

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



**AGENDA ITEM NO.: 58
AGENDA DATE: Thu 04/07/2005
PAGE: 1 of 1**

SUBJECT: C14-04-0097 - Rainey Street Neighborhood Rezoning (Tract H) - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property located at the southwest corner of Lambie Street and IH-35 North (southbound frontage road) (Town Lake Watershed) from general commercial services (GR) 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 Rhodes). City Staff: Glenn Rhoades, 974-2775.

**REQUESTING
DEPARTMENT:** Neighborhood Planning
and Zoning

**DIRECTOR'S
AUTHORIZATION:** Greg Guernsey

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0097 (Tract H)

REQUEST:

Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property located at the southwest corner of Lambie Street, and IH-35 North 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:

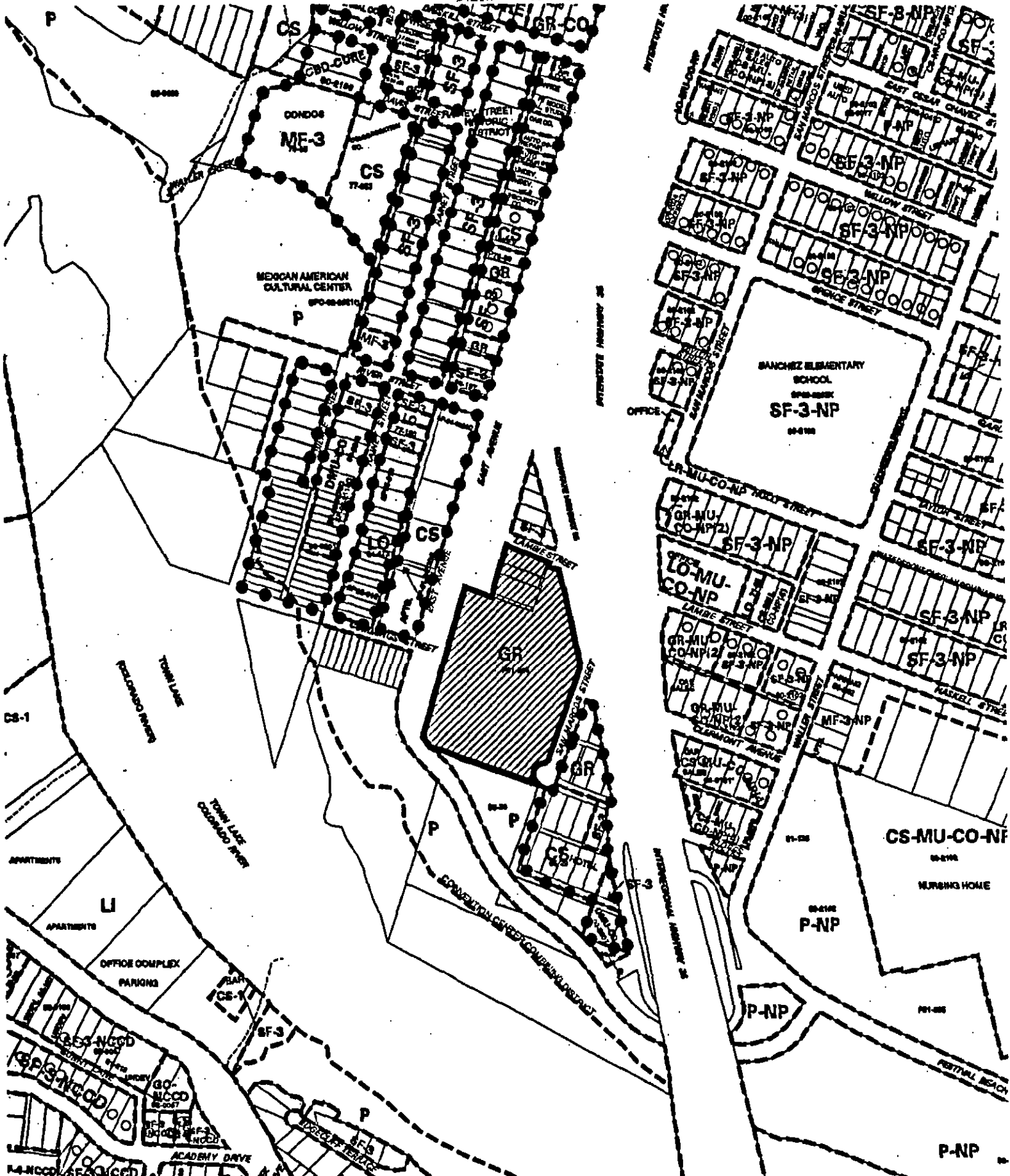
November 4, 2005 – Approved central business district zoning (CBD) zoning (Vote: 6-0, D. Slusher – abstained).





CITY COUNCIL DATE:

November 4, 2005 – Approved CBD zoning

ASSIGNED STAFF: Glenn Rhoades

PHONE: 974-2775



 1" = 400'	SUBJECT TRACT		ZONING CASE #: C14-04-0097 ADDRESS: LAMBIE ST @ N 135 SVC SUBJECT AREA (acres): 5.854	DATE: 04-06 INTLS: SM	CITY GRID REFERENCE NUMBER J21
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: G. RHOADES				

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0097

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: Located at the southwest corner of Lambie Street, and IH-35 North

APPLICANT: City of Austin

AGENT: NPZD
(Glenn Rhoades)

ZONING FROM: GR

TO: CBD

AREA: 5.854 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 property 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 properties to DMU site development regulations. In addition, properties in this area are to be subject to compatibility standards, unless they meet the development incentives to be determined in the Rainey Street District of the Waterfront Overlay. (Vote: 5-4, C. Hammond, T. Rabago, B. Baker and J. Donisi – nay).

EXISTING ZONING AND LAND USES:

The properties in this area are zoned CBD-CURE, CS, MF-3 and SF-3 and are used for 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 until
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

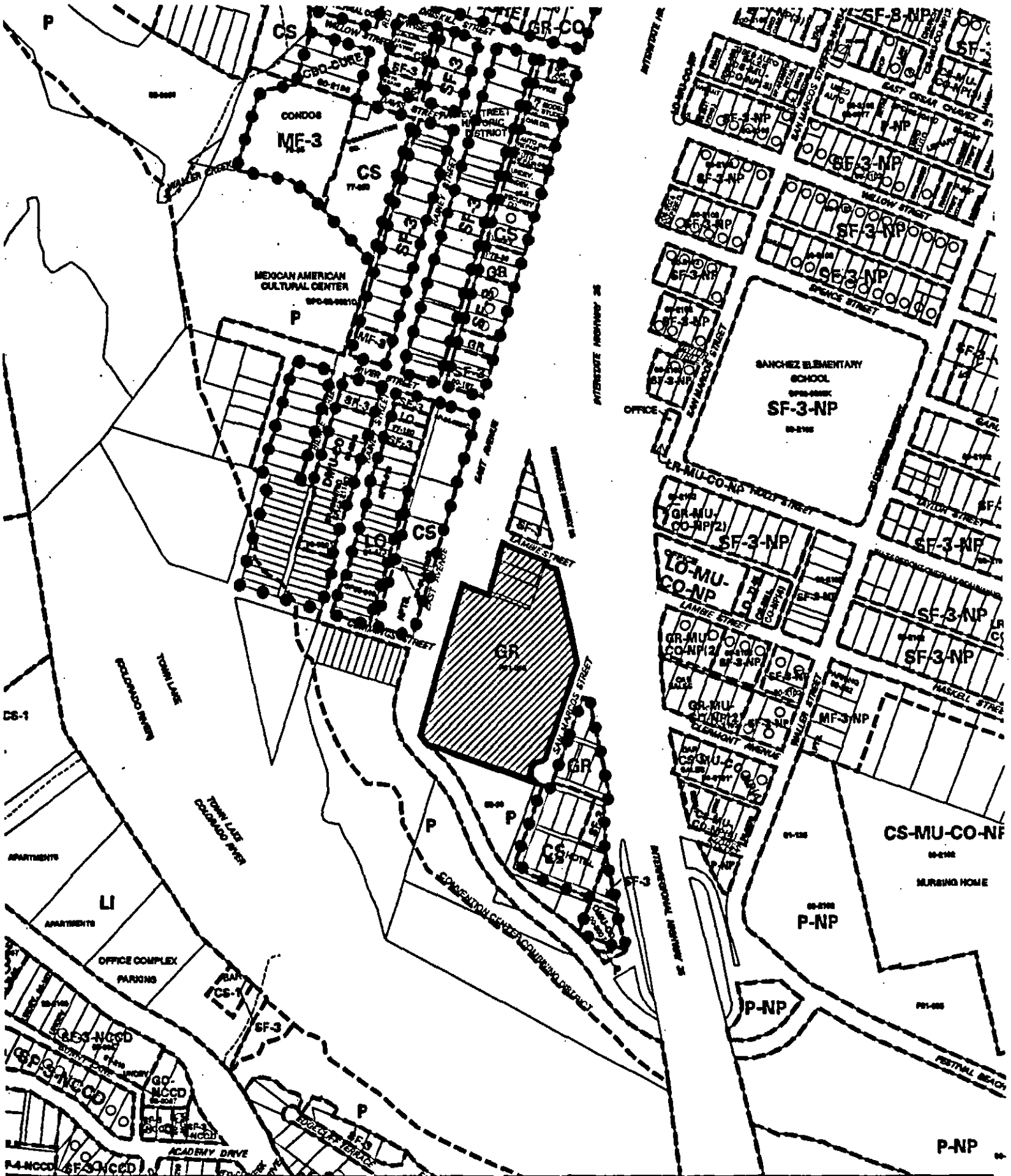
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Glenn Rhoades

PHONE: 974-2775



 1"=400'	SUBJECT TRACT 	ZONING CASE #: C14-04-0097 ADDRESS: LAMBIE ST @ N 135 SVC RD SP SUBJECT AREA (acres): 5.854		CITY GRID REFERENCE NUMBER J21
	PENDING CASE 			
	ZONING BOUNDARY 	DATE: 04-08 INTLS: SM		
	CASE MGR: G. RHOADES			



STAFF RECOMMENDATION

Staff recommends the proposed change to CBD, Central Business District zoning. In addition to the zoning change, staff is proposing several changes to the Rainey Street Subdistrict of the Waterfront Overlay.

BASIS FOR RECOMMENDATION

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

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, multifamily 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.

RESOLUTION NO. 040212-35

WHEREAS, in June 1999, Council adopted a resolution directing the City Manager to work with residents, business owners, and property owners in the Rainey Street Area to facilitate discussions to develop land use objectives and priorities for the area; and

WHEREAS, in March 2000, the Rainey Street Neighborhood Association presented to the City the results of these discussions in the Rainey Street Neighborhood Redevelopment Strategy; and

WHEREAS, in 2003 the Downtown Commission facilitated a community dialogue regarding Rainey Street redevelopment options and prepared a detailed report outlining its recommendations; and

WHEREAS, the Downtown Commission report recommends a review and revision of the regulations applicable to the Rainey Street subdistrict of the waterfront overlay; and

WHEREAS, voters have approved funding for the development of the Mexican American Cultural Center in the Rainey Street Area; and

WHEREAS, the City has created a Mexican American Cultural Center Advisory Board to make recommendations on issues affecting the development and operations of the center; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

Council initiates the rezoning of properties in the Rainey Street Area, which is bounded on the west by Waller Creek, the south by Town Lake, the east by IH-35, and the north by Cesar Chavez Street. The City Manager is directed to develop zoning recommendations for presentation to Council. The City Manager is also directed to review the regulations applicable to the Rainey Street subdistrict of the waterfront overlay combining district and present recommended amendments to Council. The City Manager shall consider the recommendations of the Rainey Street Redevelopment Strategy, the Downtown Commission, and the development plans of the Mexican American Cultural Center when making recommendations on rezoning the Rainey Street Area property and revising the Rainey Street subdistrict regulations. The City Manager shall present recommendations on both items on or before June 10, 2004.

The City Manager shall also present the recommendations on zoning and the Rainey Street subdistrict regulations to the following boards and commissions: the Downtown Commission, the Design Commission, the Mexican American Cultural Center Advisory Board, the Parks and Recreation Advisory Board, and the Historic Landmark Commission. Each board and commission shall forward its recommendation to the Zoning and Platting Commission. The Zoning and Platting Commission shall present the zoning and the Rainey Street subdistrict regulations to Council. If Council determines that amendments to the Rainey Street subdistrict regulations are appropriate, Council will forward the amendments to the Planning Commission.

BE IT FUTHER RESOLVED:

Council directs the City Manager to conduct an analysis of the infrastructure within the Rainey Street Area and to provide a summary of the current development restrictions within the Rainey Street Area.

BE IT FURTHER RESOLVED:

Council requests that the above-named boards and commissions recommend a development incentive proposal for the Rainey Street Area that that promotes the following types of goals: 1. the preservation of trees and the unique and 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; and 5. the use of urban design criteria that are typically included in the City's performance-based economic incentive policies.

ADOPTED: February 12, 2004

ATTEST:


Shirley A. Brown
City Clerk

DISCUSSION AND ACTION

3. Discussion and action on recommendations for the Rainey Street Area. City Staff: George Adams, Transportation, Planning & Sustainability Department, 974-2146; Greg Guernsey, Neighborhood Planning and Zoning Department, 974-2387. CONTINUED FROM 9-7 (ZAP), 9-16 (ZAP).

CONTINUED TO 10/19/04 (ZAP)

***PUBLIC HEARING REMAINED OPEN**

[C.H; J.D 2ND] (8-1) K.J - NAY

DISCUSSION AND ACTION ON ZONING CASES**CONTINUED CASES**

- 4. C14-04-0078 - CITY OF AUSTIN - NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT, By: City of Austin - Neighborhood Planning & Zoning Department (Glenn Rhoades), South of Cesar Chavez and Davis Street, North of River Street and West of Red River and Rainey Street. (Town Lake). FROM CBD; CS; SF-3; MF-3 TO CBD. RECOMMENDED. City Staff: Glenn Rhoades, 974-2775. CONTINUED FROM 9-7 (ZAP), 9-16 (ZAP) .

APPROVED CBD-CO ZONING; THE CONDITIONAL OVERLAY LIMITS THE PROPERTY TO DMU SITE DEVELOPMENT REGULATIONS. THE PROPERTIES ALREADY ZONED CBD-CURE ARE TO BE EXCLUDED FROM THIS CASE AS WELL AS THE PROPERTIES ALONG THE WEST SIDE OF RAINEY STREET BETWEEN DAVIS STREET AND RIVER STREET. IN ADDITION, PROPERTIES IN THIS AREA ARE TO BE SUBJECT TO COMPATIBILITY STANDARDS, UNLESS THEY MEET THE DEVELOPMENT INCENTIVES TO BE DETERMINED IN THE RAINEY STREET DISTRICT OF THE WATERFRONT OVERLAY. FOR HOMES IN THE NATIONAL REGISTERD HISTORIC DISTRICT, COMMISSION RECOMMENDS A CHANGE TO GR-MU-CO ZONING. THE CONDITIONAL OVERLAY PROHIBITS THE ISSUANCE OF A DEMOLITION PERMIT, A RELOCATION PERMIT AND A EXTERIOR REMODEL PERMIT, UNTIL A STUDY HAS BEEN DONE BY CITY STAFF ON THE HISTORIC PROPERTIES.

[K.J; J.D 2ND] (8-1) C.H - NAY

5. C14-04-0079 – CITY OF AUSTIN – NEIGHBORHOOD PLANNING & ZONING DEPARTMENT, By: City of Austin – Neighborhood Planning & Zoning Department (Glenn Rhoades), East of Red River Street, North of Davis Street, West of Rainey Street and South of Driskill Street. (Town Lake). FROM CS; SF-3 TO CBD. RECOMMENDED. City Staff: Glenn Rhoades, 974-2775. CONTINUED FROM 9-7 (ZAP), 9-16 (ZAP).

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 STANDARDS, 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 PROHIBITS THE ISSUANCE OF A DEMOLITION PERMIT, A RELOCATION PERMIT AND A EXTERIOR REMODEL PERMIT, UNTIL A STUDY HAS BEEN DONE BY CITY STAFF ON THE HISTORIC PROPERTIES.

[K.J; M.W 2ND] (8-1) C.H – NAY

6. C14-04-0080 – CITY OF AUSTIN – NEIGHBORHOOD PLANNING & ZONING DEPARTMENT, By: City of Austin – Neighborhood Planning and Zoning Department (Glenn Rhoades), Within area bounded by Cesar Chavez Street to the North, Driskill Street to the south, Red River Street to the West of East Avenue (IH-35) to the East. (Town Lake). FROM CBD; CURE; GR-CO TO CBD. RECOMMENDED. City Staff: Glenn Rhoades, 974-2775. CONTINUED FROM 9-7 (ZAP), 9-16 (ZAP).

APPROVED CBD-CO ZONING; THE CONDITIONAL OVERLAY LIMITS THE PROPERTY TO DMU SITE DEVELOPMENT REGULATIONS. THE PROPERTIES ALREADY ZONED CBD-CURE ARE TO BE EXCLUDED FROM THIS CASE. IN ADDITION, PROPERTIES IN THIS AREA ARE TO BE SUBJECT TO COMPATIBILITY STANDARDS, UNLESS THEY MEET THE DEVELOPMENT INCENTIVES TO BE DETERMINED IN THE RAINEY STREET DISTRICT OF THE WATERFRONT OVERLAY.

[M.W; J.M 2ND] (8-0) K.J – OFF DAIS

7. C14-04-0081 – CITY OF AUSTIN – NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT, By: City of Austin – Neighborhood Planning & Zoning Department (Glenn Rhoades), South of Driskill Street, East of Rainey Street, North of River Street and West of East Avenue. (Town Lake). FROM SF-3; CS-1; CS TO CBD. RECOMMENDED. City Staff: Glenn Rhoades, 974-2775. CONTINUED FROM 9-7 (ZAP), 9-16 (ZAP).

APPROVED CBD-CO ZONING; THE CONDITIONAL OVERLAY LIMITS THE PROPERTY TO DMU SITE DEVELOPMENT REGULATIONS; THE PROPERTIES ALONG THE EAST SIDE OF RAINEY STREET BETWEEN DRISKILL STREET AND RIVER STREET ARE TO BE EXCLUDED. IN ADDITION, PROPERTIES IN THIS AREA ARE TO BE SUBJECT TO COMPATIBILITY STANDARDS, 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 PROHIBITS THE ISSUANCE OF A DEMOLITION PERMIT, A RELOCATION PERMIT AND A EXTERIOR REMODEL PERMIT, UNTIL A STUDY HAS BEEN DONE BY CITY STAFF ON THE HISTORIC PROPERTIES.

[K.J; M.W 2ND] (7-2) T.R; C.H – NAY

8. C14-04-0082 – CITY OF AUSTIN – NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT, By: City of Austin – Neighborhood Planning & Zoning Department (Glenn Rhoades), South of River Street, North of Cummings Street, East of Rainey Street, and West of East Avenue. (Town Lake). FROM CS; LO; SF-3 TO CBD. RECOMMENDED. City Staff: Glenn Rhoades, 974-2775. CONTINUED FROM 9-7 (ZAP), 9-16 (ZAP).

APPROVED STAFF'S RECOMMENDATION OF CBD ZONING.

[K.J; M.W 2ND] (9-0)

9. C14-04-0083 – CITY OF AUSTIN – NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT, By: City of Austin – Neighborhood Planning & Zoning Department (Glenn Rhoades), The area South of River Street, between Rainey Street and Red River Street. (Town Lake). FROM SF-3; DMU; CBD-CO TO CBD. RECOMMENDED. City Staff: Glenn Rhoades, 974-2775. CONTINUED FROM 9-7 (ZAP), 9-16 (ZAP).

APPROVED STAFF'S RECOMMENDATION OF CBD ZONING.


[K.J; J.M 2ND] (8-1) J.D – NAY

10. C14-04-0096 – CITY OF AUSTIN – NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT, By: City of Austin – Neighborhood Planning & Zoning Department (Glenn Rhoades), West side of IH-35 North, South of its intersections with San Marcos Street. (Town Lake). FROM GR; CS; SF-3; DMU; CBD-CO TO CBD. RECOMMENDED. City Staff: Glenn Rhoades, 974-2775. CONTINUED FROM 9-7 (ZAP), 9-16 (ZAP).

APPROVED CBD-CO ZONING; THE CONDITIONAL OVERLAY LIMITS THE PROPERTY TO DMU SITE DEVELOPMENT REGULATIONS. EXCLUDING THE PROPERTIES ALREADY ZONED DMU-CO. IN ADDITION, PROPERTIES IN THIS AREA ARE TO BE SUBJECT TO COMPATIBILITY STANDARDS, UNLESS THEY MEET THE DEVELOPMENT INCENTIVES TO BE DETERMINED IN THE RAINEY STREET DISTRICT OF THE WATERFRONT OVERLAY.

[K.J; J.M 2ND] (6-3) B.B; M.W; J.D – NAY

11. C14-04-0097 – CITY OF AUSTIN – NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT, By: City of Austin – Neighborhood Planning & Zoning Department (Glenn Rhoades), Southwest corner of Lambie Street and IH-35 North (Southbound Frontage Road). (Town Lake). FROM GR TO CBD. RECOMMENDED. City Staff: Glenn Rhoades, 974-2775. CONTINUED FROM 9-7 (ZAP), 9-16 (ZAP).

 **APPROVED CBD-CO ZONING; THE CONDITIONAL OVERLAY LIMITS THE PROPERTY TO DMU SITE DEVELOPMENT REGULATIONS. IN ADDITION, PROPERTIES IN THIS AREA ARE TO BE SUBJECT TO COMPATIBILITY STANDARDS, UNLESS THEY MEET THE DEVELOPMENT INCENTIVES TO BE DETERMINED IN THE RAINEY STREET DISTRICT OF THE WATERFRONT OVERLAY.**

[M.W; J.M 2ND] (5-4) C.H; T.R; B.B; J.D – NAY

12. C14-04-0133 – LAMAR VENTURES OF PARTNERSHIP, By: Crocker Consultants (Sarah Crocker), 11800 North Lamar. (Walnut Creek). FROM DR; LO; GR-CO TO GR. ALTERNATE RECOMMENDATION: GR-CO; LO-CO. City Staff: Sherri Gager, 974-3057. CONTINUED FROM 9-21 (ZAP).

APPROVED STAFF'S RECOMMENDATION OF GR-CO DISTRICT ZONING FOR TRACT 1 AND LO-CO DISTRICT ZONING FOR TRACT 2. ADDITIONAL CONDITION FOR TRACT 1 IS LR DEVELOPMENT STANDARDS. THE FOLLOWING USES ARE REMOVED FROM THE PROHIBITED USE LIST: BUSINESS OR TRADE SCHOOL; GENERAL RETAIL SALES (GENERAL); BUSINESS SUPPORT SERVICES; CONSUMER REPAIR SERVICES; FINANCIAL SERVICES AND PET SERVICES.

[K.J; J.M] (9-0)

4-7-05
#17

ORDINANCE NO. _____

AN ORDINANCE GRANTING A FRANCHISE TO ROY'S TAXI, INC. TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN FOR FIVE YEARS AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FRANCHISE GRANT.

The City Council grants a franchise to operate a taxicab business on the streets, alleys and public ways in the City of Austin to Roy's Taxi, Inc. ("Franchise Holder") for a five-year period.

PART 2. FLEET SIZE.

The Franchise Holder must maintain an active fleet of at least 25 and not more than 155 taxicabs. This taxicab allocation may be amended during the course of the franchise.

PART 3. COMPLIANCE WITH CITY CODE.

The Franchise Holder shall comply with the provisions of the City Code relating to ground transportation services and all amendments to those provisions during the period of the taxicab franchise.

PART 4. MAINTENANCE OF RECORDS.

The Franchise Holder shall maintain complete records of all dispatched calls, all expenses incurred in connection with the operation of the taxicab service business, and all revenues derived from the taxicab business.

PART 5. INSPECTION OF RECORDS.

The Franchise Holder shall permit the Public Works Department to inspect all records of this franchise in accordance with Section 13-2-306(D) (*Recordkeeping Requirements*) of the City Code.

PART 6. TAXICAB OWNERSHIP, LEASE, OR CONTROL.

The Franchise Holder shall own, lease, or contract for control of each taxicab used in the taxicab franchise.

PART 7. ANNUAL FRANCHISE PERMIT FEE.

The Franchise Holder shall pay an annual franchise permit fee of \$400 for each vehicle authorized in this franchise to the City of Austin at the office of the Director of the Public Works Department. This fee may be amended by the City Council during the effective period of the franchise.

PART 8. SUSPENSION.

(A) The City Manager may suspend this franchise upon a determination that the Franchise Holder has:

- (1) substantially breached the terms of this franchise;
- (2) failed to comply with the provisions of the City Code relating to ground transportation services, as amended;
- (3) become delinquent in the payment of any fees or charges required by law in connection, directly or indirectly, with the operation of the Franchise Holder's taxicab business;
- (4) failed to comply with a correction order issued to the Franchise Holder within the time specified in the order; or
- (5) intentionally or knowingly impeded the City Manager or a law enforcement agency in the performance of their duties.

(B) If the City Manager suspends this franchise, the Franchise Holder may submit a written request to the City Manager requesting reinstatement of the franchise, stating the grounds supporting a reinstatement. After receipt of a request for reinstatement, the City Manager shall inspect the suspended Franchise Holder's operation to determine if the Franchise Holder has corrected the deficiency that is the basis of the suspension. The City Manager may approve or deny reinstatement after the inspection.

(C) If the City Manager denies reinstatement of the franchise, the Franchise Holder may file an appeal of the City Manager's decision with the City Clerk not later than the 14th day after notice of the denial. The City Clerk shall place the appeal on the next City Council agenda.

PART 9. FORFEITURE.

(A) The franchise is subject to forfeiture if:

Date: 4/1/2005 2:25 PM

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COA Law Department

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Responsible Att'y: B. Norton

- (B) On receipt of a report from the City Manager that probable cause exists for the cancellation and forfeiture of the franchise, the City Council shall hold a hearing, after a 30-day notice to the Franchise Holder, to determine if cause exists to cancel the franchise. If the City Council finds at the hearing that cause exists to cancel the franchise, it may cancel the franchise after the hearing.**

The Franchise Holder shall file its written acceptance of the terms of this ordinance with the City Clerk not later than the 60th day after the City Council's adoption of this ordinance.

This ordinance becomes effective on the 61st day after the City Council's adoption of this ordinance, unless the Franchise Holder fails to file its written acceptance of this ordinance as required by Part 10. If the Franchise Holder fails to file the written acceptance, this ordinance is void.

PASSED AND APPROVED

SECRET

Will Wynn
Mayor

ATTEST:

David Allan Smith
City Attorney

Shirley A. Brown
City Clerk