

**Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 52
AGENDA DATE: Thu 04/07/2005
PAGE: 1 of 1**

SUBJECT: C14-04-0079 - Rainey Street Neighborhood Rezoning (Tract B) - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property bounded by Driskell Street on the north, Davis Street on the south, Rainey Street on the east and Red River Street on the west (Town Lake Watershed) from general commercial services (CS) district zoning and family residence (SF-3) district zoning to central business district (CBD) district zoning. First reading on November 4, 2004. Vote: 6-0, Council Member Slusher - abstained. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0079 (Tract B)

REQUEST:

Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as an area bounded by Driskill Street to the north, Davis Street from the south, Rainey Street on the east and Red River on the west from general commercial services (CS) district zoning and family residence (SF-3) district zoning to central business district (CBD) zoning.

DEPARTMENT COMMENTS:

Staff recommends the proposed change to CBD, Central Business District zoning for properties not already zoned CBD or DMU. In addition to the zoning change, staff is proposing several changes to the Rainey Street Subdistrict of the Waterfront Overlay.

This case is being brought forward as a result of a Council Resolution that was passed on February 12, 2004 (see attached resolution). The resolution stated that the Rainey Street area, bounded by Cesar Chavez, Waller Creek, IH-35 and Town Lake is to be rezoned, and that staff conduct a comprehensive study on the best use of the properties in the Rainey Street area. The resolution sets forth several goals to be achieved through the proposed rezoning. They are as follows:

- 1) "The preservation of trees and the unique historic character of the area."
- 2) "A strong mixed income residential component within the development."
- 3) "A pedestrian friendly environment."
- 4) "The use of green building techniques."
- 5) "The use of urban design criteria that are typically included in the City's performance based economic incentive policies."

In accordance with Council direction staff drafted two alternative recommendations for amendments to the Rainey Street Subdistrict of the Waterfront Overlay District as listed in Council item #63.

APPLICANT: City of Austin

AGENT: Neighborhood Planning and Zoning Department (Glenn Rhoades)

DATE OF FIRST READING/VOTE:

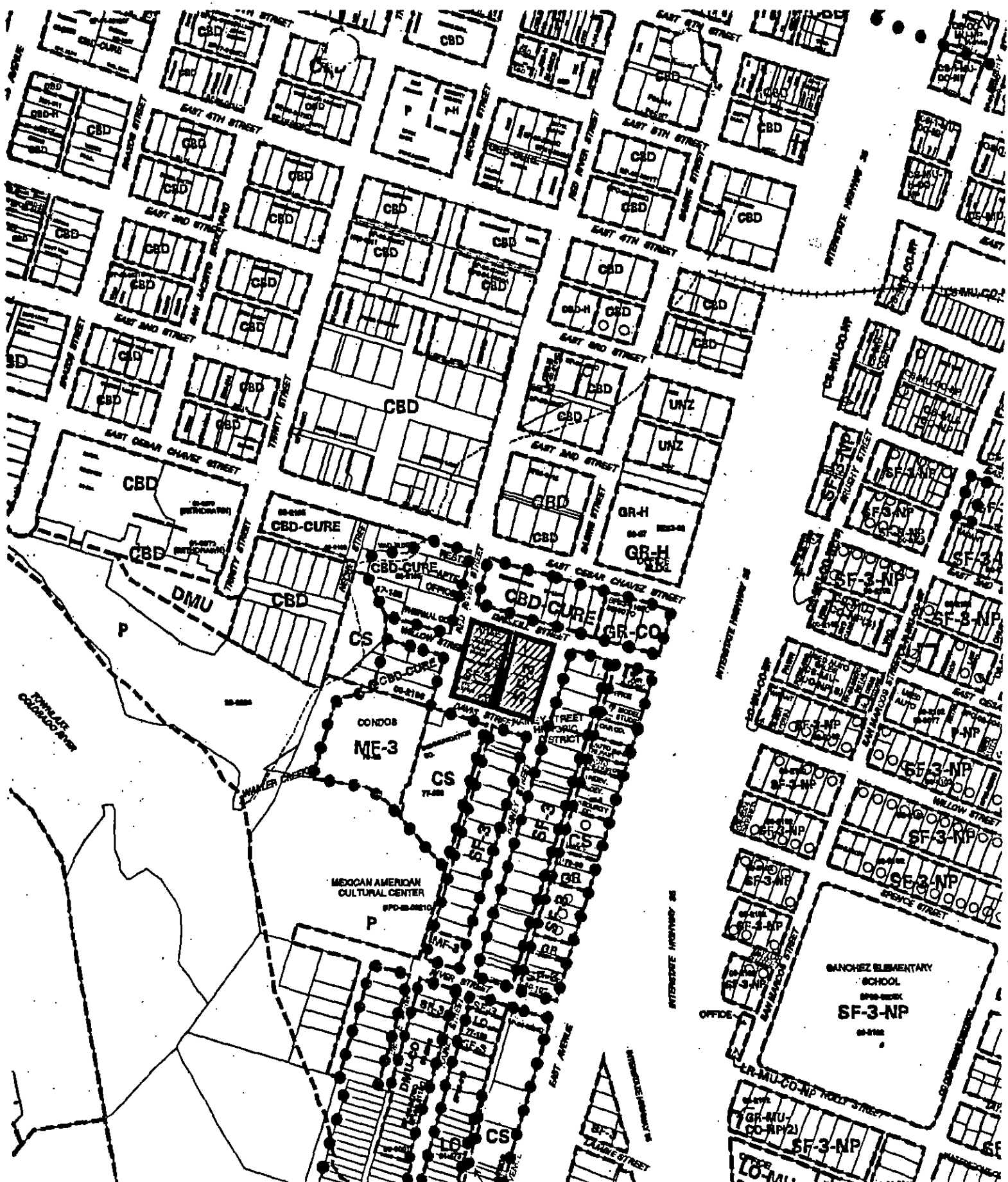
November 4, 2005 – Approved central business district zoning (CBD) zoning (Vote: 6-0, D. Slusher – abstained).





CITY COUNCIL DATE:

November 4, 2005 – Approved CBD zoning

ASSIGNED STAFF: Glenn Rhoades

PHONE: 974-2775



 1" = 400'	SUBJECT TRACT		ZONING	CITY GRID REFERENCE NUMBER J21-
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: G. RHOADES			
	CASE #: C14-04-0079			
ADDRESS: RAINEY ST TRACT B		DATE: 04-08		
SUBJECT AREA (acres): 1.470		INTLS: SM		

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0079

Z.A.P. DATE: September 7, 2004
September 16, 2004
October 5, 2004

P.C. DATE: September 14, 2004

C.C. DATE: October 7, 2004
October 21, 2004
November 4, 2004
April 7, 2005

ADDRESS: Bounded by Driskill Street to the north, Davis Street from the south, Rainey Street on the east and Red River on the west.

APPLICANT: City of Austin

AGENT: NPZD
(Glenn Rhoades)

ZONING FROM: CS and SF-3

TO: CBD

AREA: 1.47 acres

ISSUES:

This case is being brought forward as a result of a Council Resolution that was passed on February 12, 2004 (see attached resolution). The resolution decreed that the Rainey Street area, bounded by Cesar Chavez, Waller Creek, IH-35 and Town Lake be rezoned, and that staff conduct a comprehensive study on the best use of the properties in the Rainey Street area.

DEPARTMENT COMMENTS:

This item was considered by the Planning Commission on September 14, 2004 and the Commission endorsed staff's recommendation of CBD, Central Business District zoning (Vote: 8-0). In regards to the proposed changes proposed in the Rainey Street Sub-district of the Waterfront Overlay report, Commission endorsed the changes with three exceptions. The three items that the Planning Commission voiced no opinion on were items 3a and b, item 6 and item 10 referenced in Table I of the report. The items are: 3a and b) Relating to the proposal to create a historic enclave and the acquisition of property to achieve that goal. 6) The establishment of parkland fees for new residential development that does not require a subdivision. 10) Development bonuses for developers who agree to provide at least 25 parking spaces for the Mexican American Cultural Center.

SUMMARY STAFF RECOMMENDATION:

Staff recommends the proposed change to CBD, Central Business District zoning for properties not already zoned CBD and DMU. In addition to the zoning change, staff is proposing several changes to the Rainey Street Subdistrict of the Waterfront Overlay.

This case is being brought forward as a result of a Council Resolution that was passed on February 12, 2004 (see attached resolution). The resolution stated that the Rainey Street area, bounded by Cesar Chavez, Waller Creek, IH-35 and Town Lake is to be rezoned, and that staff conduct a comprehensive study on the best use of the properties in the Rainey Street area. The resolution sets forth several goals to be achieved through the proposed rezonings. They are as follows:

- 1) "The preservation of trees and the unique historic character of the area."
- 2) "A strong mixed income residential component within the development."

- 3) "A pedestrian friendly environment."
- 4) "The use of green building techniques."
- 5) "The use of urban design criteria that are typically included in the City's performance based economic incentive policies."

Staff has had several internal and external meetings with various stakeholders in order to determine how best to rezone the Rainey Street area, while meeting the goals set forth by the City Council. Staff's recommendation is therefore two-fold. In addition, to recommending CBD zoning staff recommends modifying the existing Waterfront Overlay by limiting the height to 60 feet, while offering "Optional Development Bonuses" that would permit CBD height, F.A.R., and site development standards, if the property owner incorporates the goals listed above.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

September 7, 2004 – The Commission voted to continue the public hearing until September 16, 2004 (Vote: 8-0, J. Martinez – absent).

September 16, 2004 (special called meeting) – Postponed until October 5, 2004 (Vote: T. Rabago and M. Whalley – absent).

October 5, 2004 - Approved CBD-CO zoning. The conditional overlay limits the property to DMU site development regulations. Properties along the west side of Rainey Street between Driskill Street and Davis Street are to be excluded from this case. In addition, properties in this area are to be subject to compatibility, unless they meet the development incentives to be determined in the Rainey Street District of the Waterfront Overlay. For homes in the National Registered Historic District, Commission recommends a change to GR-MU-CO zoning. The conditional overlay would prohibit the issuance of a demolition permit, a relocation permit and an exterior remodel permit, until a study has been done by City staff on the historic properties. (Vote: 8-1, C. Hammond – nay).

EXISTING ZONING AND LAND USES:

The properties in this area are zoned CS and SF-3 and are occupied with a mixture of commercial and residential uses.

AREA STUDY: N/A

TIA: N/A

WATERSHED: Town Lake

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

300 – Terrel Lane Interceptor
 402 – Downtown Austin Neighborhood Association
 438 – Downtown Austin Alliance
 477 – El Concillio, Coalition of Mexican American Neighborhood Associations
 511 – Austin Neighborhoods Council
 613 – Holly Street Association
 623 – City of Austin Downtown Commission
 960 – Lower Waller Creek

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-99-0001	LO to DMU-CO	Approved DMU-CO. The conditional overlay limits the property to 2,000 vehicle trips per day (Vote: 8-0). 3/23/99	Approved PC recommendation (Vote: 6-0). 7/1/99
C14-00-2048	SF-3 to DMU-CO	Approved DMU-CO. The CO limits the property to 2,000 trips per day and limits height to 25 feet (Vote: 7-0). 4/18/00	Approved PC recommendation (Vote: 6-0). 5/18/00.
C14-00-2195	GR and CBD to CBD-CURE	Approved CBD-CURE subject to the following CURE standards: the F.A.R. of the property is limited to 10:1; personal services, personal improvement services, restaurant (fast food), and financial services are conditional uses; drive in service as an accessory use is prohibited; 50% of the street frontage along Cesar Chavez shall be pedestrian oriented uses; 25% of the street frontage along Trinity Street shall be for pedestrian oriented uses; No pedestrian oriented uses are required along Red River Street; 100% of the Creek frontage along Waller Creek shall be for pedestrian oriented uses; the calculations for pedestrian oriented uses shall not include lobbies or parking garage entrances (Vote: 8-0). 11/14/04	Approved PC recommendation (Vote: 7-0). 12/14/00.
C14-00-2196	CS to CBD-CURE	Approved CBD-CURE subject to the following CURE standards: the F.A.R. of the property is limited to 10:1; no pedestrian oriented uses are required along Red River; 100% of the creek frontage along Waller Creek shall be pedestrian oriented uses. The property is also restricted to 1 of 2 scenarios; 1) A building constructed within 40 feet of the south property line may not exceed 60 feet or a building constructed within 40 and 80 feet of the south property line may not exceed 120 feet; 2) A building may not be constructed within 60 feet of the south property line. Any building constructed beyond 60 feet of the	Approved PC recommendation (Vote: 7-0). 12/14/00

		property line does not have a height limit (Vote: 8-0). 11/14/00	
C14-00-2197	CS and MF-4 to CBD-CURE	Approved CBD-CURE subject to the following CURE standards; the F.A.R. of the property is limited to 10:1; personal services, personal improvement services, restaurant (fast food), and financial services are conditional uses; drive in service as an accessory use is prohibited; 50% of the street frontage along Cesar Chavez and Red River Street shall be for pedestrian oriented uses; no pedestrian oriented uses are required along Driskill Street. The calculation of street frontage shall not include lobbies or garage entrances (Vote: 8-0). 11/14/00	Approved PC recommendation (Vote: 7-0). 12/14/00.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	SIDEWALKS	CAPITAL METRO ROUTE	BICYCLE PLAN ROUTE	Adjacent to Tract(s)
Bierce Street	40'	Varies	Local	N/A	N/A	N/A	F
Cesar Chavez	80'	60'	Arterial	Yes	#17	N/A	A,C
Cummings Street	40'	38'	Local	N/A	N/A	N/A	E,F
Davis Street	60'	36'	Collector	N/A	N/A	#51	A,B
Driskell Street	60'	30'	Collector	N/A	N/A	N/A	C
East Avenue	Varies	40'	Collector	N/A	N/A	N/A	D,E
IH-35	Varies	Varies	Major Arterial	N/A	#26, #69	N/A	C,D
Rainey Street	60'	30'	Collector	N/A	N/A	#51	B,D,E,F
Red River	60'	36'	Arterial	N/A	N/A	#51	A,B,C
River Street	60'	30'	Collector	N/A	N/A	#58	F, E

CITY COUNCIL DATE: October 7, 2004

ACTION: Postponed by Council to 10/21/04 (Vote: 7-0).

October 21, 2004

Postponed by Council to 11/4/04 (Vote: 5-2, Goodman – off dais and Slusher – abstains).

November 4, 2004

Approved CBD zoning (Vote: 6-0, D. Slusher – abstained).

April 7, 2005

ORDINANCE READINGS: 1st

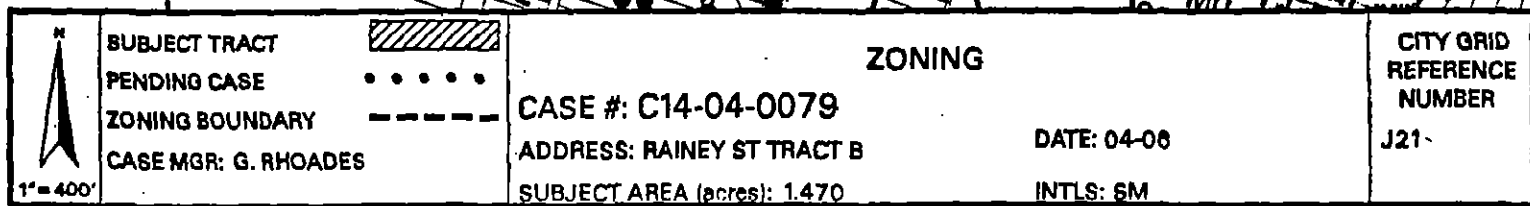
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Glenn Rhoades

PHONE: 974-2775





STAFF RECOMMENDATION

Staff recommends the proposed change to Central Business District zoning.

BASIS FOR RECOMMENDATION

CBD – Central Business District zoning is intended for the commercial core area of Austin, permitting a wide variety of office, commercial, residential and civic activities commensurate with the regional and statewide significance of downtown Austin and the adjacent State Capitol.

The proposed change meets the purpose statement set forth in the Land Development Code. The properties are within the boundaries recognized by the City of Austin as downtown. The boundaries are: Town lake to the south, IH-35 to the east, Lamar Blvd. to the west and Martin Luther King Jr. Blvd. to the north.

The proposed zoning should promote consistency, and orderly planning.

The proposed change is compatible with the surrounding area. Within the Rainey Street area, there are several properties zoned or developed with CBD and DMU development standards. Along Cesar Chavez and Red River Streets the property is zoned CBD-CURE and allows for an F.A.R. of 10:1 with the option of unlimited height. However, at this time the property is not developed to maximum standards allowed.

To the south, along IH-35 and East Ave., the property is developed with two high-rise buildings. The first is the Holiday Inn, and although zoned CS (zoned in 1965) has a height of 138 feet. The other is the Towers of Town Lake, which is a 13 story structure. Further into the neighborhood along Rainey Street there is property zoned DMU-CO, with a potential allowable height of 120 feet.

The area has been slowly changing to higher densities and the proposed zoning would be consistent with the present trend.

EXISTING CONDITIONS

Site Characteristics

The properties subject to rezoning are occupied with a mixture of commercial and single-family uses.

Transportation

Additional right-of-way (ROW) necessary for future roadway improvements within the proposed zoning may be required during the subdivision review process or the site plan review process.

Since the rezoning of this area is being initiated by the City of Austin through the neighborhood planning process and does not reflect a specific development proposal, no trip generation calculations are provided on a tract by tract basis for any proposed land uses as would typically be provided.

A Traffic Impact Analysis (TIA) will be required during the site plan review stage for any proposed land use that would generate over 2,000 vehicle trips per day. Additional ROW, participation in roadway improvements, and/or limitation on development intensity may also be recommended based on review of the TIA.

Impervious Cover

The maximum impervious cover allowed under CBD zoning is 100%.

Environmental

- This neighborhood is not located over the Edwards Aquifer Recharge Zone. The neighborhood is located in the Waller Creek and Town Lake Watersheds of the Colorado River Basin, which are classified as Urban Watersheds 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; therefore the zoning district impervious cover limits will apply.
- According to flood plain maps, a flood plain borders the zoning area. Critical Water Quality Zones do not apply this area.
- This area 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.
- Standard tree protection and landscaping will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment that lies within the Waterfront Overlay Combining District. Additional landscape criteria are required for the Waterfront Overlay Combining District per the ECM Section 2.8.0.

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 area is served with City water and wastewater utilities. If water or wastewater utility improvements, or system upgrades, or utility adjustment, or utility relocation are necessary to serve a site, or tract, or subdivision, or land use, or redevelopment, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria and specifications.

Compatibility Standards

Property in the CBD zoning district is not subject to compatibility development regulations.