

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-12
AGENDA DATE: Thu 01/29/2004
PAGE: 1 of 1**

SUBJECT: C14-03-0049 - House of Tutors - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2400 Pearl Street (Shoal Creek Watershed) from general office-mixed use (GO-MU) combining district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning. Applicant: House of Tutors Inc. (Hussain Malik). Agent: Holland Architectural (James Holland). City Staff: Glenn Rhoades, 984-2775.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0049

P.C. DATE: November 11, 2003
December 9, 2003

C.C. DATE: January 15, 2004
January 29, 2004

ADDRESS: 2400 Pearl Street

OWNER/APPLICANT: House of Tutors Inc.
(Hussian Malik)

AGENT: Holland Architectural
(Jimmy Holland)

ZONING FROM: GO-MU

TO: CS-MU

Amended to CS-MU from 0' to 30' and
MF-6 from 30' to 90'

AREA: .66 acres

SUMMARY STAFF RECOMMENDATION:

Staff's alternate recommendation is CS-MU-CO, General Commercial Services-Mixed Use-Conditional Overlay district zoning and MF-6-CO, Multifamily Highest Density-Conditional Overlay district zoning. The conditional overlay will limit the property to 2,000 vehicle trips per day. In addition, staff recommends that access be limited to Pearl Street and that access to 24th Street be prohibited.

PLANNING COMMISSION RECOMMENDATION:

November 11, 2003 – Postponed at the request of the applicant to 12/9/03 (Vote: 5-0, M. Armstrong, M. Casias and N. Spelman – absent).

December 9, 2003 – Approved MF-6-CO and CS-MU-CO. The conditional overlay will limit the site to 2,000 trips per day, limit impervious cover to 80%, prohibit access to 24th Street, provide a 15 foot front yard set back and limit height to 40 feet for the first 75 feet north of 24th Street (Vote: 7-0, L. Ortiz – on leave).

ISSUES:

The subject tract is a part of the proposed Central Austin Combined Planning Area (CACPA), which encompasses the West University, North University and Hancock neighborhoods. At this time the CACPA is in the very early stages and City staff is still collecting data and having the initial meetings with both internal and external stakeholders. Staff does not have a future land use map created yet and recommendations for the subject tract are not yet incorporated into the plan. Therefore, staff is processing this rezoning application like any other zoning case. The reason for this case being presented before this Commission is due to Council resolution 020411-55, which initiated plans for the CACPA. The resolution became effective on September 1, 2002 and all zoning cases within the CACPA boundaries are required to be heard by this Commission.

The applicant's amended request is for CS-MU from ground level to 30 feet and MF-6 from 30 feet to 90 feet. The applicant is proposing retail or office, in addition to parking on the first two floors and multifamily above (see attached plan). While the Future Land Use Map has not yet been completed it does appear that staff would recommend the height and density being requested by the applicant. The reason for the two-tiered request is because without final approval of the plan, it is the only tool

available that will allow for a mixed-use project of this density. If the applicant had requested MF-6, the height would have been allowed. However, the project would have been restricted to residential only. If the applicant had requested CS-MU, a mixed-use project would have been allowed, but it would have been restricted to MF-4 development regulations and a height of 60 feet. The current request will allow for the height and the opportunity for a mixed-use project.

Staff has received several letters both in support and against the proposed zoning change (see attached).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO-MU	Personal Services
<i>North</i>	MF-4	Fraternity Center
<i>South</i>	CS	Retail, Office and Multifamily
<i>East</i>	MF-4	Fraternity, Multifamily
<i>West</i>	GR-MU	Parking lot and Retail

AREA STUDY: Central Austin Combined Neighborhood Planning Area

TIA: N/A

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

#069 – University Area Partners

#511 – Austin Neighborhoods Council

#937 – Taking Action Inc.

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-95-0019	MF-4 to GO-MU	Approved GO-MU w/o conditions (Vote: 7-0). 2/28/95.	Approved PC recommendation (Vote: 6-0). 3/30/95.
C14-00-2059	LO to MF-6-CO	Approved MF-6-CO. The CO limits the height to 60 feet, limits property to 24 units and to 2 access points (Vote: 7-1). 5/9/00.	Approved PC recommendation (Vote: 7-0). 11/20/00.
C14-01-0017	MF-4 to GO	Withdrawn	
C14-01-0050	LO to CS-MU for tract 1 and MF-3 to MF-6-CO for tract 2	Approved CS-MU-CO for tract 1. The CO limits to 12 units and a height of 60 feet from ground level. Approved MF-6-CO for tract 2. The CO limits to 36 units (Vote: 6-2). 7/10/01.	Approved PC recommendation (Vote: 6-0). 8/30/01.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
W. 24 th St.	60'	33'	Collector	18,309
Pearl St.	60'	37'	Local	N/A

CITY COUNCIL DATE: 1/15/04

1/29/04

ACTION: Postponed at the request of the applicant
(Vote: 6-0, B. Mckracken – off dais).

ORDINANCE READINGS: 1st

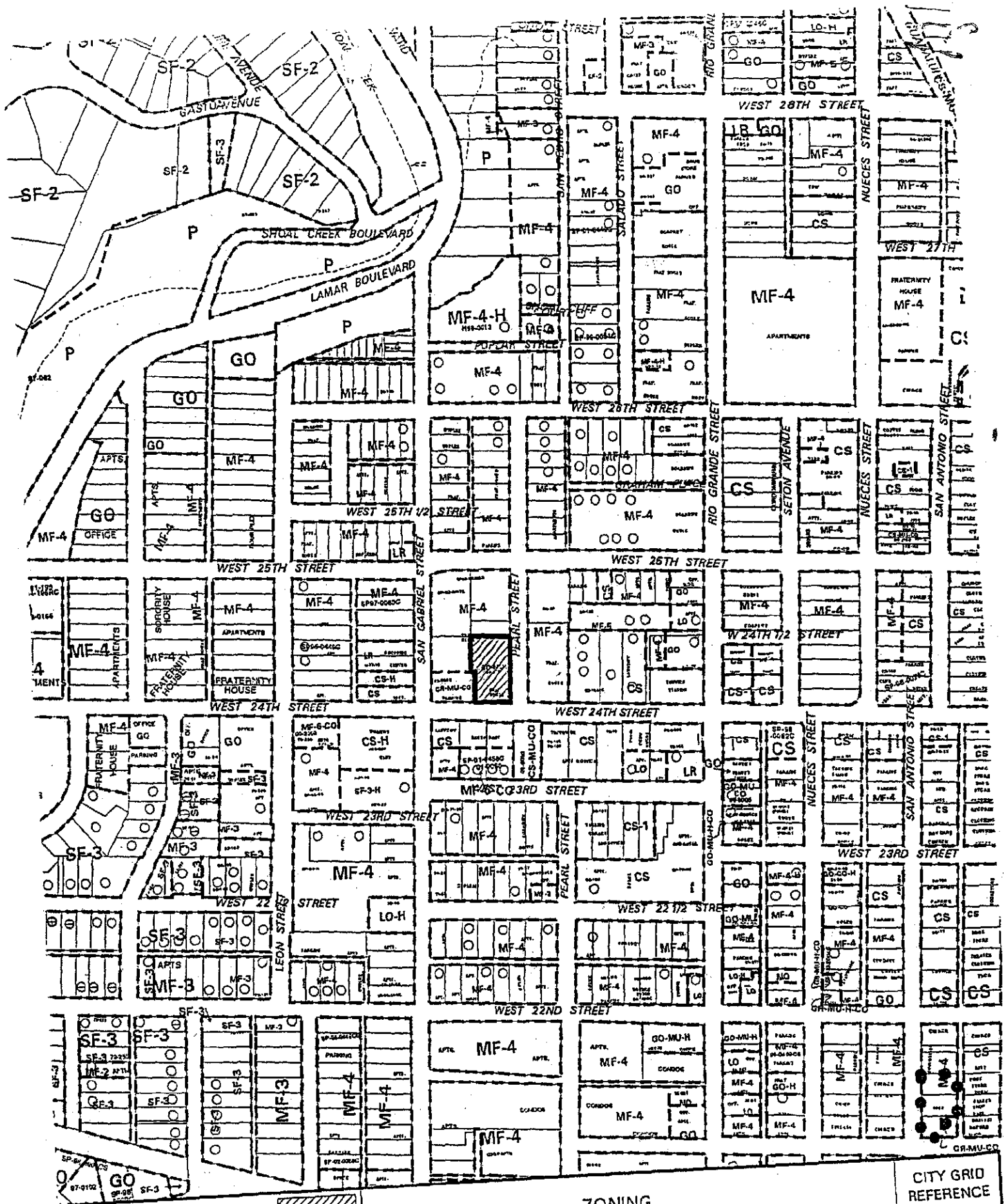
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Glenn Rhoades

PHONE: 974-2775





STAFF RECOMMENDATION

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BASIS FOR RECOMMENDATION

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

CS – General Commercial Services district is intended for commercial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.

MF-6 – Multifamily Highest Density is intended to accommodate multifamily and group residential use. This district is appropriate for highest density housing in centrally located areas near supporting transportation and commercial facilities, in areas adjoining downtown Austin and major institutional or employment centers and in other selected areas where multifamily use is desirable.

The proposed change meets the purpose statements set forth in the Land Development Code. The subject tract is located along a commercial corridor and is located near downtown in close proximity to employment centers and institutional facilities.

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

The proposed zoning would be consistent and compatible with the surrounding area. There is CS zoning to the west, south and east along 24th Street. In addition, there are residential buildings in the vicinity with densities similar to or exceeding MF-6 development regulations.

- 3. The proposed zoning should allow for a reasonable use of the property.*

The CS-MU and MF-6 zoning districts would allow for a fair and reasonable use of the site. CS-MU and MF-6 zoning is appropriate for this site because the location of the property and the mixed-use character of the area.

EXISTING CONDITIONS

Site Characteristics

The site is currently occupied with a tutoring facility.

Transportation

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

The trip generation under the requested zoning is estimated to be 4,776 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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]

There are existing sidewalks along both W. 24th St & Pearl St.

W.24th St. is classified in the Bicycle Plan as a Priority 1 bike route.

Capital Metro bus service is available along W. 24th St.

Impervious Cover

The maximum impervious cover allowed under CS zoning is 95%.

Environmental

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. Impervious cover is not limited in this watershed class. 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.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

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.

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The site is served with City water and wastewater utilities. If water or wastewater utility improvements, or relocation, or adjustments or system upgrades are required, the landowner will be responsible for all costs and for providing. Also, the utility plan must be reviewed and approved by the City of Austin Water and Wastewater Utility. The plan must be in accordance with the City's utility design criteria.

Stormwater 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 stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

Compatibility standards will not be triggered.

RANI ILAI
WEST CAMPUS NEIGHBORHOOD ASSOCIATION
4533 AVE. A #101
AUSTIN, TX 78751

January 14, 2004

Honorable Mayor, Will Wynn, and Council Members
City Of Austin
P.O. Box 1088
Austin, TX 78767

Re: Case C14-03-0049
House Of Tutors

Dear Honorable Mayor and Council Members:

We, West Campus Neighborhood Association respectfully request a two-week postponement to the above referenced case. We have attempted to meet with the applicant/owner to discuss this zoning case and as of yet no dialog has occurred. We would appreciate the additional time to open discussions before proceeding to the Council for consideration.

Respectfully,



Rani Ilai
President, West Campus Neighborhood Association

Cc: Glenn Rhoades

To: The Zoning and Platting Commission Assistant
Re: File # C14-03-0049-GR
From: Angela Prescott
Dated: June 28th 2003

I own the property on 24th and San Gabriel where Freewheeling Bicycles is housed. My manager has tried to keep me up to date on the Zoning issues and I do have some concerns. I believe the area should be zoned for diversity or multiple use with sufficient parking to encourage foot and bicycle traffic.

I am saddened when I see local businesses on 24th street like the movie theatre, Mad Dog and Beans and Les Amis fail. These have added character to the area and encouraged foot traffic.

I would like to see different usage for the properties on 24th street. I note that the current plan is for 90 foot building height to the west side of Pearl street. I would like to suggest at least 60 feet to San Gabriel for visual stair stepping but also to allow for the properties to be developed for multiple uses.

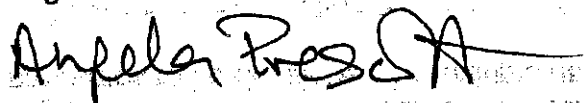
I have had many offers for my property from developers who wish to put more housing there. I will not do this. If I developed this land it would be for multiple use to include the bike shop, sufficient parking, an eating establishment and other campus related local businesses as per my late husband, Frank Cook's vision.

His and my wish for this area includes more pedestrian traffic. I would love to see Guadalupe closed between 24th and Dobie Mall for pedestrian use only or 24th street through the businesses and campus similar to the Boulder, Colorado Mall.

So, I am in favor of multi-use and high density but with careful planning to encourage foot traffic and maintain the community.

Yours sincerely,

Angela Prescott



Freewheeling Bicycles
2401 San Gabriel
Austin, Texas 78704



Mark Walter 974-76957
City of Austin, Neighborhood Planning & Zoning Department
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

NOTICE OF PLANNING COMMISSION PUBLIC HEARING FOR A PROPOSED ZONING CHANGE

Este aviso es para informarles de una junta pública tocante a un cambio en el uso de la propiedad indicada así abajo. Si quiere una copia de este aviso en español, hable al teléfono (512) 974-2680.

Mailing Date of this Notice: March 28, 2003
Mailing Date of First Notice: March 11, 2003

File Number: C14-03-0049

ADDRESS AND/OR LEGAL DESCRIPTION OF PROPOSED ZONING CHANGE (See Map) 2400 Pearl Street

PROPOSED ZONING CHANGE:

FROM: GO-MU General Office district is intended for offices and selected commercial uses predominately serving community and city-wide needs. MU--Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. The MU combining district is intended for use in combination with the NO base district only when its use will further the purposes and intent of the NO base district.

TO: CS-MU General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. MU--Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. The MU combining district is intended for use in combination with the NO base district only when its use will further the purposes and intent of the NO base district.

OWNER: House of Tutors, Inc.

AGENT: Holland Architectural (James H. Holland Jr.)

PLANNING COMMISSION HEARING DATE: April 9, 2003

July 9+
PHONE: (512) 478-6554

TIME: 6:00 PM

LOCATION: 505 Barton Springs Road, One Texas Center 3rd Floor, Training Room #325, Austin

If you have any questions concerning this notice, please contact Glenn Rhoades at the City of Austin, Neighborhood Planning & Zoning Department, (512) 974-2775. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call. See enclosed sheet for more information on public hearings.

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0049-GR

PLANNING COMMISSION HEARING DATE: April 9, 2003

Name (please print) ANGELA PRESCOTT

Address 2401 SAN GABRIEL, AUSTIN

78704

- ☒ I am in favor
(Estoy de acuerdo)
☐ I object
(No estoy de acuerdo)



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PHONE: (512) 478-6554

PLANNING COMMISSION HEARING DATE: April 23, 2003

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File # C14-03-0049-GR

PLANNING COMMISSION HEARING DATE: April 23, 2003

Name (please print)

John B. Stewart

Address

806 W. 24th St, #323, Austin, TX

☐ I am in favor

(Estoy de acuerdo)

☒ I object

(No estoy de acuerdo)

The higher density development will exacerbate the traffic and parking congestion in this neighborhood. The 80% of impervious cover under GO-MU is better for the neighborhood than the 95% impervious cover allowed under CS-MU. I strongly object, but cannot attend the hearing.

4/17/03

John B. Stewart



City of Austin, Neighborhood Planning & Zoning Department
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File # C14-03-0049-GR

PLANNING COMMISSION HEARING DATE: April 9, 2003

Name (please print) Ya-Fenli and George Chen

Address POB 26385, Austin, TX 78755-0385

☐ I am in favor
(Estoy de acuerdo)
☒ I object
(No estoy de acuerdo)



City of Austin, Neighborhood Planning & Zoning Department
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

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File # C14-03-0049-GR

PLANNING COMMISSION HEARING DATE: April 23, 2003

Name (please print) JOHN L. PATTON

Address 806 W. 24th #230
Austin, TX

- ☐ I am in favor
(Estoy de acuerdo)
☒ I object
(No estoy de acuerdo)



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File # C14-03-0049-GR

PLANNING COMMISSION HEARING DATE: ~~April 23, 2003~~ MAY 14, 2003

Name (please print) FRAN ADAMS - WEST END GROOMING

☒ I am in favor
(Estoy de acuerdo)

Address 909 W. 24. AUSTIN TX 78705

☐ I object
(No estoy de acuerdo)



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You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0049-GR

PLANNING COMMISSION HEARING DATE: ~~April 23, 2003~~ MAY 14, 2003

Name (please print) SOMERSET PARTNERS

☐ I am in favor

Address Owners of 2307 Rio Grande

(Estoy de acuerdo)

☒ I object

(No estoy de acuerdo)

This is primarily a residential neighborhood.
CS is incompatible with residential neighborhoods.

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0049-GR

PLANNING COMMISSION HEARING DATE: April 9, 2003

Name (please print)

Charles S. Loring

☐ I am in favor
(Estoy de acuerdo)

Address

806 West 24th St, Unit 105
Austin TX 78703

☒ I object
(No estoy de acuerdo)