

ZONING CHANGE REVIEW SHEET

CASE: C14-2017-0025 – Pompee-Clarke-Cook House

H.L.C. DATE: April 24, 2017
May 22, 2017

P.C. DATE: April 25, 2017
May 23, 2017

ADDRESS: 2203 Nueces Street

DISTRICT AREA: 9

OWNER/APPLICANT: 2203 Nueces, L.P. (Brad Zucker)

AGENT: Mike McHone Real Estate (Mike McHone)

ZONING FROM: GR-MU-H-CO-NP **TO:** GR-MU-CO-NP

TOTAL AREA: 0.030 acres (1,307 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

Staff recommends Community Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan (GR-MU-CO-NP) combining district zoning. The Conditional Overlay is existing and not proposed to change; and prohibits certain uses as referenced in Exhibit C.

HISTORIC LANDMARK COMMISSION ACTION:

April 24, 2017 *POSTPONED TO MAY 22, 2017 AT THE REQUEST OF THE NEIGHBORHOOD*

May 22, 2017 *APPROVED GR-MU-CO-NP COMBINING DISTRICT ZONING AS STAFF
RECOMMENDED [B. TOLLETT; T. MYERS – 2ND] (6-0) A. PAPAVALIOU, B.
VALENZUELA, E. REED, C. BROWN – ABSENT*

PLANNING COMMISSION ACTION:

April 25, 2017 *POSTPONED TO MAY 23, 2017 AT THE REQUEST OF STAFF (TO ALLOW HLC
TO HEAR ITEM ON MAY 22, 2017)*

May 23, 2017 *APPROVED GR-MU-CO-NP COMBINING DISTRICT AS STAFF
RECOMMENDED, BY CONSENT [P. SEEGER; N. ZARAGOZA – 2ND] (8-0) F.
KAZI, A. HART, J. SCHISSLER, J. THOMPSON, T. WHITE – ABSENT*

ISSUES:

The Central Austin Neighborhood Plan Advisory Committee (CANPAC) requested a postponement to May 22, 2017 for Historic Landmark Commission and to May 23, 2017 for Planning Commission (see Exhibit F). CANPAC has now met with the applicant, and voted to not oppose the proposed zoning change (see exhibit G).

DEPARTMENT COMMENTS:

The subject tract is a 0.03 acre (1,307 square foot) site, a portion of two lots which are located on the northeast corner of West 22nd Street and Nueces Street in the West University Neighborhood Planning Area. The tract is part of a zoning district which contains the Pompee-Clarke-Cook House, a historic wood frame house that now serves as a bed and breakfast.

This house was originally located approximately 45 feet northeast. In 2000, the single owner of the lots on the east side of Nueces Street, including the subject tract, the historic house, and two other lots to the north, obtained a certificate of appropriateness to relocate the house to its present location, applied to rezone the tract around the house as historic, and submitted a site plan for a 3-story apartment complex to the east of the house.

The applicant is requesting removal of the Historic (H) designation from the driveway and parking lot – located behind the historic house, and the sidewalk which is located between the historic house and the apartment complex. This rezoning would allow the applicant, at the time of site plan submittal, to go through a review process without a visit to Historic Landmark Commission. The applicant has a basic concept to remove the existing 3-story apartment and construct a mid-rise apartment building, within the standards of the University Neighborhood Overlay (UNO).

The tract proposed for rezoning is currently used as a driveway and parking lot for an apartment complex to the east, and for the bed and breakfast. The tract is situated to the rear (north) of the historic building, approximately 20 feet from the building; the tract is situated in front (west) of a 3-story apartment complex. The tract also includes a 2-foot wide strip of sidewalk which runs north-south between the historic building and the apartment complex (see Exhibit E – photos). At the time of site plan, fire codes will require a 10-foot spacing between the historic building and any future structure. Although no structures will be permitted in this strip, this area may be within the limits of construction of a future site plan.

The tract is now zoned Community Commercial – Mixed Use – Historic – Conditional Overlay – Neighborhood Plan (GR-MU-H-CO-NP); the Conditional Overlay limits certain uses on the tract. The NP was applied via the West University Neighborhood Plan Ordinance adopted in 2004, which lays out general standards for the neighborhood plan, but does not refer to this tract specifically.

The tract is designated as High Density Mixed Use on the West University future land use map. The tract is within the University Neighborhood Overlay (UNO). UNO is intended to “promote high density redevelopment in the area generally west of the University of Texas campus, provide a mechanism for the creation of a densely populated but livable and pedestrian friendly environment, and protect the character of the predominantly single-family residential neighborhoods adjacent to the district.”

Staff recommends GR-MU-CO-NP (removal of the H), because the driveway, parking lot, and sidewalk on the tract are not historic in character; any proposed future site plan would need to abide by all applicable sections of the Land Development Code – e.g. fire code setbacks; and the rezoning will reduce administrative resources at such a time that the tract is proposed for redevelopment.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-MU-H-CO-NP	Driveway and parking area; Bed and Breakfast
<i>North</i>	MF-4-NP / GO-NP	Multifamily
<i>South</i>	MF-4-NP	W 22 nd St, then Multifamily
<i>East</i>	MF-4-NP / GO-NP	Multifamily, then Meeting and Assembly
<i>West</i>	MF-4-NP	Nueces St, then Multifamily

NEIGHBORHOOD PLANNING AREA: West University**TIA:** No, however a TIA may be required at the time of site plan.**WATERSHED:** Shoal Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

<i>Community Registry Name</i>	<i>ID</i>
Austin Heritage Tree Foundation	1340
Austin Independent School District	742
Austin Neighborhoods Council	511
Bike Austin	1528
CANPAC (Central Austin Neigh Plan Area)	754
Central Austin Community Development	1391
Friends Of Austin Neighborhoods	1530
Homeless Neighborhood Association	1550
My Guadalupe	1510
Preservation Austin	1424
Seltexas	1363
Shoal Creek Conservancy	1497
Sierra Club, Austin Regional Group	1228
University Area Partners	69

SCHOOLS: Bryker Woods Elementary, O Henry Middle School, Austin High School**CASE HISTORIES:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-04-0021 Central Austin Combined NP (West University)	Central Austin Combined NP (West University)	5/25/04 – Apvd Staff Rec	Approved tracts separately between 6/10/04 and 5/19/05

C14-85-002(RCT) 2202 Nueces Street	Terminate a Restrictive Covenant	11/08/16 – Apvd Termination of the RC	12/08/16 - Apvd Termination of the RC, as PC rec
C14-91-0038(RCA) 507 W 23rd Street	Amend Restrictive Covenant	01/12/16 – Approved the amendment to the Restrictive Covenant, as requested by the applicant.	04/07/16 - Approved
C14-91-0038(RCT) 507 W 23rd Street	Restrictive covenant termination	1/28/14 – Apvd Staff rec to terminate the RC	2/13/14 - Withdrawn

RELATED CASES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14H-00-2051 506 W 22nd St	MF4 to GR-MU-H-CO	5/2/00 – Apvd Staff Rec of GR-MU-CO-H	4/26/01 – Apvd GR-MU-H-CO (6-0); 2ND/3RD RDGS

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Nueces Street	60'	36'	Collector	Yes	Yes, bike lane	Yes

Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

Additional right-of-way may be required at the time of subdivision and/or site plan.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a shared lane is recommended for Nueces Street.

Per the UNO ordinance off-street parking on a surface lot is prohibited. All UNO regulations shall be reviewed at the time of Site Plan Application.

CITY COUNCIL DATE: June 15, 2017

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Scott Grantham

PHONE: 512-974-3574

EMAIL: scott.grantham@austintexas.gov

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
2. *Zoning should allow for reasonable use of the property*
3. *Zoning changes should promote compatibility with adjacent and nearby uses*
4. *The request should serve to protect and preserve places and areas of historical and cultural significance*

The tract in question does not include the historic portion of the property – the house. The tract proposed for rezoning is currently used as a driveway, parking lot, and sidewalk – areas which are not historic in character. Staff recommends removal of the H from the tract to allow the applicant reasonable use of the portion of his property that is not historic. This rezoning will also enable any future site plans involving the tract to move forward without a Historic review or requests to the Historic Landmark Commission.

EXISTING CONDITIONS

Site Characteristics

There is a very slight elevation change on the site, rising from west to east, entering the driveway from Nueces. The tract is comprised of a driveway, and is the only driveway access to the two lots on which it is situated.

Impervious Cover

The tract is located in an Urban Watershed and therefore the zoning district will determine the impervious cover limits. The GR zoning district allows up to 90% impervious cover. In scenarios where conflicting regulations are presented, the most restrictive impervious cover limit applies.

Comprehensive Planning

The property is located in the Central Austin Combined Neighborhood Planning Area in the West University NP.

Central Austin Combined Neighborhood Planning Area (CACNP)

The Central Austin Combined Neighborhood Plan Future Land Use Map identifies the subject area as being classified as “Mixed Use.” Mixed Use is meant to encourage more retail and commercial services within walking distance of residents. The subject property is also located in the University Area Overlay (UNO) District, which allows for denser, pedestrian oriented, commercial and multi-family development.

The CACNP supports historic zoning where appropriate. The plan also supports high density student housing in the designated UNO area where this tract is located.

Site Plan - Ramon Rezvanipour - 512-974-9148

- SP 1. Site plans will be required for any new development other than single-family or duplex residential.

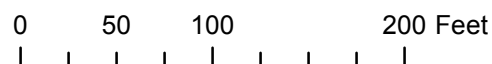
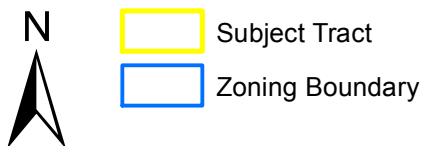
- SP 2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
- SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Environmental - Mike McDougal - 512-974-6380

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. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

Water Utility – Neil Kepple – 512-972-0077

FYI: The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fees once the landowner makes an application for Austin Water utility tap permits.



ZONING & VICINITY - EXHIBIT A

Zoning Case#: C14-2017-0025
 Address: 2203 Nueces Street
 Subject Area: 0.03 Acres
 Case Manager: Scott Grantham



This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

ORDINANCE NO. 010426-7

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY GENERALLY KNOWN AS THE POMPEE-CLARKE-COOK HOUSE, LOCATED AT 510 WEST 22ND STREET FROM MULTIFAMILY RESIDENCE MODERATE HIGH DENSITY (MF-4) DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-HISTORIC-CONDITIONAL OVERLAY (GR-MU-H-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 community commercial-mixed use-historic-conditional overlay (GR-MU-H-CO) combining district on the property described in File C14H-00-2051, as follows:

A 5,750 square foot tract of land out of Lots 18 and 18-1/2, Louis Horst's Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

generally known as the Pompee-Clarke-Cook House, locally known as 510 West 22nd Street, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "B".

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

The following uses are prohibited:

Cultural services
Private secondary educational facilities
Consumer convenience services
Financial services
Medical offices
Personal services
College and university facilities
Residential treatment
Local utility services
Automotive repair services

Guidance services
Art and craft studio (limited)
Consumer repair services
General retail sales (convenience)
Personal improvement services
Club or lodge
Congregate living
Hospital services (general and limited)
Automotive sales
Automotive rentals

Automotive washing (of any type)
Communication services
Exterminating services
Funeral services
Outdoor entertainment
Outdoor sports and recreation
Pawn shop services
Restaurant (general)
Restaurant (drive-in, fast food)
Theater
Community recreation (private)
Safety services
Business support services
Pet services
Business or trade school

Commercial off-street parking
Drop-off recycling collection facility
Food sales
Indoor entertainment
Indoor sports and recreation
Off-site accessory parking
Plant nursery
Restaurant (limited)
Service station
Communication service facilities
Community recreation (public)
Telecommunication tower
General retail sales (general)
Research services

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

PART 3. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on May 7, 2001.

PASSED AND APPROVED

_____, April 26, 2001

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§
§



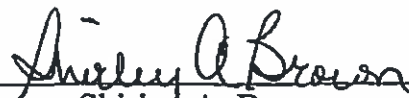
Kirk Watson
Mayor

APPROVED:



Andrew Martin
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

**CARSON AND BUSH
PROFESSIONAL SURVEYORS, INC.**

1904 FORTVIEW ROAD
AUSTIN, TX 78704
TELEPHONE: (512) 442-0990
FACSIMILE: (512) 442-1084

February 24, 2000

FIELD NOTE DESCRIPTION OF 5750 SQUARE FEET OF LAND OUT OF LOTS 18 AND 18 ½, LOUIS HORST'S SUBDIVISION OUT OF OUTLOTS 34 AND 35, DIVISION D, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME Z PAGE 613 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod set with plastic cap marked "Carson and Bush Professional Surveyors, Inc." in the east right-of-way line of Nueces Street, being a point in the west line of Lot 18, Louis Horst's Subdivision out of Outlots 34 and 35, Division D, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume Z Page 613 of the Deed Records of Travis County, Texas, and being the Northwest corner and **PLACE OF BEGINNING** of the herein described tract, and from which a ½ inch iron pipe found at the Southwest corner of Lot 16 of said Louis Horst's Subdivision bears N 05 deg. 48' 05" E 87.50 ft.;

THENCE crossing the interior of said Lot 18 S 84 deg. 10' 01" E 57.50 ft. to a ½ inch iron rod set with plastic cap marked "Carson and Bush Professional Surveyors, Inc." at the Northeast corner of this tract;

THENCE S 05 deg. 48' 05" W at 52.5 ft. pass the north line of Lot 18 ½ of said Louis Horst's Subdivision and crossing said Lot 18 ½ on the same bearing for 47.5 ft. more for a total distance of 100.00 ft. to a ½" iron rod set with plastic cap marked "Carson and Bush Professional Surveyors, Inc." in the north right-of-way line of West 22nd Street at the Southeast corner of this tract; and from which a ½ inch iron pipe found at the Southeast corner of Lot 19 ½ of said Louis Horst's Subdivision bears S 84 deg. 10' 01" E 202.37 ft.;

EXHIBIT A

page 2 of 2

5750 square feet of Lot 18 and 18 1/2

THENCE with the north right-of-way line of West 22nd Street, N 84 deg. 10' 01" W 57.50 ft. to a ½ inch iron rod set with plastic cap marked "Carson and Bush Professional Surveyors, Inc." at the Southwest corner of said Lot 18 ½, and being the Southwest corner of this tract, and from which a ½ inch iron rod at the southeast corner of Lot 7 of said Louis Horst's Subdivision bears N 84 deg. 42' 11" W 60.48 ft.;

THENCE with the east right-of-way line of Nueces Street, N 05 deg. 48' 05" E at 47.5 ft. pass the south line of said Lot 18 and continuing on 52.5 ft. more for a total distance of 100.00 ft. to the Place of Beginning, containing 5750 square feet.

SURVEYED: February 24, 2000

BY:



Holt Carson

Registered Professional Land Surveyor No. 5166



see sketch C586134

JE corner
ATO
Subdivision
86/86D

IPF at intersection of the east ROW of Nueces Street
and the north ROW of West 23rd Street
IPF at NW
corner of Lot 13.
IPF at SW corner of Lot 16

LEGEND
 ◎ 1/2" Iron Rod Found
 IPF 1/2" Iron Pipe Found
 ◇ Capped 1/2" Iron Rod Set marked
 "Carson and Bush Professional Surveyors, Inc."
 ▲ Nail Found as noted
 (Record Bearing and Distances)

SCALE: 1"=30'

C586134

Bearing Br's
at SE corner of Lot 7

NUECES STREET (60')

WEST 22ND STREET (60')

**LOUIS HORST'S SUBDIVISION
OUT OF OUTLOTS 84 AND 86
DIVISION "D"
VOL. 2 PAGE 613**

5750 sq ft.
proposed
for re-zoning

SKETCH TO ACCOMPANY FIELD NOTES
FOR THE PROPOSED RE-ZONING OF A
TRACT CONTAINING 5750 SQUARE FEET
OF LAND OUT OF LOTS 18 AND 18 1/2,
LOUIS HORST'S SUBDIVISION OUT OF
OUTLOTS 34 AND 35, DIVISION D, A
SUBDIVISION IN TRAVIS COUNTY, TEXAS,
ACCORDING TO THE MAP OR PLAT
THEREOF RECORDED IN VOLUME 2
PAGE 613 OF THE DEED RECORDS OF
TRAVIS COUNTY, TEXAS.

CARSON AND BUSH PROFESSIONAL SURVEYORS, INC.
1904 FORTVIEW ROAD AUSTIN, TX 78704
(512) 442-0990

centerline at
San Antonio Street

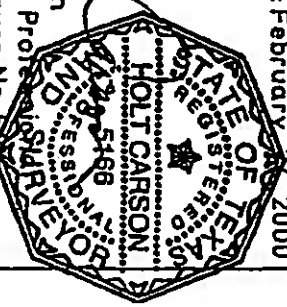
IPF at SE
corner of
Lot 19 1/2

SURVEYED: February 24, 2000

BY:

[Signature]

Holt Carson
Registered Professional Surveyor
Land Surveyor No. 5186





HISTORIC ZONING EXHIBIT B

CASE #: C14H-00-2051
 ADDRESS: 510 W.22ND ST.
 SUBJECT AREA (acres): 0.132

DATE: 01-05
 INTLS: TRC

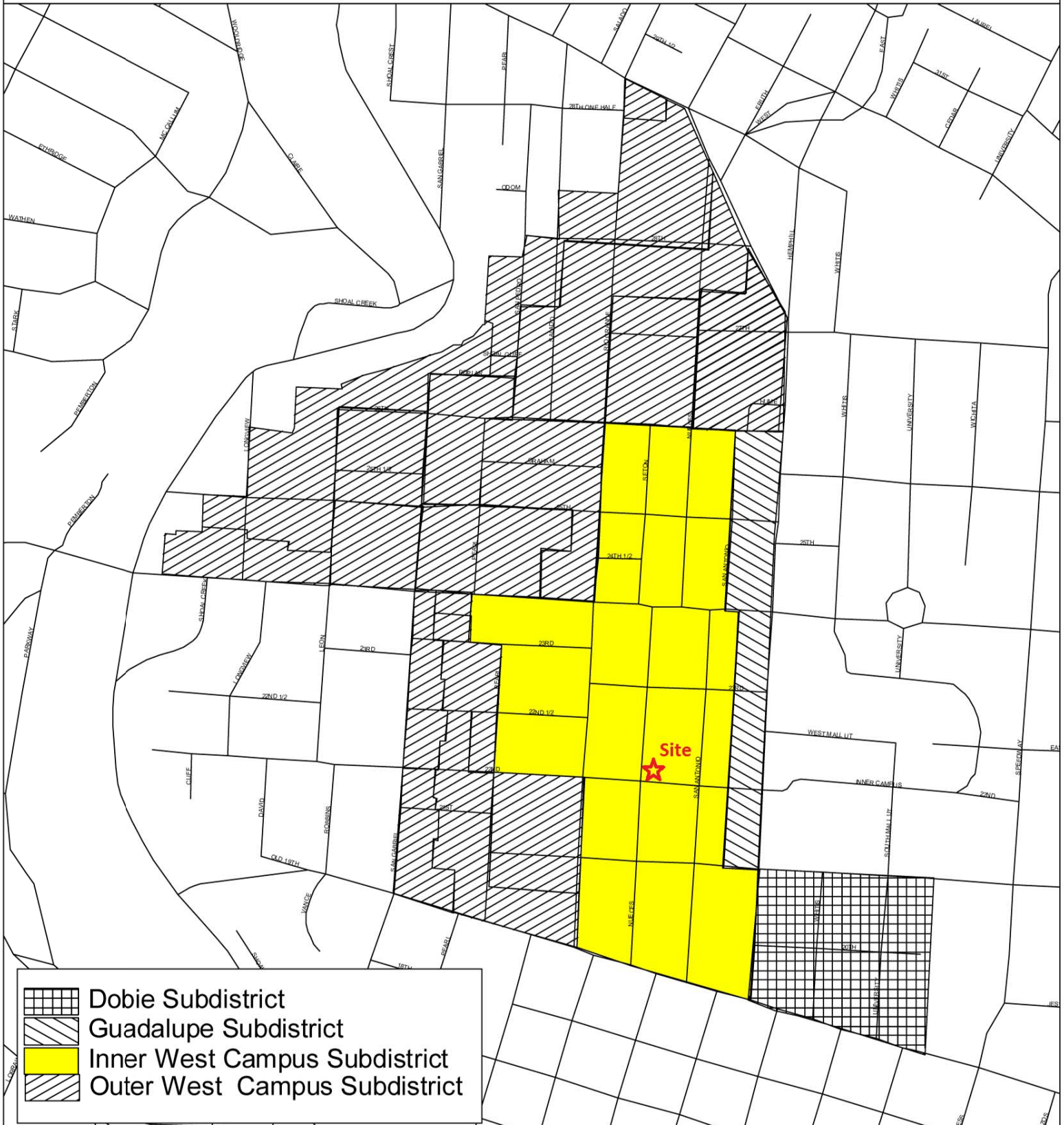
CITY GRID
 REFERENCE
 NUMBER
 J23



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: KLARSEN

SP67-031

Exhibit D



University Neighborhood Overlay

Height Districts

Exhibit E

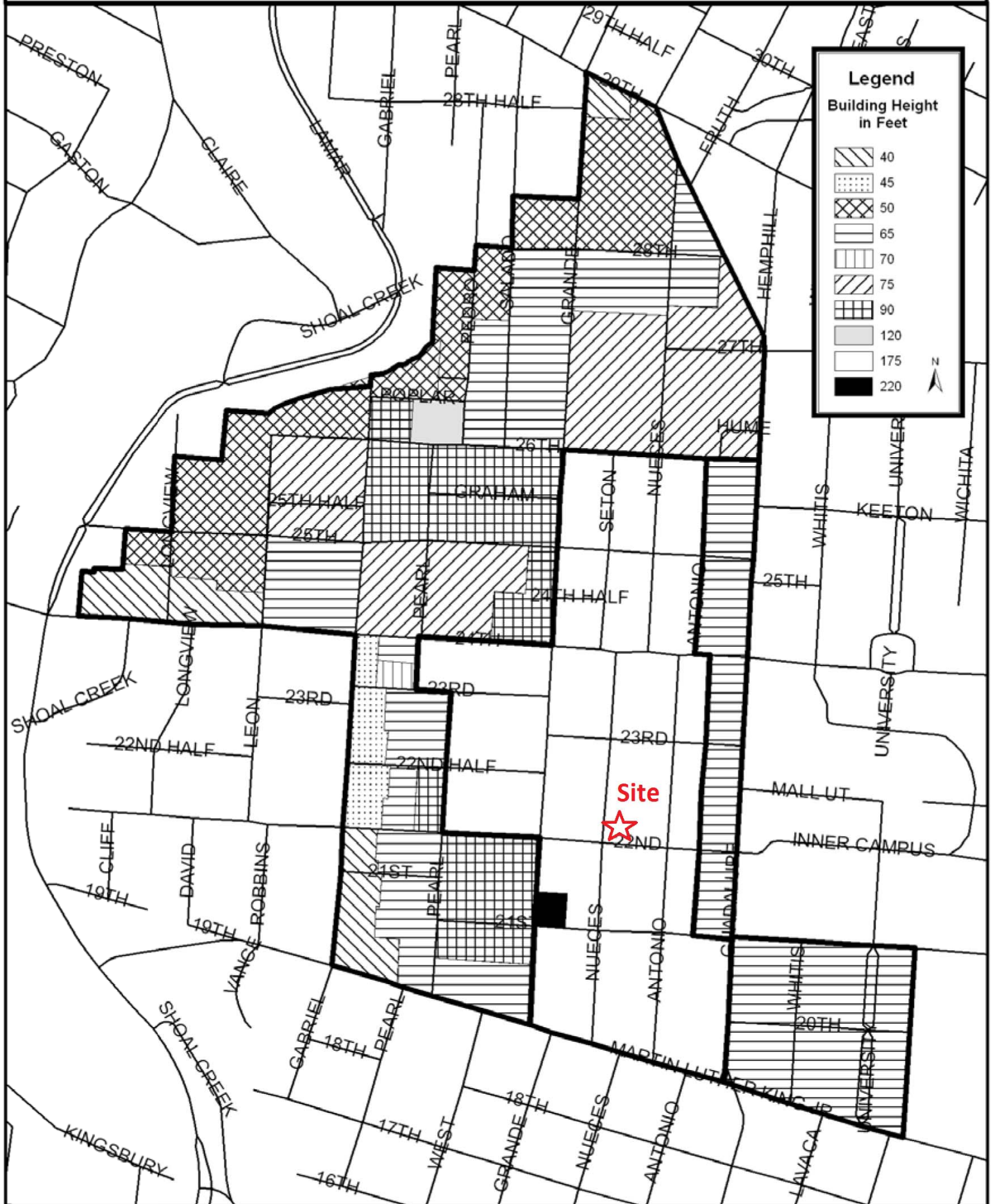


EXHIBIT E – Site Photos

Historic Building - Austin Folk House
Bed and Breakfast





Google Earth

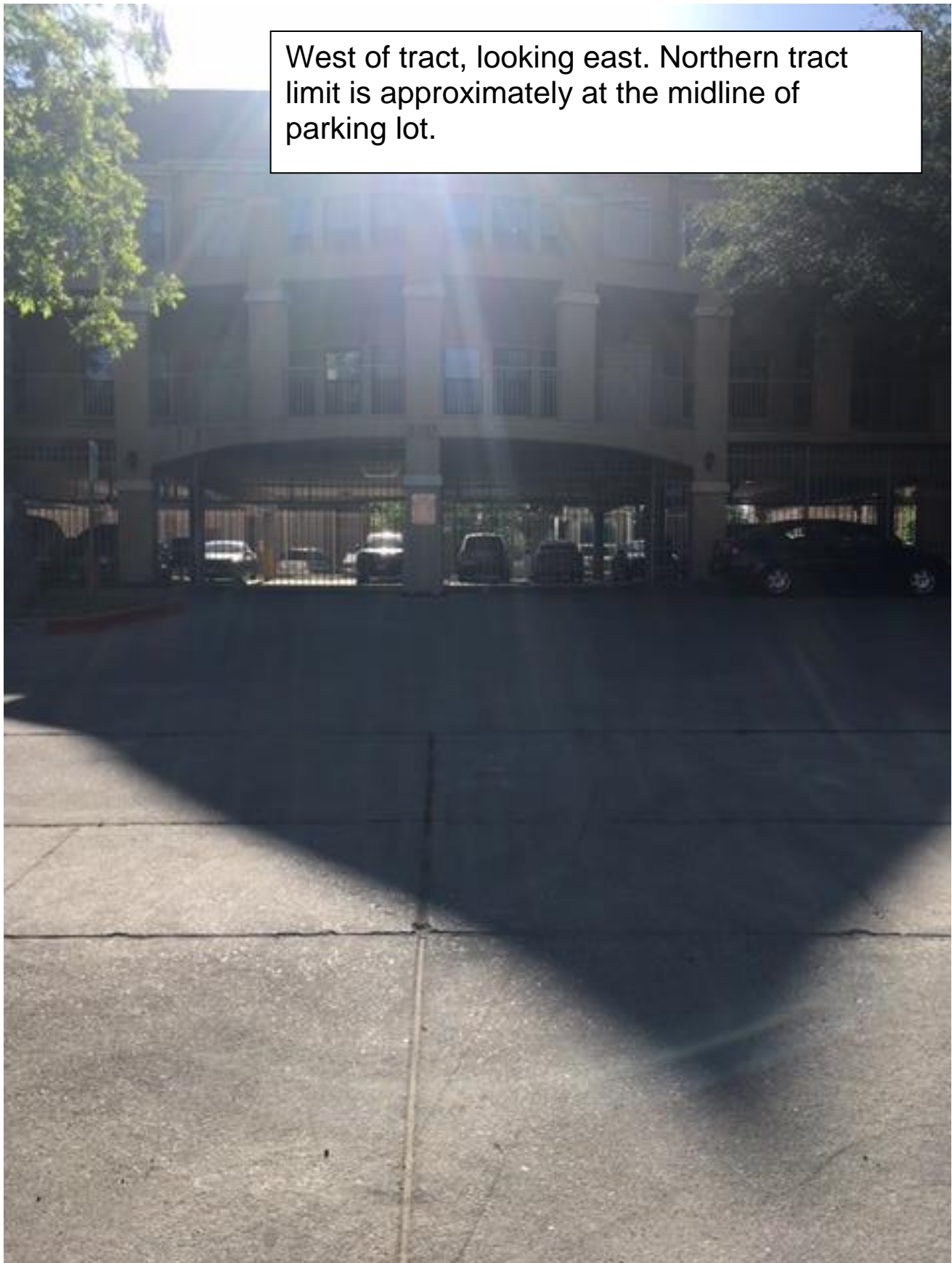
feet 10
meters 3



North of building, looking south. Subject tract consists of driveway and parking area. South limit is approximately where parking striping begins.



West of tract, looking east. Northern tract limit is approximately at the midline of parking lot.





Faux brick sidewalk is also part of tract. Due to fire codes, no structure will be permitted within 10 feet of building.





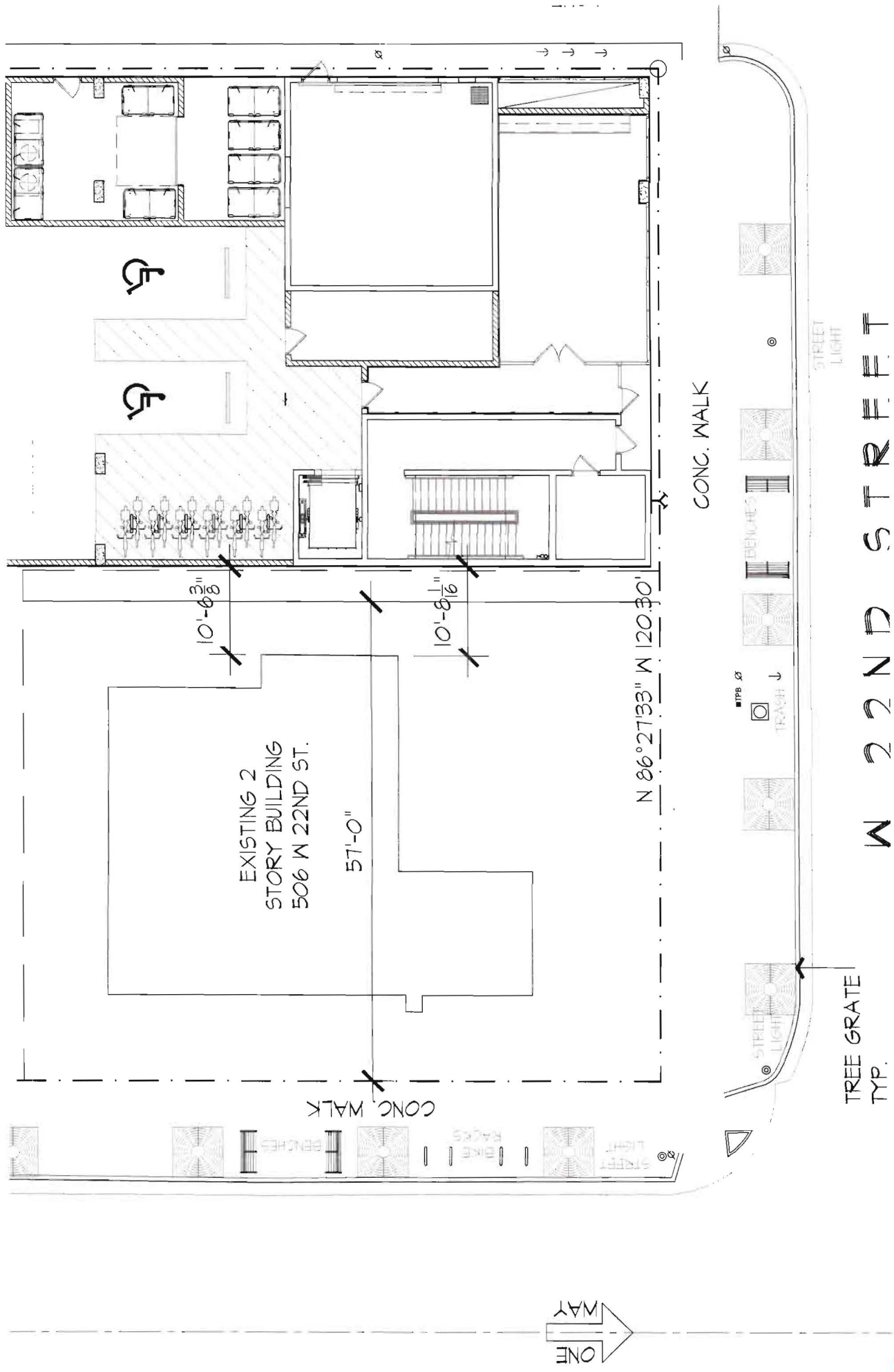


EXHIBIT F

Grantham, Scott

From: Adam Stephens [REDACTED]
Sent: Monday, April 10, 2017 4:26 PM
To: Grantham, Scott
Cc: bart
Subject: C14-2017-0025/2203 Nueces

This case is scheduled for the HLC 4/24. CANPAC (Central Austin Neighborhood Plan Advisory Committee) is the contact team for the planning area this project is within. CANPAC would like to request a postponement of this case to obtain more information and discuss at our next scheduled meeting, which is May 2.

Thank you,

Adam Stephens [REDACTED]
[REDACTED]
[REDACTED]

[Click Here](#) to securely upload documents.

Under federal regulations we are required to make a booklet from the U.S. Department of Housing and Urban Development available to anyone originating a mortgage loan. We are delivering this to you via the following link to the on-line PDF document on the HUD website:

<http://www.consumerfinance.gov/know-before-you-owe/>

Ctrl+Click to follow the link above. If you are unable to access the document on-line, or if you prefer, please request a printed copy.

The information contained in this message may be privileged, confidential and protected from disclosure. If the reader of this message is not the intended recipient or any employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it. Thank you. Capstar Lending, LLC

Grantham, Scott

From: Adam Stephens [REDACTED]
Sent: Thursday, May 04, 2017 11:37 AM
To: Grantham, Scott
Subject: RE: C14-2017-0025/2203 Nueces

The applicant presented the case to CANPAC as requested and CANPAC did not take action to support or oppose the zoning change.

Thank you, Adam

Adam Stephens [REDACTED]

From: Grantham, Scott [mailto:Scott.Grantham@austintexas.gov]
Sent: Tuesday, April 25, 2017 10:14 AM
To: Adam Stephens [REDACTED]
Subject: RE: C14-2017-0025/2203 Nueces

Adam,

Good morning!

Historic Landmark Commission granted CANPAC's request to postpone the item till May 22.

Planning Commission will not hear the item until after Historic Landmark Commission, so that will be May 23.

Please let me know if you need any further info for your meeting on May 2.

Take care!

Best - Scott

Scott Grantham
Senior Planner
City of Austin | Planning and Zoning Department
505 Barton Springs Road | 5th floor | Austin TX | 78704
Tel | 512.974.3574
Email | scott.grantham@austintexas.gov