

## ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0025 – 601 & 603 W 14<sup>th</sup> Street    DISTRICT: 9

ZONING FROM: GO

TO: DMU - CO

ADDRESS: 601, 603 West 14<sup>th</sup> Street

SITE AREA: 0.1542 acres (~6,716 sq. ft.)

PROPERTY OWNER:

601, 603-14 Realty L.P. (Elizabeth B. Osborn)

AGENT:

Husch Blackwell LLP  
(Nikelle Meade)

CASE MANAGER Mark Graham (512-974-3574, [mark.graham@austintexas.gov](mailto:mark.graham@austintexas.gov) )

STAFF RECOMMENDATION:

**The Staff recommendation is to grant downtown mixed use – conditional overlay (DMU-CO) combining district zoning. The conditional overlay limits building height to 60 feet.**

*For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

**May 11, 2021                      Approved staff's recommendation of DMU-CO on the consent agenda. Vote: 12-0. [Commissioner Cox - 1st, Commissioner Azhar - 2nd; Chair Shaw was absent].**

CITY COUNCIL ACTION:

**June 10, 2021                      Scheduled for City Council**

ORDINANCE NUMBER:

ISSUES:

No issues identified on this request.

CASE MANAGER COMMENTS:

The subject rezoning tract is 0.1542 acres (~6,716 sq. ft.) located on the southwest corner of West 14<sup>th</sup> Street and Nueces Street. There is no minimum lot size for the requested DMU zone. The rezoning tract fronts on West 14<sup>th</sup> Street between Nueces Street and Rio Grande Street. Both sides of West 14<sup>th</sup> are zoned general office (GO). Two one-story residential buildings occupy the subject tract. The buildings are used as offices. The applicant has not filed a site plan application for redevelopment. The applicant proposes office mixed use with a total of 2 residences.

The applicant requests rezoning from general office (GO) to downtown mixed use – conditional overlay (DMU-CO) combining district zoning. The condition is the maximum building height of 60 feet.

Overlay Districts

The subject tract is within the Downtown Austin Plan (DAP), in the Northwest District. It is not eligible for Density Bonuses. The rezoning site is outside of the Capitol Dominance Overlay and not in a Central Urban Renewal C.U.R.E. Overlay. It appears to be in the Capitol of Texas Highway, Capitol View Corridor (CVC). The CVC Overlay protects views of the Capitol from specific locations. A separate study by the Development Services Department, usually done at time of Site Planning, is necessary to understand the effect of the CVC on the building height or design. The subject tract is not in a National Register District and does not have City or State Landmark designations.

Mixed Use

The subject site is on a block that is residential in appearance though entirely zoned for office uses. The Proposed Zoning Changes Map (exhibit C) indicates that the subject site should be zoned DMU-60. Generally, the DAP recommended converting from single use zones to mixed use zoning and transitioning from lower buildings at the periphery to taller building approaching the Central Business District. (CBD) zoned areas.

BASIS OF RECOMMENDATION:

The City Council adopted the Downtown Austin Plan (DAP) in December of 2011 as an element of the Comprehensive Plan. Included in the DAP were recommendations for Downtown Zoning Changes to implement the plan. The DAP recommends that both sides of 14<sup>th</sup> Street between Rio Grande Street and Nueces Street be rezoned to DMU-60. While the City didn't adopt a zoning category of DMU-60, it has been implemented with downtown mixed use-conditional overlay (DMU-CO) with the condition of a 60-foot building height limit.

The Staff recommendation is to grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. The recommended CO is a height limit of 60 feet.

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

**DMU – Downtown Mixed Use district** is intended for areas on the periphery of CBD classifications in the central core area, permitting a variety of uses compatible with downtown Austin and allowing intermediate densities as a transition from the commercial core to surrounding districts. Site development regulations are intended to permit combinations of office, retail, commercial, and residential uses within a single development.

The DMU district has no minimum lot size or width, and no required yards. DMU permits 100% building coverage and impervious coverage and has a maximum Floor Area Ratio (FAR) of 5:1. The DAP envisioned a gradual transition of building heights from the edge of the downtown to the Central Business District. The DMU zoning provides increased flexibility to accommodate land uses that support the Downtown.

- 2. Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

The Area Case History section of this report lists six rezoning cases in the vicinity of this site and over the last ten years that were approved for changes from general office (GO) to downtown mixed use (DMU). The request is consistent with recommendations in the Downtown Austin Plan and as such are viewed as implementing the plan.

- 3. Zoning should allow for reasonable use of the property.*

There is currently a mix of business and personal services, institutional, educational, residential and office uses in the vicinity of the rezoning site. The downtown mixed use zoning that is requested permits this variety of uses supporting downtown.

#### EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	GO	Office
North	GO, CBD	Office,
South	GO, DMU-CO	Office
East	Across Nueces St. GO-MU, GO, DMU-CO	Office, office, residential
West	GO, Across Rio Grande St. GO, DMU-CO	Office, residential, office

NEIGHBORHOOD PLANNING AREA: Downtown Austin Plan, Northwest District.

TIA: The Transportation Impact Assessment is deferred until site plan application when land use and intensity will be finalized.

WATERSHED: Shoal Creek

OVERLAYS: Capitol View Corridor (CVC): Capitol of Texas Highway.

SCHOOLS: AISD:

Mathews Elementary

O. Henry Middle

Austin High

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

Central Austin Community Development Corporation

City of Austin Downtown Commission

Downtown Austin Alliance

Downtown Austin Neighborhood Assn. (DANA)

Friends of Austin Neighborhoods

Historic Austin Neighborhood Association

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

Old Austin Neighborhood Association

Preservation Austin

SELTexas

Shoal Creek Conservancy

Sierra Club, Austin Regional Group

West Downtown Alliance, Inc

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2020-0035 707 W 14 <sup>th</sup> Apts.	Rezone 0.1014 ac. from GO to DMU-CO. CO-A: max. building height is 60'; B: prohibited uses: bail bond, cocktail lounge, liquor sales, outdoor entertainment, pawn shop.	To grant	Apvd.07/30/2020 Ord.#20200730-063
C14-2019-0091 503 Walnut Apts.	Rezone 3,300 sq. ft. from GO to DMU-CO. CO-A: max. building height is 60'; B: prohibited uses: bail bond, cocktail lounge, liquor sales, outdoor amplified sound, outdoor entertainment, pawn shop.	To grant	Apvd.09/19/2019 Ord.#20190919-132 Approved Planning Commission recommendation with additional prohibited land uses from the neighborhood.
C14-2010-0151 506 W 15 <sup>th</sup> St.	Rezone from GO to CBD. Amended GO to DMU-CO, max height 60'; min front yard 5'; max impervious cover 90%; max FAR 1:1; max daily vehicle trips 2,000.	To grant	Apvd.02/17/2011 Ord.#20110217-060
C14-2017-0076 1212 Rio Grande St. ACC Rio Grande Campus – Block 153 Zoning	Zone 3.247 ac. from UNZ & UNZ-H to DMU-CO & DMU-CO-H. CO-A: max. 2000 daily vehicle trips; B: max. building height 60'; C: prohibited uses (Tract 1) auto repair, auto sales, auto washing, bail bond, cocktail lounge, exterminating svcs., liquor sales, outdoor entertainment, residential treatment, service station, pawn shop. D-prohibited uses (Tract 2) auto repair, auto sales, auto washing, bail bond, cocktail lounge, exterminating svcs., liquor sales, outdoor entertainment, residential treatment, service station	To grant	Apvd.10/05/2017 Ord.#20171005-043

Number	Request	Commission	City Council
C14-2010-0197 600 W 13 <sup>th</sup> St.	Rezone 0.1274 ac. from GO to DMU-CO. CO-A: max. building height is 60 feet. B-Prohibited uses: Pawn, bail bond, cocktail lounge, liquor sales, outdoor entertainment.	To grant	Apvd.03/10/2011 Ord.#20110310-034
C14-2016-0093 510 W 15 <sup>th</sup> St. Rezoning	Rezone 0.196 ac. from GO to DMU-CO	To grant	Apvd. 12/08/2016 Ord.#20161208-038
C14-2015-0133A 1204 San Antonio (A) and C14-2015-0133B 1205 Nueces (B) Rezoning Texas Assoc of Counties	Tract A-Rezone 11,043 sq. ft. From GO to CBD amended request to rezone from GO to DMU. CO-A. prohibited uses: Cocktail lounge, liquor sales, bail bond services, pawn shop services, outdoor entertainment. B. max building height is 60'. Tract B- Rezone 6,407 sq. ft. from GO to DMU-CO. CO same as Tract A above.	To grant	Tract A-1204 San Antonio Apvd.06/16/2016 Ord.#20160616-037  Tract B-1205 Nueces Apvd. 04/14/2016 Ord.#20160414-021

RELATED CASES:

None

LEGAL DESCRIPTION:

The north 70 feet of Lot 5 and the north 70 feet of the east 24.4 feet of Lot 6, Block 154, Original City of Austin. Conveyed: volume 12894, page 01952.

OTHER STAFF COMMENTS: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. 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. At this time, site specific information is unavailable regarding 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.

#### Site Plan

- SP1. Site plans will be required for any new development other than single-family or duplex residential.
- SP2. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP3. FYI: Additional design regulations will be enforced at the time a site plan is submitted.

#### **CAPITOL VIEW CORRIDOR**

- SP4. FYI: This site is within the capitol view Corridor. A cross-section of the building with the base elevation and maximum height allowed within the corridor will be required with the site plan. And, an application for a Capitol View Corridor Height Determination will be required.

#### **DOWNTOWN AUSTIN PLAN**

- SP5. FYI: This site is located within the Downtown Austin Plan Northwest Subdistrict.

#### Parks and Recreation Department

PR1: Parkland dedication will be required for the new residential units proposed by this development, mixed use with DMU zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

## Comprehensive Planning

### **Downtown Austin Plan**

The property is in the Northwest District of the Downtown Austin Plan (DAP). The applicant is proposing to change the zoning from General Office (GO), to Downtown Mixed Use (DMU). Some of the Northwest Street District specific goals are:

- Preserve the neighborhood's historic character (p.38)
- To improve the pedestrian environment. (p.38)
- Improve conditions for bicycling (p.38)
- Great Streets improvements are a public improvement priority for this district (p.38)

The property is currently the site of a two single family style homes functioning as office use, the change to DMU will allow for greater density.

### **The following DAP goals are relevant to this case:**

AU-5.1: Provide incentives for Downtown office and employment use. (p.22)

- DD-1.1: Maintain height and density limits as a baseline with some adjustments on the surrounding context. (p.23)
- DD-3.1: Promote a compatible relationship between new and historic buildings (p.24)

**Based on the information above, Staff believes that the proposed zoning change is supported by the Downtown Austin Plan.**

## Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies sufficient right-of-way for Rio Grande Street, 14<sup>th</sup> Street, and Nueces Street. Traffic impact analysis was waived, the determination is deferred until site plan application, when land use and intensity will be finalized.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Rio Grande St	80'	80'	40'	2	Yes	Yes	Yes
14 <sup>th</sup> St	82'	80'	40'	1	Yes	No	Yes
Nueces St	80'	80'	40'	1	Yes	Yes	Yes



Austin Water Utility

AW1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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 fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

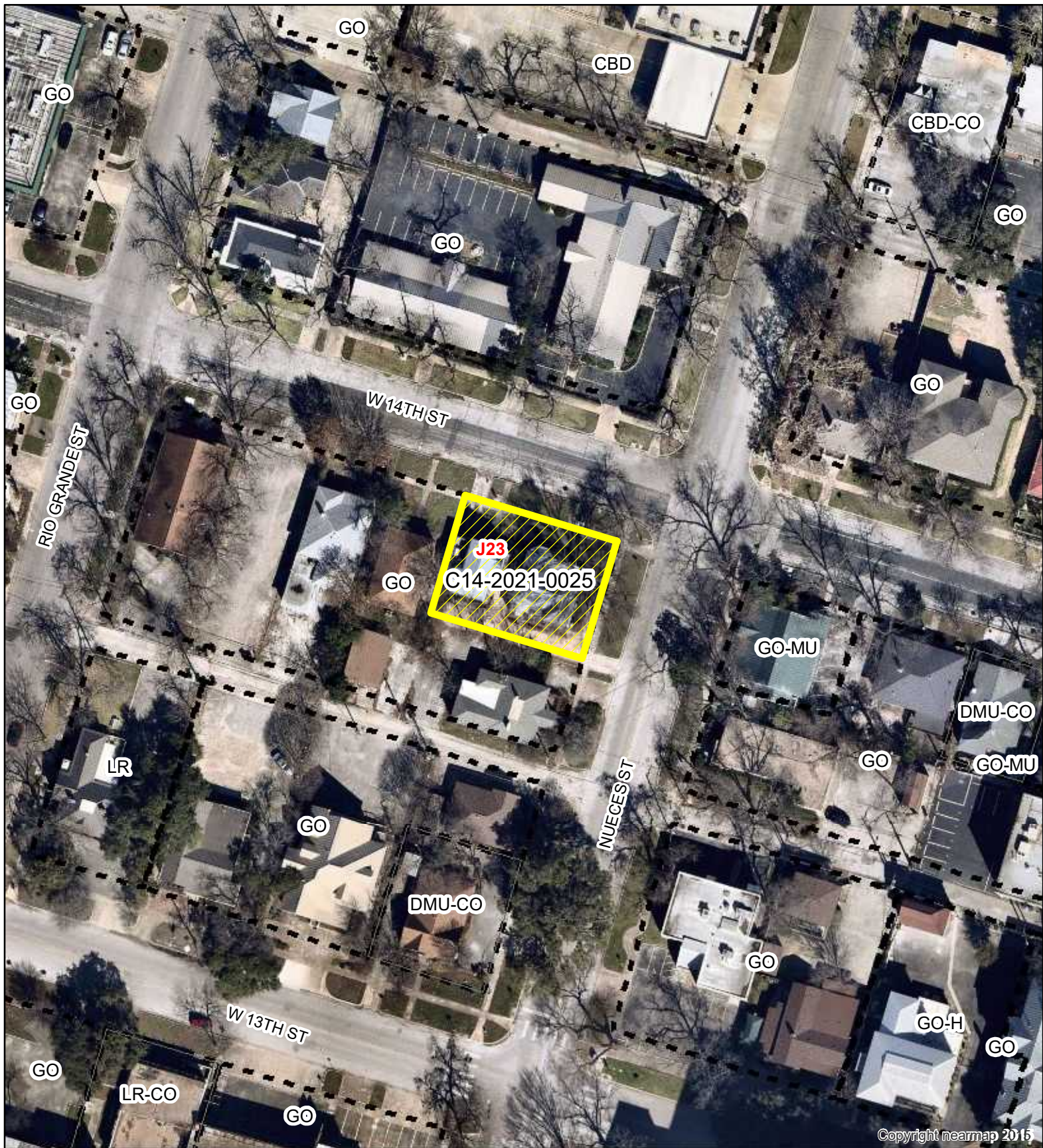
Exhibit B: Aerial Map

Exhibit C: DAP Proposed Downtown Zoning Changes Map

Exhibit D: Capitol View Corridor Map











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601 & 603 W 14th Street

Exhibit B



1" = 75'

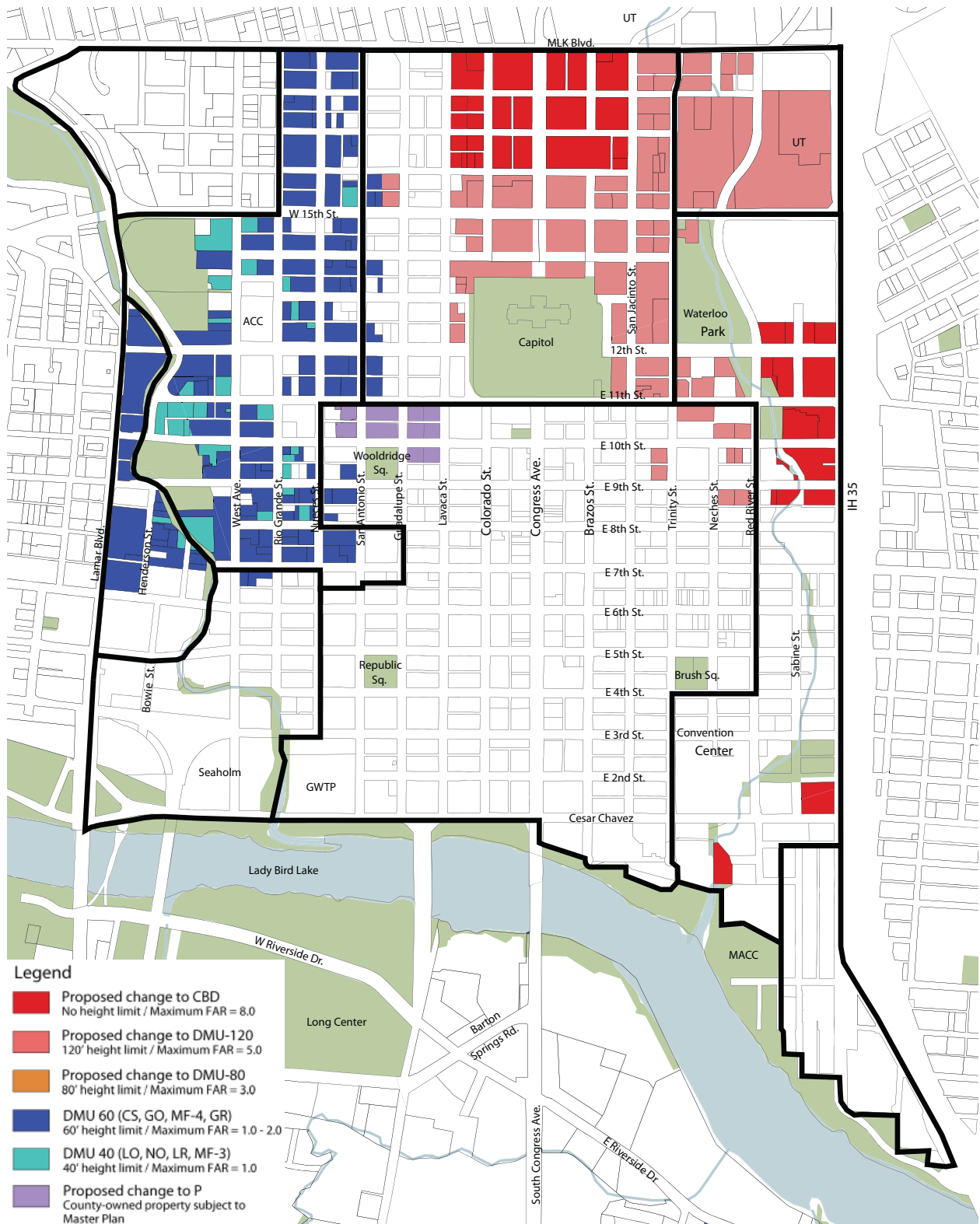
-  SUBJECT TRACT
-  ZONING BOUNDARY
-  CREEK BUFFER
-  PENDING CASE

ZONING CASE#: C14-2021-0025  
 LOCATION: 601 & 603 W 14th Street  
 SUBJECT AREA: 0.154 Acres  
 GRID: J23  
 MANAGER: MARK GRAHAM



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

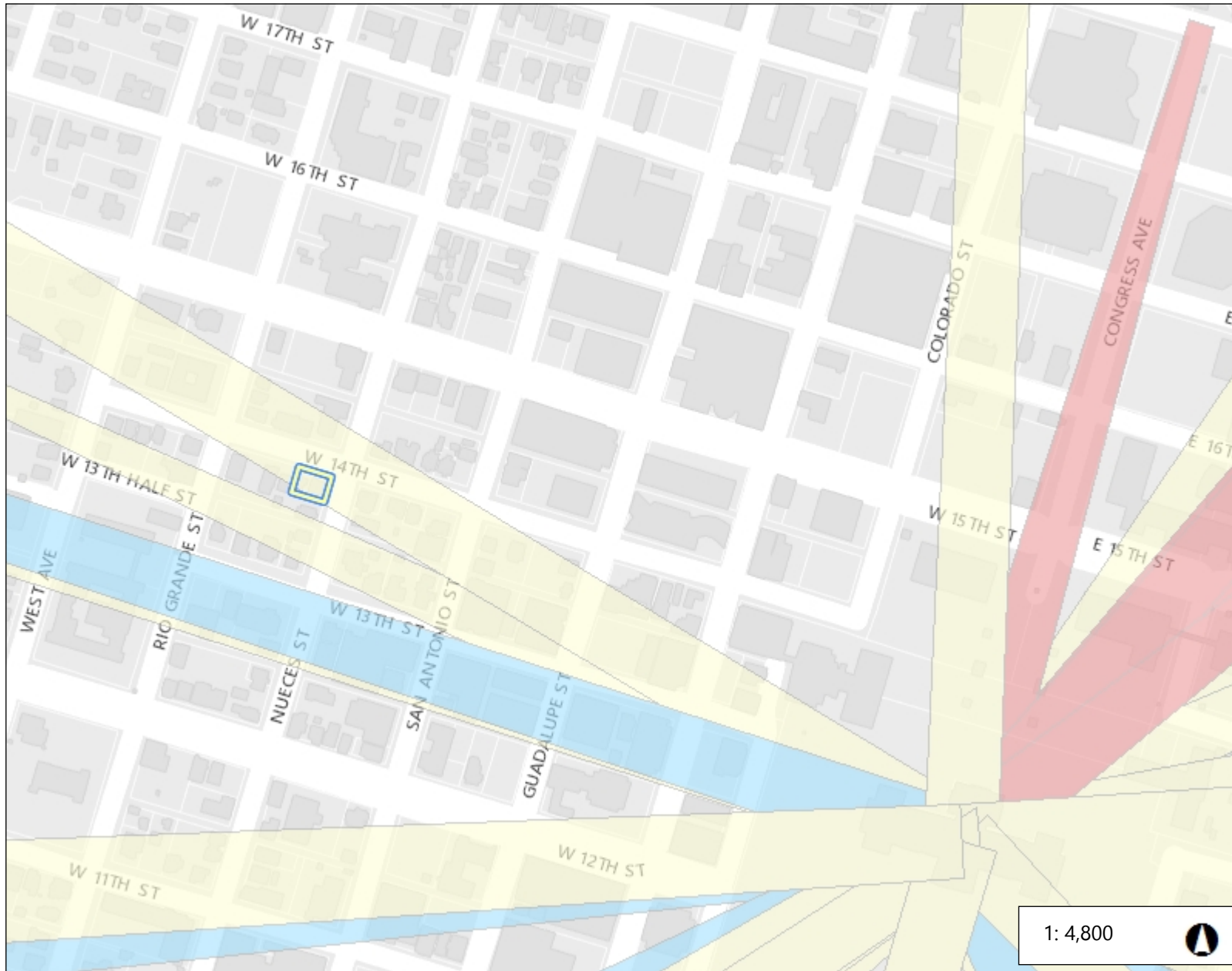




## Proposed Downtown Zoning Changes



# Property Profile



## Legend

- Capitol View Corridors
- <all other values>
  - City of Austin
  - State Defined City Corridors
  - State of Texas Corridors

## Exhibit D

## Notes

Capitol View Corridors  
Capitol of Texas Highway  
C14-2021-0025 - 601, 603 W 14th St.

0.2 0 0.08 0.2 Miles

NAD\_1983\_StatePlane\_Texas\_Central\_FIPS\_4203\_Feet

04/22/2021

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