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

# AGENDA

**Thursday, November 02, 2006**

Back Print

**Zoning and Neighborhood Plan Amendments** **ITEM No. 50**
**(Public Hearings and Possible Action)**
**RECOMMENDATION FOR COUNCIL ACTION**

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**Subject:** C14-06-0177 - 807 West Avenue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 807 West Avenue (Town Lake Watershed) from multi-family residence-moderate-high density (MF-4) 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 and Agent: Sunil and Mita Patel. City Staff: Jorge E. Rousselin, 974-2975

**Additional Backup Material**
(click to open)
- **Staff Report**
- **Ordinance**

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

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# ZONING REVIEW SHEET

**CASE:** C14-06-0177 **P.C. DATE:** September 26, 2006

**ADDRESS:** 807 West Avenue

**OWNER:** Sunil and Mita Patel **APPLICANT:** Sunil Patel

**REZONING FROM:** MF-4 (Multi-family residence - moderate high-density)

**TO:** DMU (Downtown mixed use)

**AREA:** 0 117 Acres (7,710.12 sq. ft.)

**SUMMARY PLANNING COMMISSION RECOMMENDATION:**
***September 26, 2006***
***APPROVED STAFF'S RECOMMENDATION FOR DMU-CO ZONING; BY CONSENT.***
***[S.KIRK, C.RILEY 2ND] (7-0) J.REDDY, G.STEGEMAN – ABSENT***

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends DMU-CO (Downtown mixed use) conditional overlay combining district The recommended conditional overlay shall limit the height to 60 feet and prohibit the following uses

- Automotive Repair Services
- Automotive Sales
- Automotive Washing (of any type)
- Cocktail Lounge
- Counseling Services
- Drop-Off Recycling Collection Facility
- Exterminating Services
- Funeral Services
- Guidance Services
- Local Utility Services
- Outdoor Entertainment
- Pawn Shop Services
- Residential Treatment
- Restaurant (General)
- Restaurant (Limited)
- Safety Services
- Service Station
- Telecommunication Towers
- Drive in service use as an accessory to a commercial use

The recommendation is based on the following considerations

1 ) The proposed use is compatible with existing mixed uses and office development along West Avenue,
2 ) It is adjacent to the designated Core Downtown District as identified by the Downtown Austin Design Guidelines which encourages a diversity of uses, activities, and development, and
3 ) The recommended conditional overlay shall deter adverse land uses on the site

**DEPARTMENT COMMENTS:**

The subject rezoning area is a 0 117 acre (7,710 12 sq ft )site fronting West Avenue south of the intersection of West 9th Street zoned MF-4 The applicant proposes to rezone the property to DMU to allow for two-story mixed use building to include offices and retail uses The ground floor consists of approximately 2,400 square feet of area and the second floor consists of approximately 900 square feet of area

**EXISTING ZONING AND LAND USES:**

| | ZONING | LAND USES |
|---|---|---|
| *Site* | MF-4 | Multi-family |
| *North* | MF-4 | Multi-family / Office |
| *South* | DMU-CO | Offices |
| *East* | GO | Offices |
| *West* | GO / DMU-H | Offices |

**AREA STUDY:** N/A

**TIA:** Waived, See Transportation comments

**WATERSHED:** Shoal Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

57--Old Austin Neighborhood
402--Downtown Austin Neighborhood Assn. (DANA)
511--Austin Neighborhoods Council
623--City of Austin Downtown Commission
742--Austin Independent School District
744--Sentral Plus East Austin Koalition (SPEAK)
767--Downtown Austin Neighborhood Coalition
786--Home Builders Association of Greater Austin
998--West End Austin Alliance

**SCHOOLS:**

Austin Independent School District

- Mathews Elementary School
- O Henry Middle School
- Austin High School

**RELATED CASES:** N/A

**CASE HISTORIES:**

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|---|---|---|---|
| C14-99-2124 | MF-4 to DMU | 01/18/00 APVD GO-MU-CO (8-0), NO MORE THAN 78% OF GROSS FLOOR AREA IS TO BE NON-RESIDENTIAL, A R C WILL BE ACCOMPLISHED REGARDING SURFACE PARKING PROHIBITED BETWEEN WEST AVENUE & THE STRUCTURE CLOSEST TO WEST AVENUE, NO STRUCTURE OR PORTION OF STRUCTURE MAY BE LOCATED LESS THAN 15' | 02/17/00 APVD DMU-CO LIMITING VEHICLE TRIPS TO 2,000/DAY ON 1ST RDG (6-1 JG-NAY)<br><br>03/09/00 APVD 2ND READING (7-0)<br><br>03/23/00 APVD 3RD RDG (6-0, DS-OUT OF RM) |

| | | | |
|---|---|---|---|
| | | FROM WEST AVENUE & TO PROHIBIT THE USE OF THE PROPERTY FOR BAIL BOND OFFICES (8-0) | |
| C14-00-2127 | DMU to CBD | 08/22/00 APVD STAFF REC W/COND OWNER RECONNECT HIKE/BIKE TRAIL & W/TRIP LIMIT OF 2000 TPD (8-0); SA-ABSENT | 09/28/00: APVD CBD-CO W/CONDS (7-0) ALL 3 RDGS |
| C14-00-2132 | DMU and P to CBD | 08/22/00 APVD STAFF REC W/COND OWNER RECONNECT HIKE/BIKE TRAIL (8-0), SA-ABSENT) | 09/28/00: APVD CBD-CO W/CONDS (7-0) ALL 3 RDGS |
| C14-05-0040 | DMU to CBD-CURE | 06/07/05 APVD DMU-CO W/CONDS (9-0) | 07/28/05 APVD DMU-CO-CURE (7-0), ALL 3 RDGS [MODIFYING HEIGHT TO 130'] |

**ABUTTING STREETS:**

| NAME | ROW | PAVEMENT | CLASSIFICATION | BICYCLE PLAN | CAPITAL METRO | SIDEWALKS |
|---|---|---|---|---|---|---|
| West Avenue | 80' | 35' | Collector | No | No | Yes |

**CITY COUNCIL DATE** **ACTION:**
**November 2, 2006**

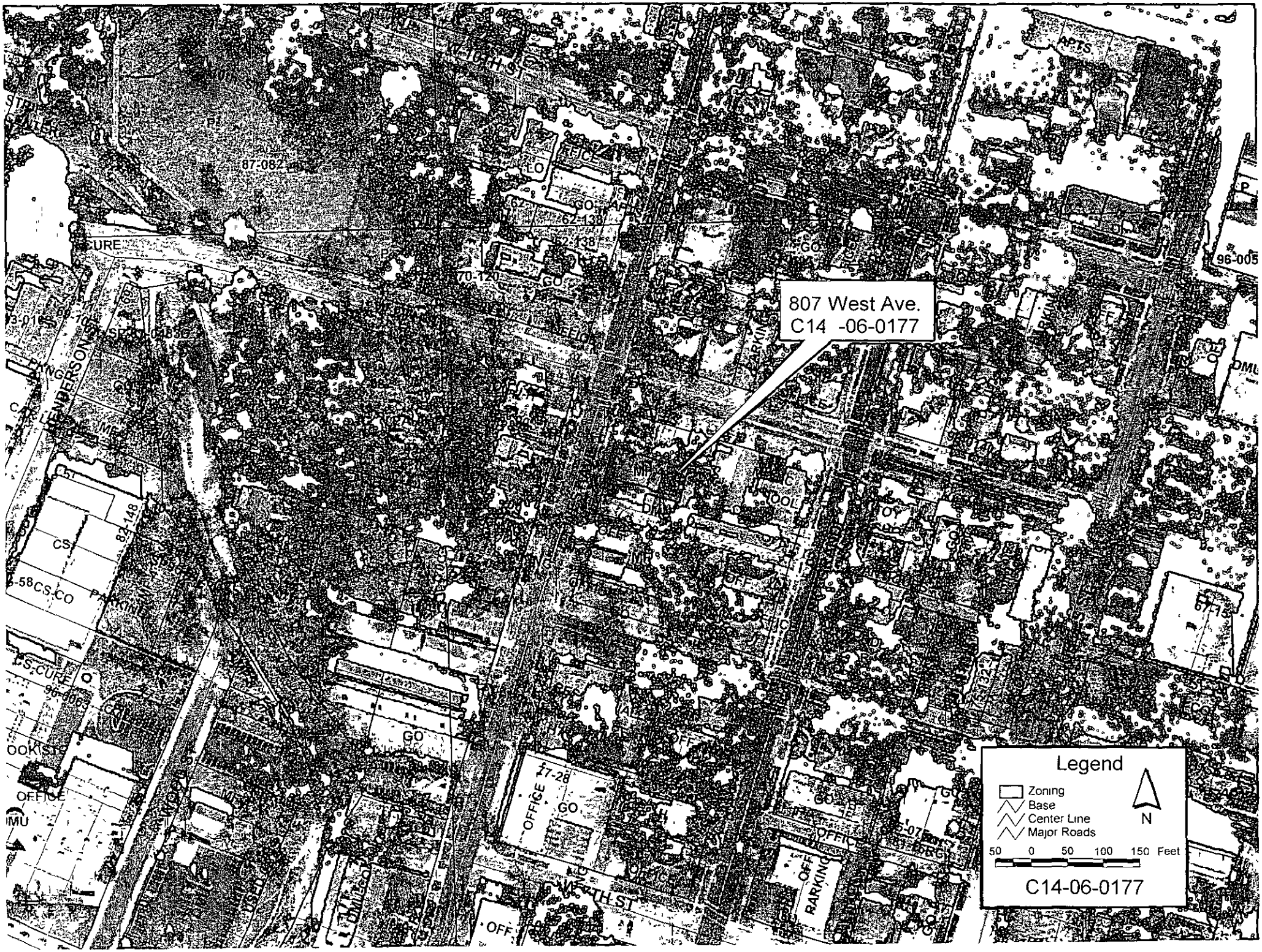
**ORDINANCE READINGS:** 1st 2nd 3rd

**ORDINANCE NUMBER:**

**CASE MANAGER:** Jorge E Rousselin, NPZD **PHONE:** 974-2975

**E-MAIL:** jorge.rousselin@ci.austin.tx.us

| | | | |
|---|---|---|---|
| N<br>1" = 400' | SUBJECT TRACT<br>PENDING CASE<br>ZONING BOUNDARY<br>CASE MGR J ROUSSELIN | ZONING<br>CASE #: C14-06-0177<br>ADDRESS 807 WEST AVE<br>SUBJECT AREA (acres). 0.117 | DATE 06-09<br>INTLS SM | CITY GRID REFERENCE NUMBER<br>J22 |


807 West Ave.
C14 -06-0177
Legend
Zoning
Base
Center Line
Major Roads
N
50 0 50 100 150 Feet
C14-06-0177

## STAFF RECOMMENDATION

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The recommendation is based on the following considerations

1 ) The proposed use is compatible with existing mixed uses and office development along West Avenue,

2 ) It is adjacent to the designated Core Downtown District as identified by the Downtown Austin Design Guidelines which encourages a diversity of uses, activities, and development; and

3.) The recommended conditional overlay shall deter adverse land uses on the site

## 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 will integrate with existing mixed uses and office uses along West Avenue

***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 0 117 acre (7,710 12 sq ft )site fronting West Avenue south of the intersection of West 9th Street zoned MF-4 The applicant proposes to rezone the property to DMU to allow for two-story mixed use building to include offices and retail uses. The ground floor consists of approximately 2,400 square feet of area and the second floor consists of approximately 900 square feet of area.

### Transportation

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

2 The trip generation under the requested zoning is estimated to be 2,793 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 5,116sf of office will generate approximately 135 trips per day

3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113]

4. Capital Metro bus service is not available within 1/4 mile of this property

### 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 significant environmental features

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. 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 The landowner must pay all associated City fees

**Compatibility Standards**

1. This site is not subject to compatibility standards.

**ORDINANCE NO. _____**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 807 WEST AVENUE FROM MULTIFAMILY RESIDENCE MODERATE-HIGH DENSITY (MF-4) 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 multifamily residence moderate-high density (MF-4) district to downtown mixed use-conditional overlay (DMU-CO) combining district on the property described in Zoning Case No. C14-06-0177, on file at the Neighborhood Planning and Zoning Department, as follows:

> Lot 2, Florence C. Hooper Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 3, Page 67, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 807 West Avenue, 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. The following uses are prohibited uses of the Property:

| | |
|---|---|
| Automotive repair services | Automotive sales |
| Automotive washing (of any type) | Cocktail lounge |
| Counseling services | Drop-off recycling collection facility |
| Exterminating services | Funeral services |
| Guidance services | Local utility services |
| Outdoor entertainment | Pawn shop services |
| Residential treatment | Restaurant (general) |
| Restaurant (limited) | Safety services |
| Service station | Telecommunication tower |

2. A drive-in service use is prohibited as an accessory use to a commercial use.

3. The maximum height of a building or structure is 60 feet from ground level.

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.

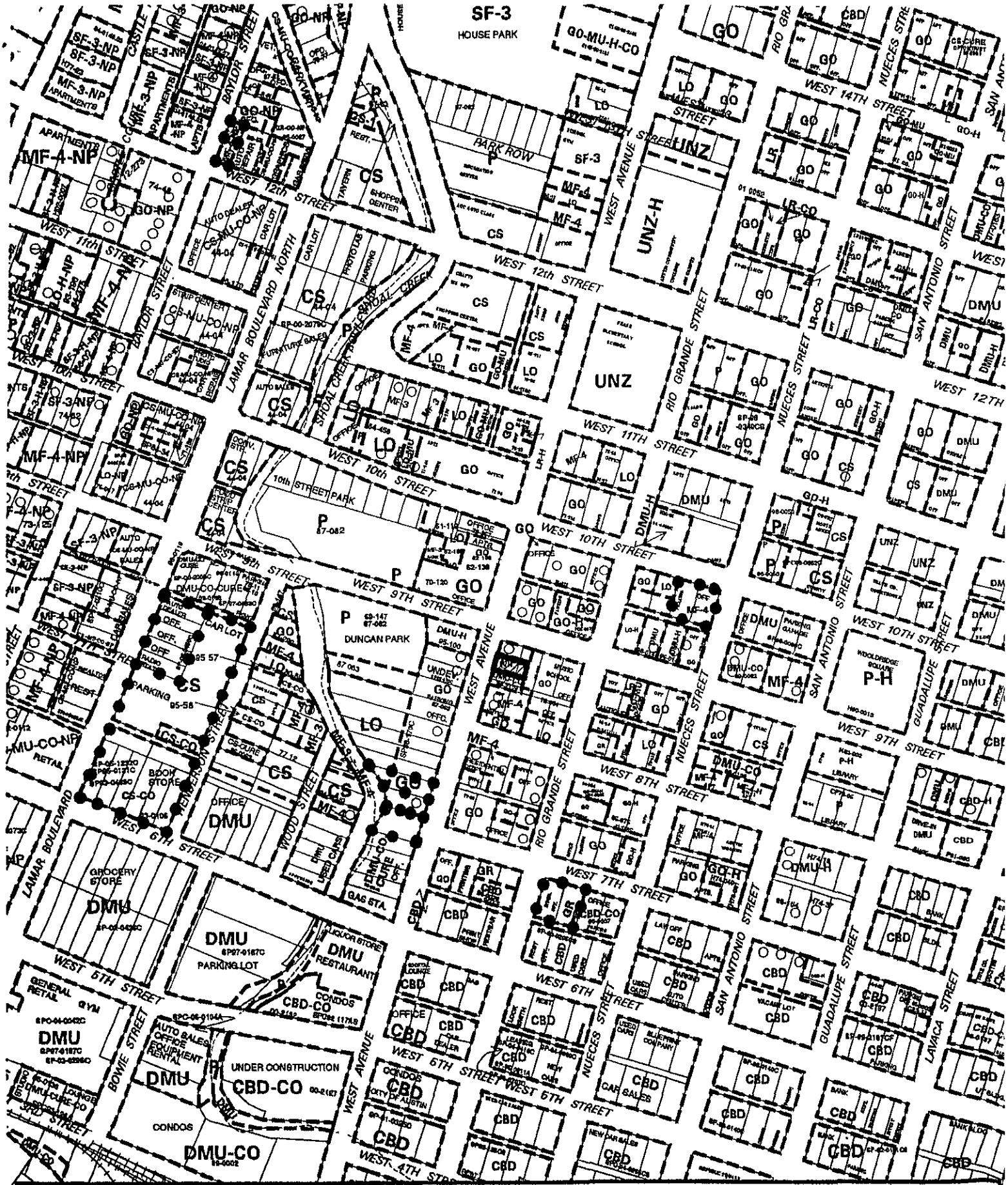
**PART 3.** This ordinance takes effect on _____, 2006.

**PASSED AND APPROVED**

§
§
_____, 2006 § _____
Will Wynn
Mayor

**APPROVED:** _____ **ATTEST:** _____
David Allan Smith
City Attorney

Shirley A. Gentry
City Clerk


SF-3
HOUSE PARK
PARK ROW
WEST 12th STREET
WEST 11th STREET
WEST 10th STREET
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WEST 8TH STREET
WEST 7TH STREET
WEST 6TH STREET
WEST 5TH STREET
WEST 14TH STREET
WEST 12TH
10th STREET PARK
DUNCAN PARK
WEST AVENUE
RIO GRANDE STREET
NUECES STREET
SAN ANTONIO STREET
GUADALUPE STREET
LAVACA STREET
BOWIE STREET
WOOD STREET
NEWNAN STREET
LAMAR BOULEVARD
LAMAR BOULEVARD NORTH
BAYLOR STREET
CASTLE
SHOAL CREEK BOULEVARD
SHOAL CREEK
MF-4-NP
SF-3-NP
MF-3-NP
GO-NP
CS-MU-CO-NP
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