



Thursday, October 19, 2006

[Back](#) [Print](#)

**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 72

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:

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 2ND] (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 18th 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 18th 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 Coalition (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 PKC 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 th Street	60'	30'	Collector	Yes	No	Priority 1 west of Nueces

CITY COUNCIL DATE:

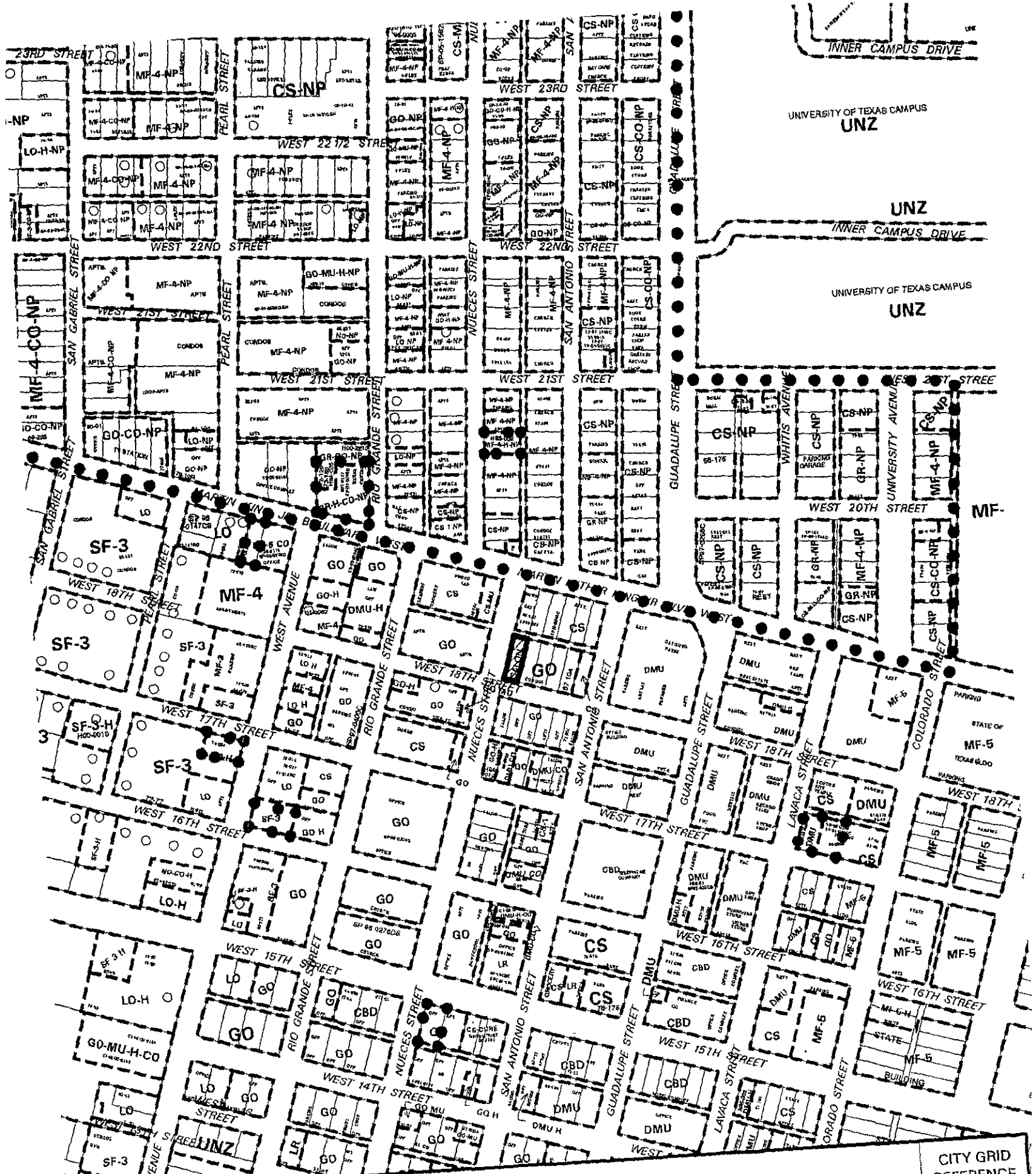
September 28, 2006

ACTION:

This item was postponed to October 19, 2006 at the adjacent property owner's request

October 19, 2006

ORDINANCE READINGS: 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E Rousselm, NPZD**PHONE:** 974-2975**E-MAIL:** jorge.rousselm@ci.austin.tx.us



UNZ
UNIVERSITY OF TEXAS CAMPUS
UNZ
UNZ
UNIVERSITY OF TEXAS CAMPUS
UNZ

CITY GRID
REFERENCE
NUMBER
J23

SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR J ROUSSELIN

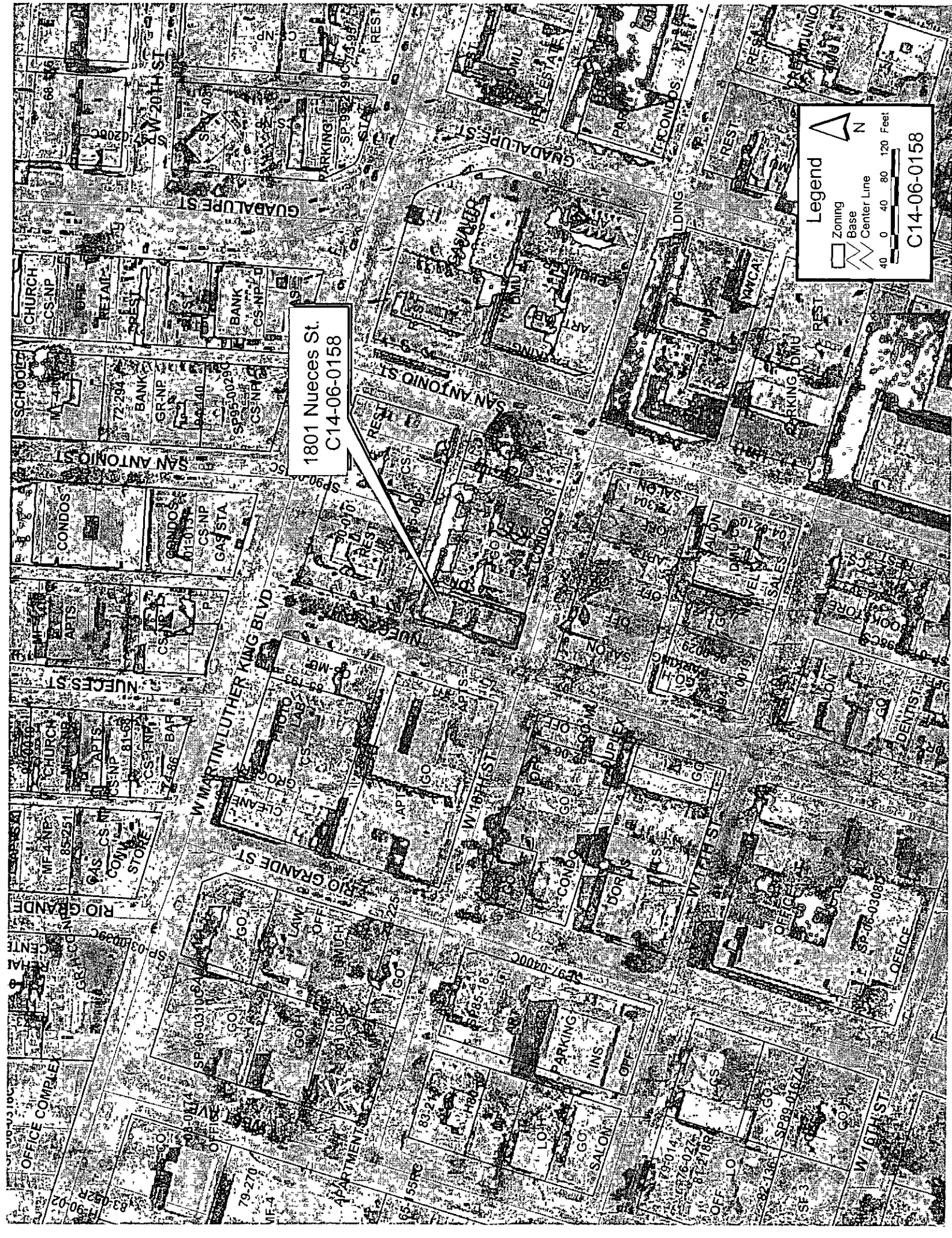
CASE #: C14-06-0158
ADDRESS 1801 NUECES ST
SUBJECT AREA (acres) 0.150

ZONING

DATE: 06-07

INTLS. SM





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 18th 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 18th 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 18th 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

From: Shoal Creek Associates [REDACTED]
Sent: Sunday, August 20, 2006 6:37 PM

To: [REDACTED];
[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

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 Sayers
Your Name (please print)

1802 Queens St.

Your address(es) affected by this application

8-15-06

Signature

Date

Comments:

*OK with me as long as there is plenty of on-site parking. Any retail will stress existing street 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

Rousselin, Jorge

From: Scott Sayers [REDACTED]
Sent: Wednesday, September 27, 2006 3:02 PM
To: Wynn, Will; McCracken, Brewster; Rousselin, Jorge; Dunkerley, Betty; Kim, Jennifer; Leffingwell, Lee; Cole, Sheryl; Martinez, Mike [Council Member]
Subject: Re: postponement of case number C14-06-0158

Dear Mayor Wynn,

Ben Crenshaw and I own a building at 1800 Nueces St. where we have had our offices for the last 20 years. Along with the other neighbors of 1801-1805 Nueces, we have only recently been notified of a zoning change request for that property from GO to mixed use. Because of parking concerns and the vague nature of the applicant's plans for the property, several of the neighbors are asking for a postponement on this case until we can meet with the owner and architect. To date they have not made themselves available to address the neighbors' concerns despite our attempts to set up a meeting.

Please advise the best way for us to go about achieving this postponement. While we are not necessarily against this zoning change, we have not seen concrete plans for this property and none were presented to the Planning Commission. Only an idea of what they MIGHT do with the property. Our concern is that a significant amount of retail without adequate parking will distress our neighborhood further, especially since the existing businesses were required to provide 100% parking based on square footage. Some of the recent downtown mixed use projects have had waivers or have only been required to provide a small percentage of parking based on square footage, and we don't want to be considered a neighborhood with characteristics similar to downtown.. while we are close, the demographic difference is significant. There is very little walk-in traffic for retail businesses, so a parking waiver does not make sense for this location. If granted, it would be at the expense and to the detriment of the existing business owners.

The Planning Commission made a huge mistake in passing it through their members, and in fact, I believe they did not understand or consider the nature of our particular neighborhood. The parking concerns drastically affect the businesses and residents of this neighborhood, especially since we are located right in between the University and ACC. Students park in our area all day long and spaces are at a premium.

I appreciate your attention to this matter and will do whatever necessary that you suggest will help us address this issue.

Best regards,
Scott Sayers

Rousselin, Jorge

From: Phyllis Warner [REDACTED]
Sent: Wednesday, September 27, 2006 3:21 PM
To: Rousselin, Jorge
Subject: C14-06-0158

The following is a copy of a letter I just e-mailed to Mayor Wynn, Mayor Pro-tem Dunkerley, and the Members of the Austin City Council:

We own property at 603 West 18th Street, which is within 200 feet of the proposed zoning change in case C14-06-0158. This case has been scheduled for a public hearing on Thursday, September 28, 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, or retail uses that are yet to be determined. Although in principle, we do not oppose a mixed-use development, we are very concerned about the impact on parking. Specifically, we are concerned that the site could be developed with as little as 20 percent of the parking required for office or retail uses elsewhere in the city, and as little as 60 percent of the parking required for residential uses elsewhere in the city. Most of the existing structures in our area depend on the availability of some on-street parking. Therefore, intense development of the site at 1801 Nueces without sufficient off-site parking would adversely affect existing offices, businesses, and residences in the area.

We are writing to request that a change in the zoning of 1801 Nueces be conditioned on a requirement that the developer provide sufficient on-site parking to meet the increase in demand that will be generated by whatever is developed on the site. If not, existing offices, businesses, and residences in the area will be harmed by the proposed change.

Thank you very much for your consideration.

Sincerely,
Phyllis Warner

Rousselin, Jorge

From: Chris Riley [REDACTED]
Sent: Thursday, September 28, 2006 12:58 AM
To: Wynn, Will; Dunkerley, Betty; Martinez, Mike [Council Member]; Kim, Jennifer; Leffingwell, Lee; McCracken, Brewster; Cole, Sheryl
Cc: Rousselin, Jorge; Rick Hardin
Subject: 1801 Nueces (Agenda Item #102)

Mayor and Council Members:

I hope you'll support the conditions requested by the 5 Rivers Neighborhood for the upzoning at 1801 Nueces, especially the suggested requirement that 15 percent of the gross building area be restricted to residential uses. That area is well suited for residential use, and it would be a shame to get some bland office building there instead.

Thanks for your consideration -

Regards,

Chris Riley

1310 San Antonio

Rousselin, Jorge

From: Rick Hardin [REDACTED]
Sent: Thursday, September 28, 2006 1:28 PM
Subject: Case No C14-06-0158

Attachments: Oasis_1801_Nueces_Zoning_Uses pdf, rgh.vcf



Oasis_1801_Nueces_Zoning_Uses.. rgh.vcf (523 B)

Mayor and Council,

I represent 5 Rivers Neighborhood Association (an area bounded by MLK, West Avenue, Lavaca, and 12th Street).

We requested (unsuccessfully) that the applicant meet with us to discuss several concerns we have regarding their proposed zoning change request from GO to DMU for the property at 1801 Nueces Street.

5 Rivers has been contacted and reviewed a number of letters of concern from nearby property owners, and from several surrounding neighborhood group leaders. Concerns have been expressed from Judges Hill, Caswell Heights, Mr. Chris Riley, Linda Team, and others.

5 Rivers has concerns as well, which echo most of the concerns we have heard, including concerns regarding sidewalks, permitted uses, and minimum requirements for residential uses. (This property is currently all residential)

I invite Ms. Carter and her client Mr. Mobley to take time out to meet with the neighbors and surrounding neighborhoods, to discuss and consider a few relevant issues and concerns which we share.

Please see the attached "Requested Conditional Overlay Conditions" which 5 Rivers asks that City Council consider in connection with its deliberations and decisions upon this zoning Case No C14-06-0158. Your help and consideration are most appreciated.

Respectfully,
Richard G. Hardin
President 5 Rivers

CASE NO. C14-06-0158

NAME: OASIS IN WEST CAMPUS

ADDRESS: 1801 NUECES STREET (N E Corner of Nueces & 18TH St.)

**5 RIVERS NEIGHBORHOOD
REQUESTED (CO) CONDITIONAL OVERLAY CONDITIONS**

1. **MINIMUM PERCENTAGE OF RESIDENTIAL USES (REQUESTED):** A minimum of 15% of the gross building area shall be restricted to residential uses.
2. **PROHIBITED ZONING USES (REQUESTED):** The following Commercial Uses shall be prohibited:

§ 25-2-4 COMMERCIAL USES

(15) **COCKTAIL LOUNGE** use is the use of a site for retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, and similar uses, other than a restaurant use as that term is described in this section

(40) **LIQUOR SALES** use is the use of a site for the retail sale of alcoholic beverages for off-premises consumption. This use includes liquor stores and bottle shops

(47) **PAWN SHOP SERVICES** use is the use of a site for the lending of money on the security of property pledged in the keeping of the pawnbroker, and the incidental sale of the property

(60) **RESTAURANT (GENERAL)** use is the use of a site for the preparation and retail sale of food and beverages and includes the sale and on-premises consumption of alcoholic beverages as an accessory use

3. **REQUIREMENT FOR PARTICIPATION IN GREAT STREETS SIDEWALK PROGRAM (REQUESTED):** To the extent that development on the property exceeds sixty (60) feet in height, the property shall be required to install a new sidewalk along Nueces Street which complies with Great Streets Sidewalk Design Guidelines.
4. **VEHICLE TRIP LIMITATION:** Limit Uses on the property to those which generate 2,000 vehicle trips per day or less

ORDINANCE NO. _____

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**
2 **PROPERTY LOCATED AT 1801 NUECES STREET FROM GENERAL OFFICE**
3 **(GO) DISTRICT TO DOWNTOWN MIXED USE-CONDITIONAL OVERLAY**
4 **(DMU-CO) COMBINING DISTRICT.**

5
6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

7
8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from general office (GO) district to downtown mixed use-
10 conditional overlay (DMU-CO) combining district on the property described in Zoning
11 Case No. C14-06-0158, on file at the Neighborhood Planning and Zoning Department, as
12 follows:

13
14 Lot 1, Outlot 27, Original City of Austin, Travis County, Texas, according to the
15 map or plat of record in Plat Book 1, Page 122A, of the Plat Records of Travis
16 County, Texas (the "Property"),

17
18 locally known as 1801 Nueces Street, in the City of Austin, Travis County, Texas, and
19 generally identified in the map attached as Exhibit "A".

20
21 **PART 2.** The Property within the boundaries of the conditional overlay combining district
22 established by this ordinance is subject to the following conditions:

- 23
24 1. A site plan or building permit for the Property may not be approved, released, or
25 issued, if the completed development or uses of the Property, considered cumulatively
26 with all existing or previously authorized development and uses, generate traffic that
27 exceeds 2,000 trips per day.
28
29 2. Development of the Property shall consist of a minimum of one residential unit.
30
31 3. Development of the Property may not exceed 6.66 residential units per acre.

32
33 Except as specifically restricted under this ordinance, the Property may be developed and
34 used in accordance with the regulations established for the downtown mixed use (DMU)
35 base district and other applicable requirements of the City Code.
36
37

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

2
3
4 **PASSED AND APPROVED**

5
6
7
8 _____, 2006

§
§
§

Will Wynn
Mayor

9
10
11
12
13 **APPROVED:** _____

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk

