

**Zoning Ordinance Approval  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 64  
AGENDA DATE: Thu 06/09/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-04-0185 - Neches Park Towers - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 501 East 10<sup>th</sup> Street (Waller Creek Watershed) from general commercial services (CS) district zoning to central business district-conditional overlay (CBD-CO) combining district zoning. First Reading on May 19, 2005. Vote: 5-1. Mayor Pro-Tem Goodman nay and Council Member Thomas off the dais. Applicant: Texas Elementary Principals and Supervisors. Agent: Steven Soward and Assoc. (Steven Soward). City Staff: Glenn Rhoades, 974-2775.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **SECOND/THIRD READING SUMMARY SHEET**

**ZONING CASE NUMBER:** C14-04-0185

**REQUEST:**

Approve second and third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 501 East 10<sup>th</sup> Street from general commercial services (CS) district zoning to central business district-conditional overlay (CBD-CO) combining district zoning. First reading on May 19, 2005 (Vote: 5-1, J. Goodman-nay and D. Thomas-off dais).

**DEPARTMENT COMMENTS:**

The applicant is requesting the proposed change in order to use the site for a mixture of residential and office.

The site is in a Capitol View Corridor and will be limited in height. The height limitation will be determined prior to the submittal of a site plan.

**APPLICANT:** Texas Elementary Principals and Supervisors Association

**AGENT:** Steve Soward and Associates (Steve Soward)

**DATE OF FIRST READING/VOTE:**

May 19, 2005 – Approved CBD-CO on first reading (Vote: 5-1, J. Goodman-nay and D. Thomas-off dais). The CO will limit vehicle trips to 2,000 per day.

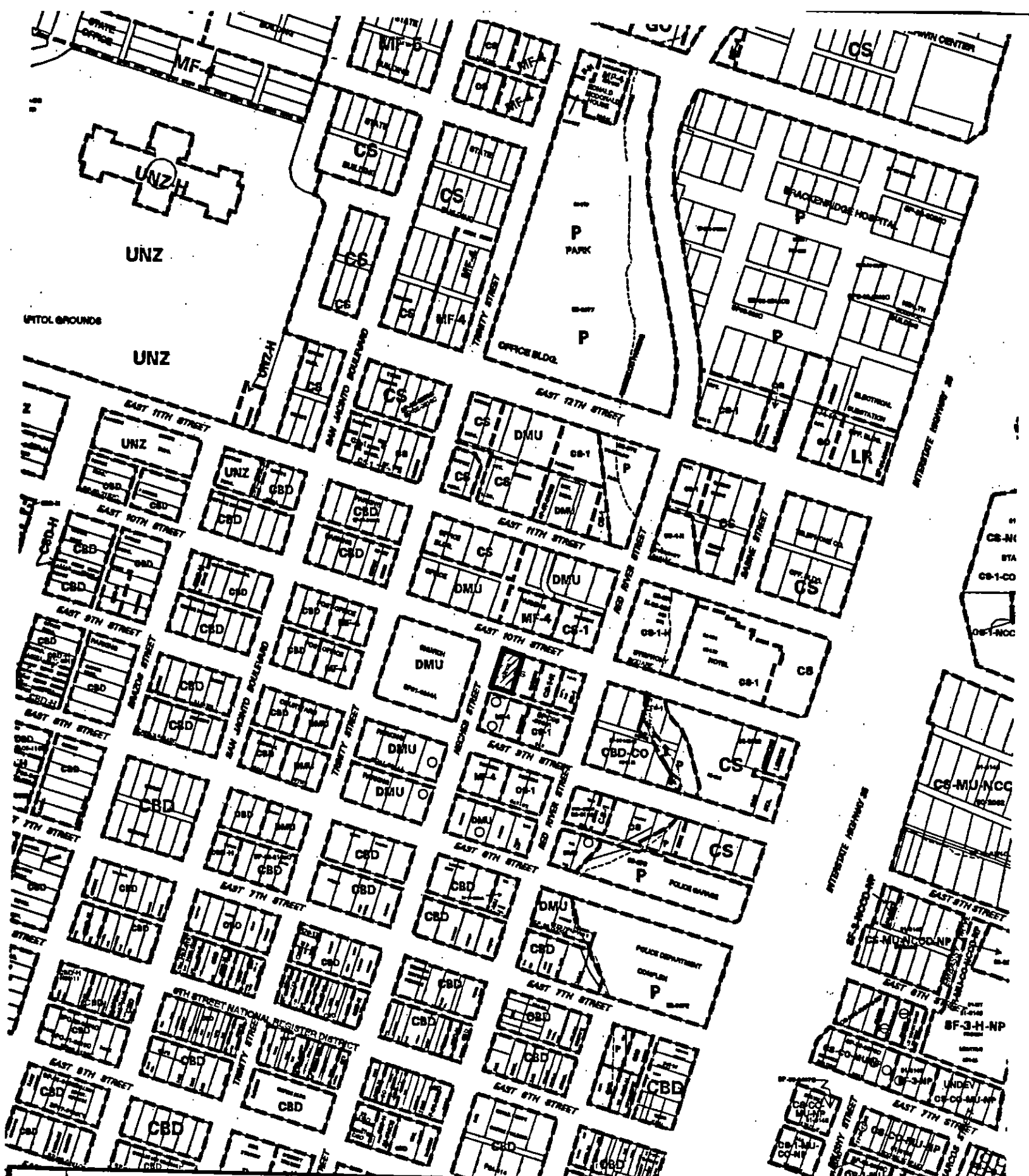
**CITY COUNCIL DATE:**





May 19, 2005 – Approved CBD-CO.

**ASSIGNED STAFF:** Glenn Rhoades

**PHONE:** 974-2775

glenn.rhoades@ci.austin.tx.us




 SUBJECT TRACT   
 PENDING CASE   
 ZONING BOUNDARY   
 CASE MGR: G. RHOADES

**ZONING**  
 CASE #: C14-04-0185  
 ADDRESS: 501 E 10TH ST  
 SUBJECT AREA (acres): 0.202  
 DATE: 05-08  
 INTLS: SM

CITY GRID  
 REFERENCE  
 NUMBER  
 J22

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 501 EAST 10<sup>TH</sup> STREET FROM GENERAL  
3 COMMERCIAL SERVICES (CS) DISTRICT TO CENTRAL BUSINESS  
4 DISTRICT-CONDITIONAL OVERLAY (CBD-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 25-24.191 of the City Code is amended to  
9 change the base district from 501 East 10th Street from general commercial services (CS)  
10 district to central business district-conditional overlay (CBD-CO) combining district on the  
11 property described in Zoning Case No. C14-04-0185, on file at the Neighborhood Planning  
12 and Zoning Department, as follows:

13  
14 Lot 8, Block 114, Original City of Austin, Travis County, according to the map or  
15 plat filed in the General Land Office of the State of Texas (the "Property"),

16  
17 locally known as 501 East 10th Street, in the City of Austin, Travis County, Texas, and  
18 generally identified in the map attached as Exhibit "A".

19  
20 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
21 established by this ordinance is subject to the following conditions:

22  
23 A site plan or building permit for the Property may not be approved, released, or  
24 issued, if the completed development or uses of the Property, considered cumulatively with  
25 all existing or previously authorized development and uses, generate traffic that exceeds  
26 2,000 trips per day.

27  
28 Except as specifically restricted under this ordinance, the Property may be developed and  
29 used in accordance with the regulations established for the central business district (CBD)  
30 base district and other applicable requirements of the City Code.

1 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2005.

2  
3  
4 **PASSED AND APPROVED**

5  
6  
7  
8 \_\_\_\_\_, 2005

§  
§  
§

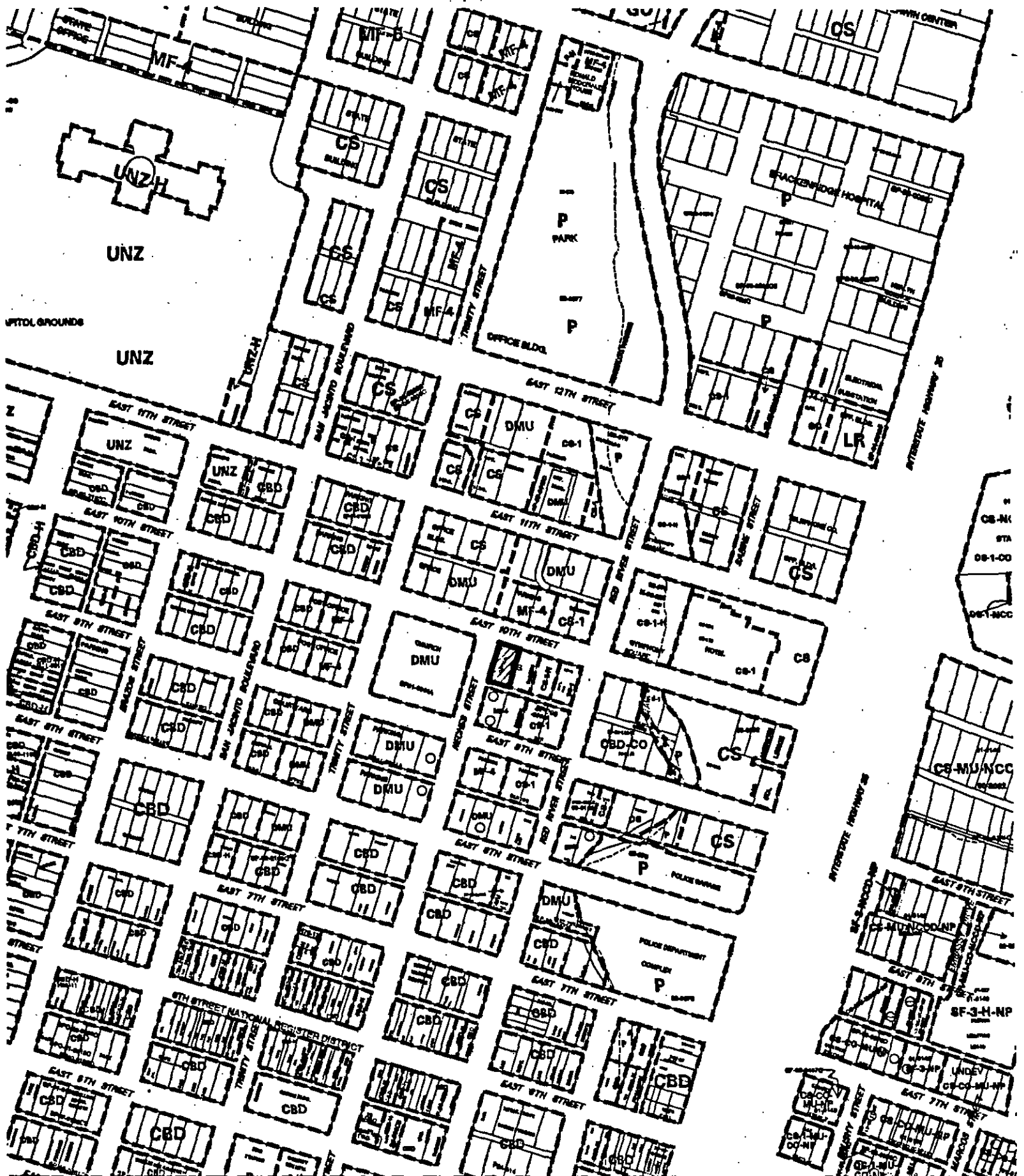
9 Will Wynn  
10 Mayor





11  
12  
13 **APPROVED:** \_\_\_\_\_

14 David Allan Smith  
15 City Attorney

**ATTEST:** \_\_\_\_\_

Shirley A. Brown  
City Clerk



 1" = 400'	<b>SUBJECT TRACT</b> 	<b>ZONING</b>		<b>CITY GRID REFERENCE NUMBER</b> J22
	<b>PENDING CASE</b> 			
	<b>ZONING BOUNDARY</b> 	<b>CASE #:</b> C14-04-0185		
	<b>CASE MGR:</b> G. RHOADES	<b>ADDRESS:</b> 501 E 10TH ST <b>SUBJECT AREA (acres):</b> 0.202		
		<b>DATE:</b> 05-08 <b>INTLS:</b> SM		

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0185

**Z.A.P. DATE:** January 4, 2005  
January 18, 2005  
February 1, 2005  
March 1, 2005  
April 19, 2005  
**C.C. DATE:** May 19, 2005  
June 9, 2005

**ADDRESS:** 501 East 10<sup>th</sup> Street

**OWNERS:** Texas Elementary Principals and Supervisors  
Association

**AGENT:** Steven Soward and Assoc  
(Steven Soward)

**ZONING FROM:** CS

**TO:** CBD

**AREA:** .202 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff's alternate recommendation is CBD-CO, Central Business District-Conditional Overlay district zoning. The conditional overlay will limit trips to 2,000 per day.

### **ISSUES:**

The applicant is requesting the proposed change in order to use the site for a mixture of residential and office.

The site is in a Capitol View Corridor and will be limited in height. The height limitation will be determined prior to the submittal of a site plan.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

January 4, 2005 – Postponed at the request of the applicant (Vote: 9-0).

January 18, 2005 – Postponed to 2/1/05 at the request of Commission (Vote: 7-0, J. Martinez and M. Whaley-Hawthorn absent).

February 1, 2005 – Postponed at the request of staff until 3/1/05.

March 1, 2005 – Postponed by at the request of staff until 4/19/05 (Vote: 8-0).

April 19, 2005 – Approved CBD-CO (Vote: 6-0).

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS	Texas Elementary Principals and Supervisors Association,
<i>North</i>	MF-4, CS-1	Parking
<i>South</i>	MF-4 CS-1	Single Family Lounge
<i>East</i>	CS-1-H, CS-1	German-American Heritage Association, Lounge.
<i>West</i>	DMU	Church

**AREA STUDY:** N/A**TIA:** N/A**WATERSHED:** Waller Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** Yes**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

- #402 - Downtown Austin Neighborhood Association
- #438 - Downtown Austin Alliance
- #477 - El Concilio, Coalition of Mexican American Neighborhood Associations
- #511 - Austin Neighborhoods Council
- #623 - City of Austin Downtown Commission
- #960 - Lower Waller Creek

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-99-0103	CS-1 to CBD	Approved CBD-CURE (Vote: 7-0). 7/13/99.	Approved CBD-CURE. The CURE reduced the number of off-street parking from 170 to 0 (Vote: 7-0). 8/19/99.
C14-99-2131	CS-1 and MF-4	Approved CBD-CO. The CO limits trips to 5,000 per day (Vote: 8-0). 8/29/00	Approved PC recommendation (Vote: 7-0). 12/4/00.

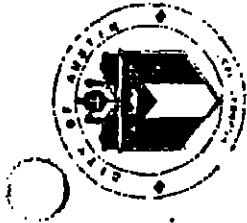
**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bike Route</b>	<b>Bus Service</b>
E. 10 <sup>th</sup> St.	80'	56'	Collector	Yes	No	No
Neches St.	80'	Varies	Collector	No	No	No

**CITY COUNCIL DATE:** May 19, 2005**ACTION:** Approved CBD-CO. The CO limits trips to 2000 per day (Vote: 5-1, J. Goodman-nay, D. Thomas-off dais).**ORDINANCE READINGS:** 1st 5/19/052<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Glenn Rhoades**PHONE:** 974-2775







# City of Austin

Subdivision  
Base  
Center Line



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## **STAFF RECOMMENDATION**

Staff's alternate recommendation is CBD-CO, Central Business District-Conditional Overlay district zoning. The conditional overlay will limit trips to 2,000 per day.

## **BASIS FOR RECOMMENDATION**

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

CBD, Central Business District Zoning is intended for the commercial core area of Austin, permitting a wide variety of office, commercial, residential and civic activities commensurate with the regional and statewide significance of downtown Austin and the adjacent State Capitol.

The proposed change meets the purpose statement set forth in the Land Development Code. In addition, it will offer the potential for residential and mixed uses, and should be encouraged in the urban core.

*The proposed zoning should promote consistency, and orderly planning.*

The subject tract is compatible with the surrounding area and is adjacent to CBD zoning to the east and DMU zoning to the west. In addition, the property is in a Capitol View Corridor and will therefore be limited in height and will be compatible in scale to the adjacent existing structures.

*The proposed zoning should allow for a reasonable use of the property.*

The subject tract is in the urban core near similarly zoned properties. Staff believes that due to the nature of the area, the applicant's request is a fair and reasonable use of the site.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently developed with single-family and a lounge.

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 5,400 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).

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]

### **Impervious Cover**

The maximum impervious cover allowed under CBD zoning is 100%.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller 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.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

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.

According to flood plain maps, there is no flood plain within the project area.

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.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

### **Right of Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

### **Water and Wastewater**

The site is currently served with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are necessary for the landowner the landowner, at own expense, will be responsible for providing.

The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay all associated City plan review and construction

inspection fees. Also, the landowner must pay the tap and impact fee once the landowner makes an application for a City water and wastewater utility tap permit.

**Compatibility Standards**

This site is not subject to compatibility development regulations.

This site is located within multiple capitol view corridors. Building height limits will be established by separate Capitol View Corridor Determination application, which will be required prior to site plan submittal.