

A U S T I N C I T Y C O U N C I L  
**AGENDA**

Thursday, September 28, 2006

+ Back Print

**Zoning and Neighborhood Plan Amendments  
(Public Hearings and Possible Action)  
RECOMMENDATION FOR COUNCIL ACTION****ITEM No. 102**

**Subject:** C14-06-0158 - Oasis in West Campus - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1801 Nueces Street ((Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: to grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Applicant: Oasis in West Campus (Darryl L. Mobley). Agent: Carter Design Associates (Donna D. Carter). City Staff: Jorge E. Rousselin, 974-2975.

**Additional Backup  
Material**

(click to open)

- ☐ Staff Report
- ☐ Ordinance

**For More Information:** Jorge E. Rousselin, 974-2975.

**ZONING REVIEW SHEET****CASE:** C14-06-0158**P.C. DATE:** August 22, 2006**ADDRESS:** 1801 Nueces Street**OWNER:** Oasis in West Campus (Darryl L. Mobley)**AGENT:** Carter Design Associates  
(Donna D. Carter)**REZONING FROM:** GO (General Office)**TO:** DMU (Downtown mixed use)**AREA:** 0.15 Acres (6,534 sq. ft.)**SUMMARY PLANNING COMMISSION RECOMMENDATION:***August 22, 2006:****APPROVED STAFF'S RECOMMENDATION OF DMU-CO ZONING WITH ADDED  
CONDITION OF: MINIMUM OF 1 RESIDENTIAL UNIT ON THE PROJECT  
[C.GALINDO, M.DEALEY 2<sup>ND</sup>] (5-2) J.REDDY, C.RILEY – NAY***

- Maximum density of 6.66 units per acre.

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends DMU-CO (Downtown mixed use) conditional overlay combining district. The recommended conditional overlay will limit the vehicle trips to less than 2,000 trips per day. The recommendation is based on the following considerations:

- 1.) The proposed use is compatible with existing mixed uses and commercial development along Nueces Street, and West 18<sup>th</sup> Street
- 2.) It is adjacent to the designated Core Downtown District as identified by the Downtown Austin Design Guidelines;
- 3.) The Downtown Austin Design Guidelines recommend providing dense, multi-tenant, pedestrian-oriented development at street level while encouraging the densification of the downtown core;
- 4.) The proposed development will not be subject to compatibility standards.

**DEPARTMENT COMMENTS:**

The subject rezoning area is a 6,534 square foot office building fronting Nueces Street and West 18<sup>th</sup> Street zoned GO. The applicant proposes to rezone the property to DMU to allow for a 60'-65' tall mixed use building to include retail, offices and residential components at 10 units with a maximum floor to area ratio of 3:1. Covered parking is proposed on the first floor along with pedestrian-oriented retail. Access to the property is proposed from Nueces Street and abutting alley north of the property. Approximately 11-12 parking spaces are proposed with 3 spaces and loading zone accessed from the abutting alley.

**GO Development Standards:**

GO	
Maximum Height:	60'
Maximum Building Coverage:	60%
Maximum Impervious Cover:	80%
Maximum Floor Area Ratio:	1:1

**DMU Development Standards:**

DMU	
Maximum Height:	120 feet
Maximum Building Coverage:	100%
Maximum Impervious Cover:	100%
Maximum Floor Area Ratio:	5:1

Source: The Code of the City of Austin, Volume III, Chapter 25-2-492

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	GO	Apartments
<i>North</i>	CS	Restaurant
<i>South</i>	GO	Office buildings
<i>East</i>	GO	Condominiums
<i>West</i>	GO	Apartments

**AREA STUDY:**

Downtown Austin Design Guidelines

**TIA:** Waived; See Transportation comments**WATERSHED:** Shoal Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

142--Five Rivers Neighborhood Assn.  
 402--Downtown Austin Neighborhood Assn. (DANA)  
 511--Austin Neighborhoods Council  
 623--City of Austin Downtown Commission  
 698--West Campus Neighborhood Association  
 742--Austin Independent School District  
 744--Sentral Plus East Austin Koalition (SPEAK)  
 767--Downtown Austin Neighborhood Coalition

**SCHOOLS:**

Austin Independent School District  
 1. Mathews Elementary School  
 2. O. Henry Middle School  
 3. Austin High School

**RELATED CASES:** N/A**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-96-0029	GO to DMU	03/26/96: APVD. DMU-CURE (9-0).	04/25/96: APVD. DMU-CO LIMITING HEIGHT TO 60' (5-0); ALL 3 RDGS.
C14-99-2066	GO to DMU	01/25/00: APVD STAFF REC OF DMU-CO & DMU-H-CO (8-1 JR-NAY); INCLUDING CONDS BY HLC & CONDS AGREED UPON BY AP & NEIGH; DELETE COUNSELING SVCS FROM THE PROHIBITED USES (8-1 JR-NAY).	05/18/00: APVD PC REC OF DMU-H-CO (TR 1) & DMU-CO (TR 2 & 3). (5-0)
C14-00-2081	GO to CBD	05/16/00: APVD STAFF REC OF CS-CURE-CO (7-0-1, BB-OFF DAIS, AN-ABSTAIN); W/CBD PKG REQ'T & PROHIBIT DRIVE-THRU USES.	06/22/00: APVD CS-CURE ON ALL RDGS (7-0).
C14-01-0052	GO to LR	05/22/01: APVD STAFF REC OF LR-CO W/CONDS (6-2, JR/BB-NAY).	07/19/01: APVD LR-CO W/CONDS (6-0); 1ST RDG.  08/09/01: APVD CS-CO (7-0); 2ND/3RD RDGS.

**ABUTTING STREETS:**

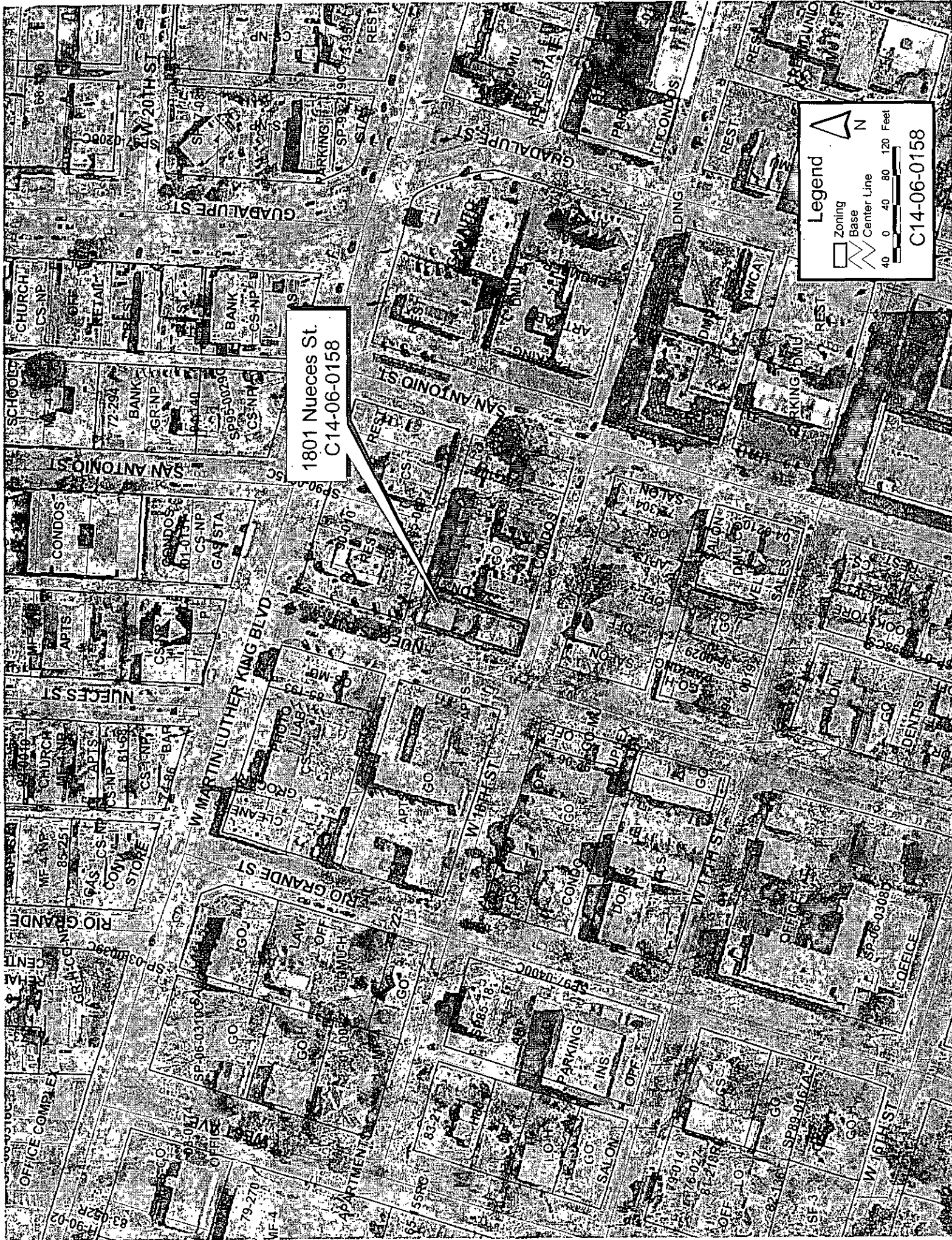
Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Nueces Street	80'	40'	Collector	No	Yes	Priority 1
18 <sup>th</sup> Street	60'	30'	Collector	Yes	No	Priority 1 west of Nueces

**CITY COUNCIL DATE:**

September 28, 2006

**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)





1801 Nueces St.  
C14-06-0158

**Legend**

- Zoning
- Base
- Center Line

40 0 40 80 120 Feet

C14-06-0158

## STAFF RECOMMENDATION

Staff recommends DMU-CO (Downtown mixed use) conditional overlay combining district. The recommended conditional overlay will limit the vehicle trips to less than 2,000 trips per day. The recommendation is based on the following considerations:

- 1.) The proposed use is compatible with existing mixed uses and commercial development along Nueces Street, and West 18<sup>th</sup> Street
- 2.) It is adjacent to the designated Core Downtown District as identified by the Downtown Austin Design Guidelines;
- 3.) The Downtown Austin Design Guidelines recommend providing dense, multi-tenant, pedestrian-oriented development at street level while encouraging the densification of the downtown core;
- 4.) The proposed development will not be subject to compatibility standards.

## BASIS FOR RECOMMENDATION

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

#### *25-2-101 DOWNTOWN MIXED USE (DMU) DISTRICT DESIGNATION.*

*Downtown mixed use (DMU) district is the designation for a use located on the periphery of an area that has a CBD designation. A DMU district designation may be applied to a development that includes any combination of office retail, commercial, and residential uses and that is compatible with the downtown area. A DMU district use with an intermediate density may be used as a transition between the downtown area and surrounding districts. A DMU district is suitable for an area to which the central business district may expand.*

The proposed rezoning meets the purpose statement set forth in the Land Development Code. The proposed mix of uses will encourage a diversity of land uses along Nueces Street and West 18<sup>th</sup> Street.

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

The proposed change and recommended conditional overlay is compatible with the surrounding area as it is surrounded by a mixture of land uses, intensities, and mixed zoning. The proposed land uses are compatible to the existing adjacent uses.

## EXISTING CONDITIONS

### Site Characteristics

The subject rezoning area is a 6,534 square foot office building fronting Nueces Street and West 18<sup>th</sup> Street zoned GO. The applicant proposes to rezone the property to DMU to allow for a 60'-65' tall mixed use building to include retail, offices and residential components at 10 units with a maximum floor to area ratio of 3:1. Covered parking is proposed on the first floor along with pedestrian-oriented retail. Access to the property is proposed from Nueces Street and abutting alley north of the property. Approximately 11-12 parking spaces are proposed with 3 spaces and loading zone accessed from the abutting alley.

**Transportation**

1. No additional right-of-way is needed at this time.
2. The trip generation under the requested zoning is estimated to be 3,282 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). The proposed development of 18 residential units, 4,300sf of office and 1,750sf of restaurant will generate approximately 464 trips per day.
3. 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]

**Environmental**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. 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. 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.
4. According to flood plain maps, there is no flood plain within the project area.
5. 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.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**Water and Wastewater**

1. The landowner intends to serve the site with City of Austin water and wastewater utilities.
2. The landowner, at own expense will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments and utility relocation.



3. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility.
4. The plan must be in accordance with the City of Austin utility design criteria.
5. The water and wastewater utility construction must be inspected by the City.
6. The landowner must pay all associated and applicable City fees.

**Compatibility Standards**

1. This site is not subject to compatibility standards under the provisions of 25-2-581.

**Rousselin, Jorge**

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**From:** Shoal Creek Associates [REDACTED]  
**Sent:** Sunday, August 20, 2006 6:37 PM  
**To:** [REDACTED]  
[REDACTED]  
**Cc:** Rousselin, Jorge  
**Subject:** C14-06-0158

Dear Chairman Sullivan and Members of the City of Austin Planning Commission:

We own property at 603 West 18th Street, which is within 300 feet of the proposed zoning change in case C14-06-0158. This case has been scheduled for a public hearing on Tuesday, August 22, 2006. The site for the proposed zoning change is 1801 Nueces, just south of Martin Luther King Boulevard, the boundary between the University area and downtown. The applicant is proposing a multi-story building that will be a mixture of residential, office, and retail uses. We favor the proposed change in principle, but are concerned about parking. We are writing to request that the City require the developer to provide sufficient parking on-site to meet the increase in demand that will be generated by the proposed development. If not, existing offices, businesses, and residences in the area will be adversely affected by the change. Thank you very much for your consideration.

Sincerely,  
David and Phyllis Warner

**RECEIVED**

AUG 21 2006

**Neighborhood Planning & Zoning**

8/22/2006

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0158

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

August 22, 2006 Planning Commission

*Scott Szajers*  
Your Name (please print)

*1800 Queens St.*  
Your address(es) affected by this application

*Scott Szajers*  
Signature

*8-15-06*  
Date



Comments:

*\*OK with me as long as there is plenty of on-site parking. Any PETAL will stress existing school parking.*

RECEIVED

AUG 21 2006

Neighborhood Planning & Zoning

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1801 NUECES STREET FROM GENERAL OFFICE (GO) DISTRICT TO DOWNTOWN MIXED USE-CONDITIONAL OVERLAY (DMU-CO) 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 general office (GO) district to downtown mixed use-conditional overlay (DMU-CO) combining district on the property described in Zoning Case No. C14-06-0158, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 1, Outlot 27, Original City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 1, Page 122A, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 1801 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:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
2. Development of the Property shall consist of a minimum of one residential unit.
3. Development of the Property may not exceed 6.66 residential units per acre.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the downtown mixed use (DMU) base district and other applicable requirements of the City Code.

1 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2006.

2  
3  
4 **PASSED AND APPROVED**

5  
6  
7  
8 \_\_\_\_\_, 2006

§  
§  
§

9 Will Wynn  
10 Mayor

11  
12  
13 **APPROVED:** \_\_\_\_\_

14 David Allan Smith  
15 City Attorney

**ATTEST:** \_\_\_\_\_

Shirley A. Gentry  
City Clerk

