

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2010-0078 601 W. 17<sup>th</sup> Street Rezoning      **P. C. DATE:** 05-11-2010

**ADDRESS:** 601 W. 17<sup>th</sup> Street

**AREA:** .18 acres

**APPLICANT:** Dunham Law Firm  
(Paul Dunham)

**AGENT:** Lenworth Consulting  
(Nash Gonzales)

**NEIGHBORHOOD PLAN AREA:** Downtown

**CAPITOL VIEW:** No

**T.I.A.:** No

**HILL COUNTRY ROADWAY:** No

**WATERSHED:** Shoal Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** GO – General Office

**ZONING TO:** DMU – Downtown Mixed Use

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends DMU-CO, Downtown Mixed Use, Conditional Overlay. The Conditional Overlay will include the following:

- A. The following uses are prohibited uses of the Property:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Cocktail lounge
Laundry service	Limited warehouse and distribution
Maintenance & service facilities	Pawn shop services
Service station	Vehicle storage

- B. Exterminating services use is a conditional use of the Property.
- C. The maximum height of a building or structure is 60 feet from ground level.
- D. The minimum rear yard setback is 5 feet.
- E. The minimum interior side yard setback is 5 feet.
- F. Limit vehicle trips to 2,000 per day.

### **PLANNING COMMISSION RECOMMENDATION:**

The motion to approve staff's recommendation for DMU-CO zoning with removing cocktail lounge as a prohibited use, add liquor sales as a conditional use, any portion of a building above 40 feet in height that faces a public street or alley should be stepped back from the building face by 5 feet, the minimum front yard setback is 15 feet, the minimum street side yard setback is 15 feet. The motion was made by Commissioner Jay Reddy, Commissioner Clint Small second the motion on a vote of 8-0 with 1 vacancy on the commission.

### **DEPARTMENT COMMENTS:**

The 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 subject tract is located in and amongst various zoning districts, including DMU, GO, CS and LO. The most recent surrounding case histories were requests to the DMU zoning district.

### **BASIS FOR RECOMMENDATION:**

*Granting of the request should result in an equal treatment of similarly situated properties.*

Granting DMU zoning would be in keeping with other similarly situated properties in the area that have recently received DMU zoning as well.

### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<b>SITE</b>	GO	Office Building
<b>NORTH</b>	GO	Office Building
<b>SOUTH</b>	GO	Office Building
<b>EAST</b>	GO	Office Building
<b>WEST</b>	GO	Office Building

### **CASE HISTORIES:**

<b>CASE NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-06-0158	From GO to DMU	Approved DMU-CO [Vote: 7-0]	Approved DMU-CO [Vote: 5-0]
C14-06-0187	From GO to DMU	Approved DMU-CO [Vote: 8-0]	Approved DMU-CO [Vote: 5-1]
C14-07-0223	From GO to DMU	Approved DMU-CO [Vote: 7-0]	Approved DMU- CO [Vote: 7-0]

C14-1996-0029	From GO to DMU	Approved DMU-CO [Vote: 7-0]	Approved DMU-CO [Vote: 7-0]
C14-2008-0047	From GO to DMU	Approved DMU-CO [Vote: 9-0]	Approved DMU-CO [Vote: 7-0]
C14-2004-0210	From GO to DMU	Approved DMU-CO [Vote: 8-1]	Approved DMU-CO [Vote: 7-0]
C14-2005-0049	From GO to DMU	Approved DMU-CO [Vote: 7-0]	Approved DMU-CO [Vote: 7-0]

### **NEIGHBORHOOD ORGANIZATION:**

- Homeless Neighborhood Assn.
- Downtown Austin Neighborhood Coalition
- Pecan Street Owner's Association
- Downtown Austin Alliance
- Austin Warehouse District Association
- Old Pecan Street Association
- Sentral Plus East Austin Koalition
- Austin Neighborhood Council
- Downtown Austin Neighborhood Association

### **SCHOOLS:**

Matthews Elementary School  
O' Henry Middle School  
Austin High School

### **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.

**SITE PLAN:**

This site currently uses off-site parking at the Northeast corner of Nueces & 17th St., as shown on approved site plan SP-06-0308CT.

This location is in the CURE overlay.

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

**TRANSPORTATION:**

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

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]

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Nueces	80'	30	Collector	Yes	3, 19, 29	Yes
W 17th	62'	30	Collector	No	No	Yes

**CITY COUNCIL DATE:** August 26th, 2010

**ACTION:**

**ORDINANCE READINGS:**

1<sup>ST</sup>

2<sup>ND</sup>

3<sup>RD</sup>




**ORDINANCE NUMBER:**

**CASE MANAGER:** Clark Patterson  
[Clark.patterson@ci.austin.tx.us](mailto:Clark.patterson@ci.austin.tx.us)

**PHONE:** 974-7691

### Legend



-  SUBJECT TRACT  
 PENDING CASE  
 ZONING

## ZONING

**CASE NUMBER:C14-2010-0078**

ADDRESS: 601 W 17TH ST

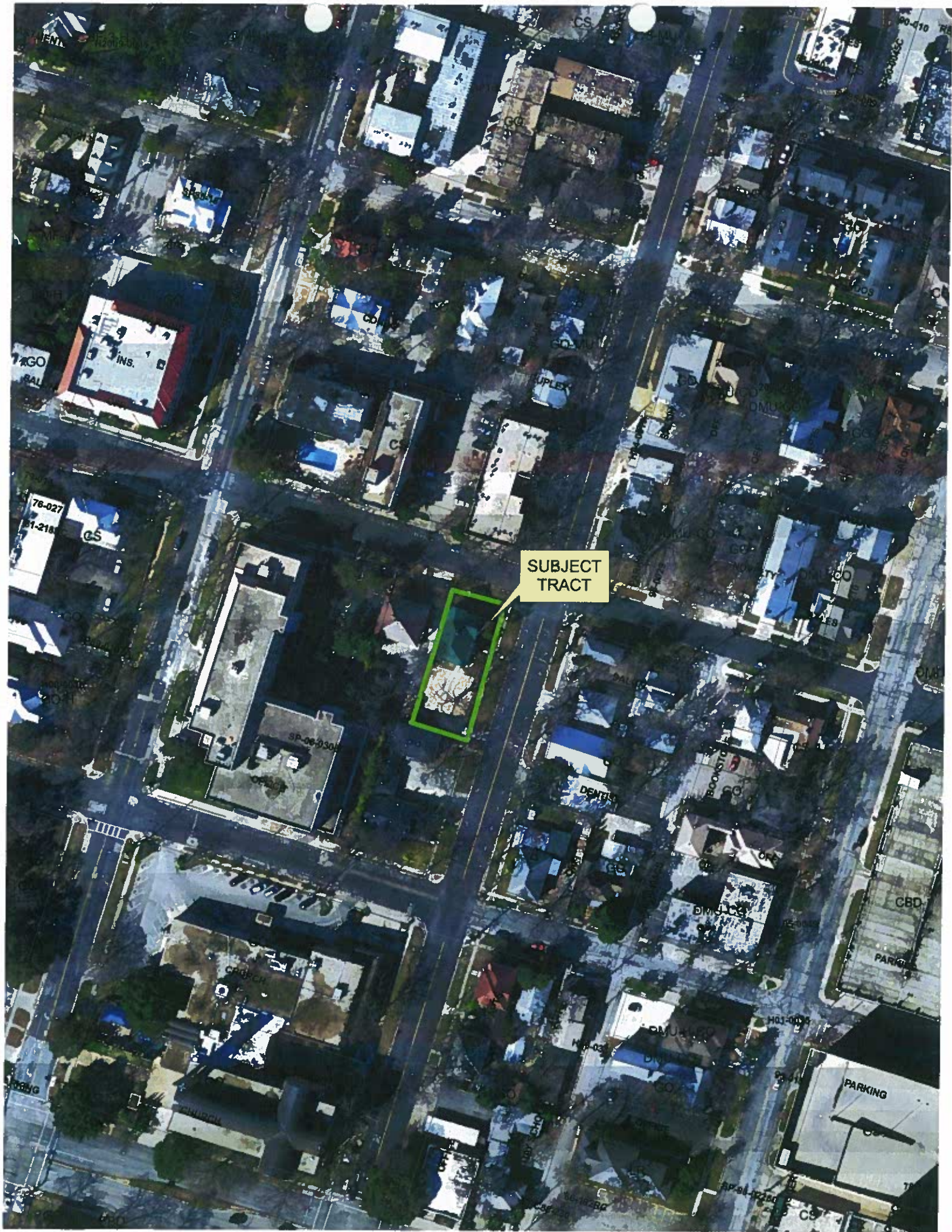
**GRID: J23**

**CASE MGR: STEPHEN RYE (512) 974-7604**



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No warranty is made by the City of Austin regarding specific accuracy or completeness.







## DMU-CO

The following is a list of the Conditional Overlays for properties in the vicinity of case number C14-2010-0076 which have recently received a zone change to Downtown Mixed Use (DMU).

### PRUPLE – C14-2006-0158

1. 2,000 VEHICLE TRIP LIMIT
2. MINIMUM OF ONE (1) RESIDENTIAL UNIT
3. PROHIBIT THE FOLLOWING USES
  - A. COCTAIL LOUNGE
  - B. LIQUOR SALES
  - C. LAUNDRY SERVICES
  - D. PAWN SHOP SERVICES
4. DRIVE IN SERVICE PROHIBITED

### GREEN – C14-2007-0223

1. 2,000 VICHICLE TRIP LIMIT

### BLUE – C14-2008-0047

1. 2,000 VEHICLE TRIP LIMIT

### YELLOW – C14-1996-0029

1. SIXTY FOOT (60') HEIGHT LIMIT

### PINK – C14-2004-0210

1. 2,000 VEHICLE TRIP LIMIT

### RED – C14-2005-0049

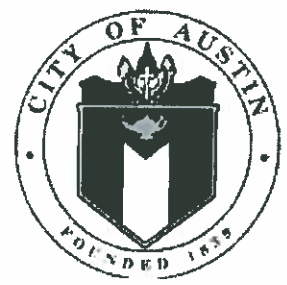
1. 2,000 VEHICLE TRIP LIMIT



OPERATOR: S. MEEKS

## ZONING

**ZONING CASE#: C14-2010-0035**  
**ADDRESS: 1800 NUECES ST**  
**SUBJECT AREA: 0.118 ACRES**  
**GRID: J23**  
**MANAGER: C. PATTERSON**



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# SCOTT P. SAYERS

Agent/Business Manager for Ben Crenshaw

Email: [sayers@bencrenshaw.com](mailto:sayers@bencrenshaw.com)  
512/478-3483/Fax: 512/473-2447

1800 Nueces Street  
Austin, Texas 78701

July 19, 2010

Mr. Paul Dunham  
601 West 17<sup>th</sup> St.  
Austin, Tx. 78701

Re. Zoning case C14-2010-0035

Dear Mr. Dunham,

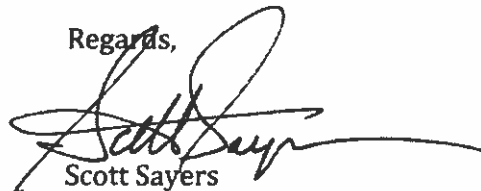
You have my full support and endorsement for your zoning application change from GO to DMU for 601 West 17<sup>th</sup>. Additionally, in my role as president of the WEST DOWNTOWN ALLIANCE, I have polled our board members and they unanimously support your application.

The requested change is compatible with future neighborhood use, and the DMU height is appropriate since the property is not in the Capitol View Corridor. It should also be noted by the Planning Commission and City Council that several properties in proximity to your building have been granted the GO to DMU change, without conditions, in the last two years.

The City's DMU zoning designation is perfect for your property values given your proximity to downtown, the University and the Capitol Complex, and clearly the area is transitioning into a more dense, mixed-use neighborhood.

Good luck with your application.

Regards,



Scott Sayers



1707 Nueces Street, Austin, TX 78701  
512-302-1212 phone sales@batcityawards.com  
512-302-1211 fax www.batcityawards.com

## MEMO

Date: July 26, 2010  
To: Zoning Commission  
From: Trey Bueche  
Re: Zoning Application for 601 West 17<sup>th</sup> Street

My business, Bat City Awards Inc., resides approximately one block north on Nueces Street from the property requesting a zoning change at 601 West 17<sup>th</sup> Street. I want to let it be known that I fully support the requested zoning change to Downtown Mixed Use (DMU) for this property. I feel a DMU zoning is most reflective of the use of the corridor and is reflected by many other DMU-zoned properties within the immediate blocks of this property. Thanks!

Sincerely,  
Trey Bueche  
Owner of Bat City Awards, Inc.

A handwritten signature in black ink that reads "Trey Bueche". The signature is written in a cursive style and is underlined with a single horizontal line.

**509W18TH, L.P.  
509 West 18<sup>th</sup> Street, Suite 200  
Austin, Texas 78701  
512-327-8850**

July 25, 2010

Mr. Paul Dunham  
601 West 17th Street  
Austin, Texas 78701

Re: Proposed Rezoning to DMU

Paul:

Please let this letter serve as confirmation of our support and recommendation for your proposal to rezone the property at 601 West 17th Street from GO-General Office to DMU-Downtown Mixed Use. As a property owner and the owner of several businesses operating roughly 200 feet from your property, we concur with your decision to pursue the ability to use your current structures and/or redevelop your property to meet the growing demands of our commercial location.

Nueces Street between West 15<sup>th</sup> Street and MLK Boulevard, including the associated side streets, is a vibrant commercial district including professional office, retail and multi-family uses. With the encouragement of the City to increase density in the downtown core, multi-story mixed-used projects have been approved and built just north of MLK Boulevard and processes are underway for multi-story mixed use projects on property just 2 blocks to the east. Unencumbered by the Capital View Corridor, this commercial neighborhood from Lavaca to Rio Grande is primed to meet the City's vision and the market's demand for live/work/shop mixed-use properties employing existing structures and/or the redevelopment of under-utilized properties.

Let me know if I can provide further assistance on this matter.

Sincerely,



John Bolt Harris  
President

HMBM, Inc., general partner of 509W18TH, L.P.



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509 West 18<sup>th</sup> Street, Austin, Texas 78701  
512-480-9343

July 26, 2010

Mr. Paul Dunham  
601 West 17<sup>th</sup> Street  
Austin, TX 78701

Re: Zoning Case C14-2010-0078

Dear Mr. Dunham,

Please accept this letter as confirmation of my support and recommendation for your proposal to rezone your property at 601 West 17<sup>th</sup> Street from GO- General Office to DMU – Downtown Mixed Use.

Free market forces - including demand brought about by business and population growth, proximity to downtown, the University of Texas and the Capitol Complex - and inherent increases in property values are transitioning the area between MLK and 15<sup>th</sup> Street, between LaVaca and Rio Grande Streets. The City's DMU zoning designation captures the current and anticipated demands and mix of uses in this commercial district and will facilitate the adaptive re-use of your property.

As your "business" neighbor on W. 18<sup>th</sup> Street, Site Solutions, Inc. supports all efforts to appropriately zone properties in this commercial district to facilitate its next transition.

Should you have any questions, please call.

A handwritten signature in cursive script that reads "Susan H. Harris".

Susan H. Harris  
President



Monday, July 26, 2010 4:24 PM

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**Subject:** Fw: Parking lot  
**Date:** Monday, July 26, 2010 4:03 PM  
**From:** Bill Baker <bill@dui.com>  
**To:** Monica Thomason <monica@dwi.com>

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**From:** Larry Jolly <Larry@jollydesign.com>  
**To:** Bill Baker  
**Sent:** Mon Jul 26 16:02:41 2010  
**Subject:** Re: Parking lot

To whom it may concern,

As a property owner in close proximity to that of Paul Dunham's at the corner of 17th and Nueces, we have no objection to the re-zoning of Paul's property to DMU. Our property is currently zoned GO-H; General Office with a historic overlay, and we see no lack of compatibility between our relative property uses.

Best regards,

Larry Jolly  
President, Jolly Design, Inc.  
Managing Partner, Big Pecan Properties

512.472.7007, x-11  
[www.jollydesign.com](http://www.jollydesign.com)

Monday, July 26, 2010 4:24 PM

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**Subject:** Fw: Paul Dunham - DMU  
**Date:** Monday, July 26, 2010 4:02 PM  
**From:** Bill Baker <bill@dui.com>  
**To:** Monica Thomason <monica@dwi.com>

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**From:** Ryan Russell <rrussell@starnine.com>  
**To:** Bill Baker  
**Sent:** Mon Jul 26 17:01:52 2010  
**Subject:** Paul Dunham - DMU

To Whom it may concern:

As the occupant of 1604 Nueces St, I have no objections to the zoning change to DMU of Mr. Paul Dunham's properties.

As the immediate neighbor on Nueces, I am confident the zoning change to DMU would be compatible with the current neighborhood for the property located at 607 W 17th Street.

Please feel free to call me with any questions or concerns.

--

Ryan Russell  
Star Nine Ventures  
512.538.2215

**Subject:** Zoning approval.

**Date:** Wednesday, July 21, 2010 10:41 AM

**From:** Grant Foster <gfoster@fosterfinancial.com>

**To:** Monica Thomason <mthomason@elawsoftware.com>

Monica: my office is located @ 507 west 18th St. I have no objection to Paul Dunham's rezoning request for his property around the corner from me. Thanks, Grant

Grant Foster CLU, ChFC, AEP  
Foster Financial Group  
Office (512) 473-8682  
Fax (512) 473-2922  
507 W. 18th St. Austin, TX 78701

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## 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: C14-2010-0078

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 27, 2010, Planning Commission  
August 19, 2010, City Council

Your Name (please print)

Steven Lee

☒ I am in favor  
☐ I object

Your address(es) affected by this application

603 W 17th Austin, Texas 78701

Signature

Date

Daytime Telephone: (512) 633-3918

07/20/10

Comments:

I wholly support the zoning change!

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

City of Austin  
Planning & Development Review Department  
Clark Patterson  
P. O. Box 1088  
Austin, TX 78767-8810



# SCOTT P. SAYERS

Agent/Business Manager for Ben Crenshaw

Email: sayers@bencrenshaw.com  
512/478-3483/Fax: 512/473-2447

1800 Nueces Street  
Austin, Texas 78701

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Good luck with your application.

Regards,



Scott Sayers