

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-21
AGENDA DATE: Thu 07/28/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0040 - 800 West 6th Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 West 6th Street and 602, 606 & 700 West Avenue (Shoal Creek Watershed) from general office (GO) district zoning and downtown mixed use (DMU) district zoning to central business district-conditional overlay-central urban redevelopment district (CBD-CO-CURE) combining district zoning. Zoning and Platting Commission Recommendation: To grant downtown mixed use-conditional overlay-central urban redevelopment district (DMU-CO-CURE) combining district zoning. Applicant: PSP Investments, LTD (Jay Willman). Agent: Armbrust & Brown, L.L.P. (Richard Suttle, Jr.). City Staff: Thomas Bolt, 974-2755.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0040

ZAP. DATE: May 17, 2005
June 07, 2005

ADDRESS: 800 West 6th Street, 602, 606, & 700 West Avenue

OWNER/APPLICANT: PSP Investments, LTD. **AGENT:** Armbrust & Brown, LLP
(Jay Willman) (Richard Suttle)

ZONING FROM: DMU and GO **TO:** CBD- CO-CURE **AREA:** 1.337 Acres

SUMMARY STAFF RECOMMENDATION:

To recommend approval of the change in zoning from downtown mixed use (DMU) and general office (GO) district zoning to central business district (CBD-CO) conditional overlay district zoning - CURE. The Conditional Overlay shall include a trip limitation of less than 2000 vehicles per day.

ZONING & PLATTING COMMISSION RECOMMENDATION:

Rezoning:	C14-05-0040 - 800 West 6th St.
Location:	800 west 6th St. 602, 606 & 700 West Ave., Shoal Creek Watershed
Owner/Applicant:	PSP Investments LTD
Agent:	Armbrust & Brown LLP.
Prev.	Postponed from 5/17/05 (applicant)
Postponements	
Request:	DMU & GO to CBD-CURE-CO
Staff Rec.:	RECOMMENDED
Staff:	Thomas Bolt, 974-2755, thomas.bolt@ci.austin.tx.us Neighborhood Planning and Zoning Department

APPROVED DMU-CO ZONING WITH 2000 VEHICLE TRIPS PER DAY; AND A MAXIMUM HEIGHT LIMIT OF 125'.

[J.M; C.H 2ND] (9-0)

DEPARTMENT COMMENTS:

The proposed zoning is consistent with the Downtown Austin Design Guidelines with regard to zoning district categories within the area defined as core downtown. Attached are two maps copied from the downtown Austin design guidelines. The first map indicated (EXHIBIT A) the core downtown area and overlay areas within the downtown area. The second map (EXHIBIT B) indicates the core downtown and adjacent areas, which have

separate or additional guidelines. The Capitol View Corridor as represented significantly impacts the subject property (EXHIBIT C).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DMU	Auto repair, Office Building & Renovated SD for Office
<i>North</i>	GO	Salon and Parking Lot
<i>South</i>	DMU	Restaurant & Liquor Store
<i>East</i>	CBD & GO	Misc. commercial establishments
<i>West</i>	MF-3 & 4 & DMU	Shoal Creek zoned MF-3 & 4

AREA STUDY: Downtown Austin
Design Guidelines

TIA: N/A - 2000 trips/day limit

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: Yes

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

#057 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)
#998 West End Alliance

SCHOOLS:

Mathews Elementary School
O. Henry Middle School
Austin High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-00-2132	DMU to CBD	8/22/00 approved CBD-CO with conditions	9/28/00 approved CBD-CO with conditions
C14-00-0127	DMU to CBD	8/22/00 approved CBD-CO with conditions	9/28/00 approved CBD-CO with conditions

RELATED CASES:

C14-05-0039 – Request to rezone from GO to CBD-CURE – WITHDRAWN
C14-05-0041 – Request to rezoning from LO/GO to CBD-CURE - PENDING

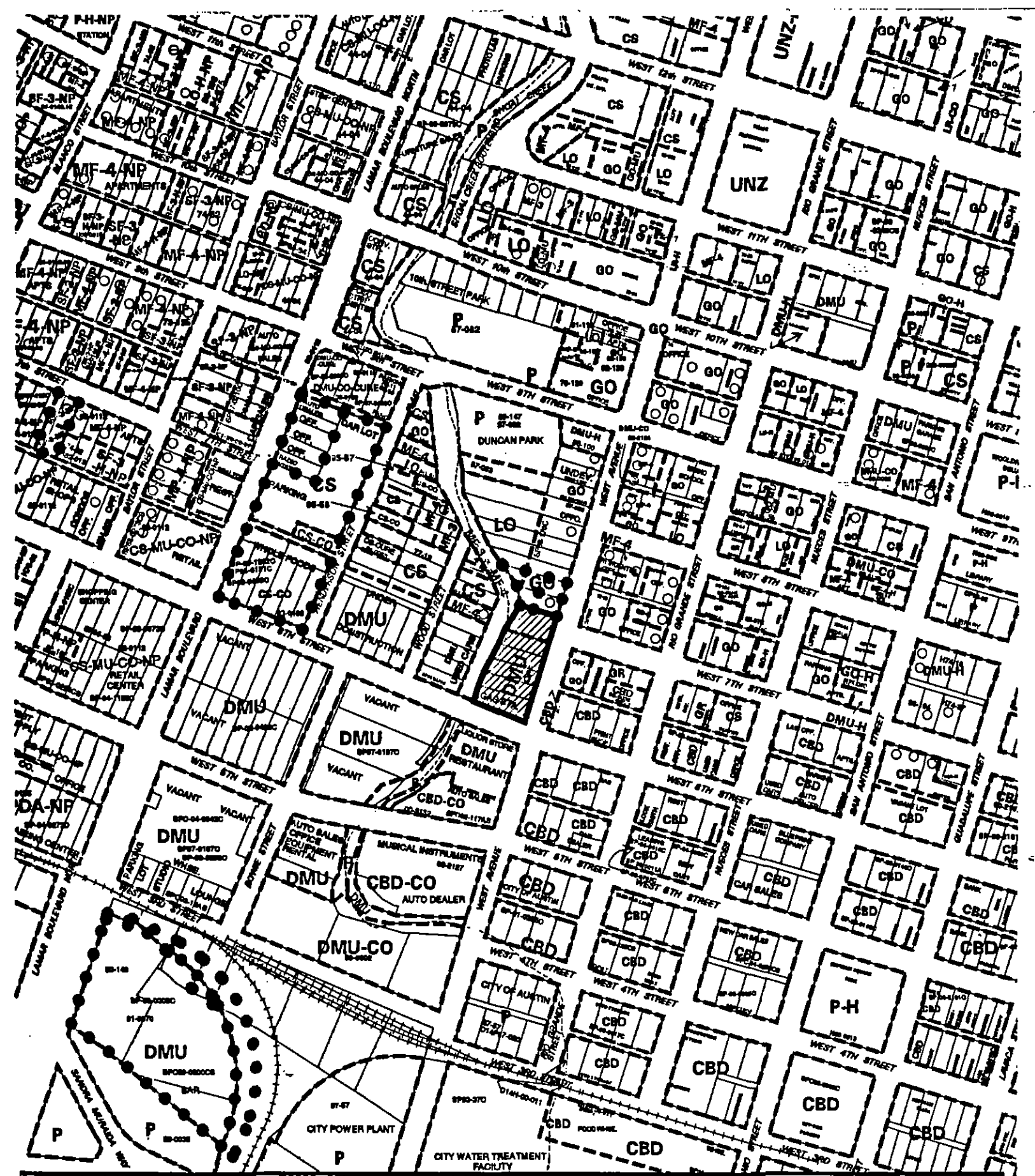
ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks
West Avenue	80'	36'	Collector	Yes
W. 6 th St.	80'	60'	Major Arterial	Yes

CITY COUNCIL DATE: July 28, 2005**ACTION:****ORDINANCE READINGS:**1st2nd3rd**ORDINANCE NUMBER:**

CASE MANAGER: Thomas Bolt
e-mail address: Thomas.bolt@ci.austin.tx.us

PHONE: 974-2755






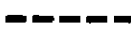
 1" = 400'	SUBJECT TRACT		ZONING CASE #: C14-05-0040 ADDRESS: 800 W 6TH ST SUBJECT AREA (acres): 1.337 <small>SP04-0440C</small>	CITY GRID REFERENCE NUMBER H22
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: T. BOLT			
	DATE: 05-07			
			INTLS: SM	

EXHIBIT A



Dark Grey – Core Downtown; Lighter Grey – overlay areas within the Core Downtown

EXHIBIT B

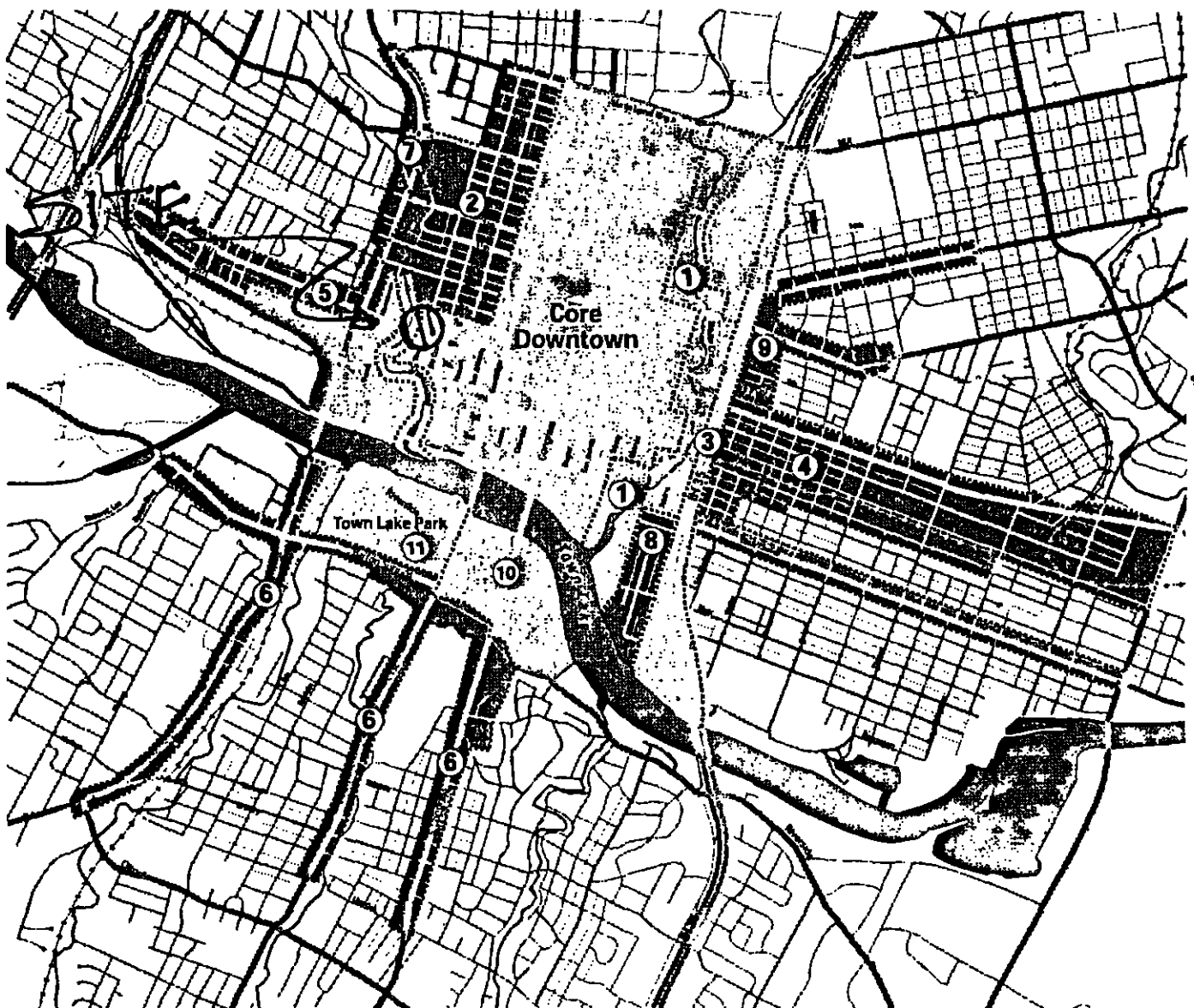


EXHIBIT C

CAPITOL VIEW CORRIDORS

C14-05-0041

C14-05-0040

NUECES ST

W 9TH ST

WEST AVE

W 8TH ST

W 7TH ST

RIO GRANDE ST

W 6TH ST

WOOD ST

HENDERSON ST

W 5TH ST

STAFF RECOMMENDATION

To recommend approval of the change in zoning from downtown mixed use (DMU) and general office (GO) district zoning to central business district (CBD-CO) conditional overlay district zoning - CURE. The Conditional Overlay shall include a trip limitation of less than 2000 vehicles per day.

BASIS FOR RECOMMENDATION

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

Central business district (CBD) is the designation for an office, commercial, residential, or civic use located in the downtown area.

The proposed zoning should be consistent with the goals and objectives of the City Council.

On May 18, 2000, the City Council adopted the *Downtown Austin Design Guidelines* as "recommendations for all downtown development and redevelopment projects by both the public and private sector" and directed City staff "to continue developing a plan to integrate the Guidelines into the City of Austin's overall project review process ..." To accomplish this, City Council approved in June 2003 several code amendments codifying recommendations in the Downtown Austin Design Guidelines.

EXISTING CONDITIONS

Site Characteristics

The site is currently developed with an auto repair business and office building.

Prior to the issuance of a building permit for the proposed use, a site plan must be approved by the Planning Commission

Impervious Cover

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. Impervious cover is not limited in this watershed class. 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.c. cumulative is exceeded, and detention for the two-year storm.

Environmental

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.

Water Quality Control Requirements

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.

Transportation

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

The trip generation under the requested zoning is estimated to be 295 trips per day, based on the proposed condominium use.

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]

Water and Wastewater

The landowner intends to serve the tract with City of Austin water and wastewater utility service. If water or wastewater utility improvements are required, the landowner will be responsible for all cost and for providing the utility improvements.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards Compatibility Standards would not have to be met with CBD district zoning. Staff has noted one single-family residence on the block in which the subject site is located.

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 800 WEST 6TH STREET, 602, 606, AND 700 WEST AVENUE FROM GENERAL OFFICE (GO) DISTRICT AND DOWNTOWN MIXED USE (DMU) DISTRICT TO DOWNTOWN MIXED USE- CONDITIONAL OVERLAY-CENTRAL URBAN REDEVELOPMENT DISTRICT (DMU-CO-CURE) 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 general office (GO) district and downtown mixed use (DMU) district to downtown mixed use-conditional overlay-central urban redevelopment district (DMU-CO-CURE) combining district on the property described in Zoning Case No. C14-05-0040, on file at the Neighborhood Planning and Zoning Department, as follows:

Lots 1-6, Outlot 1, Division E, J.H. Robinson Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 1, Page 28, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 800 West 6th Street, 602, 606, and 700 West Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The regulations for the Property within the boundaries of the CURE combining district established by this ordinance are modified as follows:

The maximum height of a building or structure or portion of a building or structure is 125 feet.

PART 3. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

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

1 Except as specifically restricted under this ordinance, the Property may be developed and
2 used in accordance with the regulations established for the downtown mixed use (DMU)
3 base district and other applicable requirements of the City Code.
4

5 **PART 4.** This ordinance takes effect on _____, 2005.
6

7
8 **PASSED AND APPROVED**
9

10 _____, 2005
11
12

§
§
§

13 Will Wynn
14 Mayor
15

16
17 **APPROVED:** _____

18 David Allan Smith
19 City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk

MEMORANDUM

TO: Betty Baker, Chair and Members of the Zoning & Platting Commission

FROM: Dora Anguiano, ZAP Commission Coordinator
Neighborhood Planning and Zoning Department

DATE: July 21, 2005

SUBJECT: ZAP Commission Summary

Attached is a ZAP Commission summary, which will be forwarded to the City Council.

CASE # C14-05-0040

14. **Rezoning:** C14-05-0040 - 800 West 6th St.
Location: 800 west 6th St. 602, 606 & 700 West Ave., Shoal Creek Watershed
Owner/Applicant: PSP Investments LTD
Agent: Armbrust & Brown LLP.
Prev. Postponed from 5/17/05 (applicant)
Postponements
Request: DMU & GO to CBD-CURE-CO
Staff Rec.: RECOMMENDED
Staff: Thomas Bolt, 974-2755, thomas.bolt@ci.austin.tx.us
Neighborhood Planning and Zoning Department

SUMMARY

Tom Bolt, staff – “The request is from DMU & GO to CBD-CURE-CO; the staff’s recommendation is to approve the CBD-CURE-CO; the CURE when the application was filed was being sought to modify the downtown creek overlay requirements and since the application and since the preparation of the staff report the advice from our law department is that the CURE cannot modify the downtown creek overlay requirements; so that’s no longer on the table. The CURE can modify some other things that we’ll get to in just a moment. This particular property is located in the downtown core area and based on the guidelines set forth in the downtown design guidelines approved by City Council, this property falls within the boundaries of the downtown area where density is encouraged; and for that reason we recommend the CBD-CURE. The CO associated with the zoning would limit trips to less than 2000 per day”.

Richard Suttle, Lawyer for applicant – “The goal on this tract is to build a mixed use residential facility, very similar to what you see in the immediate area with the lofts and all; the tract is challenged; it is on Shoal Creek, it’s currently developed as an office building that cantilevers over the creek; it has a retaining wall; there’s an old house on the north; the tract is challenged because 70 to 75% of it is limited in height because of the Capitol View Corridor, it has the creek setback within 60-feet. We started out asking for CBD zoning because we wanted to get to the DMU density that’s in the area. The goal is to get to the DMU density which is a 5 to 1 FAR; we asked for CBD because it gives some flexibility; there was some concern that there might be a compatibility standard issue, however, we determined that CBD-CURE seemed to be a way to get to the residential density that everyone seems to be clamoring for downtown, and we thought we could get some relief from the creek setback. We since determined that through the CURE, we could not do that; so tonight we’re here asking for the CBD-CURE on the area that’s DMU now and plus the track that’s GO. The tract to the north, which is a parking lot now is the tract that we voluntarily postponed tonight because after you get past 7th Street the character of this neighborhood changes; it’s older structures, it’s a neat area, our thought was that if you could draw the line at our property line everything to the north side of 7th Street we would postpone and work with the neighborhood on the neighborhood plan and try to determine what a good transition would be. On the other

area, we would try to get to the DMU, 5 to 1 FAR, which would be consistent with all of the development up and down 6th Street into downtown on both sides. The concept is to come up with a structure that meets the Capitol View Corridor, the creek ordinance and does not exceed the height of the city lofts that are on 6th Street. That is what the request is, it's trying to get to the DMU density in the DMU area, given the challenges and constraints that this site has".

FAVOR

No Speakers.

OPPOSITION

James Powell, property owner – Spoke in opposition.

Robin Krier, property owner – Spoke in opposition.

Stella Powell – Read a letter in opposition into the record.

Commissioner Baker – "What are the boundaries of the Old West Austin Neighborhood group?"

Mr. Bolt – "Old West Austin is bounded on the east by Lamar Blvd., which is to the west of this property".

Commissioner Baker – "Thank you".

REBUTAL

Richard Suttle – "We met with OWANA, although their boundaries are 3 or 4 blocks to the west, we met with them because it's kind of viewed as their ETJ, so we met with them; we also met with DANA; they indicated that they would be writing a letter of support for the case, as to the Downtown Austin Alliance. We do not do spot zoning as Mr. Powell had said, because the tract is surrounded by either CBD or DMU; we were looking for relief from the creek setback, but we have abandoned that after talking to people and we'll draw back the 60-feet and have the 60-feet height limitation. When you start laying all that over it, by the time you lay the Capitol View Corridor and the creek ordinance and then you work around the floodplain; to get to the purposes of DMU, we had asked for the CBD-CURE; the key is to get to the DMU with the DMU density. Our feeling on the neighborhood plan; the reason that we postponed the case to the north, was because we heard their concerns that that is encroaching into their neighborhood, but if you look across the street from that there is a couple of large buildings that are already out of character and that provides kind of a natural boundary. We agreed that this site (pointing to a map) should be postponed and looked at as the neighborhood plan progresses because 7th Street seems to be the boundary and we feel like this could be compatible with what is going along 6th Street. So we're hoping that you will favorable

consider our request consistent with the staff recommendation; and with the support of DANA; and the Downtown Austin Alliance”.

Commissioner Hammond – “So these are not all contiguous; there’s a property that isn’t a part of this”.

Mr. Suttle – “What’s in front of you tonight is, this area here (showing on map) is already zoned DMU, this is GO...”

Commissioner Hammond – “The one up above it”.

Mr. Suttle – “That was originally part of a zoning case, because it appeared that this was originally going to be part of the transaction to buy this entire area; this negotiation dropped out, so this case dropped out and then this one (pointing to map) is part of the same ownership; but we agreed that without this it doesn’t make any sense at this point because then that breaks the transition”.

Commissioner Pinnelli – “Is that a residence or do you know what it is?”

Mr. Suttle – “Yes, it’s a salon”.

Commissioner Hammond – “What’s next to the salon?”

Mr. Suttle – “A parking lot and a condo”.

Commissioner Pinnelli – “Do you know how many stories the condo is?”

Mr. Suttle – “Its two-stories”.

Commissioner Martinez – “What’s the plan for that non-contiguous lot?”

Mr. Suttle – “Originally it was going to be part of this development, now it’s kind of in question. One idea we had was to try and take this house (pointing to map) and move it here to further define the area to the north; we’re still looking structurally, this house is wider than that lot, so we’re not sure whether that will work or not, but that’s one idea that we’re looking at; but right now there are no plans and that’s why we pulled the zoning case and postponed it for one month to try and figure out what could happen on that”.

Commissioner Hammond – “Is that house a historic structure?”

Mr. Suttle – “In our opinion it is not; we done some research on it and it doesn’t appear to be significant”.

Commissioner Rabago – “But it represents what the neighborhood use to look like, right?”

Mr. Suttle – “Yes”.

Commissioner Rabago – “Which is rare”.

There was discussion between Commissioner Donisi and Mr. Suttle regarding where residential and industrial were in the area.

Commissioner Hammond – “We heard testimony from the neighbors that they were concerned about an 80-foot building at the north end of this tract, I assume that will be where the height is, did I hear that right or are you saying 60-feet?”

Mr. Suttle – “Well, what happens under the ordinance is that within 60-feet of the creek, you are limited to 60-feet in height and we’re willing to abide by that”.

Commissioner Hammond – “So your building will only be 60-feet?”

Mr. Suttle – “Within 60-feet of the centerline because that’s what the code calls for; and we also do not have any desire to build any taller than what the buildings around the area are either”.

[Inaudible from the audience]

Commissioner Hammond – “What do you have Mr. Powell?”

Mr. Powell – “This is a picture of the house on 700 W. Avenue that I don’t want to be included in this project; it’s very visible from 7th Street”. Mr. Powell continued showing pictures of houses in the area.

Commissioner Hammond – “Mr. Suttle told us that your neighborhood association, the Downtown Austin Neighborhood Association, is supporting his project..”

Mr. Powell – “I don’t know that much about the DANA, I’m not a member”.

Commissioner Hawthorne and Gohil moved to close the public hearing.

Commissioner Donisi – “Mr. Suttle indicated that a letter from DANA of support maybe forthcoming, we do not have a letter from DANA as far as you know?”

Mr. Bolt – “I have not seen a letter”.

Commissioner Baker – “I have no doubt that DANA would support this”.

Commissioner Martinez – “I recommend that with what Commissioner Donisi was asking about the letter of support, those are significant in our decision. Not that I do not

trust anyone, but I don't think we've done things based on people telling us things, we always go by what we see in front of us".

Commissioner Donisi – "If they can fax us a letter or something".

Commissioner Martinez – "I recommend that we postpone this until Mr. Suttle produces some documents that show that they are in support; or you can call them and tell them to fax something in, we're here for another 2 or 3 hours. It's not that I don't trust you Mr. Suttle, I just don't think we've ever done anything by what is being said to us, we usually have the support to back it up".

Mr. Suttle – "Well, DANA met tonight and so whether I can get that letter....."

Commissioner Martinez – "Then my motion is that we postpone action".

Commissioner Baker – "So your motion is to postpone to June 21st".

Commissioner Martinez – "Or table until later this evening; if I can see a fax letter or something from DANA and Downtown Alliance".

Commissioner Baker – "Mr. Suttle we'll be here for a while longer, do you think that faxing a letter to us is possible or do you want us to postpone to another meeting?"

Mr. Suttle – "We'd like the time to try to find DANA and see if they could fax something. We have the Downtown Alliance letter with us tonight, so if you could table this item until later tonight, we'll try to find the letter?"

Commissioner Martinez – "I'd like copies of the Downtown Alliance letter and I'll wait for the second letter. I make a motion to table this to later this evening".

Motion passed. Item tabled.

Commissioner Jackson – "Move to un-table item #14".

Commissioners – "Aye".

Letter was given to commissioners.

Commissioner Martinez – "I make a motion that we approve staff recommendation for the zoning".

Commissioner Baker – "Mr. Martinez, this property is presently zoned DMU, he's asking for CBD-CURE, which was recommended by staff, but I wonder if you could amend your motion to DMU-CURE?"

Commissioner Martinez – “Absolutely”.

Commissioner Jackson – “I’ll second”.

Commissioner Baker – “I’d hate to see the CBD go there; he already has DMU, so all we’re adding is the provisions of the CURE”.

Commissioner Hammond – “What about the building height?”

Commissioner Baker – “Building height with CURE, I don’t know if there is a set building height, but there are provisions to modify the development regulation”.

Mr. Bolt – “The CURE can modify any base district requirements that would include height, FAR, impervious cover; any of those specific regulations”.

Commissioner Hammond – “I’m worried about a large tower building built, the precedent that that would set”.

Commissioner Baker – “The area zoned DMU up to 6th Street, we have only one lot in this tract that’s GO, we will be changing the zoning from DMU to DMU-CURE, that GO to DMU-CURE, do you want to set a building height of 120-feet?”

Commissioner Hammond – “Sure; but 120-feet seems high to me”.

Commissioner Baker – “That’s what’s permitted now”.

Commissioner Hammond – “I’ll be more comfortable with 90-feet”.

Commissioner Donisi – “The motion before us now is DMU-CURE, but the letter from DANA says that they will be okay with CBD-CURE”.

Commissioner Baker – “Yes, but we’re suggesting DMU-CURE”.

Commissioner Donisi – “Okay”.

Commissioner Pinnelli – “The CURE would let the height go?”

Commissioner Baker – “He could modify that and he was asking for the CURE because of the setback requirement from Shoal Creek and the Capitol View Corridor”.

Commissioner Rabago – “I too am concerned about the height for that tract; I don’t have a problem with recommending a limit”.

Commissioner Baker – “It can not encroach in the Capitol View Corridor, it would still have to set back 60-feet from the creek, the only other modification that he could use would be beyond those boundaries”.

Commissioner Jackson – “I guess we’re including the 2000 vehicle trips per day?”

Commissioner Martinez – “Yes”.

Commissioner Hawthorne – “Can I add that the CURE modifier could only increase the height 10% at most; that would be the cap”.

Commissioner Baker – “That would be 132-feet”.

Commissioner Hawthorne – “I’d say 125-feet”.

Commissioner Baker – “Okay, then the substitute motion would be DMU-CURE; 2000 vehicle trips per day; maximum height limit of 125-feet”.

Commissioner Hammond – “I’ll second”.

Motion carried.

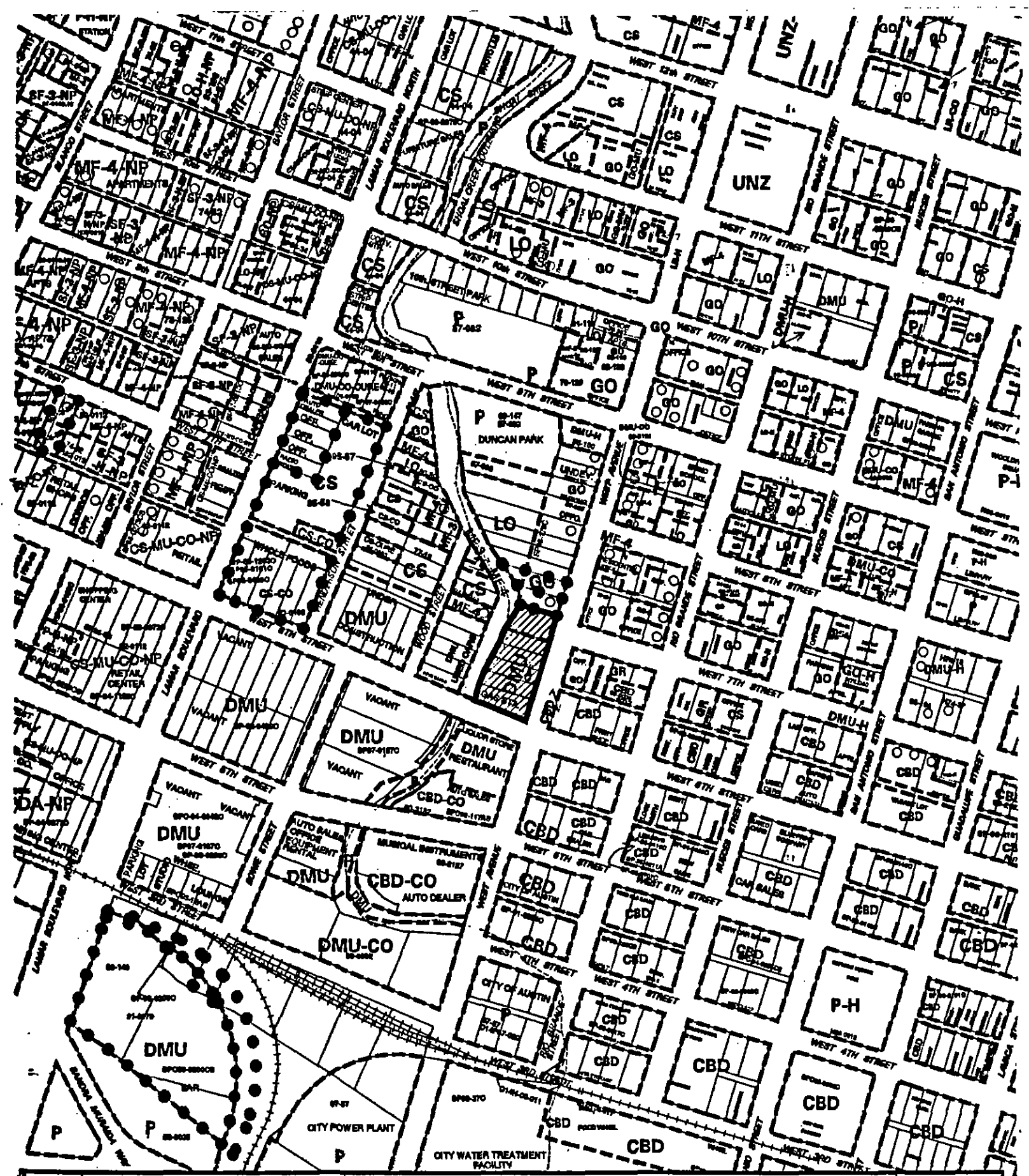
**COMMISSION ACTION:
MOTION:**





**MARTINEZ, HAMMOND
APPROVED DMU-CURE-CO ZONING
WITH 2000 VEHICLE TRIPS PER
DAY; AND A MAXIMUM HEIGHT
LIMIT OF 125’.**

AYES:

**HAMMOND, MARTINEZ, GOHIL,
BAKER, PINNELLI, RABAGO,
WHALEY, JACKSON, DONISI**

MOTION CARRIED WITH VOTE: 9-0.



 1" = 400'	SUBJECT TRACT 	ZONING		CITY GRID REFERENCE NUMBER H22
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-05-0040 ADDRESS: 800 W 6TH ST	DATE: 05-07	
	CASE MGR: T. BOLT	SUBJECT AREA (acres): 1.337 INTLS: SM		