ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0003
West Campus Partners, L.P.

P. C. DATE: 03/26/13

ADDRESS: 2700 Nueces Street, Suite 103

AREA: 0.016 acres

APPLICANT: West Campus Partners, L.P.
(Marty Timmerman)

AGENT: Bury & Partners, Inc.
(Melissa Nesland)

NEIGHBORHOOD PLAN AREA: West University

CAPITOL VIEW: No

T.I.A.: Waived – See the Transportation Reviewer's comment's.

HILL COUNTRY ROADWAY: No

WATERSHED: Waller Creek

DESIRED DEVELOPMENT ZONE: Yes

ZONING FROM: MF-4-NP – Multi-Family Residence, Moderate-High Density, Neighborhood Plan

ZONING TO: CS-1-NP – Commercial Services, Liquor Sales, Neighborhood Plan

SUMMARY STAFF RECOMMENDATION:

Staff recommends CS-1-CO-NP: Commercial Services, Liquor Sales – Conditional Overlay-Neighborhood Plan. The CS-1 zoning will be for the footprint and extend from the ground up to a height of sixteen feet (16'). The Conditional Overlay would prohibit the uses listed below and limit vehicle trips to not more than 2,000 per day.

PLANNING COMMISSION RECOMMENDATION:

The motion to approve staff's recommendation for CS-1-CO-NP combining district zoning, was approved on the consent agenda by Commissioner Alfonso Hernandez's motion, Commissioner Jean Stevens seconded the motion on a vote of 9-0.

DEPARTMENT COMMENTS:

This structure is a five story apartment building with first floor retail space along the Nueces Street frontage. Under the University Neighborhood Overlay District Requirements, Section § 25-2-754, Use Regulations states that "up to 20 percent of the gross floor area of a site may be used for local uses. At least one-half of the gross floor area of the local uses must be located at street level and accessible from a pedestrian path." The applicant is requesting CS-1, Commercial Services, Liquor Sales in order to open a small liquor store. The zone change request is supported by surrounding property owners as well as the University Area Partners (see attached emails/letters) The applicant has agreed to prohibit all other CS-1 uses that do not comply with Section § 25-2-753 Definitions; Local Uses Described. The following uses would be prohibited –

Ag. Sales & Services
Automotive Rentals
Automotive Repair
Automotive Sales
Automotive Washing
Building Maintenance Services
Business Support Services
Campground
Commercial Off-Street Parking
Communication Services
Construction Sales and Services
Convenience Storage
Drop Off Recycling
Electronic Prototype Assembly
Equipment Repair Services
Equipment Sales
Exterminating Services
Funeral Services
Hotel – Motel
Indoor Entertainment
Kennels
Laundry Services
Medical Office (exceeding 5,000 sq. ft.)
Off-Site Accessory Parking
Outdoor Sports & Recreation
Pawn Shop Services
Plant Nursery
Professional Office
Research Services
Service Station
Software Development
Vehicle Storage
Veterinary Services
College & University Facilities
Communication Services
Community Recreation (private)
Community Recreation (public)
Congregate Living
Counseling Services
Cultural Services
Family Home
Group Home Class I (General)
Group Home Class II (Limited)
Group Home Class II
Guidance Services
Hospital Service (Limited)
Local Utility Services
Maintenance & Service Facilities
Private Primary Educational Facilities
Private Secondary Educational Facilities
Public Primary Educational Facilities
Public Secondary Educational Facilities
Residential Treatment
Safety Services
Limited Warehousing & Distribution
Cocktail Lounge
Adult Oriented Businesses

BASIS FOR RECOMMENDATION:

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

Granting the requested CS-1 zoning would allow this property, which was developed with the University Neighborhood Overlay standards, to utilize the ground floor retail space, thereby encouraging vertical mixed use development.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	MF-4-NP	Ground Floor Retail/Multi-Family Above
NORTH	MF-4-NP	Ground Floor Retail/Multi-Family Above
SOUTH	MF-4-NP	Ground Floor Retail/Multi-Family Above
EAST	MF-4-CO-NP	Sorority house
WEST	MF-4-NP	Ground Floor Retail/Multi-Family Above

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2007-0239	From MF-4-NP to MF-4-CO-NP	Approved MF-4-CO-NP [Vote: 7-0]	Approved MF-4-CO-NP [Vote: 7-0]
C14-2007-0110	From MF-4-NP to MF-4-CO-NP	Approved MF-4-CO-NP [Vote: 7-0]	Approved MF-4-CO-NP [Vote: 7-0]

NEIGHBORHOOD ORGANIZATION:

- University Area Partners
- CANPAC
- Austin Neighborhood Council

SCHOOLS:

Bryker Elementary School
O' Henry Middle School
Austin High School

SITE PLAN: No Comments

TRANSPORTATION:

TR1: No additional right-of-way is needed at this time.

TR2. 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]

TR3. Nueces Street is classified in the Bicycle Plan as Bike Route No. 31.

TR4. Capital Metro bus service (Routes No. 3, 410, and 642) is available along Nueces Street.

TR5. There are existing sidewalks along Nueces Street.

TR6. Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Nueces Street	80'	40'	Collector	5,620

ENVIRONMENTAL:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located on or very close to the boundary between the Waller Creek and Shoal Creek Watersheds of the Colorado River Basin, which are both classified as Urban Watersheds 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. 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.

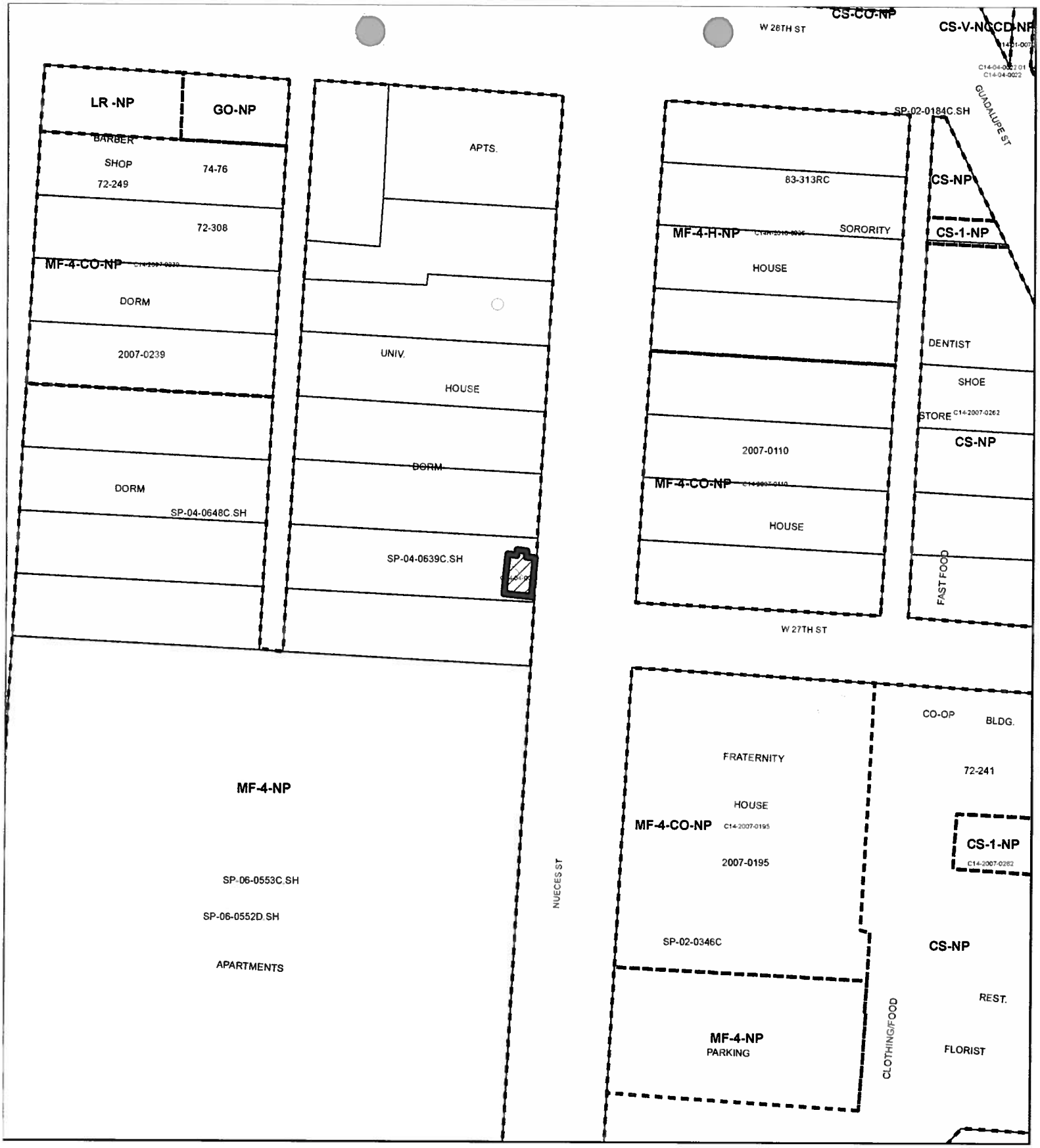
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

CITY COUNCIL DATE: April 11th, 2013

ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD **ORDINANCE NUMBER:**

CASE MANAGER: Clark Patterson **PHONE:** 974-7691
Clark.patterson@ci.austin.tx.us



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

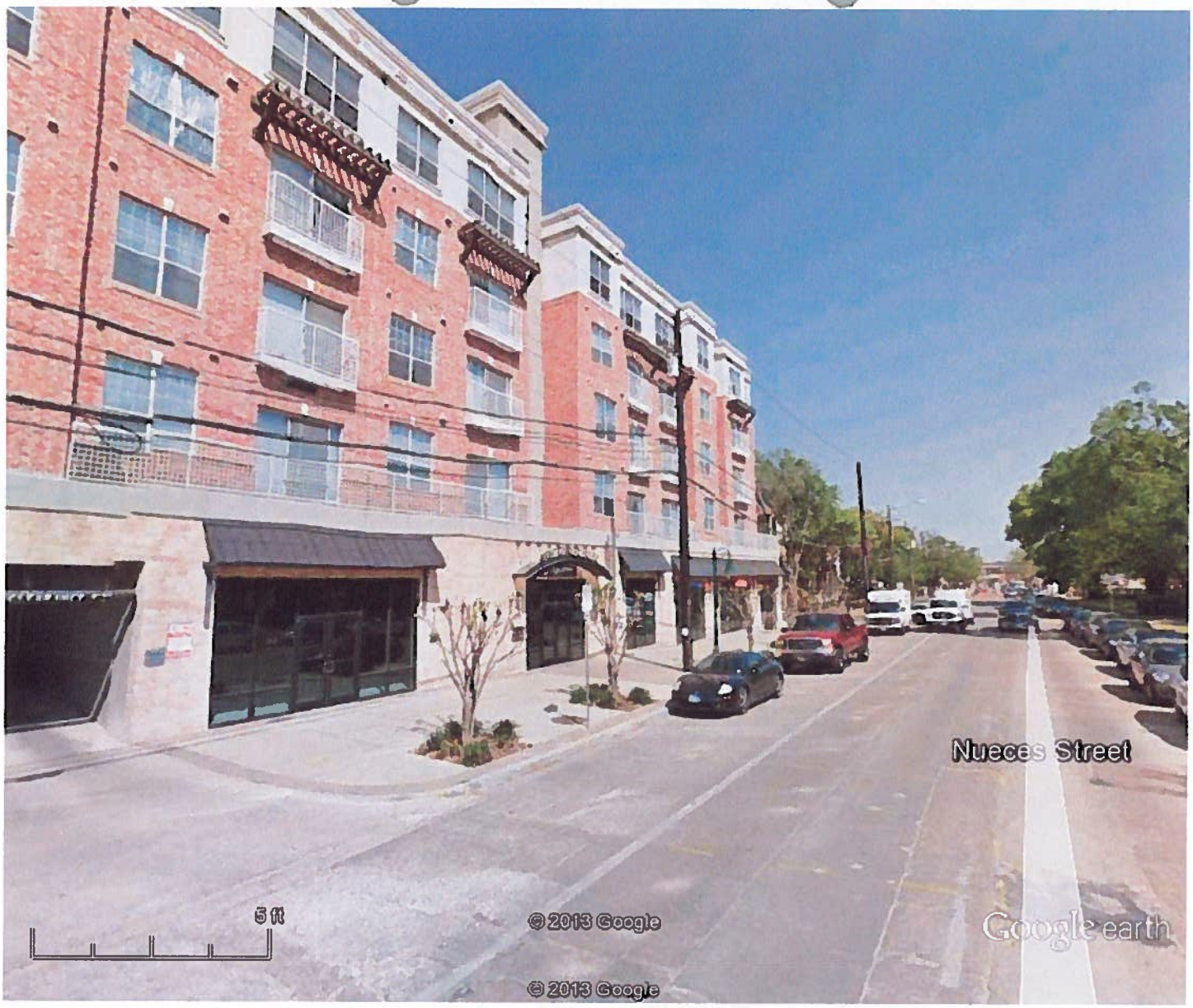
Zoning

ZONING CASE#: C14-2013-0003

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

SUBJECT TRACT
W 29TH ST
W 28TH ST
W 27TH ST
W 26TH ST
W DEAN KEETON ST
NUECES ST
RIO GRANDE ST
SALADO ST
FRUTH ST
HEMPHILL PARK
GUADALUPE ST
HUME PL
GRAHAM PL
SETON AVE
SAN ANTONIO ST
MF-4-NP
CS-CO-NP
GO-NP
CS-MU-CO-NP



Google earth

feet 10
meters 3

Google earth

feet 10
meters 3

UNIVERSITY AREA PARTNERS, INC.
2026 Guadalupe #303B Austin, Texas 78705 (512) 474-6682

Clark Patterson, Case Manager
Planning and Development Review Department
City of Austin
505 Barton Springs Rd.
Austin, Texas 78704

March 19, 2013

Re: C14-2013-003 2700 Nueces

Dear Mr. Patterson;

Melissa Neslund, of Bury +Partners, representing the owners and Lessee of a 718 sq ft space at 2700 Nueces met with University Area Partners (UAP) at its regular meeting in February to solicit support for a zoning change to allow liquor sales in this small retail space. UAP voted to support the zoning change provided the two nearby sororities agreed with the zoning change. Additionally, UAP required the applicant to agree to a Conditional Overlay (CO) equal to the one issued for 709 W. 22nd Street (ordinance 20091210-058). I understand that this information has been provided to you and that the applicant has agreed to this CO.

UAP has been provided the required confirmation of support by these two sororities and with the applicant's acceptance of the CO; UAP therefore requests that you inform the Planning Commission and City Council of the neighborhood association's support for the proposed change.

Sincerely,

Michael R. McHone, vice- president

Patterson, Clark

From: Neslund, Melissa <[redacted]com>
Sent: Wednesday, February 27, 2013 10:32 AM
To: mchone1234@sbcglobal.net
Cc: mtimmerman@streamrealty.com; Patterson, Clark; Villemez, Derek
Subject: FW: 2700 Nueces Zoning Request

Hello Mike,

I received the email below from Lauren Kraut who is the President of the Zetas. I will let you know when I hear back from Taylor who is the president of the Tri-Delts.

Let me know if you have questions or need anything in the meantime.

Thanks,

Melissa Neslund | Bury+Partners | (512) 328-0011

From: Lauren kraut [[redacted]]
Sent: Wednesday, February 27, 2013 10:17 AM
To: Neslund, Melissa
Subject: Re: 2700 Nueces Zoning Request

Hi Melissa,

I am willing to offer any support you need for the rezoning request. Let me know what I can do!

Best,
Lauren Kraut

On Wed, Feb 27, 2013 at 9:26 AM, Neslund, Melissa <mneslund@burypartners.com> wrote:

Hello Taylor and Lauren,

I understand each of you represent your respective sororities as President. I'm reaching out to provide some information regarding a rezoning request our office submitted for a building within close proximity to your sorority houses. We represent the owner of 2700 Nueces who is seeking a rezone to an approximate 715 square foot portion of the building to allow for a liquor store to develop next to the existing Nueces Food Mart. An aerial map showing the respective location of the store within the existing building is attached along with a street view exhibit.

We met with the University Area Partners Neighborhood Association yesterday at their monthly meeting, and they recommended we reach out to you all to advise of the zoning submittal and hopefully obtain your support for the request. The meeting was favorable and the members present appeared to not have any issues with this use in the location given the mixed use nature of the area and building, adequate parking, walkable, etc. The police officers present at the meeting also did not have an issue with the request. Furthermore, we agreed to

prohibit uses through a conditional overlay on the zoning that the neighborhood has negotiated in past similar zoning cases.

My client, Marty Timmerman of Stream Realty, are happy to meet with you to provide more information or discuss this in detail if you have questions.

We'd respectfully ask for your support so we can proceed to the next step of the process which is Planning Commission. We are hoping to make the March 12th meeting which would require coordination with UAP in advance to obtain a letter of support.

We look forward to hearing back from you.

Melissa Neslund
Project Director-Land Use & Entitlements / Associate

221 West 6th Street, Ste. 600
Austin, TX 78701
(512) 328-0011 TEL
(512) 328-0325 FAX
[redacted]

Please visit us at www.burypartners.com
TBPE #F-1048

CONFIDENTIALITY NOTE

This e-mail and any files transmitted with it contain privileged and confidential information and is intended solely for the use of the individual or entity to which they are addressed.

If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, you are hereby notified that any dissemination or copying of this E-mail or any of its attachment(s) is strictly prohibited. If you have received this e-mail in error, please immediately notify the sending individual or entity by e-mail and permanently delete the original e-mail and attachment(s) from your computer system.

--

Patterson, Clark

From: Neslund, Melissa <[redacted]>
Sent: Monday, March 04, 2013 2:29 PM
To: Patterson, Clark
Subject: FW: 2700 Nueces Zoning Request

Clark,

Please see additional support below for the rezone. Can you please ensure the three emails are included as support in the backup? Also, Mike McHone will be drafting a letter of support on behalf of the NA as well. He was waiting on feedback from this sorority before doing so.

Onward...

Melissa Neslund | Bury+Partners | (512) 328-0011

From: Taylor Goodwine [[redacted]]
Sent: Monday, March 04, 2013 2:13 PM
To: Neslund, Melissa
Subject: RE: 2700 Nueces Zoning Request

Hey Melissa!

I am so sorry for such a late response, yes I fully support the changes you want to make! Let me know if there is any thing else I can help with.

Taylor Goodwine

Taylor Goodwine
Student, College of Communication
President, Delta Delta Delta
The University of Texas at Austin
713-208-6765

Subject: FW: 2700 Nueces Zoning Request
Date: Mon, 4 Mar 2013 11:58:34 -0600
From: [redacted]
To: [redacted]
CC: [redacted]; [redacted]

Hello Taylor,

I'm following-up on my request for support of our rezoning application. We received support from Lauren Kraut and the neighborhood association. We'd appreciate a reply from you as well, so we can move forward with our Plannign Commission hearing. I'm happy to answer any questions you may have or meet with you if you'd like.

Thanks for your time.

Melissa Neslund | Bury+Partners | (512) 328-0011

From: Lauren kraut [[redacted]
Sent: Wednesday, February 27, 2013 10:17 AM
To: Neslund, Melissa
Subject: Re: 2700 Nueces Zoning Request

Hi Melissa,

I am willing to offer any support you need for the rezoning request. Let me know what I can do!

Best,
Lauren Kraut

On Wed, Feb 27, 2013 at 9:26 AM, Neslund, Melissa <[redacted]> wrote:
Hello Taylor and Lauren,

I understand each of you represent your respective sororities as President. I'm reaching out to provide some information regarding a rezoning request our office submitted for a building within close proximity to your sorority houses. We represent the owner of 2700 Nueces who is seeking a rezone to an approximate 715 square foot portion of the building to allow for a liquor store to develop next to the existing Nueces Food Mart. An aerial map showing the respective location of the store within the existing building is attached along with a street view exhibit.

We met with the University Area Partners Neighborhood Association yesterday at their monthly meeting, and they recommended we reach out to you all to advise of the zoning submittal and hopefully obtain your support for the request. The meeting was favorable and the members present appeared to not have any issues with this use in the location given the mixed use nature of the area and building, adequate parking, walkable, etc. The police officers present at the meeting also did not have an issue with the request. Furthermore, we agreed to prohibit uses through a conditional overlay on the zoning that the neighborhood has negotiated in past similar zoning cases.

My client, Marty Timmerman of Stream Realty, are happy to meet with you to provide more information or discuss this in detail if you have questions.

We'd respectfully ask for your support so we can proceed to the next step of the process which is Planning Commission. We are hoping to make the March 12th meeting which would require coordination with UAP in advance to obtain a letter of support.

We look forward to hearing back from you.

Melissa Neslund
Project Director-Land Use & Entitlements / Associate

221 West 6th Street, Ste. 600
Austin, TX 78701
(512) 328-0011 TEL
(512) 328-0325 FAX
[redacted]

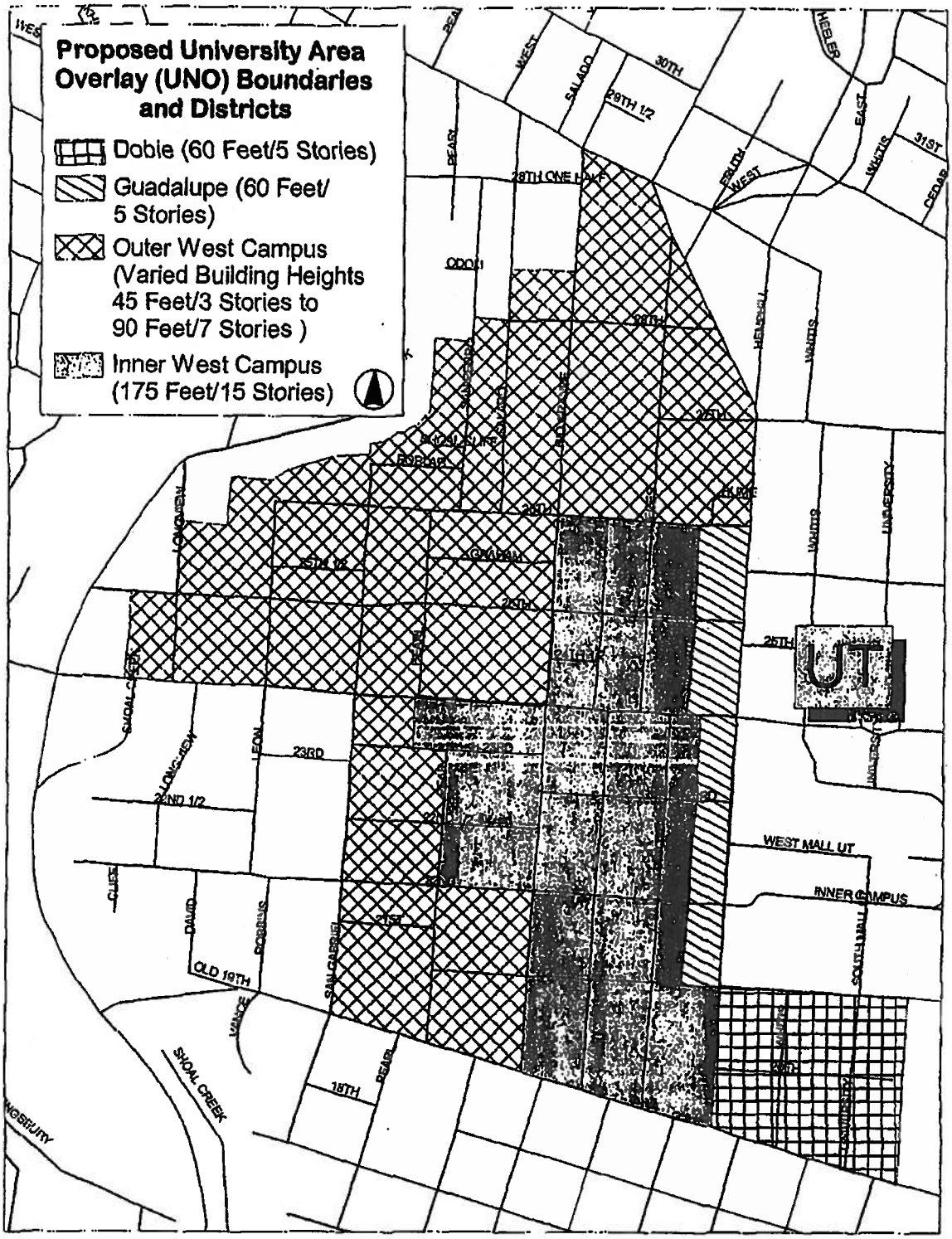


Figure 14
Proposed University Neighborhood Overlay (UNO) Boundaries and Districts

§ 25-2-753 DEFINITIONS; LOCAL USES DESCRIBED.

(A) In this division:

(1) OCCUPANT SPACE means space in a building used for a use other than a parking facility or a mechanical facility.

(2) STREET WALL AREA means the portion of an exterior wall of a building adjacent to a public street other than an alley and accessible from a pedestrian path that extends from the base of street level:

(a) to a maximum height of 65 feet; or

(b) for an accessory parking structure, to a maximum height of two stories.

(B) In this division, a local use is a use that serves the public by providing goods or services in a manner readily accessible by pedestrians or the occupants of the structure in which the uses are located. Local uses include:

(1) administrative and business offices;

(2) art and craft studio;

(3) art gallery;

(4) art workshop;

(5) business and trade school;

(6) consumer convenience services;

(7) consumer repair services;

(8) counseling services;

(9) custom manufacturing;

(10) day care services (commercial, general, or limited);

(11) financial services;

(12) food preparation, in conjunction with food sales, general restaurant or limited restaurant accessory use;

(13) food sales;

(14) general retail sales (convenience or general);

(15) guidance services;

(16) indoor sports and recreation;

(17) medical offices (under 5,000 square feet);

(18) personal improvement services;

(19) personal services;

(20) pet services;

(21) printing and publishing services;

(22) professional office;

(23) religious assembly;

(24) restaurant (general or limited);

(25) theater; and

(26) a conditional use in the base zoning district that is approved by the land use commission.

(C) A local use may not include a drive-through facility.

Source: Ord. 040902-58; Ord. 20050519-Z001; Ord. 20080925-039.

§ 25-2-754 USE REGULATIONS.

(A) In a nonresidential zoning base district, residential uses are permitted.

(B) In any base zoning district, a hotel-motel use, a multifamily use, or a group residential use is permitted.

(C) This subsection applies to a multifamily residential use.

(1) Each building must achieve at least a one star rating under the Austin Green Building program.

(2) All ground floor dwelling units must be:

(a) adaptable for use by a person with a disability; and

(b) accessible by a person with a disability from the on-site parking and common facility, if any.

(3) At least 10 percent of the dwelling units must be accessible for a person with a mobility impairment.

(4) At least two percent of the dwelling units must be accessible for a person with a hearing or visual disability.

(5) Each multistory building must be served by an elevator, unless:

(a) at least 25 percent of the site's dwelling units are located on the ground floor; or

(b) for a site with fewer than 20 dwelling units, at least five percent of the site's dwelling units are located on the ground floor.

(6) A parking space must be leased separately from a dwelling unit.

(D) Local uses are permitted in any base district, subject to the limitations of this subsection.

(1) In the outer west campus subdistrict, local uses are not permitted in a residential base district unless the property:

(a) has a permitted building height of 75 feet or greater; or

(b) is zoned historic and has a permitted building height of 65 feet or greater.

(2) Except as provided in Paragraph (3), up to 20 percent of the gross floor area of a site may be used for local uses. At least one-half of the gross floor area of the local uses must be located at street level and accessible from a pedestrian path. In determining these percentages, a nonresidential use that is accessory to the principal residential use or located in a historic landmark is excluded from the gross floor area of the local uses.

(3) Up to 100 percent of the gross floor area of a structure may be used for local uses if the

structure:

(a) is a historic landmark and is located entirely in a subdistrict having a permitted building height of 65 feet or greater;

(b) was constructed before September 13, 2004, contains less than 10,000 square feet of gross floor area, is less than 65 feet in height, and is located in the inner west campus or Guadalupe subdistricts; or

(c) is less than 65 feet in height and located on:

(i) Guadalupe Street between Martin Luther King, Jr. Blvd. and 29th Street;

(ii) Martin Luther King, Jr. Blvd. between Guadalupe Street and Rio Grande Street; or

(iii) 24th Street between Guadalupe Street and Rio Grande Street.

(E) This subsection applies to commercial off-street parking.

(1) Commercial off-street parking on a surface lot is prohibited.

(2) Commercial off-street parking in a structure is:

(a) permitted in any base zoning district in the Guadalupe, Dobie, or inner west campus subdistrict; and

(b) prohibited in the outer west campus subdistrict.

(3) The street level portion of a commercial off-street parking structure that is accessible from a pedestrian path must contain local uses for a depth of at least 18 feet. This requirement does not apply to a portion of the structure used for an entrance or exit.

(F) A cocktail lounge is a conditional use if it is accessory to a hotel-motel use with at least 50 rooms.

(G) On-site surface parking is prohibited, unless the director determines that:

(1) the only building on the site has 6,000 or fewer square feet of gross floor area, and the building was constructed before September 13, 2004; and

(2) the parking area is screened from the street by an six foot tall solid wall.

(H) This subsection prescribes requirements for the ground floor of a building, including a parking garage.

(1) The ground floor must include occupant space along not less than 75 percent of the net length of street frontage. Net length of street frontage is calculated by determining the cumulative length of the building at ground level adjacent to each street other than an alley, and then deducting the cumulative length of driveways, exit stairs, elevators, and utility equipment space.

(2) For a site with frontage on more than one street, driveways, exit stairs and elevators must be located on a street that runs north and south, unless the director of the Neighborhood Planning and Zoning Department determines that those features cannot reasonably be located along that street because of topographical conditions.

(3) The ground floor of a building may not be more than five feet higher or lower than an adjacent public street sidewalk. This does not apply to the ground floor adjacent to an alley.

(4) The minimum distance between the finished ground floor of the building and the structural portion of the ceiling is 10 feet.

(5) The minimum depth of occupant space is 18 feet, measured from the outside face of the front exterior wall to the outside face of the rear interior wall.

(I) Off-site temporary construction staging is allowed within 500 feet of the construction site. The director may allow a staging area to be located more than 500 feet from the construction site if the director determines that a closer staging area is not reasonably available and that the location does not adversely affect public health or safety.

(J) A hotel/motel use is treated as a local use under this division if it meets the following requirements:

(1) The hotel-motel use must be located on property that:

(a) has frontage on Martin Luther King, Jr. Blvd. and is located between Pearl Street and Guadalupe Street; or

(b) has frontage on Guadalupe Street and is located between 22nd Street and Martin Luther King, Jr. Blvd.

(2) The maximum height must be no greater than 85 feet, unless a greater height is allowed under Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, and Height Limits*) of this chapter.

(3) If a new hotel-motel use includes, shares, or incorporates adjacent existing property, then both the new hotel-motel use and the adjacent property must be:

(a) included in a single site plan; and

(b) compliant with the streetscape requirements in Section 25-2-760 (*Streetscape Improvements*).

(4) The hotel-motel use must comply with the affordability requirements for multi- family housing under Section 25-2-765 (*Affordable Housing*), with each square foot of net rentable floor area counted towards the fee provided for under Subsection (B) of that section.

(K) A hotel/motel use may associated condominium residential, multifamily residential, retirement housing (small site), or retirement housing (large site) uses.

Source: Ord. 040902-58; Ord. 20050519-Z001; Ord. 20080925-039; Ord. 20121108-090.