

## SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2012-0028 3<sup>rd</sup> & Colorado

REQUEST: Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning the property locally known as 311, 301 Colorado Street and 114 W. 3<sup>rd</sup> Street (Town Lake Watershed) from Central Business District, Central Urban Redevelopment District (CBD-CURE) combining district zoning to Central Business District, Central Urban Redevelopment District (CBD-CURE) combining district zoning.

DEPARTMENT COMMENTS:

The conditions imposed by City Council on 1<sup>st</sup> reading have been incorporated into the ordinance and attachments.

APPLICANT: S/H Austin Partnership (John Beauchamp)

AGENT: Winstead, P.C. (Steve Drenner)

DATE OF FIRST READING: August 16th, 2012

CITY COUNCIL HEARING DATE: March 7th, 2013

CITY COUNCIL ACTION: The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for central business district-central urban redevelopment district (CBD-CURE) combining district zoning, to change a condition of zoning with the following additional modifications requested by the applicant and recommended by staff was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was absent. The additional modifications were:

☐

Reduce the minimum number of off-street loading spaces from three to two; and

☐

Allow a curb cut for a garage access to have a width of 36 feet.

ORDINANCE NUMBER:

ASSIGNED STAFF: Clark Patterson

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2012-0028 3<sup>rd</sup> & Colorado

**P. C. DATE:** 05/08/12

**ADDRESS:** 311 Colorado, 301 Colorado St.  
& 114 W. 3<sup>rd</sup> St.

**AREA:** 0.6759 acres

**APPLICANT:** S/H Austin Partnership  
(John Beauchamp)

**AGENT:** Winstead, PC.  
(Steve Drenner)

**NEIGHBORHOOD PLAN AREA:** Downtown

**CAPITOL VIEW:** No

**T.I.A.:** Waived – See the Transportation Reviewer's  
comments and Restrictive Covenant.

**HILL COUNTRY ROADWAY:** No

**WATERSHED:** Town Lake

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** CBD-CURE – Central Business District – Central Urban Redevelopment District .

**ZONING TO:** CBD-CURE - Central Business District – Central Urban Redevelopment District.

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends CBD-CURE: Central Business District – Central Urban Redevelopment District – with the applicant amending the current Restrictive Covenant under case number C14-2008-0159(RCA). The CURE overlay would allow a floor to area ratio of 15-1 and to modify Section 9.3.0, #3, "Loading" of the Transportation Criteria Manual to allow for maneuvering in the public right-of-way within the alley located between West 4th Street and West 3<sup>rd</sup> Street adjacent to the property, modify Section 25-6-591- Parking Provisions for Development in the CBD, (5) to allow a curb cut for a garage access to have a width of 36 feet and to modify Section 25-6-532(A) to reduce the required minimum number of off-street loading spaces from three to two.

### **PLANNING COMMISSION RECOMMENDATION:**

The motion to approve staff's recommendation for CBD-CURE with added conditions of:

- Recommend a private restrictive covenant before 3<sup>rd</sup> reading;
- Require that it be a 3-Star Green Building;
- Applicant perform a TIA and carry out the requirements;

Motion made by Commissioner Richard Hatfield, Commissioner Dave Anderson seconded the motion on a vote of 9-0.

### **DEPARTMENT COMMENTS:**

The subject property is currently developed with a surface parking lot. This property was granted Central Business District, Central Urban Redevelopment District (CBD-CURE) combining district zoning with case number C14-2008-0159. The ordinance for this property which granted the additional floor-to-area-ratio was written for a hotel use only. The applicant has indicated that the property now has prospective buyer that wants to develop the property as an office building and needs additional floor to area ratio to achieve the desired height. In addition to the ordinance for this property, there was a Restrictive Covenant that was executed that had additional conditions for the development of the property as a hotel. The applicant is requesting to modify the Restrictive Covenant to more accurately reflect the future use of the property as an office building. This request is similar to other requests in the Central Business District to add the "CURE" overlay to properties located in the urban core to allow for additional height for vertical development. The applicant is proposing an office building with some mixed use on the ground floor. This site is located within the "desired development zone" where development is encouraged to locate. This case was heard by the Downtown Commission on April 18<sup>th</sup> and the Commission made no recommendation on the project. This case was heard by the Design Commission on April 23rd and the Commission recommended approval of the request with conditions.

### **ISSUES:**

The applicant originally requested to use CURE to modify the floor to area ratio from 8-1 to 15-1 and to modify Section 9.3.0, #3, "Loading" of the Transportation Criteria Manual to allow for maneuvering in the public right-of-way within the alley. These two requests were presented to the Planning Commission on May 8<sup>th</sup> and were approved with a unanimous vote of 9 to 0. Subsequent to the applicants appearance at the Planning Commission meeting and after the J. W. Marriott zoning case made a second appearance at the Planning Commission to request additional Code modifications after the site plan was reviewed, the applicant conducted an in depth review of their own site plan and discovered that they would need two additional code modification from the Land Development Code by using CURE. The two additional modifications are from Section 25-6-591-Parking Provisions for Development in the CBD, (5) to allow a curb cut for a garage access to have a width of 36 feet and to modify Section 25-6-532(A) to reduce the required minimum number of off-street loading spaces from three to two.

### **BASIS FOR RECOMMENDATION:**

*1. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

Granting the "CURE" overlay would be in keeping with recent requests for the "CURE" overlay in the Central Business District.

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

Granting the "CURE" overlay would be in keeping with the policy of the City Council to densify the Central Business District, especially with vertical development.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<b>SITE</b>	CBD-CURE-CO	Restaurant / Parking Lot
<b>NORTH</b>	CBD	Restaurant
<b>SOUTH</b>	CBD	Parking Lot
<b>EAST</b>	CBD	Parking Lot
<b>WEST</b>	CBD	Restaurant

**CASE HISTORIES:**

<b>CASE NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2008-0143	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 7-0]	Approved CBD-CURE [Vote: 7-0]
C14-2008-0144	From CBD-CURE to CBD-CURE	Approved CBD-CURE [Vote: 7-0]	Approved CBD-CURE [Vote: 7-0]
C14-00-2208	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 6-1-1]	Approved CBD-CURE [Vote: 7-0]

**NEIGHBORHOOD ORGANIZATION:**

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

**SCHOOLS:**

Matthews Elementary School, O' Henry Middle School, Austin High School

**SITE PLAN:**

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:**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake 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. No trees are located on this property. 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. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

#### **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 submit a limited TIA at time of site plan. If the zoning is granted then following should be met:

- Developer agrees to maintain off-street loading and unloading facilities for service and delivery vehicles in the existing alley and prohibiting facilities from 3rd and Colorado.
- Applicant will coordinate with the City of Austin on public parking opportunities as part of its site plan for a downtown way-finding system initiative.
- Developer will coordinate with the city to address issues such as valet parking adjacent to the site.
- Developer shall provide an access study at the time of site plan application including information on loading and trash collection internal to the site and any on-street parking adjacent to the site.

#### **Existing Street Characteristics:**

Name	ROW	Pavement	Classification	Bicycle Plan	Sidewalks	Capital Metro
Colorado St	85'	57'	Arterial	Yes	Yes	Yes
3rd Street	80'	57	Collector	No	No	Yes

**CITY COUNCIL DATE:** June 7<sup>th</sup>, 2012  
 August 2<sup>nd</sup>, 2012  
 August 16<sup>th</sup>, 2012  
 October 11, 2012  
 November 8<sup>th</sup>, 2012  
 December 13<sup>th</sup>, 2012  
 January 31<sup>st</sup>, 2013

**ACTION:** Postponed to August 2<sup>nd</sup>, applicant.  
 Postponed to August 16<sup>th</sup>, staff.  
 Approved 1<sup>st</sup> reading.  
 Postponed to Nov. 8<sup>th</sup>, Staff  
 Postponed to Dec. 13<sup>th</sup>, App.  
 Postponed to Jan. 31<sup>st</sup>, App.  
 Postponed to March 7<sup>th</sup>, App.

**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

**PHONE:** 974-7691

## 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: C14-2012-0028**

**Contact: Clark Patterson, (512) 974-7691**

**Public Hearing: May 8, 2012, Planning Commission**

**June 7, 2012, City Council**

Michael Edward

Your Name (please print)

IMPERIA 310 COLORADO STREET

Your address(es) affected by this application

4/30/12

Signature

Date

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

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

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**June 7, 2012, City Council**

Michael Givard  
Your Name (please print)

☒ I am in favor  
☐ I object

ten Oak 409 Colorado St.

Your address(es) affected by this application

4/30/12  
Date

[Signature]  
Signature

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_  
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Contact: Clark Patterson, (512) 974-7691

Public Hearing: May 8, 2012, Planning Commission

June 7, 2012, City Council

Michael Girard

Your Name (please print)

SPEAKERS ADDRESS

Your address(es) affected by this application

Signature

Daytime Telephone:

Comments:

☒ I am in favor  
☐ I object

4/30/12  
Date

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