use is proposed to remain as there are no proposals to change the base land use at this time;
- 2.) Self-imposed site development restrictions on the site will not infringe on the character of the surrounding properties; and
- 3.) All other terms and conditions of Ordinance No. 040826-57 and 040902-58 shall remain.

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.*

The proposed rezoning will not have detrimental impacts on the character of the neighborhood and will maintain land use compatibility.

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

Because a land use change is not sought, the zoning classification remains consistent and applicable. The proposed self-imposed development restrictions do not infringe on development patterns for this area.

EXISTING CONDITIONS**Site Characteristics**

The subject property consists of a 0.89 Acres (38,768.4 sq. ft.) site zoned MF-4-NP fronting Nueces Street and West 27th Street. The property was rezoned from CS to MF-4-NP by Ordinance No. 040826-57 (Please see attachment "A") and did not impose any conditions. Furthermore, this site is subject to the University Neighborhood Overlay (UNO) zoning district created On September 2, 2004 under Ordinance No. 040902-58 (Please see Attachment "B"). The site lies within the *UNO Outer West Campus Subdistrict* which allows for a maximum height of 75 feet (Please see Attachment "C").

EXHIBIT F

ORDINANCE NO. 040902-58**AN ORDINANCE AMENDING TITLE 25 OF THE CITY CODE TO ADD A NEW UNIVERSITY NEIGHBORHOOD OVERLAY ZONING DISTRICT.****BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:****PART 1.** Section 25-2-32(F) of the City Code is amended to read:

(F) Combining districts and map codes are as follows:

(1) historic landmark	H
(2) conditional overlay	CO
(3) neighborhood conservation	NC
(4) planned development area	PDA
(5) waterfront overlay	WO
(6) mixed use	MU
(7) Capitol view corridor	CVC
(8) Capitol dominance	CD
(9) Congress Avenue	CA
(10) East Sixth / Pecan Street	PS
(11) downtown parks	DP
(12) downtown creeks	DC
(13) convention center	CC
(14) central urban redevelopment	CURE
(15) East Austin	EA
(16) neighborhood plan	NP
(17) <u>university neighborhood overlay</u>	<u>UNO</u>

PART 2. Chapter 25-2 of the City Code is amended to add a new Section 25-2-178 to read:

§ 25-2-178 UNIVERSITY NEIGHBORHOOD OVERLAY (UNO) DISTRICT PURPOSE AND BOUNDARIES.

- (A) The purpose of the university neighborhood overlay (UNO) district is to promote high density redevelopment in the area generally west of the University of Texas campus, provide a mechanism for the creation of a densely populated but livable and pedestrian friendly environment, and protect the character of the predominantly single-family residential neighborhoods adjacent to the district.
- (B) The UNO district consists of the following subdistricts:
 - (1) inner west campus subdistrict;
 - (2) outer west campus subdistrict;
 - (3) Guadalupe subdistrict; and
 - (4) Dobie subdistrict.
- (C) The boundaries of the UNO district and each subdistrict are identified in Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits*) of this chapter.

PART 3. Chapter 25-2, Subchapter C, Article 3 of the City Code is amended to add a new Division 9 to read:

Division 9. University Neighborhood Overlay District Requirements.

§ 25-2-751 APPLICABILITY.

This division applies to property in the university neighborhood overlay (UNO) district if the property owner files a site plan and an election for the property to be governed by this division.

§ 25-2-752 CONFLICT OF LAW.

For property governed by this division, this division supersedes the other provisions of this title to the extent of conflict.

§ 25-2-753 LOCAL USES DESCRIBED.

(A) In this division, a local use is a use that serves the public by providing goods or services in a manner readily accessible by pedestrians or the occupants of the structure in which the uses are located. Local uses include:

- (1) administrative and business offices;
- (2) art and craft studio;
- (3) art gallery;
- (4) art workshop;
- (5) business and trade school;
- (6) consumer convenience services;
- (7) consumer repair services;
- (8) counseling services;
- (9) custom manufacturing;
- (10) day care services (commercial, general, or limited);
- (11) financial services;
- (12) food preparation;
- (13) food sales;
- (14) general retail sales (convenience or general);
- (15) guidance services;
- (16) indoor sports and recreation;
- (17) medical offices (under 5,000 square feet);
- (18) personal improvement services;
- (19) personal services;
- (20) pet services;
- (21) printing and publishing services;
- (22) professional office;
- (23) religious assembly;

- (24) restaurant (general or limited);
- (25) theater; and
- (26) a conditional use in the base zoning district that is approved by the land use commission.

(B) A local use may not include a drive-through facility.

§ 25-2-754 USE REGULATIONS.

(A) In a nonresidential zoning base district, residential uses are permitted.

(B) In any base zoning district, a hotel-motel use, a multifamily use, or a group residential use is permitted.

(C) This subsection applies to a multifamily residential use.

- (1) Each building must achieve at least a one star rating under the Austin Green Building program.
- (2) All ground floor dwelling units must be:
 - (a) adaptable for use by a person with a disability; and
 - (b) accessible by a person with a disability from the on-site parking and common facility, if any.
- (3) At least 10 percent of the dwelling units must be accessible for a person with a mobility impairment.
- (4) At least two percent of the dwelling units must be accessible for a person with a hearing or visual disability.
- (5) Each multistory building must be served by an elevator, unless at least 25 percent of the site's dwelling units are located on the ground floor.
- (6) A parking space must be leased separately from a dwelling unit.

(D) This subsection governs local uses in a residential base district.

- (1) Except as provided in Paragraph (2), up to 20 percent of the gross floor area of a site may be used for local uses. At least one-half of the gross floor area of the local uses must be located at street level and accessible from a pedestrian path. In determining these percentages, a nonresidential use that is accessory to the principal residential use or

located in a historic landmark is excluded from the gross floor area of the local uses.

- (2) Up to 100 percent of the gross floor area of a structure may be used for local uses if the structure is:
 - (a) a historic landmark or the structure contains less than 10,000 square feet of gross floor area and is the only structure on the site; or
 - (b) less than 60 feet in height and located on:
 - (i) Guadalupe Street between Martin Luther King, Jr. Blvd. and 29th Street;
 - (ii) Martin Luther King Jr., Blvd. between Guadalupe Street and Rio Grande Street; or
 - (iii) 24th Street between Guadalupe Street and Rio Grande Street.

(E) This subsection applies to commercial off-street parking.

- (1) Commercial off-street parking on a surface lot is prohibited.
- (2) Commercial off-street parking in a structure is:
 - (a) permitted in any base zoning district in the Guadalupe, Dobie, or inner west campus subdistrict; and
 - (b) prohibited in the outer west campus subdistrict.
- (3) The street level portion of a commercial off-street parking structure that is accessible from a pedestrian path must contain local uses for a depth of at least 18-1/2 feet. This requirement does not apply to a portion of the structure used for an entrance or exit.

(F) A cocktail lounge is a conditional use if it is accessory to a hotel-motel use with at least 50 rooms.

§ 25-2-755 MINIMUM LOT AREA.

The minimum lot area is 2,500 square feet.

§ 25-2-756 HEIGHT.

(A) Except as provided in Subsection (B), maximum heights for structures are prescribed by Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits*).

(B) In the outer west campus subdistrict, a structure with a multi-family residential use may exceed by 15 feet the maximum height prescribed by Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits*) if:

- (1) the structure is located in an area for which the maximum height is at least 50 feet; and
- (2) the multi-family residential use, for a period of not less than 15 years from the date a certificate of occupancy is issued, sets aside at least:
 - (a) 10 percent of the dwelling units on the site to house persons whose household income is less than 80 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office; and
 - (b) 10 percent of the dwelling units on the site to house persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office.

§ 25-2-757 SETBACKS.

(A) There are no minimum front yard or street side yard setbacks, except:

- (1) the minimum setbacks are 10 feet along Martin Luther King, Jr. Blvd. between Rio Grande Street and San Gabriel Street; and
- (2) the minimum front yard setback is two feet along Graham Place, West 24½ Street, San Pedro Street, West 21st Street, and Hume Place.

(B) The maximum front yard setback and the maximum street side yard setback are 10 feet, except:

- (1) the maximum setbacks are 15 feet along 24th Street or along Martin Luther King, Jr. Blvd. between Rio Grande Street and San Gabriel Street;
- (2) the maximum setbacks are 45 feet for a public plaza or private common open space;
- (3) there are no maximum setbacks for a pedestrian entry court or an outdoor cafe; and

- (4) the director of the Watershed Protection and Development Review Department may modify a maximum setback if the director determines that the modification is required to protect a historic structure or a tree designated as significant by the city arborist.
- (C) There is no minimum or maximum interior side yard setback.
- (D) There is no minimum or maximum rear yard setback.
- (E) A building must be at least 12 feet from the front face of the curb of the adjacent street.

§ 25-2-758 BUILDING STEPBACKS AND BUILDING ENVELOPE RESTRICTION.

- (A) Except as provided in Subsection (B):
 - (1) if an exterior wall of a building is adjacent to a street other than an alley, at a height of 60 feet, the upper portion of the wall must be set back from the lower portion of the wall by a distance of at least 12 feet; and
 - (2) if the north side of a building is adjacent to a street other than an alley and is greater than 60 feet in height, the upper portion of the north side of the building must be set back within a building envelope that is formed by a plane that extends from the top of the lower portion of the north side exterior wall toward the building at an angle of 62 degrees above horizontal.
- (B) If a building facade abuts street frontage for a distance of at least 280 feet, Subsection (A) does not apply to:
 - (1) 15 percent of the length of a building facade that faces east, south, or west; or
 - (2) 20 percent of the length of a building facade that faces north.

§ 25-2-759 STREET WALL AREAS ADJACENT TO OCCUPANT SPACE.

- (A) In this section:
 - (1) OCCUPANT SPACE means space in a building used for a use other than a parking facility or a mechanical facility.
 - (2) STREET WALL AREA means the portion of an exterior wall of a building adjacent to a public street other than an alley and accessible from a pedestrian path that extends from the base of street level:

- (a) to a maximum height of 60 feet; or
 - (b) for an accessory parking structure, to a maximum height of two stories.
- (B) At least 42 percent of the street wall area of a building must be adjacent to occupant space.
- (C) If a building has street wall areas on more than one street, at least 29 percent of the total street wall area must be adjacent to occupant space on a street that runs east and west.
- (D) This section does not apply to a commercial off-street parking structure.

§ 25-2-760 STREETScape IMPROVEMENTS.

- (A) Except as provided in Subsection (B), a site owner shall install a sidewalk not less than 12 feet wide along each street frontage adjacent to the site.
- (B) A site owner shall install a sidewalk not less than five feet wide along West 24½ Street, San Pedro Street, West 21st Street, Hume Place, or Salado Street.
- (C) A site owner shall plant and maintain trees along an adjacent street right-of-way.
- (1) Trees must be spaced to create a nearly contiguous canopy when the trees reach maturity.
 - (2) A tree must be in scale with the adjacent building.
 - (3) A tree planted in a sidewalk area must have a tree grating.
- (D) A site owner shall install and maintain pedestrian-scale lighting along an adjacent street right-of-way.
- (E) The director of the Watershed Protection and Development Review Department shall adopt rules prescribing the requirements for tree planting and maintenance and the installation and maintenance of pedestrian-scale lighting.
- (F) The director of the Watershed Protection and Development Review Department may require fiscal security to ensure compliance with this section.

§ 25-2-761 PLACEMENT OF EQUIPMENT AND TRASH RECEPTACLES.

Utility equipment, mechanical equipment, and large trash receptacles:

- (1) are prohibited in the area between a building and a street; and

(2) must not be visible from a street.

§ 25-2-762 SITE ACCESS.

- (A) Vehicular access from a site to a public street is limited to two curb cuts.
- (B) Vehicular access to a site from 20th Street, 21st Street, 22nd Street, 23rd Street, 25th Street, 26th Street, 27th Street, or 28th Street between Guadalupe Street and Pearl Street is prohibited if the site has frontage on another street or alley.
- (C) A site with access to an alley must use the alley or a parking structure for service and delivery access.
- (D) A site that does not have access to an alley must provide a service and delivery area that is at least 30 feet deep, measured from the front setback line or side setback line, as applicable.
- (E) The director of the Watershed Protection and Development Review Department may waive or modify a requirement of this section if the director determines that the waiver or modification is necessary for adequate traffic circulation or public safety.

§ 25-2-763 CERTAIN REGULATIONS INAPPLICABLE OR SUPERSEDED.

- (A) The following provisions of this subchapter do not apply:
 - (1) maximum floor-to-area ratios;
 - (2) maximum building coverage percentages;
 - (3) Article 9 (*Landscaping*); and
 - (4) Article 10 (*Compatibility Standards*), if the property is at least 75 feet from the boundary of the university neighborhood overlay district.
- (B) Impervious cover limitations of this subchapter are superseded by this subsection. Maximum impervious cover is:
 - (1) 100 percent in the inner west campus and Guadalupe subdistricts;
 - (2) the greater of 90 percent or the percentage permitted in the base zoning district in the outer west campus subdistrict; and
 - (3) the greater of 85 percent or the percentage permitted in the base zoning district in the Dobie subdistrict.

- (C) For a multi-family residential use, minimum site area and open space requirements of this subchapter do not apply.

§ 25-2-764 DESIGN GUIDELINES.

- (A) A site plan must substantially comply with the design guidelines prescribed by administrative rule. An applicant shall file with the site plan a building elevation drawing that demonstrates substantial compliance with the design guidelines.
- (B) The director of the Watershed Protection and Development Review Department shall determine whether a site plan substantially complies with the design guidelines.
- (C) The director of the Watershed Protection and Development Review Department may waive a provision of the design guidelines if the director determines that the provision is unreasonable or impractical as applied to the site plan and that, with the waiver, the site plan will still substantially comply with the design guidelines. A waiver under this subsection must be the minimum departure from the provision necessary to avoid an unreasonable or impractical result.
- (D) An interested party may appeal to the land use commission:
- (1) a determination by the director of the Watershed Protection and Development Review Department that a site plan substantially complies with the design guidelines; or
 - (2) a decision by the director of the Watershed Protection and Development Review Department granting or denying a waiver under Subsection (C).

§ 25-2-765 AFFORDABLE HOUSING.

- (A) A multi-family residential use established after [effective date of ordinance] must, for a period of not less than 15 years from the date a certificate of occupancy is issued, set aside at least:
- (1) 10 percent of the dwelling units on the site to house persons whose household income is less than 80 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office; and
 - (2) except as provided in Subsection (B), an additional 10 percent of the dwelling units on the site to house persons whose household income is less than 65 percent of the median income in the Austin statistical

metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office.

- (B) The University Neighborhood District Housing Trust Fund is established. Instead of complying with Paragraph (A)(2), a person may pay into the fund a fee of \$0.50 for each square foot of net rentable floor area in the multi-family residential use development.
- (C) The director of the Austin Neighborhood Housing and Community Development Office may allocate money from the University Neighborhood District Housing Trust Fund for housing development in the university neighborhood overlay district that provides at least 10 percent of its dwelling units to persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office, for a period of not less than 15 years from the date a certificate of occupancy is issued.

PART 4. Section 25-6-478(B) of the City Code is amended to read:

(B) This section does not apply:

- (1) to property in a central business (CDB) district or downtown mixed use (DMU) district;
- (2) to commercial, industrial, or civic use in a traditional neighborhood (TN) district;
- (3) to a corner store special use; neighborhood mixed use building special use; commercial, industrial, or civic use portion of a neighborhood urban center special use; or commercial or civic use portion of a residential infill special use;
- (4) to property in the university neighborhood overlay (UNO) district; or
- (5) [~~(4)~~] if the off-street parking requirement has been modified under Section 25-6-473 (*Modification Of Parking Requirement*) or Section 25-6-476 (*Parking For Mixed-Use Developments*).

PART 5. Chapter 25-6, Article 7 of the City Code is amended to add a new Division 6 to read:

Division 6. Special Provisions For The University Neighborhood Overlay District.

**§ 25-6-601 PARKING REQUIREMENTS FOR UNIVERSITY
NEIGHBORHOOD OVERLAY DISTRICT.**

- (A) Except as otherwise provided in this section, the minimum off-street parking requirement in the university neighborhood overlay district is 60 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).
- (B) Off-street parking is not required for a commercial use if the use:
 - (1) occupies less than 6,000 square feet of gross floor area; or
 - (2) is located on:
 - (a) Guadalupe Street between Martin Luther King, Jr. Blvd. and West 29th Street; or
 - (b) West 24th Street between Guadalupe Street and Rio Grande Street.
- (C) For a multi-family residential use, the minimum off-street parking requirement is 40 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*) if the multi-family residential use:
 - (1) participates in a car sharing program that complies with the program requirements prescribed by administrative rule, as determined by the director of the Watershed Protection and Development Review Department; or
 - (2) sets aside for a period of not less than 15 years from the date a certificate of occupancy is issued at least 10 percent of the dwelling units on the site to house persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office, in addition to complying with Section 25-2-765 (*Affordable Housing*).

PART 6. Chapter 25-2 of the City Code is amended to add a new Appendix C to read:

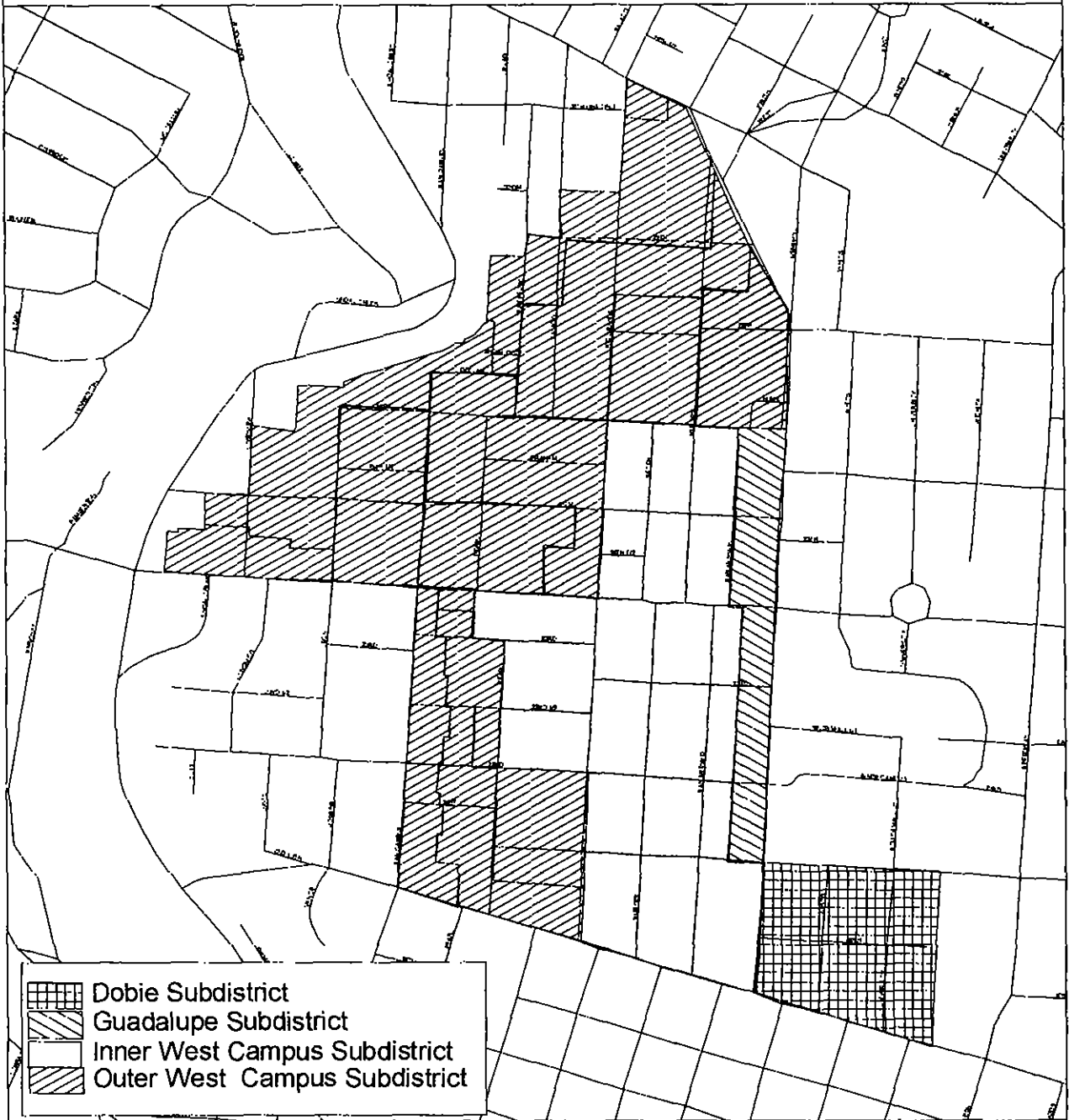
APPENDIX C**UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT BOUNDARIES,
SUBDISTRICT BOUNDARIES, AND HEIGHT LIMITS****University Neighborhood Overlay District Boundaries**

The university neighborhood overlay district is indicated on the subdistrict boundaries map and includes the area bounded:

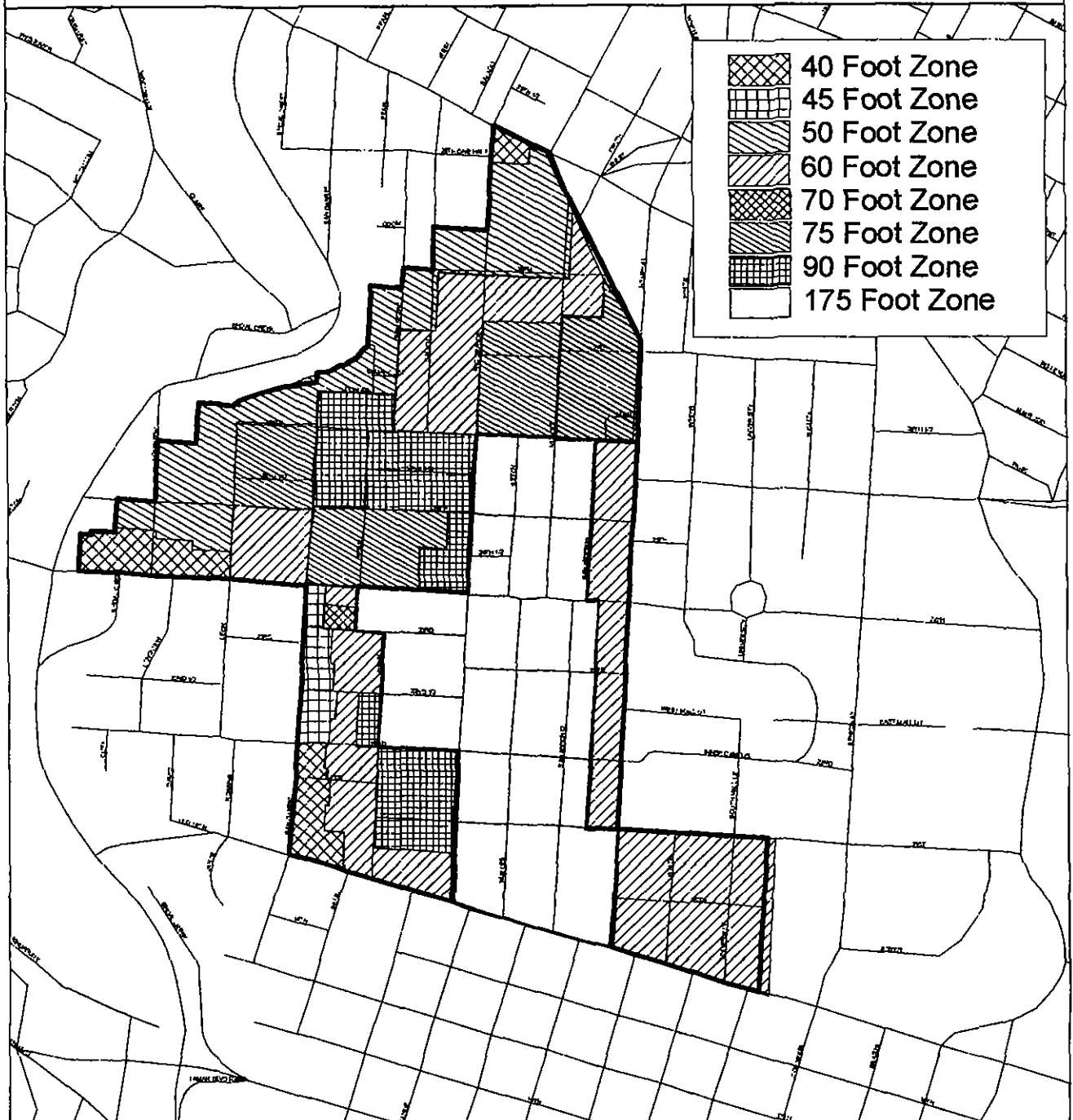
- (1) on the north by a line along West 29th Street from Rio Grande Street to Guadalupe Street;
- (2) on the east by a line along Guadalupe Street from West 29th Street to West 21st Street; West 21st Street from Guadalupe Street to the eastern ally of University Avenue; the eastern alley of University Avenue from West 21st Street to West MLK Jr. Boulevard;
- (3) on the south by a line along West MLK Jr. Boulevard from the eastern alley of University Avenue to San Gabriel Street; and
- (4) on the west by a line along San Gabriel Street to West 24th Street; west along West 24th Street to the western lot line of lot One of the Resubdivision of a Portion of Outlot Forty-Three; north along the western lot line of lot One of the Resubdivision of a Portion of Outlot Forty-Three to the alley between Lamar Boulevard and Longview Street; north along the alley to West 25th Street; east along West 25th Street to Longview Street; north along Longview Street to the northern lot line of lot Fifteen, Block Five of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five; east along the northern lot line of lot Fifteen, Block Five of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five to the alley between Longview Street and Leon Street; north along the ally to the northern lot line of lot Twenty-Three, Block Four of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five; east along the northern lot line of lot Twenty-Three, Block Four of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five to the northern lot lines of lots Twenty-Nine, Thirty, Thirty-One, Thirty-Two, and Three of the Harwood Subdivision; along the northern lot lines of lots Twenty-Nine, Thirty, Thirty-One, Thirty-Two, and Three of the Harwood Subdivision to San Gabriel Street; north along San Gabriel Street to the northern lot line of the Graham Subdivision of Outlots Fifty-Nine, Sixty, Sixty-Four, and the North Half of Fifty-Two; along the northern lot line of the

Graham Subdivision of Outlots Fifty-Nine, Sixty, Sixty-Four, and the North Half of Fifty-Two to a point 160' east of San Pedro Street of the southern lot line of lot One of the Gortons Addition; from this point north to a point 160' east of San Pedro Street on the northern lot line of lot Four of the Gortons Addition; east along the northern lot line of lot Four of the Gortons Addition to San Pedro Street; north along San Pedro Street to West 28th Street; west along 28th Street to Salado Street; north along Salado Street to an alley on the northern lot line of Outlot 67, Division D of the Graham Subdivision; east along the alley to Rio Grande Street; north along Rio Grande Street to West 29th Street.

University Neighborhood Overlay Subdistrict Boundaries



University Neighborhood Overlay Height Limits



PART 7. This ordinance takes effect on September 13, 2004.

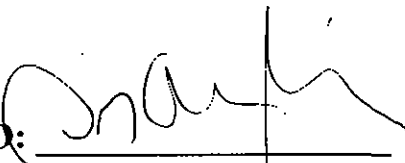
PASSED AND APPROVED

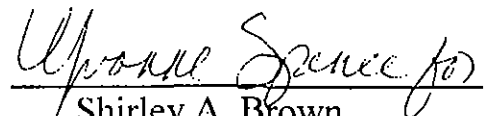
_____, September 2, 2004

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Will Wynh
Mayor

APPROVED: 
David Allan Smith
City Attorney

ATTEST: 
Shirley A. Brown
City Clerk